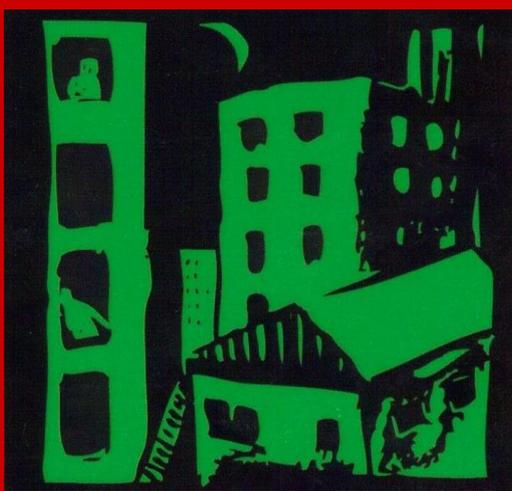


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**Staircase or safety net? Examining the meaning and functioning of RDP house ownership among beneficiaries: a case study of Klapmuts, Stellenbosch**

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**ABSTRACT**

*Recognising the apartheid legacy of inaccess to housing and property for the majority of black South Africans, the Constitution entrenches rights of access to housing and property. Since 1994, one of the main ways the government has pursued this mandate has been to roll out an ambitious Reconstruction and Development Programme (RDP) private house ownership programme. The overarching goal of the programme (now called Breaking New Ground or BNG) is*

*to establish “sustainable human settlements” that result in “sustainable development, wealth creation, poverty alleviation and equity”. Speaking to the “wealth creation” and “equity” aspects, a key component of BNG is “ensuring property can be accessed by all as an asset for wealth creation and empowerment”. Thus, BNG is explicitly aimed at addressing inequality through asset formation. Yet, despite the considerable public resources spent on home ownership projects in South Africa, there is little understanding of the subjective meaning accorded to having an RDP house and the extent to which the financial function of private housing, as a wealth-generating asset (the Hernando de Soto “staircase” role), plays out in practice alongside its more poverty alleviation function as providing social security, including shelter (the “safety net” role). To contribute towards a better understanding of the role and value of RDP home ownership, I undertook a qualitative study among 21 beneficiaries of an RDP housing project in Klapmuts (Stellenbosch). The study provides some tentative conclusions regarding the utility and impact of the private ownership paradigm of these State projects.*

**Keywords:** RDP ownership, house, home, property rights, Klapmuts.



Photo taken at Klapmuts on 17 April 2018 by author.<sup>1</sup>

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<sup>1</sup> I am grateful to the Southern Centre for Inequality Studies (SCIS) which provided a research grant to undertake this study. I am indebted to the following government officials for facilitating access to the Klapmuts housing project: Tracy Jooste, former Director: Policy and Research, Western Cape Department of Human Settlements; Noxolo Kabane, Deputy Director: Policy and Research, Western Cape Department of Human Settlements; Makale Ngwenya, Assistant Director: Policy and Research, Western Cape Department of Human Settlements; Lester Vanstavel, Manager: New Housing, Human Settlements and Property Management, Stellenbosch Municipality; and Emily Fredericks, Ward Councillor: Ward 18, Stellenbosch Municipality. Special thanks go to Myra Francis, Project Manager,

*The moment Westerners were able to focus on the title of a house and not just the house itself, they achieved a huge advantage over the rest of humanity. With titles, shares and property laws, people could suddenly go beyond looking at their assets as they are (houses used for shelter) to thinking about what they could be (security for credit to start or expand a business). Through widespread, integrated property systems, Western nations inadvertently created a staircase that allowed their citizens to climb out of the grubby basement of the material world into the realm where capital is created (Hernando de Soto).<sup>2</sup>*

## 1 INTRODUCTION

Among the pernicious legacies of apartheid, one of the enduring injustices is the relative in-access to housing and property for the majority of black South Africans.<sup>3</sup> The highly racialised in-access to housing and property in South Africa reflects both poverty and inequality axes in that access to housing is a key social and capability determinant (the poverty axis), and ownership of property (or lack thereof) is often associated with wealth creation and maintenance (the inequality axis).<sup>4</sup> Recognising this oppressive

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Directorate: Human Settlement and Property Management, Stellenbosch Municipality, for her enthusiasm and support for this study and for going out of her way to assist me. Warm thanks also go to Klapmuts resident, Alexander Moses, for assisting me to navigate Klapmuts and to translate the interviews where this was needed (from Afrikaans and Xhosa into English and vice-versa), as well as to Sarah Charlton, who generously shared her very useful list of RDP-related scholarship. Finally, I would like to thank the Klapmuts homeowners, who so generously participated in the interviews and welcomed me into their houses (no-one declined to participate in the research and almost everyone invited me into their living area; I have been imagining how the same survey might play out very differently in rich suburbs!).

<sup>2</sup> De Soto H “The hidden architecture of capital’ (2001) online article for Peruvian Institute for Liberty and Democracy (ILD) available at <http://www.ild.org.pe/publications/articles/863-the-hidden-architecture-of-capital> (accessed 03 July 2020).

<sup>3</sup> On apartheid’s housing-related legacy, see for example Huchzermeyer M “Housing for the poor? Negotiated housing policy in South Africa” (2001) 25 *Habitat International* 303; and Wilkinson P “Housing policy in South Africa” (1998) 22 *Habitat International* 215. Regarding the property-related legacy, there are no comprehensively accurate statistics on the racial profile of land ownership in South Africa. A November 2017 “Land Audit Report” by the Department of Rural Development and Land Reform concluded that approximately 72 per cent of the land that is privately owned in South Africa is owned by white individuals. This comprehensive Report is available at [https://www.gov.za/sites/default/files/gcis\\_document/201802/landauditreport13feb2018.pdf](https://www.gov.za/sites/default/files/gcis_document/201802/landauditreport13feb2018.pdf) (accessed 7 May 2020). It should, however, be noted that land that is owned by private individuals constitutes only approximately 32 per cent of South Africa’s landmass. As set out in the “Land Audit Report”, the remaining 68 per cent of land is owned by the State (including traditional authorities), companies, community property associations and trusts – however, there is no clarity on how to assign racial classification to these categories of land ownership.

<sup>4</sup> Obviously, as inequality is relational, to fully understand the property (in)equality nexus requires looking beyond the role that property plays at the lower end of the economic spectrum (for example, the extent to which property ownership allows poorer households to become richer and thereby reduces inequality) to the role that it plays in maintaining wealth at the higher end of the economic

socio-economic reality, the Constitution of the Republic of South Africa, 1996 (Constitution) provides a framework for the post-apartheid government to advance access to housing<sup>5</sup> and/or to property, including land,<sup>6</sup> to historically disadvantaged individuals and groups.

There is no clear conceptual distinction in the Constitution between housing, property and land and, obviously, all houses, along with all land, constitute immovable property. Nonetheless, it is tempting to read the Constitution as delineating section 26 housing rights as being about public housing (arguably this has legal weight as the interpretation of this right by the courts has been that section 26 confers an entitlement to a reasonable government housing policy that prioritises the needs of the poorest and most vulnerable, which amounts to a right to shelter); and section 25 property rights as being about private property rights. However, this would be an inaccurate reading of section 25, which recognises various forms of property regimes that range from private ownership of property through communal and traditional forms of land use. Thus, while establishing a mandate to advance access to housing and to property, the Constitution is silent on how the State should pursue these obligations.

One of the main ways the government has pursued these obligations<sup>7</sup> has been to roll out an ambitious State-subsidised “RDP”<sup>8</sup> private house ownership project that

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spectrum (for example, the extent to which property ownership among the richest households contributes towards their greater wealth and increases inequality). This article focuses on the first aspect only.

<sup>5</sup> Section 26(1) of the Constitution provides that “everyone has the right to have access to adequate housing”, and section 26(2) compels the State to take “reasonable legislative and other measures, within its available resources, to achieve the progressive realisation of this right”.

<sup>6</sup> Section 25 of the Constitution, the “property clause”, provides a framework for the restitution of historically dispossessed land (s 25(7)) and compels the State to “take reasonable legislative and other measures, within its available resources, to foster conditions which enable citizens to gain access to land on an equitable basis” (s 25(5)).

<sup>7</sup> Regarding property more generally, in January 2018, mounting popular criticism of the government’s failure to robustly pursue other forms of access to property, specifically the limited degree of land redistribution since 1994, led the National Assembly to pass a resolution to investigate whether there is a need to amend the Constitution to allow for expropriation without compensation. Taking up this issue, from 26 June until 4 August 2018, a Constitutional Review Committee held public hearings across the country to consider this question. On 31 July, while the public hearings were still underway, President Cyril Ramaphosa declared that the ruling African National Congress (ANC) would amend the Constitution to allow for expropriation without compensation. I have written elsewhere about how, in legal terms, this is a red herring as it is unnecessary to amend the Constitution to achieve radical transformation of property/land regimes; any failures relate to government implementation (or lack thereof) rather than to any constitutional impediment (see for example Dugard J & Seme N “Property rights in court: an examination of judicial attempts to settle section 25’s balancing act re restitution and expropriation” (2017) 34 *South African Journal on Human Rights* 33; and Dugard J “The right to land remains a thorny issue” in Meiring J (ed) *South Africa’s constitution at twenty-one* Cape Town : Struik (2017) 160.

<sup>8</sup> This reference comes from South Africa’s first post-apartheid macro-economic strategy, the Reconstruction and Development Programme, which included a focus on the need for public

seeks to achieve multiple objectives. While the Reconstruction and Development Programme (RDP) itself contained no reference to private ownership of housing, in practice from the outset the programme has always pursued a private ownership approach. The private ownership paradigm was originally championed in the early 1990s by the Urban Foundation. As explained by Marie Huchzermeyer, the Urban Foundation's private sector orientation became the most powerful influence in the National Housing Forum, which was established to deliberate post-apartheid housing policy between 1992 and 1994, thereby setting in motion a focus on the delivery of standardised individual housing units for private ownership that continues today.<sup>9</sup>

The current State subsidy housing policy, "Breaking New Ground" (BNG),<sup>10</sup> was introduced in 2004 with an explicit private ownership focus and rationale. The overarching goal of BNG is to establish "sustainable human settlements" that result in "sustainable development, wealth creation, poverty alleviation and equity".<sup>11</sup> Speaking to the "wealth creation" and "equity" aspects, a key component of BNG is "ensuring property can be accessed by all as an asset for wealth creation and empowerment".<sup>12</sup> Thus, beyond poverty alleviation, BNG is explicitly aimed also at addressing economic advancement and, concomitantly, inequality through asset formation.

In capitalist economies, it is not uncommon for private property, and especially private home ownership, to be viewed as one of the key drivers of economic advancement. According to Hernando de Soto, whose ideas have influenced South Africa's housing policy,<sup>13</sup> private ownership is the main way poor people might convert the "dead capital" they hold in their untitled homes into surplus or "live capital", primarily through using the physical asset as security for loans to engage in business activities.<sup>14</sup> De Soto's over-simplistic reliance on private ownership of housing as the

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involvement in housing projects to address the apartheid housing legacy. Although the RDP has long-since been replaced as South Africa's macro-economic strategy (in 1996, by the Growth, Employment and Redistribution plan), and also as its housing policy (since 2004 the policy has been called Breaking New Ground or BNG), the houses initially associated with the RDP continue to be popularly called RDP houses. For the sake of convenience I retain this reference throughout the article, while referring to the formal policy and programme as BNG where this is more appropriate in the context.

<sup>9</sup> See Huchzermeyer (2001) 303 at 304, 308 & 309.

<sup>10</sup> Breaking New Ground (BNG): A comprehensive plan for the development of sustainable human settlements (2004) available at [http://www.dhs.gov.za/sites/default/files/documents/26082014\\_BNG2004.pdf](http://www.dhs.gov.za/sites/default/files/documents/26082014_BNG2004.pdf) (accessed 03 July 2020).

<sup>11</sup> BNG (2004) at 17.

<sup>12</sup> BNG (2004) at 9.

<sup>13</sup> See Lemanski C "Moving up the ladder or stuck on the bottom rung? Homeownership as a solution to poverty in urban South Africa" (2011) 35 *International Journal of Urban and Regional Research* 57 at 58. Lemanski notes, regarding de Soto's clear influence on South African housing policy, that South Africa has not "strictly followed the de Soto path, favouring primarily the provision of new housing for the poor rather than titling existing informal property".

<sup>14</sup> See generally De Soto H *The mystery of capital: why capitalism triumphs in the west and fails everywhere else* New York : Basic Books (2001).

pathway to economic integration has been widely criticised.<sup>15</sup> And there is by now growing evidence from South Africa that RDP home ownership has not been the economic panacea it was hoped to have been, at least in part due to the unfavourable location of the vast majority of State housing projects, on the urban periphery in areas “poorly connected to economic and social opportunities and at odds with the intention for housing projects to help reverse the unjust geography of apartheid”.<sup>16</sup> Moreover, in objective economic terms, RDP houses have been found to function more as a survivalist than a wealth creating asset.<sup>17</sup> Nonetheless, the government continues to spend considerable resources on RDP projects, and the “persistent beneficiary waiting lists” point towards their continued popularity, inviting closer examination of lived experiences and responses to RDP homes.<sup>18</sup>

Yet, as highlighted by Sarah Charlton and Paula Meth, there has been very little research undertaken with beneficiaries to explore the lived reality of RDP home ownership.<sup>19</sup> In particular, there is little understanding of the subjective meaning accorded to having an RDP home and the extent to which the financial function of private housing, as a wealth generating asset (the “staircase” role), plays out in practice alongside its more social function, as providing social security, including shelter (the “safety net” role). To fill in some of these gaps, I undertook a qualitative study among 21 beneficiaries of an RDP housing project in Klapmuts (Stellenbosch), probing what it means to own an RDP house (the subjective frame) and whether the unique ownership related functions of property are being used (the objective frame). Klapmuts was selected as an appropriate site of inquiry by the Western Cape Government’s Department of Human Settlements, which (in terms of a collaborative memorandum of understanding) agreed to identify an appropriate project and to facilitate access to the relevant municipal officials.

This article first outlines the Klapmuts project and the research methodology, along with the profile of the respondents. It then presents the research findings, before analysing, in line with the stated objectives of BNG, the extent to which the houses are

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<sup>15</sup> See for example Gilbert A “De Soto’s *The mystery of capital*: reflections on the book’s public impact” (2012) 34 *International Development Planning Review* at v; Van Gelder J-L “Legal tenure security, perceived tenure security and housing improvements in Buenos Aires: an attempt towards integration” (2009) 33 *International Journal of Urban and Regional Research* 126; and Royston L “Barking dogs and building bridges: a contribution to making sense of Hernando de Soto’s ideas in the South African context” in Huchzermeyer M & Karam A (eds) *Informal settlements: a perpetual challenge?* Cape Town : UCT Press (2006) 165.

<sup>16</sup> See Charlton S “Spanning the spectrum: infrastructural experiences in South Africa’s state housing programme” (2018) 40 *International Development Planning Review* 97 at 101.

<sup>17</sup> See Marais L et al “Synthesis evaluation of whether the provision of state subsidized housing addressed asset poverty for households and local municipalities?” (2015) unpublished report for the Department of Human Settlements and the Department of Monitoring and Evaluation in the South African Presidency. Also see generally Lemanski (2011).

<sup>18</sup> See Charlton (2018) at 97.

<sup>19</sup> Charlton S & Meth P “Lived experiences of state housing in South Africa and Durban” (2017) 93 *Transformation* 91 at 91.

functioning as a private staircase or social safety net. Aiming to contribute towards a better understanding of the role and value of RDP home ownership, the study provides some tentative conclusions regarding the utility and impact of the private ownership paradigm of these State projects.

### 1.1 The Klapmuts project

The Klapmuts housing project was initiated by Stellenbosch Municipality in 2000, with the aim of developing 1067 serviced sites, comprising several crèches, a community centre and sports field, and a primary school, along with 1056 top structures (RDP houses).<sup>20</sup> In 2012, a social accord agreement was signed, and a Beneficiary Committee was elected to assist with the process of identifying beneficiary households from informal settlements in the area and evictees from surrounding farms. Care was taken by Stellenbosch Municipality to ensure a participatory beneficiary identification process, and to maintain regular contact with the beneficiaries to optimise the allocation of the houses.<sup>21</sup>

In line with the Western Cape BNG criteria, the municipal Project Manager focused on allocating houses to people in their 40s and above,<sup>22</sup> as “youngsters often just sit around all day doing nothing, and then sell their house for R10 000”.<sup>23</sup> And, in accordance with overarching BNG procedures, each identified household had to apply for a housing subsidy under the BNG qualifying criteria which, in the main, require a household income threshold of less than R3 500 a month and disqualify anyone who is not a permanent resident of South Africa and/or has previously received a government housing subsidy.<sup>24</sup>

The project was completed in phases, with the final handover to beneficiaries occurring in May 2013. As a “turnkey” project, it was designed from the outset to include an integrated title deed handover process as part of the implementing agency’s mandate.<sup>25</sup> This approach has meant that the Klapmuts project has not suffered from the problem of a failure to transfer title deeds that has beset so many subsidy housing

<sup>20</sup> Ultimately, it proved impossible to build all 1056 housing units due to an unlawful occupation of some of the land and so, in the end, 832 housing units were built (interview, Myra Francis, Project Manager, Directorate: Human Settlement and Property Management, Stellenbosch Municipality, 8 August 2018).

<sup>21</sup> Interview, Myra Francis, Project Manager, Directorate: Human Settlement and Property Management, Stellenbosch Municipality, 14 March 2018.

<sup>22</sup> Available at <https://www.westerncape.gov.za/service/all-you-need-know-about-housing-subsidies> (accessed 02 July 2020).

<sup>23</sup> Interview, Myra Francis, Project Manager, Directorate: Human Settlement and Property Management, Stellenbosch Municipality, 14 March 2018.

<sup>24</sup> For the applicable criteria for qualification see: <https://www.westerncape.gov.za/service/all-you-need-know-about-housing-subsidies>. Stellenbosch Municipality adheres to these criteria but does not require beneficiaries to have been on the housing demand database (“waiting list”) for as long as 10 years (interview, Myra Francis, Project Manager, Directorate: Human Settlement and Property Management, Stellenbosch Municipality, 8 August 2018).

<sup>25</sup> Interview, Myra Francis, Project Manager, Directorate: Human Settlement and Property Management, Stellenbosch Municipality, 8 August 2018.

projects across the country.<sup>26</sup> Indeed, all of the owners I spoke to (apart from one man who was struggling with a personal issue related to his former girlfriend who had signed as a co-owner of his house) had received title deeds to their homes (all in May 2013, around the time the houses were handed over to beneficiaries). The project cost a total of R120 million to complete, almost all of which was financed through the provincial Human Settlements Development Grant (HSDG),<sup>27</sup> with some top-up from the Municipality.<sup>28</sup> Like all other BNP medium density houses, the Klapmuts houses each comprise 40m<sup>2</sup> with two bedrooms, a fitted bathroom and an open plan lounge and kitchen area. In Klapmuts some of the houses are single-level and some are two-level houses.

In line with all BNG projects, each deed of sale resembles a normal commercial deed of sale apart from two key features. First, the seller (the Municipality) agrees to sell the house to the purchaser (the beneficiary) at a nominal rate of R1.<sup>29</sup> Secondly, the deed contains the special condition that any beneficiary shall not be entitled to sell or “otherwise alienate” his or her house within an eight-year period of acquiring the house, unless the property has “first been offered to the relevant provincial housing department”.<sup>30</sup> This eight-year “lock in” period is an interesting feature of BNG agreements and points to an attempt by the government to try to ensure that the houses fulfil both a social and financial function and that, at least in the first eight years, the social function is prioritised. Regarding the financial function, on receiving the title deed, the beneficiary can secure a loan using the house as security. As a matter of law (even if not necessarily of practice), apart from the special restriction on the ability to sell the house within the first eight years, the owner can exercise all the usual functions of property ownership. The functions of RDP home ownership, along with owners’ sentiments about their homes, are interrogated in the rest of the article.

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<sup>26</sup> See Community Law Centre (CLC), University of the Western Cape & Socio-Economic Rights Institute of South Africa (SERI) “‘Jumping the queue’, waiting lists and other myths: perceptions and practice around housing demand and allocation in South Africa” (April 2013); Shisaka Development Management Services “Housing subsidy assets: exploring the performance of government subsidised housing in South Africa – overall analysis” (2011) at 23 available at <http://www.sacities.net/wp-content/uploads/2014/06/HOUSING-SUBSIDY-ASSETS-OVERALL-ANALYSIS.pdf> (accessed 7 May 2020); and Public Service Commission “Report on the evaluation of the National Housing Subsidy Scheme” (2003) available at [http://www.besg.co.za/images/Evaluation\\_of\\_the\\_national\\_housing\\_subsidy\\_scheme\\_ExSum\\_2003.pdf](http://www.besg.co.za/images/Evaluation_of_the_national_housing_subsidy_scheme_ExSum_2003.pdf) (accessed 20 May 2020).

<sup>27</sup> See Western Cape Provincial Government report released on 31 March 2014 available at <https://www.westerncape.gov.za/news/minister-madikizela-hand-over-houses-klapmuts> (accessed 02 July 2020).

<sup>28</sup> Interview, Myra Francis, Project Manager, Directorate: Human Settlement and Property Management, Stellenbosch Municipality, 8 August 2018.

<sup>29</sup> Clause 2.1 Stellenbosch Municipality Deed of Sale.

<sup>30</sup> Clause 12(a) Stellenbosch Municipality Deed of Sale.

## 1.2 Research methodology and profile of respondents

The research was undertaken between 16 and 18 April 2018. Comprising semi-structured interviews with 21 homeowners, the conversations focused on teasing out the subjective meaning, as well as the practical day-to-day functioning, of their RDP houses.<sup>31</sup> The respondents were selected randomly, by walking around Klapmuts, knocking on doors (or gates) and asking if the homeowner was there, and was prepared to talk to me about her/his house. I did not set out to interview a specific number of homeowners, nor did I try to ensure particular gender, racial, age or any other demographic profiles. The study is therefore neither quantitative nor representative. Instead, it seeks to provide some qualitative insights into the responses of those homeowners I interviewed. Nonetheless, across the 21 interviews there was a relatively representative distribution of sex (12 females and nine males), race (nine African,<sup>32</sup> 11 Coloured and one White<sup>33</sup>) and ages (one in his 20s; eight in her/his 40s; four in her/his 30s; three in her/his 50s; two in her/his 60s; and three in her/his 70s).<sup>34</sup>

Regarding socio-economic profile, all the respondents had previously lived either on surrounding farms or in one of the nearby informal settlements. Many respondents did not want to talk about their household income per se but most were prepared to talk about the ways they made money. It was evident from the conversations generally, as well as the specific reference by all respondents to wanting to make improvements to their homes but lacking the money to do so (see below), that money is tight for all the households. Also, all respondents indicated that they qualify under the municipal Indigent Benefits policy (even if some had not made the formal application for receiving the benefits), meaning they must have a monthly household income of less than R6 000.<sup>35</sup>

Many of the people I spoke to are unemployed and rely on social grants. Some supplement household grants through renting a room in their house or a space on their property. Some have low-paying semi-skilled work. Among the (multiple response) sources of income specified were:

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<sup>31</sup> I have used the terms “home” and “house” somewhat interchangeably in this article. However, particularly where I present responses from interviewees, I have used the term closest to the concepts or sentiments expressed (with “house” being more closely linked to the notion of Property and “home” being more closely linked to the notions of Security and Family).

<sup>32</sup> Interestingly, three people identifying as African self-identified as Xhosa, and one self-identified as “proudly Xhosa”.

<sup>33</sup> There are almost no Indian people living in the area and the white homeowner I spoke to is part of the only white household in the community.

<sup>34</sup> There was also a relatively even distribution across race, gender and age.

<sup>35</sup> At the time they qualified to receive one of the houses, they would have had to have a household income of less than R3 500 per month; the programme does not penalise people who subsequently are able to better their economic circumstances and earn more.

- Reliance on social grants including child support grants and Indigent Benefits<sup>36</sup>: 15.
- Construction work: 1.
- Security work: 1.
- Retail work: 1.
- Informal work including selling fish/livestock and car mechanic: 3.
- Renting a space in the house/on the property: 6 (this aspect is explored further below).

In terms of possible limitations of the study, during the interview phase I was assisted by Klapmuts resident, Alexander Moses, who introduced me to the homeowners and translated the questions and responses where this was necessary (from Afrikaans or Xhosa into English and vice-versa). It is possible that Alexander's presence, as someone known in the community, might have skewed the responses, but I explained to everyone that the study was confidential (I did not ask for respondents' names, addresses or any identifying details, and I did not record where they live), and it appeared in general that respondents felt unconstrained in their responses. However, many respondents were reluctant to discuss financial details including household income, possibly out of a mistaken concern that their house might be taken away if it was known that they earned above the threshold for qualifying for an RDP house (this is not the case as the policy does not penalise qualifying households from subsequently improving their financial situation; indeed, arguably, this is one of the aims of the policy). In contrast, all the respondents were very willing to talk, albeit in relatively vague terms, about how it felt to be an RDP beneficiary.

## 2 RESEARCH FINDINGS

The research questions and process first pursued a subjective frame in terms of which participants were asked, in broad terms, what it means to them to own a RDP home (the subjective frame). Thereafter, the functioning of their home was more pointedly probed, focusing on the unique functions accorded to property owners (the objective frame).

### 2.1 What does it mean to have a RDP house (the subjective frame)?

The main component of the research was a wide-ranging discussion around the open-ended question: "what does it mean to you to have a RDP house?" Everyone I interviewed was extremely positive about her/his house, with many expressing unsolicited and profound gratitude for having a house. In the words of one respondent: "I lie in bed every night and praise God for giving me my house." Similarly, one man explained: "I'm not too proud to say thank you God for giving me this chance because

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<sup>36</sup> Like all municipalities, Stellenbosch Municipality provides free basic services to qualifying low-income households. Like many municipalities, Stellenbosch Municipality does this through a means-tested Indigent Benefits policy (it uses the same policy as Cape Town). To qualify for the benefits, households must earn less than R6 000 per month. Monthly benefits include significant (sliding scale) property rates and refuse collection reductions, as well as free (sliding scale) amounts of water and electricity. See the applicable policy at <http://www.capetown.gov.za/City-Connect/Apply/Financial-relief-and-rebates/Individuals/Apply-for-indigent-rates-relief> (accessed 03 July 2020).

many people don't have houses." However, beyond the overwhelming sentiment of "loving" their house, respondents struggled to articulate precisely what their house means to them in practical terms, so I had to probe for more details in most of the interviews. I have distilled and categorised the various responses as relating to Privacy/Autonomy (P), Security (S), Legacy (L), Affordability (\$) and Authority (A):

- Respondent 1: "Previously I lived on a farm – the farm owner was '*snaaks*' (strange) and used to tell me what to do. Now I can sit around and make jokes and laugh, and no one can tell me what to do" (P); "Now I feel safe to have a roof over my head" (S).
- Respondent 2: "Renting is too expensive, this is much cheaper" (\$); "When I die, this house can go to my children" (L).
- Respondent 3: "Now I don't have to live with other people, especially '*skelms*' (bad people) who push you around and steal things" (P) & (S); "Now my child can have this when I die" (L).
- Respondent 4: "My child is in prison and when she gets out, she can have come and live with me and we can live together always, and she can have this house when I die" (L) & (S); "Because it's my own house no one can complain if I break something" (P).
- Respondent 5: "I previously lived in an informal settlement and shacks can easily burn. Here I feel safe – I can lock it up and feel secure" (S); "No-one can take it away from me or tell me what to do with it – I can decide how much electricity I can afford, then I purchase the electricity credit and use it without other people using it up and me having nothing" (P).
- Respondent 6: "So many people live on the street, I am very lucky to have this house – I feel secure and don't have to rely on anyone" (S) & (P).
- Respondent 7: "I waited for a long time for this house living on a farm, which wasn't nice and the owners were always telling our children how to behave" (P); "Often I don't have any food to eat, but at least I have this roof over my head that no-one can take away" (S); "I want to leave my house to my daughter so she has a chance in life" (L).
- Respondent 8: "I lived on a farm where my husband and I were ordered around by the owner – in my own house this doesn't happen" (P); "Since my husband died, I'm alone but I feel safe that I will always have the house – on a farm when you stop working, you have to leave" (S).
- Respondent 9: "It's everything I ever wanted – I waited 13 years working on a farm and then lived in a squatter camp. When it rains everything gets wet. Here I feel free and warm. I have the power here and I feel good" (P) & (S); "When I wanted the Zimbabwean renters to leave, I simply showed them the title deed and they left – this is how much power the title deed has" (A).
- Respondent 10: "I live on my own and don't have family – this house can't be taken away" (S).

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- Respondent 11: “I had a very difficult childhood and want my child to have a better life” (L); “Now I can say fuck off to anyone who tries to tell me what to do in my house” (P).
- Respondent 12: “It was worth the long wait – it’s my own house and I can do what I want to do with it” (P).
- Respondent 13: “It’s so good to have a roof over my head” (S).
- Respondent 14: “I waited for a long time living with my mom – now I can live my own life with my husband and child and I can decide for myself how to live” (P).
- Respondent 15: “I love having my own house. Before I lived with lots of other people who were always coming and going and making a noise and a mess” (P).
- Respondent 16: “I lived with my mother before this and she was always on my case – now I have my own space and I love it” (P).
- Respondent 17: “My husband and I used to live with my sister, but this is much better – with your own home you have respect and privacy” (P).
- Respondent 18: “No one bothers you if you have your own home. When I used to live on a farm it was difficult – when friends and family visit, you have to tell the owners and they question you about how long your friends or family will stay over, and they are always suspicious of you and limit the number of people staying there” (P); “It’s more secure when you have your own home – there’s no guarantee any other housing would be yours forever” (S).
- Respondent 19: “I was on the waiting list for 18 years staying with my parents-in-law. Having your own house means freedom” (P); “We’ve had a lot of hardships and you never know what the future brings, but with a house at least you have some security” (S); “The children have a place to call their own” (L).
- Respondent 20: “Previously I lived on a farm and couldn’t do what I wanted to, so it feels good to have my own house – I can even make a garden if I want to” (P).
- Respondent 21: “I used to live with my mom and three siblings – as a young person to have your own home means you have made it into the adult world and can stand on your own feet, which feels good” (A); “I can do my own thing now – no one can tell me who can come to visit or stay with me” (P).

The single most cited sentiment related to Privacy/Autonomy (18 owners expressed this sentiment), followed by sentiments related to Security (12), Legacy (6), Authority (2), and Affordability (1). The most common combined response was the combination of Autonomy/Privacy and Security – 10 respondents who mentioned a Security related sentiment also mentioned an Autonomy/Privacy related sentiment. In five of these eight responses the respondent also mentioned a third sentiment (in four cases this related to Legacy and in the other it related to Authority).

Only one owner mentioned that it was cheaper to live in an RDP house than to rent. This finding warrants further research – although the beneficiary of an RDP house gets the house “for free”, the owner does have to pay for any maintenance to the house, as

well as ongoing water, electricity, sanitation and refuse services beyond the free basic Indigency Benefits. It is possible that, due to the recent handover of their homes, the Klapmuts owners had not yet had much time to experience the inevitable costs associated with home ownership. It is also possible that the absence of responses about RDP houses being cheaper than renting might relate to the specific context of the Klapmuts beneficiaries, as all had previously lived on farms or informal settlements – both these kinds of home occupation are usually “for free”, meaning that the beneficiaries might not have had direct experience of the usual costs of rental housing. This hypothesis does invite further inquiry.

If accurate, this might also explain why, in response to the hypothetical choice question set out below, all but two of the respondents answered that they would want ownership of their RDP home instead of rent-free municipal housing. Interestingly, although nine respondents use their homes in some way to make money (see part 2.2 below), none mentioned this in her/his response to the question about the subjective meaning of the house. The legacy related responses are equally ambiguous. While six respondents indicated a legacy related sentiment about their homes, only two of these owners had actually drawn up a will, and the details of the six legacy related comments appear to speak more to long-term basic social security than financial advancement.

Intrigued by the dominance of responses to the meaning question that have little or nothing to do with property ownership, I asked respondents a bridging hypothetical choice question before turning to a deeper inquiry into the extent to which the unique functions of ownership play any practical role in their lives:

- “If you had the hypothetical choice between rent-free municipal social housing (that the municipality would maintain) and your current RDP house (that you have to maintain), which option would you choose?”<sup>37</sup>

Nineteen of the respondents answered that they would want ownership of their RDP home instead of rent-free municipal housing. The two respondents (respondents 6 and 20) who said they would prefer rent-free municipal housing provided interesting reasons for their answers. Respondent 6, who had listed several reasons to feel positive about her house, ultimately said that if she had a choice she would move because “there are too many drugs here”. Particularly in the light of the positive sentiments she

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<sup>37</sup> This is a hypothetical question to try to tease out sentiments about house ownership per se. In reality, although many municipalities have begun to invest (often in public-private partnerships) in public rental housing projects, the rentals charged in such projects are typically well above the household income of the strata of low-income people who qualify for RDP housing (see Socio-Economic Rights Institute of South Africa (SERI) “Minding the gap: An analysis of the supply of and demand for low-income rental accommodation in inner city Johannesburg” (2013)). Indeed, before I added the caveat in my hypothetical question that the municipal housing was rent free, many people answered by saying they would not be able to afford municipal rental housing. In point of fact, in the Stellenbosch Municipality there are no government subsidised low-cost rental housing projects (interview Myra Francis, Project Manager, Directorate: Human Settlement and Property Management, Stellenbosch Municipality, 8 August 2018). This means that for most low- and no-income households, RDP house ownership remains the only feasible housing option outside informal settlements or backyard shacks.

expressed about her house, this response suggests that respondent 6 would still like to own a home but she would prefer a new home in a new area. In expressing a preference for the hypothetical rent-free municipal housing option, respondent 20 - the home owner who had complained bitterly that his children were “always fighting” and were “rude” to him - explained that he was happy to live rent-free in public housing instead of in his privately owned house because he did not want to leave his house to his children. Following on from the responses regarding priority meanings, I next explored whether each beneficiary was using the ownership related functions of her/his property.

## 2.2 Are the unique ownership related functions of the property being used (the objective frame)?

To dig deeper into the lived reality of RDP home ownership and specifically to investigate the extent to which beneficiaries are using the unique attributes of property ownership,<sup>38</sup> I asked all respondents the following specific questions:

1. “Do you use your house to make money?”
2. “Have you made improvements to your house?”
3. “Do you have homeowner’s insurance?”
4. “Are you the original beneficiary of the house and are you concerned about the eight-year “lock in” period preventing sale of your house?”
5. “Do you have a will and, if so, who have you left your house to?”; and
6. “Have you used your house as security for a loan?”

The responses to these questions were notably similar across the 21 interviews. Approximately half (nine) of the respondents make use of their property in some way to make money. The most common form of using their home to make money is renting some of the living space to tenants (whether one of the inside rooms or an outside “Wendy”<sup>39</sup>), but this is clearly quite a divisive issue. Although six owners do use one or more rooms or outside spaces to earn income (five rent inside rooms, with one of these owners in addition renting an outside Wendy; and one rents the front outside area to an informal tuckshop business, which has set up a shipping container in the front yard to sell sweets etc), many respondents expressed concerns over renting space in their home. One respondent said that he would not want to have other people living with him as they “use a lot of electricity and fight over paying for it”.

Similarly, another owner explained that renters use too much water and electricity. One woman confided that she did not want to live with other people in her house as she

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<sup>38</sup> The main unique incidents of property *ownership* are the ability to insure, sell, bequeath and secure a loan against the property. To improve and to use the property as an income generation source are typically associated with ownership and are functions often pursued by property owners but, strictly speaking, you do not have to be an owner to exercise these functions (as long as you have permission from the owner).

<sup>39</sup> A “Wendy” (named after the British miniature toy houses built for children to play in called Wendy houses) is a small and simple backyard room made of wood.

is very “*kerklik*” (religious/Christian). Another woman was adamant she would not rent out any space in her house because of her experience the previous year, when, after she had been away for a long time, her brother had rented her house to “some foreigners” and it “was like a jail” – “full of alcohol and drugs and very dirty”. Yet another owner said she would rather “try to find a job at Checkers” than rent space in her home. These comments align with the sentiments expressed about the role of the houses in promoting privacy and autonomy, discussed below. Three respondents use their property as a base for small businesses. One man, who works as a security guard during the week, has converted the back of his property into a *chisanyama* (informal meat barbeque restaurant), with tables and an outside toilet. Another respondent uses his property to run a car mechanic and panel beating business (the cars are parked in the road opposite his house). One man uses his yard to sell pigs. Walking around, I saw signs for barber shops and catering businesses but was not able to interview these households as the homeowner was not at home at the time.

Eleven respondents had made improvements to their house. However, in most of these cases the improvements were minimal. Typically, such improvements entail providing minimal security through installing locks on doors, burglar bars on windows, and/or security gates. Some households have tiled the otherwise concrete floor of the kitchen/living area. In terms of more substantial improvements to their properties, one owner has erected a Wendy in her backyard to rent to people without their own homes. Another owner had installed a wooden deck, using money provided by her daughter. The man who operates a *chisanyama* from his backyard had managed to save money from his security guard job to make substantial improvements including building an outside toilet (he is a security guard during the week). All the respondents, including those who had already made the above-mentioned improvements, expressed a wish to further improve their houses, explaining that they would have to wait until they had saved the money to make the improvements they had in mind (in some cases this was to build a fence; in others it was to paint the house; in one case the owner wanted to extend the kitchen). One respondent lamented the fact that she would like to put in burglar bars but has no money for any improvements. As she explained: “RDP houses are for poor people, how can we afford to improve them?”

None of the owners I spoke to has homeowner’s insurance. Many owners said they would like to insure their home but lamented that it was “too expensive”.<sup>40</sup> Several respondents said they had been thinking about insurance and would like to find out more about it. Notably, all of the respondents are the original beneficiary of the house

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<sup>40</sup> As fully-funded projects (as opposed to mortgage bonds with lending institutions that usually require homeowner’s insurance for the duration of the loan) BNG housing projects do not include homeowner’s insurance. This means, for the vast majority of beneficiaries who do not take out their own home-owner’s insurance, that if, for example, their house burns down, they are left without a house (but they still own the land) – neither the province nor municipality will pay them for the destroyed house and they will not be eligible for any subsequent housing subsidy (interview, Myra Francis, Project Manager, Directorate: Human Settlement and Property Management, Stellenbosch Municipality, 8 August 2018).

and none expressed a problem with the special condition clause that restricts the normal ownership entitlement to alienate property for a period of eight years following acquisition, with all strongly indicating that they would “never sell” their house. All of the interviewees are the original beneficiary of their RDP house, and none expressed a concern with the eight-year lock-in clause.

Interestingly, especially in the light of the value placed by many respondents on keeping the house in the family (the legacy sentiment, as discussed above), in response to the direct question about wills, only seven of the owners I spoke to had drawn up wills that left their home to specified recipients (in each case, the owner had left the house to a family member, usually a specific child), and of these seven, only two had expressed a legacy related sentiment in the open-ended question about the value of their homes. The issue of will making is apparently a complex one for the Klapmuts households I spoke to. Some respondents did not want to discuss the issue of wills but several respondents spoke candidly about how difficult it was for them to think about making a will. As one respondent explained: “most people here don’t like wills – they think making a will means that you will now die, and it’s so final; what if you fight and fall out with the person you’ve named in your will?” The main concern expressed by the respondents who do not have wills relates to family contestation.

Among the respondents this wariness about will making assumes four similar forms. First, is an antipathy towards the descendants. As explained by one respondent: “I don’t want to make a will and I don’t want to leave my house to my children because they are always fighting with me and are very rude to me.” Secondly, is the potential for a will to divide a family if you leave your assets (including the house) to one member and not the others. As one respondent put it: “There’s a problem: I have four daughters and they will fight over who is going to get it.” Thirdly, is the concern about what will happen if you leave your assets (particularly your house) to a particular child or family member and you subsequently fall out with them. Fourthly, is the fear that if you leave your house to a particular family member who gets married and moves away, s/he might sell the house and it will be lost to the family (this fear was expressed by a woman identifying as Xhosa). It is also apparent that, notwithstanding the efforts of Stellenbosch Municipality to advise beneficiaries about the inheritance implications of property ownership,<sup>41</sup> there is a lack of understanding among some beneficiaries about what happens to your property (and especially your house) if you die intestate. One respondent told me that she did not need to make a will because she had written the name of the dependents she wants to inherit her house on the Deed of Sale - she clearly did not appreciate that this has no legal effect and that, in the absence of a valid will, her house would be dealt with in the same way as any property under the rules of intestate succession.

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<sup>41</sup> As part of the handover process, municipal officials spend a considerable amount of time explaining inheritance issues to beneficiaries (interview, Myra Francis, Project Manager, Directorate: Human Settlement and Property Management, Stellenbosch Municipality, 8 August 2018).

By far the clearest and most interesting feedback from my discussions relates to the question of whether the house has been used as security for a loan. Remarkably, none of the respondents in my study had used her/his house as security for a loan, and all were unequivocal in their rejection of this proposition. As one owner phrased it: "I would never use my house as security for a loan – I'm too scared to lose it." Another respondent commented that she would not risk her house through using it as security because her daughter is unlikely to "have another chance at getting a house". Yet another owner explained: "This is the only home I will ever have, so I will not risk losing it." Two respondents mentioned that they would not use their house as security as they fear losing it and having again to "sleep on the streets" or "in the bushes". In the words of another owner: "I waited 13 years for this house, I'm not going to do anything to jeopardise it."

That the respondents in this study are overwhelmingly grateful for having been selected as beneficiaries of the government's housing programme is extremely clear, and not surprising in the context of South Africa's extreme socio-economic inequality and exclusion. What is questionable in the light of this case study is whether the priority subjective meanings and objective functioning of RDP houses align with the housing policy objective of promoting asset formation and wealth generation. To phrase the question in De Soto's words: do the RDP houses provide a "staircase" "into the realm where capital is created", or are RDP houses functioning more like a social safety net? Implicit in this question is the degree to which the priority meanings identified by RDP homeowners are necessarily incidents of private property ownership or could be achieved in some other public, possibly more effective and less fiscally onerous, way?

### **3 RESEARCH ANALYSIS: PRIVATE STAIRCASE OR SOCIAL SAFETY NET?**

To answer these questions first from the findings in relation to the priority meanings identified by the respondents, the most commonly expressed sentiments relate to Privacy/Autonomy (18) and Security (12), with approximately half of the respondents mentioning both Privacy/Autonomy and Security (10). Both concepts are much more closely linked to the social (poverty axis), rather than to any financial (inequality axis), functioning of the house, and neither is dependent on ownership of the house as it is formally possible to ensure both security of tenure and privacy/autonomy in rental or public housing.

Among the other meaning related responses, six relate to Legacy, two to Authority and one to Affordability. Although harder to categorise, when read in context these responses, too, arguably relate more to the social security, than the financial, function of property. The responses related to Affordability (respondent 2) and Authority (respondents 9 and 21) do not seem to revolve around any financial attribute – rather they reflect the role the house performs in contributing towards a level of minimal social security, with respondent 2 highlighting that owning an RDP house is "cheaper" than renting; respondent 9 expressing that having a title deed allowed her to easily eject tenants; and respondent 21 explaining that to own a house meant being able to stand on his own two feet. Similarly, while it is clear that those respondents who mentioned

authority related sentiments about their houses were relying on ownership per se, it is again arguable whether there are better ways to empower households to feel authoritative than to use private home ownership for this function. Moreover, although currently the government has not prioritised affordable rental housing, it is possible to make public housing affordable. Regarding the Legacy related responses, there are significant discrepancies between those respondents who expressed wanting to leave their house to their child/children, and those who had made a will (with many respondents who had expressed a hope to leave their house to their child/children not having made a will, and, conversely, many of those who had made a will including their house not expressing a Legacy related sentiment about their house). For this reason, the Legacy related meanings are discussed together with the inheritance related function of the house below. More generally, the responses of interviewees to the meaning question clearly point towards prioritising a public social security, rather than a private financial asset type, role for their homes.

In relation to the ownership related functions of the houses, approximately half of the respondents in this study (9) use their house in some way to supplement their meagre household income. But there are two important caveats indicating a critical limit to the use of their house as an income generation platform. First, there is a notable ambiguity among homeowners to using their home to advance their financial situation through renting spaces, with the majority of homeowners having rejected the option of renting space in their house. This rejection is evidently related to their prioritisation of privacy and autonomy, and possibly speaks to household experiences of having previously lived in very compromising situations on farms and in informal settlements with low levels of autonomy and privacy. Secondly, for those households that do use their property in some way to supplement their income, although providing much-needed money (ranging quite arbitrarily from R200 to R3 000 per month depending on the activity), the rental opportunities and home-based industries engaged in by the beneficiaries I spoke to do not provide the homeowners with the kind of income to significantly improve their financial situation or to fundamentally change their socio-economic prospects.

This finding accords with other studies that have highlighted the survivalist nature of RDP income generation options, with some authors indicating that it is sometimes necessary to use rental to offset the cost of “living in an RDP house” (due to the high transport, and other associated, costs of “modernity”).<sup>42</sup> Moreover, to the extent that respondents’ houses are being used as a form of income generation, this is not necessarily an incident of home ownership – as long as there is permission from the owner, it is possible for non-owners of property to sub-let part of the property and gain some income from this.

There are related points regarding home improvement. While all interviewees were keen to improve their house (seemingly aligned with property ownership), the most

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<sup>42</sup> See Lemanski C “Augmented informality: South Africa’s backyard dwellings as a by-product of formal housing policies” (2009) 33 *Habitat International* 472; and Charlton (2018) at 104 & 107.

common kinds of improvements being made are minimal and more directly related to improving the security (burglar bars) and basic functioning of the house (tiled flooring) than to enhancing its financial value. Other studies have questioned the financial role of even the more substantial kinds of informal “user transformations” found in Klapmuts (such as the erection of a Wendy or the conversion to a *chisanyama*) as arguably lowering the mortgage value of the housing.<sup>43</sup> And, again, as with the income generation potential, these improvements could reasonably be expected as a tenant rather than property owner.

In terms of functions that are truly unique to ownership, not one homeowner I spoke to had insured her/his home. Nor had any homeowner used their house to secure a loan, with the vast majority expressing horror at the thought of risking their home in such a way. As remarkable as this finding is in terms of its implications for one of the main motivations for conferring private title to homes, it echoes the finding of recent long-term research published in the book *Untitled: securing land tenure in urban and rural South Africa*,<sup>44</sup> which concludes that “few of the poor are willing to risk their homes” by borrowing against their house, and especially not to finance small business ventures since “small enterprises often fail”.<sup>45</sup> Similarly, although evidence from other RDP housing projects suggests a degree of turnover of RDP houses, including informal sales (eg on Gumtree.com) in contravention of the eight-year lock-in special condition,<sup>46</sup> all of the respondents in this study are the original beneficiaries and owners and none was concerned about the eight-year lock in condition (as clearly linked to the overwhelming antipathy towards selling the house). Indeed, Alexander (my community facilitator) told me that he did not know anyone who had sold or tried to sell her/his house. It is possible that these findings are skewed by the relative recentness of the Klapmuts project (including the fact that the homes all still fall under the eight-year

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<sup>43</sup> Li TM *The will to improve: governmentality, development and the practice of politics* (2007) cited in Charlton (2018) at 109.

<sup>44</sup> See generally Hornby D, Kingwill R, Royston L & Cousins B (eds) *Untitled: securing land tenure in urban and rural South Africa* Pietermaritzburg : University of Kwa Zulu-Natal Press (2017).

<sup>45</sup> Cousins B “Why title deeds aren’t the solution to South Africa’s land tenure problem” (14 August 2017) *The Conversation* at <http://theconversation.com/why-title-deeds-arent-the-solution-to-south-africas-land-tenure-problem-82098> (accessed 20 May 2020).

<sup>46</sup> Studies have indicated that although formal sales of RDP houses are extremely low, largely due to the “lock-in” clause of the sale agreements, informal sales are high. For example, as set out in CLC & SERI (April 2013) at 69: a 2008 “Western Cape Occupancy Study” commissioned by the Western Cape Department of Human Settlements, found that 28 per cent of RDP houses surveyed were not occupied by the original owner; and according to research conducted by Urban LandMark in 2010, since 2005 approximately 11 per cent of all RDP houses have been unofficially traded by their owners - of these, over half of the sales were for amounts of between R5 750 and R17 000 (well below the value of the houses either in terms of the government subsidy, which for a serviced site with a RDP house is around R250 000, or on the open market); also in 2010, then Minister of Human Settlements, Tokyo Sexwale, reported that, based on a random sample of 10 per cent of RDP houses completed between 1994 and 2008, only 34 per cent of the original beneficiaries were still occupying the houses allocated to them (CLC & SERI (April 2013) at 69).

special condition clause, meaning that any sales would have to be unofficial/informal), and it would be interesting to probe this finding in older RDP housing projects.<sup>47</sup>

The one grey area regarding an incident of home ownership is that of inheritance. Although in their unsolicited Legacy related sentiments, six respondents mentioned that a benefit of their house was being able to leave it to their children, only two of these respondents had actually drawn up a will. In their responses to the direct question about wills, the other four respondents explained that they did not have wills because:

- “It’s too difficult” (it was not clear whether and to what extent the difficulty was emotional, financial or logistical).
- “I haven’t made a will yet but want to.”
- “I haven’t done so but must do it.”
- “I haven’t made a will but would like my son to inherit the house – I had a difficult life and want a better life for him.”

Conversely, among the seven respondents who had drawn up a will, only two mentioned a Legacy related sentiment about their house. These responses indicate that, for most respondents, inheritance of the house by means of a will is not a clear priority, and that more generally will making is a complicated, contested and fraught terrain. Beyond the difficulties of accessing the formal processes of will making,<sup>48</sup> recent studies confirm a generalised discomfort around will making, which is particularly pronounced in traditional African households with unwritten customary systems of inheritance.<sup>49</sup> In the Klapmuts study, the aggregate disquiet towards will making was shared across racial, gender and age lines, suggesting a class commonality on the issue. More generally, Klapmuts homeowners, like many lower income households across the country, might be deliberately not making a will to limit the potential for conflict around who in the family will inherit the house, instead relying on the rules of intestate succession and/or customary rules of inheritance to sort out the thorny issue after their death.

Succession of property is certainly an incident of ownership. However, it is clear from this study that there are complex dynamics around the inheritance of RDP houses that do not point to clear conclusions about either the nature of the role that the house plays or the value of private ownership. Indeed, the Legacy related sentiments speak more to parents’ hope that, by inheriting the house, their children will not suffer quite as much socio-economic hardship and precariousness as they have, than to any

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<sup>47</sup> It is also possible that the careful approach of the Stellenbosch Municipality in selecting beneficiaries might contribute towards the relative stability of the Klapmuts project. For a critique of the usual RDP housing “waiting list” approach see CLC & SERI (April 2013).

<sup>48</sup> In the case of Klapmuts, Stellenbosch Municipality has offered will making services to housing beneficiaries (interview, Myra Francis, Project Manager, Directorate: Human Settlement and Property Management, Stellenbosch Municipality, 14 March 2018).

<sup>49</sup> Bolt M “The making of a black middle class: race, law and property in Johannesburg, South Africa” (2018), unpublished paper, Centre of African Studies Seminar Series, University of Edinburgh.

expectation that, by keeping the house in the family, this will markedly improve their children's financial position. This reality is exemplified by the Legacy related responses of respondent 7 ("I want to leave my house to my daughter so she has a chance in life") and respondent 11 ("I had a very difficult childhood and want my child to have a better life"). Further research is necessary to understand the role of inheritance and particularly to understand the intergenerational value of inheriting an RDP home. Notwithstanding this analytical gap, considering the likely social security rather than financial attribute of any inherited RDP houses, there are arguably better ways to provide long-term inter-generational security than through the public provision of private home ownership.

#### 4 CONCLUSION

Although small scale, this case study indicates that the lived reality among beneficiaries of RDP houses does not clearly align with conventional assumptions and categorisations of the benefits of private title. As highlighted in this research, very few of the unique features of home ownership are being utilised by the owners, and the houses in this study are overwhelmingly functioning not as a financial asset but rather, linked to the most-frequently cited sentiment, as a social security related safety net. Moreover, while many of the respondents in this study are using their property to make money, the amounts of income derived from their property are small, and certainly have not enabled any movement up the economic staircase for the beneficiaries. Indeed, it seems from this research that at least in the short term, though providing critical social security and a degree of poverty-alleviation, RDP home ownership does not contribute significantly towards socio-economic advancement.

If most of the unique attributes of property ownership are not being utilised by beneficiaries and RDP homes are not fulfilling De Soto's staircase function, this begs the question of whether the private title model should be pursued? Similarly, if houses are functioning mainly as a safety net to provide shelter and a degree of autonomy and social security ("homes" rather than "houses" or "property"), it is likely that the priority meanings and roles identified in this study could equally be achieved through the provision of tenure secured public housing, possibly using fewer public resources and with less corruption associated with converting public funds into private title.<sup>50</sup> Beyond any fiscal savings and efficiencies, abandoning the private ownership model would have the advantage of paving the way to prioritise public housing in well-located inner city areas, including through municipal expropriation of abandoned or neglected properties. Well-located public housing would be a significant improvement on the typically unfavourable location of RDP projects on the urban periphery far from socio-economic opportunities, with all the locked-in disadvantage and perpetuation of inequality this entails.<sup>51</sup>

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<sup>50</sup> CLC & SERI (April 2013).

<sup>51</sup> See Makgetla N "Innovative systems needed to revamp service delivery" (8 May 2018) *Business Day* at <https://www.businesslive.co.za/bd/opinion/columnists/2018-05-08-neva-makgetla-innovative-systems-needed-to-revamp-service-delivery/> (accessed 20 May 2020).

At the same time, it is clear from this study that beneficiaries have a strong, albeit unclearly articulated, emotional attachment to home ownership; and it is probable that for political parties the leverage provided through the provision (or promise) of RDP houses remains an almost irresistibly powerful mobilising tool. It is therefore doubtful, regardless of the merits of doing so, that the RDP home ownership paradigm will be reconsidered.

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