

FEATURE

Women, Housing, and Well-Located Urban Land: Gender-Based Spatial Discrimination in South Africa

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Introduction

The United Nations estimates that, by 2030, 71.3 per cent of South Africa's population will be living in urban areas, reaching nearly 80 per cent by 2050 (Department of Cooperative Governance and Traditional Affairs 2020). In this projection, women will comprise the majority of people living in cities (Chant 2013). UN-HABITAT (2020) notes that '[f]or women and girls, moving from a remote rural setting to an urban area can be a source of liberation, particularly in the context of rigid gender norms'. However, women's prospects of being integrated into urban areas are hindered by gender-based spatial discrimination and housing inadequacies in these same areas.

Gender-based spatial discrimination refers to patterns of access to, use of, and control of physical space that perpetuate gender inequality. Housing in well-located urban land plays a vital role in addressing this malady. Among other things, it affords benefits such as proximity to public transport, essential services, and other amenities that boost women's mobility and ability to access social and economic opportunities.

The intersection of gender-based spatial discrimination, women, and housing in well-located South African urban land is, however, a complex subject. This intersectionality brings to light numerous pressing issues, all of which relate to the consequences of apartheid spatial planning in which black women were marginalised from accessing well-located urban land by means of housing.

Although many years have passed since the advent of constitutional democracy, 'South Africa remains deeply divided in terms of race, gender, and space' (Phaswana 2021). The country has impressive housing legislation and policies that incorporate a gender lens and provide for women's participation in housing delivery (Chenwi & McLean 2009). Yet, for various reasons, the government-subsidised housing programmes have not improved women's access to housing (Sobantu 2019).

Stagnation in the project of transformation is undermining the effort to transform society (Phaswana 2021), with gendered dynamics perpetuating discrimination against women in access to housing and urban land. The intersection of factors such as race, socio-economic situation, sexuality, and disability influences women's opportunities for, and challenges to, thriving in South Africa's cities, and in turn exacerbates spatial discrimination and marginalisation.

The three most familiar factors that shape spatial discrimination in towns and cities are class, race, and gender (Soja 2009). As Rodny-Gumede (2022) notes, women face 'the triple oppressions' of race, class, and gender – 'class' here refers to issues of socio-economic situation, status, and difference that can lead to unequal access to resources, amenities, and opportunities, resulting in spatial segregation and discrimination. A vast literature examines spatial discrimination based on race and class; however, this article delves into the aspect of gender.

In particular, it argues that achieving spatial justice and substantive spatial equality requires that local government exercise its spatial planning and housing powers or functions through a gender lens – its aim should be to eliminate systemic barriers of gender-based spatial discrimination while also addressing all forms of discrimination based on race and class.



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Contextual background

Literature on housing in South Africa focuses on race- and class-based inequalities in the distribution of resources, opportunities, and services, and the emphasis is typically on economic reform and social infrastructure (Luckan & Pillay 2019). Generally, the requirements for renting or buying houses in urban centres, particularly as regards affordability and accessibility, do not address the housing needs of diverse social groups (Wilson & Barton 2019). Spatial segregation is also intensified by systemic barriers to accessing social housing programmes (UNHRC 2022).

In this regard, the imposition of stringent eligibility requirements to qualify for housing limits the ability of certain social groups that cannot meet minimum criteria in relation to income, credit scores, formal employment, residency permits, and the like. Housing is deemed affordable when the dwelling is of an acceptable standard and its associated financial costs permit households to satisfy other basic needs or meet essential non-housing expenditures (CESCR 1991; Anacker 2019).

Although a steadily increasing number of middle-class black households are breaking the barriers of spatial discrimination based on race and class (Selzer & Heller, 2010; Mattes, 2014) – with the result that the logic of spatial inequality is shifting from racial to class segregation – gender-based spatial discrimination remains a critical factor. As in the case of race, a critical approach is needed so as to address the structural barriers that women encounter when attempting to access adequate housing in well-located areas. Indeed, contemporary literature neglects to explore the prospects that a poor or low-income black woman has in accessing well-located urban land by obtaining housing.

The process of urbanisation may well hold great opportunities for women (Tolhurst et al. 2022), but the gender-based disparities, inequalities, and exclusions faced by low-income black female urban residents represent serious obstacles to any enjoyment of these opportunities. Therefore, it is crucial to address all forms or forces that shape spatial discrimination in order to achieve substantive spatial equality in the society.

Legal and policy frameworks

Both spatially and legally, South Africa's post-apartheid transition has impacted immensely on how cities function. The reconfiguration of the local governance system requires that this system directly address the socio-economic challenges of various groups within society and strive to achieve spatial transformation of urban life (see *Port Elizabeth Municipality v Various Occupiers 2005 (1) SA (CC)*). In short, socially disadvantaged groups should also enjoy access to housing in well-located land. Thus, local government should direct sufficient resources for ensuring that government-subsidised housing promotes everyone's access to adequate housing (Manomano 2022).

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The South African government has adopted progressive laws and policies aimed at addressing gender inequality, discrimination, and disparity in housing and land ownership. To begin with, the requirement of gender equality is entrenched in section 9 of the Constitution of the Republic of South Africa, 1996. The provision gives everyone the right to equal protection and benefit of the law, and prohibits unfair discrimination on several grounds, including race, gender, sex, and disability. To promote equality and eliminate unfair discrimination, the Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000 was promulgated to give effect to section 9 of the Constitution. The Act, in section 25, provides that the state must promote equality.

In section 26(1), the Constitution stipulates that everyone has the right to access adequate housing. The state, made up of the national, provincial, and local spheres of government, must take reasonable measures to ensure the progressive realisation of the right of access to adequate housing. The Constitution, in section 25(5), provides furthermore that '[t]he state must 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'.

When considered in conjunction with sections 9(2), 25, and 26(2) of the Constitution, the rights to equality, to access to land and property, and to access to adequate housing appear to work together to place specific positive obligations on all levels of the government to realise substantive spatial equality. Indeed, the constitutional clauses in regard to property, equality, and housing refer to the rectification of past spatial inequality and discrimination (Botha 2020). The housing clause, which integrates planning, 'promotes the redistribution of land through the greater and more speedily availability [sic] of land' (Botha 2020). Section 2(e)(vi) of the Housing Act 107 of 1997 requires that all three spheres of government must take measures to prohibit unfair discrimination on the grounds of gender in housing development. As part of the process of integrated development planning, every municipality must ensure that the inhabitants of its area of jurisdiction have access to adequate housing on a progressive basis (section 9(1)(a)(i) of the Housing Act).

Among the municipality's key functions are the identification and designation of land for housing development (section 9(1)(c) of the Housing Act), and the planning and management of land use and development (section 9(1)(h) of the Housing Act). These functions are crucial for ensuring that women beneficiaries of housing are placed in well-located urban land.

Section 2(1)(a) of the Social Housing Act requires that the housing programmes of the national, provincial, and local spheres of government and social housing institutions be responsive to local housing demands and give special priority to the needs of women, among others. Moreover, section 2(1)(d) of the Act prohibits

housing programmes from discriminating against residents on any of the grounds set out in section 9 of the Constitution.

Given the societal exclusion of women in the planning and development of housing, section 2(1)(g) of the Social Housing Act requires the three spheres of government to empower all residents by facilitating the involvement of residents and key stakeholders through consultation, information-sharing, education, training, and skills transfer. They also need to promote the social, physical, and economic integration of housing development into existing urban and inner-city areas through the creation of quality living environments (section 2(1)(i)(iv) of the Social Housing Act).

The Spatial Planning and Land Use Management Act (SPLUMA) 16 of 2013 is aimed at redressing past spatial planning and land use laws and practices that were based on racial inequality, segregation, and unsustainable settlement patterns. Section 7 of the Act enumerates six principles that apply to spatial planning, land development, and land use management. Importantly, SPLUMA states that the principle of spatial justice entails addressing spatial and other developmental imbalances so as to improve access to and use of land.

Bearing in mind women's right to access land, property, and housing on an equitable basis, SPLUMA thus has to be implemented in such a way that this leads to equitable spatial patterns and sustainable human settlements. Housing development is key to the attainment of substantive spatial equality and in turn to the social, physical, and economic integration of women into existing urban and inner-city areas.



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The significance of location and accessibility

Theoretical perspectives on urban service delivery refer to 'locational amenities', a term that relates to easy access to basic amenities based on the geographic relationship between an area and service provision (Van Duijn et al. 2014). Urban planning should ensure that all groups have adequate and equal access to essential services (Parry et al. 2012). 'Location' is linked to other elements of housing adequacy, such as legal security of tenure, the availability of services, and affordability (Marnane & Greenop 2023). Thus, there is a close link between location and accessibility when it comes to redressing gender-based spatial discrimination and women's access to well-located urban land through housing.

Accessibility involves the barrier-free design of housing and related public services, materials, facilities, and infrastructure; it refers to the degree to which residents can easily reach certain areas and interact with social services (Du Plessis 2015). For example, land uses and densities in urban structures should be compatible with people's social well-being and provide everyone with a full range of urban utilities such as housing, employment, and services (Economic Commission for Europe 2008). The resulting spatial arrangement is one that reduces travelling distances to work, clinics, shops, and so on.

Here, measures are taken to ensure that people have substantively equal access to the physical environment, transportation, and other public facilities and services that are available in both urban and rural areas. The right measures are ones that identify and eliminate obstacles to accessibility that disconnect marginalised social groups from access to adequate urban infrastructure. So, 'accessibility leads to independence, increased mobility, access to the labour

market and consequently a better quality of life' (UN-HABITAT 2014).

With South Africa's constitutional democracy having entered its thirtieth year, there is a clear need to address gender-based spatial discrimination while promoting and protecting the rights of women within society. Housing ownership can be a valuable asset, providing women with economic security and bargaining power. However, women face barriers in accessing housing finance, ownership, and control, which perpetuates their vulnerability and insecurity. Due to spatial injustice, women are often relegated to peripheral, underserved areas, limiting their access to the resources, opportunities, and services that are available in well-located areas in the country's urban cores.

In the face of these obstacles, women are demonstrating their resistance and resilience by increasingly mobilising in order to claim their rights to access urban land and housing and, in so doing, challenge the patriarchal and capitalist systems. The court in *Adonisi and Others v Minister for Transport and Public Works Western Cape and Others* held as follows:

In light of SPLUMA's commitment to give effect to ss25 and 26 of the Constitution, the development of adequate, affordable housing on well-located land thus represents an appropriate mechanism for advancing and realising the legislative imperative of spatial justice.

Housing can serve as a platform for delivering resources and services, such as health care, education, and legal aid. Inclusive housing design can subvert traditional gender roles, promote gender equality, and challenge patriarchal norms. Housing design that fosters community and social connections can combat isolation and promote women's empowerment. In addition, affordable housing options reduce economic burdens, enabling women to allocate resources to education, health care, and personal development.

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Transformative approaches

Feminist and inclusive urban planning, community-led development, and co-operative housing models offer alternative solutions for addressing gender-based spatial discrimination. These transformative approaches prioritise the needs and perspectives of women who are historically marginalised or excluded. As Chenwi & McLean (2009) explain,

[a] gendered, or feminist, perspective on women and housing focuses on the lived reality of poor women and women-headed households, and the survival strategies employed by these women. It also provides a critique of the ways in which existing laws, policies and social practices perpetuate their situation.

Achieving gender equality involves addressing gender-based discrimination and promoting women's equal access to resources and opportunities. A key principle in attaining this goal is to ensure efficient and effective women's participation and inclusivity in housing and urban planning processes so as to strengthen their voice and representation in such processes. Given the rampant scourge of femicide and violence against women and children, it is necessary to design public spaces that prioritise safety and address gender-based violence.

Conclusion

Overcoming gender-based discrimination in women's access to housing in well-located urban land requires a nuanced understanding of the intersection of gender, power, and spatiality, one which is geared to addressing systemic inequalities and promoting inclusive, equitable urban development. Part of the solution is to question and dismantle gender stereotypes and biases in urban planning and design; to undertake urban planning that emphasises human rights, social justice, and substantive spatial equality; to ensure secure and affordable housing options, including cooperative and community land trust models; and to provide safe, reliable, and accessible transportation options. These principles are key to feminist and inclusive urban planning, which seeks to create cities that are more

just, equitable, and supportive of all individuals – regardless of gender or background.

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