



"From the wisdom of the ages
to the challenges of modern world"

What People Want

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18th May 2015

FIG WORKING WEEK 2015

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Where is South Africa?



- 8,000 km due south of Sofia

Bulgaria

South Africa

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South Africa

- Southern tip of Africa
- 9 provinces
- Just over 50 million people
- 122 million hectares of land






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Introduction

- **Fit-for-purpose Land Administration (Enemark *et al*):**
 - “Sound land administration systems deliver a range of benefits to society in terms of: support of governance and the rule of law; alleviation of poverty; security of tenure; support of formal land markets; security of credit; support for land and property taxation; protection of state lands; management of land disputes; and improvement of land use planning and implementation.”
- **People are more likely to invest in property if it is theirs!**
- **So why should the people living in the Communal Areas of South Africa not have a sound land administration system?**

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Argument in favour of Secure Land Tenure

- **African writers: "Land ownership is associated with power".**
- **Many convincing research papers:**
 - land occupants have greater incentive to invest resources into the land they own;
 - A necessary component of an effective land administration system;
 - Supports sustainable development; and
 - Creates value through trade and transfer of land!



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Contrary considerations

- **Some research has indicated:**
 - Individual ownership decreases the security of tenure of the poorest occupants:
 - Poor are most vulnerable due to incapacity to repay any loan where the land was used to secure credit, and
 - Promotes capitalism at the expense of livelihood security for the poor.
 - Collective action is undermined (egoism vs. community)
 - Ownership does not work in all instances:
 - Lack of recognition by powers/illegitimate authority/corruption



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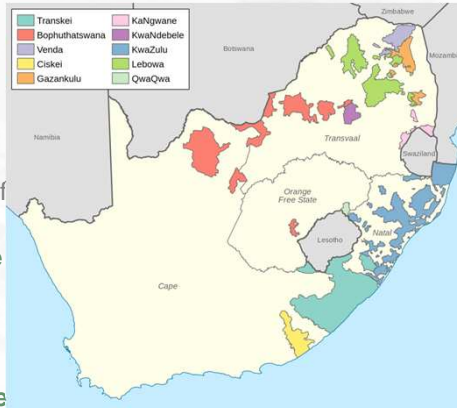


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South African Traditional Communities

- **Historical racially based laws and practices:**
 - Prevented members of Traditional communities from owning land or having documented land rights;
 - Confined to 15.5 million hectares of communal land (13% of total land).
- **15 million people (30%) perceive the communal area to be their home;**
- **Very few recorded land rights;**
- **Very little development; and**
- **Substantial dependency on the state**



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Reason for the research

- **Communal land has remained underdeveloped – “dead”;**
- **No formal land tenure is instituted and formalised.**
- **Yet, well-defined boundaries of fences or hedges surround most homesteads**
 - Do they define some sort of exclusive use?
- **Why retain an historic system that divides according to race?**
- **Question: do members of traditional communities in South Africa want documented land tenure rights?**



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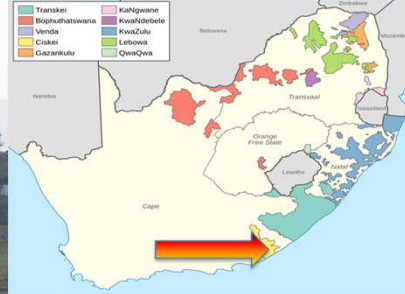




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Tyolomnqa, Eastern Cape



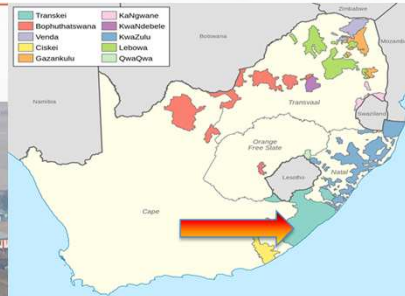
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Qunu, Eastern Cape



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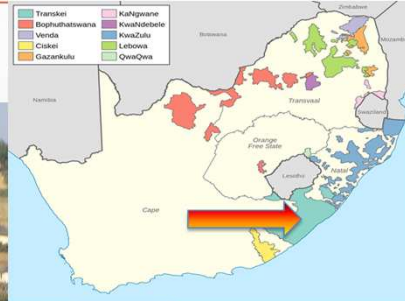




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Tsolo, Eastern Cape



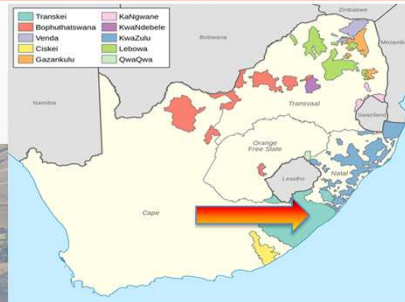
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Mount Frere, Eastern Cape



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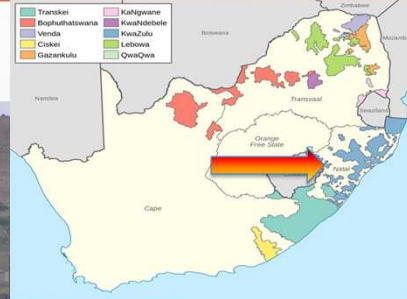




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Ladysmith, KwaZulu-Natal



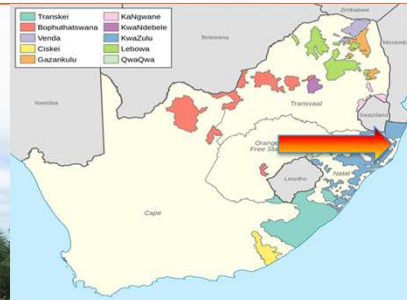
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Mseleni, KwaZulu-Natal



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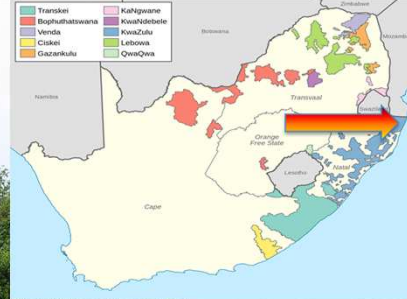




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Mbazwana, KwaZulu-Natal



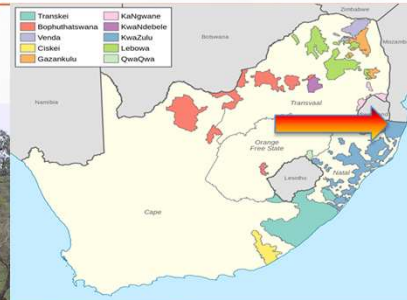
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Ingwavuma, KwaZulu-Natal



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eNkambeni, Mpumalanga


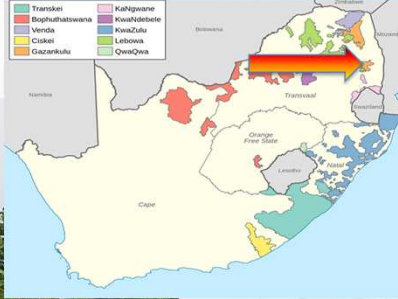





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My research

- **Two main questions:**
 - “Why would Community Authorities and members want to convert their de facto land occupation into de jure land tenure?”
 - “If your family obtains a title deed to their land allocation, what would this mean to your family?”
- **717 respondents to my questionnaire**
- **According to survey research methods, it is considered a reasonable representation of the 15 million people who call traditional areas home.**

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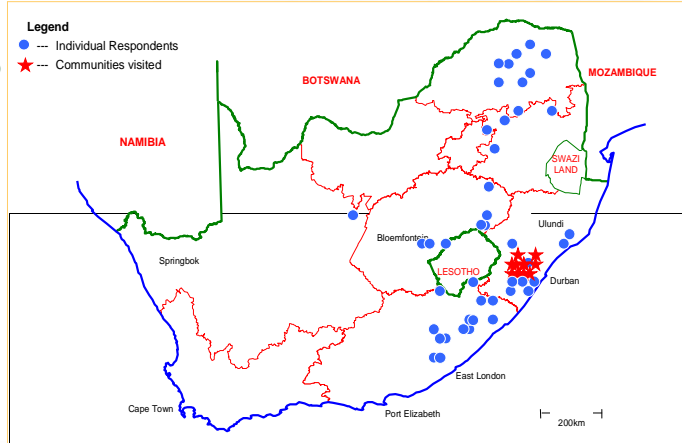


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Research Coverage

- Team of fieldworkers who came from traditional communities
- 13 communities
- 668 respondents from those communities
- 49 other individual respondents



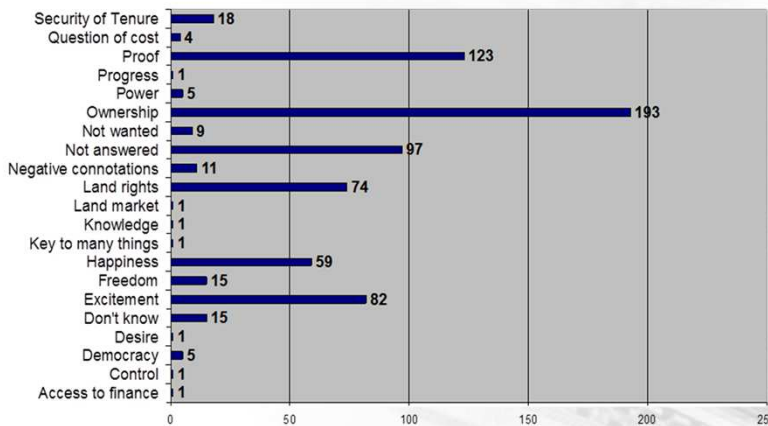
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My Results

Grouped into 21 broad answers

Why would Community Authorities and Members want to convert their *de facto* land occupation into *de jure* land tenure?





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Key findings

- **535 respondents (74.6%): indicated positive sentiment**
- **Further 158 respondents (22%): answers lacked understanding, but still indicated positive sentiments:**
 - “happy”, “yes”, “freedom”, “excitement”, “democracy”
- **97 respondents (13.5%): gave no answer**
- **15 respondents (2%): “don’t know”**
- **Only 49 respondents (6.8%): were against**



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Three additional issues

- **20 respondents (2,8%) did not want title deeds:**
 - “oppression”; “expenses”; “end of tribal land”!
 - A small minority cannot be ignored
- **1 respondent (0.14%): notion of land market**
- **1 respondent (0.14%): provide access to loan finance**



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One key difference

- **193 respondents (26,9%): title deed would provide ownership to the land they occupy;**
 - Occupation ≠ ownership, but want to own!
- **123 respondents (17,2%): wanted proof, assurance or confirmation of their ownership**
 - Occupation = ownership, but want document!
- **Unintended difference?**
- **Clear distinction in the author's mind!**



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Summary

- **A documented land right would:**
 - Provide proof to the owners of their inviolable rights,
 - Provide visible evidence of ownership,
 - Give security of title,
 - Bring permanence, protection and pride, and
 - Provide the owner of that right with an identity – a place of belonging and of self-worth.



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Conclusion

- Do people want land rights?
- The people have spoken, and the answer is a definite:

"Yes"! "Amandla ngawethu!"

"Amandla ngawethu" is an isiXhosa phrase meaning "the power is ours".



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