

Applying the Fit-For-Purpose Land Administration Concept to South Africa: Will It Work?

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SUMMARY

Almost all of South Africa has been covered by the Cadastre. Yet the majority of the people living in South Africa live outside of this secure tenure system. 13% of the land in South Africa is communal land where, although extensive land parcels have been surveyed to identify administrative areas (outer boundaries) of the communities within the communal land, the vast majority of communal land is either registered as state land or, where not registered, deemed to be state land (i.e., “unalienated state land”). In addition to the system applied to communal land, insecure tenure is also prevalent in:

- informal settlements (shack dwellers/ favelas);
- communities that have been resettled on state-acquired commercial farms as part of the government’s redistribution policy;
- many housing schemes where title deeds have never been issued to beneficiaries; and
- farm dwellers, labour tenants and other occupants of commercial farms

There are an estimated 2 – 3 million homesteads on the communal land. Rough guesstimates speculate that there are a similar number of dwellings in informal settlements, resettled communities, housing schemes and of farm dwellers who have insecure tenure. This means that any proposals to bring the occupants thereof into any land administration system would need to consider identifying more than 5 million land occupations.

Enemark et al, in their Guide: Fit-For-Purpose Land Administration (FIG Publication 60, 2014,

p.6), state “Land administration should be designed to meet the needs of the people and their relationship to land, to support security of tenure for all and to sustainably manage land use and natural resources”. This concept has been introduced in many countries across the world – Indonesia, Nepal, Uganda, Rwanda, Ethiopia, Namibia and the Caribbean amongst others. There have been some good reports of its implementation and many lessons learnt. This paper looks at the current South African Cadastre and considers the application of a fit-for-purpose land administration system that can bolster the existing Cadastral system and provide security of tenure that is beneficial and acceptable to all. Will it work?

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