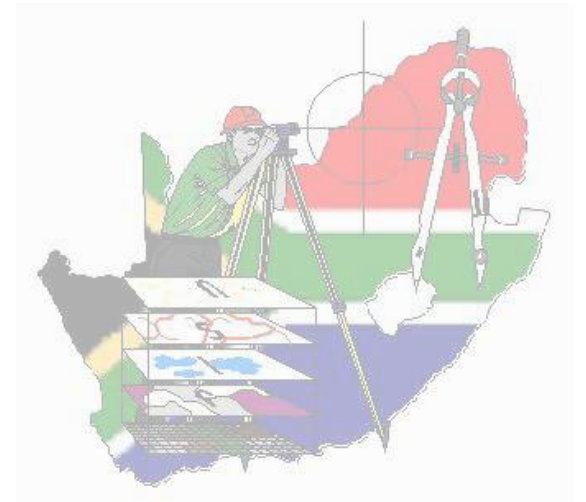


**PRESENTATION  
TO THE 2004 ANNUAL MEETING  
OF FIG COMMISSION 7**

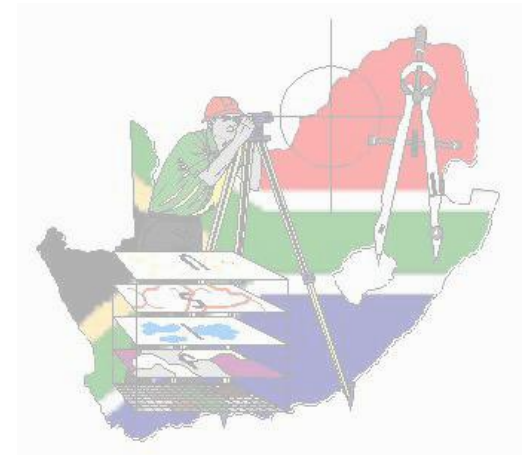
**Apie van den Berg and  
James Mudau  
SOUTH AFRICA  
SEPTEMBER 2004**



# HISTORICAL OVERVIEW

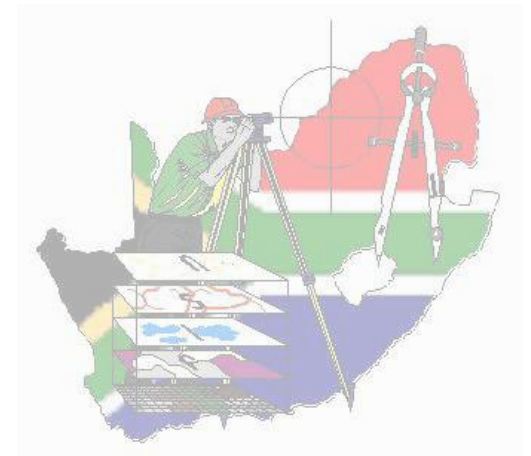
## Pre 1994 Tenure Systems:

- Full ownership
- Permission to Occupy
- Trust Lands
- Leaseholds



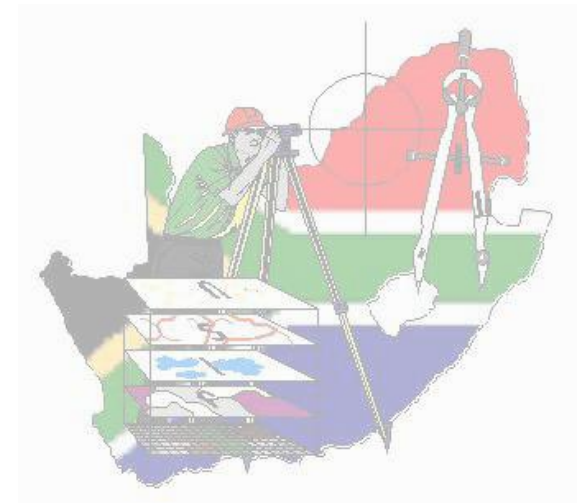
# AFTER 1994

- Department of Land Affairs created:
- Cadastral Component
- Land Reform Component
  - Land Redistribution
  - Land Restitution
  - Tenure Reform



# TENURE REFORM

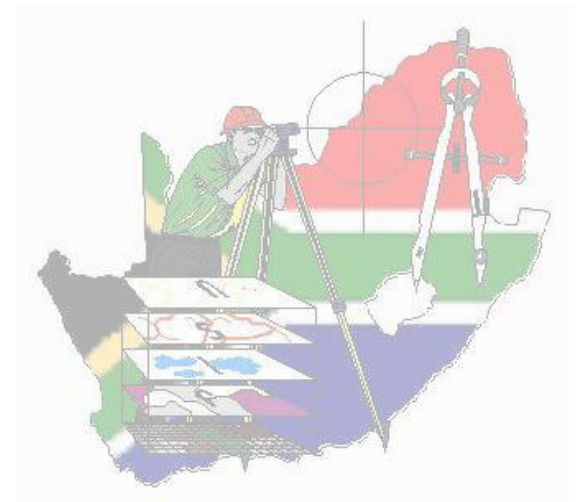
- Rationalize different forms of tenure
- Laws passed:
  - Communal Property Associations Act
  - Extension of Security of Title Act
  - Communal Land Rights Act



# COMMUNAL LAND RIGHTS ACT (CLARA)

## BASIC PRINCIPLES

- Trust land to be transferred to communities (Not in the sole possession of chiefs)
- Formalise the rights on land parcels inside the communal areas





# SCALE OF PROJECT

- **South Africa ± 122 000 000 hectares**
- **Communal Land 12,5 – 13%**
  - 12 – 15 million people live on communal land
- **± 2 250 000 Land rights**
  - ± 2 200 000 Households
  - ± 50 000 other land rights
- **Estimated 2395 communities**



# **OUTER BOUNDARIES OF COMMUNAL AREAS**

- **Identification, Adjudication and Demarcation of outer boundaries**
  - **Will the Minister, in terms of Section 18, accept the original (pre-1913 or 1936) gazetted Proclamations (defined with point-to-point descriptions)?**
  - **What is acceptable to the community and neighbours?**
    - **(In terms of the pilot projects undertaken in the Eastern Cape, there appears to be general support from the communities for the Administrative Areas as proclaimed)**
  - **A process to resolve disputed areas must be established and facilitated by the Department of Land Affairs**



## **Land for possible exclusion (land rights enquiry process)**

- **State Domestic Facilities**
  - Schools, Hospitals, Clinics, Police Stations, etc.
- **National / Provincial / District Roads**
- **Railway lines and stations / sidings**
- **Services**
  - Power lines, pipelines and other constructed services
  - (overhead, surface and subterranean)
- **Urban Areas –**
  - “PTO” towns
- **Business rights**
  - Trading Stations
  - Bottle stores





# TECHNICAL SYSTEMS

- **Data collection process**
  - What information is required for whole system
  - De facto Occupation and Use
  - How is information collected (GPS receivers, laptops, etc)
  - Empowerment of the community
  - Land adjudication process, including demarcation
- **Rights enquiry process**
  - Documented Rights (including PTO's, SDF's)
  - Inclusion of proposed development
- **Land Administration Office processes**
  - How information is stored
- **Production of communal GP and records**
  - Supervision and records management
- **Compilation of Deed documents**
- **Supply of information (hard copies)**

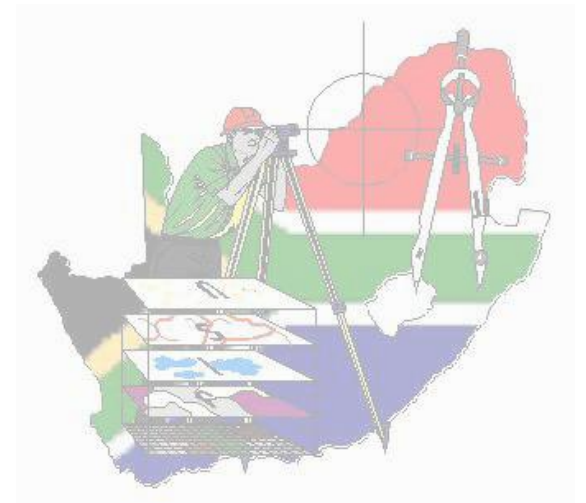


# Challenges

- **Tight timeframe for completion of the task**
  - October 2004?
  - 2009?
  - 2014?
- **Prioritising strategic emphases**
  - What should be done first?
  - Allocation of limited time and resources
- **Estimating costs**
  - availability of reliable information for determination of costs (e.g., number of communities)
- **Integration and synchronisation of plans and activities among all government institutions**
  - (alignment of plans and budgets)
- **Communicating the strategy as it develops**

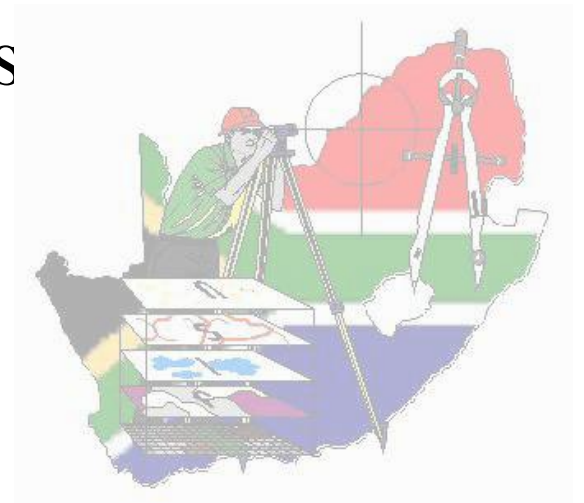
# PROPOSED PROCEDURE

- Outer boundaries surveyed by land surveyors
- State domestic facilities also surveyed
- Registered in Deeds Office



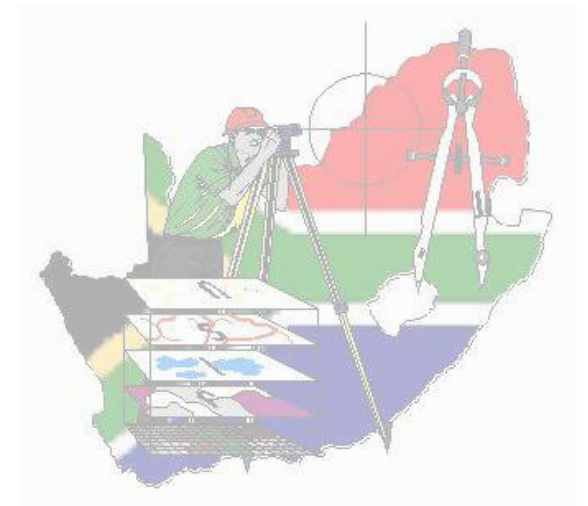
# PROPOSED PROCEDURE FOR LAND RIGHTS

- Land Clerks adjudicate in presence of owner and neighbours
- Recruited from the communities
- Three month training
- Assist with survey



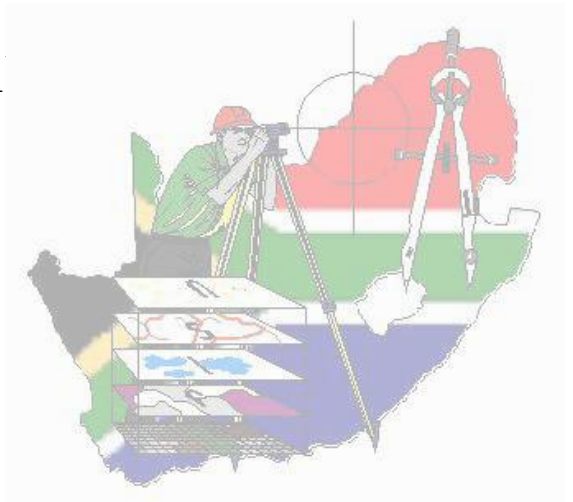
# PROPOSED PROCEDURE (CONTINUED)

- Land Administrators supervise Clerks
- Responsible for survey
- GPS
- Land Surveyor signs plan
- Surveyor-General approves



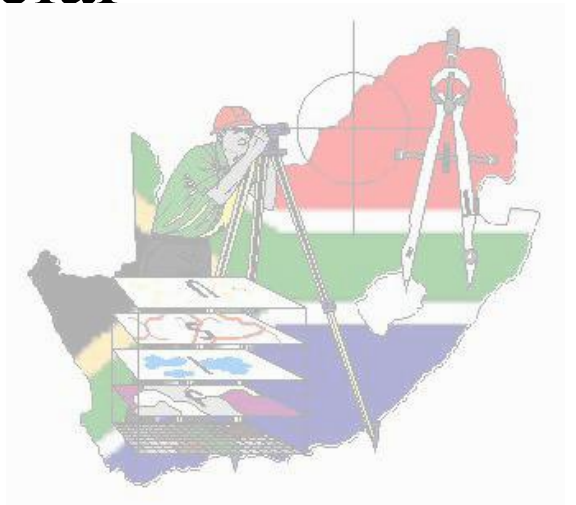
# PROPOSED PROCEDURE (CONTINUED)

- Accuracy not very important
- Rights will be recorded in CIS
- Registration in Deeds Offices
- Not full ownership, but secure title
- Conditions apply to ownership



# CONCLUSION

- Land market dependant on security of title
- Vast number not yet in land market
- Progress is being made slowly
- Difficult to erase 40 years of social engineering and dispossession





# OTHER INITIATIVES

- New Surveying Profession Act proposed
- Decentralising Surveyors-General to all provinces (5 new offices to be opened)
- E-cadastre
- National address database



**WE ARE MOVING IN SOUTH AFRICA!!!!**



**Thank You**