

An aerial, black and white photograph of a rural landscape. The terrain is hilly and covered with sparse vegetation and scattered trees. Several small, simple buildings are visible, including a prominent one with a thatched roof in the lower left and another with a corrugated metal roof further up the slope. The overall scene suggests a rural or semi-rural setting.

Securing tenure at Ekuthuleni

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Overview

- ❖ Introduction
- ❖ The world of Ekuthuleni
- ❖ Land reform begins
- ❖ The emergence of Pilar
- ❖ Using what exists
- ❖ Rights
- ❖ Boundaries
- ❖ Conclusion



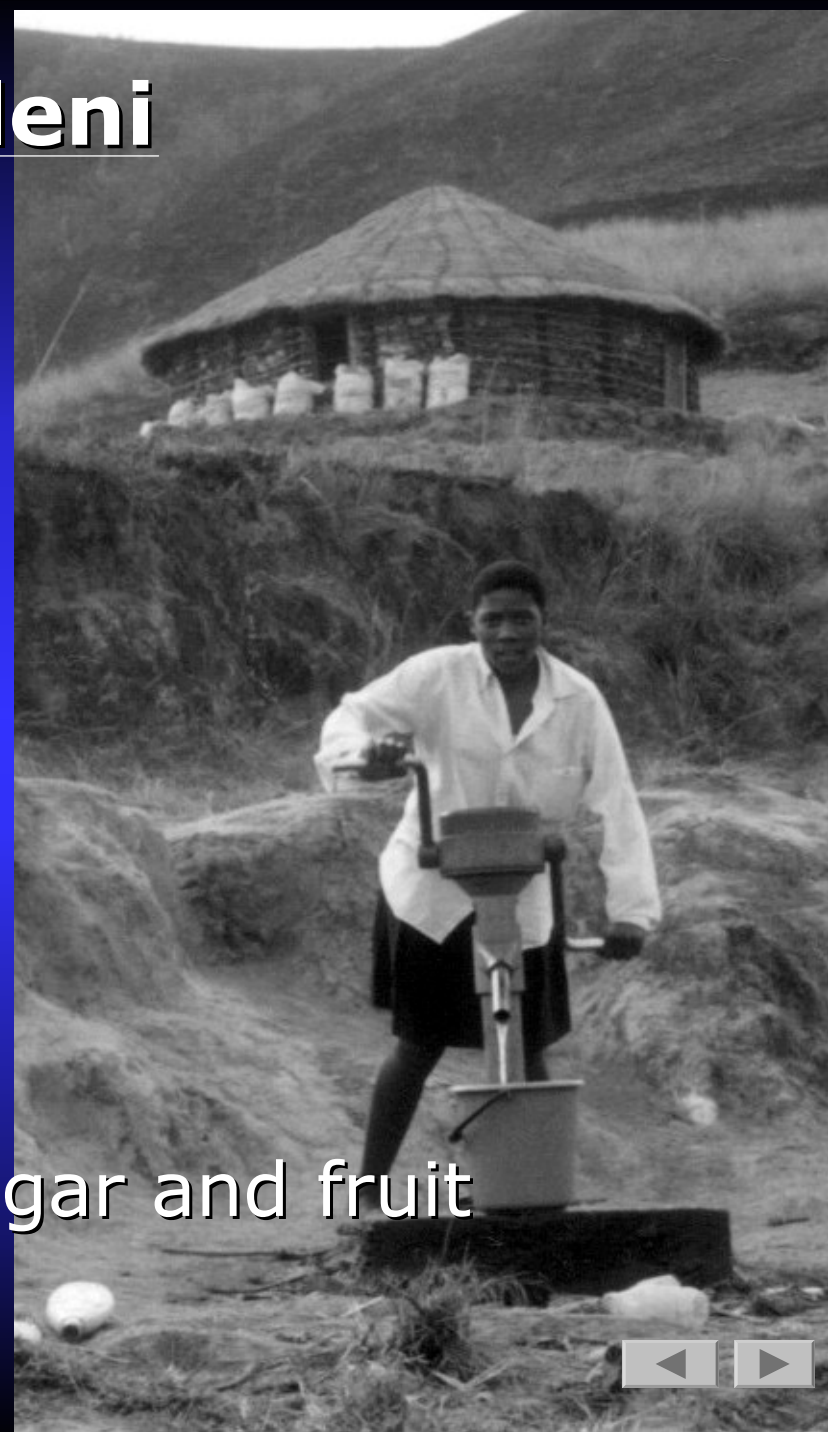
Ekuthuleni

Introducing our conclusions

- Six years later, in 1994, our work has failed
- Current legal, technical and institutional frameworks can't secure tenure
- Securing tenure is a process not a product
- Narrow chance left with CLRA and the symbol of the communal general plan

The world of Ekuthuleni

- 1997 – request PTOs
- Facts:
 - ✓ 225 families
 - ✓ 1 100 ha
 - ✓ Ntembeni TA
 - ✓ DLA owned
 - ✓ Mthonjaneni
- Commercial forestry, sugar and fruit



The world of Ekuthuleni

- ..and subsistence and small scale agriculture
- Household income linked to old age pension
- Elected land committee
- Land use and land admin practices

Land reform begins

- DLA contracts AFRA to assess tenure needs
- People want household rights in a communal system at an affordable price
- Survey estimated at R2-6 000 per site
- Choice – township and title OR communal ownership

The emergence of Pilar

- Land rights bill collapses
- We assess the Ekuthuleni system in order to record
- Into property rights and the biases of the formal
- Decide on project goal – legal, affordable, sustainable records to meet people's needs

The emergence of Pilar

- Decide on principles:
 - ✓ Build on existing systems
 - ✓ Adaptation
 - ✓ Work with stakeholders
 - ✓ Encourage coherence

Using what exists

- Two systems – one of African other Western
- Doubts about existing options – title failure – but
- Statutory rights (IPILRA, ESTA) / Personal rights
- Real rights – ownership, lease, sectional title

Using what exists

- Limited real rights – habitation, usufruct, use servitudes
- Local registers
- Strengthening personal
- No law able to do it

The Communal Land Rights Act (CLRA)

- transfer of property
- AND deeds of land tenure rights
- community rules
- rights enquiry and ministerial determination
- communal general plan
- township register

The Communal Land Rights Act (CLRA)

- But:
 - ✓ split of rights
 - ✓ what system
 - ✓ costs and sustainability

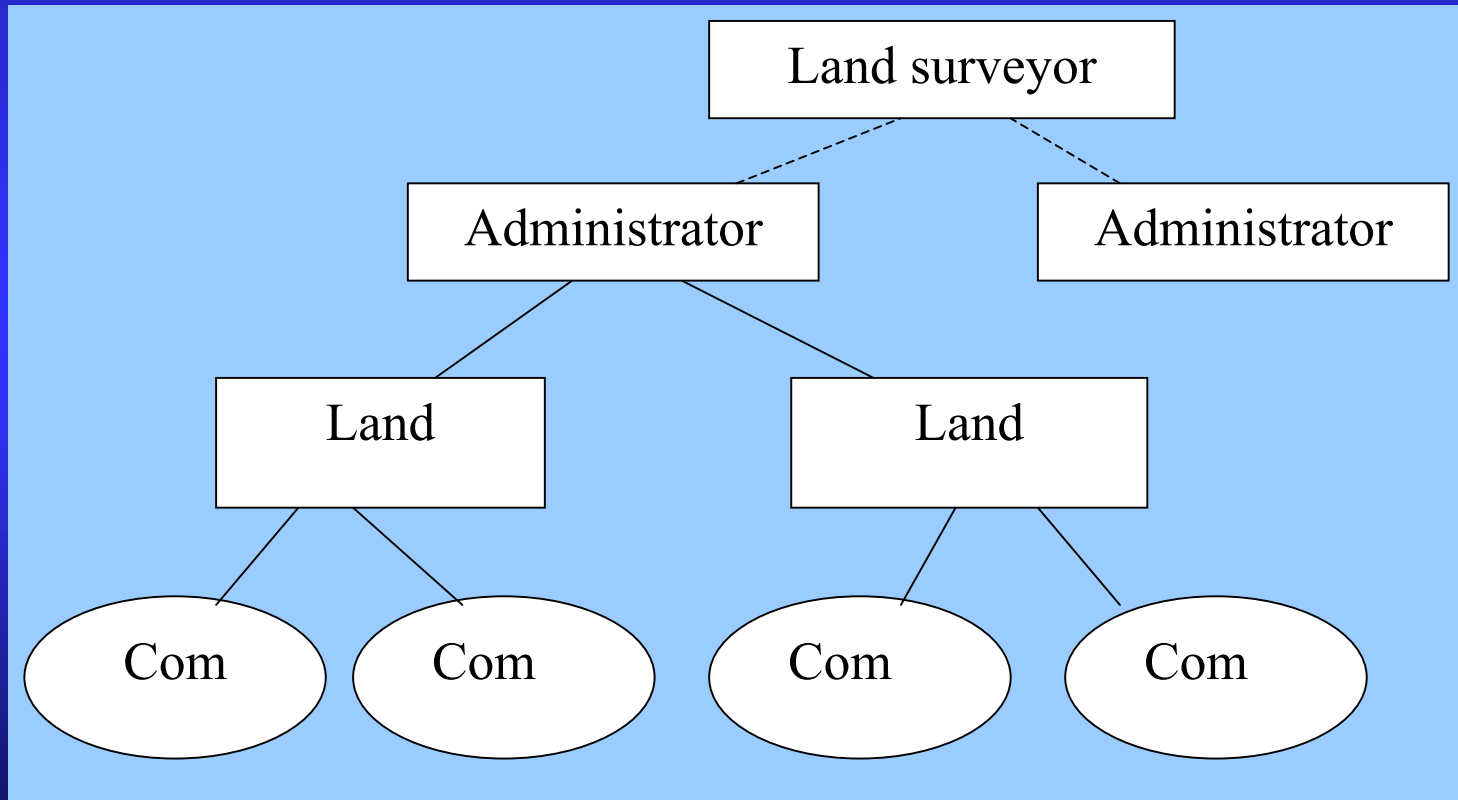
Boundaries

- Legal boundaries, community boundaries
- Using orthophotos:
 - ✓ Familiarity
 - ✓ Bridging local and expert
 - ✓ Costs
 - ✓ Accuracy
- Appropriateness of photos
- Adjudication



Boundaries

- New institutional models



Boundaries

- DLA version
- Surveyor's version
- Technical issues
- The CGP heritage
- Where are the trade-offs?

Conclusion

- Formal system
 - ✓ Monolithic
 - ✓ Exclusive
 - ✓ Market based
- Local system
 - ✓ Functional
 - ✓ Inclusive
 - ✓ Livelihood
- No bridges – poor are out, rich are in
- All depends on CLRA's configuration