

# Communal Land Administration & Managed land Settlement

Submission of comments to HLPKL

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East London



## Afesis-corplan

- Developmental NGO based in East London
- Promoting active citizenship and local governance (with emphasis on land for settlement)
- [www.afesis.org.za](http://www.afesis.org.za)
- Two Submissions:
  - Submission 1: Communal Land Administration
  - Submission 2: Managed Land Settlement



# 1. Communal Land Administration

- Issues
  - IPILRA 'protects' communal land rights but does not 'create' (or record) rights, creating land administration legal void.
  - On-going disagreement how to 'create' land rights in communal areas (transfer vs. social tenure)
- Legislative recommendations
  - Short term: Amend IPILRA & develop regulations to introduce new land records system (parallel to existing registration system)
  - Long term: Continue to consult and find negotiated long term 'solution' to land rights in communal areas

# 1. Communal Land Administration

- Land 'Registration' System: Land rights registered in the Deeds Registries and offices of the Surveyor Generals according to the
  - *Land Survey Act No.8 of 1997*
  - *Deeds Registries Act No.47 of 1937*
- Land 'Records' System: Land rights recorded in a locally administered & nationally constituted land administration system, as yet not found in national legislation. Similar to old Permission To Occupy (PTO) certificates.

## 2. Managed Land Settlement (MLS)

- Issue
  - Take more than 20 years to address housing backlog at current delivery rates
- Legislative recommendations
  - Short term: National govt. make policy statement recognising MLS as a form of incremental settlement
  - Long term: See 'housing as part of land redistribution programme → revise new human settlement policy → create new Human Settlement Act → new human settlement code (that accommodates MLS)

## 2. Managed Land Settlement

