

Post Conflict Land Regularisation in Edendale and Fit-for-Purpose Tenure Administration

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SUMMARY

The paper reports on land title adjustment (LTA), or land regularisation, in Edendale South Africa within the concept of fit-for-purpose strategy and policy. A fit-for-purpose land tenure information system (LTIS) is one that residents should use if it is to be effective. Edendale is a suburb in the Msunduzi Municipality, KwaZulu-Natal. Dating back to the mid 19th century, Edendale was one of the first places in southern Africa where indigenous Africans could hold land in registered ownership (freehold) under British colonial rule. As the urban footprint expanded, residents in the surrounding suburbs in the Greater Edendale Area could only hold land under Deeds of Grant and Permission to Occupy certificates in terms of racially based legislation that preceded the apartheid era from 1948 to 1994.

Cloudy titles emerged in much of Edendale. Heirs did not register their parents land and properties were sold off-register. In addition, violent conflict between supporters of Inkatha and the United Democratic Front during the last decade of the apartheid era compelled displaced people to settle on private land. Land grabbing by former tenants and through organised invasions has also been a major problem.

The consequence is many properties were frozen for development. The municipality introduced a programme to clean up the titles and expropriate many of these properties to formalise development. The national government implemented land title adjustment programmes to facilitate this.

Fieldwork included 42 interviews involving a total of 51 people. Interviewees included three land title adjustment commissioners, field workers, lawyers, land surveyors, officials, land professionals, politicians and homeowners. The author also observed regularisation procedures in a housing

project for three days in a housing project site office.

The LTA process involves a commissioner calling for claims on specific properties, hearing evidence, making an award and dealing with objections. In general, the commissioners indicated that the process has worked well. However, poor governance and administrative inefficiencies hampered the programme. In addition, conflicts arose within families over whose names should appear on the new titles and how to deal with the rights of those whose names were excluded.

LTA programmes are a reaction to people not using the registration system, i.e. the LTIS. They may work well, but they are expensive and inefficient. Fit-for-purpose policy and strategy might include programmes that provide tenure maintenance strategies to reduce the incidence of cloudy titles rather than attempting to rectify situations after the fact.