Restitution of Land Rights and the Geomatics Community in South Africa

Aslam Parker
Department of Rural Development and Land Reform
The Beginning

- 14000 BC - San hunter-gatherers in Southern Africa
- 500AD - Iron Using ancestors of Bantu move south of Limpopo River
- 1652 Dutch establish refreshment station in Table Bay
- 1834-36 Boer trek head north and north east
Colonial Land Grab

- 1870-90 Hut and dog taxes enacted in Cape and Natal to force Africans to accept labour on white farms
- 1894 Cecil John Rhodes introduce Glen Grey Act
- 1899-1902 Anglo Boer war
- 1902 Native Reserve Locations Act No 40
- 1910 Union of SA
- 1913 Carnegie commission
Native Land Act 27 of 1913

- The 1913 Land Act "... turned black people into wanderers, labourers and pariahs in their own land".
- It began an atrocious dispensation in the agrarian structure of South Africa, prohibited ownership and rental of land by Africans, outside of designated reserves which constituted approximately 7.13% of South Africa's total land area (see map).
- Many Africans have to sacrifice share cropping and labour tenancy rights.
Reversing the Legacy of the 1913 Natives’ Land Act
1913 Native Land Act
Map of Large Scale Removals
DEMOCRACY

- 1993 Provision of Land and Assistance Act 126
- 1994 1st Democratic elections
- 1995 Establishment of Commission on Restitution of Land Rights
- 1996 Final Constitution confirmed
- 1997 National House of Traditional leaders
- 1997 Extension of Security of Tenure Act
Land Restitution

• SA Constitution, provides for restitution of property, or equitable redress to a person or community dispossessed of property after 19 June 1913 as a result of past racially discriminatory laws or practices.

• 2013 was centenary of Native Land Act of 1913.
Restoration of Dignity
Restitution of Land Rights Act

• “right in land” means any right in land whether registered or unregistered, and may include the interest of a labour tenant and sharecropper, a customary law interest, the interest of a beneficiary under a trust arrangement and beneficial occupation for a continuous period of not less than 10 years prior to the dispossession in question.
Restitution: Description of Land

• In terms of Section 10 (1) of the Act, which guides the lodgement of claims, "Any person who or the representative of any community which is entitled to claim restitution of a right in land, may lodge such claim, which shall include a description of the land in question, ...."
Re-opening of Land Claims

• Previous period for lodgement 1994-1998,
• Special provision will be made for San and Khoi < 1913
• The description of the property, e.g. farm name and number or Erf or stand number in an urban area. ...........

• History of land dispossession.
TENBOSCH (near Barberton) 1939

Thriving farming by local community

Crocodile River

Subsistence agriculture

Traditional African dwellings
TENBOSCH 1963

Local community evicted and commercial farming
Cost of Land Restitution

• Costing of Land Restitution 1994-2014, ± R 26 500 000 000.
• Little if any investment in geo-spatial tools to correctly describe, manage and report on location of land claims....despite available tools and data....
• Current system uses surname as unique identifier.
Description of Land

• Accurate description of land is only possible if there is an accurate description of the location of the land.
• Challenging - various categories of rights in land, especially unregistered rights, such as sharecropping and customary law interest for both claimants and Departmental officials
Description of Land

• Even in cases where claimants who had registered rights with associated diagrams, numerous apartheid laws and physical developments have changed the cadastral landscape so significantly that the current cadastral layout often has little or no resemblance to what was claimed.
Description of Land
Claimed land coinciding wholly with current surveyed cadastral properties
Description of land

• Political (Prov, District/metro and local boundaries are not static.

• SG, City of Cape Town, Demarcation Board, Stattsa all have different spatial definitions of suburbs.
Description of land

- Claimed land located in a portion of current cadastral properties
- Customary tenure, communual tenure
Claimed land traversing current and historical cadastral properties
Claimed land in areas of unsurveyed land/State Land
Geomatics Tools (GPS)

- GPS enabled devices and smartphones
- Use of historical topographic maps
- Use of a geospatially enabled land claims lodgment system.
Geomcatics Tools (GIS)

- Even initial coordinate is great
- Current property
- District, Local/Suburb Munic
- Historical properties
- Affected properties
- Identify duplicate claims
- Allocate resources
- Ensure that Restitution is done in coordination with Land Reform, rural development and other develop programs.
Involvement of Geomatics Professional in the Land Restitution Process

• **Despite** Geomatics professionals forming a substantial proportion of the staff of the then DLA (DRDLR), their lack of involvement, for whatever reason cost the Department dearly in lost time, efficiency and direct cost in dealing with land claims in the previous claim process.

• By utilising some or all of the tools suggested above, I believe it will greatly speed up and add value to the restitution processes, restoring dignity and stability.
Thank You