IMPLICATIONS OF SPATIAL PLANNING AND LAND USE MANAGEMENT ACT (16 OF 2013) (SPLUMA) ON LAND ALLOCATION IN AREAS UNDER TRADITIONAL AUTHORITIES

by

Meshack Ntshuxeko Maluleke

The research report is hereby submitted to the School of Architecture and Planning, Faculty of Engineering and Built Environment, at the University of the Witwatersrand, Johannesburg, in the fulfillment of the requirements for the degree of Master of Science in Development Planning.

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ABSTRACT:

The main aim of the study is to investigate the significance of the Spatial Planning and Land Use Management Act (16 OF 2013) (SPLUMA) and its possible implications on land allocation in areas under traditional authority. In order to achieve this, the Act was reviewed as a data collection mechanism. This was done in order to gain an in-depth understanding of the act and its objectives before attempting to formulate the implications of this Act on land allocation in areas under traditional authority. This study explored how this new planning legislation (i.e. SPLUMA) will affect the roles and functions of traditional leaders in rural development and overall service provision, focusing mainly on land allocation.

The research study discovered that SPLUMA was a significant Spatial and Land Use Management legislation in South Africa which is central in addressing issues of land rights and rural development. The findings were that there has been tension between traditional leaders and elected local government officials as they found contesting for power and authority in rural areas. This was because of the ambiguity and vagueness of the Constitution and the Traditional Leadership and Governance Act on issues of power and functions of the two institutions especially on matters of land allocation and administration. Another finding was regarding the socio-economic implication which showed that SPLUMA was a planning law which has potential to redress the socio-economic imbalances left by the colonial and apartheid regimes, but it requires the collaboration of traditional leaders as custodians of tribal land and customary law. Conclusions and key recommendations were that local government officials and traditional leaders need to cooperate on issues of land allocation and administration. However, clarification of roles and functions in SPLUMA regulations should be done to avoid tension and frustrations. Furthermore, there is also a need for national land allocation guidelines which traditional leaders should consider when allocating land. Lastly, capacitation of traditional leaders on spatial planning, land management and rural governance was indispensable in promoting land rights and rural development in areas under their jurisdiction.
DEDICATION:

To my late mother, Ms Jocobeth Magagula, my greatest inspiration to succeed in life. I wish you were here to see me graduate, again! However, I am consoled to believe that your spirit is always in my presence.
DECLARATION:

I Meshack Ntshuxeko Maluleke, declare that this research report is my own original and unaided work. I state that I have provided full acknowledgement to the sources I have used in this study. I am responsible for any piece of text, conclusions and recommendations of this study. This research report has not been submitted previously for any degree or examination at any other university. The research report is hereby submitted to the School of Architecture and Planning, Faculty of Engineering and Built Environment, at the University of the Witwatersrand, Johannesburg, in the fulfillment of the requirements for the degree of Master of Science in Development Planning.

............................................................
Meshack Ntshuxeko Maluleke

.......... day of............................2017
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Lastly, the late Nelson Mandela who inspired me by saying "the greatest weapon against poverty is education".
TABLE OF CONTENTS

CHAPTER 1: INTRODUCTION AND BACKGROUND ................................................................. 1
  1.1 Introduction ........................................................................................................... 1
  1.2 SPLUMA and Traditional Authority ................................................................. 2
  1.3 Research Justification ....................................................................................... 5
  1.4 Purpose of the study ........................................................................................... 5
  1.5 Key Objectives of the study .............................................................................. 6
  1.6 Research Questions ............................................................................................ 6
  1.7 Research Methodology and Approach .............................................................. 7
  1.8 Structure of the report ....................................................................................... 10

CHAPTER 2: LITERATURE REVIEW ................................................................................. 11
  2.1 Significance of Literature Review ................................................................. 12
  2.2 Spatial Planning – The International Context .............................................. 13
  2.3 Case Study: Botswana and Ghana: land allocation and administration .......... 14
    2.3.1 THE CASE OF BOTSWANA: LAND ADMINISTRATION .............. 15
        i) Overview ........................................................................................................ 16
        ii) Botswana’s Tribal Land Act, 1968 ................................................................. 16
        iii) Tribal Land Tenure ................................................................................... 18
        iv) Land Dispute Resolutions: Land Tribunals .............................................. 19

v)
2.3.2. CASE OF GHANA: LAND ALLOCATION AND ADMINISTRATION

i) Historical Overview

ii) Ghana Land Tenure System: Land acquisition and ownership

iii) Current Types of tenure system at Ghana

iv) Analysis of Ghana’s land tenure

v) Land allocation: Roles and Powers of Chiefs in Ghana

vi) Government Administration of Customary Lands

vii) Land Disputes Dispute Resolutions

2.4. Roots of South African Urban Planning Legislation

2.4.1. Planning policies under apartheid

2.4.2. Spatial Planning post-1994

2.4.3. Implications of Spatial Planning on a National and Provincial Level

2.4.4. Local Government and Integrated Development Plans (IDP)

2.4.5. The value and significance of Planners and Spatial Planning in South Africa

2.5. SPATIAL PLANNING AND LAND USE MANAGEMENT ACT (16 OF 2013) (SPLUMA)

2.5.1. SPLUMA: Historical Background

2.5.2. The challenges of the 1990

2.5.3. A decade of indecisiveness (2000-2010)

2.5.4. Constitutional Powers and Functions
2.5.5. SPLUMA and Property Rights Protection.................................................................49
2.5.6. The development of SPLUMA............................................................................50
2.5.7. The Courts step in 2010-2014..........................................................................51
2.5.8. Current Constitutional Questions......................................................................52

2.6. SPLUMA AS FRAMEWORK LEGISLATION..........................................................53

2.6.1. Introduction...........................................................................................................53
2.6.2 Decision-making on land use development application in SPLUMA......................55

2.7 Traditional Authority Leadership and Land Reform in South Africa.............61

2.7.1 Introduction..........................................................................................................61
2.7.2 Traditional Leadership in Historical Perspective in South Africa.........................63
2.7.3 Current Statutory Powers and Functions of Traditional Leaders..........................65
2.7.4 The Constitution of South Africa, 1996.................................................................65
2.7.5 Communal Land Rights Act 11 of 2004.................................................................66
2.7.6 The Role of Traditional Leaders in Land use Planning and Development under traditional authority.................................................................67
2.7.7 Functions Municipal Officials in the 1996 Constitution.......................................69

2.8 Land Management Legislation in South Africa.................................................70

2.8.1 Introduction..........................................................................................................70
CHAPTER 4: DATA FINDINGS

4.1 Introduction
4.2 Significance of SPLUMA and its Regulations
4.3 Legitimacy and authority
4.4 Consultation versus participation
4.5 Powers and authority: What do SPLUMA regulations say?
4.6 Legitimacy of the Traditional Council
4.7 Customary Law and land Management
4.8 Traditional leadership, Powers and Accountability

CHAPTER 5: ANALYSIS AND CONCLUSION

5.1 Introduction
5.2 Economic implication: Tribal Levies and Customary Law
5.3 SPLUMA undermines Customary Land Rights
5.4 Accountability and Transparency
5.5 The role of traditional authorities in land administration
5.6 Conclusions and Future Considerations ................................................. 120

5.6.1 Conclusions...................................................................................... 120

a) Central argument: Customary Law versus Statutory Law.................. 120
b) Property Rights Protection Versus land Reform and Restitution .......... 121
c) Inadequate consultation with Traditional leaders............................ 121
d) Ambiguity on Power and Authority..................................................... 122
e) The role of Land allocation................................................................. 123
f) Land Dispute Resolution (Customary Land Tribunal)....................... 124
g) On land invasion.................................................................................. 124
h) On issues of resource implications .................................................... 125
i) Challenges associated with land allocation processes..................... 125

5.6.2 Future Considerations...................................................................... 126-129

REFERENCE LIST...................................................................................... 132-136
# LIST OF ABBREVIATIONS

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Full Form</th>
</tr>
</thead>
<tbody>
<tr>
<td>CONTRALESA</td>
<td>Congress of Traditional Leadership of South Africa</td>
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<tr>
<td>CLaRA</td>
<td>Communal Land Rights Act</td>
</tr>
<tr>
<td>DFA</td>
<td>Development Facilitation Act</td>
</tr>
<tr>
<td>DRDLR</td>
<td>Rural Development and Land Reform</td>
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<tr>
<td>HTL</td>
<td>House of Traditional Leaders</td>
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<tr>
<td>IDP</td>
<td>Integrated Development Plan</td>
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<tr>
<td>IPILRA</td>
<td>INTERIM Protection of Land Rights Act</td>
</tr>
<tr>
<td>MPT</td>
<td>Joint Planning Tribunals</td>
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<tr>
<td>MSA</td>
<td>Municipal System Act</td>
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<td>NDP</td>
<td>National Development Plan</td>
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<td>NSDP</td>
<td>National Spatial Development Perspective</td>
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<td>ODPM</td>
<td>Office of Deputy Planning Minister</td>
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<tr>
<td>RDP</td>
<td>Reconstruction and Development Programme</td>
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<td>SPLUMA</td>
<td>Spatial Planning and Land Use Management Act</td>
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<td>TA</td>
<td>Traditional authority</td>
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