

Initial Testing of the New Continuum of Land Rights Model in a Rural South African Case Study Area - Giyani

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SUMMARY

This paper tests a new conceptual model proposed for the land rights continuum in Whittal (2014). Fieldwork was conducted in Giyani in South Africa in 2013/14 in order to understand the land rights situation. The method of primary data collection, coding and processing was reported and critiqued in Whittal and Rikhotso (2014). Accessing valid data was aided by a deep understanding of the community and its relationship to land, trust in the researcher, and the researcher's ability to communicate effectively with the community. Internal validity was noted as a problem in that study and this was addressed with further fieldwork and verification. The status of the Permission to Occupy was not investigated in that study and is reported here. This paper extends that analysis of the Giyani data to modelling of the land tenure situation using the new conceptual model as per Whittal (2014). It uses the land rights and tenure lexicon proposed in Whittal (2014) including objects, subjects, rights types and values. This is deemed essential in furthering research (Royston, 2005). The new land rights continuum model accommodates the land rights types and land values in the horizontal dimension of the model while the land tenure indicators of legitimacy, legality and complexity form the triple vertical axes. This initial testing of the model reveals that the correlation between land rights types and land value complexity remains unchallenged. The decoupling of land rights and land tenure allows the vertical axis to reflect land tenure using various indicators. As such, the land tenure situation in Giyani was successfully represented using the three vertical axis indicators of legitimacy, legality and certainty. It is possible to model the complexity of the land rights situation as well as the spread of tenure. The ability of the model to reflect the flexibility in land rights types proposed by the current land reform policy is demonstrated. However, mobility of individuals is not tested as Giyani residents do not generally move locations – land tenure upgrading applies to land the residents occupied and continue to occupy.

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