

**THE IMPLICATIONS OF LACK OF LAND TENURE ON THE PRINCIPLE  
OF SPATIAL JUSTICE: A CASE OF KGAPANE TOWNSHIP WARD 3,  
LIMPOPO PROVINCE, SOUTH AFRICA**

**MASTER OF DEVELOPMENT**

**K RACHEKHU**

**2024**

**THE IMPLICATIONS OF LACK OF LAND TENURE ON THE PRINCIPLE OF SPATIAL  
JUSTICE: A CASE OF KGAPANE TOWNSHIP WARD 3, LIMPOPO PROVINCE,  
SOUTH AFRICA**

**by**

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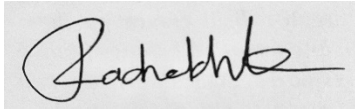
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**Co-Supervisor: Dr KA Mashamaite**

**2024**

## DECLARATION

I, Kamogelo Rachekhu, declare that the dissertation titled “**The Implications of Lack of Land Tenure on the Principle of Spatial Justice: A case of Kgapane Township, Ward 3, Limpopo Province**” hereby submitted to the University of Limpopo, for the degree of Master of Development in Planning and Management has not previously been submitted by me for a degree at the University of Limpopo or any other university. That is my work in plan and accomplishment, and that all the sources contained therein have been thoroughly acknowledged.



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Signature

07/08/2024

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Date

## ACKNOWLEDGEMENTS

I ought to profoundly thank the following people who have made an enormous effort towards ensuring that this research project is carried out successfully:

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## DEDICATION

Firstly, I dedicate this Master of Development degree to myself. Completing this study has been the most challenging journey I had to take in my entire academic journey. I have learnt a lot about myself, discovered my strengths and capabilities and have grown immensely throughout this journey. It was a very long fight, but I came out strong with the spirit of a lion in me. *#Mmirwa wa Mahlo a Matala*.

Lastly, the study is dedicated to all the residents of Kgapane Township Ward 3, Mahlala ka Nkgang Group, the Kgapane Clinic Sales Crisis, those that constantly suffered from spatial injustice by being forcefully removed from their homes, struggling to get access to land registration (title deeds), struggling to get low-cost houses and being denied the opportunity to be landowners.

## **ABSTRACT**

The purpose of this study was to investigate the implications of the lack of land tenure on the principle of spatial justice at Kgapane Township, Ward 3 in Limpopo Province. South Africa's history records majority of white South Africans having an opportunity to live within the city centres whereas townships became home to Black, Indian, and colored populations as a result of discriminatory land use planning practices during the colonial period. The geographical pattern of land usage in South African cities today shows that many Black and Colored people still do not have land tenure to the land they now inhabit. The lack of land tenure has exacerbated a number of issues in urban areas, including land-grabbing, informal settlements, urban sprawl, disputes over land, and a rise in land sales.

The study adopted a mixed research method (quantitative and qualitative) to describe and articulate the extent at which land tenure scarcity impairs the progression of the principle of spatial justice. The researcher used a questionnaire, interviews and observation methods to collect primary data. The researcher used a questionnaire to solicit data from 108 individuals, who were selected using simple random sampling and purposive sampling. In addition, qualitative data were collected through one-on-one interviews, observation and literature review. Interviews were conducted with three stakeholders, namely; a municipal official, a community representative and a traditional leader. Theory of right to the city and land rights were adopted as epistemological approaches to inform the study.

Findings of the study indicate that population growth, inadequate spatial planning, corruption and power battles resulted in squatter camps and informal settlements, which make it more difficult for spatial planners to bring new spatial developments. The principle of spatial justice, which is brought forward by the SPLUMA Act 12 of 2013 was designed to foster efficient and effective land administration and management. Through the principle of spatial justice, township people can attain their land rights by having access

to registered land parcels and title deeds. The study comes to the conclusion that there is still more work to be done by the South African government to address the spatial inefficiencies caused by apartheid spatial planning that are ingrained in the topography of the nation.

**Keywords:** *Land tenure, Lack of land tenure, spatial justice, land administration, spatial planning*

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## LIST OF ACRONYMS

AFD	:	Agence Française de Développement
CBO	:	Community–Based Organization
DFA	:	Development Facilitation Act
ESTA	:	Extension of Security of Tenure Act.
EU	:	European Union
FAO	:	Food and Agriculture Organization
GLM	:	Greater Letaba Municipality
HRSC	:	Human Science Research Council
IDP	:	Integrated Development Plan
IFAD	:	International Fund for Agricultural Development
LGBTQ+	:	Lesbian, Gay, Bisexual, Transgender, Intersex, Queer/Questioning, Asexual and other Terms (Such As Non-Binary and Pansexual)
LGMSA	:	Local Government: Municipal Structures Act
NDP	:	National Development Plan
NPC	:	National Planning Commission
NSW	:	New South Whales
OHCHR	:	Office of the United Nations High Commissioner for Human Rights
PTO	:	Permission to Occupy
PTY Ltd	:	Proprietary and Limited
SALGA	:	South African Local Government Association
SDF	:	Spatial Development Framework
SHRC	:	South African Human Rights Commission
SPLUMA	:	Spatial Planning and Land Use Management Act
SPSS	:	Statistical Package for the Social Sciences
STATS SA	:	Statistics South Africa
UN	:	United Nations
UNESCO	:	United Nations Educational, Scientific and Cultural Organization
UNHRC	:	United Nations Human Rights Council
USAID	:	United States Agency for International Development

WSF : World Science Forum

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# **CHAPTER ONE: INTRODUCTION AND BACKGROUND OF THE STUDY**

## **1.1. INTRODUCTION AND BACKGROUND**

Land is constantly under strain for a variety of causes, including significant commercial interests, changing climate conditions and altering demographic patterns such as mass migration and increased population density (Kouba, Seigneret, Beauchamp & Schwartz, 2020). According to Isandla Institute (2016), land pressures necessitate the provision of land tenure in societies to forge a relationship between people and the land by giving them the right to occupy certain spaces as well as shield them against unlawful evictions, in order to achieve spatial justice. Soja (2008:3) understands spatial justice as “the fair and equitable distribution in space of socially valued resources and the opportunities to utilise them”. Due to the multiple roles performed by spatial justice, the ideal of equal space distribution and land tenure security in metropolitan regions is curtailed by constrained spatial resources. Consequently, one space in an urban area is often considered for the provision of physical space for settlements, industry, recreation, storage of minerals and resources, habitat for biotic and abiotic components. As a result, lack of land tenure, land use conflicts and a lack of efficient local administration are common in most parts of the world (Kouba, Seigneret, Beauchamp & Schwartz, 2020).

The present urban development strategy pursued by the United Nations emphasises the importance of attaining spatial fairness in all elements of urban development as a way of eliminating all manifestations and remnants of spatial inequalities such as lack of land tenure (United Nations Educational Scientific and Cultural Organization, 2009; United Nations Secretariat, 2016). The accessibility of land tenure for the purpose of spatial justice models a cooperative relationship between people and space through the allocation and distribution of adequate geographical resources. The relationship fostered between people and spaces should enable multiple economic and different human activities that pique the interest of spatial planning filtering (Schoeman, 2015). The provision of legal documents stipulating the ownership of spatial resources such as title

deeds through the process of land tenure are consequently used to facilitate the relation between people and space worldwide (Hull, Babalola & Whittal, 2019).

In South Africa, land use systems are carried out through the Spatial Land Use Management Act 16 of 2013 (SPLUMA). The Act brings forward a set of five developmental principles, among which spatial justice is embedded. The principle of spatial justice used to drive a few of the SPLUMA framework functions, which is: to address the past spatial and regulatory imbalances and to ensure equity in land use and land use management. Redressing marginalisation and increasing the inclusion of the poorest populations experiencing income poverty in spatial development processes are prioritised (Nel, 2016; Picard, Buss, Seybolt & Lelei, 2015). The spatial justice discourse, according to Dikec (2018), strives to avoid resource depletion and insecure tenure through rectification of past spatial inequalities. The rectification process grants disadvantaged and previously excluded individuals certainty of access to land tenure, the right to occupy their spaces as well as government protection against unlawful coercive evictions (Isandla Institute, 2016). However, land use and management systems continuously entrench inequalities along the lines of race and class in most communities where a majority of the black populace is still unable to access land in certain localities (Centre for Human Rights, 2021). A majority of the black population is still located at the peripheral areas characterised by unsuitable and informal land rights, services and housing condition (Van Wyk, 2015).

To this day, colonial spatial planning practices that reflect social power imbalances and inefaceable spatial inequities continue to have an impact on South African populations spanning from rural to metropolitan locations (Strauss, 2019). The magnitude of the impacts of the spatial inequalities are noticeable through the prevalence of urban settlements without land tenure, which are usually referred to as informal or squatter settlements (Isandla Institute, 2016). As a result, the colonial spatial planning mechanisms contributed to the existing spatial injustice and exclusion between urban areas and rural areas (Adegeye & Coetzee, 2018). Furthermore, there are existing

situations in settlements where certain individuals hold title deeds to their properties and others suffer from the absence of such. On the one hand, the existence of spatial injustice with reference to the lack of land tenure depicts the local government's inability to deal with historical exclusion, urbanisation, demographic shifts, and economic realities (Isandla Institute, 2016). Accessibility and various usage of land ranging from economic and social uses remains limited to a significant percentage of the population, leading to an increase in land rivalry for various uses in metropolitan areas (Dadashpoor & Nateghi, 2017). Furthermore, the persistence of the lack of land tenure in the society poses unique difficulties and opportunities for the advancement of municipal planning, management of land-use and service delivery as well as the provision of infrastructure. The aim of the study was to investigate the implications of the lack of land tenure on the principle of spatial justice in Kgapane Township, Ward 3 in Limpopo Province, South Africa.

## **1.2. STATEMENT OF THE RESEARCH PROBLEM**

In the midst of spatial justice, which is rooted in the vision to address the past discrimination and ensuring inclusivity on land administration, the lack of land tenure still exists in the majority of the world's cities in Latin America, Asia and the South Pacific (Alcon, 2014). It is also stated that almost 90% of land in Africa lacks adequate land registration (Alcorn, 2014). Ekesa, Ariong, Kennedy, Baganizi and Dolan (2020:2) state that "there are existing situations of land tenure scarcity contribute to social instability and conflict in Acholi and Teso, sub-regional cities of Uganda". Land tenure instability resulted from the disregard of the land rights of the land users in the context of urban reorganisation and development (UN-Habitat, 2017). Under various land tenure regimes, the inequalities that cause land tenure insecurity affect previously marginalised groups of the urbanites. Consequently, a high volume of people around the world is being pushed out of the city and being denied access to their real estate through fraudulent remunerations or coerced sales, resulting in the concentration of land resources in the hands of the wealthy (Harvey, 2008; Uwayezu & De Vries, 2018). The fundamental right of urban residents to enter, occupy and utilise spatial assets of the urban environment in

order to pursue their livelihoods and actually participate in the construction of the urban space is eroding (Uwayezu & De Vries, 2018).

In light of SPLUMA as the main tool that provides the principle of spatial justice in South Africa, most municipalities are unable to put the tool into practice (De Visser & Poswa, 2018). The lack of land tenure stability exacerbates the failure to establish spatial fairness, thus bringing about scrimmage in the attainment of the principle of spatial justice. Consequently, the incapacity to achieve spatial justice as a result of deficiencies in land tenure in the case of Greater Letaba Municipality has led to spatial failures (Greater Letaba Municipality (GLM): Integrated Development Plan (IDP), 2020/2021). The spatial failures can be linked to the continuing pressures of urban expansion competing with agricultural enterprises, new residential settlements and with recreational demands to cater for the growing population due to urbanisation and high birth rate (GLM: IDP, 2020/2021). Therefore, most development initiatives requiring space almost become impossible to foster as a result of squabbles between the community members, the state and elites over land. GLM is exposed to the failure of achieving spatial justice due to the lack of land tenure security.

Land tenure insecurity is becoming inevitable in Kgapane Township due to infiltrating issues such as capitalism, spatial distortions of apartheid, land reforms, forceful removals and illegal land occupations (GLM: IDP, 2020/2021). Deficiencies in land rights result in strife, instability, tribal conflicts and prejudice, but the land tenure system makes room for securing land right and ownership (Chaman Law Firm, 2020). The poorest people suffer the most as a result of spatial inequity, which forces them to leave their homes. As a result, any effort to eliminate land tenure insecurity can aid in the promotion of spatial fairness, which is a major foe of a just urban development (Uwayezu & De Vries, 2018). Access to and usage of other urban resources is dependent on the security of tenure. The aim of the study was to investigate the implications of the lack of land tenure on the principle of spatial justice in Kgapane Township, Ward 3, in the Limpopo Province, South Africa.

### **1.3. RESEARCH QUESTIONS**

The general research question of the study was as follows: to what extent does lack of land tenure have implications on the principle of spatial justice? Specific research questions generated from the general research question were as follows:

- ❑ What are the types and characteristics of land tenure?
- ❑ What is the nature of the lack of land tenure?
- ❑ What is the nature of the principle of spatial justice?
- ❑ What are the implications of the lack of land tenure on the principle of spatial justice?

### **1.4. RESEARCH AIM AND OBJECTIVES**

#### **1.4.1. Research aim of the study**

The aim of the study was to investigate the implications of the lack of land tenure on the principle of spatial justice.

#### **1.4.2. Research objectives of the study**

The research objectives generated from the aim of the proposed study were as follows:

- ❑ To explore the types and characteristics of land tenure;
- ❑ To uncover the nature of the lack of land tenure;
- ❑ To determine the nature of the principle of spatial justice;
- ❑ To assess the implications of the lack of land tenure on the principle of spatial justice.

- ☐ To recommend strategies to address the lack of land tenure on the principle of spatial justice.

## **1.5. DEFINITION OF KEY CONCEPTS**

### **Land Tenure**

The manner in which land is held or owned by people or organisations, or the set of legally or traditionally recognised relationships among people with reference to land, is fundamental to sustainable natural resource management (Ashley, 2016; UN-Habitat, 2008). According to the Isandla Institute (2016), land tenure refers to individuals' and organisations' guaranteed rights to inhabit space and be successfully protected by the state against unlawful evictions. For the purposes of this study, land tenure refers to a system of housing and land links established by statutory legislation or customary, informal, or hybrid arrangements to give individuals with legal rights to occupy them with lower chances of eviction.

### **Lack of Land Tenure**

Lack of land tenure is about the inability to recognise and protect one's legitimate tenure rights by others as well as the unavailability of practices for securing tenure, registration of rights and operations of land administration (Valkanon, 2021). Ege (2016) defines lack of land tenure as the risk of being evicted from a parcel of land. According to the study, lack of land tenure refers to deficiencies in land rights, registration and administration that are coupled with the inability to attain title deeds.

### **Spatial Justice**

According to Uwayezu and De Vries (2018), spatial justice is the fair and equal allocation and distribution of the physical space and its resources across and within geographical areas ranging from individual households, regions, cities, townships and villages to the

entire globe. According to the SPLUMA No.16 of 2013, spatial justice refers to the redress of past spatial imbalances of the disadvantaged and previously excluded people through improved access to land and land secure tenure, which will give them the right to occupy their spaces and government protection against unlawful forceful evictions. Spatial justice in this study refers to the allocation and distribution of land among the population in an equitable manner, ensuring that the socio-economic rights of all people are equally fulfilled.

## **1.6. THEORETICAL FRAMEWORK**

Theoretical approaches and theories to development, which are categorised in spatial justice, were discussed in this chapter. Considering the topic of the study, Right to the City Theory and Land Rights Theory were adopted to serve as the foundation to understanding and comprehending the study. The essence of Right to the City and Land Rights theories is to ensure that all citizens benefit from access to property accompanied by secure land rights, in that every land occupier or owner will have a recorded title deed. Therefore, this study deemed it necessary to adopt the theories with a particular focus on lack of land tenure and spatial justice to serve as the theoretical framework of the research. Hence, this chapter extensively discussed the framework to provide a coherent understanding.

### **1.6.1. Right to the City Theory**

The Right to the City Theory was initially established and introduced by French sociologist Henri Lefebvre in a form of a conception in his 1968 book titled *Droit à la Ville* (Seixas, 2021). When Lefebvre first formulated the concept, he focused especially on the effects capitalism had on cities, how urban life was reduced to a commodity, how social connections were gradually disrupted, and how urban space and governance were turned into commodities that were only available to a select few (Capitan, 2016). Right to the City as a theory followed in the functionalist urbanism tradition, which saw the demise of



the industrial metropolis and the division of the remaining areas into suburbs and outlying areas (Costes, 2014). Originating from the discipline of urban planning, the theory signalled the advent of a brand-new reality: the urban reality. Lefebvre (1996) envisioned the emergence of a new civilisation that would be totally in charge and eliminate the division between the people and the elite, or the dual or triple society, enabling the full realization of citizens' civic and urban rights and allowing for citizens' civility and urbanity to be fully realised.

Socioeconomic segregation and the estrangement causes infiltrated the formation of Right to the City theory. The development of the theory assumed that democracy in land-use and management decision-making could potentially lead to the provision of urban demands, which included the right to affordable housing, access to public space, participation in urban governance and protection against displacement and gentrification (Strauss, 2017; Turok & Scheba, 2018). In the end, Lefebvre advocated for the theory's evolution to make an effort to confront the spatial inequality brought about by the commercialization of urban areas and capitalist control over them (Harvey, 2008). Furthermore, Lefebvre highlights the “tragedy of the banlieusards,” or those confined to outlying residential ghettos. It was a demand made by those looking to develop their own creative potential in an urban setting as well as a scream from city dwellers who are denied basic human rights (Marcuse, 2009).

The World Summit of Local and Regional Leaders (2018) proffers that Lefebvre formed right to the city theory to respond to urban land-use planning challenges revolving around the financialisation of cities, gentrification and housing crisis, territorial and social inequities, democratic backsliding and human rights curtailment and migration crisis. Past the idea and formulation of Right to the City Theory, there was increased recognition. Lefebvre's concept gained traction in the 1990s in the disciplines of geography and urban planning, where it was used as a catchphrase for several social movements (Isensee, 2013). One solid example of how the concept of the right to the city has achieved worldwide acceptance in recent years is the United Nations Habitat III procedures, and

the New Urban Agenda (2016), which recognized the idea as the goal of "cities for all" (Ada, 2016). Costes (2014) concurs that from 1999, the civic society has gradually increased the right to the city with the help of Anglo-Saxon urban studies academics, particularly the work of geographers who were profoundly influenced by Henri Lefebvre's theories.

During the development and recognition stages of Right to the City, the World Social Forum (WSF) was established by civil society organisations and social movements from newly industrialised nations. Costes (2014) postulates that the overall aim of establishing the WSF was to foster greater global solidarity, develop an economy with humane economic objectives and enhancing urban living conditions, which are in fact marked by a general decline and more glaring inequalities than ever. Contrarily, it is more common for only a small group of the wealthy to have access to the conditions for wellbeing that the city is supposed to deliver while excluding the poor. To ensure that all individuals live in a dignified manner in our cities, the first draft of a global charter for the right to the city came into being known (Costes, 2014). The charter took the form of a number of promises or demands that were largely moral in nature: "protection," "respect" and "protection of civil and human rights" (Word Summit of Local and Regional Leaders, 2018).

#### 1.6.1.1. The Rationale of Right to the City Theory

Globally, systemic spatial violence is pervasive in cities, and urban forms disproportionately benefit resource-rich and powerful minorities at the expense of the dominant majority (Urban Synergies Group, 2016). As a result, social polarisation and environmental deterioration took dominance, which called the emergence of right to the city. During the initiation of the theory, Lefebvre (1996) was demanding to make the urban environment a location of reappropriation rather than a space of isolation from society and the social. The strengthening of political and institutional frameworks is a key component of the right to the city, which is first and mainly understood as a set of rights within the city (Costes, 2014). According to Costas (2014), the WSF went on to conceptualize Right to the City as a more peaceful city where spatial inequalities could

be challenged and where everyone could choose to live in better circumstances that respect their human rights and the environment.

According to Seixas (2021), conceptualising the rationale behind the initiation of right to the city is understood based on a collective right for changing the city, shaping the process of urbanisation and fighting for social justice. Seixas (2021) argues that the core of the theory's reasoning is the significance of a critical analysis of the inhabitants everyday experiences and informal practices of appropriation in urban settings, including modern activities connected to digital interactions and play. These struggles are characterized by their creative, unpredictable, and open-ended nature.

In addition to addressing a specific aspect of urban issues that traditional human rights standards do not address, such as spatial exclusion, its origins, and its effects, right to the city envisions the successful realization of all internationally established human rights and Sustainable Development Goals (United Nations, 2006; World Summit of Local and Regional Leaders, 2018). Right to the city offers encouragement to cities that want to promote quality of life and care for everyone's health and wellbeing (Urban Synergies Group, 2016). The World Summit of Local and Regional Leaders (2018) concurs and adds that right to the city theory offers a geographical perspective that can improve the relevance and coherence of policy. According to Allison and Annali (2009), the United Nations-Habitat (2006), the World Summit of Local and Regional Leaders (2018), equitable public spaces, sustainable and inclusive rural-urban linkages, inclusive economies, inclusive citizenship, increased political participation, non-discrimination, gender equality, and cultural diversity are characteristics of the right to the city.

#### 1.6.1.2. Grounding the spatial justice on Right to the City Theory

According to Kothari and Chaudhry (2009), Kitchin (2015) and Willis (2019), the promotion of more effective urban land-use management can be equated with the right to the city. As a result, the concept of the right to the city becomes more important within the context of current urban land-use conflicts and political struggles (Gilbert & Dikeç,

2008), as well as within the demands of citizens for involvement in decision-making processes (Mitchell, 2014). The significance of Right to the City Theory in the spatial justice discourse includes recovering control over land-use planning and management, urban and digital technology as well as taking part in urban land-use planning procedures (Seixas, 2021). The study was grounded on the Right to the City Theory because it enables individuals to assert particular rights, such as the right to housing, the right to land resources and the right to urban nature, under the right to the city paradigm. The reason for the adoption of the right to the city approach towards the attainment of spatial justice was simply because the theory puts the provision of the resources required to fulfil fundamental demands at the forefront in a democratic and equitable manner.

The study suggests that all citizens of a locality benefit from access to land as a resource accompanied by secure land rights to a point where every land occupier or owner will have a recorded title deed and will not be subjected to coercive evictions. The latter is vehemently to deal with South Africa's resistance to winning the battle of spatial justice in the face of current capitalism's disparities and injustices. In particular, the theory allows for the denunciation of neoliberal policies' socio-spatial effects, such as forcible removal from one's home, gentrification, the cutting off of urban services for underprivileged households owing to non-payment, suppression and discrimination against urban activities and the utilisation of physical surfaces that runs counter to the capitalist endeavour of income generation (Mitchell, 2003; Morange, 2019).

### **1.6.2. THE LAND RIGHTS THEORY**

Sanford Grossman, Oliver Hart and John Hardman Moore developed the Land Rights Theory, which is also referred to as property theory with the intention of shedding light on land titling and registration in the land administration discipline (Groenendijk, Bennett, Molen & Zevenbergen, 2013). According to Adegeye (2018), post the initiation of Land Rights Theory, land rights have undoubtedly changed with the years. At a certain point, primitive rights first appeared and they were subsequently followed by changes that

resulted in the comprehensive property systems of the modern era (Kriel, 2009). The awareness of the internal constraints of common land ownership, as emphasised by theorists of the so-called property rights school, serves as the foundation of the Land Rights Theory (Coase, 1960; Demsetz, 1967; Johnson, 1972; Posner, 1977; Alchian & Demsetz, 1973). This evolution eventually prompted right-holders to demand the establishment of properly formalised private property rights, a call to which the state will have an incentive to respond (Kriel, 2009).

Daniel and Robinson (2011) assert that the Land Rights Theory is characterised by the right to use the good, the right to earn income from the good and the right to ownership cessation. Kriel (2009) adds that co-ownership of land is featured in land rights as it brings forward uncertainties in land security where other parties excessively benefit at the expense of other parties. The likelihood that a resource would experience the poor management and unfair exploitation typical of an open-access commons increases with the number of co-owners (Kriel, 2009). However, insecure land ownership becomes unstable and has detrimental impacts in the form of mismanagement and/or overexploitation of the now valuable resource when there is increased rivalry for the use of land due to population expansion and/or rise in product demand (Platteu, 1997). Therefore, it was seen fit to introduce land rights because privatization offers exclusivity and unrestricted transferability, it often promotes potential economic development (Zhang & Demsetz, 2021).

Due to underlying institutional limitations, according to Hodgson and Huang (2013), land titles are rarely acquired and traded, making the land inaccessible to the population. Although the benefits to be gained from more precise and secure land rights have led to a progressive evolution of property rights as a result of rising land scarcity value, the origin of property rights can be explained by at least two very distinct sorts of evolutionary theories (Feder & Feeny, 1991). One kind sees property as the result of deliberate actions, it is “designed.” The other type believes that property originates “spontaneously” as an unexpected result of human behaviour (Kriel, 2009). According to Platteau (1997),

the initiation of the theory of Land Rights gained momentum due to the fast expansion of the population, heightened commercialization of agriculture, and rising scarcity and value of land. Hull, Babalola and Whittal (2019) concur that the Land Rights Theory is filtered by the increasing uncertainty about land rights and increased desire for more precise and secure property rights in land due to the proliferation of land disputes and the escalating expense of searches and litigation (Platteau, 1997). Demsetz (1967) emphasizes that people who interact with one another want to react to new benefit-cost possibilities, and this leads to the formation of new property rights.

#### 1.6.2.1. The Implications of Land Rights Theory

Formal and informal land rights are seen as a major tool towards enhancing the lives of the underprivileged in developing nations in terms of economic development, agricultural output, food security, conservation of natural resources, elimination of gender-based disparities, resolution of conflicts, and more generally local government procedures (Bruce, 2012; de Soto, 2000; Deininger 2003; Feder & Feeny, 1991). Property rights, according to Demsetz (2020), are a combination of the elements of the bundle of rights that are attached to tangible goods, like land, and given to individuals during transactions to assist them in forming reasonable expectations for how to deal with one another and resolve the so-called externalities. According to Kriel (2009), mainstream economists usually utilize the evolutionary theory of land rights as their primary analytical framework for evaluating the state of land tenure in developing nations and forecasting changes in this condition over time. The theory's premise is that common ownership does not ultimately lead to pure privatisation, but rather to private control of land (Zhang & Demsetz, 2021).

Two socially advantageous effects, a static effect and a dynamic effect, are produced by the execution of cadastral survey-based legally protected land registration, which promotes voluntary market transactions (Zhang & Demsetz, 2021). The static effect is the stronger incentive for the original landowners to transfer their lands to more active farmers due to the land security provided by land titling (Ho & Spoor, 2005; Platteau, 1996; Ault

& Rutuman, 1979). This leads to a higher agricultural production because of the accumulation of land parcels. An improvement in income stability has a dynamic effect on people's willingness to invest in land or use it as a liquid asset for rental purposes; this is an unintended consequence of the development of a rural loan market (Besley & Ghatak, 2009; Goldstein & Udry, 2008; Arrunada & Garoupa, 2005).

According to Butler (2012) and Platteau (1997), the theory of land rights is functional in providing, supply of land titling or registration by the state, enhanced land security, invest flexibility to convert land into other assert forms and social and political peace. Furthermore, the usefulness of land can be measured through collateral as required for pro-motivated credit activities (whether formal or informal) among agents (Butler, 2012). Zhang and Demsetz (2021) add that the positive effect of land titling as an objective of land rights, which include the emergence of private control to rural land. Property ownership allows people who are incarcerated in the informal sector to receive benefits given by the official banking system, such as access to credit from institutions like banks and insurance companies as the land will be used as collateral. The availability of collateral and documentation of land rights makes collateral credible, affecting the willingness of creditors to make loans (Feser, Onchan & Raparla, 1988).

#### 1.6.2.2. The relationship between Land Rights Theory and the principle of spatial justice

Property rights models land as essential to human life as it cannot be split from the land from the initiation to the end (Situmorang, Sahman, Suryanto & Gani, 2021). However, according to the literature from Haseeb *et al.*, (2021), Hayat and Tahir (2021), Kostetska, Khumarova, Umanska, Shmygol and Koval (2020), Ahmed *et al.*, (2020), Ahmad (2019) and Mangla *et al.*, (2018), most states' fundamental challenge is figuring out how to maintain, distribute, cultivate, manage, and divide the land and its products. It is crucial to maintain inclusive resource management to achieve sustainable economic development such that the community can benefit and live most comfortably from it (Van Niekerk, 2020).

A key tenet of this theory is that the interplay between growing market integration and population pressure causes land rights to naturally develop toward more individualization (Kriel, 2009). The study is also based on the theory of land rights because of the three expected outcomes of titling that are fundamental to the enforcement of land rights, which are: the delineation of actual property borders, the accessibility of greater data on property issues due to the recording of cadastral data and property rights, and the construction of an organisation that ensures the enforcement of those props (Hailu, Nkote & Munene, 2015). Legally protected land titles, which release the land from group or secondary claims and provide the owner complete transferability rights, now produce two kinds of socially beneficial consequences (Ault & Rutman, 1979; Johnson, 1972). Land titling has the benefit of increasing private land ownership and eventually granting individuals property rights (Zhang & Demzets, 2021).

According to Whittal (2014), the theory has the ability to aid in comprehending new or hybrid tenure arrangements and carefully constructing inventive land rights tools, therefore, it was used as the study's foundation. The theory also helped with a critical reflection on present legislation and practice, such as parcellation and freehold titling (Wily, 2018). Hull, Babalola and Whittal (2019) stipulate that the principles of Land Rights Theory, which are legitimacy, legality and complexity, are significant in comprehending land rights. Therefore, the principles were included in the study to achieve the study's goal and objective of fostering land tenure security, which may contribute to successful spatial justice.

### **1.7. SIGNIFICANCE OF THE STUDY**

The study aimed to contribute to both theoretical and pragmatic perspectives. In the theoretical perspective, the study attempted to close the research gap of knowledge on the implications of the lack of land tenure on the principle of spatial justice. It also aimed to increase the sum of knowledge, ideas and theories on both the concepts of land tenure and the principle of spatial justice. The study also provided the underlying significance



and various types of land tenure that sought to enhance the principle of spatial justice worldwide.

From the pragmatic perspective, the study examined and evaluated the implications of land tenure on the attainment of spatial justice, combating all forms of spatial exclusion at a township level. The study provided ways in which municipal officials in partnership with community members can efficiently carry out land-use planning and management while safeguarding spatial resources for future usage. Additionally, the study provided prospects of enhancing sustainable livelihood strategies through the provision of secure land tenure. Therefore, the study foregrounded the ways in which spatial resources can be allocated and distributed to the society in a fair and equitable manner to promote secure tenure. Land tenure and the principle of spatial justice are a pathway towards the eradication of vulnerability, deprivation, land inaccessibility and social exclusion. The study aimed to make an insertion into policy making and development in hopes of uplifting spatial planning and development in local municipalities.

## **1.8. ETHICAL CONSIDERATIONS**

The study acknowledged and considered ethical-related issues as follows:

### Plagiarism

This research project compiled and strictly followed the University of Limpopo's code of ethics in accordance with Turnitin for plagiarism purposes. Information not owned by the researcher but utilised in the study was acknowledged or referenced to avoid plagiarism.

### Privacy, anonymity and confidentiality

The targeted population was guaranteed their right to privacy, anonymity and confidentiality by not mentioning their names during the data collection process. The identity of the participants were not mentioned.

### Consent

Consent from the population was required before seeking information from them and using it. Therefore, the participants of the study were provided with consent forms to sign as a way of agreeing to be part of the study.

### Safety of Participants

The study ensured that participants were not physically and emotionally harmed during the data collection and analysis processes. The researcher ensured that the participants were not stressed, abused, embarrassed and put in unpleasant situations.

## **1.9. OUTLINE OF THE CHAPTERS**

Chapter 1 outlined the introduction, the problem statement, research aim, research questions, research objectives and the definition of terms. Furthermore, ethical considerations were prioritised during data collection and analysis. Moreover, the theoretical framework adopted for the study relating to land tenure was discussed. The initiation of the theories, the rationale and their relationship to the study were also discussed. The study was grounded on the Right to the City and the Land Rights theories.

Chapter 2 consists of the literature that was reviewed from an international perspective derived from journal articles, government reports and books. The chapter discussed the types and characteristics of land tenure, which vary according to countries. It was picked that certain localities in western countries use Freehold Land Tenure, Crown Land whereas most African countries use Communal tenure system, Inheritance tenure system,

Leasehold tenure system, Gift tenure system, Rent tenure system, Freehold tenure system, Concession Tenure and Tenants at the government's will and individual land tenure systems. The nature of the principle of spatial justice was discussed. The chapter further discussed how the lack of land tenure implicates the principle of spatial justice globally.

Chapter 3 consists of background information on land tenure and the principle of spatial justice in the South African context. It includes theoretical incision from the national, provincial and local level. In this case, the provincial level focused on the context of the Limpopo Province whereas the local level literature was focused on Kgapane Township. The chapter's backdrop was based on the types and characteristics of land tenure, which according to the existing literature, the main types of land tenure used in governance are communal land tenure, private land tenure, state land tenure and open access land tenure. Furthermore, the nature of lack of land tenure, the nature of the principle of spatial justice as well as the implications of the lack of land tenure on the principle of spatial justice in varying south African contexts.

Chapter 4 discussed the research methodology, significance of the study and ethical considerations. The chapter employed the case study research design, which is categorised under normative research design to investigate the implications of lack of land tenure on the principle of spatial justice in Kgapane Township. It has also embraced mixed methods, which comprise data collection techniques that are both qualitative and quantitative. Both probability and non-probability sampling were used. Data was gathered through observations, interviews, and questionnaires. Data were collected from 108 individuals. SPSS and NVIVO were used to analyse the data. Data were interpreted according to themes and subthemes whereas some were interpreted using graphs, charts and tables. The study was found to be largely contributing to both literature and real-life spatial issues experienced in township.

Chapter 5 entailed data analysis and interpretation. It explored the objectives set when the research was embarked on. Firstly, this chapter examined the types and characteristics of land tenure in Kgapane Township; it assessed the lack of land tenure; it explored the nature of the principle of spatial justice, and examined the implications of the lack of land tenure on the principle of spatial justice in Kgapane Township. The findings from the participants and key informants of the study provided a linkage between what is happening in real life on the lack of land tenure and the principle of spatial justice and what is stored in the existing literature.

Chapter 6 provides an overview of the study, research results, study limitations, recommendations for future research and the recommendations to the gaps identified to the objectives of the study. Finally, the chapter and the study reached a conclusion on the reality of the practical issue in the study area compared to the literature reviewed. Data collected from the participants, data from the key respondents as well as data from the existing body of knowledge was integrated to reach a conclusion for the study.

## **1.9. CHAPTER SUMMARY**

An overview of the research was provided in this chapter. It started out by outlining the background information, reasoning, and objective for the investigation. The issue statement, the goal and goals of the research, and the definition of terminology were all further explained in this chapter. The chapter also discussed the theories that underpinned the study, which are categorised into spatial justice. One common connection that was brought forward by the chapter was the link between land tenure and the idea of spatial justice, both of which advocate the equality of opportunities for all people to access, use, and own spatial resources like land and housing. The theory of Right to the City as well as Land Rights reach a consensus in calling for everyone's right to land and a house to be respected and safeguarded, regardless of their social or economic standing. The ultimate aim of the theories as the foundation to the study is to produce a city where there are less conflicts where spatial injustices can be challenged.

It argued for the provision of access to improved living conditions for everyone in a city that respects human rights and the environment, as it is essential to achieve spatial justice through supporting programmes for safe land titling and registration.

## **CHAPTER TWO: PERCEPTIONS OF LACK OF LAND TENURE AND ITS IMPLICATIONS ON THE PRINCIPLE OF SPATIAL JUSTICE IN WESTERN AND AFRICAN COUNTRIES**

### **2.1. INTRODUCTION**

Land is constantly under strain for a variety of causes, including significant commercial interests, changing climate conditions and altering demographic patterns such as mass migration and increased population density (Kouba, Seigneret, Beauchamp & Schwartz, 2020). This section derived information on the lack of land tenure from other scholars and disciplines who theorised the implications of the lack of land tenure on the principle of spatial justice globally. Mesgar and Ramirez-Lovering (2021) assert that a basic spatial matrix that delineates the authority, duties, and landholdings of various stakeholders involved in the decision-making process regarding the location of public land administration is a crucial tool for researching land tenure inequalities and spatial justice.

Although land tenure security is a pre-condition for access to urban amenities for the urban population, the deficiencies in registered land parcels driven by exclusionary or gentrifying urban (re)development rules and processes have created the lack of land tenure problems for society (Uwayexu & de Vries, 2019). This issue was demonstrated by the deteriorating urban environments, where slums and informal settlements were expanding quickly in spite of attempts by governments, local authorities, and international organizations to stop their growth (Abounaga, Badran & Barakat, 2021). Therefore, land tenure and the principle of spatial justice regularisation in urban informal settlements is a topic of increasing significance in cities in developing countries. The first section focuses on the types and characteristics of land tenure; the experiences of the lack of land tenure; experiences on the principle of spatial justice globally and lastly, on the implications of the lack of land tenure on the principle of spatial justice globally.

## 2.2. THE TYPES AND CHARACTERISTICS OF LAND TENURE IN TOWNSHIPS

The practice of assigning ownership of land to people, corporations, legal entities, and natural entities depending on how they use the property is known as land tenure (Mixta Africa, 2021). Colonialism brought new dimensions to land ownership, management, and title during the 19th century. It also expanded the rights and duties associated with land and natural resources (Frankema, 2010; Dominguez & Luoma, 2020). Thus, the concept of tenure entails varying degrees of legality based on varying legislative frameworks as well as diverse and complex historical, cultural and political factors (Kasimbazi, 2017). A land tenure system establishes the guidelines for distributing property rights and governing the use and management of land within a certain area (Chaman Law Firm, 2020).

According to Chaman Law Firm (2020), land tenure systems allow for different rights and obligations linked to possessing a piece of land, such as the right of access to the land, the right to succession, the right to transfer and the right to decide on land use changes. Land tenure governs how property rights with reference to the usage, control, and transfer of land are distributed within society (Kasimbazi, 2017). Tenure systems are governed by formal institutions such as planning systems, as well as unofficial institutions like unwritten contracts and cultural perceptions of urban space (Rocco, 2016). Various types of land tenure systems can be located in most African countries, which are influenced by varying factors such as the locality, historical aspects and uses of land (Payne & Durand-Lasserve, 2013). Mixta Africa (2021) postulates that the land tenure system existing in African countries such as Nigeria is characterised by aspects such as property rights held by a person, community land usage, community land control, and lawful land transfers.

According to Kasimbazi (2017), established patterns of land allocation were layered on top of old colonial land policies, influencing tenure systems in many developing nations. Madagascar and Zimbabwe are some of the countries that are deeply stratified society and segued into successive post-colonial socialist and neoliberal economic turns

(Combaz, 2020; De Stage, 2021). The majority of landowners in Madagascar have relied on social tenures for a large portion of its recent history, which are supported by locally accepted informal systems known as *petits papiers* (little papers), which are used to secure land rights (Rick de Stage, 2021). As a result, historical, cultural, and economic influences have led to the development of diverse property ownership systems around the world. In the past, the majority of the land around the world, even that of emerging nations, belonged to either communal or traditional societies, or to monarchs with greater powers (Kasimbazi, 2017).

Managing land through various typologies of land tenure is applied globally as an attempt towards fair allocation and distribution of land resources. According to Western Australian Land Information Authority (2017), the recognised and widely used types of land tenure systems in all parts of Australia are freehold land tenure and crown land tenure system, which gives full ownership land rights to the state. In Nigeria, there are various forms of land tenure system, which varies from one ethnic group to another for the purpose of regulating land ownership in the country and securing land rights to avoid conflict, instability, tribal wars and discrimination amongst the citizens (Chaman Law Firm, 2020). Babalo and Hull (2019) concur that Nigeria's land tenure system does not represent uniformity as it differs from one community to the next due to significant differences in political experience and administrative strategies of previous colonial overlords. Authors such as Kasimbazi (2017), Australian Land Information Authority (2017) and Chaman Law Firm (2020) reach a consensus that there are various types of land tenure and their characteristics that are practiced worldwide among others include freehold land tenure, communal land tenure, leasehold land tenure, crown land tenure, inheritance land tenure, gift land tenure, rent land tenure, concession and tenants at government will and individual land tenure systems.

### **2.2.1. Freehold Land Tenure**



According to Kasimbazi (2017), freehold land tenure system also known as an “estate in fee simple” is a traditionally western concept of individual property ownership. Freehold land tenure is mostly dominant in Australia and Nigeria. The Australian Trade and Investment Commission (2013) notes that just 8% of Western Australia's total land area is freehold land, with the majority of freehold property in Australia being found in metropolitan areas in the southern portion of the State. Moreover, freehold property makes up 28% of Queensland's total land area, whereas just around 5,000 square kilometers of the Northern Territory's 1 million square kilometers are owned as such (Australian Trade and Investment Commission, 2013). Kasimbazi (2017) claims that the freehold system has historically been portrayed as the most secure kind of tenure because it allows smallholders to engage in agroforestry, reforestation, and soil conservation, which slows down land degradation (Kasimbazi, 2017).

According to the Australian Trade and Investment Commission (2013), a landholder with a freehold tenure may sell, lease, mortgage, or otherwise trade with the land, provided that they comply with relevant regulations, such as those pertaining to the environment and planning. The majority of developed and privately owned land in Australia is held under freehold tenure, which grants the landowner unlimited ownership and management rights as long as they adhere to the relevant laws in each State and Territory (Australian Trade and Investment Commission, 2013). Individuals who subscribe to the freehold tenure system pay a predetermined amount of money to own the piece of land where the larger the land, the greater the payment (Chaman Law Firm, 2020). Upon obtaining the land tenure, it can be used as a collateral for loan. Holding a freehold or full title house entails obtaining ownership of the land, the complete property, and any other structures or facilities constructed on the site (Mixta Africa, 2021). Hence, a free-standing home will receive an erf number and be registered at the Deeds Office (Van Deventer, 2018).

Van Deventer (2018) highlights that freehold land tenure in Nigeria is associated with advantages such as absolute right, control of land to the owner and the usage of the land as collateral. Mixta Africa (2021) adds that freehold land tenure conforms to SDG on

gender equality where land is accessible to everyone regardless of sex under this system and the usage of land to maximum satisfaction of the owner. Van Deventer (2018) highlights that freehold tenure system in Nigeria encapsulates disadvantages, where neighbours may neglect their property, which may deter your future buyers. Owners of freehold or full title properties are responsible for all property-related expenses, such as security, maintenance, improvements, and general upkeep. Additionally, all administrative fees associated with owning a freehold or full title property fall under this category.

### **2.2.2. Leasehold Land Tenure**

Leasehold tenure system is referred to as temporary ownership of a plot of land by the owner in a form of a title (Chaman Law Firm, 2020). Leasehold land tenure system is mostly applied in land administration of Madagascar and Nigeria. The land tenure system is a middle ground where one leases the land and the rights of the property for an extended period, with a minimum of 40 years and maximum of 120 years (Dreyer Engelbrecht Attorneys, 2014; Mandell, 2022). Leaseholds are based on mutual agreement, which is a substitute for both land ownership and renting. It is a compromise in which the land and property rights are leased for a long time (Mandell, 2022). Leasehold tenure occurs when land is leased or rented. An individual may have temporary access to the land during the lease time, but it cannot be used as collateral for loans (Mixta Africa, 2021). Since leasehold contracts are primarily contractual in nature, parties are free to specify terms and conditions for usage and access that best meet their needs for give-and-take land use.

Agricultural land leased for cropping is the main source of tenure for Madagascar, a high agricultural zone (International Monetary Fund, 2023). Sharecropping arrangements are also possible, in which the land rights holder receives an agreed-upon percentage of the harvested crops from the leaseholder, but they bear the labor and input costs (De Satge, 2021). As per De Satge's (2021) report, the 2007 investment framework allowed for the issuance of lease contracts with durations ranging from 18 to 99 years and land rental

prices as low as one US dollar per hectare annually. According to Widman (2014), international investors were able to purchase land under the investment framework as long as they registered a Malagasy legal organization. This put thousands of Madagascar households' tenure security at jeopardy (Holden & Ghebru, 2016). Despite the implementation of new laws and regulations, state authorities continued to lease property to investors, superseding local land rights (Burnad, Gighebre & Ratsialonana, 2013).

One benefit of the leasehold system is that, in the event of misuse, the lessor has the ability to revoke ownership and add conditions to the leases (Makabayi & Musinguzi, 2015). Nevertheless, the tenure system is highly costly, and environmental issues have not received the proper attention (Bantungi & Rütther, 2008). Propertymark (2018) states that under a leasehold tenure, the landlord or freeholder will continue to be the legal owner of both the building and the land it is built on, not the tenant. When the lease expires and the land reverts to the original owner, this allows both parties to continue to enjoy the property and carry out maintenance and development as they see fit while also preserving ownership and the benefits of the improvements for the original owner (Dreyer Engelbrecht Attorneys, 2014).

### **2.2.3. Communal Land Tenure**

Communal land encompasses land previously occupied mostly by African communities in the former homelands (Parliamentary Monitoring Group, 2017; The Republic of South Africa, 2017). Communal land tenure is mostly applied in the land administration of Nigeria to govern majority of the existing rural areas. Mixta Africa (2021) argues that although the community has ruling power over the land, individuals cannot claim ownership of the land or even use it as security. Chaman Law Firm (2020) brings forward a situation of Yoruba village land where the settlement is jointly owned by the entire community, which prohibits anyone to use it as collateral for a loan. It is pivotal to note that communal land tenure is associated with large scale farming, which is predominantly

used in rural areas. As a result, when the whole community permits, a portion of the land may be rented out to one of the community members for the sole purpose of large-scale farming (Chaman Law Firm, 2020).

The head of the community, which is mainly the king determines the sharing ratio of the land. Chaman Law Firm (2020) stipulates that the head of the community in Nigeria is referred to as the 'Obas', who has absolute power over the land. Thus, decisions on the land-use and spatial arrangement emanate from *Obas* who in most cases is the king. Kasimbazi (2017) concurs that the customary land tenure system typically includes dispute resolution mechanisms, which are under the authority of the local chiefs; land access is usually limited by kinship or ethnicity, keeping outsiders out and limiting land purchases. Furthermore, the indigenous land tenure is associated with dilemmas such as the misuse of the State's eminent domain authority and the absence of accountability and transparency in the administration of customary lands (Kasimbazi, 2017). Conflict between the government and the populace has resulted from this opening up space for the incursion of customary lands (Kasimbazi, 2017). Additionally, the land tenure system subjects most of the poor households and women to land tenure deficiencies as a result of its non-registration and disparity in land management nature (De Satge, 2021; Chimhowu, 2018; Pienaar, 2012). Cases of disparity manifest as property sales are typically forbidden under the tenure system, particularly to individuals outside the group, as this would remove the property from communal ownership and governance (Wickeri & Anil, 2010; DAI, 2017). As a result, non-native community members may acquire land rights by marrying residents who already possess those rights (Kasimbazi, 2017).

#### **2.2.4. Crown Land Tenure**

The NSW Government is in charge of managing and owning crown property in accordance with the Crown property Management Act of 2016 in Australian settlements, which currently governs the administration of State land. (Land Registry Services, 2020). The crown land was first claimed by Governor Phillip in 1788, when European

colonization first started, with the purpose of establishing a prison colony on behalf of the British Government (Karskens, 2013). The term "Crown lands" originated from the fact that all lands were vested in the Crown. Public property was made available for purchase or lease as the colony expanded and the need for private landholding increased. The rationale behind reserving Crown land developed at that time to ensure that land was also retained for public and future uses (Fraser, 2021). Department of Environment, Land, Water and Planning (2016) and New South Wales Government (2017) notes that while Crown land usage varies depending on the land's kind and purpose, the majority of Western lands are utilized mostly for agricultural and grazing, with a small amount going toward residential and commercial purposes.

Contrary to freehold land tenure, all land except freehold land in Western Australia is classed as Crown land (Department of Land, Planning and Heritage, 2020). According to Western Australian Land Information Authority (2017), Crown land comprises community managed reserves, properties kept in public ownership for environmental purposes, and reserved crown lands held by lease, license, or permit. Furthermore, lands within the crown public roads network, other unallocated lands, which are alienated land that is owned free and clear and tidal waterways, reclaimed land, riverbeds, and lakes belong are part of crown land (Western Australian Land Information Authority, 2017). Henceforth, crown lands represent approximately 34 million hectares, making up about 42% of the state (New South Wales Government, 2017). The Western Division of New South Wales has the majority of Crown land, which totals over 32 million hectares and over 6,500 Western Lands leases (Department of Environment, Land, Water and Planning, 2016), thus, creating a legacy of large areas of land that are owned by the public for the benefit of the public, rather than by private individuals or businesses.

### **2.2.5. Rent Land Tenure**

Rent tenure system constitutes the granting of a right to occupy a dwelling unit as living accommodation by making regular payments with the minimum occupancy period of thirty

consecutive days (Sharma & Samarin, 2021). Rental system is a common land tenure system in Nigeria. Conditions of the tenure system include the tenants paying a specific amount of money to the landlord for a period of time that they will be using the land (Cain, 2017; Africanews, 2018; Andreasen, McGranahan, Steel & Khan, 2020). Depending on the agreement and terms, the rent period can be one or two years. It can be understood that rent tenure is similar to a leasehold only that the duration of time that the temporary owner takes possession of the land is shorter (Asante & Ehwi, 2020). Sharma and Samarin (2021) lament that there is reduced access to homeownership in various locations contributing to the proliferation of rent tenure. Renting as a land tenure is thought to provide a number of advantages, such as making it easier for people to move around the labor market and removing the recurring costs associated with homeownership, such as insurance, repairs, and other maintenance (Ardayafio-Schandorf, 2012; Ehwi, Asante & Gavu, 2021).

Chaman Law Firm (2020) argues that the rent tenure system, particularly in Nigeria is associated with disadvantages, which include discouraging long term plan on the part of the tenant. Furthermore, the landlord reserves the right to revoke the tenancy once the rent period expires and it is not renewed (Ehwi, Asante & Gavu, 2021). Additional take offs that occur in rent tenure system include poor landlord tenant relations, underinvestment in housing quality, unjustifiable evictions, arbitrary rent increment by landlords intrusive behaviours of landlords and a lack of privacy (Lister, 2005; Obeng-odoom, 2011; Scanlon, 2015; McKee & Soaita, 2018; AduGyamfi *et al.*, 2019). Furthermore, the land cannot be used as collateral for obtaining a loan from financial institutions (Chaman Law Firm, 2020).

#### **2.2.6. Tenants at the government will and individual land tenure systems**

According to Chaman Law Firm (2020), in tenants at the government will and individual land tenure systems land are leased by the Nigerian government to farmers for the purpose of cultivating. Land is the source of all tangible riches and an essential

component of production in traditional Nigerian culture (Udoekanem et al., 2014). Large-scale agricultural and crop production are the primary uses of the land under tenants under the government will and individual land tenure system (Mixta Africa, 2021). The advantage of the land tenure is accessible to all farmers and it is suitable for large-scale food growing programmes. The land is very vital for agricultural production and for any nation that wants to be self-food sufficient (Obayelu, Arowolo & Osinowo, 2017). It is a system that makes it possible for people to use and manage land and natural resources (Chaman Law Firm, 2020). As a result, from 2000-2010, there was an increase of 19.2% Nigerians cultivating more land than ever before, which attracted agricultural investors (Obayelu, Arowolo & Osinowo, 2017).

According to Adamu (2014), the availability of land for agricultural production depends on a complex web of interrelated factors, including the population, the nation's level of development, the land tenure system, and the degree of technology. Among these factors, the land tenure system severely restricts the quantity of land available to farmers in all categories (Obayelu, Arowolo & Osinowo, 2017). Despite that the land is often inexpensive to acquire, there are too many regulations and control from the government over the land. Henceforth, a piece of land can be revoked if the tenant fails to meet the requirements of the government. Permanent crops cannot be cultivated on such land. The land is not acceptable as collateral for the loan.

### **2.3. THE NATURE OF THE LACK OF LAND TENURE IN TOWNSHIPS**

According to de Stage (2021), social distinctions as well as access to resources and land fluctuate greatly depending on the location and circumstances. The classification of land tenure rights is frequently based on their formality or informality. This strategy may produce perception issues as certain allegedly informal rights may really be a factor in the absence of land tenure. (Robinson, 2018). The informal property rights can be regarded as the unofficially recognised and unprotected property rights, which may occasionally be held in blatant contravention of the law, making them illegal (Food and

Agriculture Organization of the United Nations (FAO), 2002). As a result, over 70% of the world's population does not have registered land rights (Un-Habitat, 2018). In many nations such as Nicaragua, Cameroon and Madagascar, unsuitable laws give birth to illicit property holdings. As a result, the importance of legitimising and protecting citizens' tenure rights is highlighted (Davies, Herrera, Ruiz-Mirazo, Mahomed-Katere & Hannam, 2016).

Land tenure rights are often classified according to whether they are "formal" or "informal" (Hull, Babalola & Whittal, 2019). There can be perceptual problems with this approach because, some informal rights may in practice potentially contribute to lack of land tenure, for example. The informal property rights can be regarded as the unofficially recognised and unprotected property rights, which may occasionally be held in blatant contravention of the law, which makes them illegal (Food and Agriculture Organization of the United Nations (FAO), 2002). In many nations, unsuitable laws give birth to illicit property holdings. According to the United States Agency for International Development (USAID) (2021), millions of individuals, communities, and businesses do not have clear, secure rights to the land, resources, and property that they use, occupy, and rely on for their own livelihoods and the security of their communities.

According to International Fund for Agricultural Development (IFAD) (2015), many of the world's poor rural residents live in developing countries, where access to land tenure is more precarious than ever. Pressure on land is rising due to factors such as growing global population, climate change, falling soil fertility, and the need for food and fuel security globally and competition for land is at an all-time high (IFAD, 2015). In some instances, the lack of land tenure arises as a result of pieces of property that are deemed illegal as they are not recognised by the law. The pieces of land may include customary property owned by rural indigenous groups in some nations. One contrast that is frequently drawn is between "traditional rights" or "customary rights" and "statutory rights" or "officially recognized rights" (FAO, 2002). Ndulo (2011) highlights that in a number of



nations that give formal legal recognition to customary rights, particularly in Africa, this line is now fuzzier.

Nearly a billion individuals are estimated to live in unstable housing arrangements worldwide, which has a significant impact on their ability to support themselves (Prindex, 2020). According to Murken and Gornott (2022), estimates for the prevalence of tenure insecurity vary greatly. Murken and Gornott (2022) cite a survey conducted in 140 countries between 2016 and 2020 that revealed perceived tenure insecurity rates ranging from 2% (Turkmenistan) to 48% (Philippines) of the population. Lack of land tenure is characterised by households not having the security of fully controlling the land they use and depend on, fearing they may lose their claim, in both Turkmenistan and the Philippines (Murken & Gornott, 2022). Western countries reveal patterns of gender discrimination as another cause of lack of land tenure where the percentage of land owned solely by women is low in countries such as Peru with 13%, Honduras with 14%, Nicaragua with 20%, Bangladesh with 23%, and Haiti with 24% of women owning land.

In 2016, it was thought that 70% of land in developing nations was unregistered or unstable (USAID, 2021). IFAD (2015) postulates that public and private enterprises are currently investing millions of hectares of land for production and industry in African nations. This development of public-private investments provides developing nations with a chance to draw in local and international capital that boosts agricultural productivity, but it also poses a possible danger to the land rights of small-scale farmers and indigenous people (IFAD, 2015). Lack of land tenure also shows up as gender discrimination in the majority of African nations, primarily affecting women. Due to the possibility that they could acquire property rights through marriage or kinship links with men, women are especially at risk (IFAD, 2015). Therefore, it may be agreed that more than half of the countries in the world have laws or norms that exclude women from owning or having access to land (United Nations, 2021). Men own land in vastly greater numbers than women worldwide. Only 12% of women report owning land on their own in Africa's roughly ten countries, compared to 31% of men (World Bank, 2020).

## **2.4. THE NATURE OF THE PRINCIPLE OF SPATIAL JUSTICE IN TOWNSHIPS**

The spatial justice debate centres on the meaning of space and its relationship to society, as opposed to the conceptual contradiction between human interaction and the space, which sees them as different entities that link to one another either as a derivative of one another or as two equals (Madanipour, Shucksmith & Brooks, 2021). The concept of spatial justice centers political and analytical attention on how resources are distributed throughout space and how people's prospects are influenced, enhanced, or limited by their spatial patterns of life (Soja, 2009). In addition to how race and class are intertwined in the creation of just or unjust geographies, this also involves the political and socioeconomic organization of space (residential segregation, the drawing of school or electoral districts, core-periphery structures) (Soja, 2009). Moreover, the principle of spatial justice places a distancing emphasis on mechanisms of power, decision-making processes, and the relationship between equitable and transparent decision-making and the distribution of resources and opportunities (Davoudi & Brooks, 2014; Israel & Frenkel, 2017; Madanipour, Shucksmith & Brooks 2021).

A vast number of urban spaces in developed countries are becoming more uneven, with space opportunities concentrated in a few major areas (Rocco, 2016). Hence, there is an increased need to integrate spatial justice as part of spatial planning and land-use management. The need to address upswing in levels of inequality, poor public services and socio-spatial fragmentation, all of which pose threats to our cities' social, economic, and environmental viability, prompted the creation of the spatial justice (Rocco, 2016). As a result, all other forms of justice such as social, economic, and environmental justice, are integrated into its spatial justice (Rees, 2018). Developing countries should work towards putting systems for sustainable governance, equitable resource transfer, and geographic benefits and opportunities to achieve spatial justice. Rocco (2016) further argues that democracy and participation make it simple to allocate and distribute land resources fairly.

A vast number of urban spaces in the developed localities are becoming more uneven, with space opportunities concentrated in a few major areas (Rocco, 2016). Hence, the increased need to integrate spatial justice in spatial planning and land-use management. Organisations like the European Union were founded to serve as inherent spatial initiatives to unify the continent's geography while pursuing social and economic integration to reduce regional inequalities (Jian, Luo & Chan, 2020). According to Madanipour *et al.*, (2021), the western developed countries in the European Union, express spatial justice as a process and consequence that is founded on three characteristics that link to social and economic justice discourses: spatiality, integration, and inclusion. Madanipour *et al.*, (2021) add that, spatial justice is defined based on the three basic qualities of spatiality, integration, and inclusion, which unfolds as the democratic process of equitably dispersing social and environmental advantages and burdens within and across groups, regions, and generations. The relationship between people, space and their locality are pivotal as it plays a vital role towards their economic growth, migration patterns, employment opportunities and social-economic services aimed at their development (Turok & Scheba, 2018).

The available literature from authors such as Jiyan, Luo and Chan (2020) has undoubtedly demonstrated that space is distributed unevenly across diverse social contexts, failing to serve potential consumers equitably throughout Africa. Therefore, spatial justice was brought forward as a relatively new idea in most African countries, physical space is viewed as a fixed backdrop that supports and influences the attainment of social justice through its influence on social action. People's lifestyles are influenced by land use circumstances, but their everyday living spaces are also constrained due to the need to provide more equitable access for all types of inhabitants, given that the majority of the population now lives in cities (Kunzmann, 1998; Jiyan, Luo & Chan, 2020). Due to the nature and history of most African colonised countries, spatial justice incorporates democratic and human rights principles to emphasise the consequential spatiality of social justice (Soja, 2010).

Kalundu (2020) asserts that in Eswatini, spatial justice is articulated as a broad interpretation of the right to adequate housing with greater entitlement of security, peace and dignity within the space. It is believed that spatial justice in Eswatini is characterised by legal security of tenure, availability of services, materials, facilities and infrastructure; affordability; habitability; accessibility; location and cultural adequacy (Amnesty International Organization, 2018). On the contrary, spatial justice in Zimbabwe is associated with urban agriculture where the fair and equitable transfer of land is fostered solely for the purpose of maximising food security patterns (Morgan, 2015; Matamada & Rammile, 2022).

## **2.5. THE LACK OF LAND TENURE AND ITS IMPLICATIONS ON THE PRINCIPLE OF SPATIAL JUSTICE IN TOWNSHIPS**

Notwithstanding notable variations in property rights, historical history, and geographic location, most nations have common tenure system patterns (Kasimbazi, 2017). Keovilignavong and Suhardiman (2020) suggest that it is crucial to emphasise that Land tenure security entails not just securing rights to access, use and possess land, but also securing and enforcing these rights. In Africa, the majority of people have been unable to purchase land tenure for years, leading to a chronic absence of tenure. As a result, market-based statutory tenure regimes that prioritize individual rights have marginalized these people more and more (Kasimbazi, 2017).

It has been established that formal land titles do not always give protection from forceful eviction; in certain cases, expropriation is used to replace gentrification evictions (Ferreiraa & Avila, 2018). Ege (2017) asserts that majority of low-income families living in unauthorised and irregular settlements have “dead capital,” or unregistered properties that lack the formal representations and titles that would allow them to engage in the formal economy. Therefore, lack of land tenure is continuously a major concern for the majority of the world's poor (Essougong & Teguia, 2019).

It has long been acknowledged that equitable and sustainable development depend on effective land governance (UN-Habitat, 2017). Nonetheless, a sizable segment of both urban and rural people continue to lack sufficient access to property and the numerous advantages that come with possessing stable land tenure. According to UN-Habitat (2018), over 70% of the world's population does not have registered land rights. In most countries such as Nigeria, Madagascar and Swaziland, there are many distinct forms of land tenure systems, and even within a single land tenure type, the degree of tenure security can change (Whittal, 2014). These tenure kinds include usufruct or registered freehold titles as well as unofficial communities built without official documentation under governmental supervision. (United Nations Human Settlements Programme (UN-Habitat, 2019). Thus, detracting the success stories of equitable allocation and distribution of land.

The importance of legitimising and protecting citizens' tenure rights is highlighted (Davies, Herrera, Ruiz-Mirazo, Mahomed-Katere & Hannam, 2016). Insufficient land tenure is identified by the Republic of Madagascar (2017) as a barrier to landowners and smallholders using land in various ways that would be beneficial to them as an investment, as well as maintaining forests in a sustainable manner. Due to rising private ownership of property by the wealthy ascribed to confiscated raffia stands and fencing them off, community members in Ankijabe in Madagascar, are robbed of their land usage rights (McLain, Ranjatson, Lawry, Rakotonirina, Randrianasolo & Razafimbelo, 2019). Lack of land tenure in Latin America, Asia, and the South Pacific manifests itself as a restriction on the types of investments that can be made, as well as the loss of access to land brought on by adaptation measures like building dams and conservation initiatives, which can worsen social relations and cause conflict (Alcorn, 2014).

Investments in land driven by the market may have negative effects on society, the environment, and human rights (Vanclay, 2017; Veltmeyer & Petras, 2014). Restructuring of places, livelihoods, and landscapes is causing significant spatial change in Argentina's

rural areas (Jara & Paz, 2013). Investments in mining, conservation, agroforestry, agriculture, and land speculation are contributing to the reorganization (Borras, Kay, Gomez & Wilkinson, 2012; Jara & Paz, 2013; Goldfarb & van der Haar, 2016). The majority of these land investments are being made by foreign corporations, but domestic companies are also making them occasionally with foreign capital (Murmis & Murmis, 2012; Jara & Paz, 2013). This land grabbing causes family farming to shift to industrial tree monoculture and intensive agriculture (Busscher, Parra & Vanclay, 2018). Land grabs have historically harmed the rural communities in the area and have resulted in conflicting claims to the land, tenure instability, resistance, protest, and violence (Reboratti, 2008; Brent, 2015; Gutiérrez & Gonzalez, 2016).

Situations of land grabbing occur in most settings where People and/or local communities lose access to property they had previously utilized, endangering their ability to support themselves and their families in the eyes of national elites and private investors. (Chadzimula, 2019). As a result, victims of land grabbing become vulnerable, losing their fair share of spatial resources. For instance, a large sugar mill focused on exports forcefully evicted a fishing community in the Brazilian State of Pernambuco in 1998, denying them access to their property and fishing grounds (Oxfam, 2013). Many of the families are now fighting to make ends meet while residing in the nearby town's slums. Similar to this, 200 households in Cambodia's Sre Ambel district lost their property in 2006 when they were forced to relocate to make room for a sugar plantation (Busscher, Parra & Vanclay, 2018; Oxfam, 2013). Evictions following investments on land, eroding the relationship that rural people have with land constitutes the lack of respect for customary and informal land tenure, the absence of local people' input in decision-making, the restriction of access to resources, and the instability caused by land grabbing, which entails violence and eviction (Hanna *et al.*, 2016; Lapegna, 2012).

The fight over land and natural resources continues to be one of the primary causes of instability in Africa, notwithstanding efforts to liberalize political space. One of the main causes of violence in the former settler colonies of South Africa, Zimbabwe, and Kenya

is the inability to settle historical rights resulting from colonial expropriations, which are further exacerbated by an uneven distribution of land following independence (United Nations, 2010; Mthembu, 2019). In both agricultural and industrial civilizations, land resources are still crucial, and the lack of efficient land management practices and gender construction in land allocations has exacerbated discourses on land resources, land conflict, land reform poor agricultural development output, gender inequality and restricted women's capacity building in Africa (Akinola, 2018). Henceforth, the spatial injustices repeatedly deprive the poor and low-income parts of the population of access to land resources as well as urban amenities (Uwayezu & de vries, 2019).

Most developing nations, including Madagascar, use land policies and regulatory frameworks as ideological tools to uphold unequal land distribution and inequitable tenure, which is typically justified by the need to safeguard the public interest (Payne & Durand-Lasserve, 2013; Kasimbazi, 2017). However, Kasimbazi (2017) contends that the regulation of various tenure systems and, consequently, various land use systems, which are frequently carried out in an unfair and inequitable manner where patriarchal systems become predominant, is done so through the pathway of legitimate public interest. Processes of land accumulation that force low-income and impoverished communities off their holdings include expropriation without just compensation and relocation possibilities (Harvey, 2009; Marcuse, 2010). The primary characteristic of these injustices that leads to land tenure shortages and spatial disruptions is forced evictions or displacements (Moroni, 2018).

According to Baslyd, Nara, Lengoiboni and Zevenbergen (2021), land rights in African countries are distributed unequally. It is likely that less than 30% of African developing countries currently provide some form of land registration (Kasimbazi, 2017). Countries like Zambia, where land tenure is created by providing property rights to those with authority and prestige to encourage investment, stifle the equitable distribution of land resources (Huntington & Shenoy, 2021). As a result, economic progress takes precedence over the needs and rights of all people in terms of enhanced land

accessibility, owing to the poor's incapacity to get land and its rights. In the future, the vulnerability of poor households and farmers without secure land tenure due to a lack of financial resources would make achieving justice more difficult (Huntington & Shenoy, 2021). Nonetheless, denying the land tenure hinders the realisation of spatial justice by denying access to and use of land for various purposes to the historically disadvantaged and marginalised as well as the needy (Puhlisani, 2017).

According to Akinola (2018) and Nadasen (2012), African women's action to end inequality in legal rights to tenure has been centered on uneven land access since land is a resource that is essential to both survival and livelihood. According to Ababa (2009), there have been severe land disputes sparked by international commercial interests in other regions of Africa, including the mineral-rich nations of Angola, the Democratic Republic of the Congo (DRC), Southern Sudan, Sierra Leone, and Liberia. In addition, over the past 20 years, protracted conflicts in nations like Uganda, Rwanda, Burundi, Somalia, the Central African Republic, the Democratic Republic of the Congo (DRC) (Brazzaville), and the Ivory Coast have resulted in a significant influx of internally displaced people (IDPs), posing complicated problems with regard to resettlement, rehabilitation, and access to land (Ababa, 2009). Land wars have resulted in horrifying crimes (such as genocide) against non-combatants, mostly women and children, as well as forced evictions in numerous nations. (Kasimbazi, 2017). As a result, Sub-Saharan Africa is dominated by women who face severe discrimination in land ownership and control, despite their major contributions to agricultural labour (Osabuohien, Efobi, Herrmann & Gitau, 2019). As a result of the erosion of women's land rights, evictions, displacements, and encroachments occur (Haywood, Matlitz, Stezkorn & Ngepah, 2008). In Ghana, inequalities caused by a lack of land rights and variations in land entitlements have a significant impact on community social structures (Baslyd *et al.*, 2021).

## **2.6. CHAPTER SUMMARY**



The international literature derived from different researchers provided various debates on the significance and implications of the lack of land tenure on the principle of spatial justice. The availability of literature on the lack of land tenure and the principle of spatial justice proves that the juxtaposition between them is acknowledged internationally. The chapter outlined the types and attributes of land tenure existing worldwide, how various countries relate to the principle of spatial justice and what the deficiencies in land tenure imply to the principle of spatial justice in different settings. De Stage (2021) acknowledges that social differences and access to land and resources vary widely according to setting and circumstance.

The terms "formal" and "informal" are frequently used to categorize land tenure rights. Because certain so-called informal rights may generate perception issues, this strategy may, in practice potentially contribute to lack of land tenure (Kasimbazi, 2017). The informal property rights can be regarded as the unofficially recognised and unprotected property rights, which may occasionally be held in blatant contravention of the law, making them illegal (Food and Agriculture Organization of the United Nations (FAO), 2002). Consequently, over 70% of the world's population does not have registered land rights. As a result, there is a rising importance of legitimising and protecting citizens' tenure rights.

# **CHAPTER THREE: SOUTH AFRICA'S PERSPECTIVE ON LACK OF LAND TENURE AND ITS IMPLICATIONS ON THE PRINCIPLE OF SPATIAL JUSTICE**

## **3.1. INTRODUCTION**

The lack of land tenure negatively impacts a number of socioeconomic necessities in township communities, such as access to formal finance, infrastructural growth and safe and regulated residential zones. The equality of chances for all individuals to access, use, and own spatial resources, specifically land and housing, is a common link between land tenure and the notion of spatial justice (Uwayezu & Vries, 2018). This section subsequently provides two pivotal subsections, which are the theoretical and empirical data of the study.

This chapter discusses the experiences of land tenure and its implications on the principle of spatial justice in the South African perspective. The chapter consists of sections that provide a review of the types and characteristics of land tenure in the context of South Africa. A review of South Africa's experiences on the principle of spatial justice is provided in this chapter. Furthermore, the land tenure and its implications on the principle of spatial justice.

## **3.2. THE TYPES AND CHARACTERISTICS OF LAND TENURE IN TOWNSHIPS**

Akinyemi and Mushunje (2019) state that the descriptive statistics results illustrating the distribution of land ownership and usage throughout the nation show that the Eastern Cape (9.66%), KwaZulu Natal (5.29%), Limpopo (4.51%), and KwaZulu Natal (4.80%) have the highest percentages of land ownership and usage, respectively. Land tenure and governance systems have been an integral part in South Africa's spatial development past 1994 in the virtue of settlement segregation and apartheid influx controls, forced

removals to bantustans and the construction of Group Areas townships (Phuhlisani, 2017). Black South Africans are no longer considered residents of urban areas due to the removal of apartheid-era influx control; instead, they are considered citizens with a claim to the city and more freedom to establish their own homesteads within or outside of state borders as well as the residential property market (Thompson & Tapela, 2019).

### **3.2.1. Legislative Framework Governing and Regulating Land Tenure**

The upward pressure on the demand for access to land ownership is confronted with the lack of legal policy and action to manage the concomitant land ownership and titling demand. Land-use planning and management legislative frameworks function under the mandate of the Constitution of the Republic of South Africa (1994). The main land tenure legislative in South Africa is the Extension of Security of Tenure (ESTA) Act 62 of 1997.

#### **3.2.1.1. The Extension of Security of Tenure (ESTA) Act 62 of 1997**

The Extension of Security of Tenure (ESTA) Act 62 of 1997 grants a secure legal right to continue living on and using someone else's land to anyone who did so on or after February 4, 1997, with the owner's consent (Pienaar, 2018). Eviction Lawyers South Africa (2019) states that the Act makes it very clear what has to be done by the landlord in order to evict a tenant. Those who reside in rural regions, on farms, or on undeveloped property are covered by the ESTA. Additionally, it safeguards occupants of land enclosed by a township or land designated for farming inside a township. The Act permits gender inequity in the spatial discourse by explicitly granting women occupants the same rights as male occupiers (Pienaar, 2018).

Eviction Lawyers South Africa (2019) highlights that for those who have been denied secure land tenure of their houses or the land they use, and who are susceptible to unjust eviction, the ESTA Act protects fundamental human rights to farmworkers and individuals living on someone else's land in rural and peri-urban settings. According to the Republic

of South Africa (1997), The goal of the Extension of Security of Tenure (ESTA) Act 62 of 1997 is to establish measures with State support to promote long-term land tenure security, regulate the conditions of residence on specific land, and regulate the circumstances under which a person's right to occupy a piece of land may be terminated. Furthermore, the ESTA aims to control the terms and situations in which individuals whose right of residence has been ended may be removed from land and to address issues related thereto.

### **3.2.2. The Types and Characteristics of Land Tenure in South Africa**

Post 1994, there was a need to provide security with regard to land to the previously disadvantaged groups of the population of which majority were black through the provision of land tenure. In the South African context, land tenure systems manifest themselves in varying types which include communal land tenure, state land tenure, private land tenure and open access land tenure (USAID 2016; Behnke, 2018).

#### **3.2.2.1. Communal Land Tenure**

The Communal Land Tenure system seeks to regulate communal land. The term "communal land" refers to land that is primarily used by African groups in their previous homelands (The Republic of South Africa, 2017; Parliamentary Monitoring Group, 2017). Weinberg (2015) highlights that the colonial and apartheid regimes used the crude or oversimplified term "community land tenure" to characterize African customary land tenure systems as "group based," that is, as opposed to individual property. Concurrently, communal land in South Africa is governed and regulated using the the Communal Land Tenure Bill of 2017, which mainly seeks to provide for the transfer of ownership to communities and community intends to establish a system for the fair transfer of land ownership to communities and community members of property acquired by the State, allowing for the provision of municipal services on the shared land and equitable access to land. (Parliamentary Monitoring Group, 2017). The tenure system makes more sense

when applied to a range of regionally and locally distinct land tenure practices that preserve features that distinguish them from private, individual properties (Cousins, 2008).

Although the government owns the land, it is controlled and governed by the tribal authority, which appoints a community chief to make decisions about how the land is split and managed (Chaman Law Firm, 2020). In the South African context, the head of the community may be the king as the traditional leadership of the region. A “permission to occupy” document, which has no legal status at the moment but is popular in former homeland territory, characterises this tenure arrangement (Thompson & Tapela, 2019). Ramantsima (2020) concurs that the Interim Protection of Informal Land Right Act protects unregistered land tenure rights, which are the hallmark of the community tenure system. The right holders of these rights are either granted receipts, PTOs, or leases, and some of these rights are not recorded. Communal land tenure is still in use in most regions of Limpopo, the Northern Cape, Mpumalanga, KwaZulu-Natal, and the Eastern Cape (Grain SA, 2015). Although communal land tenure is vulnerable to land insecurity because it promotes social cohesion by relying on locally applicable regulations for the utilisation and allocation of land resources. However, it may not be able to sustain increased pressure on land and resources from both within and outside the community (USAID, 2016).

#### 3.2.2.2. State Land Tenure

The government owns, administers, and manages land under the state land tenure system (Behnke, 2018). Property rights are usually given to a public authority. It is pivotal to note that state owned land includes land owned by national government, municipalities, provincial government, public entities, public schools (Land Audit Report, 2017). According State Land Audit (2013), 14% of South Africa’s land which is 17,061,882 was owned by the state. For example, forest areas which belong in the jurisdiction of the state. This type of land tenure includes public areas in cities or towns, national parks, forest reserves and other land parcels used by the State (Kasimbazi, 2017).

State land ownership may allow for the withholding of land for the purpose of conservation or for managing public land, as well as increased equal access to hotspot areas, but it may also result in poor usage and management of land and its outcomes due to bureaucratic inertia and corruption (USAID, 2016). In addition to facilitating more equitable access to prime areas and reserving property for conservation or public land management, state land ownership may also result in poor land use and land management outcomes due to bureaucratic inertia and corruption.

### 3.2.2.3. Private Land Tenure-Capitalist

Individuals can own and manage land under the private land tenure system. A person or a legal entity such as cooperatives, Sole Proprietor, Partnership, Property Trust, Pty Ltd Company own this type of land (Grain SA, 2015). Land Audit report (2017) stipulates that private landowners are classified into five sub-categories of individuals, companies, community-based organisations (CBOs), trusts and others. The private ownership and control of land had previously been given access to whites only during apartheid/colonialism before 1994 to dominate the agrarian economy (Andrew, 2020). Past the colonial period, processes such as land redistribution, restitution and land reform were introduced by the democratic government to give other races a fair chance to private/individual landownership (Koch, 2020).

According to State Land Audit (2013), 79% of South Africa's land which is 96,550,791 was privately owned. However in 2017, about 77% which is 94 million hectares of the total land is privately owned (State Land Audit, 2017). The advantages of private land tenure system include the landowner being able to decide what to do with his property, such as sell it, lease it, or use it as collateral for a loan (Chaman Law Firm, 2020). Individual families may hold exclusive rights to residential parcels, agricultural parcels, and particular trees within a community. As a result, without the approval of individuals who possess the rights, other members of the community may be barred from exploiting these resources. The availability of written legal principles or documented case law

distinguishes private land tenure (USAID, 2016). In this scenario, the landowner holds a title deed to the property (Grain SA, 2015). Individual land ownership has the potential to place land to the most economically effective utilisation while also excluding the marginalised poor, and limiting state land management alternatives (USAID, 2016).

#### 3.2.2.4. Open access Land Tenure

An open access land tenure system is one in which no one has ownership rights and no one is able to be excluded (Kinaga, 2021). In open access land tenure, there is no control on access to resources due to its nature of the absence of specific rights, everyone is allowed to freely use the land however they want including walking, sightseeing, bird-watching, climbing and running (Natural England, 2014). In South Africa, where rural families have limited access to productive land, the tenure system is vitally important to efficient agricultural output, food security, and poverty reduction (Akinyemi & Mushunje, 2019). The ability of rural communities to produce food on their land is connected to their social, political, and economic lives, as agriculture, the use of natural resources, and other land-based activities are vital to their means of subsistence, employment, income, and food security (Pawlak & Kołodziejczak). Consequently, maintaining and cleaning up the land.

Examples of open tenure include marine residency, forestry where animals are allowed to graze freely on the land. Behnke (2018) argues that the absence of property fosters resource overexploitation through unrestricted access. Open access allows for the optimal allocation of resources to consumers in relation to available resources, which allows for greater populations than would otherwise be possible (Childress, Choudhury & Sanjak, 2022). Therefore, the free usage of land and the resources embedded on it opens up an opportunity for people to use up resources to their last capacity. According to Natural England (2014), the unregulated nature of the land tenure system can lead to exploitation as people can disturb livestock, wildlife or habitats with intention, remove, damage, or destroy any plant, shrub, tree or root with intent and damage hedges, fences, walls, crops or anything else on the land.

### **3.3. THE NATURE OF THE LACK OF LAND TENURE IN TOWNSHIPS**

Land is essential to the life of underprivileged rural residents since it provides them with a place to live, food, shelter, money, and a sense of social identity (Dachaga, 2021). Hunger and poverty are less likely to affect those who have secure access to land. However, access is become harder to come by for a large number of the world's impoverished rural residents in emerging nations. Roughly 1.3 billion people worldwide live in severe poverty and struggle to make ends meet with less than \$1.25 per day, according to IFAD (2015). In developing nations, almost 70% of people reside in rural regions. The most vulnerable members of rural communities frequently have limited or insecure tenure rights (IFAD, 2015).

#### **3.3.1. Experiences on the Lack of Land Tenure Prior 1994**

Before European settlers arrived in South Africa, indigenous cultures land tenure systems guaranteed each member of the society access to a fair portion of the land and to any natural resources that belonged to and were claimed by them (Phuhlisani, 2017). However, colonial administrations misunderstood customary tenure systems and how to apply them, not only in South Africa but in many other colonies as well. African groups were seen by the colonists as tribal units, and their diversity was not acknowledged (Phuhlisani, 2017; Keese, 2019). Individuals and families possess relative rights to the same areas of residential and agricultural land under community tenure, as observed by Cousins (2011), where land rights are inclusive and "socially embedded."

A Natives Commission was founded in 1846, and its boundaries in Natal were entirely confined to African territory (Phuhlisani, 2017). The distribution of land inside the reserves was under the direct or indirect supervision of colonial administrations, depending on the situation (Ivey, 2008). African communities were gradually disadvantaged and had less access to land as a result of European colonization of South Africa up to and including



the wars of the 19th century. However, African alienation from land was made legally enshrined nationwide in the laws of the early 20th century (Phuhlisani, 2017). Consequently, the period of Native Land Act 1913, Native (Urban) Areas Act 1923, Group Areas Act 1950, and The Bantu Urban Areas Act 1953 ushered in a new era of laws that were all passed with the intention of maintaining the separation and control of interracial property transactions and land occupation within the nation (Schuermans, 2013; Breetzke, Fabris-Rotelli, Modiba & Edelstein, 2021).

According to Kloppers and Pienaar (2014), South Africa is confronted by extreme inequalities in relation to land ownership and land use. The previous apartheid administration in South Africa encouraged the mass displacement of black people to underdeveloped townships and rural areas using the Native Land Act 1913 and Bantu Urban Areas Act 1953 as a guideline, which sparked the country's current socioeconomic problems with landlessness, poverty, and inequality (Department of Rural Development, 2013). South African Human Rights Commission (SAHRC) (2018). In addition to being deprived of their land, black South Africans faced systematic discrimination and deprivation in obtaining basic necessities including food, shelter, healthcare, water, and education due to apartheid regulations. The majority of this state land, which is used by people and communities in the former homelands, is unsurveyed and unregistered trust land, according to an audit undertaken by the Department of Rural Development and Land Reform (2013). Despite the establishment of democracy in South Africa, issues with land ownership, registration, and rights persist. Public and private land ownership, acquisition, and compensation are the main topics of discussion, although no significant law establishing a system for redistributing land across the country has been passed as of yet (Katcher, 2018). The poorest members of society frequently have inadequate or unprotected tenure rights, which puts them at risk of losing the land they depend on to wealthy elites (IFAD, 2015).

### **3.3.2. The Lack of Land Tenure in the Democratic South Africa**

Customary rights have been difficult to preserve in reality, even though the Constitution guarantees them. Customary rights include the ability to access, use, and possess land. This is partly because the common-law paradigm of ownership is used, giving preference to private title and disregarding customary and informal property rights (SAHRC, 2018). It appears from the evidence that many magistrates are unaware of ESTA. Since unlawful evictions are criminalized under section 23 of the ESTA, there haven't been many prosecutions for them due to ignorance of the law. According to the SAPS's CAS system, ESTA infractions are not classified as felonies. When properly enforced, Potentially, ESTA might allow residents to own property on which they reside (SAHRC, 2018).

It is important to note that South African farmers are also part of the lack of land tenure struggle as their land is not legally recognised in rural areas (Visser & Ferrer, 2015; Phuhlisani, 2017). Katcher (2018) explains that in the sustainability of South Africa's agricultural industry is frequently questioned when discussing the possible influence on land security and reform in light of the country's rapidly rising economy. World Farmer's Organization (2019:4) stated that "the lack of a stable tenure for farming land in poses some difficulty wherein in an event where the traditional chief had granted the farmer the permission to occupy, the community is able to take the farmer's property, vandalize the property and steal from the farm, making the farmer vulnerable". Therefore, the debates and struggles revolving around land destabilise the efficiency of agriculture in South Africa (Katcher, 2018).

Grain SA (2015) acknowledges that there is a backlog in actually awarding titles to specific parcels of land to groups or individuals in many cases, which the government is attempting to address. The backlogs in issuing out land titles are usually caused by varying factors such as capitalism, spatial distortions of apartheid, land reforms, forceful removals and illegal land occupations are the most common causes of lack of and tenure in the South African context (Kloppers & Pienaar, 2014; Phuhlisani, 2017; Advisory Panel on Land Reform and Agriculture, 2019; Andrew, 2020). According to Rachekhu, Mokoelé & Mokgotho (2022), poor spatial planning efforts may play a key influence in spatial

difficulties experienced in South Africa such as fragmented land-use plans and unsecure communities lacking necessary infrastructure and critical services. Most black people still reside in the suburbs, where it takes them a long time to get to the city. With the rapid pace of urbanization comes an increase in demand for housing as well as the expansion of informal settlements, sprawl, poverty, and a high unemployment rate (Mokoele, 2019).

Additionally, discrimination based on race, gender, and class is increasingly recognised as having both spatial and locational components, and its effects go beyond segregation (Soja, 2008). Similar to other nations, it has been demonstrated with a highly predictive of the percentage of male landowners in each of South Africa's nine provinces (Katcher, 2018). Males control 26 202 689 hectares or 72% of all farms and agricultural holdings owned by individual proprietors whereas females hold 4 871 013 hectares, or 13% of these holdings (Statistics South Africa, 2016; Land Audit, 2017). Women make up the majority of the rural population and labour force in commercial farms, yet they are deprived of land ownership and excluded from decision-making processes on land-use (SAHRC, 2018). In the eastern parts of the country, in the event that a husband passes away, a wife is not permitted to inherit or keep utilising the land that was granted to the husband because according to customary law, such land is granted to a male relative or member of the community who is male (World Farmer's Organization, 2019). According to The Property Audit (2017), white people possess 72% of all farms and agricultural holdings owned by individual landowners, while coloured people own 15%, Indians own 5%, and Africans own 4% of land.

### **3.4. THE NATURE OF THE PRINCIPLE OF SPATIAL JUSTICE**

Spatial justice involves the fair and equitable distribution of space of socially valued resources and opportunity to use them (Centre for Human Rights, 2021). In the post-apartheid era, the spatial system consisted of race segregations where spatial resources, access to freedom of choice and land tenure in terms of settlement types, access to towns and cities, was only limited to the white minority (Mbambo, 2018). After the arrival of

democracy, the spatial system was altered to create a form of justice by providing provisions to allow black people to live in areas of their choice with sufficient land tenure as well as have increased access to spatial assets (Centre for Human Rights, 2021). Therefore, spatial justice is used as a tool to reflect the necessity to undo apartheid's spatial legacy, which deliberately promoted planning mechanisms that physically excluded the majority of South Africans from accessing towns, cities as well as spatial assets (Rountree, 2019).

Soja (2008) postulates that it is vital to stress that in the context of South Africa, spatial justice cannot be utilised in place of other types of justice, but rather as a way of understanding justice from a critical geographical viewpoint. As a result, it may be claimed that justice usually has a significant spatial dimension, and that features of justice and injustice are embedded in all geographies (Adegeye & Coetzee, 2018). Therefore, it is pivotal that land use management systems in localities must integrate all spatial aspects as well as to integrate all provisions that are flexible and appropriate for the management of disadvantaged areas (Van Wyk, 2015). The rationale towards putting more emphasis on land-use management systems is due to their applicability and suitable nature to foster spatial justice in localities.

#### **3.4.1. The Notion of Spatial Justice during the Colonial Period**

Prior to 1994, racial segregation served as the foundation for spatial planning, according to Fokam (2017), which resulted in an uncoordinated and ineffective system. White people were primarily disadvantaged by the colonial and apartheid era land use allocation in South Africa, which put them near to the city (Monama, Mokoete & Mokgotho, 2022). Black, Indian, and colored people were compelled to reside in remote areas, especially townships, under the colonial administration. Black, Indian, and colored people were then displaced into townships as a result of the adoption of spatial planning as a tool to distribute various land uses (Monama, Mokoete & Mokgotho, 2022). Given that apartheid's geographical architecture segregated some socioeconomic aspects in places

distant from growth and development nodes, it was difficult for spatial designers to connect development from the periphery to cities (Todes 2012; Todes, 2018; Strauss, 2019). In addition, the planning practices of apartheid in South African cities led to a disjointed approach to spatial development.

Legislation such as the Native Land Act 1913, Native (Urban) Areas Act 1923, Group Areas Act 1950, and The Bantu Urban Areas Act 1953 was enacted in South Africa during the colonial and apartheid eras to regulate and separate interracial land occupation and property transactions (Schuermans, 2013; Breetzke, Fabris-Rotelli, Modiba & Edelstein, 2021). During the colonial era, non-White people were subject to laws such as the Native Land Act 1913, Native Urban Areas Act 1923, Group Areas Act 1950, and The Bantu Urban Areas Act 1953, which determined where they may live, work, and exist (Newton & Schuermans, 2013). Black South Africans employment, habitation, and settlement were all governed by these spatial planning laws, which also served to uphold racial segregation in towns and cities (Breetzke et al., 2021; Acheampong, 2018). Spatial planning regulations, which restricted growth and opportunity to regions where black South Africans were oppressed, namely townships and rural areas, were the driving force behind the National Party's colonial worldview (Newton & Schuermans, 2013).

#### 3.4.1.1. Native Land Act 1913

The "Natives Land Act," which was approved in June 1913, is widely regarded as the founding and definitional law that established apartheid and segregation while denying South Africa's black population access to and ownership of property (Stanley, 2019). Following the passage of the legislation, the apartheid regime started the forced transfer of African Americans to impoverished homelands and shoddy townships with inadequate infrastructure (The Republic of South Africa, 2013). The apartheid regime forcefully uprooted thousands of Black families from their land. As a result, family heads were compelled to hunt for work far from their homes as they could no longer support themselves and their families (Phamotse, 2019). This signaled the start of the nation's

current socioeconomic problems, which include inequality, poverty, and landlessness (The Republic of South Africa, 2013).

The Act further made it illegal for Black people to acquire property other than as servants of White masters, allowing White people to control 87% of the land, leaving Black people to compete for the remaining land (The Republic of South Africa, 2013). The Act forbade Africans from purchasing or leasing land throughout 93% of South Africa, which was disastrous for the African population. Essentially, in 1935, even though they were more numerous, Africans were limited to owning 7% of South Africa's land (South African History Online, 2013). In 1913, the Natives Land Act established the borders of scheduled areas, or reserves, and included anti-squatting rules to prevent sharecropping. Harvey Feinberg and Andre Horn (2008) state that “scheduled areas encompassed land which Africans had acquired by grant from the South African Republic of Orange Free State government, previously created locations or reserves, land owned under the informal and formal trusteeship system which emerged in the nineteenth century in the Transvaal, and land purchased in the Cape and Natal.” The rationale was to force Black landowners out of White areas and replace them with Black slaves or laborers who were not allowed to lease land in White areas (South African History Online, 2013).

#### 3.4.1.2. Group Areas Act 1950

The Group Areas Act preserved residential segregation, much like the Land Act did. South Africa's cities and towns were separated into separate residential and business districts by the Group districts Act (1950) (South African History Online, 2021). According to the South African Institute for Race Relations (1952), the Group zones legislation established the legal foundation for different governmental levels to designate specific districts as "group areas," where only members of that particular race were permitted to live. Thousands of Indians, Blacks, and Colored people were driven out of regions designated for white occupancy. The Act successfully separated Blacks, Indians, and Coloreds from areas designated for White Settlements by dividing South Africa's cities into residential and commercial zones (Rogerson & Rogerson, 2021). The Group Areas Act of 1950

supported apartheid's dominance in creating residential and commercial zones for each race in cities (Lemon, 2021; Rogerson & Rogerson, 2021). Thousands of individuals were uprooted by the Act, shattering friendships, families, and communities (South African History Online, 2021). The Act's retroactive application, which allowed for the demolition of every home in an area designated as a group area and the eviction of everyone who did not belong to the designated group, was largely to blame for the displacement (Mabin, 1992).

White residential districts were situated in more appropriate space in the center of South African cities, while other populations were concentrated in the periphery. This pattern and spatial layout were made possible by the Group districts Act. Black people were forced from their homes by white minority spatial planning laws, which created housing for black families outside of cities, according to Breetzke et al. (2021). These colonial planning laws were based on racial segregation. Moreover, one tool in the legal toolbox used to preserve urban fragmentation was spatial zoning laws from the apartheid era (Monama, Mokoetele & Mokgotho, 2022). As a result, the pressure from black South Africans to control their space via resistance and punishment compelled the previous government to alter planning laws, limiting and robbing black people of their socioeconomic chances (McCarthy, 2003; Fourie, 2019).

### **3.4.2. The Principle of Spatial Justice during the Democratic Period**

The existing geographical arrangement of South African cities is mostly the result of past spatial planning undertaken during the colonial and apartheid administrations (Mabin, 1992; Odendaal & McCann, 2016; Turok, 2016). The main cause has been the adoption and eventual application of the colonial and apartheid-era significant planning laws from 1913 until the late 1980s (Mabin, 1992; Odendaal & McCann, 2016; Turok, 2016). The aim of the new democratic government is to dismantle the geographical separation created by apartheid architecture. Nevertheless, a closer look at how laws and policies enacted

since 1994 to address spatial inefficiencies are currently being applied reveals that most of these laws appear to be either maintaining or promoting apartheid planning (Chakwizira, Bikam & Adeboyejo, 2018).

Soon after democracy was established in 1995, the Development Facilitation Act (DFA) was implemented to address the issue of spatial planning. A uniform set of procedures for land development approvals was proposed in the White Paper on Spatial Planning and Land Use Management, which was published in 2001 (Fokam, 2017). In July 2015, the DFA was superseded by the Spatial and Land Use Management Act (SPLUMA). In order to balance socioeconomic needs with those of environmental conservation, address the segregated and unequal spatial patterns left over from apartheid, encourage investment in land development and establish enough certainty in the land market, and enhance and support infrastructure and service delivery initiatives (Fokam, 2017; Todes, 2018).

In democratic South Africa, access to land is explicitly provided for under the Constitution of the Republic of South Africa (1996). In particular, the vision of the constitution aims to make amends for the black indigenous people who were subjected to the everyday, soul-destroying humiliations of apartheid (South African Human Rights Commission, 2018). As a result, the emergence of spatial justice revealed itself as a developmental principle. With the signing into law of the SPLUMA Act 16 of 2013, several development principles are highlighted in the Act, including sustainability, spatial resilience, efficiency, and effective administration, as well as a practically new principle concentrating on spatial justice (Adegeye & Coetzee, 2018). These ideas are meant to guide and inform decision-making at all levels. Furthermore, one of the overarching principles for spatial development in the National Development Plan 2030 is spatial justice, which states that “all spatial development should conform to the following normative principles and should explicitly indicate how they will meet the requirements of these principles” (National Planning Commission (NPC), 2012: 7). The legislative frameworks that enforce the Principle of Spatial Justice post 1994 South Africa are:



### 3.4.2.1. Spatial Planning and Land Use Management Act (SPLUMA) 16 of 2013

SPLUMA is a legal legislative framework that underpins spatial planning in South Africa. SPLUMA was primarily introduced to improve the living conditions of black urban residents to address transportation needs (De Visser & Poswa, 2018). In accordance with the inclusive, efficient, and equitable spatial plans that exist across all governmental domains, the purpose of the SPLUMA was to establish a framework for planning and land use management in South Africa (Busayo, Kalumba & Orimoloye, 2019; Mokgotho & Mokoetele, 2020). Nel (2016) states that SPLUMA provides a framework that guides spatial development and authorises local municipalities or local councils to facilitate planning aimed at the improvement of their regions.

It can be deduced from the SPLUMA Act 16 of 2013 that the characteristics of spatial justice principle can be reduced to, readdressing past spatial imbalances and exclusions; including people and areas previously excluded, providing tenure security and, upgrading informal areas and settlements. The Constitution of the Republic of South Africa in support of SPLUMA, stipulates in Section 26 that everyone has the right to access to access of adequate housing where eviction is only permitted in terms of a court order. Henceforth, it is believed that past spatial and other developmental imbalances are entitled to being attended to through optimum improved access to and use of land (Van Wyk, 2015).

However, De Visser and Poswa (2019) argue that SPLUMA does not necessarily embrace the notion of local lawmaking, which reluctantly ignores the role of municipal by-laws in the planning framework. Disregarding local lawmaking makes it difficult for local municipalities to respond to some of the issues and community needs due to the unavailability of approaches that perfectly fit into the scenarios (Glasser, 2020). Thus, the municipal planning by-laws provided by various local governments should be in conjunction with the relevant provisions of SPLUMA and provincial legislation.

### 3.4.2.2. Integrated Development Plan (IDP)

According to RSA (2000), Chapter 5 of the Local Government: Municipal Systems Act (LGMSA) 32 of 2000 stipulates that a land use management system guided by a spatial development framework must be a part of the IDP. The IDP is intended to reflect a developmental government that guarantees sustainable municipal service delivery, fosters socioeconomic development, stimulates a safe and healthy environment, and encourages community involvement in local government, as required by the Republic of South Africa's (1996) Constitution. (Gueli, Liebenberg & Van Huyssteen, 2007). In addition to guaranteeing better coordination and integration with other governmental sectors, it promotes engaged citizenship (Mogano & Mokoale, 2019). Moodley (2003) and Malefane and Mashakoe (2008) concur that Every municipality ought to have an Integrated Development Plan (IDP) that prioritizes and focuses on locally identified requirements in order to maximize the use of scarce, affordable, and sustainable resources.

The LGMSA 32 of 2000 prescribes that the IDP should contain a variety of development objectives and operations, which include spatial planning through correspondence with the spatial development framework among them (Dlamini & Reddy, 2018). According to Gueli *et al.*, (2007), the IDP assists in identifying areas where land development should be increased. Gueli *et al.*, (2007) further indicated that the IDP attempts to integrate segregated areas and establish and improve major public movement/ transport routes. To redress the apartheid-borne land injustices, the IDP proposes development programmes focused on accomplishing spatial objectives.

Local municipalities as the implementers of state policies are responsible for the application of the principle of spatial justice using land-use management systems and other planning documents (Fonkam, 2017). The acquisition of solid land tenure and initiatives such as progressive upgrading of informal settlements are examples of spatial justice at a local level, closer to the people (Isandla Institute, 2018). Land tenure was prioritised to correct past spatial inequalities affecting underprivileged and previously

excluded people, allowing them to lawfully occupy their areas and obtain government protection from the unlawful coercive evictions they had experienced during the apartheid era (Amnesty International, 2018). Through the provision of household consolidation, basic services, tenure options, and community facilities/ infrastructure, activities such as incremental upgrading of informal areas are integrated into local spatial planning mechanisms with the goal of adding value to the spatial circumstances and the quality of life of people living in irregular and unregistered settlements and former homeland areas (Isandla Institute, 2018).

#### 3.4.2.3. Spatial Development Framework (SDF)

An SDF is a document created with the primary intention of representing a local authority's spatial development goals. This was as a consequence of an integrated examination and sorting of the geographic implications of several sectoral issues such as transportation, energy, and water (RSA, 2001). Chapter 7 of the Constitution of the Republic of South Africa (1996, herein referred to as the Constitution) explicitly demonstrates that service delivery is positioned in the hands of local governments through municipalities (Madumo, 2015). However, the Constitution stresses that local governments must ensure the provision of services to communities in a sustainable manner (RSA, 1996). Madumo (2015) concurs that for each of these objectives to be achieved, the municipalities must receive the necessary support and collaboration.

Mokgotho and Mokoale (2020) highlight that SPLUMA requires that each sphere of government should develop and adopt an SDF to promote efficient urban planning and urban renewal. As highlighted in the SPLUMA, the national government should adopt a National Spatial Development Framework, which informs provinces to adopt provincial spatial development frameworks (De Visser & Poswa, 2019). The district and local municipalities should also adopt their regional/municipal spatial development frameworks. In terms of transportation development, the SDF's logic focuses on building a defined hierarchy of accessibility to assure the regions' social, economic, and environmental sustainability (RSA, 2001). The inability to signify urban transportation

issues in the SDF's can portray a blurry picture in an attempt towards integrated transport systems (Rachekhu, Mokoete & Mokgotho, 2022). Prioritising efficient and convenient transport infrastructure over other developments often becomes an extremely perplexing effort in localities (Wang, 2018). The implementation of spatial plans and laws in addressing spatially related development problems requires a clear relationship between spatial planning frameworks and actual land use rights. De Visser (2019) concurs that if land-use management decisions are made in a way that is disconnected from the forward-thinking expressed in the SDFs, the SDF's long-term spatial goals will be frustrating and difficult to achieve.

### **3.5. THE IMPLICATIONS OF THE LACK OF LAND TENURE ON THE PRINCIPLE OF SPATIAL JUSTICE**

The link between land tenure and the idea of spatial justice implies promoting inclusive spatial development to decrease economic inequities and social polarisation caused by neoliberal urban growth (Uwayezu & De Vries, 2018). Nonetheless, the acknowledged occurrence of lopsided landholding patterns in South Africa is a result of the country's 22 years of democratic administration, since the remnants of earlier distributive regimes remain apparent (Dlamini & Ogunnubi, 2018).

According to Monama, Mokoete, and Mokgotho (2022) more than 20 years of democracy, South African cities spatial layouts are still disjointed, with urbanization driving up housing demand. Keovilignavong and Suhardiman (2020) stipulate that the deficiencies in land access and rights delay the capacity to attain some of the SDG goals, which include goal 10 on reduced inequalities, goal 11 on sustainable cities and communities, and most importantly goal 15, which is about life on land. It is believed that having no land title makes one more vulnerable to the rising demand for property in metropolitan areas for residential and commercial uses (Chagutah, 2013). However, insecure tenure in rural regions makes it difficult to pursue a variety of livelihoods and prevents investment in the right technology (Chagutah, 2013).

### 3.5.1. National Context

Twenty-five years later, South African cities are still distinguished by spatial arrangements in which the black population lives in the racially excluded periphery of the cities, while the white population lives in centrally located, city-core areas of the nation (Turok, 2016). Various initiatives have been implemented in South Africa over the last 20 years with the goal of reorganizing the country's twisted and fractured spatial form, reuniting its broken communities and places, and fostering sustainable development overall (Adegeye, 2018). For more over 20 years, efforts have been made to reverse the unfair apartheid geography that the nation is still plagued with, but little progress has been made in this area (Khaile, Roman & Davids, 2020).

However, literature (by Adegeye, 2018; Isandla Institute, 2016; Turok, 2016) concurs that Everyone agrees that South Africa's spatiality has not changed. Both the South African Cities Network (2016) and the National Planning Commission (2011) are sure that spatial patterns have not only stayed the same but have multiplied. As a result, according to South African Cities Network (2016), the existing procedures and institutions frequently uphold an unfair and unequal status quo. For the black majority, the failure of municipalities to address spatial dynamics and difficulties has had a detrimental impact on the realization of constitutional values of fairness, prosperity, and sustainability in a variety of situations (Khaile, Roman, & Davids, 2020). Black communities subsequent marginalization, substandard housing, and limited access to socioeconomic prospects may have contributed to the perpetuation of spatial injustice (Todes, 2018; Khaile, Roman & Davids, 2020).

Despite the National Department of Human Settlements (NDoHS)'s mandate to offer state-subsidised housing to all South Africans, rapid urbanisation, population expansion, financial limits, and escalating development costs have made keeping up with demand for housing unfeasible, which leads to an increase in informal dwelling units (Government

Communication and Information Systems, 2020), thus, generating more scenarios of lack of land tenure and proliferating spatial injustice. Due to the ongoing condemnation of those living in different peripheral spatial locations such as townships or informal settlements to spatial injustice, social vulnerability endures. It is clear that the present spatial inequality made black communities' disinvestment and participation worse (South African Cities Network, 2016).

Simultaneously, the tenure system in the country is continually changing, resulting in inconsistencies and incompatibilities of rights, processes, requirements, and freedoms of persons, organisations, and institutions in terms of accessibility, ownership, usage, and control, causing disruptions (Duvernoy, Zambon, Sateriano, & Salvati, 2018; Metternicht, 2018; Dadashpoora & Ahani, 2019). Therefore, due to the ubiquity of deficiencies in land tenure situations, establishing spatial justice in all South African provinces has become an overly ambitious endeavour (Swanepoel, 2020). As a result, unsecure land tenure initiates a sort of discrimination by virtue of location hindering the establishment of spatial justice. Thus, depreciating the efforts of national legislations aimed at promulgating spatial justice, which are SPLUMA Act 16 of 2016 and National SDF.

### **3.5.2. Provincial Context**

According to Land Audit (2017), South Africa's total land area in 2017 was recorded to be approximately 121.9 million hectares, but not all of it is registered at the Deeds Office. Additionally, the audit found 7.7 million hectares of unregistered land in the Eastern Cape and Limpopo Provinces, held in trust (Land Audit, 2017). Thus, leading to the proliferation of spatial injustice in the provinces. It can be agreed that land continues to be, arguably, the most contested social issue in South Africa (Vorster, 2019). Based on the types of land tenures agreed upon and made available by the national government, the main land tenures that provincial governments authorise to municipalities for residential purpose are private and communal land tenure (The Republic of South Africa, 2016). While customary land law, which is less regulated, is often used by South Africans living in rural areas,

private tenure, which is more common in urban areas and is connected with well-implemented legislation and guarantees, is the most secure kind of property ownership (Sauti & Lo Thiam, 2018). Even so, political leaders continue to struggle to put strong policies into place that address land-related issues inside safe havens of institutions and legislation. The majority of black South Africans are landless as a result of land ownership being divided along racial and gender line.

According to Sauti and Lo Thiam (2018), the South African Commercial Farmers Union's plans to convert large-scale private farms situated in different provinces, primarily owned by the white minority, into small farms with communal tenure could have disastrous economic effects. This is partly because white farmers possess greater political clout than their small-scale peasant farmer counterparts. Peasant farmers in some regions are thought by some politicians to be less productive and more prone to damage the land, which might lead to large drops in output (Keane, 2016). Furthermore, poor land management, decreased agricultural productivity, and decreased investment security can all be caused by an unstable tenure structure and inaccessible legal documentation pertaining to land use rights (United Nations, 2021). Increase in the acquisition of land by outside private investors, companies, governments, and national elites from individuals and/or local communities occurs, forcefully robbing them off their access to land (Sauti & Lo Thiam, 2018). As a result, their uses of land which include sustaining their livelihoods are threatened, creating both social and environmental problems, since they deprive communities of land (Kasimbazi, 2017). Therefore, it violates human rights, particularly rights relative to equality as stipulated in the Constitution of the Republic of South Africa 1996. Furthermore, the aspect of effective democracy, independent oversight or meaningful participation adopted as a democratic state are compromised (ILC, Tirana Declaration, 2011).

According to the Isandla Institute (2016), informality, a lack of tenure security in which persons have no legal title to the property they occupy, and poor living circumstances caused by high densities and limited access to services characterise a substantial

number. As a result, the principle of spatial fairness is jeopardised. Kasimbazi (2017) supports the argument presented by United Nations (2021) by asserting that the unfair distribution and lack of access to land occurring in South African communities are the potential key explanations for poverty, food insecurity and social exclusion. It is evident that the land is owned by wealthy elites rather than by the underprivileged in rural areas. Furthermore, the rural poor are particularly susceptible to losing their rights even in situations where they do exist due to disparities in income and power dynamics (Kasimbazi, 2017). Race, gender, and class are now ascribed as the formation of spatial and locational discrimination, and the consequences will not be restricted to segregation (Soja, 2008). Consequently, the class factor is the most dominant. The metropolitan system's day-to-day operations and activities are a main source of unfairness since in a capitalist system, income is distributed in a way that benefits the wealthy at the expense of the poor while ignoring the balance spatial justice aims to create of equality (Adegeye & Coetzee, 2018).

### **3.5.3. Local Government Context**

The apartheid geographical gap and its associated urban geography have been cited by several writers as evidence that municipalities have not been able to transcend past exclusions and divides (Marcuse, 2009; Soja, 2009; Van Wyk, 2015; David, Leibbrandt & Shifa, 2018; Turok, 2018). Significantly, the failed spatial transformation has made widespread inequality worse, which further drives a wedge between communities instead of bringing them together (South African Cities Network, 2016; South African Local Government Association, (SALGA), 2017; Von Fintel, 2018). Similarly, it is evident from writers like Dikec (2001) and Soja (2010) that the ritualization of space organization in metro areas based on racial segregation has resulted from untransformed spatial patterns (Khaile, Roman & Davids, 2020).



It goes without saying that in the majority of metropolises, cities and townships, the persistent spatial injustice has maintained the deliberate geographical and social gap between the white and black populations (Khaile, Roman & Davids, 2020). According to the South African Cities Network (2016), South African cities are under pressure that can only widen socio-spatial divide since impoverished, black families lack the voice to demand basic necessities from the government. In essence, metros have not only been unable to eradicate racial socio-spatial inequality, but they have also unintentionally given legitimacy to some types of spatial exclusion (Khaile, Roman & Davids, 2020). As a result, there is evidently poor social contact, a lack of unity, mistrust, marginalization and a lack of acceptance between the communities of Black and White.

Burger, Van der Berg, Van der Walt, and Yu (2017) bemoan the fact that inequality that is still highly connected with race has been replicated as a result of the consequences of land tenure deficits on spatial injustice. Undoubtedly, the widespread spatial injustice has also intensified the competition for space between the black and white communities, with the former openly welcoming the black communities' spatial exile and displacement from the urban core and the latter facing marginalization and exclusion to the edges of the urban margins (Khaile, Roman & Davids, 2020). In a similar vein, the South African Network (2016) emphasizes how ingrained spatial disparities, laborers living far from their places of employment and enduring costly commutes, racially and class-separated neighborhoods, and black peripheries and inner cities are all examples of how economic and social injustices appear in cities. In addition, cities tend to have impoverished and informal settings and housing; historically patterned economies are concentrated distant from the bulk of the poor (Socio-Economic Rights Institute of South Africa, 2018).

Conversely, the South African Cities Network (2016) concedes that addressing socioeconomic disparity has been hampered by geographical injustice. Accordingly, there is still a great deal of polarization in South African towns. In this instance, Lehman (2011) contends that structural socioeconomic factors might account for a portion of the observed social distances in metropolitan areas, even if it is evident that cities physical

inertia unavoidably mitigates the effects of current economic trends. Van van Westhuizen (2015) and Khaile, Roman, & Davids (2020) both highlight the unsettling social unfairness that South Africa's unreformed socio-spatial division and dynamics continue to cause in local communities. Consequently, the local government spatial planning and land-use management tools such as the Integrated Development Programme and Spatial Development Framework become effortless.

### **3.6. CHAPTER SUMMARY**

This chapter examined the experiences with reference to the lack of land tenure and their implications on the principle of spatial justice within the context of South Africa. The lack of land tenure tends to be the major socio-economic concern in various South African communities. As of yet, a majority of the population has issues with the land titling, land laws and land rights, which threaten stable land tenure with strong property rights. This leads to deficiencies in the achievement of the principle of spatial justice. From the available literature, it can be agreed that numerous types of land tenure exists in South African townships and for various purposes as indicated in this chapter. The chapter outlined the types and characteristics of land tenure predominately found in South African communities, the character and essence of the principle of spatial justice as well how the deficiencies in land tenure has become a critical component in a large-scale programmatic concern inhibiting unequal access and distribution of land resources and other forms that individuals wish to capitalise their land resources on, such as investment in land, management and sustenance of natural resources and increase agricultural output.

## **CHAPTER FOUR: RESEARCH METHODOLOGY OF THE STUDY**

### **4.1. INTRODUCTION**

A strategy and plan of investigation was used in the study as an attempt to answer the specific research questions. Research design and methodology encapsulate the overall research scheme (Masenya, 2015). For the purpose of this study, a mixed method approach was adopted, that is, the study integrated both qualitative and quantitative techniques and used them at multiple stages. The qualitative research method is used to gain a deeper knowledge of human behaviour and the factors that influence it (Maluleke, 2019). The qualitative method merely looks into why and how people make decisions rather than merely what, where, and when they do, requiring smaller but more targeted samples were more frequently than big samples (Brayman, 2008).

### **4.2. RESEARCH DESIGN**

Research design provides a system of rules and instruments to follow when dealing with a research problem as well as to obtain and control variances (Masenya, 2015; Bernardin, 2012). The study adopted the case study research design, which is categorised under normative research design to investigate the implications of the lack of land tenure on the principle of spatial justice in Kgapane Township. Case studies, according to Yin (2009), are used to clarify, characterise, and delve further into occurrences or phenomena in their natural environments. The purpose of adopting the case study approach is to permit in-depth, multifaceted investigations of complicated subjects in their actual contexts (Crowe, Cresswell, Robertson, Every & Sheikh, 2011). The design was carried out using exploratory research to observe and assess the implications of the lack of land tenure on the principle of spatial justice.

The quantitative research approach is founded on conventional scientific methods that produce numerical data and typically examine the strength and significance of the

associations between two or more variables to establish a causal relationship (Yin, 2011). Therefore, both qualitative and quantitative approaches were used to investigate how the lack of land tenure affects the principle of spatial justice in the community of Kgapane Township. The benefits of using mixed method approach are entrusted in its capacity to combine three different data collection techniques and sources. The approach is capable of addressing complexities of the study's research questions because the study will profit from both the specific, contextualized insights of qualitative data and the generalizable, externally valid insights of quantitative data as a consequence of merging quantitative and qualitative designs findings of data analysis. Therefore, the results of the quantitative method contributed to complementary findings from the qualitative approach. However, Whitley, Munro, Hemingway, Law, Siriwardena, Cooke, Quinn (2020) bemoans that mixed-method approach to research consumes extensive time and lead to increased time taken to complete the overall study, which requires the allocation of sufficient time for the research project.

#### **4.1.1. Description of the Study Area**

Kgapane Township, Ward 3 is located in the Greater Letaba Local Municipality (GLM) under Mopani District, Limpopo Province, in South Africa. The township is situated in Bolobedu, which is approximately 32 kilometres away from the town of Tzaneen. The township is a fragmented formal urban component with a vast amount of land owned by the state under custodianship of tribal/traditional authorities (GLM: IDP, 2020/2021). Furthermore, the township is one of the major growth points in the municipality, thus subjected to an upswing in the establishment of illegal or informal settlements and an increase in land claims (GLM: IDP, 2020/2021). Therefore, such activities consequently initiate conflicts over spatial resources among the township citizens and those of the neighbouring areas.

#### **4.1.2. Kind of Data Required**

The study required primary data as well as secondary data. The primary data required included the types and characteristics of land tenure, the nature of the principle of spatial justice as well as how the lack of land tenure affects the principle of spatial justice. The primary data were gathered through questionnaires, interviews and observations, which enabled more information to be recorded from the participants. Moreover, the secondary data assisted in providing facts and opinions through literature review.

#### **4.1.3. Target Population**

The target population of the study was the community of Kgapane Township, Ward 3, which has approximately 9879 people (GLM IDP, 2020/2021; Statistics South Africa, 2022). The study's unit of analysis was household heads, land-occupiers, traditional rulers, the municipal officials, spatial planner and a ward councillor. The selected unit of analysis was necessary for the study because of the participants' involvement in land-use planning and management systems, their knowledge on varied land tenure, and their experience on the lack of land tenure in the communities. The municipal officials and traditional leaders who were involved in land-use planning and management potentially had knowledge on different types of land tenure systems and how they operate due to the spatiality they are located in. Furthermore, the unit of analysis also included municipal officials as they are responsible for spatial development planning as well as land-use planning and management of GLM.

#### **4.1.4. Sampling Design**

According to Makalela (2019), the application of sampling in a research project is advantageous because it helps in saving time and costs as it recruits a desired portion of the population to take part in the research. Accordingly, there are two sorts of sampling techniques adopted for this study, which are probability and non-probability sampling. The

study adopted simple random sampling, which is categorised in probability sampling technique. Additionally, purposive sampling which is categorised as a non-probability sampling technique.

For the purpose of the study, a sample of 108 household heads was extracted from the approximate total population of 9879 existing in Kgapane Township Ward 3 using simple random sampling, which is categorised in probability sampling technique. The 108 sample size was extracted from both legal settlements and informal settlement for the purpose of quantitative analysis for the study's analysis. To arrive at the 108 individuals sample size, a complete list of all population members of Ward 3 was made with the assistance from the municipality, which enabled easy access to each member of the population if they were selected. The 108 individuals sample size was selected by carrying out a transect walk in the township, which composed of the land occupiers and homeowners within the community because the researcher intended to get an insight into the community's views about the implications of lack of land tenure on the principle of spatial justice. Because of the restrictions and inadequacies in terms of resource and time, the selection of the 200 individuals proposed during the initiation of the study can be justified. Any research project's sample size is necessarily influenced by time and resources (Creswell & Creswell, 2017).

The study also utilised purposive sampling, which is a type of non-probability sampling, to conduct qualitative interviews with GLM spatial planner, the ward councillor of Kgapane Township Ward 3 as well as the traditional leader. Purposive sampling enabled easy identification of individuals attaining adequate information about land tenure and the principle of spatial justice by carrying out a transect consultation with the municipality to secure appointments with the spatial planner, ward councillor and traditional leader. The method was used until all the required key informants were interviewed. The study encapsulates findings from varying genders, which are presented below:

Gender	Quantity
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Male	42
Female	61
Others	5

**4.1.5. Data Collection Techniques**

Different data collection techniques were utilised to collect primary and secondary data for the study to obtain the relevant information to provide answers to the research questions. The data collection techniques used for the purpose of the study were as follows:

4.1.5.1. Documentations

The secondary data were sourced using literature review. A secondary source of data entails the study of existing documents, which complements the analysis of literature on a topic that already exists (Anderson, 2017). Literature review enabled solicitation of information from relevant written materials such as the Integrated Development Plan (IDP), municipal reports, scholarly articles, books and journal articles. The primary aim of documenting the data was to examine a range of current sources to obtain facts and information that can be independently verified (Maluleke, 2019).

4.1.5.2. Structured Questionnaire

For the purpose of quantitative data collection, the study used a structured questionnaire. The questionnaires were administered to the unit of analysis of the study, which were household heads and land-occupiers to collect primary data on the implications of the lack of land tenure on the principle of spatial justice. The questionnaires were distributed to all sampled households, particularly household heads and land-occupiers in the study area. The structure of the questionnaire used allowed respondents to fill in their answers on a written form that the researcher administered and collected upon completion

(Maluleke, 2019). The questionnaire had scaled, rated, and checked open-ended and closed-ended items.

#### 4.1.5.3. Semi-Structured Interviews

For the purpose of the study, semi-structured interviews were used to obtain information from key informants that are community leaders conducting individual interviews. According to Makalela (2019), a semi-structured interview is a key way of gathering data through a rigorous set of questions. The interview was semi-structured because it enabled open-ended questions, allowing for the introduction of new ideas during the process. In this study, semi-structured interview schedules were used to collect data from local government officials and community representatives using the one-on-one interview method. The researcher interviewed the three (3) key informants (municipal spatial planner, ward councillor and traditional ruler) through the face-to-face method to collect data. All the responses that were given by respondents were noted down/recorded for analysis.

#### 4.1.5.4. Observations

The researcher conducted observations to gain sufficient information to help validate the primary and secondary data sources obtained from both the existing literature and the sampled households and individuals. The researcher aimed to observe the status quo of the implications of the lack of land tenure on the principle of spatial justice in Kgapane Township, Ward 3. The observation was facilitated by taking a transect walk of the township, particularly Ward 3 to record the land and housing conditions. It was observed that Kgapane Township Ward 3 is dominated by informal settlements with inadequate housing and insufficient service delivery, which implies that people residing in the slums do not have land tenure that stipulates their rights and living conditions by virtue of residing in an unregistered settlement. Furthermore, there seems to be a confusion on the portion that is governed by the municipality and the portion that is governed by the traditional authority as their territories intersect with one another. The status quo of the



implications of the lack of land tenure on the principle of spatial justice in Kgapane Township is worsening.

#### **4.1.6. Data Analysis Techniques**

This study analysed and interpreted primary data gathered through multiple data gathering methods using both qualitative and quantitative data analysis approaches.

##### **4.1.6.1. Qualitative Data Analysis**

Thematic analysis was used to analyse the qualitative data. The process followed to analyse data thematically included familiarisation with the data to get a thorough overview of all the data collected, coding the data, generating themes to categorise the data, reviewing themes, defining and naming themes and discussing the themes. The qualitative data were presented according to the various sections and subsections of the questionnaire (Creswell, 2013). This entails transcribing the data, categorising them based on emergent themes, summarising and tying them to the study's goals (Maluleke, 2019). The qualitative data were analysed using Nvivo 10 software. According to Malebana (2021), the features in NVivo 10 drive the researcher to derive theory from data, whereas qualitative software frequently offers tools that facilitate theory construction from data.

##### **4.1.6.2. Quantitative data analysis**

Descriptive statistics were utilized to analyze quantitative data for this study. With the use of the statistical package for the social sciences (SPSS) version 28, descriptive statistics such as frequencies, percentages, means, and standard deviations were calculated and shown. In order to conduct a number of statistical analyses using SPSS, the quantitative data were coded into numerical representations. Therefore, to communicate quantitative information, graphs, charts, and tables were employed. The researcher was able to provide an analytical explanation and analysis of the data by using

descriptive statistical approaches, where the data were presented visually as numbers and percentages in tables, charts, and other visual aids.

## **4.2. VALIDITY AND RELIABILITY**

According to Heale and Twycross (2015), validity is the extent to which a concept is precisely quantified in both qualitative and quantitative research, whilst reliability is defined as the measure's consistency. The data provided in the study sought to prove adequacy, validity and reliability for the study by soliciting data from the recent literature or studies. It ensured that the data collection and analysis techniques applied in this study had been used by the researchers in past studies. Thus, assuring that techniques measured and produced the desired results, enhancing the validity and reliability of the study. Moreover, the study ensured the reliability of the findings by conducting a pilot study on the data collection techniques to identify vague or wording issues that participants could have found difficult to understand in the instructions and the questions of the survey questionnaire.

## **4.3. CHAPTER SUMMARY**

This chapter presented the research design and technique used in this investigation. The report included a description of the sampling and sample methodologies used as well as the presentation of the data collection instruments structures took place. Furthermore, a detailed presentation of the measures employed to guarantee the study's validity and reliability was provided. The researcher concluded by outlining the procedures that were followed to guarantee that data is gathered, examined, and presented in an ethical manner.

## **CHAPTER FIVE: DATA PRESENTATION, ANALYSIS AND INTERPRETATION**

### **5.1. INTRODUCTION**

This chapter summarizes the study's findings and offers an analysis of the information gathered using a variety of methods, including observation, one-on-one interviews and semi-structured questionnaires. The chapter further presents the analysis and interpretation of the demographic profile of the respondents. This is followed by the analysis of types and characteristics of land tenure, the nature of the lack of land tenure, the nature of the principle of spatial justice and the implications of the lack of land tenure on the principle of spatial justice. Data were collected from one hundred and eight (108) households in Kgapane Township, Ward 3. Interviews were also conducted with three (3) key informants that included a spatial development practitioner from GLM, a ward councillor of Kgapane Ward 3 and the traditional leader of Rapitsi Village, which is located within the boundaries of the township.

The first section of the questionnaire was designed to extract demographic data about the participants' gender, ethnicity, level of education and employment level. The second section of the questionnaire included both closed- and open-ended questions to elucidate the various forms and attributes of land tenure. To better comprehend the nature of lack of land tenure, section three included both closed-ended and open-ended questions. To better grasp the essence of the principle of spatial justice, questions with both closed- and open-ended answers were included in section four. The questionnaire was semi-structured, having both closed-ended and open-ended questions to assess how the lack of land tenure might affect the township's adherence to the ideal of spatial justice.

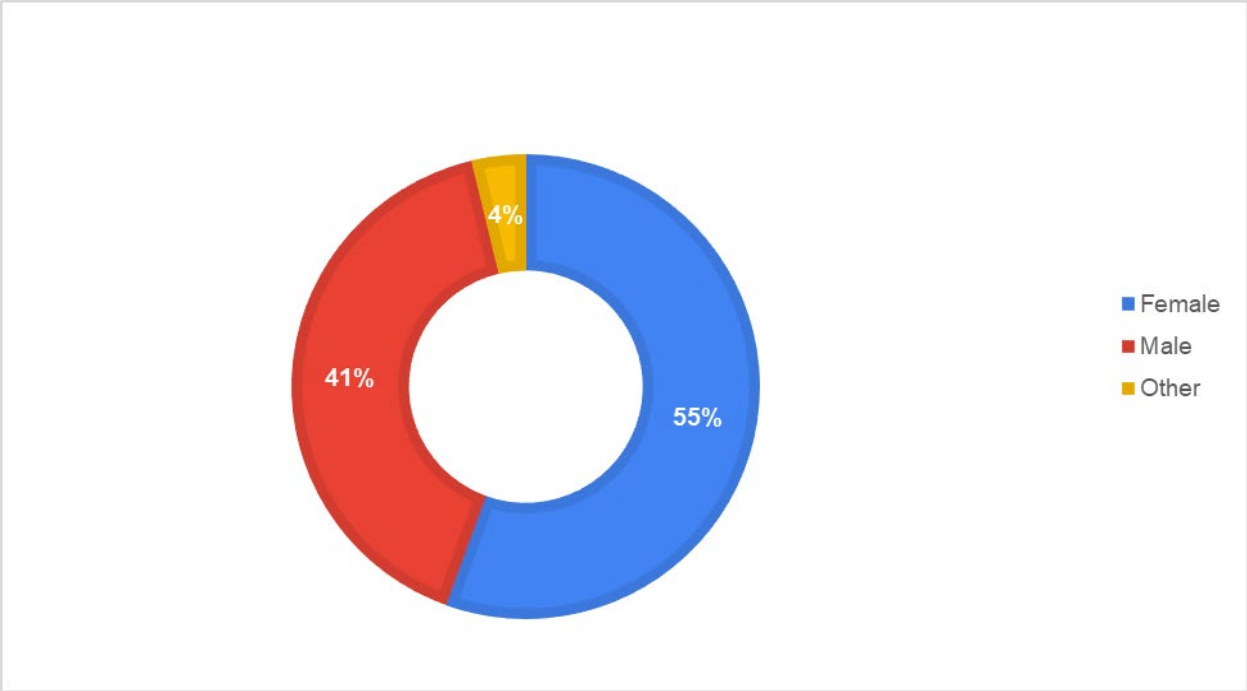
## **5.2. DEMOGRAPHIC PROFILE OF THE RESPONDENTS**

The study consisted of respondents that were male, female and individuals from the Society of Lesbian, Gay, Bisexual, Transgender, Intersex, Queer/Questioning, Asexual (LGBTQ+). The study aimed at interviewing all gender categories in Kgapane Township Ward 3 who were interested in taking part. The demographic information includes the gender of their ethnic group, their level of education, and their employment status, which are analysed and discussed below. The demographic information discussed in the section added value to the study by allowing the researcher to better understand certain background characteristics of the respondents.

### **5.2.1. The Gender Group of Kgapane Township, Ward 3**

Figure 5.1 shows the gender category of Kgapane Township, Ward 3 that were considered for the study. Figure 5.1 shows that the majority (55%) of the respondents were female whereas 41% of the respondents were male. Additionally, 4% of the respondents indicated that they fall under the LGBTQ+ gender category (Figure 5.1). The findings suggest that females (women) are dominant in the society when compared to their male counterparts in Kgapane Township, Ward 3.

Figure 5.1: Gender Category of Kgapane Township, Ward 3



Gandhi (2018) argues that with the current statistics of the World’s population being dominated by women, it is no surprise to get many female respondents compared to males (World Health Organization, 2019). World Economic Forum (2017) asserts that women own less than 20% of the world’s land.

**5.2.2. The Ethnic Group of Kgapane Township, Ward 3**

Table 5.1 shows that the ethnic makeup of the township of Kgapane, Ward 3. Table 5.1 shows that 90% of the respondents are black. Moreover, Table 5.1 shows that 6% and 4% of the respondents are coloured and Indian, respectively. This suggests that a majority of the respondents in Kgapane Township are blacks. Furthermore, coloureds and Indians are in the minority in Kgapane Township, Ward 3.

Table 5.1: Ethnic Group of Kgapane Township  
76

<b>Ethnic group</b>	<b>Percentage (%)</b>
Black	90%
Coloured	6%
Indian	4%

These findings affirm the argument by Newton and Schuermans (2013) that a majority of blacks, Indians and coloureds were previously marginalised and separated from the city. The findings, therefore, imply that Kgapane Township, Ward 3, is dominated by the black African population, which proves that black people were displaced to the outskirts of towns far from white communities.

**5.2.3. The Age group of Kgapane Township, Ward 3**

The findings depict the age group of Kgapane Township, Ward 3 (Table 5.2). Table 5.2 shows that 33% of the respondents are between the ages of 42-49. Moreover, Table 5.2 shows that 25% and 22% of the respondents are 34-41 and 50 years and above. Furthermore, a mere 6% of the respondents are aged 18-25 years. This suggests that a majority of the respondents in Kgapane Township fall below the 42-49 years age category.

Table 5.2: Age Group of Kgapane Township, Ward 3

<b>Age Group</b>	<b>Percentage (%)</b>
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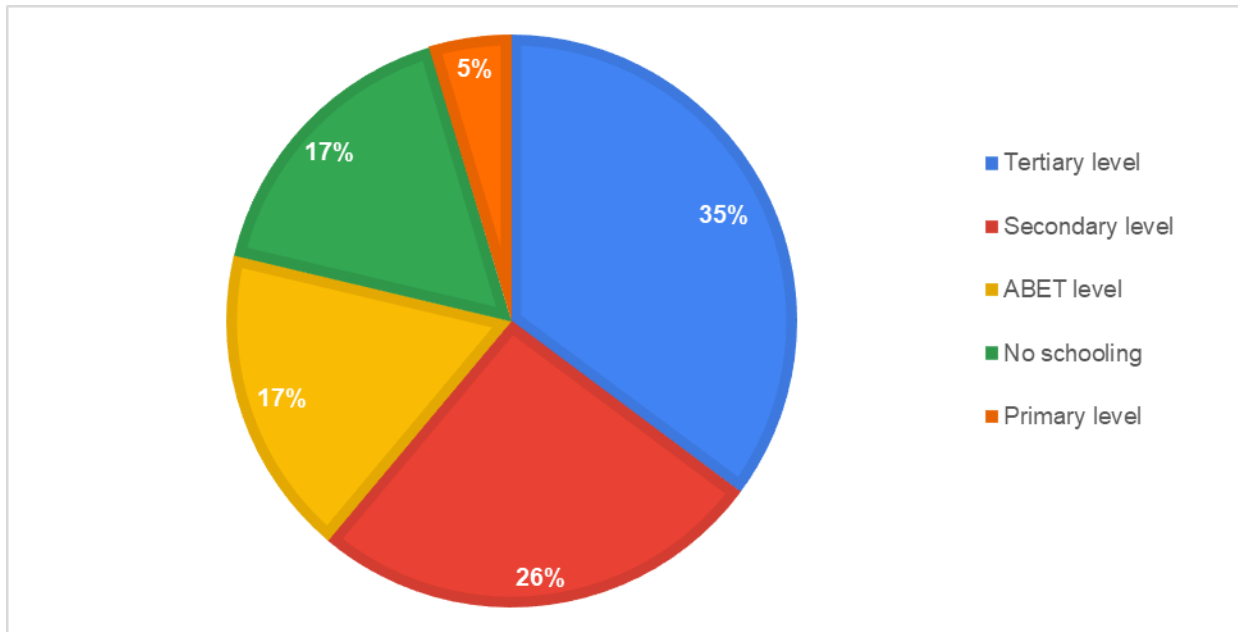
18-25 years	6%
26-33 years	14%
34-41 years	25%
42-49	33%
50 years and above	22%

It can be deduced from the analysis that the majority of respondents were people older than 35 years. The findings suggest that the lack of land tenure is mostly experienced by elderly individuals that experience the pressures of acquiring property for their households in Kgapane Township, Ward 3. Furthermore, it can thus be mentioned that the high number of older residents and their availability to participate in the study is attributed to the increase in land resources to ensure a sense of belonging in the area among those who have access to land resources with tenure.

**5.2.3. The Level of Education of Kgapane Township, Ward 3**

Figure 5.2 depicts the level of education of Kgapane Township, Ward 3. Figure 5.2 shows that 35% of the respondents have tertiary education. Moreover, Figure 5.2 shows that 26% and 17% of the respondents have secondary education and ABET education, respectively. Furthermore, Figure 5.2 shows that 17% and 5% of the respondents do not have formal education but have primary education. This suggests that a majority of the respondents in Kgapane Township have tertiary education. The respondents having secondary education, ABET education, primary education and no formal education are in the minority in Kgapane Township, Ward 3.

Figure 5.2: Level of Education of Kgapane Township, Ward 3



The findings support the view by Yang and Xu (2019) that a person's choice may be influenced by a variety of elements, such as rewards, money availability, risk management, knowledge, and educational attainment, all of which can have an impact on land usage and management techniques. Education influences decisions regarding land use and land management. In a community, decisions made by people with varying degrees of education and gender roles ultimately determine how land is used and managed. Therefore, it can be concluded that Kgapane Township, Ward 3, consists of literate residents who are able to understand land tenure and the principle of spatial justice information when handed over to them.

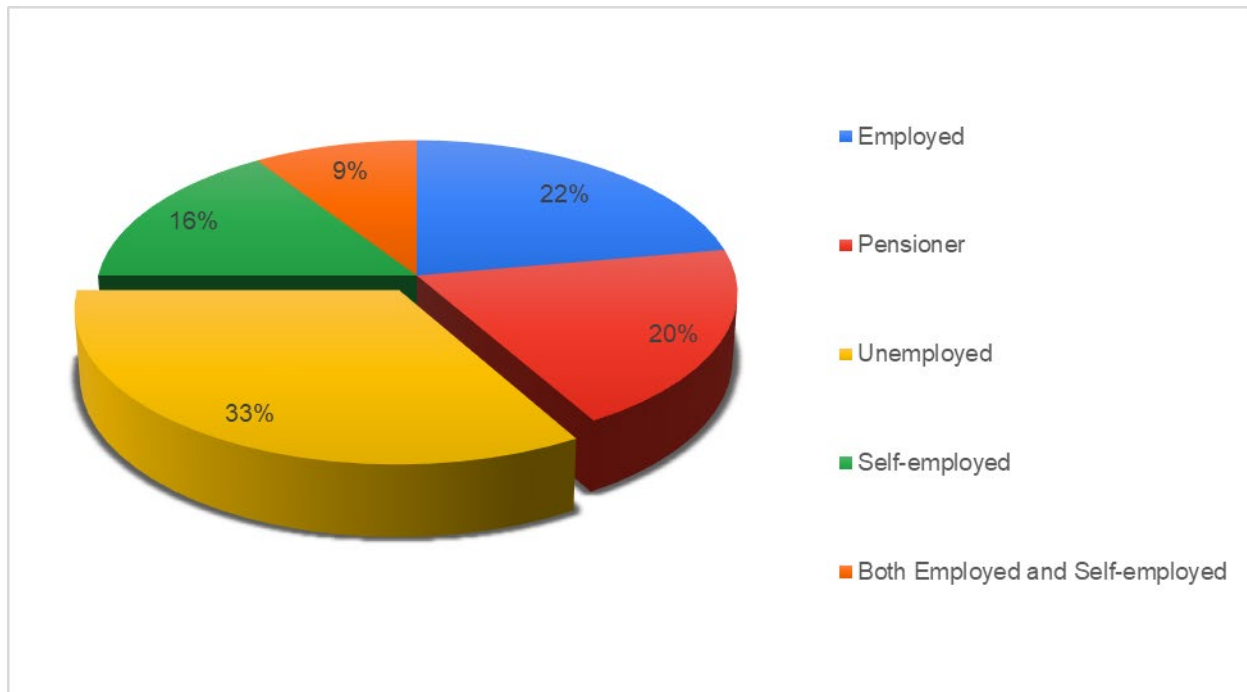
#### 5.2.4. The Employment Status of Kgapane Township, Ward 3

Figure 5.3 depicts the employment status of Kgapane Township, Ward 3. Figure 5.3 shows that 33% of the respondents have are unemployed. Moreover, Figure 5.3 shows that 22% and 20% of the respondents are employed and pensioners, respectively. Furthermore, Figure 5.3 shows that 16% and 9% of the respondents are self-employed and both employed and self-employed. This suggests that a majority of the respondents in Kgapane Township are unemployed. The respondents that are employed, pensioners,



self-employed and both self-employed and employed are in the minority in Kgapane Township, Ward 3.

Figure 5.3: Employment Status of Kgapane Township, Ward 3



This suggests that many respondents in the study are unemployed, which might imply that unemployment is the major concern in Kgapane Township, Ward 3. Hence, Human Sciences Research Council (2017) argued that when it comes to well-located property, impoverished households experiencing unemployment cannot compete with wealthier households unless they are housed in claustrophobic urban places. Human Sciences Research Council (2017) further argued that majority of low-income Black households reside in outlying townships and informal settlements, where they must travel great distances for work, education, and other amenities, facing inferior services. The former is a reflection of high rates of land and property sales together with lack of purchasing power in urban areas, which detracts the unemployed class to attain land tenure.

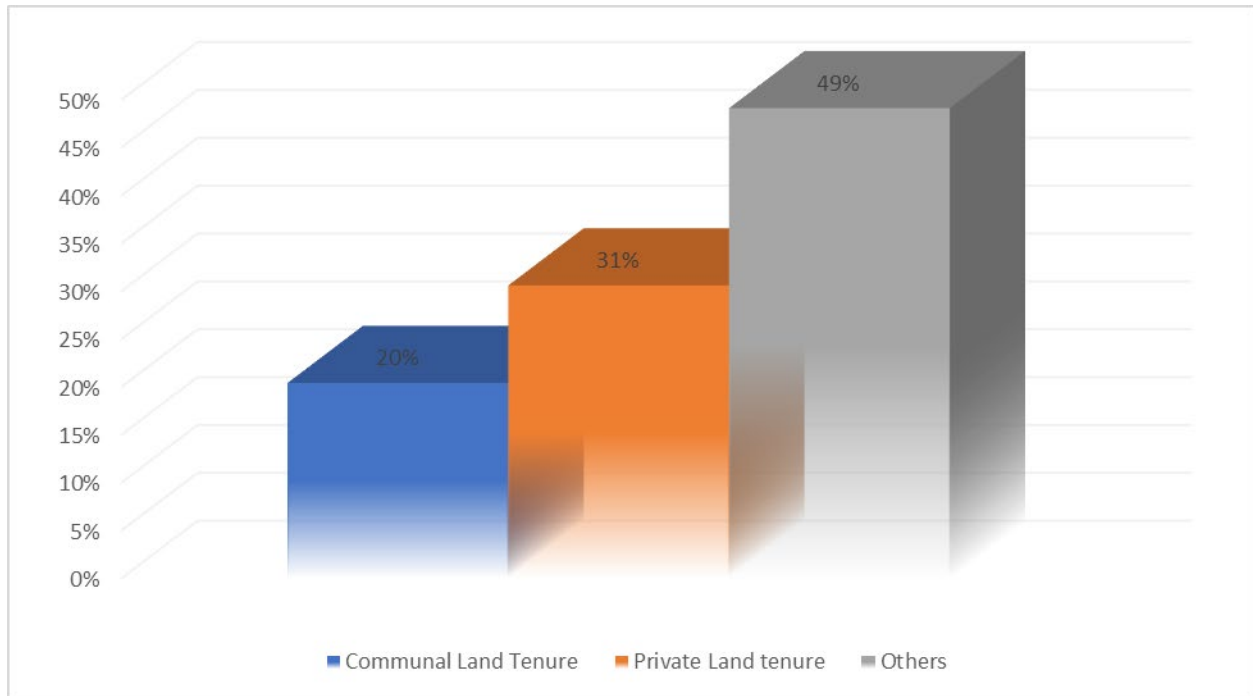
### **5.3. THE TYPES AND CHARACTERISTICS OF LAND TENURE IN KGAPANE TOWNSHIP, WARD 3**

This section presents findings on the types and characteristics of land tenure in Kgapane Township. Land tenure can be characterised by various factors such as the administration and management of the land, area of operation and usage of land and. Additionally, land tenure consists of distinct characteristics, which provide unique opportunities and challenges compared to localities settings. There are six subsections that assist in explaining and comprehending the types and characteristics of land tenure in townships, namely: types of land tenure, governor of the land tenure, the transferability of land from one person to the other, ability of title deed to foster micro-finance, title deed of protection from land-grabbing and forceful eviction, characteristics of land tenure and the constraints of the current land tenure system, which are presented as below.

#### **5.3.1. The Types of Land Tenure**

Figure 5.4 depicts the types of land tenure in Kgapane Township, Ward 3. Figure 5.4 shows that 49% of the respondents have other types of land tenures, which include rental land tenure. Moreover, Figure 5.4 shows that 31% and 20% of the respondents have private land tenure and communal land tenure, respectively. This suggests that a majority of the respondents in Kgapane Township have other types of land tenure such as rental land tenure. The respondents that have private and communal land tenure are in the minority in Kgapane Township, Ward 3.

Figure 5.4: Types of Land Tenure



Participant A indicated that *“the type of land tenure for housing in Kgapane Township is private land tenure, which is characterised by title deed and deed of grant for the process of selling and buying”*. Participant B in consensus with participant A indicated that *“the type of Land tenure available to the community for residential purposes are private land tenure. A title deed is given as a tangible prove of land ownership. The title deed protects the owner of the property from forceful evictions and it allows the owner of the land to either sell or transfer the ownership of the land parcel”*.

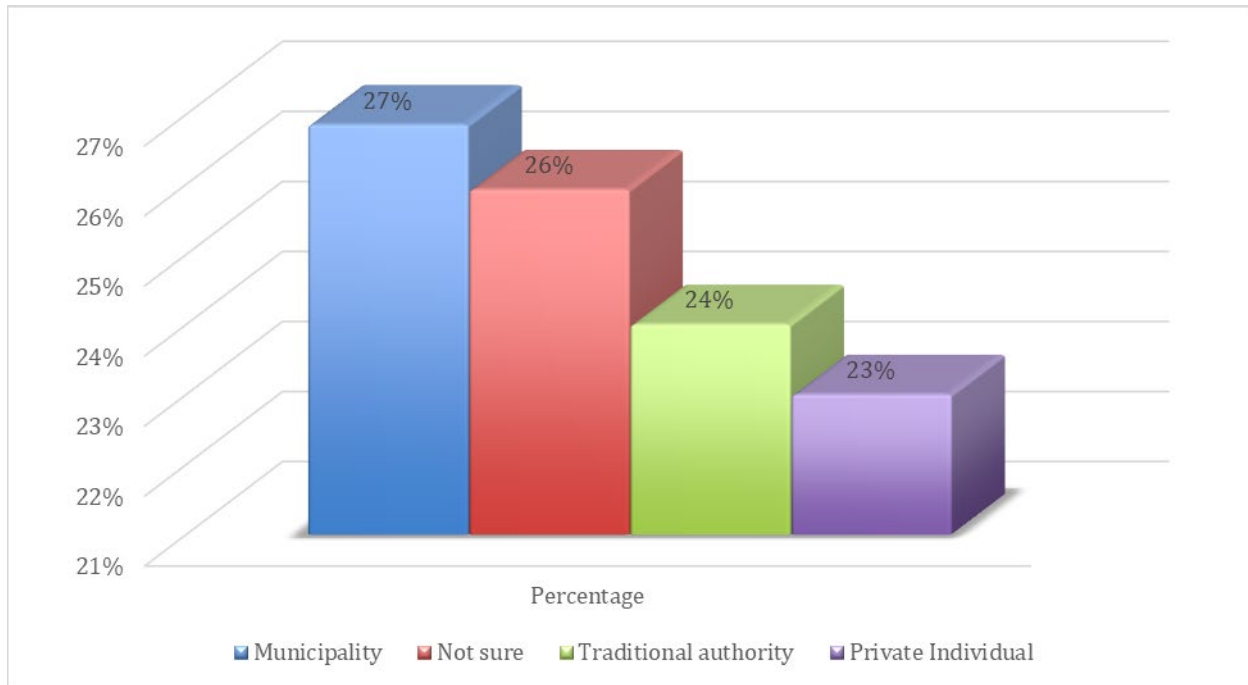
On the contrary to participant A and B, participant C indicated that *“the type of land tenure given to land occupiers is categorised under communal land tenure. The proof of ownership that is issued out to the community during land transactions is called a “Permission to Occupy (PTO)”. PTO is an agreement between the buyer and the seller, which justifies that the buyer is not necessarily buying the land, but he/she is being borrowed the land for a particular period of time. The royal council has the powers to give the land as well as to take it back. Advantages of using a PTO is that the land occupier can drill water up to any given point without restrictions”*.

The findings indicate that land tenure systems are diverse and complex. USAID (2016) and Behnke (2018) confirm the findings by highlighting that land tenure systems manifest themselves in varying types in South Africa, which include communal land tenure, state land tenure, private land tenure and open access land tenure. UN-Habitat (2018) concurs that land tenure can be formal or informal; statutory or customary; legally recognised or not legally recognised; permanent or temporary; of private ownership or of common property; primary or secondary. The implication of the findings is that the population is experiencing lack of land tenure as they are subjected to renting and occupying land without land ownership documents. The above analysis is attested to by GLM IDP (2021/2022), which indicated that there is a proliferation of informal settlements which disturb their developmental priorities.

### **5.3.2. The Governor of the Land Tenure**

Figure 5.5 depicts the governor of land tenure in Kgapane Township, Ward 3. Figure 5.5 shows that 27% of the respondents occupy land governed by the municipality. Moreover, Figure 5.5 shows that 26% are not sure who governs the land they occupy. Furthermore, Figure 5.5 shows that 24% and 23% of the respondents occupy land governed by the traditional authority and private individuals. This suggests that there are various forms of land tenure existing in Kgapane Township that are under different management, with the municipality owning majority of the land, the traditional authority and private individuals being the minority.

Figure 5.5: Governor of Land Tenure



Participant B indicated *“that the land in Kgapane Township is governed and managed by the municipality using various legislation provided by the Department of Agriculture, Land Reform and Rural Development. The legislation is passed on to the local government which is Greater Letaba Municipality to enforce them. Therefore, all issues pertaining land are handled in the Municipality. Purchasing of land, issuing of title deeds and service delivery of various sites are facilitated in the municipality by qualified personnel”*.

Participant C said that *“land in the tribal authority is administered, governed and managed by the royal council, most importantly the king. Whenever a person is interested in getting a piece of land for various purposes such residential, farming and any other development, they visit the king and request it from the king. In the process of attaining the required land, the buyer will be told on the do’s and don’ts of the particular land to be obtained”*.

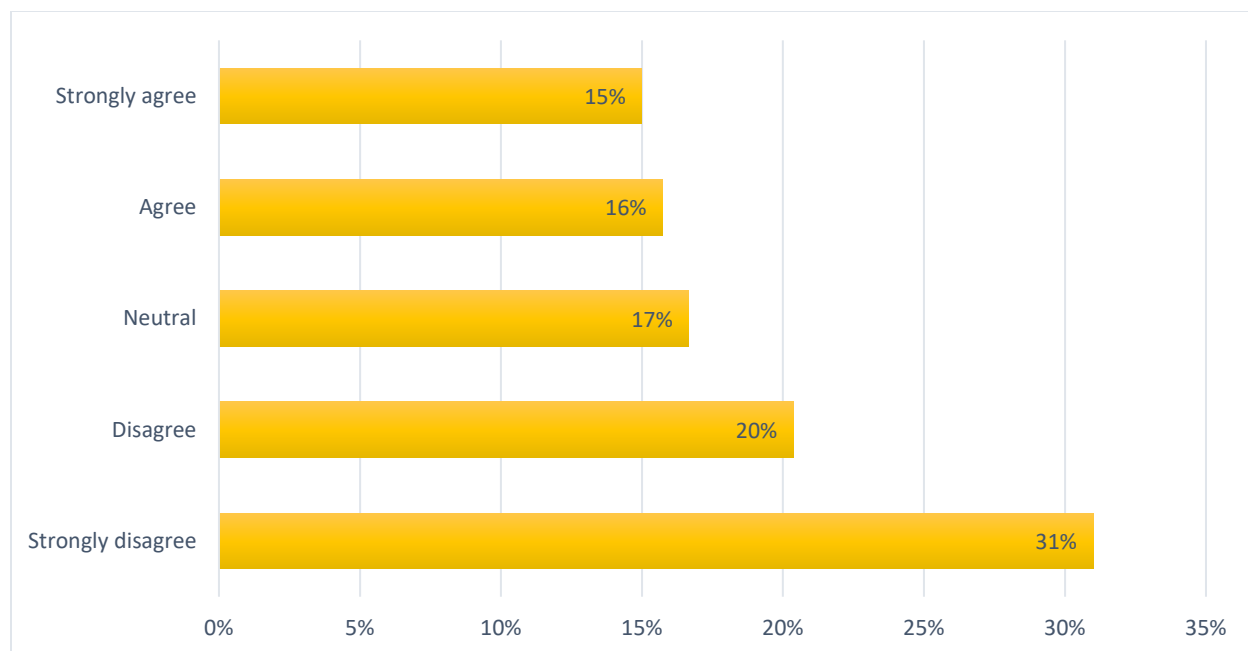
The implication of the findings is that the municipality owns most of the land in Kgapane Township, Ward 3, which can either be state land tenure or open access land tenure. Behnke (2018) states that property rights are usually given to a public authority to own, administer and manage the land tenure systems. Chaman Law Firm (2020) argues that

the government owns the land under communal land tenure, it is controlled and governed by the tribal authority, which appoints a community chief to make decisions about how the land is split and managed. The land governed by private individuals is private land ownership. Grain SA (2015) affirms that a person or a legal entity such as cooperatives, Sole Proprietor, Partnership, Property Trust, Pty Ltd Company own this type of land and individual families may hold exclusive rights to residential parcels, agricultural parcels, and particular trees within a community. Therefore, Kgapane Township has various forms of landowners, which may be problematic to spatial planning and development for approval purposes and cause confusion to the population based on the correct land ownership documents they should possess.

### **5.3.3. The Ability of Land Ownership Documents to Foster Micro-Finance**

Figure 5.6 depicts the ability of land ownership documents to foster micro-finance in Kgapane Township, Ward 3. Figure 5.6 shows that 31% of the respondents strongly disagree that the type of land ownership documents they hold can be used to apply for micro-finance at a formal banking institution. Moreover, Figure 5.6 shows that 15% and 16% strongly agree and agree that the type of land ownership documents they hold can be used to apply for micro-finance at formal banking institutions. Furthermore, Figure 5.6 shows that 17% and 20% of the respondents are neutral and disagree that the type of land ownership documents they hold can be used to apply for micro-finance at a formal banking institution. The findings suggest that although many respondents occupy land, they do not have the ability to attract micro finance in Kgapane due to the nature of the title deed they hold such as PTO.

Figure 5.6: Ability of Land Ownership Documents to Foster Micro-Finance



The findings suggest that a significant proportion of the households do not hold land tenure to their properties. As a result, they are unable to apply for financial relief in financial institutions. Delius and Beinart (2021) confirm that most households in South Africa suffer from poverty of land ownership where they do not have title deeds to the land they occupy. USAID (2016) argues that the lack of an adequate document validating property rights in land is a barrier to credit access and that programmes that provide people with title to their land will, therefore, lead to an expansion of credit access. A study conducted by Sheuya and Burra (2016) concurs that property owners are able to use titles to access relatively large microenterprise development loans, but the take-up is usually slow and very few property owners have accessed credit. Therefore, according to World Bank (2003), lack of land tenure prevents large parts of population from realising the economic and noneconomic benefits. The World Bank (2003) affirms that the benefits include greater investment incentives, improved credit market access, more sustainable management of resources and independence from discretionary interference by bureaucrats that are normally associated with secure property rights to land. Schermbrucker, Mdzanga and Botha (2017) argue that without the title deed, and its

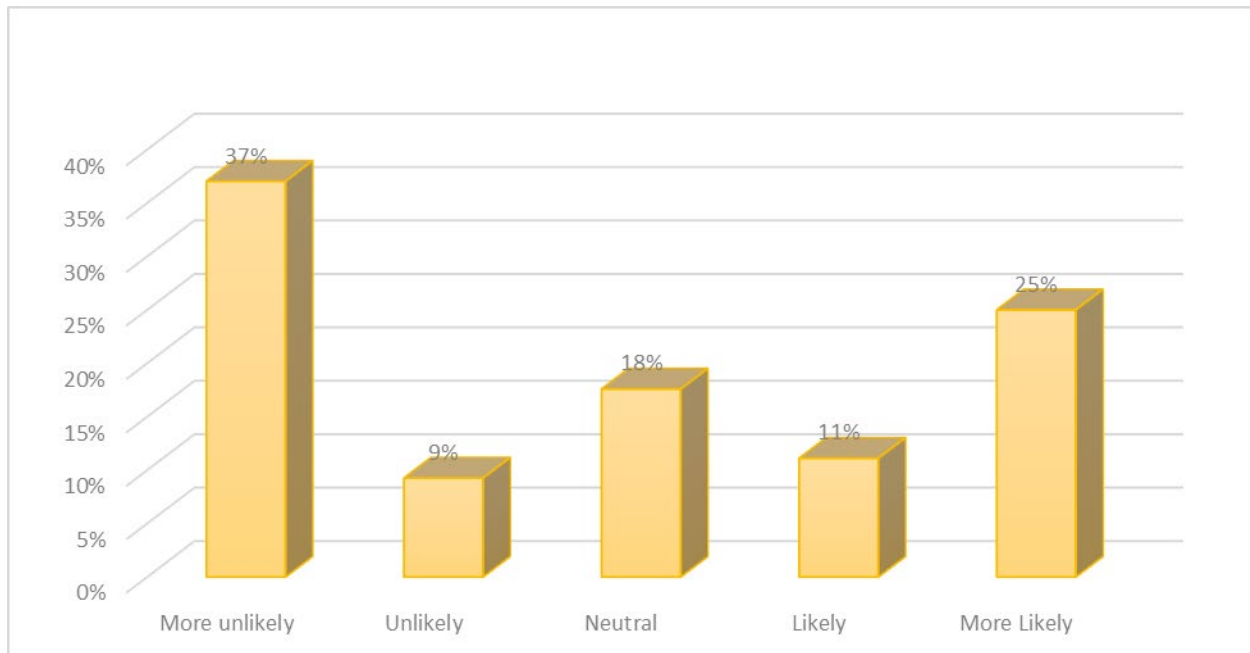
associated legal and financial benefits, it is impossible for housing beneficiaries to leverage their houses as collateral to access bonds or secure funds to enlarge their homes. Schermbrucker, Mdzanga and Botha (2017) further argue that houses without title deeds do not have an official address and cannot legally be transferred to next of kin.

#### **5.3.4. The Provision of Protection from Land-Grabbing and Forceful Evictions by Land Ownership Documents**

Figure 5.7 depicts the provision of protection from land-grabbing and forceful evictions by land ownership documents in Kgapane Township, Ward 3. Figure 5.7 shows that 37% of the respondents indicated that it is more unlikely for their title deeds to provide them with protection from land grabbing and forceful evictions. Moreover, Figure 5.7 shows that 25% and 18% of the respondents indicated that it is more unlikely and neutral for their title deeds to provide them with protection from land grabbing and forceful evictions. Furthermore, Figure 5.7 shows that 11% and 9% indicated that it is likely and unlikely for the title deed they hold to protect them from land grabbing and forceful evictions. The findings suggest that there are inconsistencies of the provision of protection from land-grabbing and forceful land evictions in Kgapane Township Ward 3, as having a title deed protects certain respondents while it does not guarantee a form of protection to certain respondents.

Figure 5.7: Title Deed of Protection from Land-Grabbing and Forceful Evictions



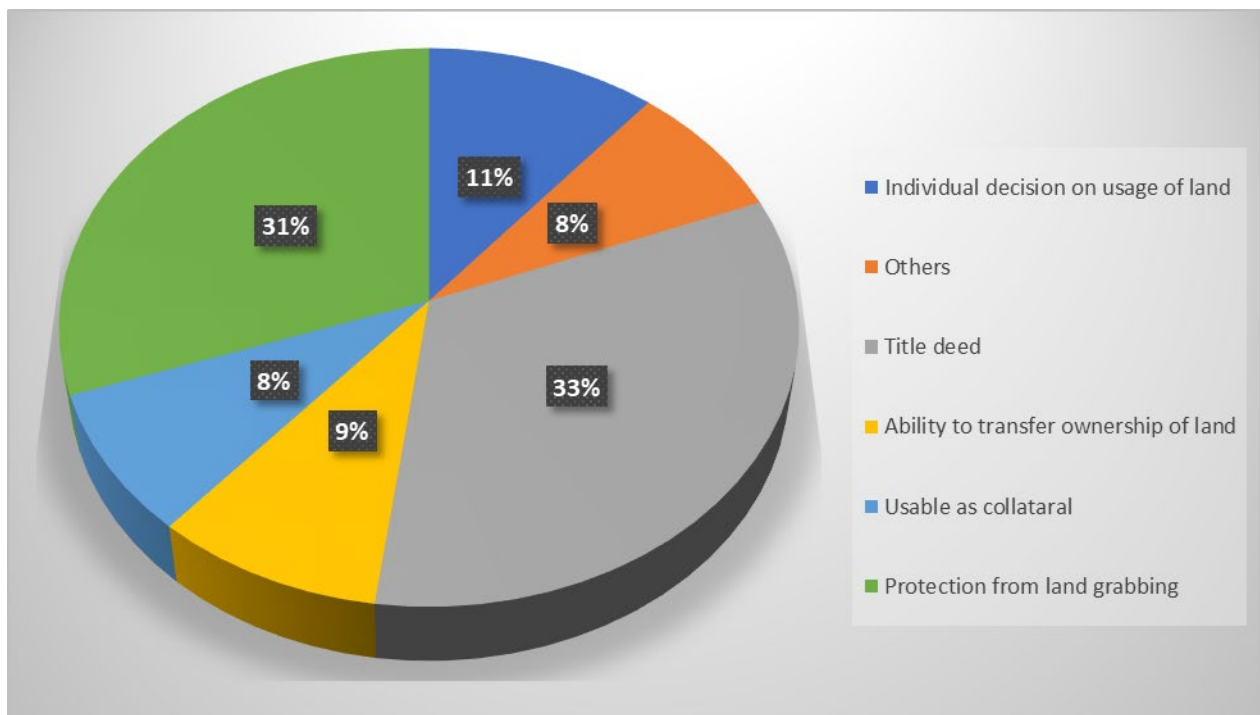


The findings suggests that the majority of the residents in the township hold informal title deeds. Marogo (2018) argues that a title deed proves legal ownership of land in South Africa. UN-Habitat (2018) argues that lack of access to land and the fear of eviction epitomise a pervasive exclusion of poor people from mainstream social, economic and civic opportunities, especially women and the vulnerable. As a result, other respondents believe what they support is legit, implying that those who do not support it are at the danger of land-grabbing and forceful evictions. Delius and Beinart (2021) argue that landholdings are under threat, especially in places where demand for land has intensified, around mining developments, peri-urban areas or land that becomes valuable because of its location on transport routes.

### 5.3.5. The Characteristics of Land Tenure in Kgapane Township, Ward 3

Figure 5.8 depicts the characteristics of land tenure in Kgapane Township, Ward 3. Figure 5.8 shows that 33% of the respondents indicated land tenure is characterised by the existence of a title deed, while 31% indicated that land tenure provides protection from land grabbing. Moreover, Figure 5.8 shows that 11% and 9% of the respondents indicated that land tenure is attributed to having individual decision on how to use the land and with land tenure, one has the ability to transfer ownership of land make up. Furthermore, Figure 5.8 shows that 8% and another 8% of the respondents indicated land tenure is characterised by the ability to provide land as collateral in formal banking institutions and rental land tenure, which is characterised by lease agreements. The findings suggest that land tenure is made of multiple characteristics that do not end in individual decision on usage of land, title deed, the transference of land ownership and protection from land grabbing, which may vary according to the type of land tenure acquired in the household in Kgaoane Township.

Figure 5.8: Characteristics of Land Tenure

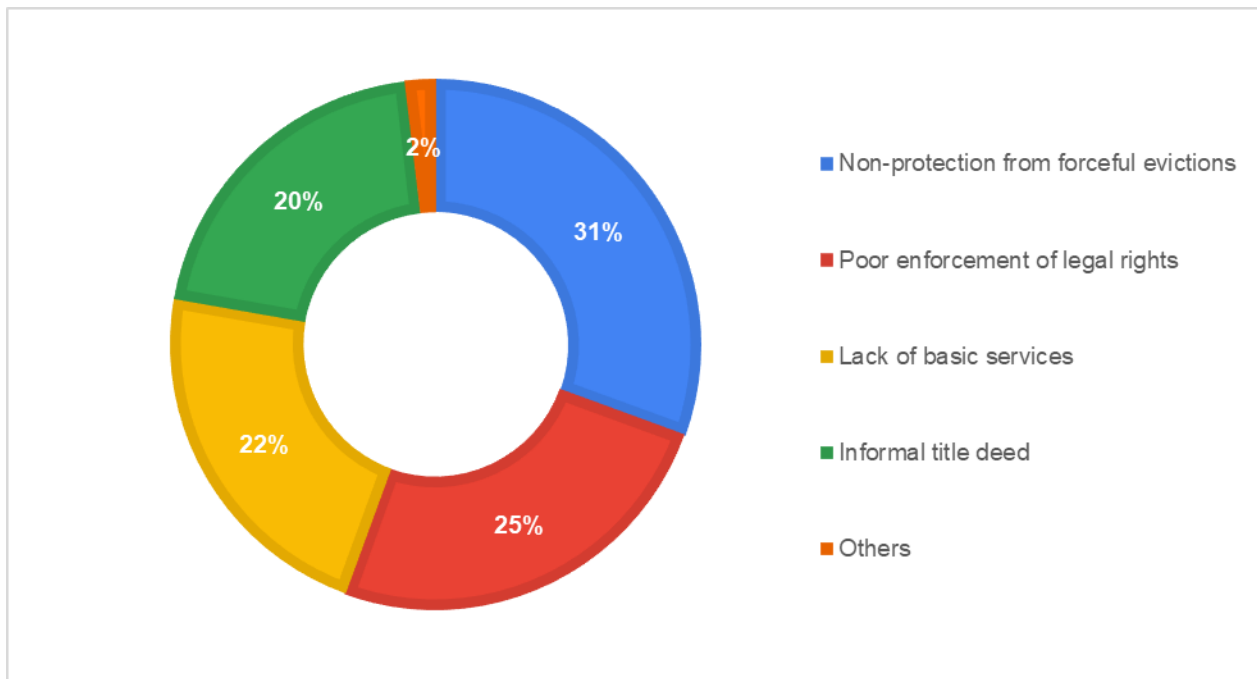


The findings reveal that land tenure is characterised by various aspects. The characteristics may vary depending on the type of land tenure a household may have in possession. Grain SA (2015) and Charman Law Firm (2020) argue that most landowners prefer to have an ability to select what to do with their property, such as sell it, lease it, or use it as collateral for a loan as they hold a title deed to the property. Without the approval of individuals who possess the land rights, other members of the community may be barred from exploiting these resources. The availability of title deeds brings forward the characteristic of protection from land grabbing. Ramantsima (2020) argues that communal tenure system encapsulates unregistered land tenure rights that are protected by the Interim Protection of Informal Land Right Act 31 of 1996, the right holders are either issued with Permission to Occupy, leases, or receipts, and some of the rights are not documented. Furthermore, communal land tenure is associated with individual usage of land.

#### **5.3.6. The Constraints of the Current Land Tenure System**

Figure 5.9 depicts the constraints of the land tenure system in Kgapane Township, Ward 3. Figure 5.9 shows that 31% of the respondents believe that non-protection from forceful evictions is a major constraint in land tenure in Kgapane, while 25% indicated that land tenure is constrained by poor enforcement of legal rights by the GLM. Moreover, Figure 5.9 shows that 22% and 20% of the respondents indicated that land tenure is constrained by the lack of basic service delivery in the settlements and that land tenure is constrained by the informal title deeds that some households are having amongst the formal title deeds. Furthermore, Figure 5.9 shows that 2% of the respondents indicated that there are other constraints of land tenure, which include lack of title deeds as a result of staying in an unofficial residential area. The findings suggest that there are loopholes mainly caused by non-protection from forceful evictions poor enforcement of legal rights, lack of basic services and informal title deed, with other causes such as lack of title deed as a result of staying in an unofficial residential area, being the minority in land administration and management, thus hindering the course of spatial justice from taking place in the virtue of the multiple constraints embedded within.

Figure 5.9: Constraints of the Current Land Tenure System



The findings suggest that the land tenure system in Kgapane Township, Ward 3 is devastated, facing challenges that detriment effective land administration and management. World Farmers Organization (2019) argues that land tenure represents one of the major challenges that urbanities and farmers face, especially in developing countries. World Framers Organization futher affirms that there is a large proportion of residents, especially women, who work on the land that they do not own, exacerbating their poverty, lack of political power and equal recognition of basic rights. Delius and Beinart (2021) affirm that there is non-protection from forceful evictions by the land tenure system in South Africa because localities consist of those supporting titles registered in the Deeds Office; those advocating for localised customary tenure with or without some form of registration; and those favouring control by traditional authorities. Therefore, there is a confusion on the correct land ownership documentation that people should adhere to.

Isandla Institute (2018) affirms that certain localities do not have sufficient basic services because of staying in unregistered settlements, and thus not owning land ownership documents. Based on the findings, there is poor enforcement of legal rights from the government in land tenure systems. The outmost form of poor enforcement of legal rights is seen on the failure to provide lad ownership documents to low-cost houses, which complicates land transactions of low-cost. Musina (2016) argues that low-cost houses are constantly being sold informally without a record of the transfer of the property, who the original owner was or who the current owner is, thus failing the land administration system. Musina (2019) further affirms that during the land transactions of low-cost houses, an informal agreement is often reached between the owner of the house, of which the occupants usually stop paying and there is nothing that the actual owner can do about it because there are no title deeds and the 'informal' agreement will not stand any legislative test without a title deed.

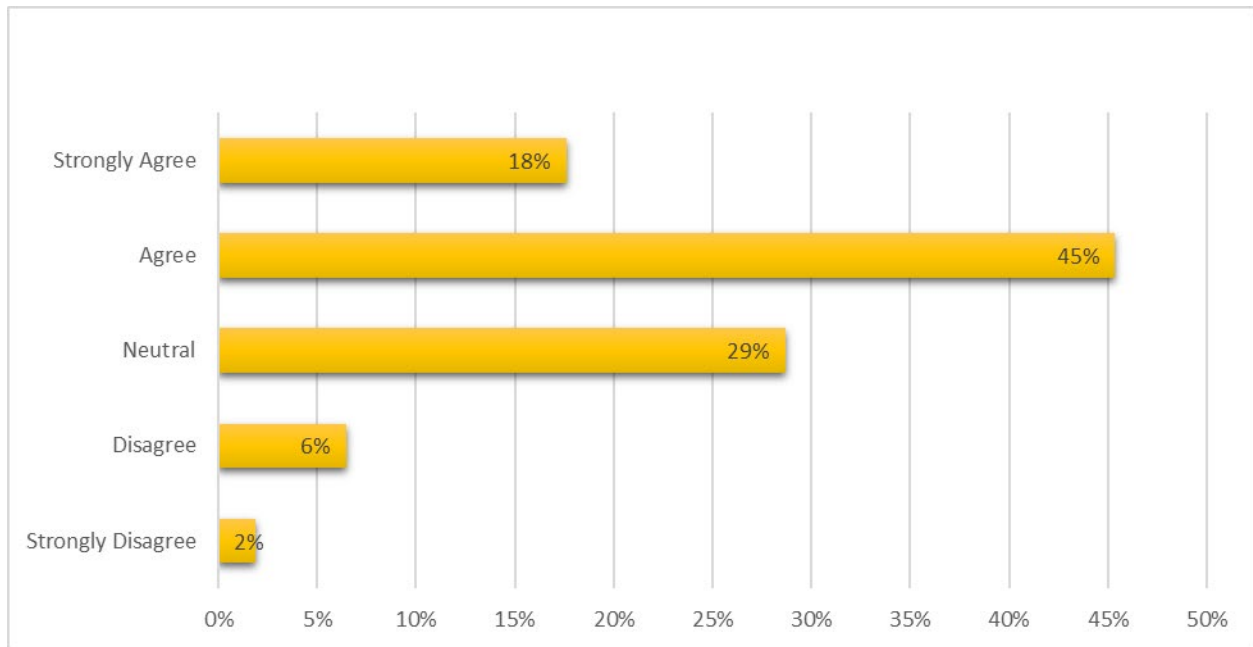
## **5.4. THE LACK OF LAND TENURE IN KGAPANE TOWNSHIP, WARD 3**

The lack of land tenure can be determined and measured in varying ways, which include checking the availability of title deeds to properties. In determining the lack of land tenure in Kgapane Township Ward 3, there are six subsections, namely, the existence of the lack of land tenure, status quo of land registration, most land in the community is unregistered, the disparities in access to land tenure between the rich and the poor population, absence of land ownership documents to most land occupiers and the causes of the lack of land tenure.

### **5.4.1. The Existence of the lack of land tenure**

Figure 5.10 depicts the existence of the lack of land tenure in Kgapane Township, ward 3. Figure 5.10 shows that 45% of the respondents agree that lack of land tenure exists in Kgapane Township. Moreover, Figure 5.10 shows that 29% and 8% of the respondents are neutral, neither agreeing nor disagreeing and strongly agree that lack of land tenure exists. Furthermore, Figure 5.10 shows that 6% and 2% of the respondents disagree and strongly disagree that land tenure exists. The findings suggest that a majority of the respondents are unsure that they are experiencing lack of land tenure as they neither agree nor disagree that lack of land tenure exists in the township.

Figure 5.10: The Existence of the Lack of Land Tenure



Participant A indicated that *“a certain portion of the population in Kgapane hold title deeds to their properties whereas some do not have them. The Spatial planner of Greater Letaba Municipality in consensus with the ward councillor indicated that majority of the population have title deeds whereas some do not have them. Most of the households that do not have title to the properties they occupy include those staying in low-cost housing, known as RDP’s and those staying in informal settlements that were not planned for. However, the tribal leader indicated that the status quo of the lack of land tenure is worsening on a daily basis as some of the residents do not hold ownership documents to the properties they occupy. This is a serious matter as it makes them vulnerable to forceful evictions from various parties. The reason for the absence of the ownership documents is the confusion of who the land they occupy belongs to, whether it’s the municipality, the tribal leader or a private individual due to the prevalence of the land battles”*.

The findings suggest that the majority of the residents suffer from the lack of land tenure. UN-Habitat (2018) affirms that lack of land tenure exists by highlighting that millions of people around the world still experience lack of land tenure and property rights. Katcher (2018) argues that lack of land tenure in South Africa dates back to the times of apartheid

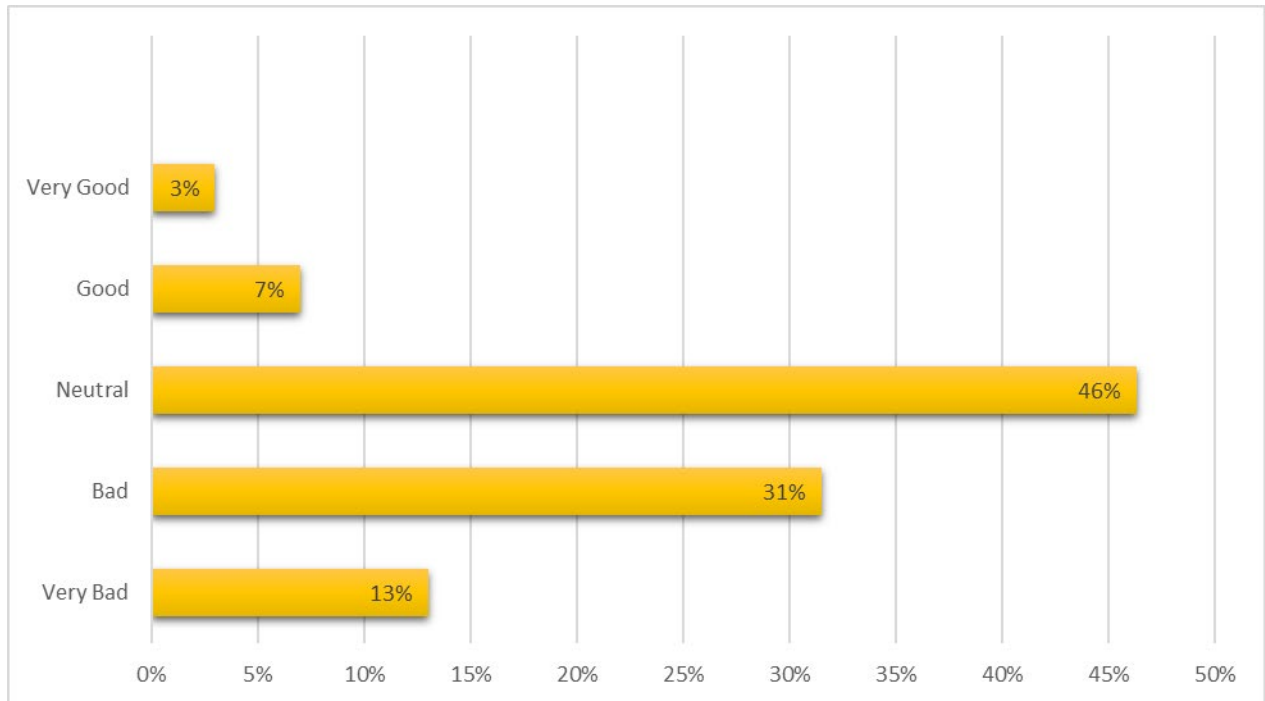
history of land tenure and dispossession. Phuhlisani (2017) and Katcher (2018) further argue that the current inequitable distribution of land and sharply skewed access to resources in South Africa has deep roots in the country's history. Monama, Mokoele and Mokgotho (2022) concur by affirming that the skewed land distribution dates back to early colonial settlement as a result of the apartheid spatial regulations, Land Act of 1913 & the Origins of Dispossession, Native Land Act of 1913 & Legislative Dispossession and Group Areas Acts of 1950 and 1966.

#### **5.4.2. The Status quo of Land Registration**

Figure 5.11 depicts the status quo of land registration in Kgapane Township, Ward 3. Figure 5.11 shows that 46% of the respondents indicated that the status of land registration is neutral, neither confirming whether it is good or bad. Moreover, Figure 5.11 shows that 31% and 13% indicated that it is bad and very bad. Furthermore, Figure 5.11 shows that 7% and 3% of the respondents indicated that it is good and very good. The findings suggest that a majority of the respondents were unsure about the status quo of land registration in Kgapane Township, Ward 3, as they neither confirmed the goodness nor the badness of land registration.

Figure 5.11: Status quo of Land Registration



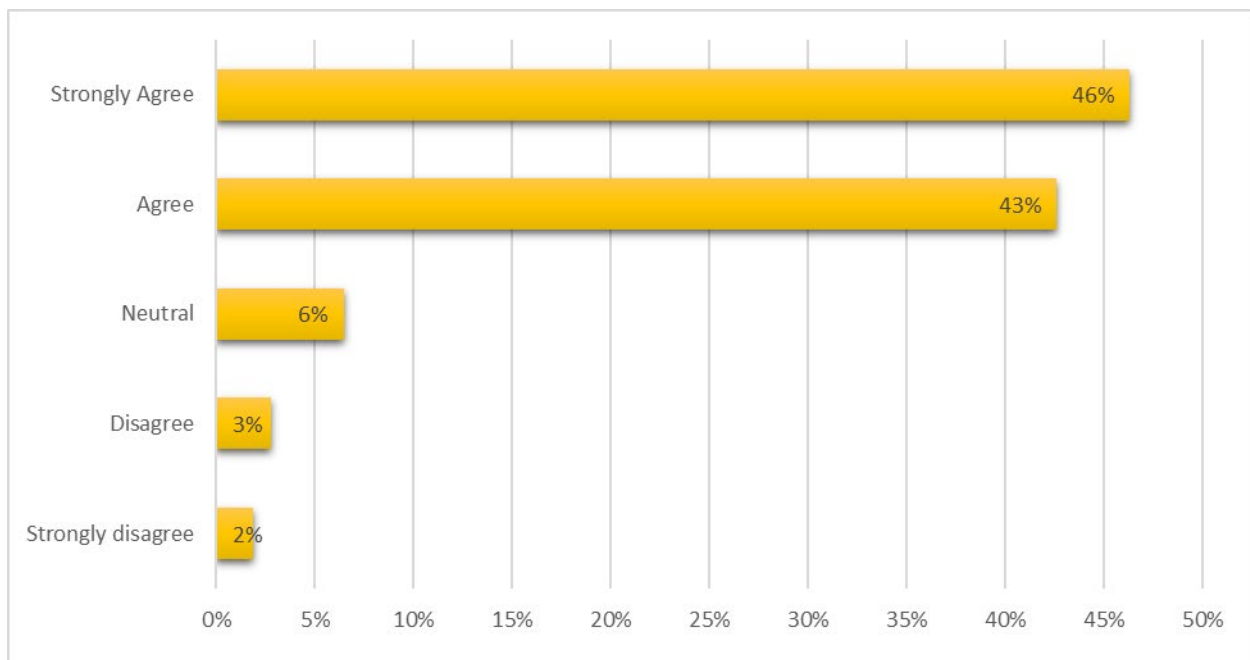


The findings suggest that the majority of the land parcels in the township are occupied without the acknowledgement and permission from the local municipality. Isandla Institute (2016) confirms that there is an alarming rate at which informal settlements are increasing in townships due to high housing demands. The World Bank (2020) affirms that South Africa’s total land area is 121.9 million hectares, but not all of it is registered at the Deeds Office. Department of Rural Development and Land Reform (2017) argues that the second audit found 7.7 million hectares of unregistered land in the Eastern Cape and Limpopo Provinces, held in trust by the state. Ovens, du Plessis, Napier and Kitchin (2013) and Pretorius and Makou (2019) argue that although South Africa’s total land area is 121.9 million hectares, not all of it is registered at the Deeds Office. About 7.7 million hectares of unregistered land in the Eastern Cape and Limpopo Provinces is held in trust by the state. Thus, there are prevalent cases of land tenure deficiencies due to the decline in the status quo of land registration in the township.

### 5.4.3. The Disparities in Access to Land Tenure between the Rich and the Poor Population

Figure 5.12 depicts the disparities in access to land between the rich and the poor in Kgapane Township, Ward 3. Figure 5.12 shows that 46% of the respondents strongly agree that there are disparities in access to land tenure between the rich and the poor. Moreover, Figure 5.12 shows that 43% and 6% agree and are neutral, respectively. Furthermore, Figure 5.12 shows that 3% and 2% disagree and strongly disagree, respectively. This suggests that land is more accessible to the rich than the poor minority in Kgapane Township.

Figure 5.12: The Disparities in Access to Land Tenure between the Rich and the Poor Population



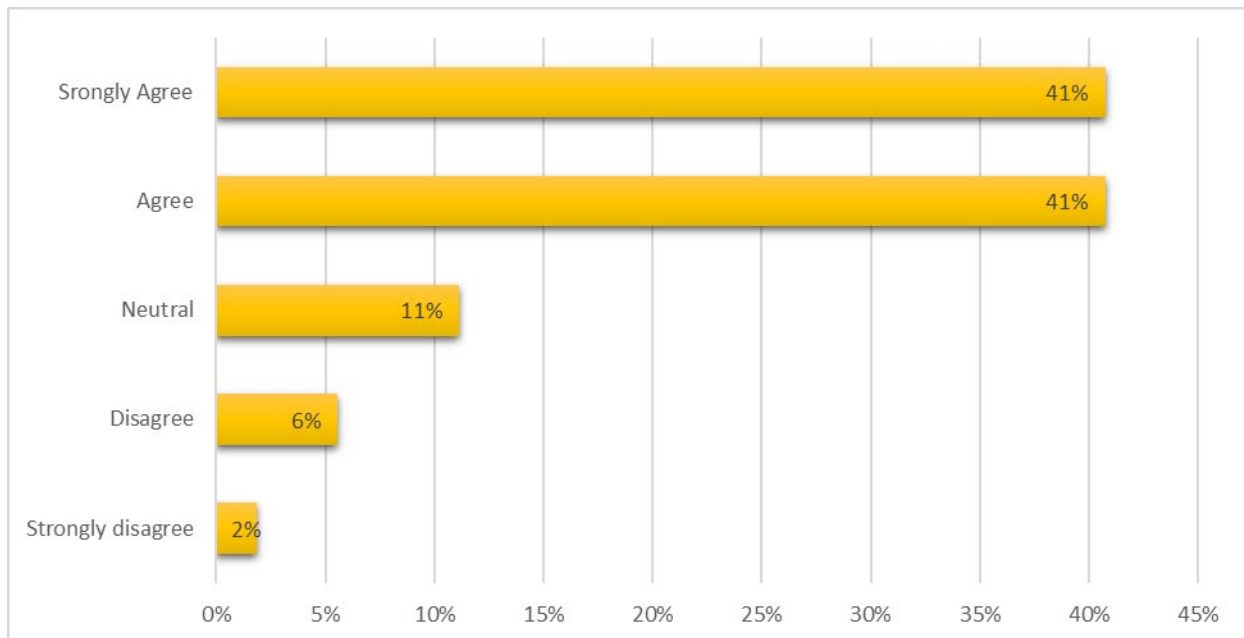
The findings confirm argument by Chimhowu (2019) that there is rising inequality and social differentiation, especially between the rich and the poor where they access land at the expense of the poor to use it productively, resulting in the displacement

of poor people from their land. Kosec *et al.*, (2018) and IFAD (2019) affirm that the disparities in access to land tenure contribute to poverty, displacement, poor living conditions, social exclusion, and lack of opportunities often arise from unequal access to land. This suggests that Kgapane Township, Ward 3, still has a long way to go in terms of combating inequality levels, footprinted by the apartheid government through their Land Acta that prevented township populations from accessing land tenure. UN-Habitat (2018) argue that the deficiencies in access to land tenure are characterised by huge inequalities between rich and poor people.

#### **5.4.4. The Absence of Land Ownership Documents to Most Land Occupiers**

Figure 5.13 depicts the absence of land ownership documents by most land occupiers in Kgapane Township, Ward 3. Figure 5.13 shows that 41% of the respondents strongly agree that most land occupiers lack ownership documents. Moreover, Figure 5.13 shows that 41% and 11% of the respondents agree and are neutral. Furthermore, Figure 5.13 shows that 6% and 2% of the respondents disagree and strongly disagree. This suggests that majority of the respondents' experience is a problem of land titling in Kgapane Township, which results in the majority of the land occupiers experiencing the absence of land ownership documents. On the other hand, the minority have land ownership documents to prove their ownership of the land they occupy.

Figure 5.13: Absence of Land Ownership Documents to Most Land Occupiers

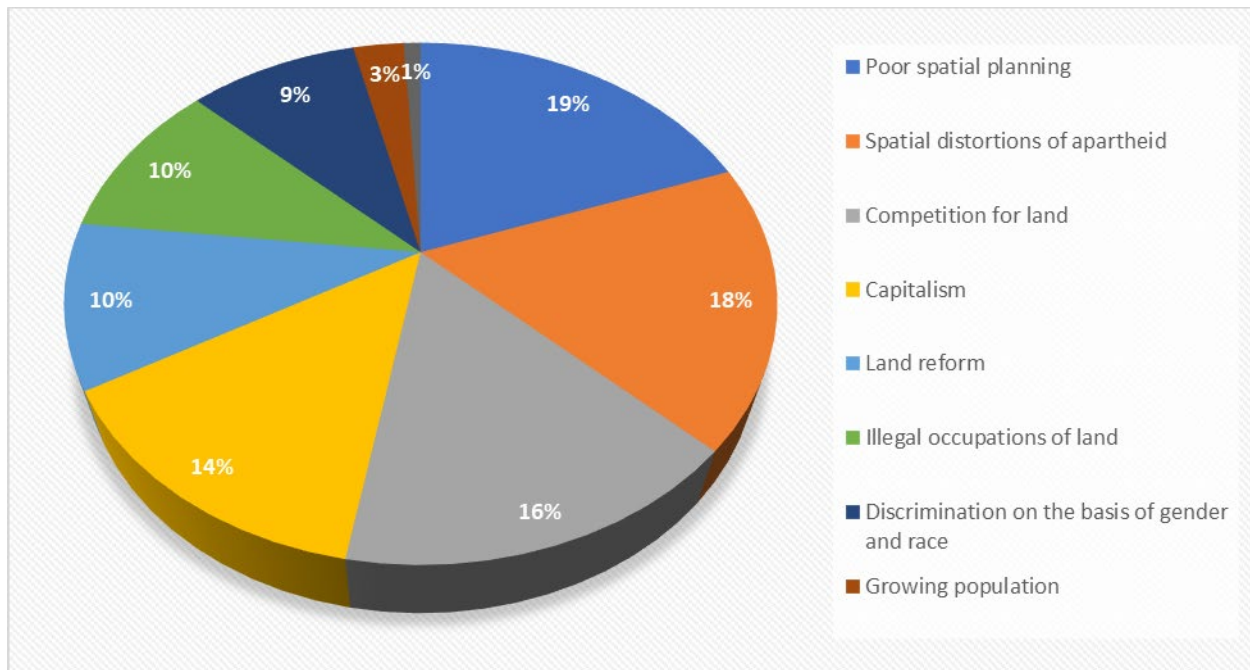


The findings suggest that a majority of the residents are occupying land and properties without title deed documents to prove their ownership. Van Schalkwyk (2019) argues that South African municipalities have a big problem with the management of title deeds where people rarely receive their title deeds for their houses. Human Rights Commission (2018) affirms that that approximately 1.5 million low-cost houses have not been registered at the Deeds Office, contributing to more scenarios of absence of land ownership documents. Magina, Kyessi and Kombe (2020) argue that people living in urban areas, mostly in informal settlements lack legal land ownership. Panman (2021) and Payne and Durand-Lasserve (2012) concur by affirming most landowner-occupiers do not have any legal documentation for their property, which leaves them living in constant fear of being evicted or without enough security to invest what little they do have in improving their homes. Payne and Durand-Lasserve (2012) contend that political exploitation, excessive property prices, unsuitable regulatory frameworks, bureaucratic lethargy, and bureaucratic inactivity all work together to impede development as reasons for the lack of land ownership documentation.

#### **5.4.5. The Causes of the Lack of Land Tenure**

Figure 5.14 depicts the constraints of the land tenure system in Kgapane Township, Ward 3. Figure 5.14 shows that 19% of the respondents indicated that poor spatial planning causes lack of land tenure Kgapane Township, while 18% indicated that the lack of land tenure is caused by spatial distortions of apartheid cause lack of land tenure. Moreover, Figure 5.14 shows that 16% and 14% of the respondents indicated that lack of land tenure is caused by competition for land by various stakeholders such as the municipality, tribal leaders, rich elites, and the poor and capitalism. Figure 5.14 shows that 10% and 10% of the respondents indicated that lack of land tenure is caused by land reform and illegal occupations of land. Furthermore, Figure 5.14 shows that 9% and 3% of the respondents indicated that lack of land tenure is caused by discrimination on the bases of age and gender and the growing population. Figure 5.14 shows that 1% of the respondents indicated that there are other causes of lack of land tenure, including purchasing land without obtaining ownership papers. The findings suggest that there are multiple causes of land tenure deficiencies in Kgapane Township, Ward 3, which are experienced in varying ways.

Figure 5.14: Causes of the Lack of Land Tenure



Participant A indicated that “*lack of land tenure in Kgapane Township is caused by the formation of informal settlements, illegal sales of properties/land and land disputes between the municipality and private landowners. Furthermore, bureaucracy also plays a role in proliferation of the lack of land tenure because title deeds of low-cost houses take years to be issued out while the houses have already been given to people. On the other hand, the Spatial Planner of Greater Letaba Municipality indicated that Historical events contribute to the lack of land tenure in Kgapane Township. The land that is now regarded as Kgapane Township was previously a part of Medingeni village. It was called portion 8 of Medingeni. Medingeni village was previously owned by the Department of Public Works, not the municipality. When people had to apply for title deeds, they needed to go to public works because the department did not run a programme for issuing of title deeds for the entire township, of which they hired private lawyers to apply for title deeds on their behalf. Therefore, the process was costly wherein not everyone was able to go through it. People just resided in the township, procrastinating the need to request the title deeds from public works. Henceforth, the current lack of land tenure crisis.*

*In 2019, the land administration of the township was transferred from public works to the municipality. From 2019 to date, people request the title deeds to their properties from the municipality, which is now simple than before. However, there is still a backlog of issuing title deeds arising from the department of public works era contributing to the current crisis of lack of land tenure faced by majority of the population in the township. Furthermore, additional contributing factors to the lack of land tenure include the illegal invasion/occupying of land, forming informal settlements whereby there is no property agreements between the people and the municipality. The vast amounts of privately owned land around the area also prevents the municipality from allocating land to the people for residential purposes”.*

*Participant C indicated that the “root causes of the problems dates from the colonial period. Although efforts are made, it has been difficult to erase the apartheid spatial injustices in the black communities we govern. For example, land grabbing was done by the apartheid government whereby they took most of the valuable land that belonged to the black population, displacing black people in peripheral areas. To date, the current government is continuing with the agenda of land grabbing by taking the land that belongs to the tribal authority for capitalism purposes. It can also be added that corruption is the fundamental in the scenario of land disputes and land grabbing. The elites as well as certain government officials want to benefit from land resources alone, at the expense of the entire community.*

*In terms of the type of land tenure administered, if a person is given land under a PTO agreement and the person does not build or show any progress on the land in three (3) months, the land is taken back. Since the land is not bought, but borrowed, it cannot be used as collateral in financial institutions for credit purposes, it can be taken back by its owners at any given time. Furthermore, most land that belongs to the tribal authority, it was snatched private owners in the colonial period, of which it was claimed through the land claims programme. There are also land disputes between the government and private owners whereby parts of the land covered by the tribal authority are undergoing*

*disputes whereby numerous stakeholders which include the government and private elites claim it is theirs. Therefore, conflicts arise as some of the areas are already occupied by people. People are being threatened to be evicted by the affect parties, causing a great confusion to the population. Land grabbing by the local municipality. The land in Kgapane, most of it in Ward 3, covering the following sections/areas: Mzimhlophe, Parktown, Modjadji Plaza, Kgapane hospital and mooiplass belong to Rapitsi. It was stolen from Rapitsi by the municipality to make it a part of Kgapane Township, hence the spatial attributes and the service delivery problems are similar to those of Rapitsi village”.*

The findings imply that the problem of lack of land tenure is multifaceted, contributing to the major concerns in the pathway to equality in South Africa. GLM (2022/23) IDP affirms that lack of land tenure is fuelled by the overwhelming ownership of land by private individuals, illegal occupations of land, land claims under the land reform programme, growing population and the competition for land by various groups. Rachekhu, Mokoelé and Mokgotho (2022) argue that lack of land tenure is caused by poor spatial planning efforts may play a key influence in land difficulties experienced in South Africa such as fragmented land-use plans. The poor spatial planning constitutes to the backlog in awarding titles to specific parcels of land to groups or individuals (Grain SA, 2015). Payne and Durand-Lasserve (2012) contend that political exploitation, excessive land prices, unsuitable legislative frameworks, bureaucratic lethargy, and bureaucratic inactivity all work together to impede development as causes of lack of land tenure.

### **5.5. THE NATURE OF THE PRINCIPLE OF SPATIAL JUSTICE IN KGAPANE TOWNSHIP, WARD 3**

This section presents the analysis of the nature of the principle of spatial justice in Kgapane Township, Ward 3. In determining the lack of land tenure in Kgapane Township Ward 3, there are six subsections, namely, the state of spatial imbalances and exclusions in the intervention of municipal policies, fairness in land allocation and distribution, status quo of the principle of spatial justice, characteristics of fair and equitable allocation and

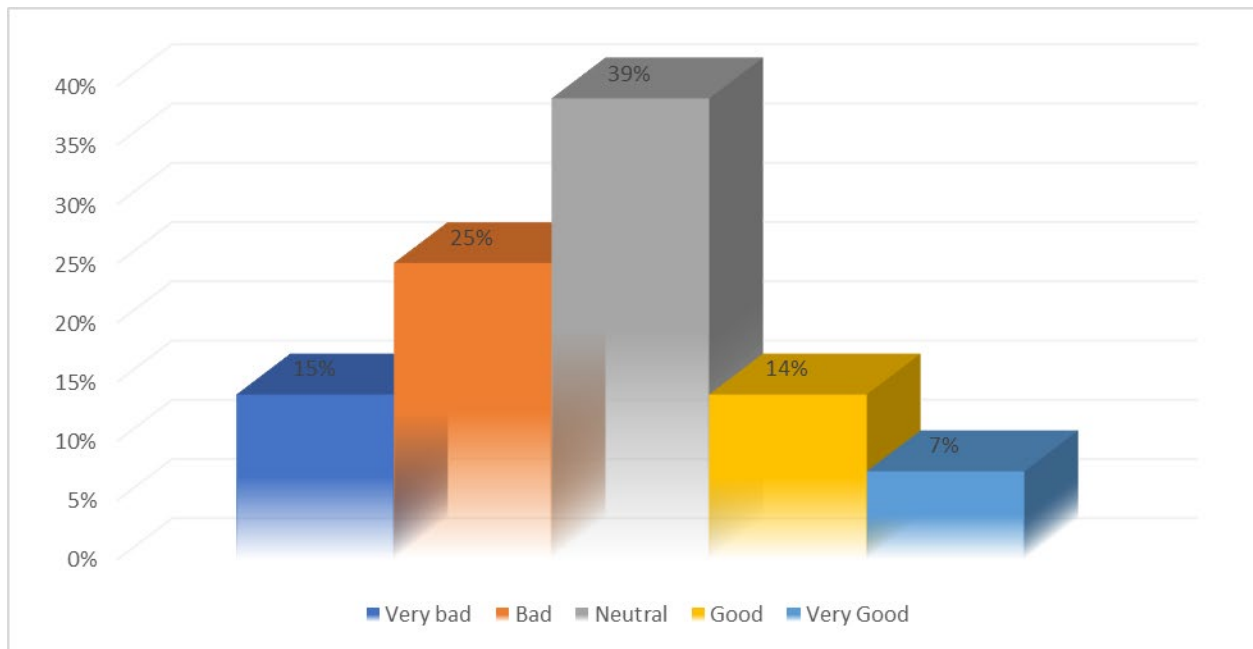


distribution of land resources, factors that affecting equal distribution of spatial assets, the utilisation of land by the citizen, availability of adequate housing with proper living conditions, accessibility of land-use to every member of the community, and municipal spatial policies and programmes in catering for the disadvantaged population.

### **5.5.1. The State of Spatial Imbalances and Exclusions in the Intervention of Municipal Policies**

Figure 5.15 depicts the state of spatial imbalances and exclusions in the intervention of municipal policies in Kgapane Township, Ward 3. Figure 5.15 shows that 39% of the respondents are neutral, neither good nor bad on the state of spatial imbalances and exclusions in the intervention of municipal policies in Kgapane Township. Moreover, Figure 5.15 shows that 25% and 15% of the respondents indicated that it is bad and very bad, respectively. Furthermore, Figure 5.15 shows that 14% and 7% of the respondents indicated that it is good and very good. The major findings suggest that the respondents are unsure of the state of spatial imbalances and exclusions in the midst of municipal policies as they could not confirm the goodness or badness of the condition. Following the confirmation of the bad state of the spatial imbalances and exclusions, it portrays incompetency in municipal spatial planning on the basis of restoring the dignity of the poor and marginalised groups experiencing spatial trials and tribulations.

Figure 5.15: State of Spatial Imbalances and Exclusions in the Intervention of Municipal Policies



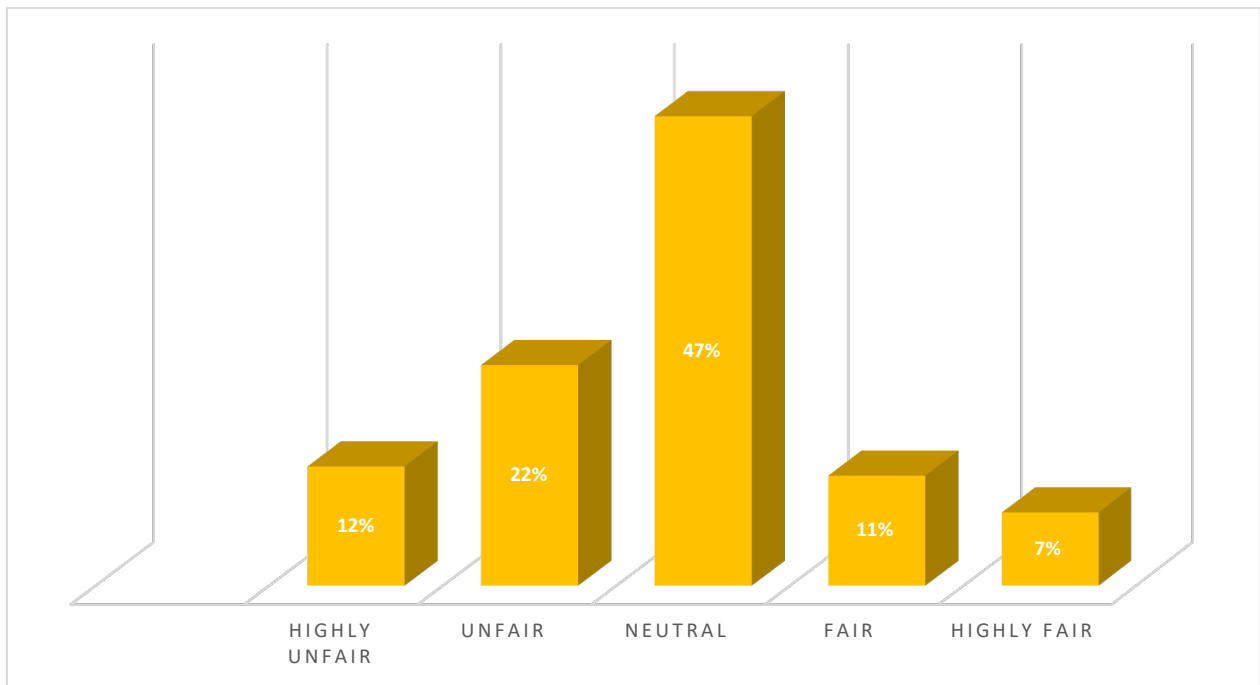
The findings suggest that a large proportion of population in Kgapane Township, Ward 3, are not spatially relieved by the municipal policies and programmes put into place to achieve spatial justice. This is supported by the argument of Phuhlisani (2017) that even in the contemporary, colonial, and apartheid eras, laws, rules, and practices have changed, patterns of unequal development persist that lead to systemic inequality and structural poverty in different places. The inability of the municipal policies and programmes such as to cater for the disadvantaged population reflects a lack of understanding of the drivers and dynamics of land battles that affect the overall spatial development, the economy and the society. Turok, Scheba and Visagie (2017) argue that public bodies are unsure about how to respond to spatial issues, how to regulate them, and if it is permissible to give constructive support due to the absence of social protection and low living conditions are reflected in the numerous contradictory government policies. Human Research Council (2017) concurs by affirming that there are key legislations that appear to inhibit more equitable and integrated development, resulting in challenges due to their intricacy, inflexibility, lack of coherence, and accompanying expenses, with the laws covering land-use planning, housing, the environment, business licensing, construction codes, and public procurement. Soja (2009), Marcuse (2009), Van wyk

(2015), Turok (2018) and Shifa (2018) affirm that numerous authors have maintained that apartheid's physical divide and associated urban environment have entrenched historical exclusions and divides that municipalities have been unable to overcome.

### 5.5.2. The Fairness in Land Allocation and Distribution

Figure 5.16 depicts the fairness in land allocation and distribution in Kgapane Township, Ward 3. Figure 5.16 shows that 47% of the respondents are neutral, deem it neither fair nor unfair on the state of spatial imbalances and exclusions in the intervention of municipal policies in Kgapane Township. Moreover, Figure 5.16 shows that 22% and 12% of the respondents indicated that it is unfair and highly unfair. Furthermore, Figure 5.16 shows that 11% and 8% of the respondents indicated that it is fair and highly fair. The findings indicate that majority of the respondents are uncertain about fair land allocation and distribution as they did not confirm whether land allocation and distribution is fair or unfair.

**Figure 5.16: Fairness in Land Allocation and Distribution**

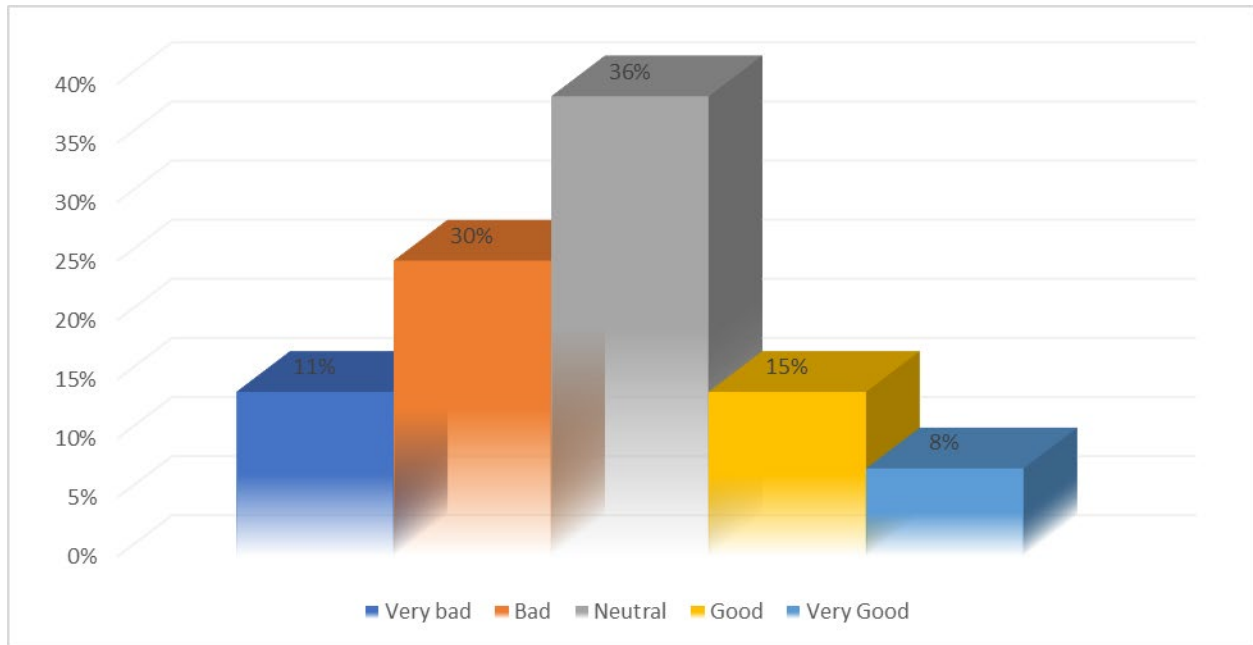


The findings suggest that land is continuously allocated and distributed in an unfair manner in the post-colonial South Africa despite renewed policies. Komaruddin (2020) argues that the imbalance of land ownership and tenure is becoming the main spatial problem. Human Research Council (2017) affirms that there is the existence of extreme geographical inequities brought about by the colonial heritage of racial segregation, which was furthered by apartheid through a comprehensive system of residential segregation, immigration limits, forced relocation, distinct public administrations, varied education systems, and other measures. Katcher (2018) argues that this has been demonstrated with a highly predictive of the percentage of male landowners in each of South Africa's nine provinces (Katcher, 2018). Males control 26 202 689 hectares or 72% of all farms and agricultural holdings owned by individual proprietors, according to Land Audit (2017). Females hold 4 871 013 hectares, or 13% of these holdings (Statistics South Africa, 2016). SAHRC (2018) affirms that despite making up the majority of the workforce in commercial farms and the rural population, women are denied the right to own property and are not included in the decision-making processes about the usage of that land. On the basis of the findings, fair and equitable allocation and distribution of land advocated by South Africa's post-1994 policies is an inevitable endeavour.

### **5.5.3. The Status Quo of the Principle of Spatial Justice**

Figure 5.17 depicts the status quo of the principle of spatial justice in Kgapane Township, Ward 3. Figure 5.17 shows that 36% of the respondents are neutral, neither good nor bad on the status quo of the principle of spatial justice in Kgapane Township. Moreover, Figure 5.17 shows that 30% and 15% of the respondents indicated that it is bad and good. Furthermore, Figure 5.17 shows that 11% and 8% of the respondents indicated that it is bad and very good. The findings suggest that the respondents are uncertain about the status quo of the principle of spatial justice, making the pathway to achieving the objective of spatial justice to become blurrier as the spatial conditions are worsening in the township.

Figure 5.17: Status Quo of the Principle of Spatial Justice



The findings suggest that the patterns of the principle of spatial justice are inconsistent in the township, failing to achieve spatial fairness, failing to protect landowners from discrimination of any kind and failing to protect the rights of the landowner to use their property to protect their livelihood. Phuhlisani (2017) affirms that the relationship between tenure and spatial justice is still complicated and difficult to draw clear boundaries around, worsening the status of the principle of spatial justice. Adegeye (2018) argues that for almost 20 years, efforts have been made to reverse the unfair apartheid geography that the nation is still plagued by, but little progress has been made in this area.

The findings support an argument by Monama, Mokoele and Mokgotho (2022) that in the midst of the democratic spatial plans and policies, the spatial arrangements of all South African cities and townships remain fragmented. It can be understood that the rationale behind the declining status quo of the principle of spatial justice in Kgapane Township, Ward 3, is due to the adverse footprint of apartheid in spatial planning as it is located in the outskirts of two major towns, which are Modjadiskloof (previously known as

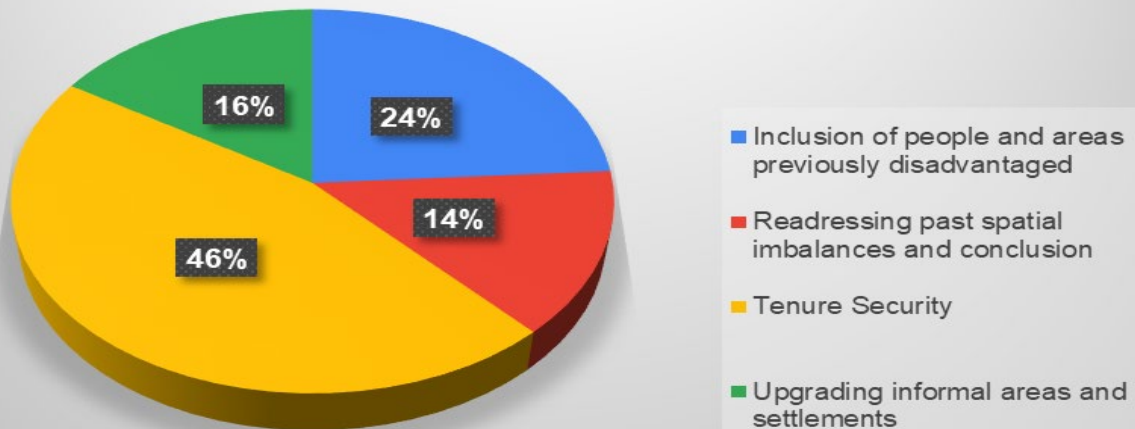
“Duiwelskloof”) and Tzaneen, where only the white minority were allowed to reside there. As a result, non-white laborers were compelled to live in townships, which are residential neighborhoods outside of cities. It can be agreed that Kgapane Township experienced settlement segregation and apartheid influx controls, forced removals to Bantustans and the construction of Group Areas townships during the colonial period.

#### **5.5.4. Characteristics of Fair and Equitable Allocation and Distribution of Land Resources**

Figure 5.18 depicts the characteristics of fair and equitable allocation and distribution of land resources in Kgapane Township, Ward 3. Figure 5.18 shows that 46% of the respondents indicated that fair and equitable allocation and distribution of land resources is characterised by tenure security. Moreover, Figure 5.18 shows that 24% fair and equitable allocation and distribution of land resources should include people and areas that were previously excluded. Furthermore, Figure 5.18 shows that 19% indicated that fair and equitable allocation and distribution of land resources is attributed by the upgrading of informal areas and settlements through building low cost houses, installing power and sanitation facilities. Figure 5.14 shows that a mere 14% of the respondents indicated that fair and equitable allocation and distribution of land resources is characterised by readdressing the past spatial imbalances and exclusions. The findings suggest that the respondents have varying perceptions on the characteristics of fair and equitable allocation and distribution of land resources with tenure security being the majority and readdressing past spatial imbalances and exclusions being the minority.

Figure 5.18: Characteristics of Fair and Equitable Allocation and Distribution of Land Resources

## Characteristics of Fair and Equitable Allocation and Distribution of Land Resources



It can be deduced from the findings that populations experience fair and equal allocation and distribution of land resources in different and contrasting ways, which is influenced by their location and land tenure they hold. SPLUMA Act 16 of 2013 affirms that allocating and distributing land resources fairly and equally, it is necessary to remedy existing spatial imbalances and exclusions, especially those involving individuals and regions that were previously excluded, providing tenure security and upgrading informal settlements. The Constitution of the Republic of South Africa (1994) concurs by affirming in Section 26 that everyone has the right to access to access of adequate housing where eviction is only permitted in terms of a court order. Van Wyk (2015) argues that the past spatial and other developmental imbalances are entitled to being attended to through optimum improved access to and use of land.

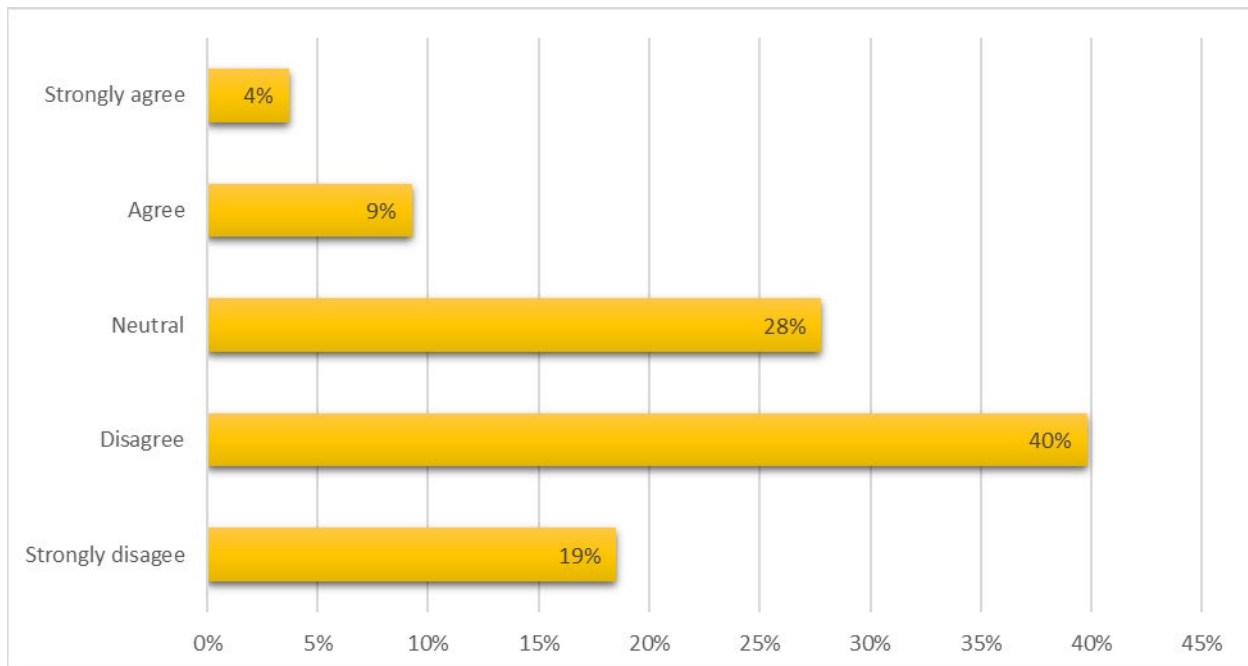
The findings reveal that majority of the population acknowledge that the most important aspect in fair and equitable allocation and distribution of land resources is the provision of land tenure. SPLUMA Act 16 of 2013 attests that the provision of secure land tenure as well as the upgrading of informal settlements are the fundamental of effective land

administration and management. Kasimbazi (2017) argues that access to land tenure has significant implications for livelihood, development, and investments. Henceforth, the increased indication that fair and equitable allocation and distribution of land resources is entrusted with the attainment of land tenure from the respondents.

### 5.5.6. The Accessibility of Land-Use to Every Member of the Community

Figure 5.19 depicts the accessibility of land-use to every member of the community in Kgapane Township, Ward 3. Figure 5.19 shows that 40% of the respondents disagree that land-use is accessible to every member of the community in Kgapane Township. Moreover, Figure 5.19 shows that 28% and 19% of the respondents are neutral and strongly disagree. Furthermore, Figure 5.19 shows that 9% and 4% of the respondents agree and strongly agree. The findings reveal that a majority of the respondents in Kgapane Township suffer from land deprivation as they do not have access to use land resources for various purposes.

Figure 5.19: Accessibility of Land-Use to Every Member of the Community



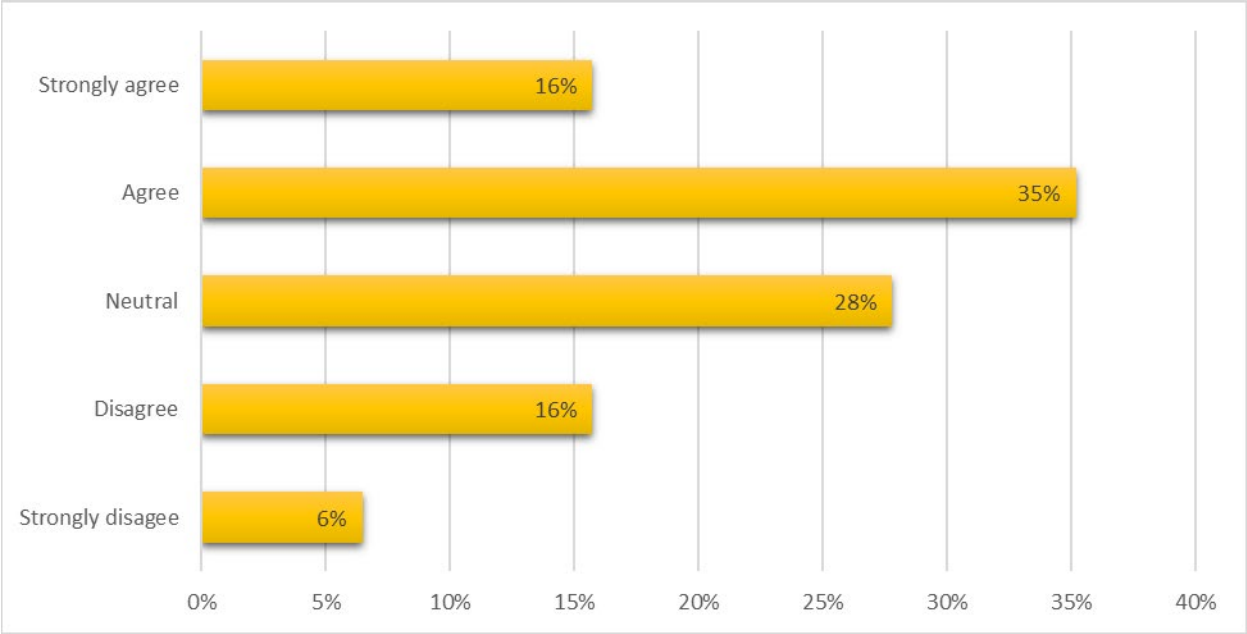


The findings indicate that land-use is not accessible to all members of the community suggest that that there is inequality in land allocation and distribution. Moreda (2023) supports the findings by arguing that access to land has become in today's generation due to increased competing demands for land. Jayne, Mather and Mghenyi (2014), Scoones, Mavedzenge and Murimbarimba (2019) and Yeboah, Jayne, Muyanga and Chamberlin (2019) affirm that a decline of access to land persists in the livelihoods of population, particularly among poor rural people. Rulf Institute of Global Homelessness (2017) argue that households with limited or unacknowledged rights, particularly the impoverished, those living in peri-urban regions, indigenous people, women, and those in war zones tend to be excluded from land-use accessibility. Duranton and Guerra (2016) argues that cities are becoming less accessible due in large part to exclusion in land markets. Land is made unnoticeably inaccessible to some of the community members through expensive land sales, leaving the poor in a dilemma of affordability and poor purchasing power.

### **5.5.7. The Availability of Adequate Housing with Proper Living Conditions**

Figure 5.20 depicts the availability of adequate housing with proper living conditions in Kgapane Township, Ward 3. Figure 5.20 shows that 35% of the respondents agree that there is availability of adequate housing with proper living conditions in Kgapane Township. Moreover, Figure 5.20 shows that 28% and 16% of the respondents are neutral and disagree. Furthermore, Figure 5.20 shows that 16% and 6% of the respondents disagree and strongly disagree. The findings portray that majority of the households in the township have adequate housing with proper basic services in the midst of the lack of land tenure crises.

Figure 5.20: Availability of Adequate Housing with Proper Living Conditions

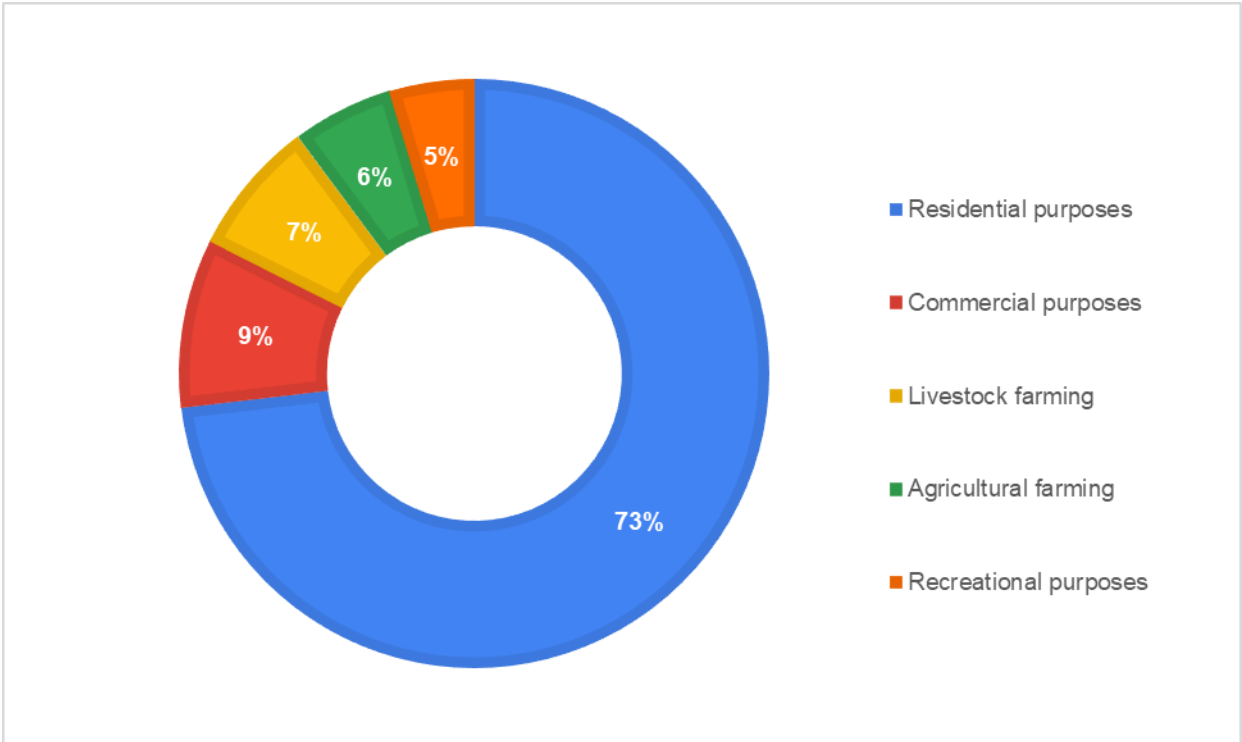


The findings suggest that the majority of the residents in the township are exposed to inadequate housing with poor living conditions. Moeti (2015) argues that South Africa is years into democracy with the majority of poor people still without houses, basic services, and continue to routinely face inhumane evictions. Terminski (2011) affirms that there are over a billion people living in substandard housing and over 100 million homeless people globally. According to the previous Public Protector, 10% of all questions or complaints filed with her office in 2012 had to do with issues related to government housing provision, housing system mismanagement, or access to suitable housing. Isandla Institute (2018) brings forward an argument that inadequate and poor living conditions are prevalent cases in informal settlements. Van Schalkwyk, (2019) asserts that another major aspect that is hampering housing provision is the case of low standards low-cost houses as a result of corruption and fraud in tender processes.

**5.5.8. The Various ways in which Citizens Use Land**

Figure 5.21 depicts the availability of adequate housing with proper living conditions in Kgapane Township, Ward 3. Figure 5.21 shows that 73% of the respondents use land for residential puporses. Moreover, Figure 5.21 shows that 9% and 7% of the respondents use land for for commercial purposes and livestock farming. Furthermore, Figure 5.21 shows that 6% and 5% of the respondents use land for agricultural farming and recreational purposes. The findings suggest that there are various land-use zones that people residing in Kgapane Township use land for varying purposes, of which the majority is using land for residential purposes.

Figure 5.21: Various Ways in which Citizens Use Land



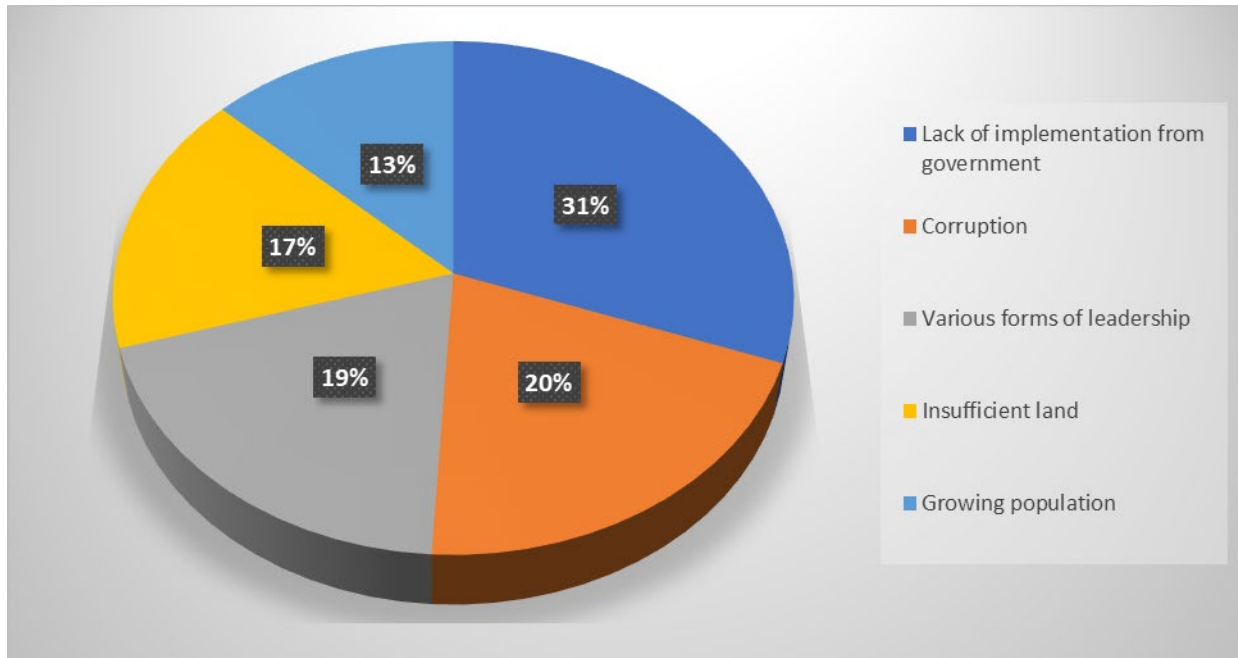
The findings reveal that Kgapane is a multi-land use township with evidence that majority of the population are more concerned with land for residential purposes. A small proportion of the population is concerned with commercial activities, livestock farming, agricultural farming and recreational activities. Duranton and Guerra (2016) argue that residents typically vie with businesses for the best locations in terms of access to work

and access to one another whereas businesses also vie for the best sites in terms of access to jobs. Duranton and Guerra (2016) further argue that there is a juxtaposition of land-uses because the best locations are no longer given for residential purposes since firms also choose to locate at the best locations as well for easy access to the labour market. Henceforth, the findings reveal that access to land for housing needs is fundamental in Kgapane Township, Ward 3. United Nations Human Rights Commission (2015) affirms that there is high dependency on access to land for people's livelihood.

### **5.5.9. The Factors that Threaten Equal Distribution of Spatial Assert**

Figure 5.22 depicts the constraints of the land tenure system in Kgapane Township, Ward 3. Figure 5.22 shows that 31% of the respondents noted the lack of government implementation of spatial plans and policies threaten equal distribution of spatial asserts. Moreover, Figure 5.22 shows that 20% and 19% of the respondents indicated that the equal distribution of spatial asserts is threatened by corruption in governance and various forms of leadership coming after every election. Figure 5.22 shows that 17% and 13% of the respondents indicated the equal distribution of spatial asserts in the community is threatened by insufficient land as a result of much land belonging to white and population growth. The findings suggest that equal distribution of spatial asserts as advocated by the principle of spatial justice is constantly under threat by various occurrences such as lack of government implementation, corruption, various forms of leadership, insufficient land and growing population that happen on land on a daily basis.

Figure 5.22: Factors that Threaten Equal Distribution of Spatial Assets



The findings reveal that various individuals' access to spatial assets is threatened by different factors, constituting the increase in unequal distribution of spatial assets. The findings confirm an argument made by Moeti (2015) that factors that threaten equal distribution of spatial assets include lack of capacity, the ineffective application of policy and leadership intervention. Van Schalkwyk (2019) argues that corruption and the mindset community leaders derail the spatial justice due to their greediness by keeping spatial resources to themselves and their circles. GLM (2022/23) affirms that Kgapane Township is a major growth point in the municipality, which is constantly subjected to population expansion, which threatens equal distribution of spatial assets. Therefore, the growth in the population levels, insufficient land; types of leadership, corruption and lack of implementation makes it difficult to channel enough spatial resources to the population, threatening equal distribution of spatial assets in the township.

#### **5.5.10. The Governor of Spatial Development Planning in Greater Letaba Municipality**

Participant B indicated that *“spatial Development Planning is governed using four (4) legislation/policies namely, Spatial Planning and Land-Use Management Act (SPLUMA) Act no 16 of 2013; Spatial Development Framework (SDF) of Greater Letaba Municipality; Spatial Planning and Land-Use Management Act By-Law of 2017 and Land Use Scheme”*.

The findings reveal that Spatial Development Planning is carried out using various tools and techniques. Chakwizira, Bikam and Adeboyejo (2018) argue that since 1994, the majority of the plethora of laws and regulations implemented to combat spatial inefficiencies seem to be supporting and maintaining apartheid planning in one way or another. Mokgotho and Mokoetele (2020) and Busayo, Kalumba and Orimoloye (2019) affirm that SPLUMA is a spatial development planning legislation designed to give South Africa a framework for land use and planning while acknowledging the need for inclusive, efficient, and equitable spatial plans in all areas of government. The Republic of South Africa (2001) and Madumo (2015) further argues that a Spatial Development Framework is a document created with the primary intention of representing a local authority’s spatial development goals past the consequence of an integrated examination and sorting of the geographic implications of several sectoral issues such as transportation, energy, and water (RSA, 2001). Consequently, the township has entrusted its spatial development and planning on the powers and capabilities of legislation and policies.

#### **5.5.11. The Contribution of the Governing and Management Methods towards the Effectiveness of Spatial Justice**

Participant B indicated that *“land is governed using spatial development and planning plans and policies is sustainable. Land occupiers given title deeds will not be challenged about the ownership of their properties”*. On the contrary, the tribal authority indicated that *“firstly, the land obtained from the tribal authority is affordable. It is less than a thousand to acquire a stand from the chief. Therefore, everyone is afforded an opportunity to buy*

*and have access to land as an asset despite of their socio-economic circumstances. Thus, contributing towards spatial justice in the community”.*

The findings reveal that the tools used to govern and manage land in Kgapane Township, Ward 3, contribute to the promotion of spatial justice.

#### **5.5.12. The Application of the Principle of Spatial Justice in Spatial Planning**

*Participant B indicated that “development is mainly focused on the previously disadvantaged areas such as townships and villages. In a township, priority is given to sections that are underprivileged, needing more services. To ensure that most of the population residing in Kgapane Township has spatial justice, the following spatial planning strategies are applied; Building of low-cost housing through the Reconstruction and Development Programme (RDP); Incremental upgrading of informal settlements to turn them into formal settlements; Sales of stands in newly developed residential areas”.*

The findings portray that the principle of spatial justice is applied in spatial planning through the SPLUMA. Nel (2016) and Picard, Buss, Seybolt and Lelei (2015) argue that spatial justice is a prioritised application in the municipality for the purposes of redressing marginalisation and increasing the inclusion of the poorest populations experiencing income. Dikec (2018) affirm that spatial justice strives to avoid resource depletion and insecure tenure. Isandla Institute (2016) concurs that the rectification of past spatial inequalities has mostly centred on providing disadvantaged and previously excluded individuals with certainty of access to land secure tenure, which will grant them the right to occupy their spaces as well as government protection against unlawful coercive evictions. Furthermore, SPLUMA Act 16 of 2013 affirms that spatial justice encapsulates activities such as issuing out land tenure to increase access to the usage of land and incremental upgrading of informal areas by improving the infrastructure and services of informal areas.

## **5.6. THE IMPLICATIONS OF THE LACK OF LAND TENURE ON THE PRINCIPLE OF SPATIAL JUSTICE IN KGAPANE TOWNSHIP, WARD 3**

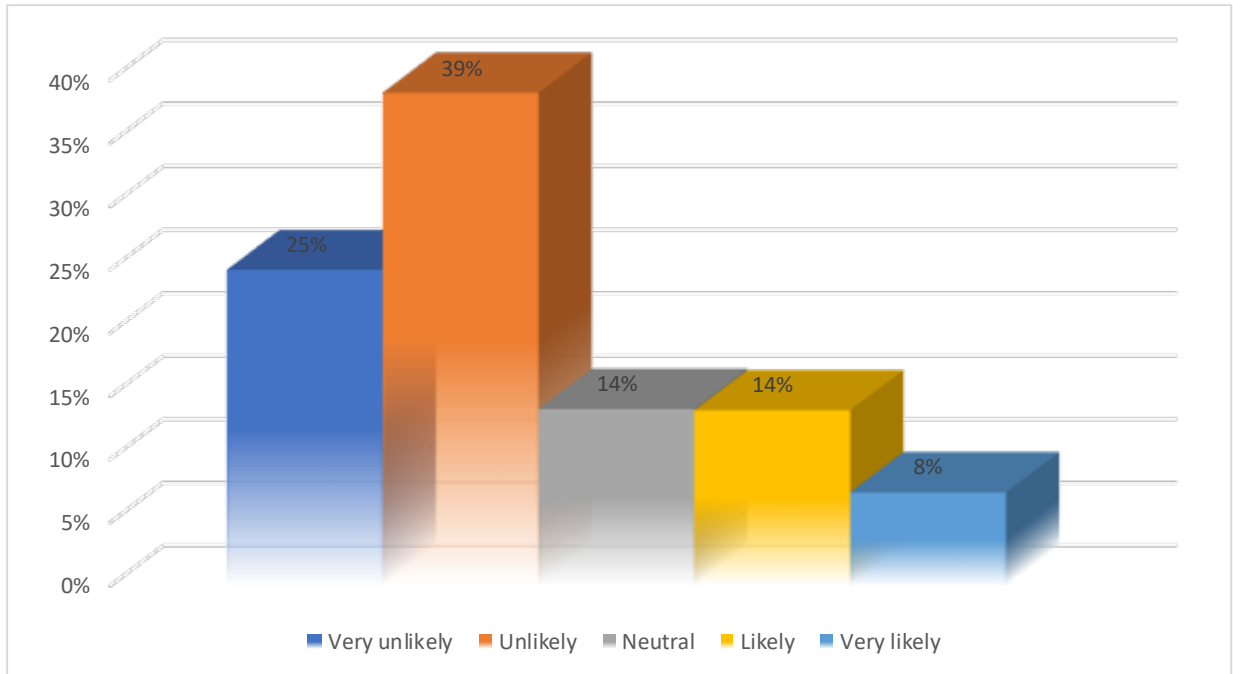
This section presents findings on the implications of the lack of land tenure on the principle of spatial justice in Kgapane Township, Ward 3. In investigating the lack of land tenure in Kgapane Township Ward 3, there are six subsections, namely: the extent at which the lack of land tenure detriment fair and equitable distribution of spatial assets, inability to obtain micro-finance at formal banking institutions due to the lack of land tenure and the contributions of the lack of land tenure and title deed towards social polarisation. Furthermore, the causes of lack of land tenure that detriment fair and equitable allocation of land, existence of class discrimination due to the gap between the rich and poor in having access to land resources, land rights are also presented. In addition, the reduction in security of investing in land due to the deficiencies in land tenure, deficiencies in land tenure fuel inequality of wealth and power in communities, causing vulnerability and violation of human rights due to deficiencies in land tenure, are presented below.

### **5.6.1. The Extent at which Lack of Land Tenure Detriment to Fair and Equitable Distribution of Spatial Assets**

Figure 5.23 depicts the extent at which the lack of land tenure hampers fair and equitable distribution of spatial assets in Kgapane Township, Ward 3. Figure 5.23 shows that 39% of the respondents indicated that it is unlikely for lack of land tenure to detriment fair and equitable distribution of spatial assets in Kgapane Township. Moreover, Figure 5.23 shows that 25% and 14% of the respondents indicated that it is very unlikely and neutral. Furthermore, Figure 5.23 shows that 14% and 8% of the respondents indicated that it is likely and very likely. The findings suggest that lack of land tenure does not disturb the fair and equitable distribution of spatial resources.

Figure 5.23: Lack of land tenure detriment fair and equitable distribution of spatial assets



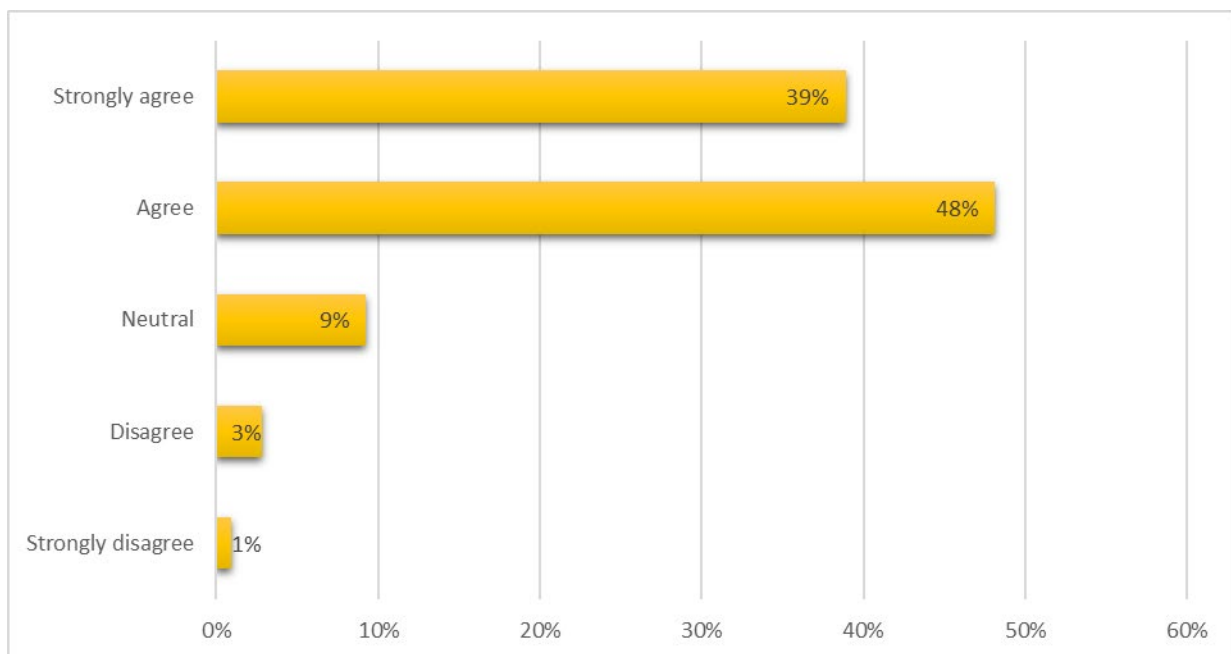


The findings imply that the lack of land tenure is continuously disturbing the process of fair and equitable distribution of spatial assets in the township. IFAD (2008) argues that to date, land issues are of particular concern to fair distribution of spatial resources. Turok, Scheba and Visagie (2017) argue that the deficiencies in the lack of land tenure caused by the apartheid regime are worsening where there is a widespread informality and exclusion causing poverty concentration to be manifested in specific areas. David, Leibbrandt and Shifa (2018), Turok (2018) and Van Wyk (2015) affirm that apartheid's geographical split and associated urban morphology have maintained historical exclusions and divides that municipalities have failed to resolve, which resulted in the lack of land tenure to negatively affect fair and equitable distribution of spatial assets

### 5.6.2. The Contributions of the Lack of Land Tenure towards Social Polarisation

Figure 5.24 depicts contributions of the lack of land tenure towards social polarisation in Kgapane Township, Ward 3. Figure 5.24 shows that 48% of the respondents agree that lack of land tenure contributes towards social polarisation in Kgapane Township. Moreover, Figure 5.24 shows that 39% and 9% of the respondents strongly agree and are neutral. Furthermore, Figure 5.24 shows that 3% and 1% of the respondents disagree and strongly disagree. This suggests that a majority of the respondents in Kgapane Township is experiencing social polarisation as a result of lacking land tenure.

Figure 5.24: Contributions of the Lack of Land Tenure Social Polarisation



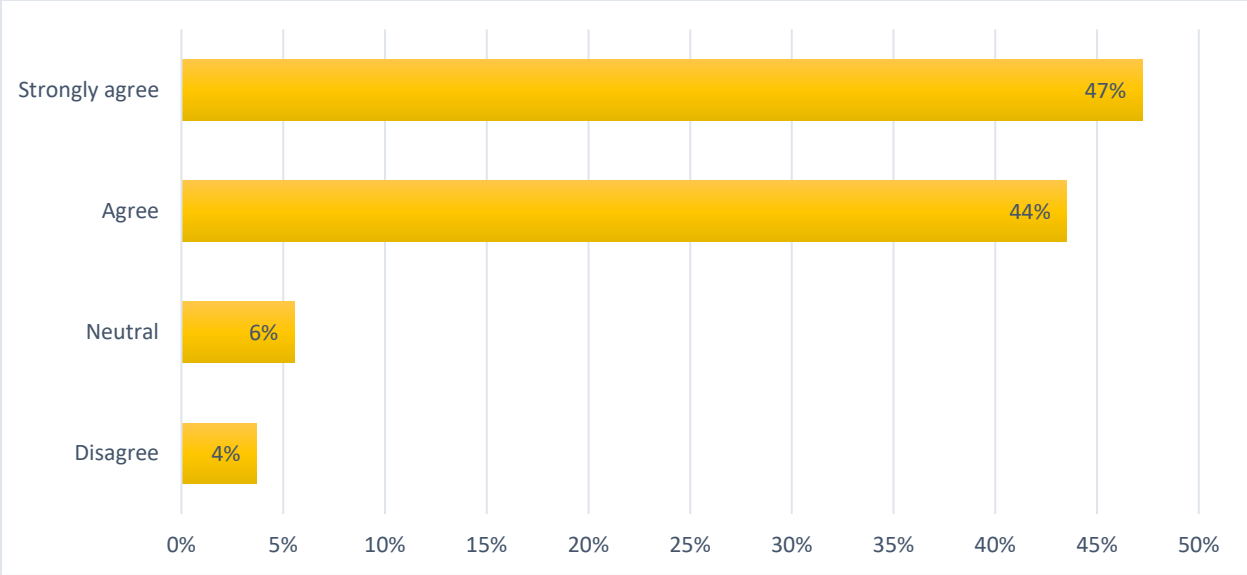
The findings confirm an argument by the South African Cities Network (2016) that municipalities in South Africa still exhibit significant levels of polarization through spatial injustice where certain groups of the population reside in socially and spatially organised settlement patterns with security and privacy while some reside in informal settlements, which are characterised by overcrowding, noise and lack of privacy. HRSC (2017) argues

that polarization endures in spite of numerous national programs meant to advance social justice, urban integration, rural development, and township upliftment, as well as consistent policy frameworks, common institutions, inter-regional fiscal transfers, and universal legislation (HRSC, 2017). Khaile, Roman, and Davids (2020) and the South African Cities Network (2016) affirm that there is a general consensus that South African cities are under pressure that will only deepen socio-spatial division because poor, vulnerable Black families lack the voice to demand basic necessities from authorities. Kiguwa and Langa (2015) further confirms that there is observably little social interaction, a lack of solidarity, conflict, distrust, marginalization, and a lack of recognition and acceptance between the black and white groups living in the same areas. In essence, townships have not only been unable to eradicate racialized socio-spatial inequality, but they have also unintentionally given legitimacy to some types of spatial exclusion.

### **5.6.3. The Violation of Human Rights due to Deficiencies in Land Tenure**

Figure 5.25 depicts the violation of human rights due to deficiencies in land tenure in Kgapane Township, Ward 3. Figure 5.25 shows that 47% of the respondents strongly agree that deficiencies in land tenure violate human rights. Moreover, Figure 5.25 shows that 44% and 6% of the respondents agree and are neutral. Furthermore, Figure 5.25 shows that 4% of the respondents disagree. The findings suggest that a majority of the respondents experience the violation of human rights persists due to the existence of lack of land tenure.

Figure 5.25: Violation of Human Rights due to Deficiencies in Land Tenure

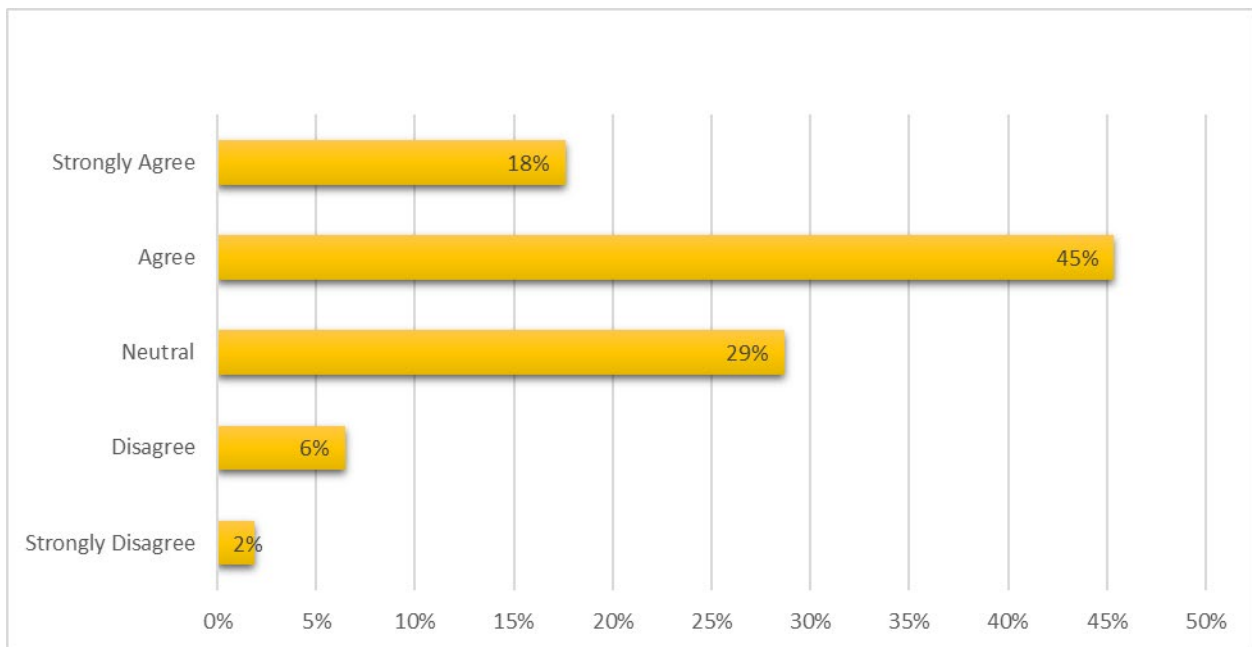


The findings imply that the human rights of Kgapane Township, Ward 3, population with regard to land are constantly gaslighted in the lack of land tenure crises. World Farmers Organization (2019) postulated that land tenure represents one of the major challenges that urbanities and farmers face, especially in developing countries where there is an equal recognition of basic rights, jeopardising the efforts of the Constitution in enforcing human rights. Kimeu and Maina (2018) affirm that Forcible evictions exacerbate social unrest, inequality, and segregation and always impact the most vulnerable, economically and socially marginalized, and poorest segments of society—women, children, minorities, and indigenous people in particular. Kasimbazi (2017) argues that the uses of land by the population, which include sustaining their livelihoods, are threatened, creating both social and environmental problems, since they are deprived land. Kimeu and Maina (2018) concur by affirming that a number of internationally recognized human rights, such as the rights to adequate housing, food, water, health care, education, employment, and personal security, as well as the freedom from cruel, inhuman, and degrading treatment and the right to travel freely, are flagrantly violated when forced evictions take place.

**5.6.4. Increased Inequality of Wealth, Power and Vulnerability by Lack of Land Tenure**

Figure depicts 5.26 increased inequality of wealth, power and vulnerability by lack of land tenure in Kgapane Township, Ward 3. Figure 5.26 shows that 45% of the respondents agree that lack of land tenure causes increased inequality of wealth, power and vulnerability. Moreover, Figure 5.26 shows that 29% and 18% of the respondents are neutral and strongly agree. Furthermore, Figure 5.26 shows that 6% and 2% of the respondents disagree and strongly disagree. The findings suggest that a majority of the respondents experience inequality in terms of wealth, power and vulnerability as a result of the lack of land tenure.

Figure 5.26: Increased Inequality of Wealth and Power and Vulnerability by Lack of Land Tenure



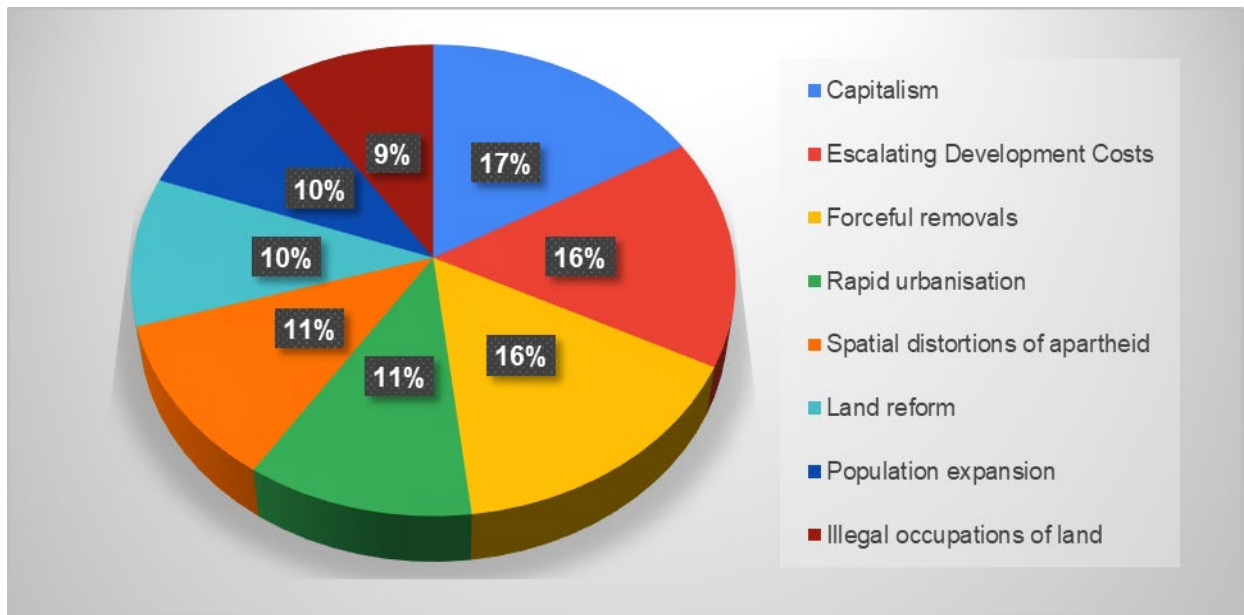
The findings paint a picture of Kgapane Township, Ward 3 undergoing vulnerability due to high inequality levels in terms of wealth and power because the rich and wealthy are given access to land tenure while poor people are surviving in informal settlements and inadequate housing. The findings confirm the argument by the South African Network (2016) that Townships with ingrained geographical disparities, laborers living distant from

their places of employment, and racially and class-separate neighborhoods are examples of how economic and social injustices are manifested. Socio-Economic Rights Institute of South Africa (2018) concurs by affirming that poor and informal housing and settings define black peripheries and inner cities; these economies follow historical trends and are concentrated distant from the impoverished majority manifest themselves as economic and social inequalities caused by lack of land tenure vulnerability. Kasimbazi (2017) argues that the impoverished are more susceptible to surrendering their rights to elites due to disparities in money and power dynamics. Soja (2008) affirms that class is ascribed as the formation of spatial and locational discrimination, and the consequences will not be restricted to segregation.

#### **5.6.5. The Causes of Lack of Land Tenure that Detriment Fair and Equitable Allocation of Land**

Figure 5.27 depicts the causes of lack of land tenure that detriment equitable and allocation of land in Kgapane Township, Ward 3. Figure 5.27 shows that 17% of the respondents indicated that capitalism is a huge contributing factor to the problem of lack of land tenure detrimental to fair and equitable allocation of land. Moreover, Figure 5.27 shows that 16% and 16% of the respondents noted escalating development costs and forceful removals. Figure 5.27 shows that 11% and 11% of the respondents identified urbanisation and the spatial distortions of apartheid. Figure 5.27 shows that 10% and 10% of the respondents indicated that land reform and population expansion is the reason why lack of land tenure is constantly detrimental to fair and equitable allocation of land. The remaining 9% of the respondents indicated that illegal occupations of land cause the lack of land tenure to be detrimental to the fair and equitable allocation of land. The findings suggest that the respondents get exposed to various causes of land tenure that detriment fair and equitable allocation of land.

Figure 5.27: Causes of Lack of Land Tenure that Detriment Fair and Equitable Allocation of Land



The findings indicate that the lack of land tenure has various dimensions on the principle of spatial justice. The findings confirm arguments by Turok, Scheba and Visagie (2017), Phuhlisani (2017), Advisory Panel on Land Reform and Agriculture (2019), Andrew (2020) and Rachekhu, Mokoele and Mokgotho (2022), that a range of factors that are responsible for the persistent lack of land tenure in detrimenting the principle of spatial justice are unequal development, poor planning, land reform, informal settlements, forceful removals, capitalism, spatial distortions of apartheid, including strong economic forces, unequal distribution of natural resource endowments, and persistent differences in institutional capability, infrastructure, and public services. Nassar and Elsayed (2018) and Van Wyk (2015) affirm that informal settlements are a serious and common problem, where a majority of the black population is still located at the peripheral areas characterised by unsuitable and informal land rights, services and housing condition. IFAD (2008) argues that land issues are exceptionally important particularly in this day and age, when global consumer and corporate driven food systems, high food prices, trade restrictions, climate change, population growth, and growing demand for feed and agrofuels are driving intense competition for land and placing significant pressure on tenure systems.

GLM (2020/2021) argue that the spatial failures caused by deficiencies in land tenure can be deduced to the continuing pressures of urban expansion competing with agricultural enterprises, new residential settlements and with recreational demands to cater for the growing population due to urbanisation and high birth rate. Sauti and Lo Thiam (2018) further argue that the increase in the acquisition of land by outside private investors, companies, governments, and national elites from individuals and/or local communities, forcefully robbing them off their access to land. The poorest people suffer the most as a result of spatial inequity, which forces them to leave their homes as a response to eviction notices.

#### **5.6.6. The status quo of the lack of land tenure mean to the principle of spatial justice in Kgapane Township, Ward 3**

Participant A indicated that *“certain parts of the township is having title deeds to the land they occupy whereas other parts of the township do not have title deeds to the land they occupy, which implies that the goal of achieving spatial justice in the township is far from being fulfilled. The status quo is not satisfying at all as it suggests that land assets are not equally allocated and distributed to all persons. Thus, proliferating disparities in land administration”*.

The findings reveal that the ubiquity of deficiencies in land tenure situations result in spatial justice in all South African communities has become an overly ambitious endeavour. As a result, unsecure land tenure initiates a sort of discrimination by virtue of location hindering the establishment of spatial justice. The findings support an argument brought forward by Swanepoel (2020) that the implications of a failure to achieve spatial justice, have been far-reaching and extend beyond land-access concerns, which factors major implications for access to housing, access to health and education services and facilities, as well as economic opportunities. Kasimbazi (2017) states that that deficiencies in land tenure consequently fuel inequality levels in land administration.



### **5.6.7. Effects of the Lack of Land Tenure on Spatial Planning Municipal Processes**

Participant A indicated that *“the lacks experienced in land tenure detracts municipal planning”*. The Spatial Planner indicated that *the lack of land tenure derails the long term plans that people might have for the land they occupy because they are not aware of what will happen to them or their properties over time as they do not have proper documentation of the land. Furthermore, the situation unfolds various forms of exclusion as other households staying in certain sections of the township are having land tenures. It portrays a picture that others are prioritised in land administration because of their status or accumulation at the expense of others that are staying in low-cost houses and informal settlements. Therefore, the idea of spatial justice is jeopardised”*.

The findings reveal that the lack of land tenure detracts municipal spatial planning processes to enable effective spatial justice. GLM (2021/2022) argues that the majority of the spatial planning failures experienced within the majority result from land tenure deficiencies, which puts continuing pressures of urban expansion competing with agricultural enterprises, new residential settlements and with recreational demands to cater for the growing population. Most development initiatives requiring space almost become impossible to foster as a result of squabbles between the community members, the state and elites over land. Marutlulle (2021) argues that the shortage of housing in South Africa is attributed to the unavailability of land tenure documents. Uwayezy and De Vries (2018) concurs by affirming that urban area population are reluctant to invest in building and upgrading their houses due to fear of eviction as a result of experiencing lack of land tenure.

## **5.7. CHAPTER SUMMARY**

Graphs and percentiles for every self-administered questionnaire were used to objectively analyze the results. The replies were qualitatively explained in order to fully understand the logical relationship of the data, and when necessary, the actual responses were

contrasted with previously published works. The research findings confirm that lack of land tenure exists in Kgapane Township, Ward 3 and it constantly interferes with the principle of spatial justice. The chapter presented and interpreted the findings of the study and provided an analysis of the demographic profile of the respondents, types and characteristics of land tenure, the nature of the lack of land tenure, the nature of the principle of spatial justice and the implications of the lack of land tenure on the principle of spatial justice. Data were collected from one hundred and eleven (111) households in Kgapane Township, Ward 3. Interviews were also conducted with three (3) key informants that include a spatial development practitioner from GLM, ward councillor of Kgapane Ward 3, and the traditional leader of Rapitsi Village, which is located within the boundaries of the township.

## **CHAPTER SIX: SUMMARY OF RESEARCH FINDINGS, CONCLUSION AND RECOMMENDATIONS**

### **6.1. INTRODUCTION**

The previous chapter provided the analysis and interpretation of data collected from household survey and interviews. The data collected from the survey and interviews from key respondents covered purely the aspects of land tenure, lack of land tenure, the principle of spatial justice and how the lack of land tenure affects the principle of spatial justice in Kgapane Township, Ward 3. This chapter presents the research findings, recommendations and conclusion, based on the study's variables. In concluding the study, recommendations are outlined in terms of how GLM, governing Kgapane Township and perhaps other South African municipalities can revise their spatial planning and improve on the land administration.

### **6.2. SUMMARY OF THE KEY RESEARCH FINDINGS**

The research aimed to investigate the implications of the lack of land tenure on the principle of spatial justice in Kgapane Township, Ward 3. The specific research objectives for the study were to explore the types and characteristics of land tenure, uncover the nature of the lack of land tenure, and determine the nature of the principle of spatial justice. The study on the implications of the lack of land tenure on the principle of spatial justice in Kgapane Township, Ward 3, highlighted the views of affected people through questionnaires and interviews.

#### **To Explore the Types and Characteristics of Land Tenure**

The study reveals that dating back to the colonial period, there were no options of land tenure, especially to the black population. Residency in urban areas was only limited to the white minority based on the policy regulations that governed land administration

during the colonial era. Results from the study revealed that there are various typologies of land tenure used to govern and manage land administration in South African townships, particularly Kgapane Township, Ward 3. The main types of land tenure used in governance are communal land tenure, private land tenure, state land tenure and open access land tenure. Among the types of land tenure, only communal and private land tenure are administered to people for residential purposes. As the State and open access land tenure belong to the government, it is the land they usually consider using for development initiatives aimed at increasing the socio-economic standards of communities.

During data collection, it was revealed that there is an additional type of land tenure that is increasingly being used, which is rental tenure. Rental tenure is a process of granting an individual a right to occupy a dwelling unit as living accommodation by making regular payments to the owner of the dwelling unit. Furthermore, there is a confusion on the separation of land belonging to the municipality and land belonging to the traditional authority. The confusion causes uncertainty in issuing land titles to the people residing at the land because they are not sure of the type of land tenure they should occupy. As a result, land battles between the municipality and the municipality arise, leading to mistrust and bad working relationship between the two parties.

### **To Uncover the Nature of the Lack of Land Tenure**

The study revealed that Kgapane Township is one of the localities that are adversely affected by the footprint of apartheid in spatial planning. As referred to as a "Township", it is located in the outskirts of two major towns, which are Modjadjiskloof previously known as "Duiwelskloof" and Tzaneen, where only the white minority were allowed to reside there. Consequently, non-white laborers were compelled to live in townships, which are residential neighborhoods outside of cities. It can be agreed that during the colonial era, Kgapane Township underwent forced relocation to Bantustans, segregation of settlements, apartheid immigration restrictions, and the creation of Group Areas

townships. Although the apartheid era influx control was removed during the arrival of democracy, it left the township's spatial planning distorted.

After the apartheid era, the advent of democratic policy and action towards land administration followed, but the lack of land tenure persists. According to literature, which the respondents of the study attested to, the root of the lack of land tenure is discrimination based on the basis of race, gender, and class, poor spatial planning efforts, spatial distortions of apartheid, rapid urbanisation, formation of illegal settlements, population growth, capitalism as well as land reform. Furthermore, it was also revealed that there is a backlog in the municipality in awarding titles to specific parcels of land to groups or individuals, especially those residing in new settlements and those residing in low-cost houses. However, land tenure experience deficiencies in the presence of the ESTA Act. Majority of the land occupiers in the township do not have land tenure to their homes and the land which they use, which makes them vulnerable to unfair eviction. Furthermore, unfair evictions lead to great hardship, conflict, and social instability within the township. The settlement dwellers are surviving in the midst eviction threats and insufficient public service delivery, which detracts the efforts towards achieving spatial justice as a national goal. In the aftermath of lack of land tenure, communities resort to public protests with the aim to obtain full rights to the properties they occupy. However, the protests exacerbate conflicts between the community members, instability, tribal conflicts, and prejudice.

### **To Determine the Nature of the Principle of Spatial Justice**

The study's findings reveal that the principle of spatial justice brought forward by SPLUMA Act 16 of 2013 was previously non-existent in the South African context. According to the key respondents of the study, in the local government, SPLUMA functions coherently with other legislations such as Spatial Development Framework (SDF) of GLM; SPLUMA By-Law of 2017 and; Land Use Scheme. The study area encapsulates a large proportion of the population that is constantly growing because the township is a major economic

growth point in the municipality. As a major growth point, it was discovered that it consists of four land-use zones, which are residential land-use, commercial land-use, recreational land-use and agricultural land-use.

Although land administration remains a priority in the township, there are varying factors that threaten the effectiveness of fair and equitable land allocation and distribution in the township, which are lack of implementation from government, corruption, various forms of leadership, insufficient land and population growth. It is alleged that the government is either struggling or reluctant to operationalise spatial plans due to lack of interest, lack of experienced and qualified staff to carry out spatial development duties. In certain instances, land parcels are only sold to political elites for positions, money and favours, ignoring the population's need for housing, leading to corruption in land administration.

Additionally, the changes in community leaders (Councillors) and parties blur the patterns of spatial justice because every leader comes in with their own plan, which may disrupt effective on-going spatial plans of the previous leader. Furthermore, due to the constant need for development of services and infrastructure, the land becomes too little to accommodate various land-uses such as residential, recreational, agricultural, business sectors and other, decreasing the success rate of spatial equality. Moreover, population growth fuelled by high birth control and rapid urbanisation contributes to the detriment fair and equitable allocation and distribution of spatial assets as it is almost impossible for the environment to cater more heads in the insufficient land dilemma.

### **To Investigate the Implications of the Lack of Land Tenure on the Principle of Spatial Justice**

Results from the study as provided by the respondents indicated that the status quo of the implications of the lack of land tenure on the principle of spatial justice in Kgapane Township is depraved. Land tenure is a strategy used to achieve spatial justice in localities that were previously disadvantaged. The goal is to make sure that every member of the

population has access to spatial assets. On the contrary, findings indicate that due to the lack of land tenure, land allocation and distribution are perceived to be unfair. As a result, the ubiquity of deficiencies in land tenure situations, establishing spatial justice in all South African local communities has become an overly ambitious endeavour.

In new settlements, the practice of forced evictions has become more prevalent. It has been linked to social unrest, inequality, and segregation, impacting the most vulnerable, economically and socially marginalized groups in society, which are women, children, minorities, and indigenous people. Infringing, from now on, the Republic of South Africa's Constitution's guarantees of land, decent housing, and basic services. Broadly speaking, forced evictions amount to flagrant violations of several internationally and nationally recognized human rights, such as the freedom from cruel, inhuman, and degrading treatment, the right to adequate housing, food, water, health, education, and employment, as well as the right to personal security.

The study further reveals that there are varying factors that are constantly establishing a detrimental relationship between land tenure and the principle of spatial justice. The factors include capitalism, escalating development costs, forceful evictions, rapid urbanisation, and spatial distortions of apartheid, land reform, population expansion and illegal occupation of land. The security of investing in land is therefore decreased. Therefore, major investors are unable to assist during development projects as the township is perceived to be in a spatial crisis. People residing in new settlements are reluctant to build their desired houses and to use land they acquired to their best advantage because they fear being robbed off the land. The rationale behind the fear of using the land as they desire emanates from fear from occurrences such as land squabbles between the municipality, the traditional authority and private individuals. The lack of land tenure occurrences in the township imply that the principle of spatial justice is an expensive dream to the community of Kgapane Township. The goal of ensuring that spatial development frameworks and policy action are entrusted on previously excluded people, informal settlements and marginalised communities by catering for the excluded

and marginalised population together with the informal settlement occupiers; land-use development and management; improvising secure land tenure; incremental upgrading of informal areas and; household consolidation remains unreached.

### **6.3. LIMITATIONS OF THE STUDY**

The study encountered several limitations, namely:

#### **6.3.1. Lack of Previous Research Studies on the Topic**

There is very little research on the topic. The spatial justice discourse is a new and evolving field that does not have a vast amount of research.

#### **6.3.2. Insufficient Sample Size for Statistical Measurements**

The study intended to sample 200 household heads for data collection. However, conclusions were drawn from only 108 household heads. It was mostly difficult to get participants for the study in informal settlements because they thought the researcher was a delegate from the government, sent to evict them from their homes.

### **6.4. RECOMMENDATIONS**

The study makes recommendations on measures that can be implemented to reduce the negative effects of the lack of land tenure on the principle of spatial justice, thus:

#### **6.4.1. The Types and Characteristics of Land Tenure**

A good working relationship should be established between the traditional authority and the municipality to ensure that land administration process is not complicated and squabbles over land ownership are resolved by reaching a consensus with the



municipality on who owns which land. Land occupiers should know the governor of their land and attain their land ownership documents.

#### **6.4.2. The Nature of the Lack of Land Tenure**

Establishment of fines and taxes to illegal land occupiers. The rationale of the fines and taxes is to prevent individuals from invading land without approval from the municipality, which will limit the upswing of informal settlements.

Establish awareness programmes to educate community members on the necessary land ownership documents that should be attained during land transactions, including education on the process of transfer of ownership.

Programmes of issuing out low-cost houses to the community, the houses should encapsulate title deeds for land security. Keys to the house must be accompanied by land ownership documents.

#### **6.4.3. The Nature of the Principle of Spatial Justice**

Establish more policies that seek to promote sustainable settlements and govern land administration with land tenure as the focus area. Land administration should be planned and executed in the context of global good governance practices. The policies should factor equal allocation of land, equal land rights and clear land policy principles to guide the various typologies of land tenure. It is evident that many of the issues with land management in South Africa may be resolved by applying well-established good governance concepts.

#### **6.4.4. The Implications of the Lack of Land Tenure on the Principle of Spatial Justice**

Establish a land titling programme to assist long-term occupiers of certain areas in the township to apply for title of deeds to the land they occupy. Recently, alternative models of tenure security are being employed, focusing on incremental progression, by providing a context-specific as well as a realistic progression towards tenure security. According to the World Bank (2021), as part of the initiative, investments will be made to modernize land administration through the use of technology to record and retain land information, digitize processes, and speed up services. Additionally, the initiative will strengthen the ability of authorities to provide land administration and registration services in the long run and safeguard land records against natural disasters.

#### Address the backlog of land reform claims

The municipality should negotiate with private landowners for the purpose of purchasing the land to develop new residential areas in the township. The acquisition of private land and or servitude rights between consenting parties is the simplest form of acquisition upon approval by the private owner based on the “willing-buyer, willing-seller” framework. The owner of the property is contacted by the municipality to provide explanations on why some or the entire land is required for the development.

#### **6.4.5. Future Research**

There is very little research on the topic, which required an entirely new research typology to be developed due to the research gap. Therefore, the study presents the need for further development in the area of study.

#### **6.5. CHAPTER SUMMARY**

The aim of the study was to investigate the implications of the lack of land tenure on the principle of spatial justice in Kgapane Township. The lack of land tenure plays a very

detrimental role towards fair and equitable land allocation and distribution in the township. The study revealed that there are high levels of spatial inequality where land parcels belonging to certain portions of the township are registered while land parcels belonging to other portions of the township are not registered. The revelation implies that members of the community residing in the portion where the land parcels are registered have ownership documents to their land while members residing in the portion where the land parcels are not registered do not have ownership documents to the land they occupy. The reasons behind the absence of ownership documents may include residing in illegally formed settlements, residing in new stands where the documents are still pending, residing in low-cost housing where the documents are pending as well and have purchases a house without attaining the ownership documents.

There are factors that cause the lack of land tenure to detriment the principle of spatial justice, which are believed to be capitalism, forceful removals, rapid urbanisation, escalating development costs; spatial distortions of apartheid, land reform, population growth and illegal occupation of land. The lack of experience in terms of land tenure have somewhat increased human rights violations, increased inequality levels between the rich and the poor, increased marginalisation and vulnerability of the previously disadvantaged and increased social exclusion. It was also deduced from the findings of the study that the deficiencies in land tenure prevalent in the township imply that the principle of spatial justice is far from achieved, limiting the effectiveness of SPLUMA Act 16 of 2013. However, the respondents of the study perceive that the government is the major source of the lack of land tenure dilemma as the main land administrator and manager. The findings suggests that the status quo of lack of land tenure is worsening day by day, threatening spatial equality. Most land occupiers will remain marginalised, without land documentation and vulnerable to shocks such as evictions from political elites. Therefore, the identified factors fuelling the lack of land tenure and disturbing the principle of spatial justice implies that the municipality as the main regulatory body of land still have a long way to go towards establishing the sustainable communities, that are eviction free, secure with land tenure and give its members equal rights in land allocation and distribution.

## References

Acheampong, R.A., 2018, '*Spatial planning in Ghana. Origins, contemporary reforms and practices, and new perspectives*', Switzerland: Springer Nature.

Adegeye, O.A., 2018, 'Exploring the fragments of spatial justice in an attempt to promote spatially just development in South African urban regions', Doctoral dissertation from the University of Pretoria.

Adegeye, O.A., and Coetzee, J., 2018, 'Exploring the fragments of spatial justice and its relevance for the global south', *Development Southern Africa*, 36(3), pp.376-389.

Adu-Gyamfi, A., Poku-Boansi, M., and Cobbinah, P.B., 2019, 'Homeownership aspirations: drawing on the experiences of renters and landlords in a deregulated private rental sector', *International Journal of Housing Policy*, 20(3). pp. 1-30.

Advisory Panel on Land Reform and Agriculture., 2019, 'Final Report of the Presidential Advisory Panel on Land Reform and Agriculture'.

Africanews., 2018, Cameroon: High rent advance crippling working youths, Africanews'.

Agence Francaise De Development (AFD)., 2019, 'Improving land tenure security for Madagascar's producers and farmers'.

Agence Francaise De Development (AFD)., 2019, 'Madagascar: The extraordinary feat of access to land for all'.

Aguilar-Støen, M., 2016, 'Beyond transnational corporations, food and biofuels: The role of extractivism and agribusiness in land grabbing in Central America', *Forum for Development Studies*, 43 (1), pp. 155–175.

Akinola, A., 2018, 'Women, culture and Africa's land reform agenda', *Front. Psychol.* 9, p.2234.

Akinyemi, B.E., and Mushunje, A., 2019, 'Land ownership and usage for agriculture: Empirical evidence from South African Living Conditions Survey', *Cogent Social Sciences*, 5.

Alcorn, J.B., 2014, 'Strengthen tenure security: Conflict-sensitive adaptation: Use human rights to build social and environmental resilience', *Brief 3, Indigenous Peoples of Africa Co-ordinating Committee and IUCN Commission on Environmental, Economic and Social Policy*.

Alonso-Fradejas, A., 2015, 'Anything but a story foretold: Multiple politics of resistance to the agrarian extractivist project in Guatemala', *Journal of Peasant Studies*, 42, pp. 489–515.

Amnesty International., 2018, 'Security of tenure and forced evictions Emaswatini'.

Anderson, M., 2017, 'Transformational leadership in education: A review of existing literature', *International Social Science Review*, 93(1), pp.4-8.

Andreasen, M.H., McGranahan, G., Steel, G. and Khan, S., 2020, 'Self-builder landlordism: Exploring the supply and production of private rental housing in Dar Es Salaam and Mwanza', *Journal of Housing and the Built Environment*, pp. 1-21.

Andrew, N., 2020, 'South Africa's land ownership system as a barrier to social transformation: Land conflict and the forced displacement of black farm dweller families'.

Ardayafio-Schandorf, E., 2012, 'Urban families and residential mobility in Accra', in ArdayafioSchandorf, E., Yankson, P.W.K. and Bertrand, M. (Eds) *The mobile city of Accra: Urban families, housing and residential practices*, Council for the Development of Social Science Research in Africa, Dakar.

Asante, L.A. and Ehwi, R.J., 2020, 'Housing transformation, rent gap and gentrification in Ghana's traditional houses: Insights from compound houses in Bantama, Kumasi', *Housing Studies*, 37 (7), pp. 23-38.

Ashley, J.M., 2016, 'Chapter six-cross-cutting issues', *Food security in the developing world*. Academic Press: San Diego, CA, USA, pp.141-191.

Australian Trade and Investment Commission., 2013, "Freehold land."

Babalola, K.H., & Hull, S.A., 2019, 'Examining the Land Use Act of 1978 and Its Effects on Tenure Security in Nigeria: A Case Study of Ekiti State Nigeria', *PER / PELJ*, 22.

Babie, P., 2001, 'Crown Land in Australia'.

Bacon, C., Sundstrom, W., Flores-Gómez, M., Méndez, V.E., Santos, R., Goldoftas, B., and Dougherty, I., 2014, 'Explaining the "hungry farmer paradox": Smallholders and fair trade cooperatives navigate seasonality and change in Nicaragua's corn and coffee markets', *Global Environment Change*, 25, pp. 133–149.

Bage, L. 2022, 'Microfinance: A lifeline for the poor rural people'. Ministry of Land Affairs.

Behnke, R., 2017, 'Open access and the sovereign commons: A political ecology of pastoral land tenure', *Land Use Policy*, 76, pp. 708-718.

Bernardin, S., 2012, 'Education inequality in Ghana: Gender and spatial dimensions', *Journal of Economic Studies*, 39(6), pp.98-134.

Black African communities remain concentrated on the periphery of Nelson Mandela Bay, whilst coloured and Indian neighbourhoods buffer the white urban core. Yet there are some signs of socio-spatial change (HRSC, 2017).

Borras, S.M., Kay, C., Gomez, S., and Wilkinson, J., 2012, 'Land grabbing and global capitalist accumulation: Key features in Latin America', *Canadian Journal of Development Studies*, 33 (4), pp.402–416.

Breetzke, G.D., Fabris-Rotelli, I., Modiba, J. and Edelstein, I.S., 2021, 'The proximity of sexual violence to schools: Evidence from a township in South Africa', *GeoJournal*, 86(2), pp. 765-776.

Brent, Z.W., 2015, 'Territorial restructuring and resistance in Argentina', *Journal of Peasant Studies*, 42 (3–4), pp. 671–694.

Broegaard, R.B., 2009, 'Land access and titling in Nicaragua', *Development and Change*, 40(1), pp. 149–169.

Burnod, P., Gigembre, M., and Ratsialonana, A., 2013, 'Competition over authority and access: International land deals in Madagascar', *Governing Global Land Deals*, pp.163-184.

Busscher, N., Parra, c., and Vanclay, f., 2018, 'Land grabbing within a protected area: The experience of local communities with conservation and forestry activities in Los Esteros Del Iberá, Argentina', *Land Use Policy*, 78, pp. 572–582.

Butkus, M., Cibulskiene, D., Maciulyte-Sniukiene, A. and Matuzeviciute, K., 2018, 'What is the evolution of convergence in the EU? Decomposing EU disparities up to NUTS 3 Level', *Sustainability*, 10(5), p.1552.

Cain, A., 2017, 'Angola's housing rental market'.

Carte, L., Schmook, B., Radel, C., and Johnson, R., 2019, 'The slow displacement of smallholder farming families: Land, hunger, and labor migration in Nicaragua and Guatemala', *Land*, 8(6), p.89.

Chadzimula, M., 2019, 'Land grabbing in Botswana: Modern era dispossession', *Town and Regional Planning*, 75.

Chagutah, T., 2013, 'Land tenure insecurity, vulnerability to climate-induced disaster and opportunities for redress in southern Africa', *Jàmbá: Journal of Disaster Risk Studies*, 5(2), pp.1-8.

Chakwizira, J., Bikam, P. and Adeboyejo, T.A., 2018, 'Different strokes for different folks: Access and transport constraints for public transport commuters in Gauteng Province, South Africa', *International Journal for Traffic and Transport Engineering*, 8(1), 58-81.

Chaman Law Firm., 2020, 'Land tenure system in Nigeria: Land law in Nigeria'.

Charles, 2021, 'Understanding land tenure system in Nigeria'.

Chigara, B., Magwaro-ndiwani, L., Mudzengerere, F.H., and Ncube, A.B., 2013, 'An analysis of the effects of piecemeal planning on development of small urban centres in

Zimbabwe: Case study of Plumtree', *International Journal of Management and Social Sciences Research*, 2(4), pp.139–148.

Chigudu, A., 2019, 'Institutional frameworks for urban development in Zimbabwe and Zambia: Change and communities', *Journal of Public Administration and Development Alternatives*, 4(2), pp. 1-7.

Chigudu., A., 2021, 'The changing institutional and legislative planning framework of Zambia and Zimbabwe: Nuances for urban development', *Land Use Policy*, 100.

Chigudu., A., and Chirisa., A., 2020, 'The quest for a sustainable spatial planning framework in Zimbabwe and Zambia', *Land Use Policy*, 92.

Childress, M., Choudhury, P., and Sanjak., J., 2022, 'People-Land Relationships on the Path to Sustainable Food Security', *Land Tenure Security and Sustainable Development*. pp.101–130.

Chimhowu, A., 2018, 'The 'new' African customary land tenure. Characteristic, features and policy implications of a new paradigm', *Land Use Policy*, 81.pp. 897-903.

Chimhowu, A., 2019. The 'new'African customary land tenure. Characteristic, features and policy implications of a new paradigm. *Land use policy*, 81, pp.897-903.

Climate Vulnerability.

Combaz, E., 2020, 'Effects of Madagascar's political economy on development and environment', K4D Helpdesk report. Sussex, IDS.

Conrad, C.F. and Serlin, R.C. eds., 2011, '*The Sage handbook for research in education: Pursuing ideas as the keystone of exemplary inquiry*', Sage Publications.

Cousins, B., 2008, 'Characterising "communal" tenure: nested systems and flexible boundaries', In Claassens, A. and Cousins, B. (eds.), *Land, Power and Custom: Controversies generated by South Africa's Communal Land Rights Act*, pp. 109–137.

Cousins., B., 2017', *Why title deeds aren't a solution to South Africa's land tenure problem*.



Creswell, J.W. and Creswell, J.D., 2017, 'Research Design: Qualitative, Quantitative and Mixed Methods Approaches', Sage Publications.

Crowe, S., Creswell, K., Robertson, A., Huby, G., Avery, A. and Sheikh, A., 2011, 'The Case Study Approach', *BMC Medical Research Methodology*, 11(100).

Dadashpoora, H and Ahan, S., 2019, 'Land Tenure-Related Conflicts in Peri-Urban Areas: A review', *Land Use Policy*, 85.pp. 218-229.

Dadashpoora, H. and Nateghi, M., 2017, 'Simulating Spatial Pattern of Urban Growth Using GIS Based SLEUTH Model: A Case Study of Eastern Corridor of Tehran Metropolitan Region Iran', *Environmental, DEV, Sustainability*, 19 (2). Pp. 527-547.

DAI., 2017, 'Customary Land Tenure'.

Davies, P., Herrera, J., Ruiz-Mirazo, J., Mahomed-Katere, I. and Hannam, E., 2016, 'Improving Governance of Pastoral Lands: Implementing the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security', *Governance of Tenure Technical Guide*, 6.

Davoudi, S., and Brooks, E., 2014, 'When Does Unequal Become Unfair? Judging Claims of Environmental Injustice', *Environment and Planning A*46 (11).pp. 2686–2702.

de Satgé, R., Kleinbooi, K., and Tanner, C., 2011, 'Decentralised Land Governance: Case Studies and Local Voices from Botswana, Madagascar and Mozambique. Cape Town, PLAAS, University of the Western Cape.

de Stage, R., 2021, 'Madagascar - Context and Land Governance'.

De Visser, J., and Poswa, X., 2019, 'Municipal Law Making under SPLUMA: A Survey of Fifteen First Generation" Municipal Planning By-Laws', *Potchefstroom Electronic Law Journal (PELJ)*, 22(1).pp. 23-34.

Delius., P., and Beinart., W., 2021, 'Securing the Land: From customary land tenure to registered titled land?'

Department of Environment, Land, Water and Planning., 2016, Crown Land Australasian Forum: 2-4 March 2016 Melbourne, Australia.

Department of Rural Development and Land Reform., 2013, Land Audit.

Dickson, W.L., 20 , 'Land tenure and the developing society', Department of Surveys and Lands, Ministry of Local Government and Lands, Gaborone, Botswana.

Dikeç, M., 2018, 'Space, Politics and (In)justice'.

Dreyer Engelbrecht Attorney., 2014, "Transfer of Leasehold Properties".

Dühr, S., Colomb, C., and Nadin, V., 2010, 'European Spatial Planning and Territorial Cooperation.London: Routledge'.

Durantón, G., and Guerra, E., 2016, 'Urban accessibility: Balancing land use and transportation'.

Duvernoy, I., Zambon, I., Sateriano, A., and Salvati, L., 2018, 'Pictures from the Other Side of the Fringe: Urban Growth and Peri-Urban Agriculture in a Post-Industrial City', *Journal of Rural Studies*, 57.pp. 25-35.

Ege, S., 2017, 'Land Tenure Insecurity in Post-Certification Amhara, Ethiopia', *Land Use Policy*, 64.

Ehwi., R.J., Asante., L.A., and Gavuu., E.K., 2021, 'Towards a well-informed rental housing policy in Ghana: differentiating between critics and non-critics of the rent advance system', *International Journal of Housing Markets and Analysis*, 15 (2), p.p. 315-338.

Eltmeyer, H., and Petras, J., eds., 2014, '*The New Extractivism: A Post-Neoliberal Development Model or Imperialism of the Twenty-First Century?* London: Zed Books'.

Essougong, U.P.K., and Tegua, S.J.M., 2019, 'How Secure are Land Rights in Cameroon? A review of the Evolution of Land Tenure System and its Implications on Tenure Security and Rural Livelihoods', *Geojournal*, 84.pp. 1645–1656.

Eviction Lawyers South Africa., 2019, 'ESTA – blishing the rights of people in rural areas'.

Ferreiraa, F.P.M., and Avila, P.C.A., 2018, 'Who has Secure Land Tenure in the Urban Areas of Brazil? Evidence from the State of Minas Gerai', *Land Use Policy*, 75.

Fonkam, A., 2017, 'The Spatial Planning and Land Use Management Act I- the framework and implementation', Helen Suzan Foundation.

Food and Agriculture Organization of the United Nations., 2018, 'The State of Food Security and Nutrition in the World: Building Climate Resilience for Food Security and Nutrition'.

Fourie, W., 2019, 'Reflecting on SPLUMA requirements and the implications thereof for municipalities in South Africa', Doctoral dissertation, North-West University South Africa.

Gambe, T.R., Tsoriyo, W.W., and Moffat, F., 2022, 'Rethinking the efficacy of spatial development plans in Zimbabwe: A case of Masvingo Province', *Cogent Social Sciences*, 9 (1).

Gleye, P., 2015, 'City Planning versus Urban Planning: Resolving a Profession's Bifurcated Heritage', *Journal of Planning Literature* 30 (1).pp. 3–17.

Goldfarb, L., and Van der Haar, G., 2016, 'The Moving Frontiers of Genetically Modified Soy Production: Shifts in Land Control in the Argentinian Chaco', *Journal of Peasant Studies* 43 (2).pp. 562–582.

Government of Zimbabwe., 2020, '*Zimbabwe National Human Settlement Policy*', Government Publishers.

Grain South Africa., 2015, 'Unpacking the Various Forms of Land Ownership'.

Grandia, L., 2013, 'Road Mapping: Megaprojects and Land Grabs in the Northern Guatemalan Lowlands', *Development Change*, 44.p. 233–259.

Greater Letaba Municipality., 2020/2021, 'Integrated Development Plan'.

Greater Letaba Municipality., 2021/2022, 'Integrated Development Plan'.

Guereña, A., 2016, '*Unearthed: Land, Power and Inequality in Latin America*', OXFAM: Oxford, UK.p p. 99.

Gutiérrez, M. E., and Gonzalez, V.G., 2016, '*Desarrollo Rural, Política Pública y Agricultura Familiar: Reflexiones en Torno a Experiencias de la Agricultura Familiar en Santiago Del Estero*', San Miguel de Tucumán: Magna Publicaciones.

Hailu Z., Nkote, I.N., and Munene, J.C., 2015, 'Property Rights and Investment: The Mediating Effect of Contract Enforcement', *Property Rights and Investment*, 21.

Hambleton, R., 2015, 'Practice Papers Place-based Leadership: A New Perspective on UrbanRegeneration', *Journal of Urban Regeneration and Renewal*, 9 (1).pp. 10–24

Hanna, P., Langdon, J., and., Vanclay, F., 2016, 'Indigenous Rights, Performativity and Protest', *Land Use Policy*, 50.pp. 490–506.

Harvey, D., 2008, 'The Right to the City', *New Left Rev*, 53, pp.23–40.

Harvey, D., 2012, '*Rebel Cities: From the Right to the City to the Urban Revolution*', London; New York, NY: Verso books.

Harwell, M. R., 2011, 'Research Design in Qualitative/Quantitative/Mixed Methods'.

Hayes., A., 2022, 'Demographics: How to Collect, Analyze, and Use Demographic Data.

Haywood, L., Matlitz, G., Stezkorn, K. and Ngepah, N., 2008, 'Biofuel Production in South Africa, Mozambique, Malawi and Zambia: A Status Quo Analysis of the Social, Economic and Biophysical Elements of the Biofuel Industry in Southern Africa', *CSIR Oxfam Draft Report. Natural Resources and the Environment*, CSIR, Pretoria

Heale, R., and Twycross, A., 2015, 'Validity and Reliability in Quantitative studies', *Evid Based Nurs*, 18 (3). pp. 66-67.

Hildreth, P., and Bailey, D., 2014, 'Place-based Economic Development Strategy in England: Fillingthe Missing Space', *Local Economy*, 29 (4-5).pp. 363–377

Holden, S. T., and Ghebru, H., 2016, 'Land tenure reforms, tenure security and food security in poor agrarian economies: Causal linkages and research gaps', *Global Food Security*, 10.pp. 21-28.

Holden., S.T., and Ghebru., H., 2016, 'Land tenure reforms, tenure security and food security in poor agrarian economy: Casual linkages & research gaps', 10.pp. 21-28.

Hull, S., Babalola, K., and Whittal, J., 2019, 'Theories of Land Reform and their Impact on Land Reform Success in Southern Africa', *Land*, 8 (11), 172.

IFAD., 2012, 'Republic of Nicaragua Country Strategic Opportunities Program'. Available online: <https://webapps.ifad.org/members/eb/107/docs/EB-2012-107-R-11.pdf> (accessed on 30 May 2019).

International Fund for Agricultural Development (IFAD)., 2015, 'Land tenure security and poverty reduction'.

International Land Coalition., 2017, 'Rangelands. Sécuriser davantage les pâturages au Cameroun: une revue des bonnes pratiques'.

Isandla Institute., 2016, 'Towards Incremental Informal Settlement Upgrading: Supporting Municipalities in Identifying Contextually Appropriate Options'.

Isandla Institute., 2016, 'Towards Incremental Informal Settlement Upgrading: Supporting Municipalities in Identifying Contextually Appropriate Options'.

Israel, E., and Frenkel, A., 2017, 'Social Justice and Spatial Inequality: Toward a ConceptualFramework', *Progress in Human Geography*, 42 (5).pp. 647–665.

Jara, C., and Paz, R., 2013, 'Ordenar el Territorio Para Detener el Acaparamiento Mundial de Tierras: La Conflictividad de la Estructura Agraria de Santiago Del Estero y el Papel Del Estado', *Proyección*, 15.pp. 171–195.

Jayne, T.S., Mather, D. and Mghenyi, E., 2010. Principal challenges confronting smallholder agriculture in sub-Saharan Africa. *World development*, 38(10), pp.1384-1398.

Jisensee, P., 2013, 'What is the Right to the City'.

Jiyan, I.Y., Luo, J. and Chan, E.H.W., 2020, 'Spatial Justice in Public Open Space Planning: Accessibility and Inclusivity', *Habitat International*, 97.

Jonas, S., Rodríguez, N., *Guatemala, U.S., 2015, 'Migration Transforming Regions; University of Texas Press: Austin, TX, USA', ISBN 978-0-292-76060-8.*

Kasimbazi, E., 2017, 'Land Tenure and Rights: for Improved Land Management and Sustainable Development'.

Katcher, N., 2018, 'Evaluating the Impact of Land Tenure Reform in Present-Day South Africa', Social Impact Research Experience (SIRE).

Katcher, N., 2018, Evaluating the Impact of Land Tenure Reform in Present-day South Africa, Social Impact Research Experience (SIRE).

Kaur, P., Stoltzfus, J., and Yellapu, V., 2018, 'Descriptive Statistics, Biostatistics, 4 (1). Pp. 60-63.

Keller, J., and Virág, T., 2021, 'A Drop in the Sea or Catalyst for Change: Diverse Effects of the Place-Based Approach in Europe', European Planning Studies.

Keovilignavong, O., and Suhardiman, D., 2020, 'Linking Land Tenure Security with Food Security: Unpacking Farm Household's Perceptions and Strategies in the Rural Uplands of Laos', *Land Use Policy*, 90.

Kihato, C.W. and Royston, L., 2013, 'Rethinking Emerging Land Markets in Rapidly Growing Southern African Cities', *Urban Forum*, 24(1). pp.1–9.

Kinaga., E., 2021, 'Open data initiatives to fight land corruption in Kenya and beyond'.

King, R., and Collyer, M., 2016, Migration and Development Framework and Its Links to Integration. In: Garcés-Mascreñas, B., Penninx, R. (eds) Integration Processes and Policies in Europe. IMISCOE Research Series. Springer, Cham.

Koch., T., 2020, 'Property rights, data, and prosperity in Africa'.

Komaruddin, Koko. (2020). Fairness in the distribution of land ownership in Indonesia based on Islamic law perspective. *Ijtihad : Jurnal Wacana Hukum Islam dan Kemanusiaan*. 20. 211-234. 10.18326/ijtihad.v20i2.211-234.

Kouba A., Seigneret, A., Beauchamp, E., and Schwartz, B., 2020, 'Securing Land Rights in Cameroon: What Hasn't Worked and What Should be Done', *International Institute for Environment and Development*.

Kouba, S., Seigneret, A., Beauchamp E., and Schwartz, B., 2020, 'International Institute for Environment and Development Stable.

Krueckeberg, D.A., and Paulsen, K.G., 2022, 'Urban Tenure Policies in South Africa'.

Kumar, R., 2014, 'Research Methods: A Step-by-Step Guide for Beginners', *Sage*, 50- 65.

Land Audit Report., 2017, 'Phase 2: Private Land Ownership by Race, Gender and Nationality'.

Land Audit Report., 2017, 'Phase 2: Private Land Ownership by Race, Gender and

Land Registry Services., 2020, 'Crown Land'.

Lapegna, P., 2012, 'Notes from the Field: The Expansion of Transgenic Soybeans and the Killing of Indigenous Peasants in Argentina', *Societies Without Borders* 8 (2).pp. 291–308.

Lefebvre, H., 1996, '*Writings on Cities*', Oxford: Wiley-Blackwell.

Lemon, A., 2021, The apartheid city. In: Lemon A., Donaldson R., Visser G. (eds), *South African Urban Change Three Decades After Apartheid. GeoJournal Library. Springer, Cham*.pp. 1-16.

Lisk, F., 2013, 'Land grabbing' or harnessing of development potential in agriculture? East Asia's land-based investments in Africa', *The Pacific Review*, 26(5).pp. 563-587.

Lister, D., 2005, 'Controlling letting arrangements in the private rented sector?', *Surveillance and Society*, 2 (4).

Mabin, A., 1992, 'Comprehensive segregation: The origins of the Group Areas Act and its planning apparatuses', *Journal of Southern African Studies*, 18(2).pp. 405-429.

Madanipour, A., Shucksmith, M., and Brooks, E., 2021, 'The Concept of Spatial Justice and the European Union's Territorial Cohesion', *European Planning Studies*.

Madanipour, A., Shucksmith, M., and Brooks, E., 2021, 'The Concept of Spatial Justice and the European Union's Territorial Cohesion', *Science & Business Media*, 46(1).pp. 118-136.

Madanipour, A., Shucksmith, M., and Talbot, H., 2015, 'Concepts of Poverty and Social Exclusion in Europe', *Local Economy*, 30 (7).pp. 1–21.

Madanipour, A., Shucksmith, M., and Talbot, H., 2017, 'RELOCAL: Resituating the Local in Cohesion and Territorial Development: Conceptual Framework for the Project.

MADANIPOUR, A., Miciukiewicz, K., and Vigar, G., 2018, 'Master plans and urban change: The case of Sheffield city centre', *Journal of Urban Design*, 23 (4).pp. 465–481.

Magina, F.B., Kyessi, A. and Kombe, W., 2020. The urban land nexus—challenges and opportunities of regularising informal settlements: The case studies of Dar es Salaam and Mwanza in Tanzania. *Journal of African Real Estate Research*, 5(1), pp.32-54.

Makabayi., B., and Musinguzi., M., 2015, 'What Extent Have the Existing Land Tenure Systems Affected Urban Land Development?'

Makalela, K.I., 2019, 'The Efficacy of Integrated Development Plan in Enhancing Service Delivery in Lepelle-Nkumpi Local Municipality, Limpopo Province', Masters Dissertation Submitted at the University of Limpopo.

Makalela, K.I., 2019, 'The Efficacy of Integrated Development Plan in Enhancing Service Delivery in Lepelle-Nkumpi Local Municipality, Limpopo Province', Masters Dissertation Submitted at the University of Limpopo.



Malebana, D.S., 2021, 'Sand Mining, Land Degradation and Rehabilitation in Rural Areas of South Africa: A Case of Mentz Village, Limpopo Province', Masters Dissertation Submitted at the University of Limpopo.

Maluleke, M., 2019, 'Women Empowerment through Comprehensive Rural Development Programme in Muyexe Village, Limpopo Province', Masters Dissertation Submitted at the University of Limpopo.

Mandell, L.J., 2022, 'What is a Leasehold Property? A rental that lasts'.

Martí, i., Puig, S., and Baumeister, E., 2017, 'Agrarian policies in Nicaragua: From revolution to the revival of agro-exports, 1979-2015', *Journal of Agrar. Chang*, 17.pp. 381–396.

Martinez, R. & Fernandez, P., 2010. "The Social and Economic Impact of Illiteracy: Analytical Model and Pilot Study," *UNESCO*.

Masenya, J.M., 2015, 'The Effects of Gender Discrimination in Water Services Provision of Women Empowerment in Gapila Village, Limpopo Province', Masters Dissertation Submitted at the University of Limpopo.

Mashamaite, A.K., 2014, 'The Contributions of Smallholder Subsistence Agriculture towards Rural Household Food Security in Maroteng Village, Limpopo Province', Masters Dissertation Submitted at the University of Limpopo.

Mazongonda, S.S., and Chirisa, I., 2018, 'Spatiality, Clustering, and the Agglomeration Economies of Scale: A Spatial Statistical Approach to Informal Manufacturing in Harare, Zimbabwe', *Handbook of Research on Urban Governance and Management in the Developing World*.

McCarthy, J., 2003, *Local and regional government: from rigidity to crisis to flux, the Apartheid City and Beyond*. London: *Routledge*, 37-49.

McKee, K. and Soaita, A.M., 2018, 'The 'Frustrated' Housing Aspirations of Generation Rent, UK Collaborative Centre for Housing Evidence'.

McLain, R., Ranjatson, P., Lawry, S., Rakotonirina, J.M., Randrianasolo, R., and Metternicht, G., 2018, 'Contributions of Land Use Planning to Sustainable Land Use and Management', *Land Use and Spatial Planning*, Springer, Cham.pp. 35-51.

Miller, D., 2017, 'Justice, The Stanford Encyclopedia of Philosophy', Fall 2017 Edition.

Mixta Africa., 2021, 'Land Tenure system in Nigeria: Everything you Need to Know'.

Moete., K., 2015, 'SAHRC: People need access to land and housing

Monama S. A., Mokoetele N. J., and Mokgotho K. D., 2022, 'South African spatial planning fragmentation: repealing the apartheid planning imprint.', *International Journal of Entrepreneurship*, 26 (1).pp. 1-11.

Morange, M., 2019, 'The Right to the City in the Global South', *Perspectives from Africa*'.

Moreda., T. 2023. The social dynamics of access to land, livelihoods and the rural youth in an era of rapid rural change: Evidence from Ethiopia, *Land Use Policy*, 128.

Moritz, M., 2016, 'Open Property Regimes', *Int. J. Commons Open property regimes*, 10, 688–708. <https://doi.org/10.18352/ijc.719>

Moritz, M., 2017, 'Misreading a pastoral property regime in the Logone floodplain, Cameroon', *Ecology and Society*, 22(1) 13. <https://doi.org/10.5751/ES-09055-220113/>

Moritz, M., Behnke, R., Beitzl, C.M., Bird, R.B., Chiaravalloti, R.M., Clark, J.K., Crabtree, S.A., Downey, S.S., Hamilton, I.M., Phang, S.C., Scholte, P., and Wilson, J.A., 2018, 'Emergent Sustainability in Open Property Regimes', *Proc. Natl. Acad. Sci. U. S. A.* 115.pp. 12859–12867. <https://doi.org/10.1073/pnas.1812028115>

Moroni., S., 2018, 'Property as a human right and property as a special title. Rediscussing private ownership of land', *Land Use Policy*, 70.pp. 278-280.

Murken, C., and Gornott, L., 2022, 'The importance of different land tenure systems for farmers' response to climate change: A systematic review', *ClimateRisk Management*, 35.

Murmis, M., and Murmis, M.R., 2012, 'Land Concentration and Foreign Land Ownership in Argentina in the Context of Global Land Grabbing', *Canadian Journal of Development Studies*, 33 (4).pp. 490–508.

Musina., CJN., 2016, 'Many homes without 'Title Deeds'', Citizen Justice Network.

Nadasen., N., 2012, 'Rural women's access to land in sub-Saharan Africa and implications for meeting the Millennium Development Goals',

Nagya., U., and Udoekanem, N.B, 2022, Factors Influencing Access to Urban Land for Private Housing Development in Minna, Nigeria. *Journal of African Real Estate Research* Volume 7, Issue 2.

Nationality'.

Natural England., 2014., 'Open access land: management, rights and responsibilities'.

Nel, V., 2016, 'A Better Zoning System for South Africa?', *Land Use Policy*, 55.pp. 257–264.

Nesssar., D.M., and Elsayed., H.G., 2018, 'From Informal Settlements to sustainable communities', *Alexandria engineering journal*, 57 (4).pp. 2367-2376.

Neuman, W.L., 2011, 'Social Research Methods: Qualitative and Quantitative Approaches', Seventh Edition. Boston: Pearson Education.

Newton, C., and Schuermans, N., 2013, 'More than twenty years after the repeal of the Group Areas Act: Housing, spatial planning and urban development in post-apartheid South Africa', *Journal of Housing and the Built Environment*, 28.pp. 579–587

Njoh, A.J., 2013, 'Equity, Fairness and Justice Implications of Land Tenure Formalization in Cameroon', *International Journal of Urban Reg*, 37.pp. 750–768.

Noah Schermbrucker, Victoria Mdzanga and Christine Botha. 2017. Hundreds of thousands of homeowners do not have title deeds

Nyantakyi-Frimpong, H., and Bezner Kerr, R., 2017, 'Land grabbing, social differentiation, intensified migration and food security in northern Ghana', *Journal of Peasant Studies*, 44(2).pp. 421-444.

Obayelu, A.E., Arowolo, A.O., and Osinowo, O.H., 2017, 'Land Tenure, Governance and Accountability in Nigeria: The Implications on Food Production to Feed the Present and the Future'.

Obeng-Odoom, F., 2011a, 'Private rental housing in Ghana: reform or renounce?', *Journal of International Real Estate and Construction Studies*, 1 (1). pp. 71-90.

Obeng-Odoom, F., 2011b, 'Real estate agents in Ghana: a suitable case for regulation?', *Regional Studies*, 45 (3). pp. 403-416. .

Odendaal, N., and McCann, A., 2016, 'Spatial planning in the global south: Reflections on the Cape Town spatial development framework', *International Development Planning Review*, 38(4).pp. 405.

Odendahl, C., Springford, J., Johnson, S. and Murray, J., 2019, 'The Big European Sort? The Diverging Fortunes of Europe's Regions', Centre for European Reform.

Office of the High Commissioner of United Nations Human Rights., 2018, 'Assessing the impact on social land concessions on Rural Livelihood in Cambodia'.

Official Guide to South Africa., 2020/21. 'Human Settlements'.

Ong, M.H.A., and Puteh, F., 2017, 'Quantitative Data Analysis: Choosing between SPSS, PLS and AMOS in Social Science Research', *International Interdisciplinary Journal of Scientific Research*, 3 (1).

Osabuohien, E., Efobi, U.R., Herrmann, R., and Gitau, C.M., 2019, 'Female Labor Outcomes and Large-Scale Agricultural Land Investments: Macro-Micro Evidence from Tanzania', *Land Use Policy*, 82, pp. 716-728.

Panman, A., 2021. How effective are informal property rights in cities? Reexamining the relationship between informality and housing quality in Dar es Salaam. *Oxford Development Studies*, 49(3), pp.230-244.

Papadopoulos., A.G., 2019, 'Editorial: Spatial Justice in Europe. Territoriality, Mobility and Peripherality'.

Parliamentary Monitoring Group., 2017, 'Draft Communal Land Tenure Bill'.

Pawlak., K., and Kołodziejczak., M., 2020, 'The Role of Agriculture in Ensuring Food Security in Developing Countries: Considerations in the Context of the Problem of Sustainable Food Production'.

Payne., G., and Durand-Lasserve, A., 2012, "Holding On: Security of Tenure - Types, Policies, Practices and Challenges"

Payne., G., and Durand-Lasserve., A., 2013, 'Holding On: Security of Tenure - Types, Policies, Practices and Challenges'.

Phuhlisani., N.P.C., 2017, 'The role of land tenure and governance in reproducing and transforming spatial inequality', Commissioned report for High Level Panel on the assessment of key legislation and the acceleration of fundamental change, an initiative of the Parliament of South Africa.

Picard, L.A., Buss, T.F., Seybolt, T.B and Lelei, M.C., 2015, 'Sustainable Development and Human Security in Africa: Governance as the Missing Link', CRC Press,196.pp. 358.

Pienaar, C., 2018, 'Important land reform legislation: The ESTA Act and the Labour Tenants Act'.

Pienaar, G., 2012, 'The methodology used to interpret customary land tenure', Potchefstroom Electronic Law Journal (PELJ), 15 (3).

Pirie, G., 1983, 'On Spatial Justice', *Environment and Planning*, 15 (4).pp. 465–473.

Platteau, J.P., 1996, 'The Evolutionary Theory of Land Rights as Applied to Sub-Saharan Africa: A Critical Assessment'.

Pretorius., L., and Makou., G. 2021, 'Uncategorized land', A report by Africa Check.

Prindex., 2020, '*Prindex Comparative Report - a global assessment of perceived tenure security from 140 countries*'.

PropertyPro Insider., 2020, 'Land Tenure System in Nigeria'.

Puhlisani., N.P.C., 2017, "The role of land tenure and governance in reproducing and transforming spatial inequality".

Rachekhu, K., Mokoee, N.J, and Mokgotho, K.D., 2022, 'Spatial Economic Attributes in South African Urban Areas: Complexities of Transforming Cities Towards a Pro-Poor', *European Journal of Economics, Law and Social Sciences*, 6 (1).

Rachekhu, K., Mokoee, N.J. & Mokgotho, K.D., 2022, 'Spatial Economic Attributes in South African Urban Areas: Complexities of Transforming Cities Towards a Pro-Poor', *European Journal of Economics, Law and Social Sciences*, 6 (1).

Rafiee., E., and Stenberg, V.S., 2018, 'Land grabbing and its implications on rural livelihoods in Ghana and Ethiopia – a comparative study'.

Rahi, S., 2017, 'Research Design and Methods: A systematic Review of Research Paradigms, Sampling Issues and Instruments Development', *International Journal of Economics and Management Sciences*, 6 (2).pp. 1-5.

Ramatsima, K., 2022, 'The government's "consultation" on communal land tenure was just a tick-box exercise'.

Raugze, I., and Van Herwijnen, M., 2018, 'Inner peripheries in Europe: Possible development strategies to overcome their marginalising effects'.

Razafimbelo, N.T., 2019, 'Tenure Challenges to Implementing Forest Landscape Restoration in Northwestern Madagascar'.

Razafimbelo, N.T., 2019, 'Tenure Challenges to Implementing Forest Landscape Restoration in Northwestern Madagascar'.

- Reboratti, C., 2008, 'Environmental Conflicts and Environmental Justice in Argentina', *Environmental Justice in Latin America: Problems, Promise, and Practice*, edited by D. V. Carruthers, 101–117. Cambridge, MA: MIT Press.
- Rees, W., 2018, 'Planning in the Anthropocene', In *the Routledge Handbook of Planning Theory*, edited by M. Gunder, A. Madanipour, and V. Watson, 53–66. London: Routledge.
- Reynolds, D., and Shelley, F., 1985, 'Procedural Justice and Local Democracy', *Political Geography Quarterly*, 4 (4).pp. 267–288
- Rocco, R., 2016, 'Spatial Justice: Understanding the Spatial Dimensions of Justice'.
- Rogerson, C.M. and Rogerson, J.M., 2021, 'Urban tourism under apartheid: The Johannesburg chapter', *Urban Tourism in the Global South*. Springer, Cham, 149-172.
- RTPI., 2021, 'Neighbourhood Planning. Accessed 6 April 2021.<https://www.rtpi.org.uk/planning-advice/neighbourhood-planning>.
- RUDOLF, S. C., Grădinaru, S. R., and Hersperger, A. M., 2017', 'Impact of planning mandates on local plans: A multi-method assessment', *European Planning Studies*, 25(12).pp. 2192–2211.
- Sato, C., 2022, 'Land Tenure Reform in Three Former Settler Colonies in Southern Africa. In: Takeuchi, S. (eds) *African Land Reform Under Economic Liberalisation*. Springer,
- Scanlon, K., 2015, 'Playing happy families? Private renting for middle-income households with children in London, Berlin and New York', *Built Environment*, 41(2). pp. 196-210.
- Schmook, B., Carte., L., Radel,. and Olmedo., S.N., 2020, 'Links between land access, land use, and hunger in today's neoliberal Nicaragua', *Food Security* 1<sup>st</sup> edition.
- Schoeman, C., 2015, 'The Alignment Between Spatial Planning, Transportation Planning and Environmental Planning within the New Spatial Systems in South Africa', *Town and Regional Planning*, 67.pp. 42-57.

Schoneveld, G.C., 2014, 'The challenge of governing Africa's new agricultural investment landscapes: An analysis of policy arrangements and sustainability outcomes in Ethiopia and Nigeria', *Forests*, 6(1).pp. 88-115.

Scoones, I., Mavedzenge, B. and Murimbarimba, F., 2019. Young people and land in Zimbabwe: livelihood challenges after land reform. *Review of African Political Economy*, 46(159), pp.117-134.

SCOONES, I., Marongwe, N., Mavedzenge, B., Murimbarimba, F., Mahenehene, Mahene, C., and Mahenehene, J., 2012, 'Livelihoods after land reform in Zimbabwe: Understanding process of rural differentiation. *Journal of Agrarian Change*, 12(4).pp. 503–527.

Seixas C.E., 2021, 'Urban (Digital) Play and Right to the City: A Critical Perspective', *Front. Psychol.* 12:636111.

Sharma., M. and Samarin., M., 2021, 'Rental tenure and rent burden: progress in interdisciplinary scholarship and pathways for geographical research', *GeoJournal*, 87.p. 3403–3421

Sheuya., S., and Burra., M., 2016, 'Tenure Security, Land Titles and Access to Formal Finance in Upgraded Informal Settlements: The Case of Dar es Salaam, Tanzania', *Current urban studies*, 4(4).pp. 440-460.

Sjöström, O., and Holst, D., 2002, 'Validity of a Questionnaire Survey: Response Patterns in Different Subgroups and the Effect of Social Desirability', *Acta Odontologica Scandinavica*, 60:3.p. 136-140.

Sodikoff, G., 2005, 'Forced and Forest Labor Regimes in Colonial Madagascar, 1926--1936." *Ethnohistory* 52(2).pp. 407-435.

Soja, E. W., 2008, 'The City and Spatial Justice: Justice Spatale/Spatial Justice'.

Soja, E., 2009, 'The City and Spatial Justice.justice spatiale', *spatial justice*, 1.



Soja, E.W., 2010, 'Seeking Spatial Justice: Globalization and Community', Minneapolis: University of Minnesota Press.

South African History Online., 2013, 'The Native Act 1913'.

South African History Online., 2021, 'The Group Areas Act of 1950'

South African Human Rights Commission., 2018, 'Report on the High Level Public Inquiry on the Impact of Rural Land-use and Ownership Patterns on Human Rights'.

Stanley, L., 2019, 'Natives' Land Act, 1913'.

Statistics South Africa., 2016, 'Community Survey'.

The Republic of South Africa., 2017, 'Communal Land Bill'.

Thompson., L., and Tapela., B., 2019, 'Report to the Water Research Commission'.

Tumushabe, G., and Tatwangire, A., 2017, 'Impacts of land changes on tenure security and livelihoods Report Title: Understanding changing land access issues for the rural poor in Uganda Report', International Institute for Environment and Development.

Turok, I., 2013, 'People-based versus Place-based Policies: The 2009 World Development Report', *Local Economy*, 28 (1).pp. 3–8.

Turok, I., 2016, 'South Africa's new urban agenda: Transformation or compensation?', *Local Economy*, 31(1-2).pp. 9-27.

Tutok, I., Scheba., A., and Visagie., J., 2017, 'Reducing Spatial Inequalities through Better Regulation', Report to the High-Level Panel on the assessment of key legislation and the acceleration of fundamental change.

Uganda Consortium on Corporate Accountability., 2018, 'Handbook on Land Ownership, Rights, Interests and Acquisition in Uganda'.

UNESCO and Un-Habitat., 2009, 'Urban Policies and the Right to the City', Rights, Responsibilities and Citizenship; UNESCO: Paris, France, 58p.

Union, A., 2009, 'Land policy in Africa: A framework to strengthen land rights, enhance productivity and secure livelihoods', *Addis Ababa: African Union and Economic Commission for Africa*. United Nations Convention to Combat desertification., 2021, 'Sustainability Open Access Journal: Special Issue: Impacts of Land Tenure Systems on Land Use Sustainability'

United Nations- Habitat., 2008, 'Securing land rights for all', UNON, Nairobi.

United Nations Human Settlements Programme (UN-Habitat), 2019, 'Land Tenure and

United Nations Secretariat., 2016, 'Right to the city and cities for all', In Proceedings of the Conference on Housing and Sustainable Urban Development (Habitat III), Surabaya, Indonesia.pp. 52.

United Nations-Habitat, 2018, 'Global experiences in land readjustment', *Urban Legal Case Studies*. <http://unhabitat.org/ir/wp-content/uploads/2015/09/Urban-Legal-Case-Studies>

United Nations-Habitat; GLTN., 2017, 'Monitoring tenure security, data collection, questionnaire'.

United States Agency for International Development (USAID)., 2016, 'What is land tenure?'

United States Agency for International Development (USAID)., 2020, 'Madagascar', Land Links Retrieved December, 2020, from <https://www.land-links.org/country-profile/madagascar/>.

United States Agency for International Development (USAID)., 2021, 'Securing land tenure and property rights for stability and prosperity'.

Usaid., 2016, 'Land titling and credit access – Understanding the reality. Usaid Issue Brief.

Uwayezu,. E., and de vries., W., 2019, 'Scoping land tenure security for the poor and low-income urban dwellers from a spatial justice lens', *Habitat International*, 91.

Valkonen, A., 2021, 'Examining sources of land tenure (in)security. A focus on authority relations, state politics, social dynamics and belonging', *Land Use Policy*, 101.

Van Deventer., C., 2018, 'Advantages & disadvantages of a freehold or full title property'.

Vanclay, F., 2017, 'Project induced displacement and resettlement: From impoverishment risks to an opportunity for development', *Impact Assessment and Project Appraisal*, 35 (1), pp. 3–21.

Visser., M., and Ferrer., S., 2015, 'Farm workers' living and working conditions in South Africa: Key trends, emergent issues, and underlying and structural problems report'.

Weinberg, T., 2015, 'The contested status of 'communal land tenure' in South Africa'.

Western Australian Land Information Authority., 2017, 'Types of title to land'.

Whitley, G.A., Munro, S., Hemingway, P., & Law G.R., Siriwardena, A.N., Cooke, D., & Quinn, T., 2020, 'Mixed methods in pre-hospital research: understanding complex clinical problems', *Br Paramed J.* 1.5(3).pp.44-51.

Whittal, J., 2014, 'A new conceptual model for the continuum of land rights', *South African Journal of Geomatics*, 3(1).

Wickeri, Elisabeth, and Kalhan, A., 2010, 'Land rights issues in international human rights law', *Malaysian Journal on Human Rights*, 4, pp.10: 25.

Widman, M., 2014, 'Land tenure insecurity and formalizing land rights in Madagascar: A gender perspective on the certification program', *Feminist Economics*, 20(1), pp. 130-154.

Wily, L., 2011, 'Whose land is it? The status of customary land tenure in Cameroon', Centre for Environment and Development.

Wittman, H., and Saldivar-Tanaka, L., 2006, 'The agrarian question in Guatemala. In *Promised Land: Competing Visions of Agrarian Reform*', Rosset, P., Patel, R., Courville, M., Eds.; Food First Books: Oakland, CA, USA, 2006; pp. 23–40. ISBN 978-0-935028-28-7.

World Bank., 2003, 'Land policies for growth and poverty reduction'.

World Bank., 2020, 'Implementation completion and results report for the second land administration project (PRODEP II). Draft November 1, 2020. Urban, Resilience and Land Global Practice. Latin America Region. Washington, DC.

World Bank., 2020, 'Madagascar'. Retrieved 15 December, 2020, from <https://www.worldbank.org/en/country/madagascar/overview>.

World Farmers Organisation., 2019, 'Land tenure challenges and practices'.

Yeboah, F.K., Jayne, T.S., Muyanga, M. and Chamberlin, J., 2019. Youth access to land, migration and employment opportunities: Evidence from sub-Saharan Africa. *IFAD Res. Ser*, 53, p.50.

Yin, R.K., 2009, 'Case study research: Design and methods'.

Yong., J., 2018, 'Rich and poor opportunities and challenges in an age of disruption'.

## **APPENDICES**

### **APPENDIX A: COVER LETTER**



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**Call: 066 044 0521, Email: [201809208@keyaka.ul.ac.za](mailto:201809208@keyaka.ul.ac.za) and [Rachekhu27@gmail.com](mailto:Rachekhu27@gmail.com)**

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Dear Participants

I am Kamogelo Rachekhu (201809208), doing Master's Research in Development Planning and Management (Research) at the University of Limpopo. The title of the study: "*The Implications of the Lack of Land Tenure on the Principle of Spatial Justice: A Case of Kgapanne Township, Ward 3, Limpopo Province*" under the supervision of DR N.J Mokoale.

My aim is to gather information about your experiences and views on the subject. Please be assured of the following:

1. Your participation is voluntary. You may withdraw and discontinue participation without penalties.
2. Your identity will be kept confidential and anonymous throughout the study.
3. The data provided will be used only for the purpose of this study and will be disposed when the dissertation is complete.
4. I may withdraw you from this research if circumstances arise that warrant doing so.

Thank you for your co-operation. Yours Sincerely

KAMOGELO RACHEKHU

## **APPENDIX B: CONSENT FORM**



**Surname and initials: Rachekhu K**

**Student No: 201809208**

**Degree: Masters in Development (Planning and Management)**

**Research Topic:** The Implications of the Lack of Land Tenure on the Principle of Spatial Justice: A Case of Kgapane Township, Ward 3, Limpopo Province. **Dear participants**

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**Participants' consent**

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**Participant:**

<b>Signature</b>		<b>Date</b>	
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**Researcher:**

<b>Signature</b>		<b>Date</b>	
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**Yours Sincerely, Kamogelo Rachekhu**

**APPENDIX C: QUESTIONNAIRE**



**Surname and initials: Rachekhu K**

**Student No: 201809208**

**Degree: Masters in Development (Planning and management)**

**Research Topic:** The Implications of the Lack of Land Tenure on the Principle of Spatial Justice: A Case of Kgapane Township, Ward 3, Limpopo Province.

### **Dear participants**

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**Participant Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

**Researcher's Signature:** \_\_\_\_\_ **Date:** \_\_\_\_\_

### **Section A: Demographic Profile of Respondents in Kgapane Township, Ward 3**

**A1. Which gender category do you fall under?**

1. Male  2. Female  3. Others  4. If Others, specify: \_\_\_\_\_

**A2. A2. What is your ethnic group?**

1. African  2. Coloured  3. Indian  4. White  5. Others

If others, please specify

**A3. Which age group do you fall under?**

1. 18-25 years  2. 26-33 years  3. 34-41 years  4. 42-49 years  5. 50 and above

**A4. What is your highest level of education?**

1. Primary level  2. Secondary level  3. Tertiary level  4. ABET level   
5. No schooling

**A5. What is your employment status?**

1. Employed  2. Unemployed  3. Self-employed  4. Both Employed and unemployed  5. Pensioner

**Section B: Types and Characteristics of Land Tenure in Kgapane Township, Ward**

**3**



**B1. What type of tenure do you have access to in the township?**

1. Communal tenure  2. Private tenure  3. State tenure  4. Open access tenure   
5. Others  If others, specify: \_\_\_\_\_

**B2. Who governs the land which you occupy based on the title deed you own?**

1. Municipality  2. Tribal leader  3. Private individual  4. Not Sure  5. Others   
If others, specify: \_\_\_\_\_

**B3. Does the type of title deed in possession bring about economic advantage such as the ability to attain microfinance/financial assistance at formal financial institutions?**

1. Strongly disagree  2. Disagree  3. Neutral  4. Agree  5. Strongly Agree

**B4. To what extent does the type of title deed in possession provide protection from land grabbing and forceful evictions?**

1. Strongly disagree  2. Disagree  3. Neutral  4. Agree  5. Strongly Agree

**B5. What characterises the type of Land Tenure System you own?**

1. Tenure security  2. Free from land grabbing  3. Individual powers to decide what to do with the land  4. Ability to transfer ownership of land  5. Usable as collateral  5. Others  If others, specify: \_\_\_\_\_

**B6. What are the constraints experienced with the current land tenure system which limit its effectiveness?**

1. Non-protection from forceful evictions  2. Poor enforcement of legal rights  3. Informal title deed  4. Lack of basic services  5. Others, specify: \_\_\_\_\_

**Section C: The Nature of Lack of Land Tenure in Kgapane Township, Ward 3**

**C1. Lack of land tenure exist in the community?**

1. Strongly disagree  2. Disagree  3. Neutral  4. Agree  5. Strongly Agree

**C2. To what extent does lack of land tenure persist in the community?**

1. Very low  2. Low  3. Neutral  4. Very high  5. High

**C3. Most land available in the community is unregistered?**

1. Strongly disagree  2. Disagree  3. Neutral  4. Agree  5. Strongly Agree

**C4. The rich and wealthy hold land tenure accessibility against the poorest and marginalized group of the population?**

1. Strongly disagree  2. Disagree  3. Neutral  4. Agree  5. Strongly Agree

**C5. Most households and landowners do not hold title deed documents to the properties they occupy to prove their ownership?**

1. Strongly disagree  2. Disagree  3. Neutral  4. Agree  5. Strongly Agree

**C6. What causes the lack of land tenure in the community?**

1. Growing Population  2. Competition for land  3. Capitalism
4. Spatial distortions of apartheid  5. Land reform  6. Gender and race discrimination
7. Illegal occupations of land  8. Poor spatial planning
9. Others, specify: \_\_\_\_\_

**Section D: The Nature of the Principle of Spatial Justice in Kgapane Township  
Ward 3**

**D1. To what extent does the municipality ensure that the past spatial imbalances and exclusions are addressed?**

1. Very bad  2. Bad  3. Neutral  4. Good  5. Very Good

**D2. Is land allocation and distribution facilitated in a fair and equal manner to all members of the community to ensure?**

1. Highly unfair  2. Unfair  3. Neutral  4. Fair  5. Highly fair

**D3. To what extent is the status quo of spatial justice in the community?**

2. Very bad  2. Bad  3. Neutral  4. Good  5. Very Good

**D4. What characterises fair and equitable allocation and distribution of land resources in the community?**

1. Readdressing past spatial imbalances and exclusions  2. Inclusion of people and areas previously excluded  3. Upgrading informal areas and settlements
4. Tenure security  5. If others, specify: \_\_\_\_\_

**D5. To which extent does the Municipal spatial policies and programs cater for previously disadvantaged persons and communities?**

1. Very unlikely  2. Unlikely  3. Neutral  4. Likely  5. Very likely

**D6. Does every member of the community have access to and use of land?**

1. Strongly disagree  2. Disagree  3. Neutral  4. Agree  5. Strongly Agree

**D7. Do you have adequate housing with proper living conditions?**

1. Strongly disagree  2. Disagree  3. Neutral  4. Agree  5. Strongly Agree

**D8. Given access to land, what do you use it for?**

1. Agricultural farming  2. Livestock farming  3. Commercial purposes   
4. Residential purposes  5. Recreational purposes  6. If others, specify:

\_\_\_\_\_

**D9. What are the factors that threaten equal distribution of spatial asserts in the community?**

1. Insufficient land  2. Growing population  3. Various forms of leadership   
4. Corruption  5. Lack of Government implementation  6. If others, specify: \_\_\_\_\_

**Section E: The Implications of Lack of Land tenure on the Principle of Spatial Justice in Kgapane Township, Ward 3**

**E1. To what extent does the lack of land tenure detriment fair and equitable distribution of spatial assets?**

1. Very unlikely  2. Unlikely  3. Neutral  4. Likely  5. Very likely

1. Strongly disagree  2. Disagree  3. Neutral  4. Agree  5. Strongly Agree

**E2. Does lack of land Tenure contribute to social polarization?**

1. Strongly disagree  2. Disagree  3. Neutral  4. Agree  5. Strongly Agree

**E3. Does the deficiencies in land tenure violate human rights, specifically the right to equality based on the constitution?**

1. Strongly disagree  2. Disagree  3. Neutral  4. Agree  5. Strongly Agree

**E4. Does the deficiencies in land tenure fuel inequality of wealth and power in communities, leading to continuous vulnerability of the poor?**

1. Strongly disagree  2. Disagree  3. Neutral  4. Agree  5. Strongly Agree

**E5. What causes the lack of land tenure to have detrimental effects on efforts towards fair and equitable allocation of land and its resources?**

1. Rapid urbanisation  2. Population expansion  3. Capitalism  4. Land reform
5. Escalating development costs  6. Spatial distortions of apartheid  7. Forceful removals  8. Illegal occupations of land  9. If others, specify: \_\_\_\_\_

**Section F: Comments by respondents and Recommendations**

**F1. What do you think can be done to improve the principle of spatial justice in Kgapane Township?**

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**F2. What can be done to address the constraints experienced with the current land tenure system which limit the effectiveness of spatial justice in the community?**

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**F3. What can be done to address the causes the lack of land tenure to have detrimental effects on efforts towards fair and equitable allocation of land and its resources?**

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**‘Thank you for your participation and cooperation’.**

**APPENDIX D: SPATIAL PLANNER INTERVIEW SCHEDULE**



**Surname and initials: Rachekhu K**

**Student No: 201809208**

**Degree:** Masters in Development (Planning and Management)

**Research Topic:** The Implications of the Lack of Land Tenure on the Principle of Spatial Justice: A Case of Kgapane Township, Ward 3, Limpopo Province.

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**Participant Signature:** \_\_\_\_\_

**Date:**

\_\_\_\_\_

**Researcher's Signature:** \_\_\_\_\_

**Date:**

\_\_\_\_\_

1. What governs Spatial Development Planning in Greater Letaba Municipality?

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2. How is the principle of spatial justice applied in spatial planning?

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3. What is the status quo of land tenure Kgapane Township Ward 3?

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4. What does the status quo mean to the principle of spatial justice in the ward?

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5. What causes lack of land tenure in the ward?

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6. How does the lack of land tenure affect spatial planning municipal processes?

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7. What do you recommend should be done the address the lack of land tenure concern?

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**‘Thank you for participation and cooperation’.**

## **APPENDIX E: WARD COUNCILLOR INTERVIEW SCHEDULE**



**Surname and initials: Rachekhu K**

**Student No: 201809208**

**Degree: Masters in Development  
(Planning and Management)**

**Research Topic:** The Implications of the Lack of Land Tenure on the Principle of Spatial Justice: A Case of Kgapane Township, Ward 3, Limpopo Province.

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**Participant Signature:** \_\_\_\_\_ **Date:**  
\_\_\_\_\_

**Researcher's Signature:** \_\_\_\_\_ **Date:**  
\_\_\_\_\_

1. How is land governed and managed in Kgapane Township, Ward 3?

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2. What type of land tenure systems are made accessible to the community?

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3. What is the status quo of land tenure availability in Kgapane Township?

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4. What are the factors inhibiting access and attainment of land tenure in Kgapane Township?

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5. How does the lacks in land tenure affect the people of Kgapane Township?

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6. What do you recommend should be done to address the lack of land tenure concern?

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**'Thank you for participation and cooperation'.**



**University of Limpopo**  
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**TURFLOOP RESEARCH ETHICS COMMITTEE**

**ETHICS CLEARANCE CERTIFICATE**

**MEETING:** 9 JANUARY 2023

**PROJECT NUMBER:** TREC/13/2023: PG PROJECT:

**Title:** The Implications of the Lack of Land Tenure on the Principle of Spatial Justice: A Case of Kgapane Township, Ward 3, Limpopo Province.

**Researcher:** K Rachekhu

**Supervisor:** Dr N.J Mokoele

**Co-supervisor:** Mr K.A Mashamaite

**School:** Economic and Management

**Degree:** Master of Development in Planning and

Management

**PROF D MAPOSA**

**CHAIRPERSON: TURFLOOP RESEARCH ETHICS COMMITTEE**

The Turfloop Research Ethics Committee (TREC) is registered with the National Health Research Ethics Council, Registration Number: **REC-0310111-031**

**Note:**

- i) This Ethics Clearance Certificate will be valid for one (1) year, as from the abovementioned date. Application for annual renewal (or annual review) need to be received by TREC one month before lapse of this period.
- ii) Should any departure be contemplated from the research procedure as approved, the researcher(s) must re-submit the protocol to the committee, together with the Application for Amendment form