The Implications of the Dichotomous Management of Rural Land in the Light of Land Use/Cover Change

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Abstract

This study examines the implications of dichotomous management of rural land, focusing on the resulting land use/cover change and loss of prime agricultural land in Vulindlela. Purposive sampling was used to select participants with valuable insights into land use planning and management. Data collection utilized a mixed-method approach, including secondary quantitative data (2022 records of Traditional Councils' size, wards, villages, headmen, and qualifications) and primary qualitative data gathered through semi-structured interviews. Quantitative descriptive analysis revealed varying numbers and sizes of wards in Vulindlela TCs, with Inadi TC being the largest (seven wards, 19 villages) and Ximba TC the smallest (two wards, three villages). Some villages had more than two wards, while others had fewer. Qualitative inductive thematic analysis of interview responses highlighted divergent views among traditional leaders (TL) regarding land ownership, with some claiming ownership while others believed it belonged to the traditional community. TL reported the existence of land use plans, with some TCs having informal plans. Conversely, the Msunduzi Municipality (MM) indicated comprehensive land use plans covering Vulindlela do exist, and these plans are discussed during Imbizo (gatherings) to engage the community in understanding and using these plans.

Keywords: Rural areas, Traditional leadership, Land use planning, Land use management

Introduction

South Africa like most developing countries is characterised by the rural–urban migration phenomenon. In 1990, the South African rural population used to account for 53%, but in 2020, it only stood at 33% (The World Bank, 2022). South African urban pull factors are better economic opportunities such as jobs and business, and better service delivery (water, electricity, and transportation).

The socioeconomic development of South Africa has resulted in urban space growth which in recent times are encroaching into rural areas. Urban growth has been facilitated by rural-urban migration and government development programmes. The latter has had a huge role in the expansion of urban spaces, especially the development of housing projects under the Reconstruction and Development Programme (RDP). As a result, more and more people have been flocking to urban areas, especially townships which are predominantly Black communities. However, the housing programme was not implemented in rural areas of South Africa until the year 2011 under the Enhanced People's Housing Process (EPHP) project (SANews, 2016). The implementation of this programme aimed to close the housing gap between rural and urban areas, and in part encouraged people to "stay" in rural areas. Vulindlela rural community is one of the beneficiaries of this programme, where about 25 000 house buildings have been built (SANews, 2016). However, the difference between the RDP and EPHP housing projects is that the former were/are built on urban open spaces, whilst the latter takes place within rural household properties.

People that move to rural areas do so for many reasons, such as municipal service rates exemption, cheap big land parcels, agricultural activities, and the ability to bury within the yard. As a result, rural areas of South Africa are characterised by the changing in land use and land cover (Lidzhegu & Kabanda, 2022). Population growth in most cases is coupled with an increase in housing units (Torrey, 2004). Rural housing growth is usually unplanned and is happening haphazardly. As a result, this landscape transformation leads to the loss of prime agricultural land (Lidzhegu & Kabanda, 2022) which leads to issues of localised food insecurity (Ncube, Tanga & Bhumira, 2014; Shisanya, 2015) and exacerbation of poverty (Koch, 2011). This further results in a plethora of socioeconomic issues for a population that is poor, less educated and characterized by a high dependency ratio (Shisanya, 2015, South African National Biodiversity Institute, 2014).

Managing rural land according to Dubazane and Nel (2017) is a complex exercise, especially in the province of KwaZulu Natal where part of the rural land is owned by the Ingonyama Trust Board (ITB). This results in a wall-to-wall governance system because municipalities are also required to provide service delivery and local traditional authorities are involved in the administrative issues of their area. In addition to that, municipalities are required to comply with various legislative prescripts that require them to formulate plans and policies

such as land use management frameworks even for rural areas. For example, when the Spatial Planning and Land Use Management Act, 2013 (SPLUMA) came into effect in 2015, municipalities had to develop a single Land Use Scheme for the entire municipality. In principle, it means municipalities can enforce these policies in rural areas.

Therefore, this study aims to examine how the governing structures of the Vulindlela area are managing the loss of open spaces and agricultural land to housing development. To achieve this objective, the study will determine the traditional leadership perceptions and management actions toward the loss of natural and agricultural land. This study will also determine the "local government" actions on land use management in Vulindlela, especially in light of the loss of agricultural land to residential development.

Study Area

Vulindlela lies in the western part of the Msunduzi Municipality (MM) in the KwaZulu-Natal province of South Africa (see Figure 1). The Vulindlela area is a rural community with the majority of the land owned by the Ingonyama Trust Board (ITB) (Msunduzi Municipal, 2016). This traditional community land use comprises a pattern of scattered settlement, crop and grazing land, pockets of indigenous forest, and some major timber plantations (Msunduzi Municipality, 2016). Vulindlela covers 40% of the municipal land areas and has the second highest population. Vulindlela has 11 wards (Msunduzi Municipal, 2016) and is an area that is under six rural Traditional Councils (TCs) (Qadi TC, Funze TC, Mpumuza TC, Nxamalala TC, Inadi TC, and Ximba TC) (Vulindlela Development Association, 2016). This means some TCs have more than two wards, and wards traverses between different TC land (see Table 1).

Table 1: Vulindlela Tradition Council and Municipal Wards

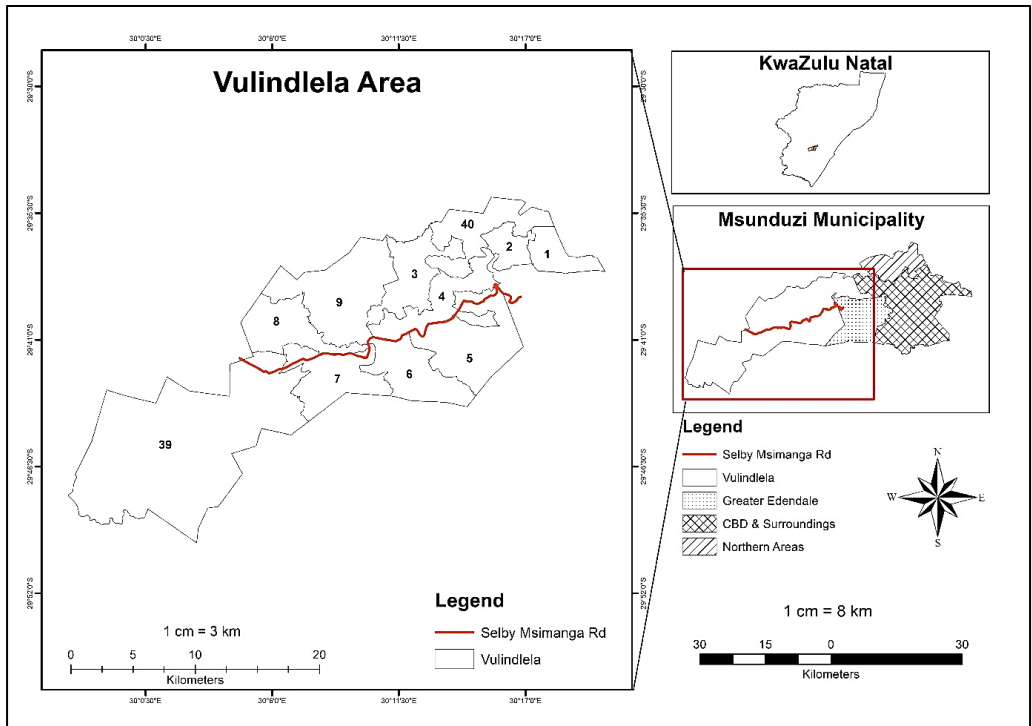|	Municipal Wards												Wards/ TC
	00	01	02	03	04	05	06	07	08	09	39	40	
Qadi Traditional Council											3		**1**
Funze Traditional Council						1	3	3	1		2		**5**
Mpumuza Traditional Council		3	3					1	3	3	1	2	**7**
Nxamalala Traditional Council	3		1									1	**3**
Inadi Traditional Council	2		1	3	3	3	1			3			**7**
Ximba Traditional Council						1	1						**2**
* Values (3, 2, 1) means the size of TC per ward 3 - Largest, 2 - Medium, 1 – Lowest													

Figure 1: Map of Vulindlela which is the study area

Literature Review

Land Use Management In South Africa

The democratic formal government system of South Africa consists of three spheres, namely the national government, the provincial government, and the local government (Pasquini, Cowling & Ziervogel, 2013). Government plans and policies cascade from the national government to provinces and then to municipalities. The provincial and municipal spheres of government implement policies that are relevant to their provinces and municipalities (Berrisford & De Visser, 2012; Pasquini, Cowling & Ziervogel, 2013). However, this is not the case with land use management plans and policies where municipalities are the planners and implementers. This happened after the passing of the Spatial Planning and Land Use Management Act (SPLUMA) No. 16 of 2013. This Act "provides a framework for spatial planning and land use management" (Berrisford & De Visser, 2012; SPLUMA, 2013).

Concerning spatial planning, municipal planning as set out in Section 5 of SPLUMA, consists of the following elements:

a) The compilation, approval, and review of integrated development plans;

b) The compilation, approval, and review of the components of an integrated development plan prescribed by legislation and falling within the competence of a municipality, including a spatial development framework and a land use scheme; and

c) The control and regulation of the use of land within the municipal area where the nature, scale, and intensity of the land use do not affect the provincial planning mandate of the provincial government or the national interest.

This Act together with Section 26 of the Municipal Systems Act also requires municipalities to develop Spatial Development Frameworks (SDF), Land Use Schemes (LUS), and Integrated Development Plans (IDP), which are land use planning and management frameworks (Harrison, 2008). In preparation for SDF, Section 12 (1)(h) of SPLUMA states that all spheres of government in their planning should be inclusive by providing the participation of the previously disadvantaged areas/communities such as those that are under the traditional leadership, and rural areas. Section 19 (d) and (e) of SPLUMA states regional (municipal) SDF should "indicate desired patterns of land use in that area" and they also should "provide basic guidelines for spatial planning, land development and land use management in that area". Therefore, as per this Act, land use planning is done in consultation with the traditional leadership, and such land use plans are made available to the traditional leadership. Also, the Act gives the traditional leadership an opportunity to indicate what kind of development is required.

However, this Act also created dissension between Traditional Leaders (TL) and the government by placing land use planning and management solely in the hands of municipalities. This shift in power relegated traditional leaders to mere administrators of the land on behalf of the government, stripping them of their rightful ownership status, which is contrary to African customary law (Poswa, 2019). According to Chapter 5 of this Act, TLs are unable to make decisions regarding land use planning, further marginalizing their authority and diminishing their role in their communities. This change in the distribution of power has had significant implications for South African traditional communities. According to Poswa (2019), prior to the dawn of democracy, these communities operated without politically led local authorities, relying solely on their traditional leadership structures.

Traditional leaders held a position of great authority in these communities, acting as the custodians and owners of the land, according to long-standing African customary law (Poswa, 2019).

The Act's imposition of municipal control over land use planning has been met with resistance from TLs, who see it as a departure from their cultural heritage and an encroachment on their traditional roles. This has led to tensions and conflicts between these leaders and the government, as they seek to assert their rights as legitimate landowners and decision-makers in accordance with their customs and traditions. The clash between the Act's provisions and African customary law has highlighted the complexity of governance in a multicultural society like South Africa. Balancing modern legal frameworks with deeply rooted cultural practices is a challenging task that requires sensitivity and understanding from policymakers. The Act's implementation has brought to the fore the need for a more inclusive approach to governance, one that respects and incorporates the traditions and values of all communities while striving for sustainable and equitable land management.

Traditional Leadership in South Africa

Not all rural areas have the "wall-to-wall" government system as some only have a politically led governance structure. On the other hand, rural traditional communities are communities that are led by traditional leadership, and these communities are legally recognised under Section 2 (1) of the Traditional Leadership and Governance Framework Act (TLGFA) 23 of 2009. According to the TLGFA, the traditional leader can either be a King or Queen, Chief or Senior traditional leadership. In the new democratic dispensation, traditional leadership is legally recognised under the (TLGFA) 23 of 2009. According to TLGFA, traditional leadership has a three-tier governance structure, namely, a King or Queen, Chiefs, and Headman. These traditional leaders, along with other senior members of the community form a Traditional Council committee which has functions set out by Section 4 (1) of the TLGFA. These functions include:

a) Administering the affairs of the traditional community in accordance with customs and traditions;

b) Supporting municipalities in the identification of community needs;

c) Facilitating the involvement of the traditional community in the development or amendment of the Integrate Development Plan of a municipality in whose area that community resides;

Section 3 (a) of the TLGFA states that the Traditional Council must work with the relevant ward committee(s), which in most cases are political in nature.

Traditional Land Ownership and Management in South Africa

The South African institution of TLs is ancient. It has existed through many political regimes that this country went through, and survived them all, yet weakened and gradually eroded by them all (Dlungwana, 2004). The traditional leadership institution's power and function have faced many challenges, especially with regard to rural development and land use management (Poswa, 2019). Modernisation of society and politics has somehow displaced

the role and place of the active participation of traditional leadership in society. In South Africa, this has been exacerbated by current policies that have only limited this institution's power and function to land allocation and conflict resolution. Dlungwana (2004) and Poswa (2019) further add that in rural areas, more powers and functions have been reserved for local government, which has caused tensions between these two forms of government. Dlungwane (2004) asserts that the main role of traditional leadership "is to regulate and control relationships and social behaviour" not service delivery which is the function of the local government. Dlungwane further adds that even with laws on rural development, more power and functions have been given to municipalities than traditional leadership.

In relation to land use management and land use planning, through the SPLUMA Act 16 of 2013, the local government has more authority and is empowered to make land use management decisions than the traditional institutions (Poswa, 2019). Under the same legislation, the traditional institutions have been empowered to allocate land and inform the local authorities of such allocations (Poswa, 2019). This, however, has led to an increase in residential developments in areas that have been set aside for other land use types especially agriculture which is the mainstay for rural communities thus threatening food security and sustainable source of income.

Methodology

Data Analysis
In this study, purposive sampling was utilised to select participants who could provide valuable insights into land use planning and management in Vulindlela, especially in light of the exponential growth in land use and cover change. According to Adeoye (2023), purposive sampling is a non-probability sampling method that involves the deliberate selection of individuals based on predetermined criteria relevant to the research objectives and the in-depth knowledge that these individuals have. Therefore, TLs of Vulindlela and the Town Planning Department of Msunduzi Municipality were participants in this study. And these participants were chosen because the former are the landowners or custodians of rural land and traditional communities, and the latter is directly involved in the land use planning and management of Msunduzi Municipality.

This study employed a mixed-method approach to collect secondary quantitative data and primary qualitative data. The secondary quantitative data are 2022 records of TCs size, wards, number of villages, headmen and their qualifications. This data was sourced from the KwaZulu-Natal Department of Cooperative Governance and Traditional Affairs. The primary qualitative data was collected through semi-structured interviews. According to Jamshed (2014) and Young *et al.* (2018), in a semi-structured interview, the researcher uses a predetermined set of questions or topics as a guide for the interview but also allows

for flexibility and open-ended discussion. Most importantly, semi-structured interview questions must be based on the main aim and objectives of the study (Jamshed, 2014). This approach allows for a more in-depth exploration of the research topic while still maintaining some degree of consistency across interviews (Kajornboon, 2005; Young *et al.,* 2018). These authors further state that this approach also allows the interviewer to ask additional questions to probe participants' views and explore other things not considered earlier on.

To analyse this data, a quantitative descriptive analysis was used to identify the number of villages and wards per TC. Additionally, a qualitative inductive thematic analysis was employed to analyse open-ended interview questions. This type of analysis involves identifying themes or patterns in the data without relying on pre-existing theoretical frameworks or predetermined coding schemes (Maguire & Delahunt, 2017; Chai *et al*., 2021).

Results

The Traditional Leadership Perceptions and Management Actions Towards the Loss of Natural and Agricultural Land

Out of the six TC leaders of Vulindlela, only four were available to participate in the study. The lack of availability of the two TL is because they have other TC outside of Vulindlela and they are mainly based in those TCs. For anonymity and reference purposes, the author used TL, which means Traditional Leader, therefore, TL1 means Traditional Leader one.

- *Traditional Council villages and wards*

Traditional Councils have varying numbers and sizes of wards. By size, Inadi TC is the largest TC, and it has seven wards and 19 villages. The smallest TC is Ximba TC which has two wards and three villages. See Figure 2 for the traditional council number of wards and villages.
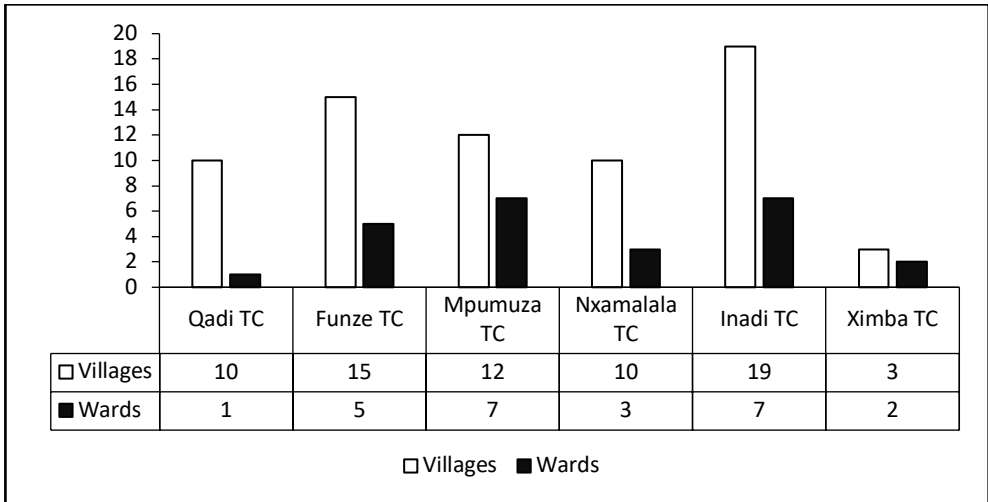
	Qadi TC	Funze TC	Mpumuza TC	Nxamalala TC	Inadi TC	Ximba TC
☐ Villages	10	15	12	10	19	3
■ Wards	1	5	7	3	7	2

☐ Villages ■ Wards

Figure 2: Number of villages and wards in each Traditional council

Each ward has a political councillor and a village an Induna (Headman). However, the latter has several vacant positions, in particular, Mpumaza TC has four, and Inadi TC has three vacant positions for Izinduna (Headmen).

- *Traditional Council leadership role in land use management*

In relation to land ownership, TLs had divergent views on who owned the land, for example,

TL1 stated, *"As a Traditional Leader, the land is mine and is under my authority."*

TL2 stated that *"The land belongs to the Traditional Council people. Because a Chief is a Chief because of the people he leads. In terms of leadership and management of the land, we as a Traditional Council think Traditional Leadership is better than the political government, especially as there is the issue of corruption."*

TL3 stated, *"Regarding land, it's the Traditional Councils' responsibility. And there is a great concern about the politicization of the land. For example, we once had people coming from the government asking us why we are not consulting with the ward councillors when people want to build houses, and we told them that there is no policy in place that requires us to do so. And it was clear that those people had no idea how land allocation work in traditional areas."*

TL4 stated *"In our community, the land is viewed as a sacred heritage passed down through generations. As a Traditional Leader, I strongly believe that the land should remain under the custodianship of the Traditional Leaders, especially as these leaders have best interests than political leaders."*

All TL had the same sentiment that they are not administrators of the land on behalf of the government, but they are custodians and leaders of their respective traditional communities.

The TL1 was very critical of the SPLUMA legislation because it has reduced their role in their councils and elevated political ward councillors. This TL also asserted that it is very difficult to properly manage the land since they are not seen as landowners, and they are not part of the Municipal Planning Tribunal (MPT). And as per the SPLUMA, even if they can participate in such forums, they cannot make decisions about their own land.

When asked whether they have authority and plans on how and where land should be used. TL had different views on land use plans.

TL1 stated, *"I do, but as there are no plans in place, it makes it difficult to control what should be done where. Having such plans is an expensive undertaking as there are a lot of specialist studies that need to be done to check the suitability of various developments on various landscapes. Also, another reason for not having such plans is that they are not part of the MPT."*

TL2 stated, *"Yes, I do. At Traditional Council, people do not build wherever they like, especially on crop fields. But we have areas dedicated for various developments, such as commercial, residential, and agricultural."*

TL3 stated, *"Yes, the TL does have authority. However, in the past, we used to have such plans where we had land for agriculture, open spaces, pasture and for residential development. So, we have had many requests where people have been asking for land, especially newly married couples. Due to the growing human in this area and the growth of housing in residential areas. We ended up allowing people to build in crop fields and pastures. Therefore, what we normally do as TC, we consult the local community where a person wishes to build a house. We inform them that there is a person or people who are asking for a plot of land that they want to build on, especially as that land is used for animal grazing and crop fields. If they agree, there is a negotiation on the size of the plot. Most important is that we do not forcefully place*

people in these areas, but there are a lot of negotiations between the TC and the local community concerned."

TL4 stated, *"Yes I am. Moreover, I think a comprehensive approach to land management is vital. We should aim to preserve crop fields, open spaces, and pastures that are still being used by the community. At the same time, I think we should also try to incorporate modern planning tools and creating a platform for community involvement can help address the challenges of urbanization and land demands. It's about finding common ground to protect our resources while ensuring the well-being and progress of our community."*

When asked whether they are concerned with the loss of prime agricultural land or not. All TL had stated they are concerned with these changes.

TL1 stated*, "I am concerned, unfortunately when I took over the Chieftaincy, the land cover transformation had already been done. However, the current Traditional Leadership have tried to preserve whatever remaining agricultural land."*

TL2 stated, *"Yes, I am concerned, as a result, I have put a moratorium on building new houses within the Traditional Council land. One of the drivers of this moratorium is an influx of people from other areas moving into this area. Having many people from other areas has caused a huge problem within the Traditional Council, as people from this Traditional Council find themselves landless, especially the younger generation."*

TL3 stated*, "Yes, we have a reason to worry, and we are also wondering how we will deal with these people. Firstly, we consider local people who just got married and want to leave their homes. Then, there are others who come from other areas moving in because these open spaces have turned into residential areas. At present, there is no process that says people who want to build a house or business, they should consult the municipality and the ITB. However, people who consult the ITB, do so because want to get a lease agreement for the house and/or business."*

- *The relationship between Traditional Councils and Ward committees*

Traditional Leaders shared the same sentiment that they have a good working relationship with political ward committees, yet it is a complex one.

TL1 stated, *"Our relationship is good, yet it is complex as not all the wards are wholly within the Traditional Council For example, I am sharing wards with other Traditional Councils. However, we the Traditional Council have a*

WhatsApp with them (Ward Committees) where we share our community needs and they table these at the municipal council meetings."

TL2 stated, "We work well with the ward committees, and we do meet to discuss the needs of communities."

TL3 stated, *"We work well with the ward committees. But it is difficult, for example, a village will have three to four wards. That means developments within the same village will differ due to different ward councillors and the municipality plan."*

TL4 stated, *"We have a good working relationship with wards councillors and their committees."*

In terms of service delivery, the TLs asserted that the MM is the one empowered legally, and financially to render basic services.

- *The relationship between Traditional Council and the local government*

When asked about their relationship with the local municipality. Traditional Leaders indicated that they do have a good working relationship with the municipality, however, the only issue is with the land ownership topic. The TL2 indicated that "*we do work with the Municipality on the other areas but not on land use planning and management*". Some of the TL indicated that they do participate when the municipality is drafting the municipal land use framework policies. However, in the grand scheme of things, especially local development planning, the TL2 stated that "*they (MM) invite us, but the problem is that on such invitations, they invite us to tell us what they have already planned and decided upon, so basically we are invited to be told what the government has planned about our land*". Also, the TL2 felt that the MM consultation are not elaborate but are done in a manner of 'ticking the box' type of activity.

The "Local Government" Action on Land Use Management in Vulindlela Especially in Light of the Loss of Agricultural Land to Residential Development

The MM was asked to provide information about SPLUMA, Vulindlela land ownership, exponential land use change, and their intervention to control this phenomenon. Other questions were on their relationship with the TCs and ITB. The MM response is detailed below under two topics which will cover the mentioned questions. For reference purposes, the author used MME1 and MME2 for MM employee 1 and 2, respectively.

- *SPLUMA and Traditional Councils' involvement in the MPTs*

The MM was asked to provide information about SPLUMA, Vulindlela TCs and MPT, the MME1 responded as follows,

"*When the SPLUMA came into effect, it was not well received by the TCs as they assumed that it was introduced to take away powers of the traditional institution. And TCs complained about not forming part of the MPT, but this was done to remove political influences in land use decisions. The MPT as per the SPLUMA should consist of professionals who are to guide land use decisions. However, the MM will consider the involvement of TCs in the MPT, but the involvement won't be salaried as other members of the MPT.*"

The MME2 added that,

"*The SPLUMA necessitated municipalities to have a single Land Use Scheme (LUS), even TC areas and private land. The aim of the Land Use Scheme is to guide development within MM and also align it with the spatial plans of the municipality. In doing this LUS, the MM had extensive and intensive consultation with the ITB, TCs, and other landowners (private and public).*"

The MM when asked about inviting Vulindlela TCs on land use planning meetings. The MME2 stated that,

"*The MM consulted with the land use owners when the MM was working on other land use plan frameworks, such as the Spatial Development Frameworks (SDF), Integrated Development Plans (IDP), and Vulindlela Precinct Plans (VPPs)*".

Both MM participants mentioned that during these consultation processes, the ITB did not participate in planning processes that needed them as the landowner of Vulindlela, but Vulindlela TLs did assist with some of the information that was needed. As a result, the MM had to make certain decisions without the ITB inputs.

- *Land use management in Vulindlela*

When it comes to land use management, according to MME1, currently the MM and the ITB operate in silos, the cause of this, is land ownership. Vulindlela land is owned by the ITB, and land use allocation is done by the TCs, thus the MM is limited in terms of controlling how the land is used in that area. The MME2 further stated that as per Schedule 3 of the Msunduzi Bylaw, land use application comes to the municipality which allows the MM to check whether development is suitable for a particular land use type. However, with Vulindlela, people or developers follow a different approach where an Induna and the TL are approached first, who in most cases approves development plans even in areas that are not suitable for use or in line with the land use plans of the MM. And after the TCs have approved the development plan, then the ITB is also approached to sign a lease agreement or Permission to Occupy (PTO). The MME2 asserted that Vulindlela only launches

development applications with the MM when there are major developments that will need the MM services, in most cases, most development applications are not made with the MM but with the TCs.

Nevertheless, the local TLs, Izinduna, and the ITB are supposed to use the MM land use management plans to know which areas are earmarked for which land use type or development. The MME2 asserted that the use of land use plans is not done as Izinduna are not equipped in assessing or even understanding the current plans that are in place which are aimed to guide the development and protection of natural resources in that area. As a result, the allocation of land is usually done at the expense of the sensitive environment and agricultural land. With regards to land use planning and management, MME1 stated,

> "Another challenge that the MM has, is the lack of ITB land use management standard operating procedure. The ITB does have a range of specialists who are to ensure that development in Vulindlela is done as per the MM land use management plans, however, it seems like they do not guide TLs in land allocation matters".

The MME2 stated that,

> "Another *issue for MM in managing land use in Vulindlela is the enforceability of the LUS. Even though the LUS does exist even for the Vulindlela area, however, schemes that are in well-established areas such as in townships and the CBD are tied with the cadastral plans of MM, thus it is easy to enforce the LUS in those areas. In Vulindlela, it is not the case, as there are no cadastral plans that are in place. If these cadastral plans were to be made for Vulindlela, will result in a plethora of issues. But the major one is landownership, it will mean that each household would have to have a title of deeds, which is something that the ITB would not want*".

Discussion

Population growth and its associated socio-environmental issues are not an urban problem only, but also a rural issue. For example, on the 15th of November 2022, the global population reached 8 billion (UN, 2022). This growth rate is happening at a faster rate, therefore, that means more land will be required to cater for the needs of this ever-growing population. Population and housing growth threats are not limited to the natural environment, but even the agricultural sector, whether commercial or subsistence (Neves & Du Toit, 2013). Thus, this phenomenon threatens global and household food security, especially in poverty-stricken rural communities (Coulibaly & Li, 2020).

In the case of Vulindlela, the loss of prime agricultural land is facilitated by dichotomous land use management. This dual land use management is a result of land ownership and the overlap of responsibilities between the ITB, TCs, and MM. Also, there is an issue of a lack of proper demarcation of wards and TCs which results in situations where one TC shares a ward with another TC, and vice versa. There is also a divergence of views of who owns the Vulindlela land. Some TLs say it is theirs, some say it belongs to the people, other government officials say it belongs to the government and MM says it belongs to the ITB. Therefore, this confusion leads to many issues in land use management, such as land use allocation, management, and control. For example, some TLs did not see the need of involving the ITB, except for land users to get a lease or a PTO.

The SPLUMA legislation is at the centre of contention regarding traditional community land use management. The local TLs asserted that this legislation has given political government more powers in land use decisions especially as they are not part of the MPT and cannot make decisions regarding the land on which they are the custodians. This corroborates with Poswa (2019) that the local government has more authority and is empowered to make land use management decisions than the traditional institutions. However, the MM indicated that there is a reason for not involving the TCs in the MPT and land use decisions. The MM asserted that the involvement of the ITB and TCs in the initial stages of land use planning, especially when LUS, SDF, and IDPs are being drawn is the right and important platform where TLs can make contributions and decisions regarding the Vulindlela land. The MM further stated that the MPT committee is not a land use planning committee, but a tribunal that is made up of land use professionals or specialists who are to guide and make decisions on the suitability of proposed developments on land use type or not. According to the Department of Forestry, Fisheries and Environment (then DEAT) (2002) specialists play an important role in ensuring that decisions have ample information to make logical and well-informed decisions which can deter developments that will harm sensitive environments and prevent the loss of agricultural lands. Therefore, the ITB and TCs must be involved in land use planning processes, especially in the early stages of development of LUS, SDF, and IDPs.

In terms of rapid land use change which is driven by the exponential growth of housing structures. The local TLs are concerned about the loss of prime agricultural land which also is a resource that if properly used can alleviate poverty in this area. According to the MM SDF (2022: 51), the MM state that 68% of this municipality is an agricultural area and the largest portion is in Vulindlela. Even though Vulindlela is regarded as an agricultural area, the MM (SDF, 2022:52) states that Vulindlela agricultural land is facing threats due to urban expansion and development. This unplanned urban expansion, according to the TL, is driven by the lack of land use plans that they can use to guide development in their councils. Therefore, people are placed according to the customary laws of that particular TC which involves consultation with the residents of that particular area. This is done for

two reasons, firstly, to properly integrate the new land user with the community, and secondly, to provide the residents or community with an opportunity to voice their concerns about the effects of having more land users in their area.

Contrary to the TL assertions on the availability of land use plans, the MM indicated that such plans do exist and are available to the TL, these plans include LUS, SDF and the IDP. For example, in 2022 the MM released its updated SDF. Furthermore, the MM indicated that they conduct Izimbizo (gathering) in Vulindlela where they explain land use plans and how they should be used. These plans are to be used by Izinduna and TLs, assisted by the ITB specialist when allocating land to developers. Fourie (2019) indicated that land use problems in Traditional areas are because land development is done outside of the land use instruments such as the SDFs and LUS.

Even though these plans do exist, the MM officials indicated that Izinduna are not equipped in using these plans. This assertion concurs with KwaZulu Natal Cooperative Governance and Traditional Affairs records which indicated that most of Izinduna did not attain post-school education (see Figure 3). Therefore, it would be difficult for them to read, understand and use these technical documents. This assertion corroborates the findings of Kasika (2015) that educational qualifications have a significant impact on job performance. The level of education is imperative especially when technical information is concerned. However, according to MM, the ITB specialists should always view and review these development applications whether they are in line with the land use plans of the MM. Also, the ITB as the landowner does have the power to reject these plans and ensure that the open spaces, sensitive environments, and agricultural land are not lost.
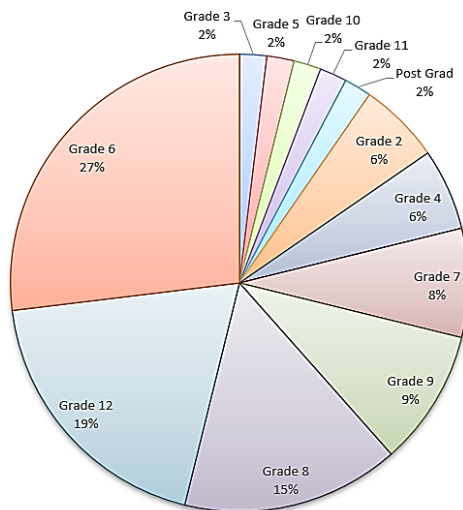

Figure 3: Highest educational levels of Izinduna of Vulindlela

In terms of the relationship between MM, ITB, and the TCs. According to the former, they have a good working relationship with all parties, especially the TCs. Therefore, the ITB needs to be at the forefront of land use planning and management of the Vulindlela land. According to O'Toole and Donaldson (2000), relationships between governing structures affect performance. This is true for the ITB and MM, especially as there are land use decisions that were made by the MM because the ITB did not avail itself when it was requested to. The ITB absence has many implications for land allocation, management, and control in Vulindlela. Furthermore, the MM is also limited in terms of dictating how Vulindlela land should be used.

Conclusion

The study concluded that the dichotomous or wall-to-wall land use management in Vulindlela has many challenges. These challenges range from landownership, land use management, the enforceability of the current land use management frameworks of the municipality, and the flawed land use allocation process. These challenges have resulted in an uncontrolled land use change which has destroyed the very resource that is important for the Vulindlela community. For Vulindlela to not lose the remaining open spaces and agricultural land, the ITB and MM must adopt and enforce the Subdivision of Agricultural Land Act 70 of 1970 to stop the transformation of land with high agricultural potential. Furthermore, Vulindlela needs to have a plan where housing development is allowed and not allowed. To better manage Vulindlela land, the governing structures (ITB, TCs, and MM) should have a proper working relationship and all parties should participate in land use planning and management processes of Vulindlela. Also, there should be a standard operating procedure for land use allocation even for residential development. Land use allocation should be an elaborate process where Izinduna and TLs look at the land use plans concerning their council and the ITB specialists should also review the applications before developers are granted the lease or PTO. The MM must also be part of this process because they are also required to provide services for the Vulindlela community and is required to enforce the law.

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