



OFFICIAL GUIDE TO SOUTH AFRICA 2017/18

Rural Development

The Department of Rural Development and Land Reform (DRDLR) has an ongoing commitment to build sustainable rural livelihoods.

The department is also mandated to initiate, facilitate, coordinate, catalyse and implement an integrated rural development programme in line with Chapter 6 of the National Development Plan (NDP), which details a vision for building an inclusive rural economy; and Outcome 7 (comprehensive rural development and land reform) of government's 2014-2019 Medium Term Strategic Framework.

Over the medium period, the department intends focusing on land restitution; agrarian and land tenure transformation; productive use of redistributed land; and the creation of increased opportunities through the National Rural Youth Service Corps (NARYSEC) initiative. NARYSEC is a skills development initiative which forms part of the Comprehensive Rural Development Programme's (CRDP) job-creation model.

The initiative recruits unemployed youth from rural areas between the ages of 18 and 25 who have passed Grade 12 or have higher qualifications, and equips them with business and entrepreneurial skills.

Entities

- **Agricultural Land Holding Account (ALHA):** The ALHA was established in terms of the Provision of Land and Assistance Act of 1993, which gives legal effect to the proactive acquisition of land, where the Minister may, from money appropriated by Parliament for this purpose, acquire land for the purposes of this Act. Therefore the State will proactively target land and merge this with the demand or need for land.
- **KwaZulu-Natal Ingonyama Trust Board (ITB):** The ITB was established in terms of the provisions of the KwaZulu-Natal Ingonyama Trust Act of 1994. Its core business is to manage land for the material benefit and social well-being of the individual members of the tribes.
- **Registration of Deeds Trading Account:** The Registration of Deeds Trading Account is a trading entity established in terms of the Public Finance Management Act of 1999. It generates revenue by selling information and levying fees in accordance with the schedule of fees prescribed by regulation 84 of the Act; registers rights in land and thus provides security of title. It also maintains public registers of land.
- **Office of the Valuer General:** Supports land reform by providing impartial, efficient, just and equitable valuation services for all-land reform related matters in the country.

Agrarian and land tenure transformation

The One Household One Hectare initiative is the key mechanism used to promote agrarian transformation and provide landless people with access to land. As part of this initiative, the agri-parks programme aims to create smallholder producers in 44 of the country's poorest districts and other sites in densely populated areas.

Each Agri-park supports smallholder farmers by providing capacity, mentorship, farm infrastructure, extension services, and production and mechanisation inputs. These farmers own 70 per cent of agri-parks, while the remaining 30 per cent is owned by government and commercial farmers.

Agri-parks are expected to contribute to government's targets of creating one million new jobs in rural economies by 2030, and developing 300 000 new small-scale farmers and creating 145 000 agro-processing jobs by 2020.

Land restitution

Land restitution remains a key government priority and the DRDLR intends to intensify its efforts in this regard. Following a Constitutional Court judgment in 2016 that ruled the Restitution of Land Rights Amendment Act of 2014 as invalid and contrary to the Constitution of the Republic

of South Africa of 1996, the Restitution of Land Rights Amendment Bill was resubmitted to Parliament as a private members Bill in 2017. Once passed, the Act will make provision for the effective and constitutional redistribution of land.

In terms of the judgment, should all claims emanating from original lodgement be processed before the two-year period lapses, the commission may approach the Constitutional Court for a review of the judgment.

The Restitution of Land Rights Amendment Act of 2014 extends the deadline for land claims to June 2019. The amendment also criminalises false and fraudulent claims made by illegible people, which wastes taxpayers' money.

The Act also simplifies the procedure for the appointment of judges to the Land Claims Court, and the amendment of certain provisions aimed at promoting the effective implementation of the Restitution of Land Rights Act of 1994.

Extending the deadline for the lodging of claims was in line with the proposals of the NDP, the CRDP and other growth strategies intended to promote national reconciliation and social cohesion.

The Act seeks to reopen the window for persons or communities dispossessed of their land due to past discriminatory laws and policies to lodge claims for their properties.

The CRLR is responsible for investigating and processing restitution claims. The CRLR also develops and coordinates restitution policies and oversees restitution court cases. The restitution programme is aimed at removing the settlement of land restitution claims under the Restitution of Land Rights Act of 1994.

The strategic objective of the CRLR is the restitution of rights in land or awards of alternative forms of equitable redress to claimants, within Medium Term Expenditure Framework budgetary allocation.

The CRLR seeks to provide equitable redress to victims of racially motivated land dispossession, in line with the provisions of the Restitution of Land Rights Act of 1994. It plans to increase the number of lodgement sites to 52 by 2019.

In the 2017/18 financial year, the department achieved 850 of 1 001 planned land claims to be settled. The challenge has been the non-acceptance of offers to land owners/sellers.

Expropriation of land without compensation

The DRDLR is constitutionally empowered to change the skewed land-ownership patterns while maintaining economic growth, food security and increased agricultural productions.

The Land Audit report on private land ownership by race, gender and nationality, released by the department in 2018, revealed that black South Africans own only 4% of the land in this country. This is a direct result of the historical injustices that resulted in skewed land ownership patterns along racial lines.

On 19 June 1913 thousands of black families were forcibly removed from their land following the promulgation of the 1913 Natives Land Act. Stripped of their land, homes, livelihoods and their dignity they were forced into homelands or relocated to poorly planned and serviced townships. Prior to this black people were also forcibly removed from their land by various discriminatory laws, policies and practices enacted by colonialist and imperialist governments.

In 1994 the democratic government identified the need for land and agrarian reform as part of national reconciliation. Land restitution as one of the three elements of land reform was aimed at providing redress to persons and communities dispossessed of their property rights by previous governments.

The Constitution of the Republic of South Africa of 1996 allows for restitution to any person or community dispossessed of land rights before 27 April 1994. The Constitution also guarantees the right to property, albeit with the power of expropriation, subject to compensation that is just and equitable.

On 27 February 2018, the National Assembly adopted a motion to amend the Constitution so as to allow for the expropriation of land without compensation. The matter was referred to the Joint Constitutional Review Committee (JCRC), which was expected to report back to Parliament by 30 August 2018.

A series of public hearings were held in all provinces, followed by committee meetings to agree on a recommendation to the National Assembly.

The National Council of Provinces followed the National Assembly in agreeing that Section 25 of the Constitution should be amended to make the expropriation of land without compensation more explicit. The JCRC, which is a joint committee of both Houses of Parliament, was mandated by the resolutions of both Houses to investigate the possible review of Section 25 of the Constitution and other clauses, where necessary, to make it possible for the State to expropriate land in the public interest without compensation.

Government appointed an Inter-Ministerial Committee on Land Reform, led by Deputy President David Mabuza, to coordinate and implement measures to accelerate the redistribution of land, extension of security of tenure, provision of agricultural support and redress of spatial inequality within a broad and comprehensive land redistribution and agricultural development programme.

Deeds registration

The 10 deeds registries are located in Pretoria, Cape Town, Johannesburg, Pietermaritzburg, Bloemfontein, Kimberley, King William's Town, Vryburg, Mthatha and Nelspruit. These offices register deeds and documents relating to real rights in more than eight million registered land parcels consisting of township erven, farms, agricultural holdings, sectional title units and sectional title exclusive-use areas in terms of the Deeds Registries Act of 1937 and the Sectional Titles Act of 1986.

In the 2017/18 financial year, the DRDLR was expected to initiate and implement e-lodgement as the first phase of the Electronic Deeds.

Animal and Veld Management Programme (AVMP)

The AVMP aims to address the unsustainable land use management practices in rural areas that have generally led to poor management of the veld and overstocking, causing low livestock production and deterioration of the natural resources (grazing, water, soil) and resulting in land degradation and deforestation.

In addressing these problems, the AVMP has three projects: Soil rehabilitation; Re-greening the environment and Decongesting the space.

The intended outcomes of the AVMP are food security; improved rural livelihoods; improved livestock and veld management; increased production, improved environmental management, and enabling rural communities to use land more sustainably.

Comprehensive Rural Development Programme

The DRDLR, in line with the NDP, adopted the CRDP and the Agrarian Transformation Strategy to address the challenges facing people living in the rural areas. In the 2017/18 financial year, the department facilitated the formulation of Rural Development Plans (RDPs) in each district.

These are vital instruments for integrated spatial planning. The RDPs are aimed at ensuring integration of rural development and land reform interventions within the wider CRDP. The CRDP was developed to tackle issues such as underdevelopment, hunger, poverty, joblessness, lack of basic services and other social ills which have become synonymous with rural areas and redistributing 30% of the country's agricultural land.

The CRDP addresses specific needs of the communities in rural areas such as running water, sanitation, housing and development support.

Rural Enterprise Industrial Development (REID)

REID aims to create an enabling institutional environment for vibrant and sustainable rural communities. The approach is based on social mobilisation of rural communities so that there can be ownership of rural development projects and programmes.

National Rural Youth Service Corps

The NARYSEC is a skills development initiative, which forms part of the CRDP's job-creation model.

The initiative recruits unemployed youth from rural areas between the ages of 18 and 25, who have passed Grade 12 or have higher qualifications, and equips them with business and entrepreneurial skills. The NARYSEC College in Thaba 'Nchu in the Free State is being used to provide skills training.

Job opportunities provided through the initiative include areas such as administration, agriculture, construction, education, engineering, health and safety, hospitality, renewable energy and transport.

