



**RURAL DEVELOPMENT
AND LAND REFORM**

*Rural
Development*

RURAL DEVELOPMENT AND LAND REFORM

The Department of Rural Development and Land Reform deals with land reform; access to land use; management and transformation of land relations; and all other matters related to the hopes and life styles of those who live on the land and who depend on the land for their livelihoods.

The department's key priorities are:

- rolling out the Comprehensive Rural Development Programme (CRDP) to all rural municipalities
- improving productivity in land reform projects through effective implementation of the Recapitalisation and Development Programme (RADP)
- expediting the finalisation of land claims
- improving corporate governance and ensuring enhanced service delivery
- implementing proper change management and innovation strategies
- enhancing the efficiency of information management systems.

The CRDP is aimed specifically at reducing poverty by creating vibrant, equitable and sustainable rural communities.

To achieve this vision, the department defined its role and mission as being that of facilitating integrated development and social cohesion through partnerships with all sectors of society.

Legislation and policies

Eleven pieces of legislation was submitted to Parliament by December 2012; and 10 policy instruments were developed, including policy on Communal Land Tenure and a review of the land management and administrative system.

The department also started work on a restitution performance review. All this is aimed at sharpening service-delivery capacity.

The Communal Property Associations Act, 1996 is meant to enable communities to form juristic persons, to be known as communal property associations, to acquire, hold and manage property on a basis agreed to by members of a community in terms of a written constitution; and to provide for matters connected therewith.

The *Green Paper on Agrarian Transformation, Rural Development and Land Reform* had been gazetted by May 2011 followed by a White Paper to be submitted to Cabinet

The Green Paper focuses on seven key areas, namely:

- a vision for land reform
- principles underlying land reform
- current challenges and weaknesses: rationale for change
- an improved trajectory for land reform (including institutions to support land reform)
- the strategic thrust for land reform
- land reform experiences elsewhere
- challenges and constraints.

When the Green Paper was published in 2011, it comprised six work streams, which are aligned to the thematic areas which are three-tier land tenure system; Office of the Valuer-General; Land Rights Management Board; Land Management Commission; Communal Tenure; and Legislative amendments.

The Green Paper is underpinned by the following three key principles: deracialisation of the rural economy for shared and sustained growth; democratic and equitable land allocation and use across gender, race and class; and strict production discipline for guaranteed national food security.

The engagement on the Green Paper on Land Reform was completed before the end of March 2012.

The purpose of the restitution programme is to provide equitable redress to victims of racially motivated land dispossession, in line with the provisions of the Restitution of Land Rights Act, 1994.

Legislative Amendments and Communal Tenure Working Group was constituted to consider legislative amendments linked to the Green Paper. The group was tasked with focusing on the amendments of – Communal Property Association (CPA) Act 1996, Restitution of Lands Rights Act 1994, and Review of the Communal Land Rights Act, 2004 and related judgement.

The Legislation Working Group decided to combine with that on Communal Tenure because of legislative amendment of the CPA Act and legislative development to replace Review of the Communal Land Rights Act, 2004. Specialist studies

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and analysis were further required on appropriate land holding entities and their relationship with traditional and local authorities.

Programmes

Comprehensive Rural Development Programme (CRDP)

Under the CRDP, 2 447 household food gardens have been established in the CRDP sites during 2012.

By January 2013, a total of CRDP 2 656 beneficiaries were skilled and capacitated in technical enterprise development trade; 52 council of stakeholders have been established as representative community forums; CRDP has been rolled out to 157 rural wards; 143 698 poor households were profiled to assess their needs; 692 km of fencing was erected in the CRDP wards; and 96 km of roads were upgraded.

The department contributed to the increased number of households with access to sanitation by 10%, 10,45% access to electricity, 4% accesses to clean water, distributed 39 331 rainwater harvesting tanks and constructed 37 km of water pipeline in North West.

Bulk water and sanitation infrastructure have been constructed in KwaZulu-Natal, Northern Cape and North West. Rain water harvesting tanks have been distributed throughout CRDP sites.

Agrarian transformation

One of the department's most important strategic objectives is agrarian transformation.

The agrarian transformation strategy is aimed at:

- social mobilisation to enable rural communities to take initiatives
- sustainable settlements with access to basic services and economic opportunity; meeting of basic human needs; infrastructure development
- establishment of cooperatives and enterprises for economic activities; wealth creation; productive use of assets;
- non-farm activities for strengthening of rural livelihoods
- leadership training, social facilitation and familiarity with

In 2012, 480 restitution land claims were being litigated in court. In 2012/13, 260 claims were settled, 249 of which were for financial compensation, and one for the restoration of land comprising 18 855 ha and benefiting 5 154 households. This exceeded the projected target of 133 claims.

- CRDP objectives; socio-economic independence
- skills development and employment creation for youth, women and people living with disabilities
- democratisation of rural development, participation and ownership of all processes, projects and programmes by rural communities
- coordination, alignment and cooperative governance by local municipalities, traditional councils, provincial Government and rural communities
- participation of non-governmental organisations including faith-based organisations, community-based organisations and other organs of civil society
- social cohesion and access to human and social capital.

Land reform

The principles which underpin the new approach to sustainable land reform are:

- deracialisation of the rural economy
- democratic and equitable land allocation and use across gender, race and class
- strict production discipline for guaranteed national food security.

During 2012/13, the Land Reform Programme provided access to over 320 000 ha of agricultural land at a cost of R2,7 billion. Strategic support was provided to 416 new emerging farmers through recapitalisation in addition to the existing 595 farms that were supported at a cost of R1,2 billion.

Recapitalisation and development

In February 2012, the Department of Rural Development and Land Reform announced plans to launch the RADP Strategy.

The department has committed itself to recapitalise more than 1 000 deserted and unproductive farms nationally.

Of the 4 000 water-use licences granted in early 2012,

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1 658 will help to contribute to rural development, including afforestation and agricultural development.

Geo-spatial services, technology development and disaster management

The department is responsible for the national control survey network, the national mapping and aerial imagery programmes and the provision of geo-spatial information services.

Cadastral survey management

The Cadastral Survey Management Branch aims to provide efficient cadastral survey-management services and cadastral information services in support of land delivery and development.

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, 1937 and the Sectional Titles Act, 1986.

By 31 March 2011, a total of 904 928 deeds and documents had been registered in the 10 deeds registries countrywide.

Government is facilitating opportunities for women in rural, peri-urban and informal settlements to participate in green economy projects such as solar energy, water purification, agriculture, construction, waste management and tourism.

The Department of Women, Children and People with Disabilities also facilitates financial support and training for female farmers and female cooperatives, together with national and international partners, particularly the United Nations (UN) Development Programme, UN Women and the UN Populations Fund. In addition, the department was also empowering women in construction in collaboration with the departments of human settlements and public works by facilitating opportunities for women to enter the alternative construction technology field.

In November 2012, Cabinet approved a policy to establish the office of the Valuer-General, which will be responsible for valuing land nationwide. The Office of the Valuer-General will be an independent institution to assist with the valuation of land, ensuring proper market value of land without relying solely on the private sector, and keeping records of the value of land.

As far as the e-Cadastre Project is concerned, the enterprise architecture investigation, which is aimed at consolidating cadastral surveys and deeds registration data stores, has been concluded. Digital scanning of the microfilm records has commenced.

National Rural Youth Service Corps (Narysec)

Narysec is a youth skills development and employment programme aimed at empowering rural youth from each of the 3 300 rural wards in the country.

The objective of Narysec is to recruit and develop rural youth between the ages of 18 and 35 to provide community service in their communities. Participants are contracted for 24 months following their recruitment.

Narysec was launched in 2011 as part of the National Youth Service with an initial 7 900 participants, of which about 4 500 have either received, or are in the process of completing training in various skills.

The Narysec programme is aimed at complementing the department's job-creation model, which targets and ensures that at least one person per each household in the rural areas where the CRDP is piloted, gets a job, which is linked to skills development.

Through the programme, the department has taken on board more than 11 000 young people from rural areas throughout the country and has helped over 4 000 of them to get theoretical training at Further Education and Training colleges.

Working in conjunction with the Department of Higher Education and Training through the National Skills Development Fund, the Department of Rural Development

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and Land Reform secured an additional R190 million for 2012/13 to increase enrolment to 15 000 participants.

The fundamental focus of the department's initiatives is to continue improving the lives of people living in rural areas. This is done through the agrarian transformation of societies, thus laying a solid foundation for food security, food sovereignty and economic development in general.

The need to instil national identity, shared citizenship and autonomy-fostering service delivery are the primary reasons why government must continue to invest in the transformation of land relations, systems and patterns of land control and ownership.

All programmes of the department will therefore be guided by the principles of equity, equality and allocation of resources in a gender-responsive way. To give effect to this the department is paying particular attention to the land rights needs and interests of women, children and older persons.

Role players

Commission on the Restitution of Land Rights (CRLR)

The aim of this commission is to resolve restitution claims within the target period through negotiated settlements that restore land rights or award alternative forms of equitable redress to claimants.

The intentions of the CRLR are to:

- facilitate access to land by victims of racially motivated land dispossessions that took place under the previous government
- alleviate poverty through sustainable development on restored land as well as improved livelihoods
- foster the rights of vulnerable groups in terms of ownership and participation in economic activities
- foster national reconciliation and stability.

People dispossessed of a land right after 19 June 1913, in terms of racially discriminatory laws and practices, are entitled to restitution of that right or equitable redress.

All claims are against the State, and no one may be deprived of property except in terms of law of general application.

The restitution process is implemented in line with the provisions of Section 25 of the Constitution, which places emphasis on equitable redress.

The commission has been rationalised to create better synergy with, and clearer lines of accountability to the department, in its day-to-day operations. The core of the commission, being the Chief Land Claims Commissioner (the CLCC); the Deputy Land Claims Commissioner; and, the Regional Land Claims Commissioner remain within the ambit of the founding legislation.

In the provinces, restitution support personnel have been placed under the Public Service Act. Responsibility for restitution support services has been formally delegated to them by the CLCC. Restitution Support Chief Directors have taken charge of these delegated responsibilities, and report directly to the CLCC.

This realignment is starting to produce benefits, such as:

- reduced timelines in the finalisation of land claims
- strengthened capacity of the legal division, and a reduction of court orders resulting in emergency settlement of claims which had a negative effect on the budget
- 95% completion of the process of introducing an electronic data system to capture and process land claims.

Since 2009, the commission has spent R4,8 billion to acquire 368 483 ha of land for restoration.

Since 1994, 561 252,35 ha of land has been approved for land restitution of which 471 827 ha had already been transferred to the claimants.

The total 2012/13 allocation for the Regional Land Claims Commission Northern Cape is R39 613 000 and R180 686 000 for the capital allocation.

