



SA YEARBOOK 2009/10
RURAL DEVELOPMENT AND LAND REFORM



In 2009, the Department of Land Affairs became the Department of Rural Development and Land Reform.

Rural development, food security and land reform

Rural development, food security and land reform have now been incorporated into the Medium Term Strategic Framework, which sets policy priorities for the next five years and beyond. While these priorities cut across all activities within the agricultural economy, land reform and food security are now receiving a higher level of priority.

In the next five years, systems and processes will be put in place to ensure that rural areas become vibrant places worth living in and that land reform facilitates the development of the rural economies through transformation of agriculture, forestry and fisheries to ensure food security, competition and the elimination of abject poverty.

The five-year strategic plan for the new Government's term of office (2009 – 2014) will be influenced by its new mandate and key objective and strategic goals.

The Department of Rural Development and Land Reform's key objective is the achievement of vibrant and sustainable rural communities. The overall outcome has to be social cohesion and development, meaning shared growth and development, full employment, equity and cultural progress. The following strategic goals or enablers will be pursued in the quest for vibrant and sustainable rural communities:

- establishing business initiatives, agro-industries, cooperatives, cultural initiatives and vibrant local markets in rural settings
- empowering rural people and communities, especially women and the youth, through facilitating and mediating strong organisational and institutional capabilities and abilities to take full charge of their collective destiny
- training rural people in technical skills, combining them with indigenous know-how and knowledge, to mitigate community vulnerability to, especially, climate change, soil erosion, drought, snow, animal diseases, flooding, tornadoes, other natural disasters and emergencies and hunger and food insecurity
- revitalising and revamping old, and creating new, economic, social and information communications infrastructure and public ameni-

ties and facilities in villages and small rural towns.

The focus of the Department of Rural Development and Land Reform is the creation of a rural development intervention that uses land and agricultural development as a solid foundation for food security and self-sufficiency, and providing enhanced land rights to all citizens of South Africa, with particular emphasis on previously disadvantaged individuals. This will result in increased income levels and job opportunities, productive land use and well-planned human settlements.

Comprehensive Rural Development Programme

The Comprehensive Rural Development Programme is a national collective strategy to fight poverty, hunger, unemployment and lack of development in rural areas. It was launched in August 2009 by President Jacob Zuma at Muyexe Village, Limpopo.

A number of interventions are in the pipeline. Government has pledged over R2,6 billion in conditional grants to provinces over the medium term. This will be used for agricultural infrastructure, training, advisory services and marketing, and for upgrading agricultural colleges. One of the priorities is to ensure that land reform, through redistribution and restitution, is more coherently linked to the creation of livelihoods for the poor.

Government will investigate less costly alternative ways of land acquisition, by engaging with all stakeholders within the sector.

A critical part of the Rural Development Programme is to stimulate agricultural production to contribute to food security. Government will support the provision of agricultural implements and input to support emerging farmers and households nationally, also making agricultural loans accessible and ensuring agricultural extension services of a high quality.

Over the medium term, the aim is to bring about a measurable increase in agricultural output. Therefore, the Ilima/Letsema Campaign that aims to enhance household food security will be intensified. To promote food security, government will also work to protect valuable agricultural land from encroachment by other developments.

Departments that are responsible for the delivery of these services will develop spatially targeted strategies to respond to the diverse needs of rural areas.

Improving rural service delivery will ensure that South Africa meets the development targets for 2014, which are linked to the millennium development goals.

Government will also intensify the implementation of the Rural Transport Development Programme. The objective is to promote rural transport infrastructure and services. Transport is critical for enhanced socio-economic activity and, broadly, a better quality of life.

Rural further education and training colleges have to be strengthened and equipped to address a range of relevant rural development skills challenges.

As part of the Rural Development Programme, government will also support initiatives that promote other forms of economic potential, including tourism, light manufacturing and cultural work. Various cultural activities such as traditional music, arts, crafts and sports can be useful income-generating activities in rural areas and should be harnessed.

The Comprehensive Rural Development Programme is also expected to create job opportunities so that every household will have at least one person employed over the two-year piloting period.

This will apply equally to all rural areas where the project is being implemented. In this period of two years, those contracted in the created job opportunities will be provided with training. There will be an exit strategy, implemented six months before the two-year contract ends.

This will ensure that participants in the programme will be able to get jobs or start a business enterprise to sustain themselves when the contract ends. The indicator of the measure of the success of the Comprehensive Rural Development

Programme will, among other things, be the level of social cohesion and development facilitated in rural areas.

The extent to which rural communities have the infrastructure found in urban areas as well as possibilities of income-generating activities, will also be a performance indicator.

The programme is expected to ensure the delivery of clean water, decent shelter, proper sanitation and enterprise-development support. The department's collective developmental interventions will initially focus on meeting people's basic needs, especially food security.

The next step is the entrepreneurial stage and large-scale infrastructure development. The intervention will finally culminate in the emergence of small, medium and micro-enterprises and village markets.

Although land and agrarian reform forms the nucleus of the successful implementation of rural development, it is important to note the crucial contribution of other government programmes towards rural development.

Land reform

South Africa's land reform is premised on three programmes: Land Tenure Reform, Redistribution and Restitution. While the Department of Rural Development and Land Reform implements land tenure reform and redistribution, the Commission on the Restitution of Land Rights (CRLR) implements the Land Restitution Programme.

By October 2009, the Department of Rural Development and Land Reform was undergoing restructuring. At the time, it consisted of four branches, namely Land and Tenure Reform (LTR); Restitution; Land Planning and Information (LPI); and Corporate Services.

Branch: Land and Tenure Reform

The Branch: LTR is responsible for implementing redistribution, tenure reform and state-land administration and disposal. Its components are the Chief Directorate: Strategic Management and Technical Support Services and the Chief Directorate: Land Reform Implementation Management and Coordination (LRIMC).

The Chief Directorate: Strategic Management and Technical Support Services consists of the Public Land Support Services, Tenure Reform Implementation Systems and the Redistribution Implementation Systems. This chief directorate is responsible for developing and refining legislation, systems and procedures to enable provincial land-reform offices (PLROs) to deliver land at

In April 2009, the then Department of Land Affairs handed land back to the Seventh-Day Adventist Church and the Uniting Reformed Church in the Buffalo City municipal area in East London, in the Eastern Cape.

A total of 7 110 m² of land was purchased for the claimant to the total value of R546 600. The title deed and financial redress were handed over to about 500 congregants who were forcefully removed from their land during apartheid.

The Seventh-Day Adventist Church and the Uniting Reformed Church are two churches that opted for alternative land as a form of redress, out of the 23 churches that lodged claims with the Commission on the Restitution of Land Rights.



scale. It also supports PLROs in the areas of capacity-building, information management and communication. The Chief Directorate: LRIMC is responsible for coordinating the actual implementation of the land- and tenure-reform programme and manages state land at provincial level through the PLROs, and at district level through the district land-reform offices.

Land-reform implementation

The aim of land reform is to redistribute 30% of white-owned commercial agricultural land by 2014. To achieve this, 3% has to be redistributed every year. The branch delivered a total of 443 600, 4886 ha for the 2008/09 financial year. In total, 500 projects were approved and implemented with 14 457 individuals benefiting from them.

In line with the objective of increasing the pace of land delivery, an implementation framework for the Pro-Active Land Acquisition Strategy (PLAS) was developed. Land acquired through PLAS for the financial year 2008/09 totalled 226 986,1940 ha, which had been registered in the name of the State. In certain instances, the State provides access to land by means of lease or caretakership agreements, until land is transferred permanently to suitable beneficiaries.

Plans for the disposal of land to potential beneficiaries are being finalised. Land will be disposed or transferred to beneficiaries in terms of the provisions of the Land Redistribution for Agricultural Development (LRAD) Grant, the Settlement and Production Land Acquisition (SPLA) Grant and the Commonage Grant.

Land acquired through the LRAD, Commonage and SPLA grants for 2008/09 totalled 216 614,2946 ha.

The LRAD provides grants to black South African citizens to access land for agricultural purposes. The LRAD encourages applicants to design what works best for them. Beneficiaries can access a range of grants between R111 152 and R430 857, depending on the amount of their own contribution in kind, labour and or cash. Beneficiaries must provide a contribution of at least R13 000. The grant and beneficiaries own contribution are calculated per individual (18 years and older). If people choose to apply as a group, the required contribution and the total grant are both scaled up by the number of individuals represented in the group. The approval of the grant is based on the viability of the proposed project, which takes into account total project costs and projected profitability.

The LRAD Grant is flexible and accommodates different types of projects, which include, but is not limited to the following:

- food safety-net projects: grant acquired for food crop and/or livestock production to improve household food security
- equity schemes: grant acquired to receive equity in an agricultural enterprise
- production for markets: grant acquired to engage in commercial agriculture.

Vesting and disposal of state land

One of the strategic objectives of the Branch: LTR is to ensure that efficient state-land management is provided, which supports land reform and rural development. This objective is a focus area of the Directorate: Public Land-Support Services (PLSS).

Guidelines and policies on various aspects of state-land management, technical assistance and legal advice and the necessary databases and electronic systems are provided by this directorate. Implementation of the constitutional requirement for the confirmation of vesting of ownership of state land (either in the name of national government or a provincial government), via the issue of certificates for land that was registered as state land on 27 April 1994, is of utmost importance and can facilitate development.

The department, in collaboration with the Department of Public Works and provincial departments, is focusing on expediting the issuing of these certificates. At the end of April 2009, some 29,9% of surveyed state land had been confirmed vested, leaving a challenge to cover the remaining 70,1%.

The Directorate: PLSS facilitates the survey of state land. The nine provincial state-land disposal committees are clearing houses where vesting recommendations are made. A more streamlined process for vesting was approved, whereby the Director-General will be authorised as a competent authority to sign such certificates. The former Minister of Land Affairs was the only competent authority prior to this authorisation. An electronic

In April 2009, the former Minister of Agriculture and Land Affairs, Ms Lulama Xingwana, handed over 2 740,9316 ha of land to the KwaDube community in the Ilembe District Municipality, in KwaZulu-Natal, at a cost of more than R754 million to the State. A total of 687 households and 4 206 individuals from the community benefited from the settlement of the KwaDube community claim.



tracking system to track submissions for vesting and disposal was also implemented in April 2009.

A strategy to manage and expedite the inter-governmental vesting programme was being compiled in collaboration with other custodians and users of state land. The Directorate: PLSS supports this programme with technical assistance, information, guidelines, systems and training. The strategy was expected to be completed in 2009/10. The disposal of state land to beneficiaries is also a focus area and is supported by policies and guidelines.

An important focus when referring to state land is system development and land information, namely to:

- obtain, maintain and develop systems and products aligned with the cadastre and other spatial information
- facilitate effective state-land administration
- make public land data (including state land data) available to government departments, local governments and other clients
- gather and maintain relevant information on public land.

A database is maintained, consisting of about two million records on public land alone, which includes data on more than 260 000 state land properties.

The State Land Lease Debtor System was approved and implemented to promote the proper management of leases, other agreements and the collection of lease rentals on state land under the department's control.

The production of various maps in a broad range of information applications is also done by PLSS. Legal advice and assistance are provided to PLSS clients in collaboration with the Legal Services Directorate of the department, where required.

The department has finalised the audit of state land, which consisted of 280 000 land parcels totalling 23 million ha.

This exercise was key in ensuring that there is efficient public land administration.

The former Department of Land Affairs achieved a milestone in advancing the implementation of its Disability Strategy by producing the first-ever Braille atlas of maps in Africa. It was launched in March 2009 at Philadelphia Secondary School in Soshanguve, Gauteng.



At a land hand-over ceremony in June 2009, 172 households from the Riemvasmaak community in the Northern Cape received title deeds in respect of 46 595 ha of commercial agricultural land comprising several properties in the area.

The return of the land to the Riemvasmaak community has been planned to coincide with the 96th anniversary of the infamous Natives Land Act, 1913, promulgated by the apartheid government, and resulting in the forceful removals of a large number of black people in South Africa.

A total amount of R70 million was approved by the State as part of this second phase of the settlement of the Riemvasmaak community claim.



Branch: Land Planning and Information

The Branch: LPI is responsible for:

- the surveying, mapping and registration of land
- providing planning and spatial information services
- redressing apartheid settlement patterns
- overseeing the national land-use management system
- regulating the planning profession
- establishing and maintaining the national spatial data infrastructure
- providing environment-related services.

Surveys and mapping

The Chief Directorate: Surveys and Mapping is the national geodetic surveying and mapping organisation of the country. It is responsible for the national map series, as well as for providing the survey control network, which enables all surveys in South Africa to be spatially uniquely connected.

Surveys and Mapping provides national mapping, aerial photography and other imagery, integrated spatial reference frameworks and other geospatial information in support of the national infrastructure and sustainable development programmes of government. It also provides professional and technical services in support of land reform and other public services.

This chief directorate provides infrastructure (a survey-control network) to define any position on the Earth in terms of mathematical coordinates.

Professional land surveyors in private practice base their surveys of land and real rights on this control network and in relation to other existing land rights.

The National Mapping Agency provides maps in useful formats to show what exists on the ground.

Spatial planning

The Chief Directorate: Spatial Planning:

- provides policy so that government can control planning
- defines how the country should be planned
- provides spatial information to organisations.

Cadastral surveys

The Chief Directorate: Cadastral Surveys Management defines land rights in terms of where the right is and ensures that the boundaries of such rights are secure. The six surveyors-general offices in South Africa are in Pretoria, Nelspruit, Polokwane, Pietermaritzburg, Cape Town and Bloemfontein.

The chief directorate consists of four pillars:

- private-sector professional land surveyors
- surveyors-general
- private-sector conveyancers
- the registrars of deeds.

The surveyors-general support cadastral surveys through the adjudication of every cadastral survey performed by the professional land surveyors in private practice to ensure that they comply with all legislation (Land Survey Act, 1997 [Act 8 of 1997], and the Sectional Titles Act, 1986 [Act 95 of 1986]) and can be registered by the Registrar of Deeds. Surveyors-general also provide a repository for all documents (general and sectional plans and diagrams) that identify the position of immovable property rights lawfully created.

Conveyancers register cadastral documents approved by the Surveyor-General and lodge them with the registrars of deeds to register ownership. The registrars of deeds also provide a repository of all title deeds registered and transferred.

All the information emanating from these functions is available as hard-copy maps as well as in digital format.

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 (Act 47 of 1937), and the Sectional Titles Act, 1986.

To take deeds-registry services to the people, the department aims to establish a deeds registry in every province. This project entails establishing a deeds registry in Polokwane, Limpopo.

The Deeds Registry is open to any member of the public to access information with regard to the following:

- the registered owner of a property
- the conditions affecting such property
- interdicts and contracts in respect of the property
- purchase price of the property
- rules of a sectional title scheme
- a copy of an antenuptial contract, deeds of servitude and mortgage bonds
- a copy of a sectional title plan
- township-establishment conditions
- information relating to a property or deed.

Branch: Commission on the Restitution of Land Rights

The CRLR is a statutory body set up in terms of the Restitution of Land Rights Act, 1994 (Act 22 of 1994), as amended. The role of the commission is to provide redress to victims of dispossession of rights in land, as a result of racially discriminatory laws and practices that took place after 19 June 1913.

The commission is led by the Chief Land Claims Commissioner and has nine regional offices headed by regional land claims commissioners.

Since its establishment in 1994, the CRLR has settled 75 400 out of 79 696 land claims lodged, at a cost of R20 billion. It is expected that all outstanding claims could be settled by 2011.

Policy and legislation development

The Policy and Legislation Development Unit is responsible for the drafting, reviewing and assessing of policy guidelines aimed at amplifying the core objectives of the department. The unit is further responsible for the drafting of departmental legislation (including subordinate legislation) and the analysis of other legislation that may have an impact on departmental functions. The unit has built on a number of lessons emerging from various internal and external reviews and the ongoing implementation of land-reform programmes.

In respect of the regulation of the ownership of land by foreigners, the unit has done extensive research and consultation, which culminated in the drafting of a policy framework and Bill. On

request of the executive, further consultation is taking place and it was envisaged that the policy and Bill would be finalised in the 2009/10 financial year.

A third draft of the *Willing Buyer-Willing Seller Review* has also been completed. However, further work on the compensation formula linked to the expropriation model was expected to be finalised in 2009/10.

The unit also assisted in the finalisation of the Provision of Land and Assistance Amendment Bill.

This Bill was approved by Parliament and promulgated as the Provision of Land and Assistance Amendment Act, 2008 (Act 58 of 2008).

Despite the capacity constraints faced by the unit, work on the classification and collation of submissions received on the draft regulations under the Communal Land Rights Act, 2004 (Act 11 of 2004), and the interrogation and evaluation of such comments were all completed in 2008/09.

Acknowledgements

Department of Rural Development and Land
Reform
www.info.gov.za
Pretoria News

Suggested reading

- Atkinson, D. 2007. *Going for Broke: The Fate of Farm Workers in Arid South Africa*. Cape Town: Human Sciences Research Council (HSRC) Press.
- Binswanger-Mkhize, HP, Bourguignon, C and Van den Brink, R (eds). 2009. *Agricultural Land Redistribution: Toward Greater Consensus*. Washington, DC: World Bank.
- Hall, R (ed). 2009. *Another Countryside? Policy Options for Land and Agrarian Reform in South Africa*. Bellville: School of Government, University of the Western Cape.
- James, D. 2007. *Gaining Ground? "Rights" and "Property" in South African Land Reform*. Johannesburg: Wits University Press.
- Ntsebeza, L and Hall, R. eds. 2007. *The Land Question in South Africa: The Challenge of Transformation and Redistribution*. Cape Town: HSRC Press.