



The Department of Rural Development and Land Reform (DRDLR) is mandated to initiate, facilitate, coordinate, catalyse and implement an integrated rural development programme, which is linked to the need to create vibrant, equitable and sustainable rural communities.

The department's strategic goals are to:

- foster effective land reform and land restitution programmes
- implement sustainable agrarian reform through increased access to and productive use of land
- ensure spatial equity through effective land planning and administration
- reform the policy, legislative and institutional environment
- improve food production and access to affordable and diverse food
- improve rural services to support sustainable rural livelihoods
- improve access to sustainable employment and skills development
- improve institutional arrangements for effective cooperative governance, stakeholder participation and service excellence.

The DRDLR is committed to ensuring that South Africans in rural areas enjoy the same benefits as those in urban areas regarding the human rights and basic dignity guaranteed by the Constitution.

The DRDLR deals with land reform; access to land use; management and transformation of land relations; and all other matters related to the hopes and lifestyles of those who live on the land and who depend on the land for their livelihoods.

The department's key priorities are to:

- roll out the Comprehensive Rural Development Programme (CRDP) to all rural municipalities
- improve productivity in land reform projects through effective implementation of the Recapitalisation and Development Programme
- expedite the finalisation of land claims
- improve corporate governance and ensure enhanced service delivery
- implement proper change management and innovation strategies
- enhance 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

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integrated development and social cohesion through partnerships with all sectors of society.

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 initiative
- sustainable settlements with access to basic services and economic opportunity; the meeting of basic human needs; and infrastructure development
- the establishment of cooperatives and enterprises for economic activities; wealth creation; and productive use of assets
- non-farming activities for strengthening rural livelihoods
- leadership training, social facilitation and familiarity with CRDP objectives; and socio-economic independence
- skills development and employment creation for youth, women and people with disabilities
- the democratisation of rural development, and participation in 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.

## Legislation and policies

The DRDLR executes its legislative mandate around the following Acts:

- The Restitution of Land Rights Act, 1994 (Act 22 of 1994) provides for the restitution of rights in land to persons or communities dispossessed of such rights after 19 June 1913. The Act makes provision for the establishment of the Commission on Restitution of Land Rights and the Land Claims Court. The Minister is authorised to purchase, acquire and expropriate land or rights in land for the purpose of restitution awards.
- The Provision of Land and Assistance Act, 1993 (Act 126 of 1993) provides for the

designation of certain land, the regulation of the subdivision of such land and the settlement of persons thereon. It also provides for the acquisition, maintenance, planning, development, improvement and disposal of property and the provision of financial assistance for land reform purposes.

- The Communal Property Associations Act, 1996 (Act 28 of 1996) enables communities to form juristic persons, to be known as communal property associations, to acquire, hold and manage property on basis agreed to by members of a community in terms of a written constitution.
- The Transformation of Certain Rural Areas Act, 1998 (Act 94 of 1998) provides for the transfer of certain land to municipalities and certain other legal entities, as well as for the removal of restrictions on the alienation of land.
- The Physical Planning Act, 1991 (Act 125 of 1991) promotes the orderly physical development of South Africa, and for that purpose, makes provisions for the division of the country into regions, and for the preparation of national development plans, regional development plans, regional structure plans and urban structure plans.
- The Deeds Registries Act, 1937 (Act 47 of 1937) provides for the administration of the land registration system and the registration of land rights.
  - 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 that have been deemed a waste of taxpayers' money, where people submit land claims, knowing that they do not have a valid historic claim to a piece of land. The Act reopens the window for persons or communities dispossessed of their land due to past discriminatory laws and policies to lodge claims. Extending the deadline for the lodging of claims was in line with the proposals of the National Development Plan (NDP), the CRDP and other growth strategies intended to promote national reconciliation and social cohesion. Cabinet also approved the submission of the report on the Audit of Registered State Land and a desktop analysis of private land ownership in South Africa for submission to Parliament. The audit aims to determine the quantity of state-owned land and what it was used for.

The land audit will be used to enhance the integrity of the land register, which will serve as the basis for enhanced land planning and administration, including other functions relating to property portfolio management and improved service delivery. About 1,15 million land parcels have been surveyed. The State owns 14% of land in South Africa, 79% is privately owned and 7% has not been registered.

About four million ha of unregistered land in the former Transkei are occupied by citizens and will be transferred either by the State or private owners once the verification process has been concluded.

- The Spatial and Land Use Management Act, 2013 (Act 16 of 2013) seeks to bridge the racial divide in spatial terms and transform the settlement patterns that put a considerable burden on public resources. The Act will also ensure that the restructuring of South African cities, towns and settlements is in line with the priorities and principles of the democratic government.

The objectives of the Act are to:

- provide for a uniform, effective and comprehensive system of spatial planning and land-use management
- ensure that the system of spatial planning and land-use management promotes social and economic inclusion
- provide for development principles, norms and standards
- provide for the sustainable and efficient use of land
- provide for the cooperative government and intergovernmental relations among the national, provincial and local spheres of government
- redress the imbalances of the past and ensure that there is equity in the application of spatial development planning and land-use management.
- The Cooperatives Amendment Act, 2013 (Act 6 of 2013).

This is an amendment to the Cooperatives Act, 2005 (Act 14 of 2005), which came into effect on 2 May 2007.

This Act provides for the establishment, functions and powers of the Cooperatives Development Agency. Among other things, the amendment provides for associate membership of cooperatives, the annual submission of information to the Companies and Intellectual

Property Commission (CIPC), categories of primary cooperative and the national apex cooperatives.

Besides providing for the establishment, composition and functions of the Cooperative Tribunal, the Act provides for a cooperative to apply for a declaratory order in respect of the liquidation process, and for the registrar of the tribunal to order the winding-up of a cooperative.

The legislation amends the accounting practices by providing for the audit and independent review of cooperatives, the payment of fees by the cooperative for the amalgamation, division and conservation, including the transfer of cooperatives.

- The Cooperatives Amendment Act of 2013 states that the provincial departments of economic development, under which cooperatives in South Africa fall, will be responsible for coordinating and reporting all cooperative activities in the provinces involving other departments and stakeholders, while the municipalities will be responsible for coordinating activities within their area of jurisdiction.

## Budget and funding

Over the medium term, R2,6 billion was transferred to the Rural Development Programme to provide funds for basic services infrastructure to households. In addition, R2,4 billion and R2,1 billion were reprioritised from the restitution and land reform programmes to be used as transfers to households in the Rural Development Programme.

This shift decreased spending on consultants and travel and subsistence, and increased spending on transfers to households. Of the funds transferred from the Restitution and Land Reform programmes, R870 million was allocated to drive electronic mapping, cadastral and spatial planning and land-use management in the Geospatial and Cadastral Services Programme and R1 billion was allocated to the Administration Programme to allow the department to employ more staff in regional offices to improve service delivery.

As part of Cabinet-approved reductions, expenditure in the Rural Development Programme

The Department of Rural Development and Land Reform announced that 5 600 claims have been received at lodgment sites across the country. The majority of these have been lodged in the Western Cape with 1 363 claims, followed by Gauteng with 956 claims, since the land claims process was reopened in July 2014.

Creating jobs through cooperatives will lead to thousands of job opportunities for people and the development of rural communities. This would ease pressures associated with rapid urbanisation, where people leave rural areas to go to urban areas to seek economic opportunities. Urbanisation is an international phenomenon and is not something that can be easily stopped.

South Africa has a good relationship with China and both countries have a programme called Township and Village Enterprises, where they actually create industries [in rural areas].

In April 2014, the DRDLR sent 40 young people on a learning mission in China so that they can implement their ideas on return.

The DRDLR intends to create mega cooperatives of young people from rural areas to do construction and transform them into a class of black industrialists to create more jobs and build social infrastructure.

over the medium term will be reduced by R400 million from the economic competitiveness support package for the implementation of the National Youth Services Corps (NYSC) while the land claims grant in the Restitution Programme is reduced by R710 million. The department will reprioritise funds from non-core services to compensate for any shortfalls.

## Role players

### National Reference Group

The National Reference Group is an inclusive structure that represents varied interest groups ranging from beneficiaries, organised agriculture and civil society to academics and experts on land and agrarian issues. National reference groups constitute five working groups in respect of policy proposals made by the department in the Green Paper, namely the Land Management Commission; Land Rights Management Board and committees; Office of the Land Valuer-General; Three-Tier Tenure System; and Legislative Amendments and communal tenure.

### Geospatial and cadastral services

The national geospatial information component is responsible for the national control survey network, the national mapping and aerial imagery programmes and the provision of geospatial information services.

This component will continue its map literacy and map awareness training for adults, and support to educators and learners to promote the use of geospatial information. Priority will be given to rural communities.

Aerial imagery is a significant source of

geospatial information and a record of the land at a given time. National geospatial information acquires aerial imagery annually. The CRDP sites have been prioritised. The branch will also assist in creating orderly and sustainable rural settlements by ensuring alignment and harmonisation of rural development plans with existing planning frameworks, including provincial growth and development strategies and integrated development plans.

The department has considered the adverse affect that disasters have on rural areas and the lives of rural people, and included in its strategy a disaster management component, which, together with other sector departments, will coordinate responses to rural disasters.

The Braille atlas for the visually impaired who can read Braille is a first in South Africa and is primarily intended to give visually impaired people access to geospatial information (maps).

### Cadastral surveys management

Cadastral surveying is the survey and demarcation of land for the purpose of defining parcels of land for registration in a land registry.

Cadastral surveying in South Africa is undertaken exclusively by or under the control of professional land surveyors.

South Africa not only allows the private ownership of property but also, in the case of land, actively encourages it. Initially, all land derives from the State but, should the State wish to give or lend a piece of land to one or more of its citizens for that person to develop and to enjoy its use, cadastral surveying becomes necessary.

Later, should the owner wish to sell off part of that land, the cadastral surveyor is again called in to partition the land to be sold. The services of the cadastral surveyor are required whenever a boundary beacon must be found or replaced.

Once the positions of the boundaries have been marked and recorded, the cadastral surveyor and the conveyancer work together to record ownership in a public register. This action ensures that the rights of the owner can be upheld against false claims and that all persons may know who owns what.

### Deeds registration

There are 10 deeds registries in South Africa whose core responsibility is to:

- register real rights in land
- maintain a public land register

- provide registration information
- maintain an archive of registration records.

The deeds registries are in Pretoria, Cape Town, Johannesburg, Bloemfontein, Nelspruit, Pietermaritzburg, Kimberley, Vryburg, Mthatha and King William's Town.

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 (Act 95 of 1986).

To take deeds-registry services to the people, the department aims to establish a deeds registry in every province. The deeds registry is open to any member of the public for them to access information regarding:

- the registered owner of a property
- the conditions affecting such property
- interdicts and contracts in respect of the property
- the 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.

Deeds registration has progressively introduced e-Cadastre, which is aimed at improving cadastral surveys management and deeds registration as well as the consolidation of data stores.

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 is ongoing.

### Commission on the Restitution of Land Rights (CRLR)

The Restitution Act created a CRLR under a chief land claims commissioner and seven regional commissioners. In addition, the Act established the Land Claims Court to address land claims and other land-related though later amendments

The Best Female Entrepreneur Award is an annual competition which recognises, celebrates, honours and rewards the continuous contributions made by women in the fight against hunger, poverty and unemployment among rural communities.

enabled an administrative process of settling claims with court referrals only in cases of dispute.

The DRDLR is authorised to administer the Act, including by negotiating on behalf of the State, acting as a respondent before the Court, and managing the implementation and finances of the restitution process. Legally, all land claims are against the State and not against past or current landowners.

Claimants file their claims with the relevant Regional Land Claims Commissioner (RLCC), whose office undertakes a validation process to ensure the claim meets the criteria of the Restitution Act. Once a claim has been validated, the RLCC investigates the evidence presented in the claim and verifies the rights of the claimants and their relation to those dispossessed, in the case of intergenerational claims.

The CRLR and the Court have accepted a wide variety of evidence to establish land claims, including oral testimony, sworn affidavits, and official records of removals maintained by the apartheid State.

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, 1994 (Act 22 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 (MTEF) 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, 1994 (Act 22 of 1994). The Restitution of Land Rights Amendment Act, 2014 (Act 15 of 2014) extends (reopens) the lodgement of land claims for a period of five years, calculated from 1 July 2014 to 30 June 2019.

New claims were being lodged through an electronic system in 14 lodgement sites, and in mobile lodgement offices. Information provided by a claimant was captured, and supporting documentation was scanned and filed in the

In August 2014, the Minister of Rural Development and Land Reform met with District Six claimants where it was agreed that a governance structure should be established. The meeting, attended by over 700 claimants, was held at the Cape Peninsula University of Technology.

system. A printout of the completed electronic form was signed by the claimant and filed in a hard copy file. An automated acknowledgement of receipt of the claim is generated by the system with a unique reference number. A text message is forwarded to the claimant, acknowledging receipt of a claim. The lodgement system automatically creates the National Land Restitution Register as required by the Act, and generates reports.

There were 14 operational lodgement sites located in Pretoria, Mbombela, eMalaheni, Polokwane, Bloemfontein, Kimberley, East London, Queenstown, Cape Town, George, Pietermaritzburg, Vryheid, Mmabatho, and Vryburg. Plans were in place to increase the number of lodgement sites to 23 by 2015/16, and 52 by 2019. There were four mobile lodgement offices that had been procured and would be deployed to all parts of the country, especially rural areas. The deployment of the lodgement offices would be supported by mobile communication units.

The Act requires that the CRLR ensure that priority is given to claims lodged not later than 31 December 1998. The outstanding claims should be settled simultaneously with the new claims, but the new claims should be prioritised for financial payment.

## Programmes and projects Animal and Veld Management Programme (AVMP)

The AVMP is aimed at providing relief for farmers in rural areas operating under challenging circumstances made worse by spatial congestion and environmental degradation owing to overgrazing.

The programme will also help with soil rehabilitation, spatial decongestion and greening of the environment. It is part of government's intervention towards reversing the legacy of the 1913 Natives' Land Act, which led to the majority of black people being confined to 13% of the land, resulting in challenges of overcrowding and overgrazing in communal areas.

The department will identify farmers in communal areas who have showed potential for successful farming. Based on their track record, such farmers will be moved into some of the state-owned farms to enable them to expand their farming operations.

The AVMP is expected to reach the country's 24 poorest district municipality areas.

## Comprehensive Rural Development Programme

The CRDP is focused on enabling rural people to take control of their lives, with support from government. The programme aims to deal with rural poverty effectively through the optimal use and management of natural resources through an integrated broad-based agrarian transformation and the strategic investment in economic and social infrastructure that will benefit rural communities.

In five years, the Ministry of Rural Development and Land Reform had succeeded in helping to create a better life for millions of residents in villages throughout South Africa by providing food for the hungry, stimulating local economies, establishing jobs and reducing poverty.

In an effort to improve the economy, the DRDLR acquired and distributed 834 134 ha of land throughout the country. To ensure sustained production on land provided by government, 712 067 smallholder producers, including those under the recapitalisation and development programme, were supported through various initiatives including access to information.

Another 10 271 resources-poor historically disadvantaged producers were given support that enabled them to access water and 2 073 water-use licences were finalised, thus enabling the farmers to irrigate their land.

A total of 33 341 smallholder producers were assisted to access markets and 1 284 producer cooperatives and marketing depots were established to increase their competitiveness and take advantage of market opportunities.

More than one million household and institutional and community gardens were established. Food was distributed to 2,8 million people through the Food for All Programme including community nutrition development centres. About nine million learners gained access to nutritious food through the School Nutrition Programme.

Infrastructure development has contributed to 503 365 households gaining access to clean running water; about one million gaining access to sanitation and just above 11 million gaining access to electricity.

## Rural Enterprise Infrastructure Development (REID)

REID aims to create an enabling institutional environment for vibrant and sustainable rural communities.

The Social Organisation and Mobilisation Unit is primarily responsible for the promotion of a participatory approach to rural development to ensure that rural communities are able to take full charge of their collective destinies.

The approach is predicated on social mobilisation of rural communities, so that there can be ownership of rural development projects and programmes.

The participatory approach is used to assess the needs of the rural areas through the profiling of households and communities.

The needs assessments are conducted through participatory rural appraisal methods, which also offers communities the opportunity to prioritise their needs.

The Technical Support, Skills Development and Nurturing Unit provides technical support to the institutions and structures established in rural communities, through skills development and capacity building. The unit determines skills levels of rural communities through household profiles, and develops training programmes aligned to interventions and economic opportunities. It is also responsible for the implementation of the job creation model, which is aimed at improving households' basic needs, as well as promoting economic livelihoods.

The job-creation model further entails the empowerment of rural communities through skills transfer, developing artisans and enabling communities to start their own enterprises.

The Rural Livelihoods and Food Security Unit forms strategic partnerships that are important to the improvement of rural livelihoods, by promoting both economic development and the development of rural enterprises.

These strategic partnerships also facilitate value added services such as agriprocessing and the establishment of village industries and enterprises.

The strategic partners involved are from the private sector, state-owned enterprises and international organisations.

The Institutional Building and Mentoring unit is responsible for facilitating, building and mentoring institutions in rural communities.

This function involves the identification of existing institutions and the assessment of needs, including building new institutions to ensure sustainable development.

The unit is responsible for the establishment and facilitation of community structures such as

the Council of Stakeholders. It is also responsible for establishing and building the capacities of cooperatives.

### **Communal Property Association (CPA)**

The CPA Act 28 of 1996 is aimed at enabling communities "to form juristic persons, to be known as CPAs, to acquire, hold and manage property on a basis agreed upon by members of a community in terms of a written constitution; and to provide for matters connected therewith."

In November 2012, government held a two-day CPA workshop to discuss the Act and explore ways in which communal land located in rural areas could benefit those who live on it by unlocking the underlying mineral wealth. The workshop formed part of the department's ongoing consultation process with all its stakeholders to create a deeper understanding of one of government's key priority areas – rural development. The department used the platform to establish various national reference groups, with the first meeting held early in January 2013.

### **National Rural Youth Service Corps (Narysec)**

In April 2014, 6 000 young people graduated from the four-year Narysec programme at Thaba Nchu College of Education in the Free State. South Africa launched Narysec in 2010. The programme was established by the DRDLR and is designed to complement the government's job creation model.

Narysec aims to help transform young people in the rural areas from being job seekers to being job creators in their own right, as well as reducing their dependency on social grants.

The long-term programme, which also aims to uplift rural areas with services and infrastructure, started out with 7 900 participants. There were eventually about 14 000 people enrolled in the programme.

In 2012, the recruitment drive for the programme was increased from four to six people per rural ward and include residents aged between 18 and 35 who have completed Grade 10. They are trained in technical, artisan and social-work skills.

The graduation ceremony was preceded by the handing over of Thaba Nchu College of Education to the DRDLR by Free State Premier.

The college is now the headquarters of Narysec. It will also be used as the permanent exhibition centre of the 1913 Land Act Exhibition.

## Land Reform Programme

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.

In June 2014, the Minister of Rural Development and Land Reform tabled land reform proposals which, if enacted, would see farmers giving half their land to their workers. The Minister's policy paper on land reform and restitution, finalised in February 2014, is titled "Strengthening the Relative Rights of People Working the Land."

According to the proposals – with a deadline for feedback of April 2015 – government will pay for the 50% to be shared by the labourers. This money would not be paid to the farm owner, but go into an investment and development fund (IDF), to be jointly owned by the parties constituting the new ownership regime. The government will deposit its contribution into the IDF, not to the farmer, for that would be double compensation. The farmer will benefit, like all others, from dividends allocated by the IDF. With that contribution, the government earns the status of ex-officio member of the management of the fund, and should be entitled to a single representative on it.

The fund would be used to develop the managerial and production capacity of the new entrants to land ownership, to further invest in the farm, and to pay out people who wish to opt out of the new regime.

The proposals apply to workers who have worked and lived on a farm for 10 years or longer.

Four years ago, 95% of the land restored to black farmers was unproductive. By 2014, 27% of that land was productive. In fact, over the past three years, the DRDLR produced at least three millionaires. The DRDLR was rekindling the class of black commercial farmers that was destroyed by the 1913 Natives Land Act.

Smallholder support programmes are being reviewed and a smallholder plan is being developed. These plans are supported by some agro-processing programmes, including soya bean processing, canning, biofuels, furniture and food processing industries, as well as small-scale maize milling in rural areas.

Other developments include the launch of the Zero Hunger Programme and the Aquaculture Programme. Zero Hunger creates opportunities

for the smallholder sector to grow by opening up institutional markets for their benefit, such as the School Nutrition Programme, hospitals and clinics.

As part of the implementation of the National Climate Change Response Policy, long-term adaptation scenarios are developed to determine sectors that may be climate sensitive and to develop response strategies.

## Recapitalisation and development

During the past four years, another 7 000 jobs have been created during the department's implementation of the Recapitalisation and Development Programme, which saw 1 269 farms that had been lying fallow being converted into 100% productive farms.

The department's service-delivery programmes have created over 40 000 jobs. Various rural development jobs have come about because of such initiatives as constructing bridges, schools, health facilities, roads and other infrastructure-related activities.

Infrastructure jobs were created during the first phase of rural development at identified rural development pilot sites and the CRDP sites in all nine provinces.

During the implementation of these infrastructure and enterprise projects several rural villagers, especially youths and women, benefited from the accompanying skills development. This initiative culminated in 17 279 people gaining skills in various trades such brick-making, road paving, and the construction of houses and bridges.

Though the effect of the international economic downturn has depressed the property market, activities related to registering deeds are buoyant and continue to play a major role in the economy, as evidenced by the monetary value of transactions amounting to trillions of rand each year.





