



TOURISM TRANSFORMATION SUMMIT

30th & 31st OCTOBER 2017

KOPANONG CONFERENCE CENTRE

PRESENTER:

MKHACANI-WA-MKHACANI

COMMISSION ON RESTITUTION OF LAND RIGHTS

PREAMBLE: LAND REFORM MANDATE

The 1996 Constitution sets out the following framework for land reform:

That The state must take reasonable legislative and other measures, within its available resources,

☐ *to foster conditions, which enable citizens to gain access to land on equitable basis (Section 25(5)).*

☐ *A person or community whose tenure of land is legally insecure as a result of past racially discriminatory laws or practices is entitled, to the extent provided by an Act of Parliament, either to tenure which is legally secure or to comparable redress (Section 25 (6)).*

☐ *A person or community dispossessed of property after June 1913 as a result of past racially discriminatory laws or practices is entitled, to the extent provided by an Act of Parliament, either to restitution of that property or to equitable redress (Section 25 (7)).*



THE PRINCIPLES AND STRATEGIC THRUST OF THE 2011 GREEN PAPER ON LAND REFORM

The strategic thrust of the 2011 Green Paper on Land Reform is that land reform should be pursued with minimal disruption to food production and based on the Agrarian Transformation Strategy/ Rural Economy Transformation Model. The Department defines land reform inclusively of the following four functions or pillars: restitution of land rights; redistribution of land; land tenure reform; and land development. The Department further defines the strategic objectives of land reform as two-fold:

that all land reform farms are 100% productive,

rekindling the class of black commercial farmers which was deliberately and systematically destroyed by the 1913 Natives Land Act, as reinforced by subsequent pieces of legislation enacted by successive Colonial and Apartheid regimes.

The principles underlying land reform, as set out in the 2011 Green Paper are to:

De-racialise the rural economy;

promote democratic and equitable land allocation; and enhance production discipline in order to promote social cohesion,

food security (food sovereignty) and sustainable and shared economic growth through development in rural South Africa.

The establishment of DLRCs in each of South Africa's 44 districts form an important part of the legislative and institutional overhaul of the current land reform programme proposed by the 2011 Green Paper.



NATIONAL DEVELOPMENT PLAN – CHAPTER 6

The NDP vision 2030 indicated South Africa's rural communities should have greater opportunities to fully participate in the economic, social and political life of the country. People should have access to high quality basic services that enable them to be vibrant, equitable and sustainable rural communities. The driving force behind this will be to support the rural economies in tourism, agro processing, mining, fisheries, etc. The NDP commission recommends that rural development should be based on the following strategies:

- ❑ Provide essential opportunities for education and skills transfer to land reform beneficiaries to promote sustainable and productive land use;
- ❑ In order to sustain massive economic growth the industrial development need to be underpinned in areas with greater economic potential such as tourism, fisheries (in coastal areas), and small emerging enterprises.
- ❑ Provide opportunities for white entrepreneurs and the private sector to participate in land reform initiatives so that they can contribute to emerging black entrepreneurs success.



4 LAND REFORM PILLARS

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LAND REFORM:

Key Land reform issues emanating from the Mandate:

Land reform is about;

- ☐ Equity in Land ownership and control.
- ☐ Social Justice .
- ☐ Reconciliation and Social cohesion.
- ☐ Pro-poor programme.
- ☐ Sustainable development and productivity.



INTRODUCTION

To date government has redistributed 11 million hectares of Land , 3.2 million hectares of which has been acquired through the land Restitution programme.

Tourism is key to sustainable development

Comprehensive business models becomes key for tourism sector's radical socio economic transformation.

Understanding of the environment and key stakeholders is paramount

Collaboration between government sectors and private sector for sustainable projects



THE COMMISSION ON RESTITUTION OF LAND RIGHTS ⁷

Mandate

- ❑ The Commission on Restitution of Land Rights (CRLR) is a Commission established by the Restitution of Land Rights Act, 1994 (Act No. 22 of 1994) as amended.
- ❑ Its mandate is to receive land claims, investigate and resolve the claims through negotiation and mediation or referral to the land Claims Court.

Constitutional mandate

- ❑ *a “person or community dispossessed of property after 19 June 1913 as a result of past racially discriminatory laws or practices is entitled, to the extent provided by an Act of Parliament, either to restitution of that property or to equitable redress.”*

Legislative mandate

- ❑ The Restitution Act empowers the Minister of Rural Development and Land Reform and the Land Claims Court after investigation to make awards to restitution claimants, either restoration of the land claimed, alternative redress through alternative land and or, financial compensation.

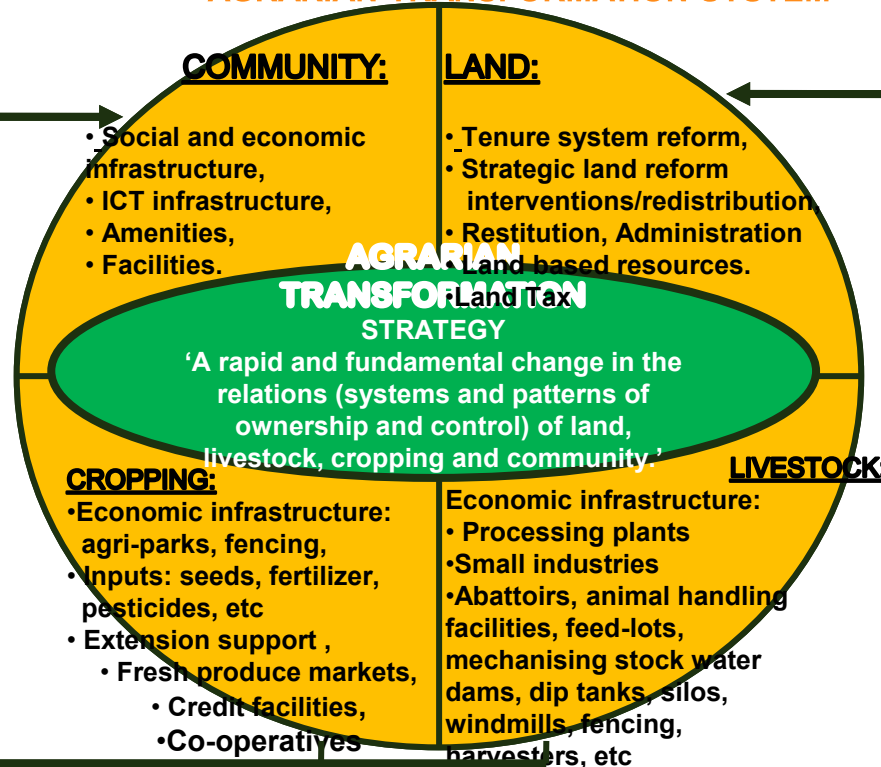


RURAL ECONOMY TRANSFORMATION: AGRARIAN TRANSFORMATION SYSTEM

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Tenure System Reform

1. **State and Public Land**
 - lease hold
2. **Private Land**
 - Free hold with limited extent
3. **Foreign land ownership**
 - A combination of freehold with limited extent and leasehold; and,
4. **Communal land**
 - Communal tenure: communal tenure with institutionalized use rights.
5. **Institutions**
 - 5.1 Land Management Commission
 - 5.2 Valuer General
 - 5.3 Land Rights Management Board with District and Local Committees
 - 5.4 National Rural Youth Service Corps
 - 5.5 Rural Development Agency with rural cooperatives financing facility
 - 5.6 DLRCs



Roads, bridges, energy, water services, sanitation, library, crèches, early childhood centres, Police stations, clinics, houses, small rural towns and villages revitalisation.

Food Security:

Strategic

Partnerships:

- Mentoring
- Co-management
- Share equity
- Modalities being worked out between the Dept and farmers; big and small

Phase II

Enterprise development

One Household One Hectare Two Dairy Cows - Programme

Phase I

Meeting Basic Human Needs

Agro-village industries; credit facilities; markets

Phase III

Strengthening of Relative Rights of People Working the Land (50/50 Policy)

Rural development measurables

VISION: VIBRANT, EQUITABLE AND SUSTAINABLE RURAL COMMUNITIES

ESNAAC and DAMCs



Figure 2 (b): RURAL ECONOMY TRANSFORMATION:
COMMUNAL TENURE MODEL

Outer Boundary:

Single Title

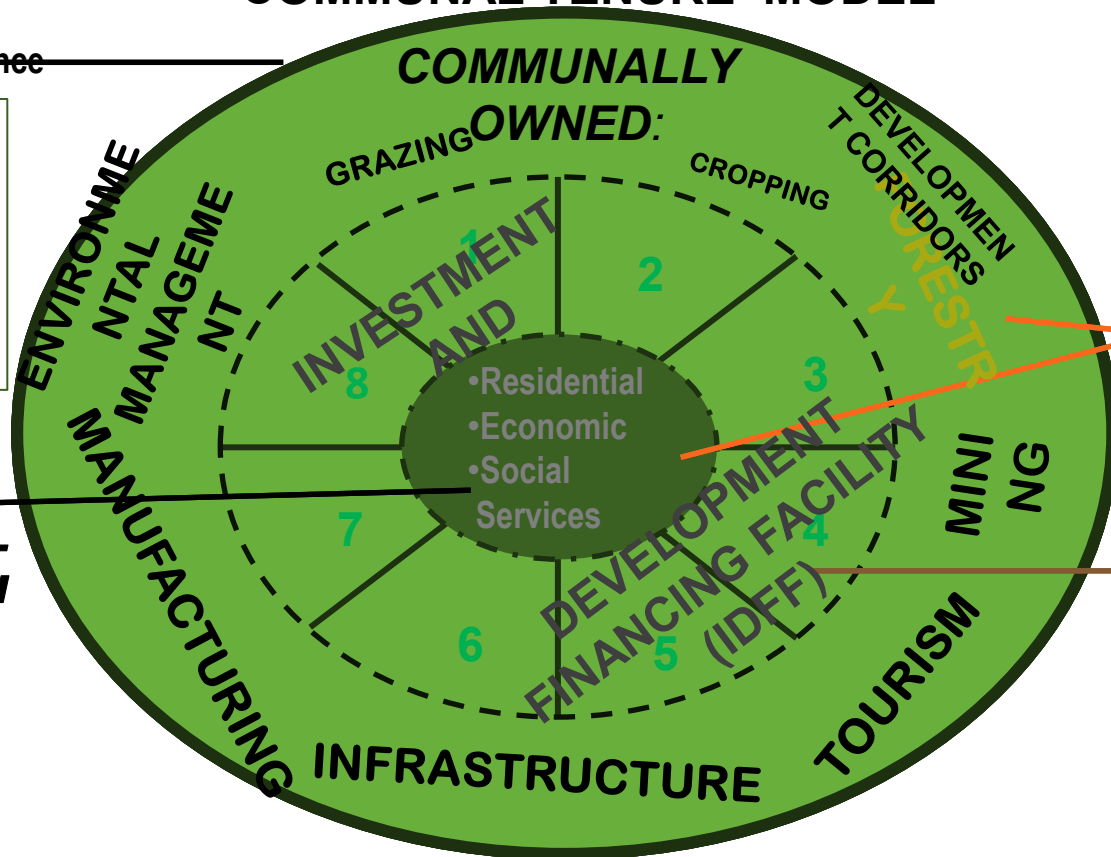
Title Holder: Governance

Structure:

Roles:

- Title Holder
- Adjudication of disputes on land
- Reference Point
- Land allocation

COMMUNITY-PUBLIC-PRIVATE-COLLABORATION



COMMUNALLY OWNED:
Collective and individual enterprise and industrial sector

1 – 8
HOUSEHOLD SECTOR:
Basic unit of production

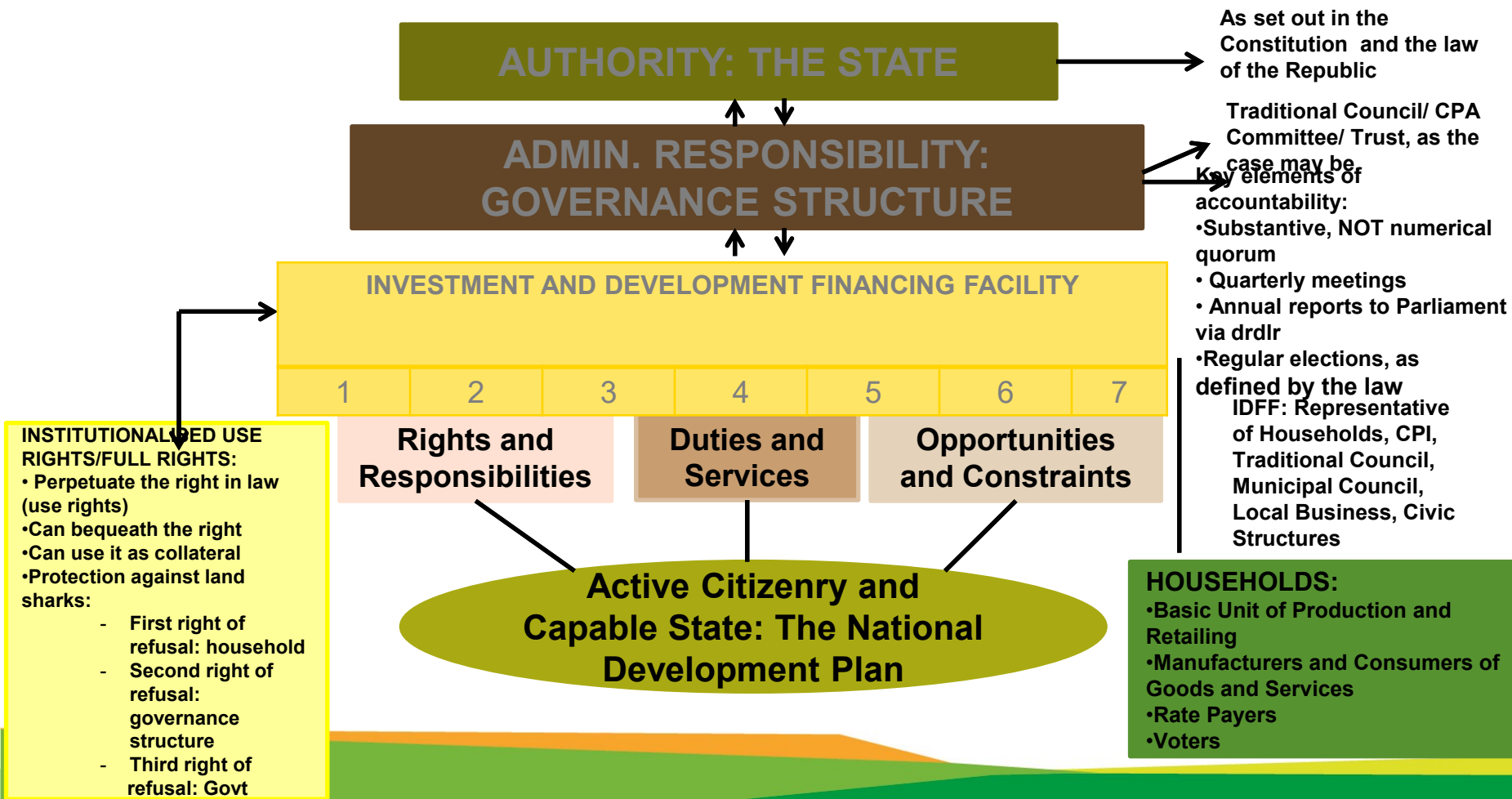


ROLES: TRADITIONAL COUNCIL/ MUNICIPAL COUNCIL / CPA / TRUST

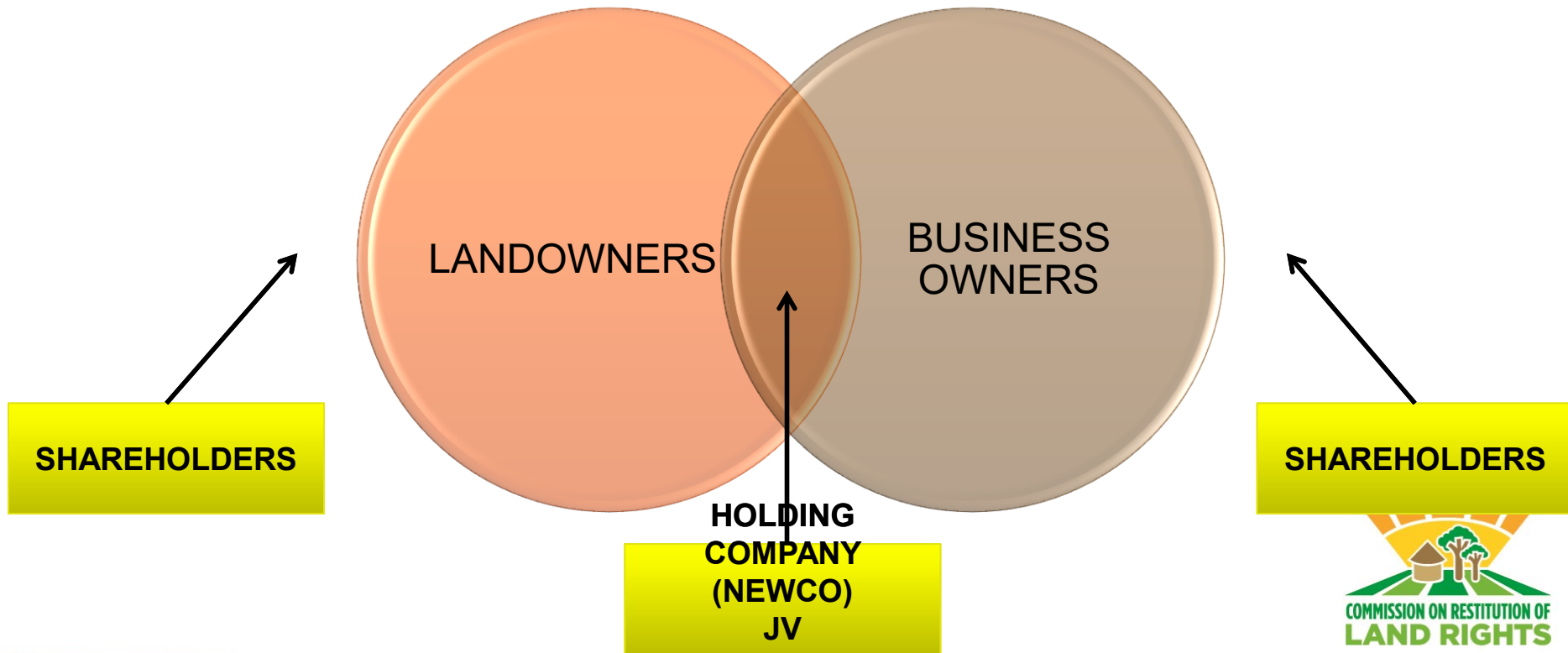
PRINCIPLE: COMPLEMENTARITY ACROSS TRADITIONAL & DEMOCRATIC INSTITUTIONS

FIGURE 2 (C) : RURAL ECONOMY TRANSFORMATION: INSTITUTIONAL ROLES AND ROLE-RELATIONSHIPS

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SHARE-EQUITY ENTERPRISE MODEL



RESTITUTION TOURISM PROJECTS

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| Province | Land Size (Ha) | Number of projects | Funds Available |
|---------------|------------------|--------------------|-------------------------|
| Eastern Cape | 4522.92 | 7 | R80 357 650.95 |
| Free State | 2024.5217 | 1 | R0.00 |
| Gauteng | 6716.1379 | 2 | R11 297 820.00 |
| KwaZulu Natal | 20277.5 | 8 | R11 728 000.00 |
| Limpopo | 43076 | 10 | R6 130 293.00 |
| Mpumalanga | 477789.32 | 11 | R9 916 000.00 |
| Northern Cape | 113250.2 | 2 | R18 000 000.00 |
| North West | 47571.08 | 12 | R68 650 506.00 |
| Western Cape | 0 | 0 | R0.00 |
| Total | 715297.67 | 53 | R 206 080 269.95 |



KEY CHALLENGES

- ☐ Lack of capacity/ skills to implement the post settlement projects.
- ☐ The projects production level has dropped which puts the economy of the country at stake.
- ☐ No benefit / limited benefit to communities
- ☐ Inadequate support, post settlement strategy and support
- ☐ Lack of co-ordination between the Commission and respective stakeholders in tourism industry (both government and private sector) during the post settlement stage.
- ☐ Community conflicts
- ☐ Proper institutional arrangement and stability.



WHAT IS THE SOLUTION?

- ☐ We have an obligation to implement sustainable Restitution projects to contribute towards fulfilling the broad mandate of Land Reform.
- ☐ Sectors collaboration is key
- ☐ The intention is to strengthen our working relationship with DoT for post settlement support
- ☐ Identification of value chains models

“Our strategic vision is to create vibrant , equitable and sustainable rural communities”.



