



RIPARIAN RIGHTS OF FARMERS

PRESENTATION TO THE PORTFOLIO COMMITTEE ON WATER AND SANITATION

DATE: 02 NOVEMBER 2016



**rural development
& land reform**

Department:
Rural Development and Land Reform
REPUBLIC OF SOUTH AFRICA

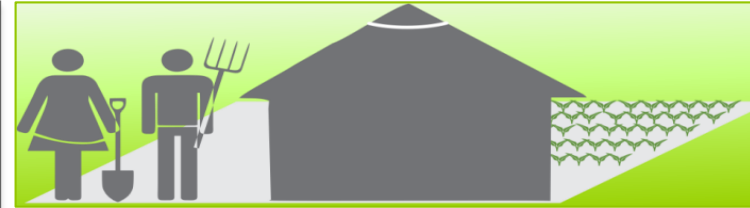


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PRESENTATION OUTLINE

1. Mandate of Land Reform in South Africa
2. Green paper key principles of Land reform
3. NDP vs Land Reform
4. Four Pillars of Land Reform
5. Land reform Delivery statistics.
6. Water Rights on Land Reform

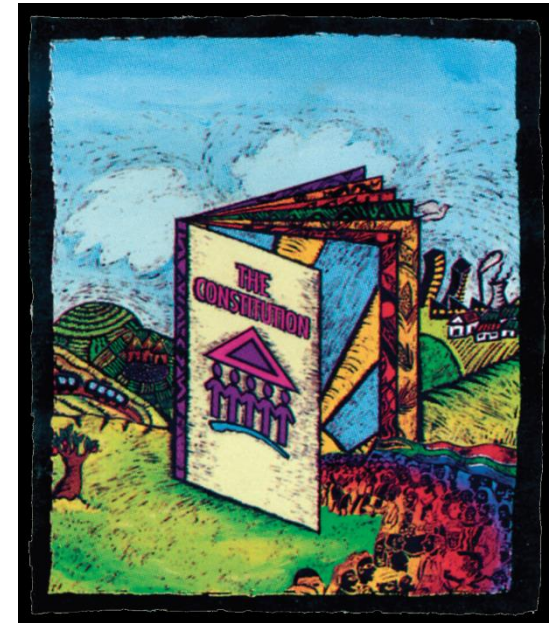


LAND REFORM MANDATE

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)).***



GREEN PAPER ON LAND REFORM 2011

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:

- a) that all land reform farms are 100% productive;**
- b) and, 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:

- a) deracialize the rural economy;**
- b) promote democratic and equitable land allocation;**
- c) 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.**



NATIONAL DEVELOPMENT PLAN

The **National Development Plan**

asserts that various models of land acquisition and redistribution should be considered to resolve the slow pace of land reform and the lack of successful implementation of policy at the local level.

With this in mind, the NDP contends that land reform should be based on the following principles:

- ❑ Make space for more rapid transfer of agricultural land to black land reform beneficiaries without diminishing private sector confidence in agribusiness or causing distortion of land markets;
- ❑ Provide essential opportunities for education and skills transfer to land reform beneficiaries to promote sustainable and productive land use;
- ❑ Ensure that cases of opportunism, speculation and corruption in land markets are prevented through effective monitoring institutions;
- ❑ Change land-transfer targets to better match economic realities so that land is transferred rapidly and efficiently; and
- ❑ Provide opportunities for white commercial farmers and the private sector to participate in land reform initiatives so that they can contribute to emergent black farmers' success.

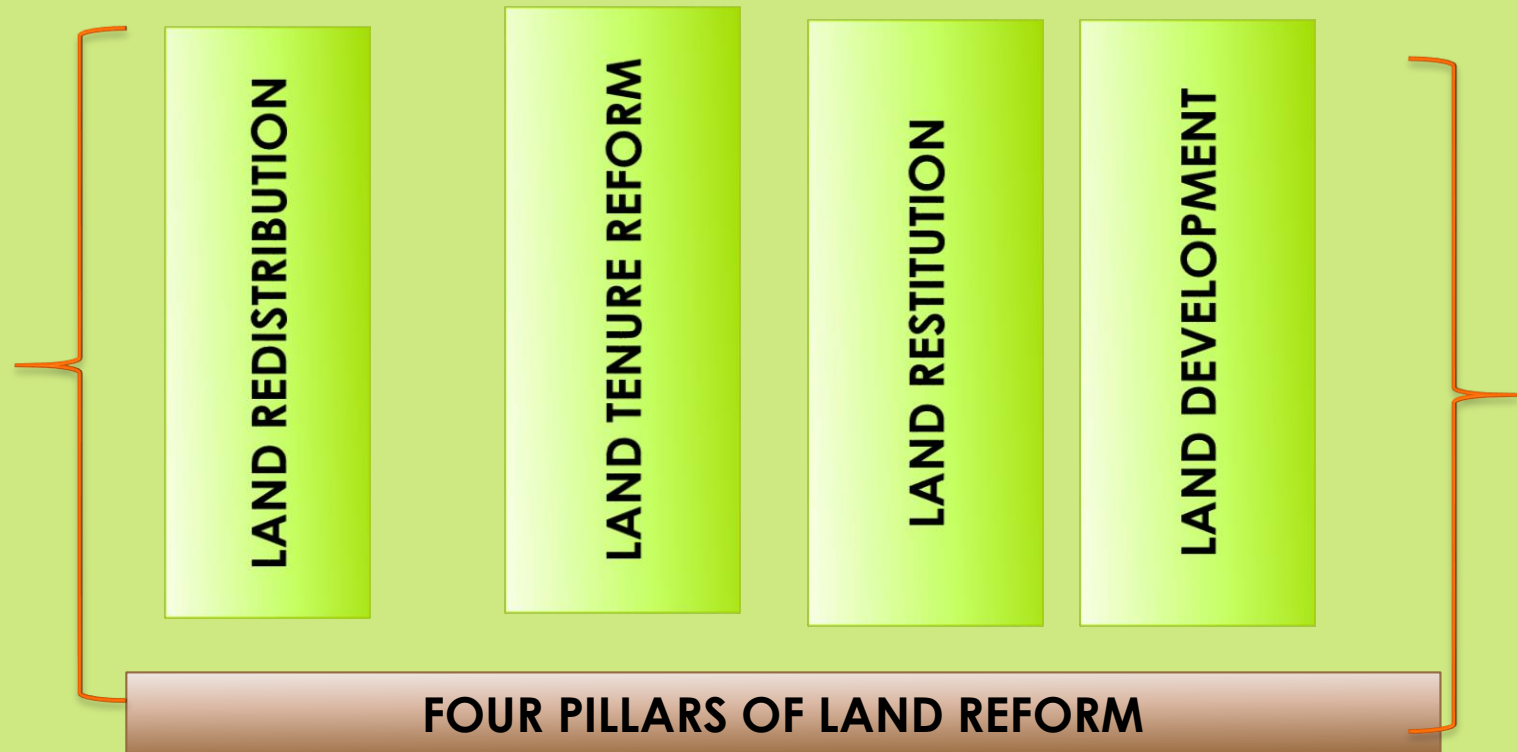


1HH1HA IMPLEMENTATION STRATEGY



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LAND REFORM PROGRAMMES



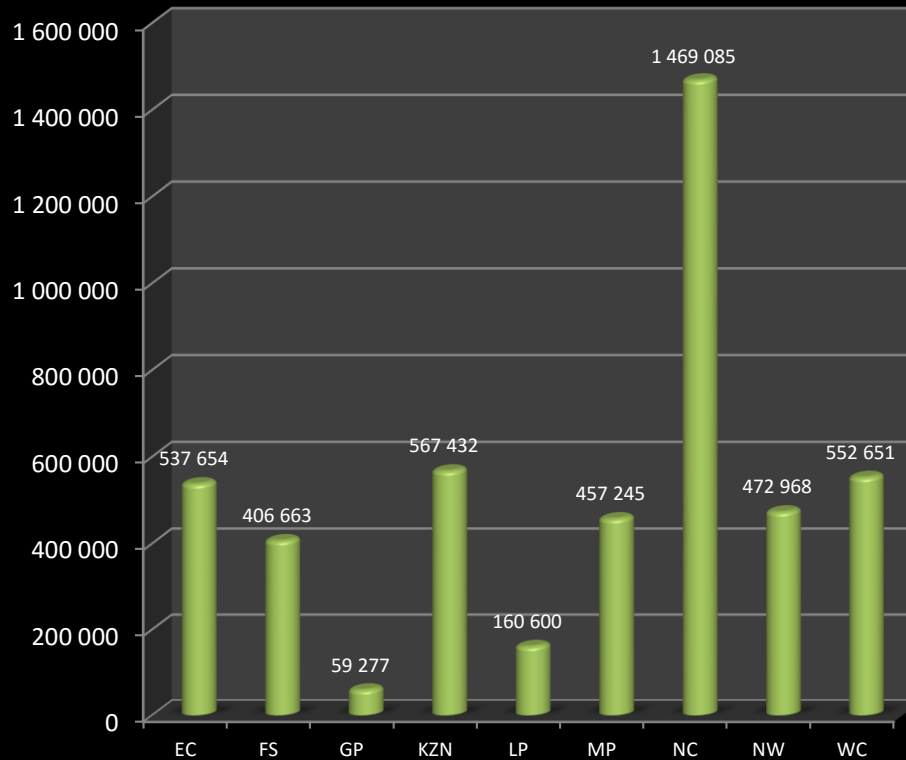
STATISTICAL PERFORMANCE TABLE

PSSC	REDISTRIBUTION STATISTICS 1994 - MARCH 2016													
	Farms			Land		Target Groups								
	Farms	SRR	Incubation and Training	Hectares	Allocated To Smallholder Farmers	Beneficiaries	Woman	House Holds	Youth	Farm Dwellers	Labour Tenants	Military Veterans	Agric Graduates	People with Disabilities
EC	867	4	0	536 269	15 618	26 731	3 851	1 398	2 506	1 470	15	4	0	29
FS	878	3	0	406 663	14 729	8 156	2 293	2 184	1 004	990	0	0	0	1
GP	399	0	0	59 277	1 114	7 476	1 032	5 994	443	718	10	0	0	2
KZN	900	0	1	568 700	18 285	77 299	21 760	42 487	14 398	51 868	5 138	1	28	68
LP	397	3	1	160 599	12 176	9 880	1 204	6 086	836	100	171	3	8	35
MP	633	0	0	470 445	7 634	17 763	3 890	18 017	2 129	5 557	2 607	0	0	21
NC	365	0	2	1 467 316	148 962	2 085	1 178	4 231	703	11	4	1	0	35
NW	527	0	17	472 968	15 994	58 067	22 791	33 038	3 521	4 170	4	3	35	385
WC	322	1	0	554 431	12 872	28 593	10 383	9 454	8 773	11 577	0	2	0	145
TOTALS	5 288	11	21	4 696 669	247 384	236 050	68 382	122 889	34 313	76 461	7 949	14	71	721

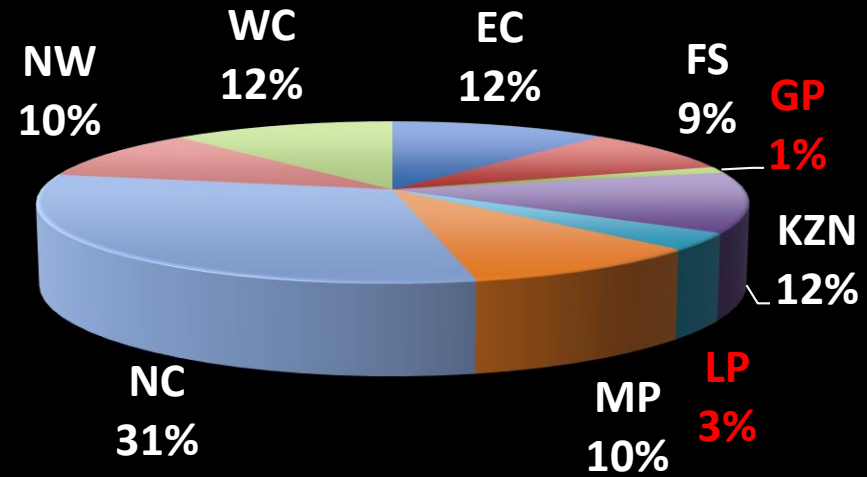


Land Acquisition Summary (Hectares)

Hectares Acquired Per Province 1994 - 2016



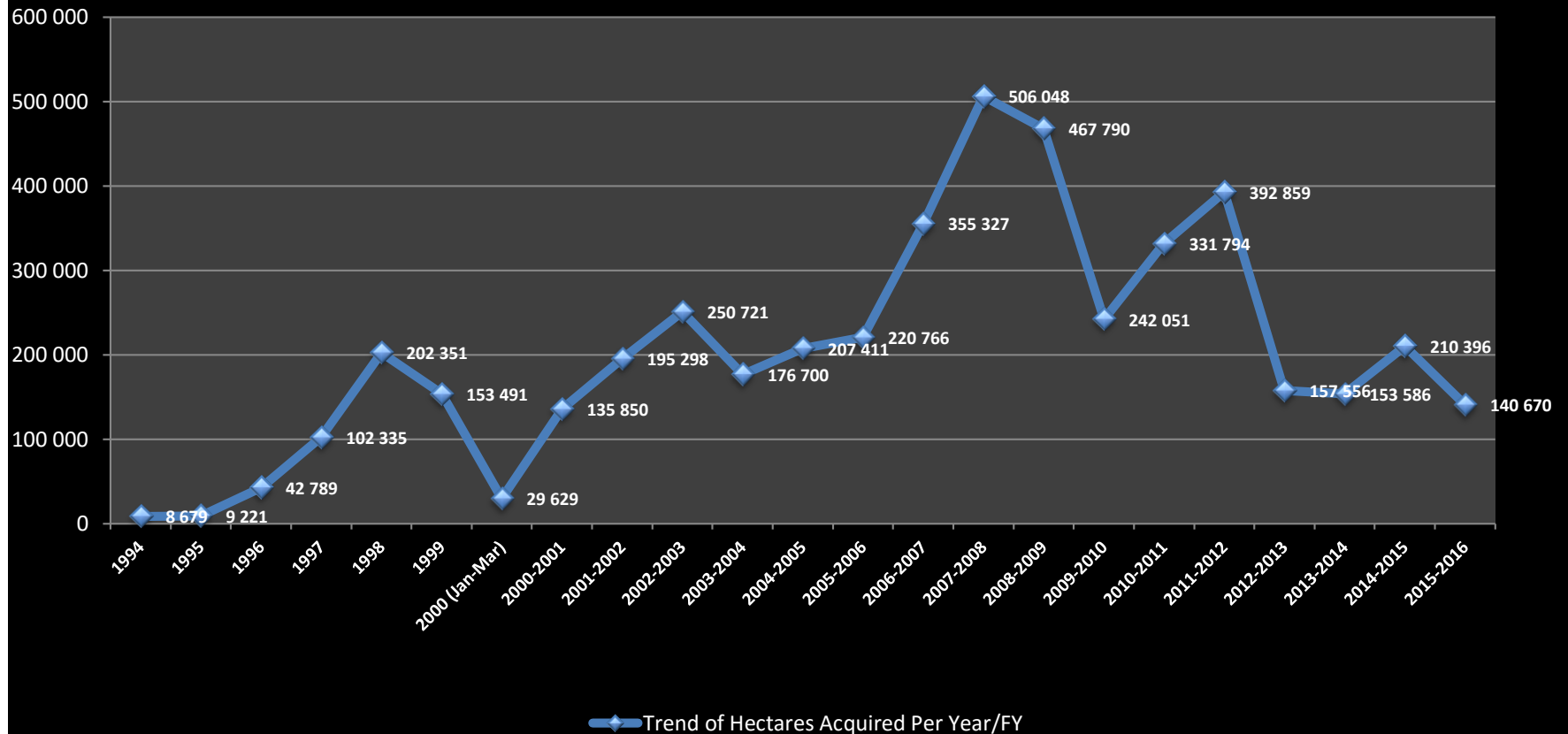
Provincial Contribution



Land Delivery Per Year – Cumulative Data

Land Acquisition Table 1994 - 2015

Trend of Hectares Acquired Per Year/FY



LAND RESTITUTION PROGRAMME

Delivery as at 31 March 2016

- 78 750 land claims have been settled, and 7419 are outstanding.
- 3.3 million hectares have been awarded to successful claimants that have chosen land, of which 1.9 million hectares have already been transferred to beneficiaries.

PROVINCE	CLAIMS SETTLED	HECTARES	LAND COST	FIN COMP	DEVELOPMENT ASSISTANCE	TOTA AWARD	OUTSTANDING CLAIMS
E CAPE	16626	142515	44 720 136.29	2 692 141 286.62	521 166 765.76	3 258 028 188.67	828
F STATE	2692	55207	55 389 402.95	424 780 693.10	42 153 344.61	522 323 440.66	2
GAUTENG	13333	13393	103 423 552.57	757 207 840.91	77 575 726.38	938 207 119.86	239
KZN	15280	821297	6 758 049 639.59	2 270 497 571.01	1 244 944 615.55	10 280 033 826.15	2010
LIMPOPO	3902	684148	4 126 174 191.64	790 655 318.68	878 370 718.19	5 795 200 228.51	530
MPLANGA	2922	505228	5 790 700 750.47	620 086 149.97	412 442 048.70	6 823 279 449.14	2580
N CAPE	3762	651033	641 935 353.15	991 962 137.90	206 327 616.53	1 840 225 107.58	115
N WEST	3822	444186	2 258 062 236.06	474 257 163.71	484 027 334.15	3 216 346 733.92	47
W CAPE	16411	10977	132 470 653.72	1 224 117 474.89	335 575 827.92	1 692 204 956.53	1068
TOTAL	78750	3327984	19 910 925 916.44	10 245 705 636.79	4 202 583 997.79	34 365 849 051.02	7419



WATER RIGHTS ON LAND REFORM FARMS

- The Department of Rural development and Land Reform and Department of Water and Sanitation have signed an MOU and are members of the NLARCC(National Land Allocation and Recapitalization Control Committee)
- Where land awarded to beneficiaries has water rights, it is acquired together with the water rights.
- As part of the process to determine the value of the land to be acquired a determination is made of registered water uses / existing lawful water use.
- The sources of information includes the Department of Water Affairs (WARMS), Water Management Agencies, Irrigation Boards, etc.
- The Sellers are required, in the sale agreement, to pay for water use up to the date of transfer.



WATER RIGHTS ON LAND REFORM FARMS CONTINUE....

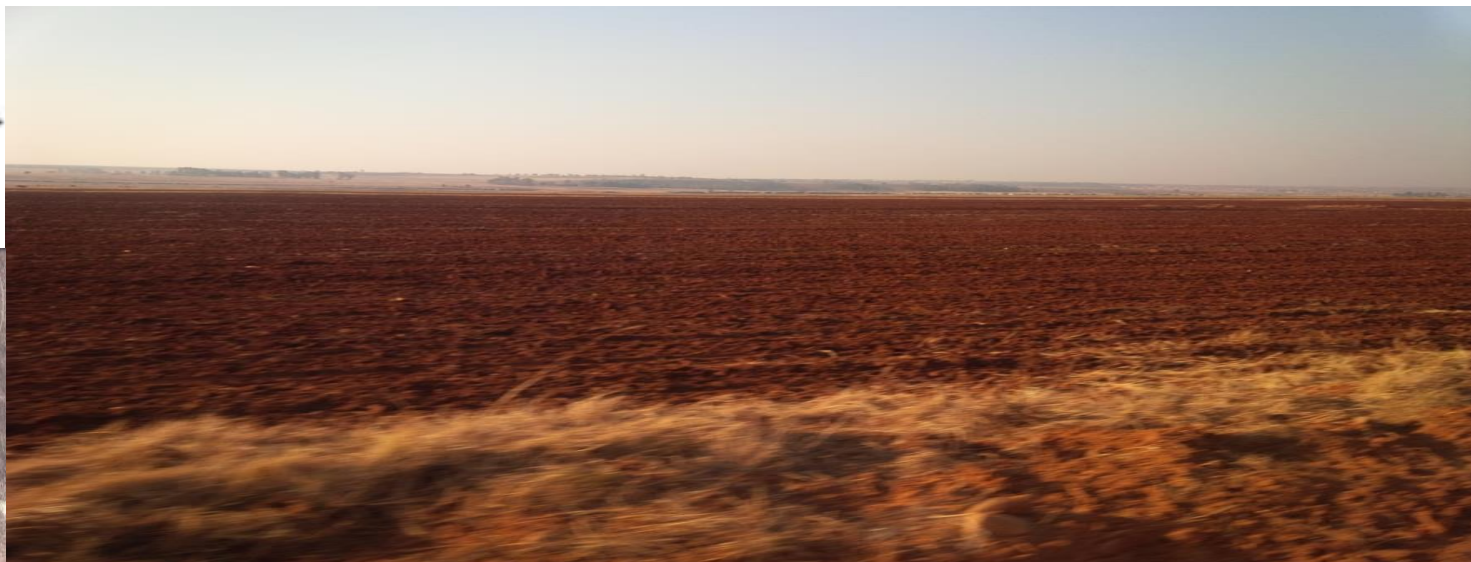
- NB: In some land transactions the Department has discovered that some land owners use water with no use rights certificate.
- NB: All Land Reform farmers especially under Land Redistribution (PLAS), the department has to assist farmers to obtain use rights certificate after land transfer.
- Water use rights are currently allocated to the farmer/land owner not to the farm, when the farmer sells to the State, the water maybe lost.
- The Legislation or policy must be reviewed to ensure that water rights are allocated to the farm rather than the farmer who can sell it privately.
- In most cases the water rights certificate has expired but the land owner still uses water and becomes problematic when the State buys through Land reform.
- Deviation of the source of water to privately owned farms is illegal and the Department has examples of this scenario in one of the farms currently being processed in KZN.





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THANK YOU

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