

# INTEGRATING LAND REFORM WITH LOCAL LEVEL PLANNING

Chris du Plessis

*Chief: Town and Regional Planner, Department of Land affairs, Pretoria*

## 1. Background

The Departments of Land Affairs and Agriculture are currently reviewing the land redistribution programme in order to forge a more co-ordinated and integrated approach to land redistribution and agricultural development. A major objective of this approach is to ensure the sustainability of the land reform programme. This process will most likely result in a new integrated approach to delivery with clear guidance on delivery systems for particular products.

The above review process provides an opportunity to integrate local land reform needs with the local planning processes undertaken, *inter alia*, by District Councils (DC). Planning at a local level should further be rooted in the Integrated Sustainable Rural Development Strategy (ISRDS) being launched by the Office of the Presidency, which aims to involve all three spheres of government along with traditional leaders.

This article aims to provide a background to foster debate around possible guidelines to promote the inclusion of land reform needs in the local level planning processes. It also examines the role DCs should play within the constitutional principle of co-operative governance and the supportive role the Department could play through the so-called LDO Grant.

## 2. Introduction

Planning at a local level is currently regulated, *inter alia*, by two distinct pieces of legislation. In addition the Departments of Land Affairs and Provincial and Local Government are proposing amendments and/or additions to this legislation.

Currently Chapter IV of the Development Facilitation Act, 1995 (DFA) requires municipalities in those provinces that opted to adopt

this part of the DFA, to set land development objectives (LDOs) for approval by the provincial MEC responsible for planning. In essence, LDOs represent a shift from the traditional "structure planning" process that municipalities followed in the past towards a strategic planning process. By following a more strategic process municipalities set out a development vision, determine development goals and objectives and set development priorities through a process of public consultation. This is achieved by adhering to the process prescribed through provincial regulations.

More or less a year after the DFA was promulgated the Local Government Transition Act Second Amendment Act 97 of 1996 placed a legal requirement on all municipalities to prepare integrated development plans (IDPs). In terms of that Act an IDP is defined as a plan aimed at the integrated development and management of the area under municipal jurisdiction. This plan has to consider the LDOs prepared in terms of the DFA, where applicable and is further complemented by an operational plan which determine the operational policies of the municipality to deliver on the development objectives and include a system to monitor performance in this regard.

The Western Cape and KwaZulu-Natal provinces opted to produce provincial planning legislation regulating integrated development planning<sup>1</sup>. With the exception of LDOs in the case of KwaZulu-Natal the planning legislation for that province complements the DFA by

<sup>1</sup> A possible explanation for this can be found in Schedules 4 and Schedules 5 of the then Interim Constitution, which determined that municipal planning, is a concurrent legislative competence while provincial planning is an exclusive provincial competence.

addressing provincial specifics. The Western Cape departed from the spirit of the DFA and rather opted to retain some of the elements of the former planning system and including new procedures. Municipalities in these provinces are however obliged to implement IDPs as

municipal planning is seen as a concurrent function and provincial governments have no power to counter the legal requirement placed by national government on all municipalities (Oranje, 2000, p. 10). The Northern Cape province followed suite and promulgated a provincial planning act earlier this year.

## 3. Revision of the local planning processes

The Development and Planning Commission, established in terms of the DFA, finalised a Green Paper on Development and Planning<sup>2</sup> during May 1999, which was accepted by the then Minister of Land Affairs as the Green Paper on Development and Planning of the Department of Land Affairs.

Chapter 3 of the Green Paper introduces a spatial planning system for South Africa which, calls for a spatial planning system with two broad dimensions. One is routed in a normative proactive planning system that defines desirable outcomes while the other deals with land development and management. In essence the latter relates to regulating land use changes and the protection of rights in relation to land.

"Spatial planning" is described as "...a public sector activity which creates a public investment and regulatory framework within which private sector decision-making and investment occurs" (Department of

<sup>2</sup> The Green Paper makes proposals on a spatial planning system for both urban and rural areas.

Land Affairs, 1999, p. 21). Furthermore, it calls for the revision of Chapter IV of the DFA, which deals with LDOs, to clarify the spatial element of the integrated development plan as proposed in the Municipal Systems Bill (Department of Land Affairs, 1999, p. 71).

A critical challenge at this point in time especially in rural area of South Africa is to ensure that local level planning address land reform priorities identified by the communities and landless. The Development and Planning Commission elaborated on the proposed spatial planning system for rural areas by indicating, *inter alia*, that such a system must support and provide content to the ISRDS of the Office of the Presidency. The end product of implementing a spatial planning approach is a strategic plan and a local management plan with a set of procedures for decision making. This has to be undertaken with the view of ensuring sustainability. It is envisaged that the newly created category C Municipalities, which are essentially the current DC and category B municipalities which incorporate the hinterland of rural towns, will take responsibility for implementing spatial planning (Development and Planning Commission, 2000, p. 2). The minimum content and process requirements of this process needs to be drafted within the broader integrated development planning initiative driven by the Department of Provincial and Local Government.

The minimum content requirements of the integrated development plan will be legislated by the Department of Provincial and Local Government, through promulgation of the Municipal Systems Bill. Other national departments, including Housing, Water Affairs, Transport and Environmental Affairs also require municipalities to prepare plans to address sectoral requirements. The Municipal Systems Bill is seen as the mechanism through which the different planning requirements of the departments will be integrated into one planning process.

In an attempt to make planning more efficient and cost effective, the Department of Provincial and Local Government is proposing the revision of the current IDP

guidelines published a while ago with the aim of reducing the amount of planning required from municipalities. It is further proposing to draft a basic framework to guide planning at a local level with guidelines on the planning requirements of other national departments being provided by the respective departments. These departments will draft guidelines to guide municipalities in fulfilling their planning requirements.

The revision of planning requirements, provide an opportunity for the Department of Land Affairs to ensure that land reform needs are incorporated into the planning process. Similarly, the guidelines for integrating environmental planning into the land reform process are currently being drafted and will contribute to the Department of Land Affairs' input while strengthening the land reform component of development plans.

Clear guidelines that address the spatial concerns of the integrated development plan, land reform needs and the sustainability issues associated with land reform and land development in general needs to be provided by the Department of Land Affairs.

#### **4. Institutional arrangement for locating land reform in the local level planning process**

The closer relationship between Land Affairs and Agriculture necessitates that both departments, preferably at a district level, are represented on the structures responsible for drafting integrated development plans. Provision should also be made for community representation and NGOs involved in land reform and rural development.

As far as practically possible, membership of this structure should be balanced in such a manner that public and private interests are equally represented<sup>3</sup>. This could be achieved by allowing an equal number of members from government departments and communities to participate in the

<sup>3</sup> *The issue of representation needs to be carefully considered to ensure that private sector interests (e.g. mines and industry) don't dominate the process.*

structure. Should NGO/CBOs play a more prominent role in articulating the land reform needs of the communities in the area, the nature of their participation should be negotiated with the structure. The structure should be free to determine its own rules of engagements and procedures.

#### **5. Support of local level planning by Land Affairs**

To date Land Affairs has supported the drafting of LDOs by making a grant available to poor and under resourced municipalities mainly in rural areas of South Africa. The purpose of the grant is to fund those municipalities that lacked capacity and skills to produce LDOs. Municipalities qualify for funding by demonstrating that the planning process would include planning for land reform.

At the end of 1998 a review was commissioned of the LDO endeavors in the North West and Gauteng provinces. This review concluded, *inter alia*, that planning for land reform was not sufficiently addressed or that no attempts were made to address land reform. Furthermore, the bulk of the grant was utilised to remunerate consultants to produce planning reports which did not reflect the development needs of the landless and the poor.

Land Affairs is proposing to amend the policy on the LDO grant to support the drafting of the spatial component of the integrated development plan. The grant should be used for providing capacity support to DC to undertake spatial planning and to ensure that the guidelines drafted by Land Affairs on spatial planning, land reform and environmental planning are mindfully followed during the planning process. Funds could be transferred directly to DC to boost capacity or the funding of the support centers proposed by DPLG could be considered.

This support could be in the form of a land reform specialist at the district level in each province to ensure that land reform needs are addressed within the context of

spatial and environmental planning<sup>4</sup>.

Grants to municipalities are currently under review by the Department of Finance with a view to building financial management capacity at local level before support in other areas is considered. A current proposal by this Department entails the consolidation of the various relatively small grants into a single municipal support grant with an initial focus on building the financial management capacity of municipalities.

## 6. Conclusion

Reviewing the planning requirements placed on municipalities is critical to ensuring a sustainable transformation of the local sphere of government. The initiatives undertaken by Provincial and Local Government should be supported by Land Affairs and Agriculture to ensure that land reform is integrated with local level planning processes, especially where other national Departments are committed to implementing land reform in order to achieve long term sustainable rural development.

Guidelines on the inclusion of land reform in local planning should be finalised once the department has completed the revision of the land reform delivery process.

## References

Department of Land Affairs and Development and Planning Commission. 1999. *Green Paper on Planning and Development, May 1999*. Pretoria.

Development and Planning Commission. 2000. *Rural Spatial Planning Submission, March 2000*. Pretoria.

ORANJE, M, C. 2000. Should provinces/regions have their own planning Acts? An exploration of the debate using the post-1994 South African experience. Paper read at the Planning Research 2000 Conference, London School of Economics, London, United Kingdom, 27-29 March 2000.

## List of interviewees

Greg Albertyn. Technical Advisor, DLA/DANCED project, Department of Land Affairs, Nelspruit.

Hans Eschweiler, Chief Technical Advisor, DLA/DANCED project, Department of Land Affairs, Pretoria

Carmen van der Merwe, Acting Director: Redistribution Policy and Systems, Department of Land Affairs, Pretoria.

Sibusiso Xaba, Director: Land Development Facilitation, Department of Land Affairs, Pretoria .

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<sup>4</sup> The Department of Land Affairs is currently redrafting the LDO Grant policy to reflect the new focus of the Department's support at this level.