



agriculture, land reform & rural development

Department:
Agriculture, Land Reform and Rural Development
REPUBLIC OF SOUTH AFRICA

INTERIM PROCEDURES AND COMPANION PROFORMAS GOVERNING COMMUNAL LAND REVENUE-GENERATING ACTIVITIES AND LAND DEVELOPMENT DECISIONS WHICH REQUIRE THE CONSENT OF THE MINISTER OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT AND LAND REFORM AS THE NOMINAL OWNER OF THE LAND.

1. BACKGROUND

In South Africa there are parts of the country where land which is de facto owned and occupied by African people is held in trust by the Minister of Rural Development and Land Reform. In many such instances, the government is the nominal owner of the land because of previous racially discriminatory laws and practices which prohibited African people from owning land in their own right but rendered minors with the State as the Trustee for such land.

2. DISPUTES CAUSED BY LACK OF CLARITY

- 2.1. The lack of clarity about the status of such land has created serious disputes in most of these areas. Disputes are often triggered when a change in land use or development is proposed. These disputes arise at community level when proper consultation has not been conducted prior to proposed development, consequently the state through these Interim Procedures seeks to ensure that due diligence through facilitated Community Resolutions is done in order to enable the Minister to ratify the community decision on the proposed development.
- 2.2. These disputes tend to generate into a conflict over power and authority between government on the one hand, local communities as well as Traditional Authorities on the other hand on issues relating to land ownership and sometimes jurisdiction. When such disputes occur, the Traditional Leader accused government of disregarding their land rights by treating the land as if state owned. Local and provincial governments on the other hand complain that Traditional Authorities are using their rights to keep government out of the area, thus depriving the people living in these communities access to government resources and assistance and ultimately development. It is necessary to clarify the rights and responsibilities of all parties involved. This should provide clarity and end the confusion which in some instances has led to disputes.



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3. NEW LEGISLATION TO PROVIDE LEGALLY SECURE TENURE TO INFORMAL LAND RIGHTS HOLDERS

3.1 It is the policy of the Department of Agriculture Land Reform and Rural Development as set out in the South African Land Policy of 1997 that people who have been living for generations in communal areas should be treated as owners of the land. This also includes people with beneficiary occupation rights on this land.

3.2 Further the rights of people living in communal areas are protected by the "Interim Protection of Informal Land Rights Act, Act Number 31 of 1996 (IPILRA). The Department is in the process of developing a Tenure Legislation which will amongst other areas cover communal land.

4. NEED FOR INTERIM PROCEDURES

4.1. Currently, because the land is nominally owned by the Minister, various decisions in respect of the land have legal status only if they are ratified by the Minister as the trustee. These decisions relate to matters such as land development, subdivision, granting of servitudes, access for professional hunting, leases, mortgages, sales and land allocation. It is important to note that in spite of these legal requirements communities continue to allocate land without the knowledge or approval of nominal owner of the land. In most instances, the Traditional Leaders are seen as the custodian of the land on behalf of the people in their areas.

4.2. Decisions pertaining to the land in communal areas are made by the majority of members of the community. If the decisions have been properly taken and can be shown that they reflect the view of the majority of the land rights holders and particularly those people who will be affected by the decision, then the Minister's role should simply be to ratify such decision.

4.3. Until ownership of the land in these areas is transferred to the communities with de facto rights through the Land Tenure Legislation once assented to by the President, the Minister is under a fiduciary duty as trustee, to uphold and protect the rights of all the beneficiaries of such land. The Minister is also under a duty to ensure that the decisions he or she makes are consistent with the provisions of section 25 of the Constitution. Furthermore, his or her decisions cannot undermine the land rights of the people as set out in the Interim Protection of Informal Land Rights Act, Act No. 31 of 1996.



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- 4.4. In this regard, it was necessary that a set of Interim Procedures be developed to govern the circumstances under which decisions pertaining to land development are made by the de facto land rights holders and ratified by the Minister as the nominal owner. Such Procedures should provide a clear framework and increased certainty to those wishing to embark on the development in communal land. They should also enable the Minister to ascertain that the decisions taken reflect the views of the majority of de facto land rights holders and as such do not jeopardize or undermine the rights of anybody. The Minister's ratification of such decisions will be conditional on advice and provision of supporting information to that effect by the departmental officials.
- 4.5. In situations of group based, communal and /or tribally based land rights the members of the relevant group, community or tribe should be treated as the co-owners of the land, even though legal ownership may be held by the State. Any decision in respect of ownership issues is valid only if it reflects the views of the majority of the rightful owners of the land.
- 4.6. A critical feature of the 1997 Land Tenure Policy is that ownership of communal land vests not in, Traditional Leaders/Authorities or committees but in the members of the community which holds the rights to the land. This position is consistent with customary law in terms of which the land belongs to the entire group and not to the Traditional Leader or Traditional Authority. The role of the Traditional Authority in issues relating to the land is that they are the custodians of the land.
- 4.7. This has major implications for the processes in terms of which decisions pertaining to land ownership issues are taken. The members of the group or traditional community are the co-owners of the land. This does not imply that all the members have equal and undivided shares in the land. Households have strong rights to their own homesteads, plots and fields, which are protected under the Interim Protection of Informal Land Rights Act, Act No. 31 of 1996 and have undivided shares to the remainder of the land. The rights of the individuals are subject to the rights of the others.



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5. MAJORITY DECISIONS BY LAND RIGHTS HOLDERS

The decisions relating to land rights must be taken by the majority of members of the group or community present in the meeting. The South African Land Policy of 1997 states that:

"While the Department of Agriculture Land Reform and Rural Development is committed to the recognition and protection of pre-existing land rights which were undermined by colonialism and apartheid, it is equally committed to protecting and upholding the basic human rights of all South Africans. In particular, the rights of members of group-based land holding systems must be protected, especially the process of inclusive decision making in all matters pertaining to the management of the jointly held land asset".

- 5.1.1. This means that where government wishes to introduce any change or development in an area it must have effective access to all the land rights holders (co- owners) in the area so that they are in a position to decide about matters which will affect their land rights. It is not acceptable or enough for the Traditional Authority or committee to reject or accept proposals unless their view is expressed based on the decision of the majority of the members of the community. A Traditional Leader/Authority cannot make a resolution on behalf of the community; the community members must be present and make the decision themselves. A Traditional Leader /Authority may be part of the meeting and together with the community make a resolution. In the event the Traditional Leader holds an opposing view to the majority of the land rights holders, the view of the majority of the members present still prevails.

6. ISSUES OF PRINCIPLE

6.1. CONSULTATION OF THE LAND RIGHTS HOLDERS ABOUT THE PROPOSED CHANGES

- 6.1.1 First and foremost any proposed changes should not dispossess people of their land rights without their consent. This will be unconstitutional and also illegal in terms of the Interim Protection of Informal Land Rights Act, Act No. 31 of 1996. Thus, any subgroup of people who have rights (including informal land rights as defined by the Act) to an area which is affected by the proposed changes must be consulted about the changes envisaged. This may raise the issues of compensation and alternative land for people who may lose land rights to a specific area as a result of those changes.



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6.2. MAJORITY DECISIONS BY CO OWNERS

- 6.2.1 The second most important principle is that the majority of members of the affected land rights holders present during the Community Resolution meeting should agree with the proposed changes if the proposed development is to go ahead. This is on the basis that they are the rights holders in the land and thereby have the status of being co-owners of the land.

6.3. GENDER EQUALITY

- 6.3.1. The third principle is that proposed changes must not violate the Constitutional right to equality for women. In terms of the Constitution of the Republic of South Africa, women have the right to equal treatment as men. As a representative of government, the Minister cannot agree to changes which discriminate against women or any other vulnerable group in society.
- 6.3.2. Particular attention must be given to ensure that women are not left out in the distribution of any benefits arising as a result of the proposed development of the land and that they have an equitable role in decision making structures and processes.

6.4. PROTECTION OF EXISTING RIGHTS

- 6.4.1. The Interim Protection of Informal Land Rights Act, Act No.31 of 1996 seeks to protect the land rights of the people occupying land on a customary basis in the former homelands, South African Development Trust land and any other land where people have beneficiary occupation rights. In terms of this Act, such people may not be deprived of an "informal right to land" without their consent, except by expropriation which also requires that compensation at market value should be given.
- 6.4.2. The Act defines informal rights to land to include:
- a) The use of, occupation of, or access to land in terms of:
 - I. Any tribal, customary or indigenous law or practice of a tribe
 - II. The custom, usage or administrative practice in a particular area or community, where the land at any time vested in:
 - aa) The South African Development Trust established by section 4 of the Development Trust and Land Act, Act no. 18 of 1936
 - ab) The government of any area for which a legislative assembly was established in terms of the Self-governing Territories Constitution Act, Act No. 21 of 1971 or



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- ac) The governments of the former Republic of Transkei, Bophuthatswana, Venda and Ciskei.
- b) The right of interest in land of a beneficiary under a trust arrangement in terms of which the trustee is a body or functionary established or appointed by or under an Act of parliament or the holder of a public office.
- c) Beneficial occupation of land for a continuous period prior to 31 December 1997.
- d) The use or occupation by any person of an erf as if he or she is in respect of that erf, the holder of a right mentioned in schedule 1 or 2 of the Upgrading of Land Tenure Rights Act, Act No. 112 of 1991, although he or she is not formally recorded in a register of land rights as the holder of the right in question

But does not include:

- e) Any right or interest of a tenant, labour tenant, sharecropper or employee if such right or interest is purely of a contractual nature and
- f) Any right or interest based purely on temporary permission granted by the owner or lawful occupier of the land in question, on the basis that such permission may at any time be withdrawn by such owner or lawful occupier.

6.4.3. The Act states that, where land is communally owned and the community decides to dispose of land, it must provide appropriate compensation to any person who is deprived of an informal right to land by such disposal.

6.5. DEMOCRATIC DECISION-MAKING PROCESSES IN COMMUNAL AREAS

6.5.1. Section 2(4) of the Interim Protection of Informal Land Rights Act, Act No. 31 of 1996 sets out the requirements for a properly constituted meeting. This subsection states that:

"For the purposes of this section the custom and usage of a community shall be deemed to include the principle that a decision to dispose of any such right may be taken by a majority of the holders of such rights present or represented at a meeting convened for the purpose of considering such disposal and of which they have been given sufficient notice, and in which they have had a reasonable opportunity to participate".

6.5.2. Because of the scope of the Act, this section deals only with decisions to dispose of land rights. However, for the purposes of these Interim Procedures the meeting requirements set out in the Act will apply to all land development decisions which require the consent of the owner, i.e. to matters such as communal land development, subdivision, granting of servitudes, leases, mortgages, sales and land allocation.



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6.6. CONDITIONS RELATING TO MEETINGS

- 6.6.1. It is important to note that the Act does not require the majority of rights holders to take decisions. It may be impossible in situations where there are tens of thousands of rights holders to call them all together and get a majority vote. The Act requires that the majority of those present or represented at a properly convened meeting should make the decisions. Thus, in an area where there are 6000 rights holders a meeting at which there were, say, 1000 people present would be adequate if the conditions relating to the meeting were met. The key condition is that all the rights holders must have been given sufficient notice and a reasonable opportunity to participate. The way in which people are informed about the meeting is critical. If they knew about it but chose not to attend or participate, their failure to attend should not jeopardize the success of the meeting. If on the other hand they were not informed or were intimidated in some way, they could oppose the decisions taken on the basis that they were excluded from the process.
- 6.6.2. It may not be possible or appropriate to hold only one Resolution meeting in all cases. Under certain circumstances it may be better to hold more than one meeting or a series of meetings with different stakeholders. This could be because of large distances and geographical factors or because of the danger of intimidation by the larger group. Thus, the Interim Procedures should not be limited to holding only one meeting as the Act implies. If more than one meeting is to be held, the notice for the various meetings must cover all the areas where informal rights holders, as specified in IPILRA, are affected by the decision.
- 6.6.3. The critical issue to be mindful of is that such meetings should be as representative as is possible and ensure that the stakeholders are able to put their views across in a constructive atmosphere. To this end the manner of calling the meeting should not itself be confrontational and cause conflict. Where the practice in the area is that meetings are called by the Traditional Authority, then the meeting should be called after consultation with it. In an instance where a Traditional Authority refuses to call a meeting as requested or prohibits the holding of meetings, a meeting shall be regarded as not been held and a resolution not taken. Where existing practices and traditions already ensure that meetings meet the requirements set out in IPILRA and allow government and other stakeholders to participate effectively, it is not necessary to change them.



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7. APPLICATION TO THE DEPARTMENT FOR APPROVAL FOR THE PROPOSED DEVELOPMENT OF THE LAND AGREED TO.

- 7.1. These Procedures apply in areas where the group, community or individual concerned has underlying ownership and historical land rights to the area, including beneficial occupation of the land.
- 7.2. The process begins when the initiator of the project approaches the Department to make the land available for the purpose of the project. The applicant may be any organ of the state, an individual/company investor or a community. In order to proceed with the proposed development, the applicant needs to obtain the permission of the owner of the land.
- 7.3. A developer needs to be certain that s/he is negotiating with the appropriate person to obtain the land. Investors generally do not want to tie their money where there is risk or uncertainty.

8 APPOINTMENT OF AN OFFICIAL TO FACILITATE THE LAND RIGHTS HOLDERS RESOLUTION

- 8.1. In order for the Minister as the nominal owner of the land to ratify group-based decisions pertaining to land development, he or she needs to satisfy him or herself that the rights of all beneficiaries have been protected in the decision making process and that the decisions are not against any law. The simplest way to do this is to send an official to witness and/or facilitate the decision making process, to establish whether any informal rights to land will be affected by the decision and how these rights are being accommodated in the proposed changes, and whether the changes protect the rights of women. Decisions on the distribution and administration of benefits arising from investment or development will also have to be witnessed and if necessary, facilitated.
- 8.2. Thus when decisions which require the Minister's consent, the Chief Director of the Provincial Shared Service Centre of the DALRRD must appoint an official of the department to visit the area, facilitate or witness the decision making process by the land rights holders to be affected by the proposed development. The official in consultation with the community concerned needs to prepare for the meetings in advance.
- 8.3. At least 21 working days notice or a reasonable period as may be decided by the community should be given prior to the actual Resolution meeting. The official will not be expected to attend meetings of committees or sub-committees formed to discuss details of the proposed development, only those meetings in which formal decisions are being taken about issues which require the consent of the owner.



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- 8.4. In preparation for a meeting where a community /land rights holders' resolution will be taken, village or administrative area meetings must be facilitated or witnessed by an official of DALRRD as appointed by the Provincial Shared Centre Chief Director.
- 8.5. The purpose of these meetings is to facilitate the adoption of Community /Land Rights Holders' Resolution and to appoint persons to liaise with the Department on behalf of the community. Depending on the size of the area concerned and complexity of the issues regarding the proposed development, one meeting may not be enough. The number of meetings must be agreed to with the affected people.

9 GATHERING OF PRELIMINARY INFORMATION ABOUT THE COMMUNITY

- 9.1. The official needs to gather preliminary information about the nature of existing land rights in the area concerned and ownership of the land. Part of this information may be obtained from the Chief Directorate: Property Management and Advisory Services in the form of maps, aerial photographs and deeds information. Further information must be obtained from key informants who are familiar with the area.
- 9.2. It may also be useful to engage with informants who are familiar with the dynamics of the area concerned. These may be community members or officials from the other spheres of government. They may assist in obtaining information on the stakeholders in the community and their relative importance. These informants may also provide information on levels at which important decisions are taken in the community and relations between the various stakeholders. In this gathering of preliminary information, it is necessary that the background information and purpose of the meeting be explained and the roles and responsibilities of the various parties clarified.

10. MEETING/S WITH STAKEHOLDERS PRIOR TO THE RESOLUTION MEETING

- 10.1. An initial meeting with all stakeholders' groups should be undertaken to explain the purpose and the background to the Interim Procedures and the desired outcomes (e.g. time frame, resolutions, legal requirements, equitable involvement of women, benefits). Specific information that may be provided is the following:
 - The legal status of the land and the obligations of the Minister as trustee or nominal owner of the land;
 - The land rights and responsibilities of the community;
 - The role of the various parties (Minister, rights holders and investor/developer);



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- Possible tenure arrangement that may be entered into with the developer;
- Valuation of the proposed land to be developed; and
- Who has the right to participate in the proposed meetings, the rules and the conduct of those meetings?

It must be explained that whilst decisions regarding land rights should generally be taken by those whose land rights are directly affected by the decision, those affected must in turn have due regard to the interests of the broader community

10.2. At this meeting the DALRRD official should explain the Department's Tenure Policy with respect to land rights holders.

These guiding principles of Tenure Reform are contained in the White Paper on South African Land Policy of 1997:

- Tenure Reform must move towards rights-based approach and away from permits (PTOs etc.)
- Tenure Reform must build a unitary non-racial system of land rights for all South Africans.
- Tenure Reform must allow people to choose a tenure system which is appropriate to their circumstances.
- All tenure systems must be consistent with the constitution's commitment to basic human rights and equality.
- In order to deliver security of tenure a rights-based approach has been adopted where in land ownership will be transferred to the community and registered in the entity chosen by the community.
- New tenure systems and laws should be brought in line with reality as it exists on the ground and in practice.

It also needs to be explained that IPILRA (Interim Protection of Informal Land Rights Act, 1996(Act no 31 of 1996) is a temporary measure that seeks to protect and prevents violation of existing de facto rights whilst legislation to provide a legally secure tenure is being developed.

10.3 The DALRD official should develop a strategy together with the community for convening the Land Rights Holders' meetings (e.g. the number of meetings, time, venue, dates, sufficient notice period, and the form of media for publication of the Notice for the meetings, the role each stakeholder will play in the meetings including women, the procedure and proposed rules for the meetings).



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11 LAND RIGHTS HOLDERS' MEETING/S

- 11.1. The appointed official must start the meeting by explaining the background to the meeting, referring to the issues tabled in the meetings of the stakeholders in paragraph 10.
- 11.2. The official should ensure that there is agreement among the rights holders on issues of proposed development.
- 11.3. The official should ensure that those present are aware of who will be affected by the proposed development, and who has decision making powers in respect of the discussions.
 - The decisions should be taken by majority of the Land Rights Holders present at the meeting and should receive the benefits accruing from the development.
 - The decision-making process should however consider the views and interests of other persons with vested interest on the land.
- 11.4. The official must facilitate the process whereby the community or Land Rights Holders take a resolution regarding the proposed development on their land. The meeting at which the community resolution is adopted may be preceded by several meetings at village level depending on the dynamics and the size of each community. The Land Rights Holder's Resolution must reflect the following:
 - Identified land for development
 - How the land is to be made available to investors or developers
 - The kind of development preferred on the identified land. (It is advisable to invite the Investor or Developer to present the development proposal.)
 - Administration of the benefits accruing from the change of land use. (The decision should be informed by information on the agency chosen to receive the benefits on behalf of the community or land rights holders and the legal arrangements, including lawyer's trust accounts regulated by agency agreements.)
 - Distribution of benefits to be accrued. (Specifically, the meeting must reach agreement on a project, or list of projects, to be funded from the benefits. This agreement is important in order to ensure that the funds are disbursed in accordance with the wishes of the community)
 - A decision on the compensation or alternative accommodation of land rights holders whose rights are directly affected by the proposed development in the selected area.
 - Role of structures (including Local Government and Traditional Authority structures) which must be consulted or play a role in the process of implementing the agreements reached.



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11.5. The official should facilitate agreement on the process to be followed in setting up a permanent committee. In these meetings the views of those who object to the proposed development or any point pertaining to the development need to be heard, especially in so far as they may feel that the resolution does not take into account their interests as Land Rights Holders. The objections need to be recorded in the Resolution to be signed by the Land Rights Holders.

11.5. Once decisions on the proposed development have been made, these must be captured in the relevant template. All the Land Rights Holders must sign the attendance register.

12 ISSUES TO BE COVERED IN THE APPOINTED OFFICIAL'S REPORT

- 12.1. What geographical area will be affected by the proposed change or decision? Identify the exact land involved in the proposed development and how the land is to be held by the beneficiaries.
- 12.2. Is there a sub- grouping of people with land rights (including informal land rights) to this specific area? The nature of such rights should be described, for example homestead plots, fields, a share in grazing rights , collection of firewood, building materials, etc. bear in mind the rights of some people currently leaving outside the immediate area could be affected by the proposed change or decision. (The determination of who precisely should be included in the category 'affected rights holders should lie with the rights holders themselves. If at any point, people assert that they are affected by the proposed change or decision, then their views should be considered.)
- 12.3. How will the proposed change affect such rights? If the land is to be used for another purpose, how will the rights of those affected be accommodated? For example, will they receive compensation, alternative land, the right to participate in the proposed development, etc.?
- 12.4. How have the people affected been consulted? Has the process been fair, inclusive and free from intimidation? What has been their response? Do they agree to the proposed changes? Do they agree to the proposed compensation, alternatives, etc.? In this regard, were there viable options for them to consider and choose between?
- 12.5. Is the area affected, the shared property of the bigger group, with no sub-grouping having exclusive use rights? If that is the case, which are the sub-groupings with overlapping and shared rights to the land at issue? Have all these sub-groupings been consulted about the proposed change and were representatives of all groupings present when the decision was taken to make changes?



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- 12.6. Does the proposed change potentially create new rights and benefits (for example a housing scheme) who will get this new rights and benefits? Will all members of the land holding group have equal access to the new scheme? If not, how will the beneficiaries be selected? Will the beneficiaries have to contribute to the scheme in some way? If so, in which way? Does this reflect a fair accommodation of the rights of the members of the group which are affected by the proposed changes?
- 12.7. How will the rights of women be affected by the proposed changes? Do the changes uphold the right of equality set out in the constitution?
- 12.8. In assessing whether the decision represents the views of the majority of rights holders the following factors should be recorded.
- 12.9. If the decision was taken at a general meeting of rights holders, was this the appropriate forum? Were all sectors and sub groupings free and able to voice their concerns in such a meeting? Was it necessary to hold separate meetings of affected stakeholders in order for sections of the community to attend and express themselves effectively?
- 12.10. Was the notice of the meeting effective in ensuring the presence of members of the land holding group at the meeting?
- 12.11. How many people attended the meeting? Were representatives of sub-groupings particularly affected by the decision present at the meeting? Were representatives of sub-groupings of the wider group present? (For example, wards, committees, headmen). A list of the names and status of people who attended in representative capacity should be annexed.
- 12.12. If there was no consensus, record the number of people who supported the decision as well as the number of people who opposed it.
- 12.13. The views of the people who opposed the decision must be recorded especially insofar as these are likely to be adversely affected by the decision.
- 12.14. If there are people who claim they were not notified of the meeting or the purpose of the meeting, or that they were excluded from meeting, must be recorded.
- 12.15. It must also be recorded whether the impact of the proposed decision was clearly motivated to the meeting. Whether there was a clear and accurate explanation of how existing land rights are likely to be affected and who would benefit from the proposed changes.
- 12.16. Were all those present afforded the opportunity to participate effectively in the meeting and to speak without fear of intimidation?



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13 NOTICE OF THE MEETING FOR OBTAINING COMMUNITY RESOLUTION

- 13.1. Procedural fairness dictates that those affected by decisions should receive the notice of the meeting timeously and should be given enough information to ensure effective participation.
- 13.2. The notice period must be adequate and reasonable, the Department is obliged to make sure that the medium is acceptable through which the affected land rights holders and other interested are to be notified and that they have the necessary information they need to make the right decisions.
At least 21 working days' notice or reasonable period as may be decided by the community must be given prior to the Land Rights Holder's Resolution Meeting in order to ensure attendance and participation by those affected.
- 13.3. Notice will have to be given again if during the meeting new issues arise or the meeting cannot continue for any unforeseen circumstances particularly when individual persons stand to be affected by the decision. If the change is significant it may hinder the ability to participate effectively because of insufficient time to prepare. The Notice period for this meeting will be determined in the meeting in which those issues arose or where a need for a follow up meeting has been expressed.

14. PROFORMAS FOR FACILITATING OR WITNESSING COMMUNITY RESOLUTION

- 14.1 Land Rights Resolution form, Facilitator/Witness Certificate, Attendance Register, Notice of the Meeting and Appointment letter for the facilitator/witness.



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INTERIM PROCEDURES AND THE COMPANION PROFORMAS APPROVED BY:

A. T. Didiza
MRS A T DIDIZA

MINISTER: AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

DATE: 17/07/2023

LAND RIGHTS HOLDERS' RESOLUTION IN TERMS OF THE INTERIM
PROCEDURES GOVERNING LAND DEVELOPMENT DECISIONS WHICH
REQUIRE THE CONSENT OF THE MINISTER OF RURAL DEVELOPMENT AND
LAND REFORM AS THE NOMINAL OWNER OF THE LAND AS APPROVED BY
THE MINISTER OF AGRICULTURE LAND REFORM AND RURAL DEVELOPMENT

Government Gazette No:

1. At a meeting of the

..... Land rights
Holders

at, district of Province of
.....

On the day Month.....Year 20.....

2. The purpose of the meeting being

.....
.....
.....
.....
.....

INTERIM PROCEDURES AND COMPANION PROFORMAS GOVERNING COMMUNAL LAND REVENUE-GENERATING ACTIVITIES AND LAND DEVELOPMENT
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3. Property description and extent (subdivision and extent if available)

.....
.....

4. Method of disposal required (tick with X)

Lease	Sale	Donation	Exchange	Servitude	Others, specify

5. Full details of the applicant: (Name and Surname, Physical Address and Contact number and alternative Contact Number

6. That the Land Rights Holders were informed of the meeting
days/months prior thereof, through the following **CHANNELS OF
COMMUNICATION**

.....
.....
.....
.....

7. That the Land Rights Holders who attended the meeting were approximately
.....members of whichadult males and
.....adult females.

- 8.1 That.....of the members who attended the meeting voted in
favour of the above resolution andvoted against it.

- 8.2 If voted against, state reason(s)

.....
.....
.....
.....



8.3 The Land Rights Holders Statement of Resolution. The land rights holders/community have resolved that:

[The page contains faint horizontal lines, suggesting it was part of a lined document or notebook.]

.....

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**(PLEASE NOTE THAT A SEPARATE AGREEMENT AND COMPENSATION HAS
TO ENTERED INTO WITH EACH AFFECTED INDIVIDUAL**

11. It was **RESOLVED** that

11.1. This Land Rights Holders Resolution constitutes a legal document and to give effect to it, the community agree with the contents of the Land Rights Resolution document and that the following **SIGNATORIES**¹ sign this Land Rights Holders Resolution on behalf of the Community, and the following signatories² will sign the agreement taken by the community on their behalf to give effect to the decision to develop the land.

11.1.1 Name:

Capacity:

Signature:Date.....

11.1.2 Name:

Capacity:

Signature:Date.....

11.1.3 Name:

Capacity

Signature:.....Date.....

PLEASE ATTACH:

**1. THE COMMUNITY RESOLUTION ON THE INDIVIDUALS ELECTED TO
REPRESENT THE COMMUNITY**

¹ Where circumstances dictates, additional signatories may be added

² For the purpose of signing a lease agreement where applicable, it is recommended that the Chairperson be nominated to sign a lease agreement on behalf of the community.

INTERIM PROCEDURES AND COMPANION PROFORMAS GOVERNING COMMUNAL LAND REVENUE-GENERATING ACTIVITIES AND LAND DEVELOPMENT DECISIONS WHICH REQUIRE THE CONSENT OF THE MINISTER OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT AND LAND REFORM AS THE NOMINAL OWNER OF THE LAND.



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2. **THE DEVELOPMENT PROPOSALS CITING THE BENEFITS, LAND AND EXTENT, TIMEFRAMES FOR DEVELOPMENT SIGNED BY THE DEVELOPER/AUTHORISED REPRESENTATIVE**
3. **LETTER OF AUTHORISATION WITH PARTICULARS OF THE INDIVIDUAL REPRESENTING THE DEVELOPER.**



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FACILITATOR/ WITNESS CERTIFICATE

I the duly appointed Official from the
Department of Agriculture Land Reform and Rural Development hereby certify that:

I. I have attended the meeting of the
Tribe/Community/Land Rights Holders under the chairpersonship of
.....

Property description and extent
Convened for the purpose of considering this resolution.

II. The facts set out in the above resolution are to the best of my knowledge, true and
correct and this is a true record of the proceedings at the meeting.

III. The nature of the rights are
.....

Strike out where necessary:

- a) The development **will/ will not** lead to a change in the rights of the community.
- b) Those whose rights are affected **have been/have not been** accommodated
- c) There **are /there are no** overlapping land rights
- d) **New rights & benefits are created/ no new rights & benefits are created**
- e) The rights of women **have improved/stays the same /are worse** because of the
development decision.

IV. The signatories affixed their signatures to this document in my presence.

V. I have to the best of my ability explained the purpose and the legal implications of
the said resolution to those present and represented at the meeting.

SIGNED ON THE DAYMONTH.....YEAR 20.....

AT.....

SIGNATURE:.....

PERSAL NUMBER:

DESIGNATION:.....



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ATTENDANCE REGISTER

**LAND RIGHTS HOLDERS RESOLUTION MEETING IN TERMS OF THE "INTERIM
PROCEDURES GOVERNING LAND DEVELOPMENT DECISIONS WHICH REQUIRE
THE CONSENT OF THE MINISTER OF RURAL DEVELOPMENT AND LAND
REFORM AS THE NOMINAL OWNER OF THE LAND" HELD ON DAY
.....MONTH.....YEAR 20AT**

Pageof

**Meeting ofCommunity/Land
Rights Holders**

Venue:

Date:

No	Name & Surname	Gender	Identity number	Place/Section	Physical address	Contact Number

INTERIM PROCEDURES AND COMPANION PROFORMAS GOVERNING COMMUNAL LAND REVENUE-GENERATING ACTIVITIES AND LAND DEVELOPMENT DECISIONS WHICH REQUIRE THE CONSENT OF THE MINISTER OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT AND LAND REFORM AS THE NOMINAL OWNER OF THE LAND.



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NOTICE OF THE MEETING

NOTICE IS HEREBY GIVEN FOR THE LAND RIGHTS HOLDERS RESOLUTION MEETING IN TERMS OF THE "INTERIM PROCEDURES GOVERNING LAND DEVELOPMENT DECISIONS WHICH REQUIRE THE CONSENT OF THE MINISTER OF RURAL DEVELOPMENT AND LAND REFORM AS THE NOMINAL OWNER OF THE LAND"..... TO BE HELD ON DAY... MONTH.....YEAR 20...

AT(NAME OF VILLAGE/PLACE,

TOWN:

DISTRICT:

PROVINCE: