

**LEGAL ANALYSIS OF ACCESS TO LAND IN RURAL AREAS OF SOUTH
AFRICA FOR DEVELOPMENTAL PROJECTS**

By

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ABSTRACT

This study seeks to demonstrate the importance of accessibility of land in the rural areas for purposes of development projects. Land in rural areas is subjected to the authority of traditional leaders and local government and is regarded as a communal property. Many rural areas are not yet developed due to the strict restrictions regulating the acquisition of land for purposes of sustainable development projects. The study outlines the procedures that allow for land allocation and acquisition in the rural areas. It also highlights the challenges being encountered to acquire land and highlights the pitfalls in interventions that restrict access to land for development purposes.

Key words: Rural area, Land tenure, Traditional leaders, Local government, Land, Functions, Duties.

DECLARATION

I declare that the mini-dissertation hereby submitted to the University of Limpopo, for the degree of Masters of Law in Development and Management has not previously been submitted by me for a degree at this or any other University; that it is my own work in design and execution and all materials contained herein have been duly acknowledged.

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Surname ,initials (title)

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Date

DEDICATION

I dedicate this dissertation to my mother, Ms Grace Hlamalani Ndlovu, through whose love and prayers that I stayed motivated. I appreciate all her sacrifices and the support she has given me. To my two sisters, Percely and Witness Sihlangu, your prayers gave me strength and hope. The same applies to my loving brothers, Israel Khoza, Pascal Sihlangu and Simeon Sihlangu for their support, encouragement and confidence in me. I thank my husband, Mr Kgaugelo Eddie Thulare for his love, patience, prayers and support that kept me focused and determined to work. To my precious daughter Kamogelo Thulare, your presence in my life gave me a reason to work hard on my study. Last but not least, my gratitude goes to my spiritual Father Apostle Justice Daniels, for his continuous prayers and being the pillar of my strength.

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LIST OF ACRONYMS

CLRB – Communal Land Rights Bill
CLARA -Communal Land Rights Act
CPA – Communal Property Association
CPA Act - Communal Property Associations Act 1996 (Act 28 of 1996)
CPI - Communal Property Institutions
DLA - Department of Land Affairs
ESTA-Extension of Tenure Act 82 of 1997
LUMS-Land Use Management System
LUMB-Land Use Management Bill
IDP – Integrated Development Plan
IPILRA - The Interim Protection of Informal Land Rights Act
PDA-Provincial Department of Agriculture
PLROs -Provincial Land Reform Office
PIE-Prevention of Illegal Eviction from and Unlawful Occupation of Land Act 19 of 1998
PGC -Provincial Grants Committee
ULTRA - Upgrading of Land Tenure Rights Act 1991 (Act 112 of 1991)
RDP-Reconstruction and Development Programme

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