

**ASSESSMENT OF THE DETERMINANTS OF ACCESS TO LAND FOR DEVELOPMENT IN  
MUTALE LOCAL MUNICIPALITY OF LIMPOPO PROVINCE**

**By**

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## DECLARATION



I, Makhubele Brilliant, hereby declare that this dissertation for Masters in Rural Development (MRDV) submitted to the Institute for Rural Development, School of Agriculture at the University of Venda has not been submitted previously for any degree at this or another university. It is original in design and in execution, and all reference material contained therein has been duly acknowledged.

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To my family and future generations

## ABSTRACT




The study was carried out to assess the community-perceived determinants of access to land for development in Mutale Local Municipality. It was conducted in the Makuya and Mutele Traditional Authority areas of the former Mutale Local Municipality. All the views relating to access to land for housing, agriculture and business development expressed during the Vhembe District Land Development Summits and Forum meetings held in 2008, 2010 and 2014 were consolidated. Using this information, a questionnaire comprising entirely closed-ended answers requiring responses on a Likert-type scale of 1 (strongly agree) to 5 (strongly disagree) was prepared. The questionnaire was administered through focus group discussions in community workshops during which youth (male and female), women, men and community leaders were the respondents. Open-ended questions were also administered focusing on the factors hindering or enabling access to land, and solutions that the community perceived needed to be taken. Mean and mode for each response were calculated. Chi-Square tests for association were conducted to determine whether there was any association in the responses obtained from the traditional authority areas. Kruskal Wallis and Mann-Whitney tests were conducted to determine the level of agreement of perceptions respondents with Vhembe district land development summits resolutions among youth, adults and community leaders. There were no statistically significant differences ( $P > 0.05$ ) in perception of issues relating to access to land for housing, agriculture and business development of land development. Thus, the issues are real and should form a solid basis for planning interventions that might unlock access to land for different types of uses. Moreover, improving transparency and deepening community participation and consultation over classification and sale of unoccupied land could minimise the likelihood of potential land conflict.

**Key words:** Assessment, access to land, determinants, land for development, Limpopo

  
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## ABBREVIATIONS AND ACRONYMS

CGE	Commission on Gender Equality
CLARA	Communal Land Rights Act
CLTP	Communal Land Tenure Policy
DRDLR	Department of Rural Development and Land Reform
FAO	Food and Agriculture Organisation
HRS	Household Responsibility System
IDP	Integrated Development Plan
IPILRA	Interim Protection of Informal Land Rights Act
MDGs	Millennium Development Goals
PTO	Permission to Occupy
StatsSA	Statistics South Africa
TLGFA	Traditional Leadership and Governance Framework Act
VDM	Vhembe District Municipality


### 1.1 Background

The search for a favourable environment and land conducive for human activity has influenced the movement of people for time memorial. Everywhere around the world, there have been various movements geared towards land occupation. This situation enabled the settlement, stabilization and consolidation of various communities in places where they are presently settled (Ahidjo, 2013). Moreover, exploitation of land has pushed people to determine suitable methods of accessing land in relation to their customs. Access to land that is well-located in terms of its proximity to social services, infrastructure and employment opportunities can significantly improve a household's economic situation.

According to Abebe (2012), improved access to land ensures that local development is realised. Furthermore, commercialisation of agriculture, extraction of natural resources and globalisation are under pressure due to conflict (Lund, 2000; Curry & Koczberski, 2009; Koczberski *et al.*, 2009; Cramb & Sujang, 2011). Brown-Luthango (2010) indicated that land was an important component of a sustainable livelihood strategy for the poor. Zack and Charlton (2013) conducted a study on access to land and revealed that, "respondents often cite distances from shops, schools, clinics and recreational facilities as a problem. They commonly say distance to amenities has a major impact on their household finances: the cost of transport, particularly to places of work as well as schools, is cited as a heavy financial burden". Therefore, it is critical for local communities to access land for various developments such as agriculture, business and human settlement.

Throughout the world, conditions of access and control of land are changing and becoming more complex. This is occurring through the interactions of new actors and subjects, which Bainton (2009), Yaro (2010) and Bardham *et al.* (2014) believed consequently shifted the fields of power. Regional comparisons can be made with Southeast Asia, Melanesia and some parts of sub-Saharan Africa on the adaptability, responsiveness and negotiability of customary tenure in areas where conflict exists. Therefore, understanding the determinants of access to land is critical in order for the grassroots communities to be aware of the process they should follow on accessing land for development.

According to Marcus (2012), across Africa access to land and other productive resources can be obtained, claimed, recognized, granted and negotiated through various processes and institutions. Among these are individual and group identity, social relations, market transactions, state allocation, inheritance and first settlement. In Madagascar, competing laws, institutions and practices in compliance with the World Bank's recommendations to

promote investment and facilitate land access govern formal access to land agreements (Daniel & Mittal, 2010). In addition to state institutions, local/customary institutions such as descendants of royal families, elders,  chiefs and local elites operate at the local level to legitimize, and formalize rights through social recognition or written documents referred to as *petitspapiers*. The local institutions can also mediate access to land whether on state or non-state legal grounds and influence investors' or outsiders' land claims (Evers *et al.*, 2011). Local leaders or traditional leaders play an important role in land allocation in a rural setting. Residents in a rural area governed by traditional leaders should actively participate in local engagements in order to know and understand the process of accessing land and other resources.

Studies undertaken in sub-Saharan Africa (Ali *et al.*, 2014; Mendola & Simtowe, 2015; Pedersen, 2015) have found a strong association between rural poverty rates and extent of access to land for development. Econometric studies carried out in China, Ethiopia and Mexico (Burgess, 2001; Bigsten *et al.*, 2003; Finan *et al.*, 2005) have also confirmed these findings. All these studies found a positive and significant causal effect of land ownership on indicators of a household's welfare. Considering the fact that the majority (63%) of the population in many sub-Saharan African countries is living in rural areas, access to land for improved rural livelihoods is crucial (Abebe, 2012). Providing access to land to diverse members of society who need it has a positive impact on their welfare and livelihoods.

In Mozambique, land-based conflicts are nuanced and context-specific (Walker, 2012). Since the end of the country's civil war in 1992, and its transition to multi-party democracy and capitalist development, land-related issues have become increasingly visible (Burnod *et al.*, 2013). The transitioning process was largely uncoordinated, which resulted in the transfer of infrastructure and land, often as free goods. It is argued (Bandreia & Sumpsi, 2009; Ali *et al.*, 2014) that as a result of this, ruling party elites and military officials took over most farmlands. In other areas, new methods of distribution eroded women's authority over land-related decision-making and produced new forms of conflict, resulting from 'customary' or local social practices. Now, there is a new law which makes these practices legitimate and also provides rural Mozambicans with stronger land tenure security (in principle) in the face of outside appropriation. Despite this development, not all lands were contested equally (Evers *et al.*, 2011). Based on the experiences in Mozambique, it can be argued that measures that ensure equal access to land for the broader society are likely to have a huge impact on local development. In the next section, some aspects that help build an understanding of access to land in South Africa area explained.

The White Paper on South African Land Policy of 2006 reveals that land is a fundamental feature of development in every society. This is due to the fact that land is a crucial natural resource essential for social existence. Gaining access to land for development is vital

because it enhances enjoyment of basic human rights. Whoever owns land controls access to it for economic, social, human settlement and agricultural benefits (Marcus, 2012). In particular, land significantly provides employment opportunities in rural areas. For this reason, this study was conducted with a focus on its utilisation for human settlement (housing), farming and business development in areas falling under traditional leadership or authority.

The White Paper on Land Policy launched in April 1997 boosted the efforts designed to empower rural residents through involving them in decision-making processes on land issues. It drew a crucial distinction between ownership and governance in land issues in rural areas. During the colonial and apartheid eras, this distinction was blurred. Of particular note was the fact that during those eras the state was both the legal owner and administrator of land. By drawing the distinction, the White Paper introduced a separation of the functions of ownership and governance. Ntsebeza (2002) argues that it provided for transfer of land ownership from the state to the communities, individuals and governance.

It has been revealed above that access and ownership of land have been contentious issues for many decades in South Africa. The debate intensified particularly after the attainment of democracy in 1994. At the centre of the debate is still the need to correct the past apartheid imbalances, especially with respect to access and ownership of land by the disadvantaged members of society (White Paper on South African Land Policy of 1997; Commission on Gender Equality; CGE, 2009). Moyo (2013) pointed out that mostly African people in rural areas were severely affected by the inequalities that characterise ownership of land. The persistent difficulties of accessing land for various purposes hinder them from contributing more positively to improvement of welfare, growth and development of families and society in general. Among the affected interest groups in rural grassroots communities are community leaders, government, business, civil society and others irrespective of creed, religion, age, gender or any dimension of one's being.

The Constitution of the Republic of South Africa Act 108 of 1996 Section 25 (5) guarantees equal access to land for all citizens. The right to gain access to land is based on the view that there are people who need it and those who are not secure on the land they currently live on. It entails satisfying the need for the landless to acquire land and have resources to sustain their livelihoods. For many Black South Africans, the end of apartheid gave hope that subsequent democratically elected governments, through new policies and legislation, would redress racial imbalances of the past, including those relating to the rights of citizenship and access to land, among others (Kepe, 2012). Despite the existence of the policies and legislations referred to above there are still many factors that influence access to land in many communities. Among these are the residents of the Traditional Council Areas found in Mutale Municipality of Limpopo Province. For

them, as is the case elsewhere in rural areas of the country, access to land issues should be addressed in order to accelerate the pace of rural development.



## **1.2 Statement of the Research Problem**


Available literature suggests that scientific studies on access to land have tended to focus on privatization of land ownership, farmers' rights, land transfer to foreign companies and legitimised control over land (Lentz, 2010; Vendryes, 2010; Abbink, 2011; Garni, 2013; Zhang & Donaldson, 2013). Other studies on access to land have focused on national laws (Thu, 2012); gender imbalance on accessing land for agriculture (Weiner, 2013); and the right to access land (Bandeira & Sumpshi, 2009; Chauveau & Colin, 2010; Radel, 2011; Yep, 2013). Because of this situation, there is inadequate knowledge on access to land for development especially at grassroots community level, for example in Mutale Local Municipality of Limpopo Province.

In an effort to unlock the challenges relating to access to land for various uses, the Vhembe District Municipality hosted three land development summits since 2008. The purpose of the summits was to involve multiple stakeholders to deliberate on land development issues affecting the whole district. During the land development summits, resolutions or decisions on how to deal with the impediments to accessing land were made (Vhembe District Municipality, 2008; 2010; 2014). However, the resolutions were never fully implemented. Nor were they communicated or discussed with members of grassroots communities in rural areas, even though it is known that the decisions affect them most. This situation puts into question the extent to which local government is committed to democracy as articulated in the Constitution of the Republic of South Africa Act 108 of 1996 and Municipal Systems Act 32 of 2000. Presumably, this lack of accountability might be one of the reasons for ineffective implementation of the summit resolutions.

## **1.3 Justification/Rationale of the Study**

It was of importance to understand the processes of accessing land in various localities, which in this study refers to the Mutale Local Municipality and people who are eligible to access land for development. Although Vhembe District Municipality has since 2008 convened three multi-stakeholder summits to find sustainable mechanisms of making accessibility to land for development easier, to date this challenge remains unresolved. This challenge is particularly crucial in Mutale, which is the most rural of all the four local Municipalities that constitute Vhembe District.

Implementation of the resolutions is likely to build the confidence of the multiple stakeholders with respect to the fact that the summits were not mere talk shows.

Moreover, considerable financial, material and other resources were used to run the land development summits. It is crucial  to justify such investment by ensuring that the resolutions are implemented resulting in tangible outcomes. Implementation of the resolutions might significantly unlock the huge potential for development in Mutale Local Municipality. Lastly, successful implementation of the decisions made at the land development summits would provide a formidable model or blueprint on how to facilitate decision making on such a thorny and emotive issue in South Africa. This will demonstrate that indeed democracy, as enshrined in the country's constitution is alive.

#### **1.4 Research Objectives**

The main objective of this study was to assess the determinants of access to land for development in Mutale Local Municipality as perceived by rural grassroots community members. This was realised through research activities guided by various specific objectives, namely to:

- a. determine the extent to which youth, adults and community leaders at grassroots community level agree with the resolutions of the Vhembe District land development summits;
- b. determine gender and interest group-differences in perceptions of factors enabling access to land for agriculture, business development and housing;
- c. determine gender and interest group-differences in perceptions of factors hindering access to land for agriculture, business development and housing; and
- d. Obtain community perceived factors that can create a more enabling environment of accessing land for agriculture, business development and housing.

#### **1.5 Research Hypothesis**

- a. There are no statistical differences in the perceptions of youth, adults and community leaders in Traditional Authority areas in Mutale regarding the access to land issues identified during the Vhembe District summits;
- b. There is no inter-traditional council differences in the perceived determinants enabling access to land for human settlement, agriculture and business development;
- c. There is no inter-traditional council differences in the perceived determinants hindering access to land for human settlement, agriculture and business development; and
- d. There are no differences in perceived determinants of access to land for development between male and female members of Traditional Councils in Mutale Municipality.

## 1.5 Conceptual Framework of the Study



The conceptual framework of this study is derived from the fact that there are constraints to accessing land in traditional leadership areas in Mutale Local Municipality. Poor access to land especially by the poor, youth and women is of particular concern. This justifies creating a platform for them to deliberate on issues perceived to be impediments to them as they try to gain access to land. Figure 1.1 illustrates the conceptual framework of the study and takes into account the preceding assumption.

## 1.7 Operational Definitions of Key Terms and Concepts

The definitions of terms and key concepts presented below have been adopted for use in this study. For example, *assessment* refers to the process of gathering and discussing information from multiple and diverse social groups in order to develop a deeper understanding and improve knowledge on access to land for housing, agriculture and business development.

*Determinants* are elements that influence the nature of conditions that influence access to land for development.

*Access to land* encompasses the processes by which people, individually or collectively, gain the rights and opportunities to occupy and use land primarily for human settlement, agricultural purposes, business development and social services whether on a temporal or permanent basis (Cotula *et al.*, 2006).

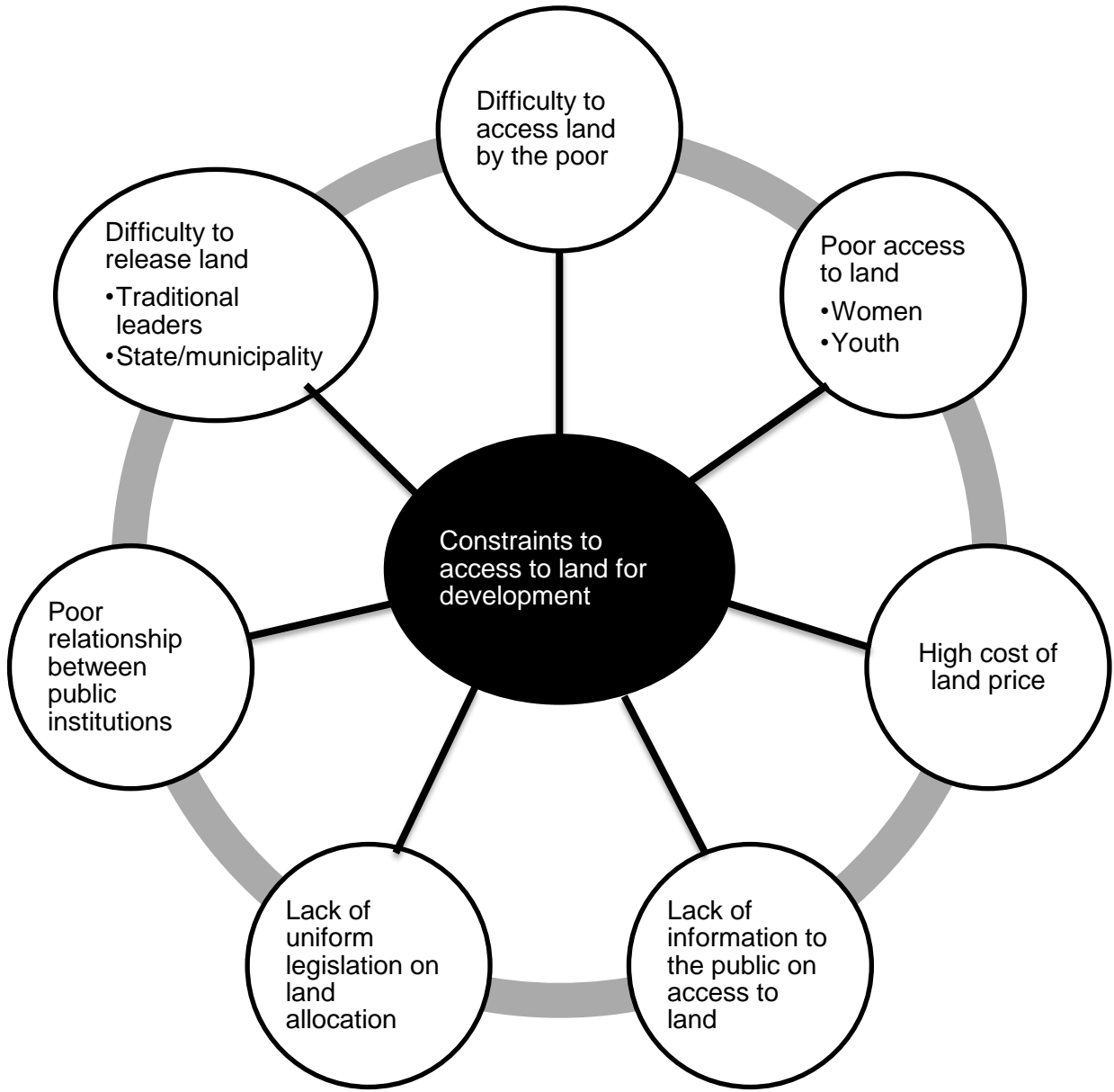
*Land for development* means a process of converting land to a new purpose such as housing and recreational facilities, among others (Burnod *et al.*, 2013).

*Likert type scale* refers to the method used to ascribe the perceptions of community members on the determinants of access to land for development in their respective areas.

## 1.8 Organisation of the Dissertation

This dissertation is structured in six chapters. Chapter 1 is an introduction to the study. Included in this chapter are the background and rationale of the study, statement of the research problem, justification and rationale, objectives and operational definitions of key concepts and terms. The benefit, motive and importance of the study are briefly articulated, research hypotheses are stated and the scientific theory that grounds the study is explained. In Chapter 2, related empirical literature that explains the current state of knowledge on access to land for development is reviewed. A synthesis of the literature on this subject has been used to define the conceptual framework of the study. At the end of this chapter, a summary of the review of literature is presented. Chapter 3 contains a detailed description of the scientific research methods, techniques and tools

used in conducting the study. This includes the research design, sampling, data collection and analysis procedures. Ethical considerations that guided the study are also outlined. In Chapter 4 the results of the study are presented. Discussion of the study findings is covered in Chapter 5. Conclusions and recommendations based on the findings are also indicated in Chapter 5. Soon after Chapter 5 is a list of all the references or sources used to prepare this dissertation. Some research instruments are presented as the key appendices for this study.



**Figure 1.1 Conceptual framework of the study on perception of issues governing access to land for agriculture, housing and business development in Mutale Municipality**

## **2.1 Introduction**

Access to land means that a person is able to make use of a piece of land provided to him/her. Access does not necessarily imply ownership or possession, although in some cases it does include certain decision-making powers over the production process, products from the land and use of land (Khalid *et al.*, 2015). Land is acquired through systems that vary from region to region. These systems include means of access such as inheritance, marriage, donations, authorizations by local entities, sale and purchase, and renting or lending (Bruck & Schindler, 2009). The literature illustrated above shows the value of understanding the process, rules and regulations of accessing land for various uses such as farming, business development and housing.

The current study focused on the assessment of the determinants of access to land for development in the Mutale Local Municipality area. In this chapter, the following will be discussed: global perspective of access to land; policies and legislations governing land development; gender and interest group-determined differences in perceptions of the factors that promote or limit access to land for development; factors promoting or hindering access to land for development and summary of literature review that concludes the chapter.

## **2.2 Global Perspective of Access to Land**

Access to land represents the ability of a household to claim a plot of land for current productive use such as farming and business activities. Inequality of land distribution may exist for land access (Perdersen, 2016). In China, land is divided into urban and rural. While urban land is state owned, rural land is owned by neither the central state nor China's farmers, but rather by collectives administrative villages with leaders selected through open elections. Within rural China, the land system has been based for nearly three decades on a dual-track system that divides ownership from usage. Usage rights, meaning the right to use and derive income from but not individually own land, were allocated to each rural household on a relatively equitable basis, starting in the late 1970s and early 1980s. Under this dual system of collective land ownership and individualized use rights; the system is known as the Household Responsibility System (HRS). Chinese farmers' access to collectively owned land became an entitlement based on their membership in rural villages (Zhang & Donaldson, 2013). Different procedures are used based on the specific area of residence on who access land.

Worldwide, women own only 1-2 % of land. Like men, many women are active farmers and depend on agriculture. Yet most women remain dependent on the existence and

goodwill of male relatives for access to land (Allendorf, 2007). Corroborated findings in Asia and Latin America are as follows. In India, Panda and Agarwal (2005) find that women owning immovable property such as land or a house face a significantly lower risk of marital violence than property-less women. In Nepal, women who own land are significantly more likely to have more 'say' in household decisions and a measure of empowerment. Menon *et al.* (2014) find that land titling for women in Vietnam led to improvements in child health and education and that these effects were stronger than in households with male-only or jointly held land use rights. This statement proves that it is of high importance for women to access land. Women access to land does not only have positive benefit of the production they yield on a particular land but also improve their self-esteem and respect in the community they reside.

In Pakistan, as in the rest of South Asia, the rights and duties of people, clans, tribes and communities regarding land are entrenched in the rules and norms formalised by local legal systems. In the Pakistani societal context, customary laws hold a special place and exert a significant impact on the individual members of local kinship groups (Khalid *et al.*, 2015). The South Asian context also demonstrates how a colonial background has influenced customary practices in land dealings. To further complicate the situation, customary practices are not rigid principles but have the tendency to change as common law changes in response to changing circumstances and time. Joireman (2008) concludes that colonial backgrounds play a major role in strengthening customary practices around land tenure. Customary laws sometimes contradict statutory laws and often have a tight grip over land tenure arrangements.

Patterns of land access reveal growing inequalities in various African countries as access to arable land contracts. Strong upward trends in land investment have occurred against a backdrop of narrowing land access to low income rural households. Increasing numbers of the rural poor face the prospect of land displacement and landlessness as a result of diminishing land resources (FAO, 2010). Across rural Africa, land legislation struggles to be properly implemented, and most resource users' gain access to land on the basis of local land tenure systems. Although such systems claim to draw their legitimacy from "tradition" and are commonly referred to as "customary" (and for easier reading we will follow this terminology). They have been profoundly changed by decades of colonial and post-independence government interventions, and are continually adapted and reinterpreted as a result of diverse factors like cultural interactions, population pressures, socio-economic change and political processes. Such land tenure systems are extremely diverse, possibly changing from village to village. This diversity is the result of a range of cultural, ecological, social, economic and political factors (Osabuohien, 2014).

In many parts of rural West Africa, customary institutions of varying form still govern access to land and natural resources (Lavigne-Delville, 2007), whereas in Botswana the role of customary authorities (chiefs) in land allocation has been replaced by that of putatively more accountable Land Boards since 1970 (Quan, 2000; Alden-Wily, 2003). Wherein customary authorities still play an active role in land management, the degree of legitimacy and perceived accountability that they have amongst local people further pressing concern. Under colonial administrations, traditional leaders in many countries, particularly in Anglophone Africa, became paid appointees of the state with a devolved mandate over local law and administration (Bennett *et al.*, 2013).

For the population of Northern Cameroon, access to land responds to the simple logic that land is a collective property bestowed on humanity by God. The space of land occupied by a community belongs to them and they shall exploit it according to their traditional values. This principle of exploitation stems from community rules and it translates the common importance of land. If respected, these rules help to avoid any dispute between the clans that constitutes an ethnic group. Each clan in the group occupies a specific portion of land. This portion is therefore divided among the different families. The land is placed under the authority of the “Chief” (Ahidjo, 2013; Deininger, 2016). This shows that community members have a right to access land though they need approval from the traditional leaders concerned, this is the same situation as of the Mutale Local Municipality.

In Rwanda, access to land is based on structures of land tenure inherited from Belgian colonial rule which have contributed to the continued concentration of land amongst small urban elite. Land titles are generally uncommon and a large proportion of land is held by the state. Land markets have been largely defined by issues of land scarcity and environmental degradation. Chronic land shortages have led to an increased number of land transactions, pushing up long term land rentals exacerbating land fragmentation and diminishing plot sizes for cultivation and grazing (FAO, 2010).

According to Anaafo (2015) the basis of most land holding in Ghana is customary land law. Across Ghana, however, there are considerable variations in the nature of customary law by regions, tribes and communities. This, notwithstanding, it is estimated that about 80 percent of land in Ghana is held by individuals, families, stools and *tendambas* under customary law (Blotcher, 2006). This is almost the same with the Mutale Local Municipality area as land is governed by traditional authority under customary law.

In Madagascar, land access is based on a combination of state laws and local practices and as such, is controlled by various state and non-state institutions. A new land policy was implemented to protect local land rights: laws of 2005 and 2006 challenged state

ownership of large part of the country's land, legally recognising individual and collective land rights and decentralising land management responsibilities to local governments. Despite this new legislation, large tracts of land are still offered for lease to investors, violating the rights of local landholders (Burnod et al., 2013).



In Mozambique, chiefs allocate land to their subjects as well as new comers and adjudicate land-related disputes. Historically, chiefs governing the people and territory of present-day allocated land to the male head of the household. Within the large extended families and lineages, male elders had the authority to distribute land. Gender was an important distinction shaping access to land and other natural resources. Women were dependent on their husbands or other male elders for access to land for agriculture. Following the death of the male head of the household, male kin inherited rights to the family's land. Chief assistant played an important role in showing new comers an area to live and cultivate approved by the chief (Bruck & Schindler, 2009; Walker, 2012).

### **2.3 Colonial and Current Policies and Legislations Governing Land Development**

A series of measures implemented under colonialism and apartheid have shaped the context in which communal land tenure arrangements operate. The 1913 Land Act (Act 27 of 1913) was one of a series of laws that dispossessed black people in South Africa of their land and rendered their rights to land insecure. One of the Act's intentions was to further sideline the African farming class and to force black people into becoming labourers in the cities or in the mines (Bundy, 1979). About fifteen years later, the 1927 Native Administration Act (Act 38 of 1927) codified African customary law in a distorted way. This version of customary law gave traditional leaders powers overland they had not historically enjoyed, while simultaneously downplaying the usage, occupation and inheritance rights of most people within indigenous systems of land rights (Delius, 2008).

The 1936 Native Trust and Land Act (Act 18 of 1936) consolidated the African reserves slightly (from 7 % to 13 % of the country), making available certain areas of the Trust land alongside the existing reserves as resettlement areas for black people whom the government planned to remove from the white land (Weinberg, 2015). African occupation of Trust land was conditional on the payment of yearly fees or rents, with the ownership of the land vesting in the South African Native Trust. During the 1960s the government enforced the Betterment Programme under the pretext of combating congestion, poverty, soil erosion and over-stocking, and improving agricultural production. But the Betterment policies had little effect on reducing poverty, congestion and landlessness (De Wat, 1995). Furthermore, Proclamation R188 of 1969 introduced Permission to Occupy (PTO) certificates were issued to black people. However, these certificates like other land categories available to black people made their land rights conditional and precarious. The main feature of these laws and policies was that they

prohibited black people from holding and managing land in a way that put them on an equal footing with the white land owners (Okoth-Ogendo, 2008).




To realise the right to security of tenure, South Africa's first democratic government needed to pay attention to the historical baggage accumulated by the communal land tenure model, strengthen land rights in law and practice and move towards the fulfilment of the population's basic needs (Cousins, 2008). Bearing in mind the role of the apartheid government in dispossessing black people of their land, policy makers in the Department of Land Affairs saw an urgent need to secure the land rights of black South Africans against powerful actors, including the state (Cousins & Hall, 2013). This led to the enactment of the Interim Protection of Informal Land Rights Act 31 of 1996 (IPILRA) in 1996 and the development of Land Rights Bill in 1999. The IPILRA also covers any person who holds a right to land in terms of the Upgrading of Land Tenure Rights Act 112 of 1991 but who was not formally recorded as such in the register of land rights (Land Rights Bill, 1999). The IPILRA remains a crucial law that can be used to protect people against deprivation of their informal rights to land, except under very exceptional circumstances. But the IPILRA was only intended as temporary legislation that would provide safety net to people who did not have land titles (Claassens, 2000).

The South African government framed the Communal Land Rights Act 11 of 2004 (CLARA) as legislation that would help people secure their land rights. The law was enacted in 2004. However, as many rural people argued, the CLARA in fact would have undermined their security of land tenure because it gave traditional councils (tribal authorities under apartheid) wide-ranging powers, including control over the occupation, use and administration of communal land. It therefore bypassed all other forms and levels of authority related to land; elected and customary. After a lot of opposition from rural people, the Constitutional Court struck down the CLARA in its entirety in 2010.

Despite the struck down of CLARA, in 2003 South Africa government introduced Traditional Leadership and Governance Framework Act 41 of 2003 (TLGFA). The legislation gives authority to traditional leaders for control over occupation, use and administration of land related issues among others. Municipal System Act 32 of 2003 amendment on the other hand gives authority to elected leaders to have control over administration of land development related issues among others. The two legislations mentioned above create contradictions among the traditional and elected structures on providing land to rural residents.

The Communal Land Tenure Policy of 2013 indicates that the Department of Rural Development and Land Reform (DRDLR) introduced its new Communal Land Tenure Policy (CLTP) at a workshop hosted by the DRDLR's parliamentary portfolio committee on August 23<sup>rd</sup>-24<sup>th</sup>, 2013. The DRDLR plans to create a piece of legislation based on

the CLTP. To fully understand the CLTP, one must read it together with the Rural Development Framework and the State Land Lease & Disposal Policy. In particular, the State Land Lease & Disposal Policy  applies to most of the same land as the CLTP but says different things. It seems the two policies were written independently of each other, which causes a lot of confusion. Therefore, it is crucial for grassroots communities to know and understand the policies and legislations that govern access to land in their areas.

#### **2.4 Gender and Interest Group-determined Differences in Perceptions of the Factors that Promote or Limit Access to Land for Development**

Results of studies carried out in Asia and Latin America have highlighted that there are many issues that promote or hampered access to land for development. For example In India, Panda and Agarwal (2005) women owning emotive property such as land faced a significantly lower risk of marital violence than those without it. In Nepal, women who owned land are significantly more likely to have more household decision and a measure of empowerment. Menon *et al.*, (2014), find that land titling for women in Vietnam led to improvements in child health and education. These effects were stronger than households with male only or jointly held land use rights. Therefore, gender difference perceptions are critical as it will assist in understanding the views of access to land from both male and females.

The necessity for community to take part during decision making process in development matters is for their own interest in addition to the society's broad involvement (Sudesh *et al.*, 2014). Community participation is a portion of the democratic system which will permit the locals to express their views on development matters which will affect their lives in the future.

Land access is essentially a function of membership in the family or community and it is available to any individual on this basis, although with certain limitations on the rights of women to hold land in their own right (Bank & Mabhena, 2011). Attention to gender equality remains an important development goal. The importance of gender equality is highlighted in its prominence in the United Nations Development Goals (MDGs), which have been commonly accepted as a framework for measuring development progress (Kumar & Quisumbing, 2015). It has been repeatedly asserted that the roles, knowledge and skills of rural men and women differ with respect to access to land.

#### **2.5 Factors Promoting or Hindering Access to Land for Development**

One key to sustainable development of access to land in a community is the inclusion of stakeholders. Without stakeholder's support in the community it is nearly impossible to develop proper channels of accessing land in a sustainable manner (Omar *et al.*, 2013).

Community assets such as land can be shared by local residents, visitors and private and public sector interests. Land development then takes on the characteristics of a public and social good whose benefits may be shared by number of stakeholders in the local destination. Access to land for development at the local level requires much more collaboration than practiced today (Omar *et al.*, 2013). This statement guarantees that it is of high importance to have all stakeholders' perceptions on decision making platforms or processes.

Across rural Africa, land legislation struggles to be properly implemented, and most resource users' gain access to land on the basis of local land tenure systems. Although such systems claim to draw their legitimacy from "tradition" and are commonly referred to as "customary" and they have been profoundly changed by decades of colonial and post-independence government interventions, and are continually adapted and reinterpreted as a result of diverse factors like cultural interactions, population pressures, socio-economic change and political processes. Such land tenure systems are extremely diverse, possibly changing from village to village. This diversity is the result of a range of cultural, ecological, social, economic and political factors (Cotula, 2006). It is clear that each community under customary law or traditional leadership has its own procedure of access to land despite the national policies and legislations of such country though it is not well documented.

The movement to get people directly involved with decision making process across all spheres of government has been gathering pace. The grassroots community members are no longer satisfied with the influence they can yield through normal institutional channels. As such, there has been a growing demand for direct involvement in the decision making process particularly in relation to planning issues (Roberts & Mander, 2011). Active involvement of grassroots community members in decision-making process and planning can enhance development in the local communities.

The views of locals regarding development matters such as access to land must be taken into consideration, to aid attain worthy decision making process and manage resource competently and effectively (Craig, 2007). The professionals in the other pointer has approved that involving the community might contribute to an enhanced decision making, in fact, community participation also has the probability to teach and escalate their responsiveness by being more receptive.

Prior to the attainment of democracy in 1994, especially during the apartheid period, local government and land administration were concentrated in tribal authorities. The structures were imposed on resisting rural inhabitants and were an extend arm of the central state. The post 1994 South African government attempts to separate amongst

others, local government, land ownership and administration functions and powers. And decentralise them to democratically accountable local institutions with an emphasis on the active participation of communities in decision making processes (Ntsebeza, 2002). Apparently, there is no uniform policy and legislation governing access to land especially in rural areas under traditional leadership.

## 2.6 Summary of Literature Review

The current study focused on the assessment of the determinants of access to land for development in the Mutale Local Municipality area. The literature review points out that Access to land has a great impact in communities as it provides individuals with portion of land for human settlement, farming and business development. Characteristics of gaining access to land differ from one country to another. In some countries one get access to land based on gender issues for example some countries do not give access to land to women. Whereas in some countries gender does not have an influence in accessing land and they do not have a policy that guide those in giving access to land.

From this review of literature, access to land represents the ability of a household to claim a plot of land for current productive use such as farming, business activities, although inequality of land distribution may exist for land access. It was also indicated that women own very limited percentage of land compared to their male counterparts. Yet women are active farmers and depend on agriculture like men. In most countries worldwide, women remain dependent on the existence and goodwill of male relatives for access to land.

This review of literature reveals that colonial background has influenced customary practices in land dealings. Customary practices are not rigid principles but have the tendency to change as common law changes in response to changing circumstances and time. Across rural Africa, land legislation struggles to be properly implemented and most resource users' gain access to land on the basis of local land tenure systems. Such tenure systems are extremely diverse, possibly changing from village to village. This diversity is the result of a range of cultural, ecological, social, economic and political factors.

This review of literature also reveals that in South Africa, a series of measures implemented under colonialism and apartheid have shaped the context in which communal land tenure arrangements operate. The 1913 Land Act was one of the series of laws that dispossessed black people of their land and rendered their rights to land insecure. Therefore, to realise the right to security of tenure, South Africa's first democratic government introduced various policies, such as the Interim Protection of Informal Land Rights Acts of 1996 and Land Rights Bill of 1999. In 2003 South Africa government introduced Traditional Leadership and Governance Framework Act. The

legislation gives authority to traditional leaders to have control over occupation, use and administration of land related issues among others. The Municipal System Act of 2003 amendment gives authority to elected leaders to have control over administration of land development related issues among others. These two legislations create contradictions among the traditional and elected structures on providing land to rural residents.

In this review of literature it is also indicated that understanding the determinants of access to land cannot be separated from community participation in decision-making processes in their villages. Community participation is a portion of the democratic system which will permit the locals to express their views on development matters which will affect their lives in the future. It has been repeatedly asserted that the roles, knowledge and skills of rural men and women differ with respect to access to land. Active involvement of grassroots community members in decision-making process and planning can enhance development in the local communities. One key to sustainable development of access to land in a community is the inclusion of stakeholders. Access to land for development at the local level requires much more collaboration than practiced today.

## CHAPTER 3 RESEARCH METHODOLOGY

### 3.1 Introduction



In this study, access to land for agriculture, business development and housing was investigated. In this chapter, the following are discussed: study area and the justification for the research, research design, description of the population and sampling procedure. Data collection tools, data analysis techniques and ethical considerations for this research are also outlined.

### 3.2 Description of the Study Area

The study was conducted in Mutale Local Municipality, situated in the far North-eastern part of Limpopo Province Figures 3.1 and 3.2. The Municipality is one of the four that make up Vhembe District Municipality of Limpopo Province. The Municipality shares the borders with Musina Local Municipality and Zimbabwe on the North, Mozambique on the East, Makhado Local Municipality to the West and Thulamela Local Municipality to the south. Mutale municipality covers 2 367.19 km<sup>2</sup>: 22° 35' S 30° 40' E. The total population of Mutale Municipality is estimated at 131 215. It is estimated that 24239 households live in the Municipal area and the average household size is 5 persons (Mutale Municipality, 2012; StatsSA, 2012).

Mutale Local municipality has advantage of opportunities for development such as agriculture and mining. In addition, the municipality has vast land available for exploitation hence it is an environmentally sensitive area. Opportunities exist in the area of Agriculture, Mining, Tourism, Arts and culture. The exploitation of the above issues could have a positive contribution to the development of the municipality.

The ownership of the land in Mutale Local Municipality is under the leadership of the traditional leaders. Thengwe, Rambuda, Khakhu, Manenzhe, Tshikundamalema, Makuya, and Mutele Traditional Councils make up Mutale Municipality. Four senior traditional leaders are participating in the activities of the Mutale Municipality while the two namely Chief Nethengwe and Chief Mutele are participating in the activities of Vhembe District Municipality. There is good relationship between the Municipality and the Traditional Authorities which is also being cemented by *Mayor/Chiefs forum*. Despite the good relationship the issue of land is still controversial in other Traditional authorities. This issue is impacting negatively on development (Mutale Municipality, 2012).

In South Africa, traditional authorities position is still strong, being legally underpinned by the Traditional Leadership and Governance Framework Act 41 of 2003 (TLGFA), enacted in 2003. This Act was closely linked to Communal Land Rights Act (CLARA) and created a framework for provincial laws which would define the status and powers of traditional leaders, as well as enabling apartheid era tribal authorities to be considered as traditional councils. Traditional leaders such as chiefs and headmen continue to

exercise complete and sole authority over land allocation (Bennett et al., 2013). This also implies traditional leaders exercise complete authority over land allocation in Mutale local Municipality. The Makuya and Mutele traditional councils were therefore a critical study area.



### **3.3 Research Design**

A comparative qualitative study was conducted, aimed to clarify the state of access to land for development in two traditional leadership areas located in Mutale local Municipality. This was a descriptive survey that was undertaken to quantify the views on the determinants of access to land that were revealed in the Vhembe District land development summits of 2008, 2010 and 2014. The Vhembe District Municipality had its first land development summit in 2008 wherein land development issues such as access to land for development, spatial planning was deliberated on. The second land summit was held in 2010, with the third one following in 2014.

All land development summits had focus groups encompassed by various stakeholders deliberating on unlocking access to land for sustainable development. All resolutions made in the three land development summits were consolidated and a closed-ended questionnaire was formulated, Appendix 2. A set of open-ended questions were also formulated in order to obtain more understanding on the status of land access in Makuya and Mutele traditional council areas, Appendix 3. Thus, descriptive research design was exercised. The research approaches used (close-ended questionnaires and open-ended questions) were critical in this study as it allowed the researcher to gain more insight on the state of access to land from the grassroots level.

### **3.4 Population and Sampling Procedures**

Probability sampling procedure was used in this study wherein multi-stage stratified random sampling was used. Mutale Local municipality was selected because it was the most rural. It was highlighted in the Vhembe land summits that most of the people who have challenges in accessing land are those in deep rural areas of the district, hence Mutale was the target population of the study.

Makuya and Mutele traditional council areas were further selected as the population of the study. Women, men, community leaders, male youth and female youth were the participants of the study (Figure 3.3). Focus groups (14) were conducted to collect data and open-ended questions were administered as a tool to collect data from respondents in a focus group (Table 3.1). Makuya Multi-purpose and Mutele Tribal Authority Hall were the central place for engagement for participants residing under Makuya and Mutele Traditional Council areas, respectively.

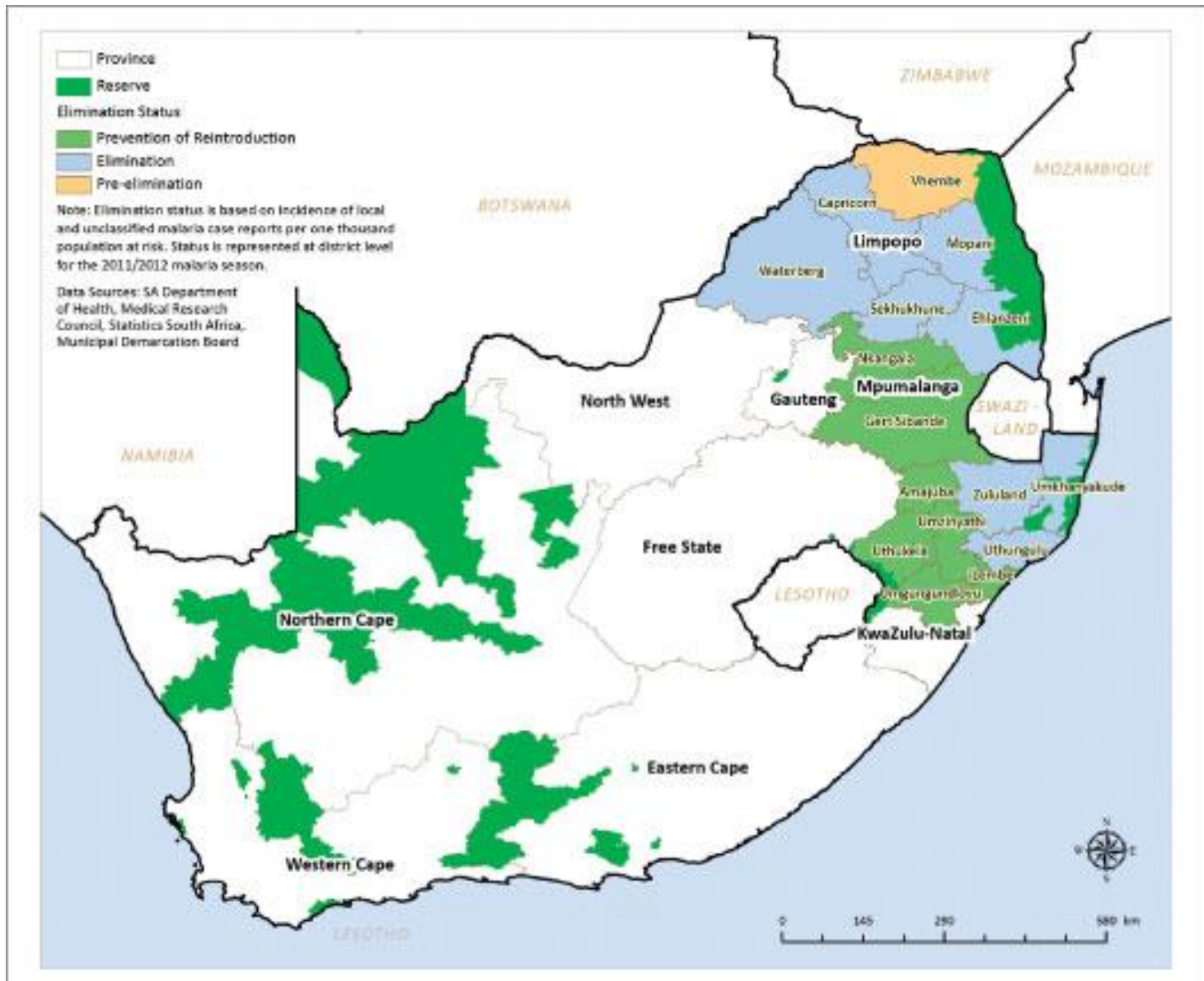
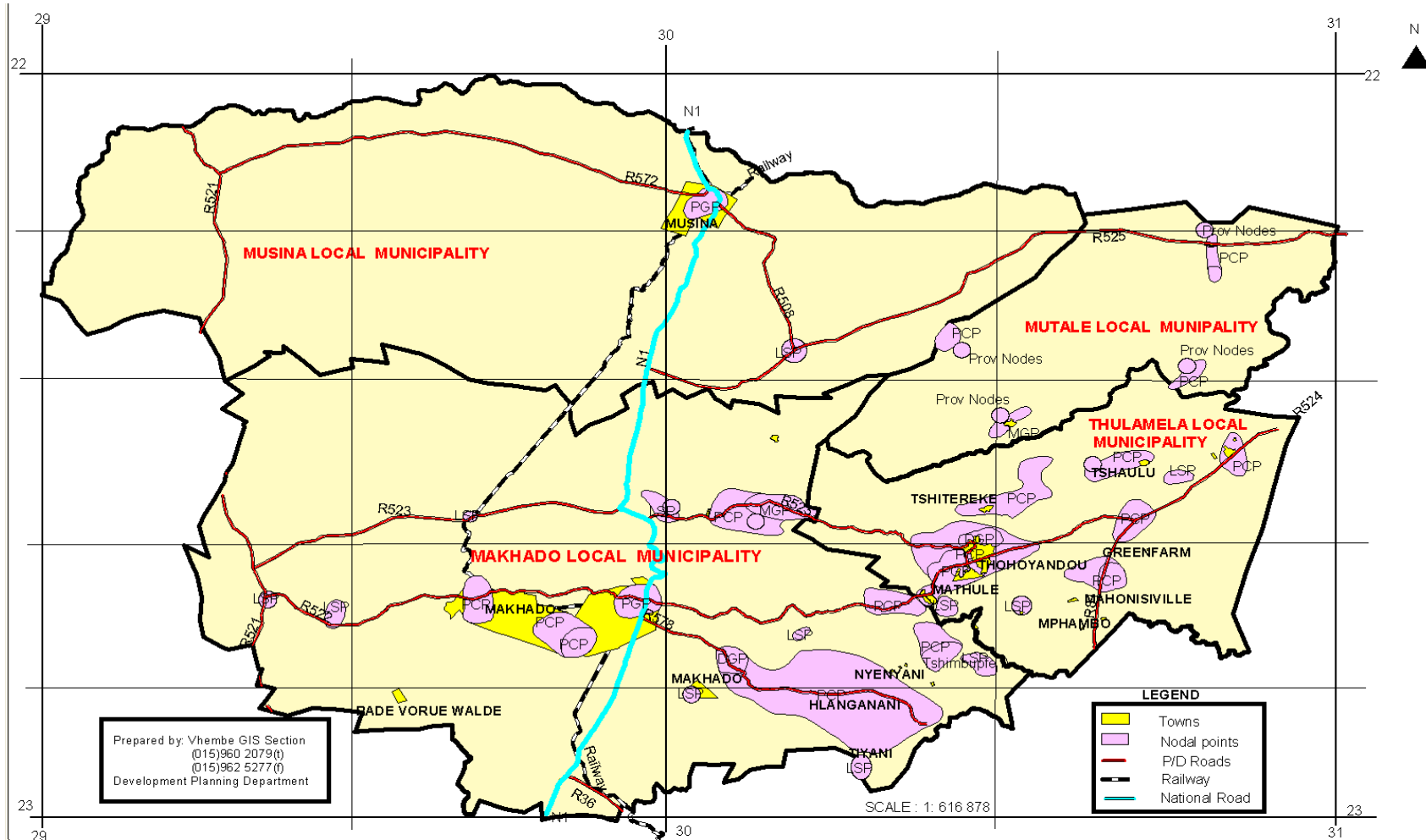


Figure 3.1 Map of South Africa Showing Limpopo Province and Vhembe District (Source: South Africa Department of Health, 2012)

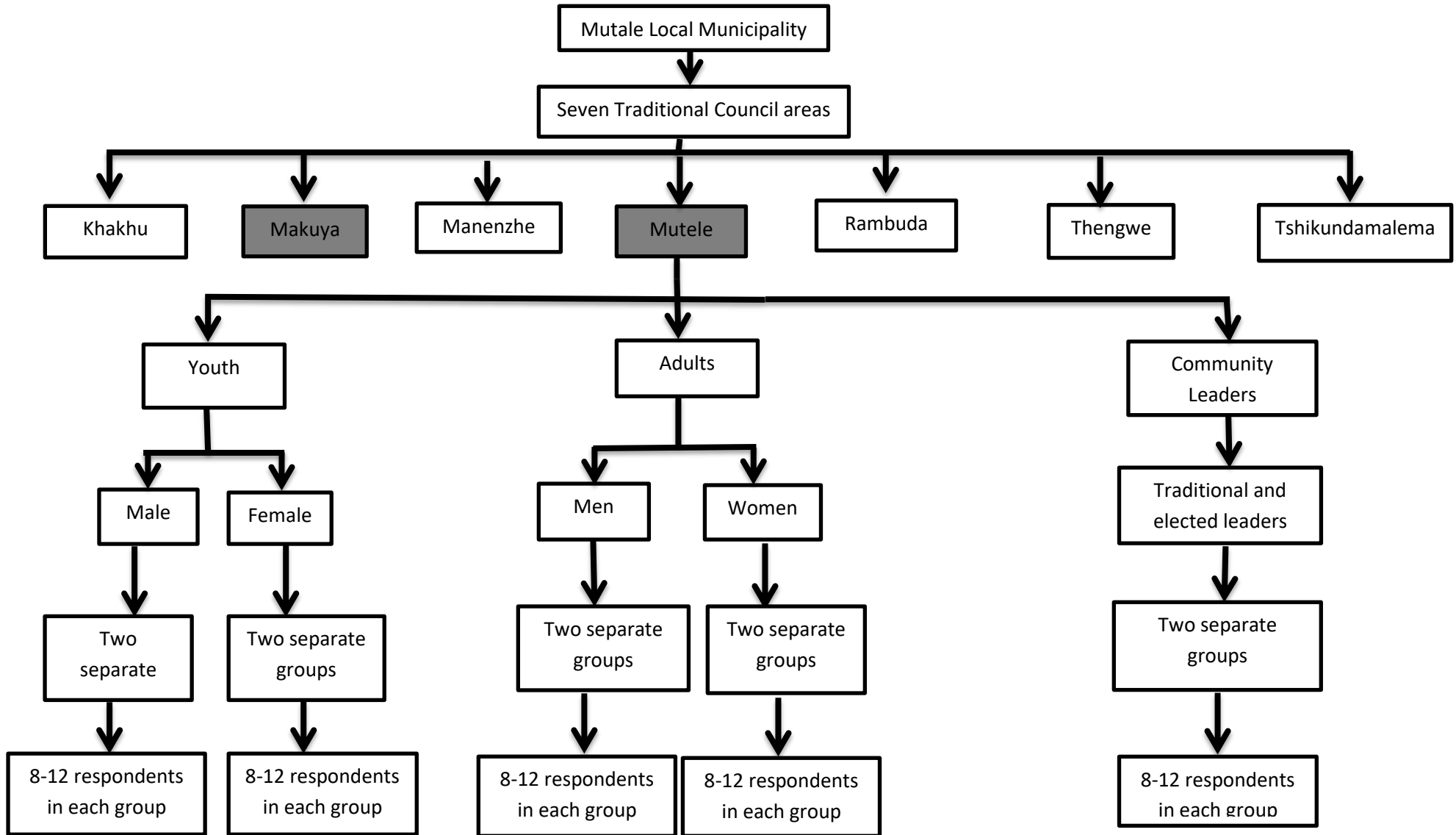


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**LEGEND**

- Towns
- Nodal points
- P/D Roads
- Railway
- National Road

Figure 3.2 Map of Vhembe District showing Mutale Local Municipality (Source: GIS Section of Vhembe District Municipality)



**Figure 3.3 Sampling of respondents for the study on determinants of access to land for development in Mutale Municipality**

**Key:** Shaded Traditional Council Areas were the selected study area

**Table 3.1 Numbers of participants in focus group discussions disaggregated by interest group and gender**



<b>Social group of participants</b>		<b>Makuya traditional council</b>	<b>Mutele traditional council</b>	<b>Number of focus groups</b>	<b>Total number of respondents</b>
Youth	Female	37	25	4	62
	Male	17	8	2	25
Adults	Women	45	24	4	69
	Men	11	6	2	17
Community Leaders	Female	7	3	0	10
	Male	4	5	2	9
Total		110	71	14	192

### 3.5 Community Entry



Permission to conduct the study was requested from the Traditional leaders of Makuya and Mutele traditional council areas, in writing. Both are the custodians of the land in their respective areas. Prior to asking for permission to conduct the study from the traditional leaders, the Community Development Workers Manager for Vhembe District was requested to provide guidance with the community entry process. The Community Development Worker (CDW) for the Makuya area facilitated the process of organising a meeting with the local traditional leaders. Constant contact with the CDW via email and telephone calls was maintained.

A date was set by traditional leaders concerned to meet with the researcher. Makuya Chief's palace was used as central point for the meeting with traditional councils of Makuya and Mutele. The support to carry out the study was granted by both traditional leaders in writing. A research report and a copy of dissertation (if possible) were requested by traditional council concerned in the study area upon the completion of the study. Traditional council support and commitment played a critical role in the mobilisation of participants by the CDW and the turnover of participants.

### 3.6 Data collection and Analysis

A pre-test of the data collection tools was conducted prior data collection during the preparatory meeting with the traditional council of Makuya and Mutele areas and amendments were made where appropriate. A research assistant (PhD Candidate) was appointed and oriented on the research instrument prior data collection and coding. A closed-ended questionnaire requiring responses on a Likert-type scale with answers ranging from strongly agree to strongly disagree, was used to collect data. Respondents were requested to tick on the appropriate response for each statement. Focus group discussions were held at Makuya Multi-purpose Centre and Mutele Tribal Authority hall.

Open-ended questions were also used to collect data from respondents to get more insight on the process of access to land in the Makuya and Mutele area. A focus group was used to collect data from respondents. Figures 3.4; 3.5; 3.6 and 3.7, highlight some of the respondents during focus group discussions. Data was stored in a secured place at the Institute for Rural Development to ensure that it does not get lost and to maintain the ethical consideration of confidentiality. Data was coded and processed to remove outliers. The variables or questions were categorized into different themes such as housing, agriculture and business development on access to land. Data was entered and stored as a Microsoft Excel spread sheet prior to analysis. Statistical Package for the Social Sciences (SPSS) Version 23.0 software was used to analyse data. Cross-tabulation of the data was carried out taking into account gender, traditional council area and interest group as potential factors of perceptions on land issues. Kruskal-Wallis K-independent sample and Chi-square tests were

conducted to investigate if there were any differences in perceptions on access to land for agriculture, business development and housing among the interest groups and between the two traditional council areas.



### **3.7 Ethical Considerations**

Ethical clearance to conduct the study was secured from the University of Venda Research Ethics Committee (Certificate Number: SARDF/15/IRD/08/0812). Voluntary participation and informed consent were the principal ethics that were considered in this study and all protocols based on respective areas were adhered to. All the respondents were informed that their participation is voluntary. There was no remuneration in participating in the study or any payment or reward of any form that they got from the researcher. Permission to take pictures and use voice recorder was also sought from the respondents indicating the highlight of pictures in the study as a way of providing concrete evidence of data collection.

Respondents were also informed that if they feel like they do not want to continue taking part in the study they are allowed to do so and there is no punishment for that. The study is undertaken to assist them on the understanding of the topic under study and also for the researcher to pursue the Master's degree.

All respondents present participated and they indicated that they do not need to sign anything as it will be time consuming, the researcher should just proceed with conducting the study. They also agreed to be taken pictures and the use voice recorder by the researcher.



**Figure 3.4 Women participating in a focus group discussion**



**Figure 3.5 Male youth participating in a focus group discussion**



**Figure 3.6 Focus group comprising community leaders only**



**Figure 3.7 Researcher (left, standing) explaining some issues about the study to community leaders group in Makuya**



### 4.1 Introduction

This chapter is devoted to the findings of the study. The perceptions of youth, women, men and community leaders regarding the extent of their agreement with the resolutions of the Vhembe District land development summits are described. The extent to which the perceptions of social groups that participated in the study is described in this section focusing on access to land for agriculture, business development and housing on access to land. This section is providing findings based on the first objective of the study which was to determine the extent to which youth, adults and community leaders at grassroots community level agree with the resolutions of the Vhembe District land development summits. The second, third and fourth objectives were (a) to determine gender and interest group differences in perceptions of factors enabling access to land for agriculture, business development and housing; (b) to determine gender and interest group differences in perceptions of factors hindering access to land for agriculture, business development and housing and (c) to identify community perceived factors that will promote enabling environment to access land for agriculture, business development and housing.

### 4.2 Description of Research Participants

The participants of this study were Youth (male and female), women, men and community leaders of Makuya and Mutele traditional council areas of Mutale Local Municipality in Vhembe District. Out of 189 participants, approximately 74 % of them were female. 62 % were from Makuya traditional council area and 38 % were from Mutele traditional council area. Youth were the most represented group (45 %) followed by women (39 %) and the least represented group were men (16 %). The level of education per traditional council area was analysed.

At Makuya traditional council area 6.8 % of male had primary education, 21.6 % had secondary education but not matric, 5.7 % had matric certificates and the remaining had tertiary qualifications. None of the female counterparts had primary education, 46.6 % had secondary education but not matric, 9.1 % had matric certificates and the remaining had tertiary qualifications. The level of education per social group was also analysed. There were no youth who indicated that they had primary education, 42 % had secondary education but not matric, 6.8 % had matric and 10.2 % have tertiary qualifications. There were no adults who indicated that they had neither primary nor tertiary education; 13.6 % had secondary education but not matric and 5.7 % have matric.

At Mutele traditional council area 2.9 % of male had primary education, 11.4 % had secondary education but not matric, 5.7 % had matric and the remaining had tertiary qualifications. At least 1.4 % of Female participants indicated that they never went to school, 7.1 % had primary education, 47.1 % had secondary education but not matric; 12.9 % had matric and the


remaining had tertiary qualifications. Among the social groups, 2.9 % of youth had primary education, 30 % had secondary education but not matric, 8.6 % had matric and the remaining had tertiary qualifications. At least 1.4 % of adults never went to school, 4.3 % had primary education, 20 % had secondary education but not matric, 7.1 % had matric and the remaining had tertiary qualifications. At least 2.9 % of community leaders had primary education, 8.6 % had secondary education but not matric, 2.9 % had matric and none of the community has tertiary qualifications.

### **4.3 Results on Access to Land for Agriculture**

There were no statistical significant differences ( $P > 0.05$ ) observed across the traditional council areas and all social groups on issues relating to access to land for agriculture. Table 4.1 shows the mean and standard deviation of the analysed data on access to land for agriculture in Makuya and Mutele Traditional Council areas. All social groups singled out the importance of providing the necessary documents when applying for land as an enabling factor to access land. Community leaders highlighted that land for communal farming is allocated free to all local residence and a certain fee is paid when applying land for commercial agriculture based on the number of hectars required. This statement raises some confusion as youth (male and female) indicated that a certain fee is paid to access land for any type of agricultural activities (table 4.2). Unaffordability of prices especially for commercial farming; lack of enough land; community members given access to unfertile land and community members not abiding to the village constitution were the major highlighted perceived factors hindering access to land for agriculture (table 4.3). The major resolutions for enabling environment of access to land for agriculture were: local residence to access land for free; application fee for commercial farming should be reduced to accommodate poor people; community members to abide by the village constitution rules and regulations (table 4.4).


### **4.4 Results on access to land for business development**

Table 4.5 presents mean and standard deviation of analysed data on issues relating to access to land for business development. Statistical significant differences ( $P < 0.05$ ) was observed on the level of agreement across the traditional council areas on the following statement “ Corrupt officials block access to land for business purposes for most local people and give those who do not reside in our area”. A statistically significant difference ( $P < 0.05$ ) was observed between youth and adults regarding the view, “Information about rates for land for business development is displayed and easily accessed by everyone in all traditional authority offices”. In all the remaining statements there were no statistically significant effects of traditional council areas and social groups on all issues relating to access to land for business development ( $P > 0.05$ ).

**Table 4.1 Analysed data on issues concerning access to land for agriculture.**


Issues on access to land for agriculture	Mean	Standard Deviation
1. Local procedures of accessing land for agriculture are clear for everyone	2.62	1.50
2. At present, access to land for agriculture is easier for men than women because men are perceived to be the ones who provide for the family	3.62	1.45
3. Strict adherence to legislative requirements makes processes of accessing land for agricultural purposes very long	2.62	1.45
4. High prices of land that traditional authorities set make it difficult to access land for agriculture in this area. Only the rich can have easier access to it	2.38	1.45
5. Information about prices of land for agriculture is displayed and easily accessed by everyone in all traditional authority offices	2.00	1.16
6. There are functioning Agricultural Committees and Forums in our area that address agricultural issues	2.46	1.27
7. People in this area are aware of policies and legislations governing land agricultural development such as the White Paper on Agriculture of 1995; Land Redistribution for Agricultural Development (LRAD) programme of 2000; etc.	3.31	1.11


**Table 4.2 Community perceived factors enabling access to land for agriculture**



<b>Factors</b>	<b>Community leaders</b>	<b>Male youth</b>	<b>Female youth</b>	<b>Women</b>	<b>Men</b>	<b>Tally</b>
Land for agriculture on communal farming is free for local residents	*					1
Land for commercial farming has a certain fee depending on number of hectares requested	*					1
Local residence are allowed to be given only one hectare	*					1
It is challenging to access land for agriculture				*		1
One need to be a member of the village		*	*			2
In a possession of funds to pay the fee for agricultural land		*	*			2
An application should to request for land for agriculture should be directed to traditional leader concerned and attach a copy of South African Identity Document and be 18 years or older	*		*	*	*	4

**Key:** \* = interest group identified the issue

**Table 4.3 Community perceived factors hindering access to land for agriculture**

Factors	 Community leaders	Male youth	Female youth	Women	Men	Tally
Unaffordability of prices set for commercial farming	*	*	*	*	*	5
Lack of enough land to provide for those in need for agriculture purpose	*					1
Community members are reluctant to ask for land for agriculture as they are mostly given an unfertile land		*		*		2
Only local residence are given land for agriculture		*				1
Residence who do not respect the traditional leaders and do not participate in community/village meetings and activities do not get access to land for agriculture		*	*			2
Community members who do not abide by the constitutions and regulations of their respective villages have challenges in accessing land for agriculture		*	*			2
Some community members with land for agriculture which they have not been using for a long time they refuse for others to use it claiming that it is their ruin			*	*		2
Land for agriculture is most given to residence form other communities non-South Africans who have money as they afford the fee that they require				*		1

**Key:** \* = interest group identified the issue

**Table 4.4 Community perceived resolutions on factors hindering access to land for agriculture**



<b>Resolutions</b>	<b>Community leaders</b>	<b>Male youth</b>	<b>Female youth</b>	<b>Women</b>	<b>Men</b>	<b>Tally</b>
There is need for financial assistance on agriculture development initiatives	*					1
Community members or those who are requesting land for agriculture should abide by the rules and regulations of the community concerned	*		*			2
Land for agriculture need to be measured and cleared by the municipality in advanced not when there is need		*				1
The fee for agricultural development should be reduced to accommodate all people		*	*			2
Local residents should be given land for agriculture for free and those who come from other villages and non-South Africans should pay				*	*	2
There is need for community members and traditional leaders to have a meeting and communicate and make decision on the matter of access to land issues				*		1

**Key:** \* = interest group identified the issue

**Table 4.5 Analysed data on issues concerning access to land for business development.**



<b>Issues on access to land for agriculture</b>	<b>Mean</b>	<b>Standard Deviation</b>
1. Prices of land for business purposes are too high and unaffordable for most local people	2.23	1.64
2. Disagreements between developers and traditional leaders often make it difficult for ordinary people to easily access land where they can run their business	2.08	1.12
3. The existing poor relationships between public institutions such as Municipalities and traditional leaders make the prices of land for business purposes very high and almost unaffordable for most people	2.08	1.26
4. Lack of information on processes to be followed to access land for business development results in people not taking advantage of available opportunities	1.85	0.89
5. Corrupt officials block access to land for business purposes for most local people and give those who do not reside in our area	2.46	1.61
6. At present, access to land for business purposes is easier for men than women because they are perceived to be most business-minded than women	3.69	1.60
7. Poor people cannot easily access land for business development because they cannot afford the high prices set	2.00	1.41
8. Information about rates for land for business development is displayed and easily accessed by everyone in all traditional authority areas	2.23	1.24
9. There is a functioning Business Forums in our area that address issues that hamper access to land for those who need it	2.85	1.46
10. People in this area are aware of policy and legislations governing land for business development such as the White Paper on South African Land Policy of 1997; and Co-operative Development Policy for South Africa of 2004, among others	3.38	1.19

All social groups indicated that attaching the right documents such as certified copy of Identity Document when applying for land for business is very critical as an enabling factor. It was also highlighted that one should also register the business to the municipality after allocated the land by the traditional leader concerned (table 4.6). Lack of enough land for business development; high prices; applicants allocated land where there is endangered species; traditional leaders being biased to non-South African citizens as it is perceived that they have lots of money compared to the locals. These are the major findings perceived to hinder access to land for business development on the Makuya and Mutele traditional council areas (table 4.7) Financial assistance for business development; applicants abiding by the rules and regulations of the community; reducing the application fee price; these were the major highlights on perceived factors that can enable easy access to land for business development (table 4.8).

#### **4.5 Results on Access to Land for Housing**

Table 4.9 presents mean and standard deviation of analysed data on issues concerning access to land for housing based on Vhembe district land development summits resolutions. The following statement “Men have easy access to land for housing in this area because they are perceived to be the head of the households”; there was a statistical significance difference ( $P < 0.05$ ) on the level of agreement between community leaders and youth. There were no statistical significant differences ( $P > 0.05$ ) on the level of agreement across the traditional council areas and all social groups (Community leaders, youth and adults) in all other statements.

The following were major findings perceived to be the enablers of access to land for housing: one should be a South African citizen or legal immigrant over the age of 18; applicants should be actively involved in community meetings and activities; applicants need to pay a certain fee which differs from village to village (table 4.10). High prices, nonparticipation in village meetings and activities, disrespecting traditional leaders, not in a possession of the right documents needed to apply land for housing such as ID copy or passport for South African immigrants were some of the impediments to access to land. These were the major findings perceived to hinder access to land for housing in Makuya and Mutele traditional council areas (table 4.11). It was indicated that the following will create enabling environment for easy access to land for housing: local residents should access land for free and non-residents to pay certain fee and community members should abide by the rules and regulations of the community (table 4.12).

**Table 4.6 Community perceived factors enabling access to land for business development**



Factors enabling access to land for business development in Mutale local municipality	Community leaders	Male youth	Female youth	Women	Men	Tally
a) Land for business has a certain fee to be paid for all local and non-local residents	*					1
b) It is easy to get access to land for business if you actively participate on community/village activities and meetings			*			1
c) For business applications one also need to go and register at the Municipality after paying a certain application fee to the traditional leader concern		*		*		2
d) Application fee for business development is higher than the application for agriculture purpose	*	*		*		3
e) Applications are sent to the traditional leader concerned with a copy of South African Identity document attached	*	*	*	*	*	5

**Key:** \* = interest group identified the issue

**Table 4.7 Community perceived factors hindering access to land for business development**



<b>Factors hindering access to land for business development in Mutale local Municipality</b>	<b>Community leaders</b>	<b>Male youth</b>	<b>Female youth</b>	<b>Women</b>	<b>Men</b>	<b>Tally</b>
a) Lack of enough land to provide those in need for business development purpose	*					1
b) Community members are sometimes given a land for business where there are endangered or vulnerable species and you are not allowed to cut/destroy them		*				1
c) Some type of businesses are not allowed in the villages such as mortuary		*				1
d) Community members who do not abide by the constitutions and regulations of their respective villages have challenges in accessing land for business development				*		1
e) Traditional leaders give non-South Africans land for business as they have lots of money to pay to them				*		1
f) Unaffordability of prices set for business development	*	*	*	*	*	5

**Key:** \* = interest group identified the issue

**Table 4.8 Community perceived resolutions on factors hindering access to land for business development**




Resolutions	Community leaders	Male youth	Female youth	Women	Men	Tally
a) There is need for financial assistance on business development initiatives	*					1
b) Community members or those who are requesting land for business development should abide by the rules and regulations of the community concerned	*		*			2
c) Land for business development need to be measured and cleared by the municipality in advance not when there is need		*				1
d) Minimise the price of the business space		*	*			2
e) There is need for community members and traditional leaders to have a meeting and communicate and make decision on the matter of access to land issues				*		1
f) Local residents should have free access of land for business development as the municipality rates are very high				*		1
g) All local residents should have free access to land for business development and those who come from other villages and non-South African residents pay					*	1

**Key:** \* = interest group identified the issue

**Table 4.9 Analysed data on issues concerning access to land for housing.**


Issues on access to land for agriculture	Mean	Standard Deviation
1. Women who are single do not have easy access to land for housing in this area because it is assumed that they might get married or re-marry and go and stay with their husbands	3.77	1.64
2. People in this area do not know the rights they have regarding land for human settlement or housing	3.54	1.45
3. Girls and women find it difficult to access land for housing mainly because our culture favours boys and men in this regard	3.77	1.64
4. Prices of land that traditional authorities set to access land for housing is not uniform	2.31	1.60
5. Traditional leaders have a lot of control over allocation of land for housing because they are the primary custodians and often favour their relatives and those close to them	2.77	1.64
6. Youth find it difficult to access land for housing because it is perceived that they might leave the village for other places in search of employment and never come back	3.77	1.54
7. Men have easy access to land for housing in this area because they are perceived to be the head of households	1.85	1.28
8. Information about prices set of land for housing is displayed and easily accessed by everyone in all traditional authority offices	2.23	1.48
9. There are functioning Housing Committees in our area that facilitate easy access to land for housing	1.54	0.66
10. People in this area are aware of policies and legislations that govern land for housing such as the White Paper on New Housing Policy: Strategy of South Africa of 1994, the Housing Act of 1997, among others.	2.85	1.52

**Table 4.10 Community perceived factors enabling access to land for housing**

Factors	 Community leaders	Male youth	Female youth	Women	Men	Tally
a) Access for housing is free for local residents	*					1
b) If you are coming from another village or community you should not have been banished from the village you are coming form				*		1
c) For one to access land you need to be actively involved on the village or community activities such as participating in community meetings and follow village rules			*	*		2
d) People who come from other traditional council area or village pay a certain fee to have access for housing	*		*	*		3
e) The applicant should submit the application for housing to the traditional leader concerned with a copy of South African Identity Document and you should be over 18 years old	*	*	*		*	4
f) You must have money to pay and you have to be a member of the village		*	*	*	*	4

**Key:** \* = interest group identified the issue

**Table 4.11 Community perceived factors hindering access to land for housing**

Factors	 Community leaders	Male youth	Female youth	Women	Men	Tally
Some community members especially youth are denied to be given a place for housing as most of them leave the houses empty or with no one to look after it	*					1
Community members do not have a decision on where they should be given land for housing, traditional leaders decide the sites for housing even if the members do not prefer it		*				1
Some residence go and claim that a certain land is their ruins or inheritance after it was allocated to someone else this creates chaos to the traditional leadership	*			*		2
If you do not have required documents and criteria such being a local resident and a South African Identity Document or Permit or Passport if you are non-South African creates challenges in accessing land for housing			*	*		2
Residence who do not respect the traditional leaders and do not participate in community/village meetings and activities do not get access to land for housing			*	*		2
High price rates for land for housing fee disadvantages those who are unemployed or depends on social grants to easily access land for housing		*	*	*	*	4

**Key:** \* = interest group identified the issue

**Table 4.12 Community perceived resolutions on factors hindering access to land for housing**



Resolutions	Community leaders	Male youth	Female youth	Women	Men	Tally
a) Community members should abide by the community/village constitutions and regulations	*		*			2
b) Land for housing need to have the same size, measured and cleared by the municipality in advance not when there is need		*				1
c) Community members should get land for housing for free and those who come from other communities pay a fee		*	*	*	*	4
d) Community members should not get involved to any violent behaviour or protest in their respective villages			*			1
e) There is need for community members and traditional leaders to have a meeting and communicate and make decision on the matter of access to land issues				*		1

**Key:** \* = interest group identified the issue

## **5.1 Introduction**

In this chapter, the results presented in Chapter 4 are discussed. The main focus of the chapter is to discuss the findings of community perceived determinants of access to land for agriculture, business development and housing in the Mutele Local Municipality area. Traditional council area and social group differences and similarities on perceived determinants of access to land will also be discussed. Conclusions and recommendations close the chapter.

It was of importance to understand the processes of accessing land in various localities, which in this study refers to the Mutale Local Municipality and people who are eligible to access land for development. Although Vhembe District Municipality has since 2008 convened three multi-stakeholder summits to find sustainable mechanisms of making accessibility to land for development easier, to date this challenge remains unresolved. This challenge is particularly crucial in Mutale, which is the most rural of all the four local Municipalities that constitute Vhembe District.

Implementation of the resolutions is likely to build the confidence of the multiple stakeholders with respect to the fact that the summits were not mere talk shows. Moreover, considerable financial, material and other resources were used to run the land development summits. It is crucial to justify such investment by ensuring that the resolutions are implemented resulting in tangible outcomes. Implementation of the resolutions might significantly unlock the huge potential for development in Mutale Local Municipality. Lastly, successful implementation of the decisions made at the land development summits would provide a formidable model or blueprint on how to facilitate decision making on such a thorny and emotive issue in South Africa. This will demonstrate that indeed democracy, as enshrined the country's constitution is alive.

## **5.2 Discussion**

Access to land on Mutele Local Municipality is administered by the traditional leaders and the municipality hence there are some challenges in gaining access to some portion of land such as land for commercial agriculture. Applicants are expected to pay a fee at the traditional leaders and also at the municipality which made the land price to be high as it is paid twice. In most countries in Sub-Saharan Africa, World Bank (2012) notes that, land remains largely abundant but due to the ambiguities of acquisition processed through purchase, leasing, inheritance and assignment under the traditional rules it has become virtually impossible to acquire new land. In rural areas in much of Sub-Saharan Africa, access to land signifies group membership, belonging and exclusion (Cooper & Bird, 2012). In Madagascar, land access is

based on a combination of state laws and local practices and, as such, is controlled by various state and non-state institutions (Burnod *et al.*, 2015).



Women are responsible for household food production in many rural communities across Sub-Saharan Africa; customary law often excludes women from owning and inheriting land (Cooper & Bird, 2012). Despite their obvious importance to agriculture, women have less access than men to productive assets, the asset gender gap which includes less access to land (Quisumbing *et al.*, 2014). This is also the case in the Makuya and Mutele traditional council areas as women indicated that it is difficult to access land for agriculture if you are a woman in their respective villages. Women's limited income-generating activities are one reason that they are unable to purchase land.

Study findings indicate that all residents were allocated arable land when they gained access to residential plots but it seems the rule is no longer practiced recently; the reason for the changes was not given. According to tradition, all community members are entitled to residential and arable plots. These entitlements have generally been understood to rest with the institution of household, which has been widely interpreted as a married man and his dependents.

Local authorities have been the traditional source of farmland. They have limited capacity to accommodate new farmers as all arable land is already occupied (Alwang *et al.*, 2017). The findings of this study indicated that it is challenging to give people access to land for agriculture as people who have abandoned land for agriculture have resistance to give it away. This also shows that there is no written rules and regulation pertaining ownership of land for agriculture hence traditional leaders do not have power to replace all abandoned land for agriculture or give it to those who want to use it. Aha and Ayitey, 2017 also argue that customary lands are under control of traditional authorities represented by stools, skins and family clan/community heads and are generally governed by the customary practices prevailing in particular communities. These laws governing customary land are largely unwritten and based on local practices and norms.

As land become more scarce, traditional institutions may come under stress and no longer able to ensure equitable access to land. This is linked to increasing numbers of land disputes and possibly traditional chiefs transferring land for private gain rather than community benefit (Deininger *et al.*, 2016). This statement concur with the findings of the study indicate that there is lack of land in their areas which make it challenging to provide land for agriculture to residence.

Customary ownership of land, which is defined by customary law and legally sanctioned by the Constitution, the Underlying Law Act (2000) and the Land Act (1996), defines

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inheritance to land by birth, either through the male lineage (patrilineal) or female lineage (matrilineal). Thus, every Papua New Guinean has rights to land belonging to their clan. Land ownership is acquired by virtue of birth. The maintenance of the rights, however, requires active engagement in community activities and the use of the allocated piece of land. This use can be demonstrated either through cultivation or the physical occupation of the site; say through a homestead. Extended absence from the land can render it vacant and thus to occupation by others; oftentimes these privileges extend from the immediate family outwards to complete strangers. The above has inter-generational consequences. Thus, migrants of one era can, through traditional norms, settle upon and cement their ties to a piece of land through continued occupation even when legal title to the land, as per colonial records, rests with a different group (Chad & Yala, 2012). This explains the findings in this study which indicated that there are conflicts between the owners of land who leave it vacant for a long time and the people who are given the land to occupy by traditional leaders.

Findings of the study show that when women gain access to land for agriculture they are given plots in which the soil is infertile or it is a high flood zone. Hence women no longer apply for land for agriculture. Recent research has shown that customary tenure system is fraught with the myriad of challenges and unable to guarantee equitable access to land for all within the social spectrum. It is noted that, customary landholding arrangements often exclude groups such as youth and women from equitable and secure access to land and participating in decision-making on land matters (Kidido *et al.*, 2017).

Ghana represents a peculiar case, for the fact that acquisitions are spearheaded by chiefs and traditional rulers who control up to 80 % of the total available land (Cotula *et al.*, 2014). These chiefs usually act on their own motion in leasing communal land to investors without regards for the rights of the indigenous land holders. Negotiations on these deals are unclear and mainly between paramount chiefs and investors with no involvement and consultation of the local people (Kidido & Kuusaana, 2014; Schonevel & German, 2014; Yeboah; 2014). The study results indicate that traditional leaders are biased to the non-South African and non-local people in terms of giving access to land for business development wherein local people are not consulted and involved.

Many in the communities do not own titles for their land and as a result the discretion and negotiation of the government and investor hold sway as the Land Use Act has empowered the state government. There is a possibility of community leaders getting corrupt. In this case, there will be inadequate community consultation, which weakens the local institutions (Osabuohien, 2014).

In Vietnam land is acquired from original land users and allocated for developers of real estate projects by the State, based on a government land-price framework that does not adhere to market principles (Thu & Perera, 2011). It was indicated that people who gain access to land for business development have money or are considered to be rich; this might also imply that they pay more than what is known to the public for access fee to land for business development in the area.

Fighting corruption has become a priority for the South African government. The national Cabinet approved a Public Service Anti-corruption Strategy in 2002 and it passed a Prevention and Combating Corruption Activities Act. The Act sets out definitions for different acts of corruption, for example, fraud, conflict of interest, abuse of power, bribery, favouritism, nepotism and so on that are highly legalistic (DPSA, 2006). Most members of the public, however, do not have the same legal understanding of the word corruption and therefore apply a broad understanding to it which would, for example, include the abuse of resources, maladministration, theft and fraud and so on (Tomlinson, 2011). Therefore, community members do not really want to expose their leaders as they indicated that people who gain access to land for business are rich. This might imply that leaders concerned in providing access to land to such people are bribed.

According to Sastry (2011), there is also a much wider consensus that business is a force for the good of society. However, of late, that assumption has come under close scrutiny. There is a growing articulation of the need to understand the role of business in society. Civil society and many citizens outside the mainstream see things very differently. At the heart of this difference is a suspicion of business.

Land demands are largely from outsiders, not current users. Even where the investors are nationals they are usually not from the communities themselves. Moreover, there are large power imbalances between those now seeking to acquire land and the current landholders, which shape the nature and outcomes of land deals. This calls for a reassessment of tenure security, especially under customary tenure systems (Doss *et al.*, 2014). It was indicated that most of the people who gain access to land for business development are non-community members or non-South Africans; this might be because local people do not see any business venture in their area.

Section 2 of the South Africa Housing Act, 1997 compels all three spheres of government to, among other things, give priority to the needs of the poor in respect of housing development. South Africa Social Housing Act, 2008 (Act 16 of 2008) say Local governments are required to ensure access to land, municipal infrastructure and services for approved projects in designated restructuring zones. These legislations seem not to be taken into consideration in

the Makuya and Mutele area as all social groups indicated that they are not aware of the legislations and policies governing access to land



South Africa faces a growing challenge in providing all citizens with access to suitable housing (South Africa Yearbook 2012/13). However in areas of communal tenure where traditional leaders allocate land for settlement to households or persons, freehold tenure can in most cases not be easily secured. If a community has a recognised traditional council, the powers and duties of the land administration committee of the community is exercised and performed by the traditional council. A traditional council must in terms of the Traditional Leaders and Governance Framework Act of 2003 (Act No 41 of 2003), co-operate with any relevant municipal ward committee and must meet at least once a year with its traditional community to give account of its activities and finances (National Housing Policy and Subsidy Programmes, 2010). It was indicated that traditional leaders have the power to allocate land to people and they work with ward committee members in the process.

Participants indicated that the prices to purchase land for residential settlement is unaffordable especially to the poor in their communities. Most of the participants indicated that they are unemployed; it implies that they have challenges in raising funds to access land for housing if they wish to. Land has been at the centre of housing discourse because without access to cheap and buildable land, building affordable, well-ordered and incremental housing in large quantities is virtually impossible (Morshed, 2014).

The main source of land access for young women must then be through marriage to a young man with land access, according to tradition of women moving to the homestead of their husband upon marriage. In general, getting married seems the surest way of receiving land from parents (Bezu & Holden, 2014). This does not apply in the Makuya and Mutele traditional council area as youth (male and female) indicated that anyone above the age of 18 years can gain access to residential land provided that they can afford to pay the fee.

## 5.5 Conclusions

This study was carried out to assess the determinants of access to land for agriculture, business development and housing in the Mutale Local Municipality. Makuya and Mutele traditional council areas were the study area. Land is a key resource in the social, economic, cultural and political facets of man, accordingly, people are better placed to raise and stabilise their incomes and also participate in economic growth if they access land.

Based in the findings of the study, it can be concluded that villages use different criteria to determine the value and price of land. Community assets such as land can be shared by local

residents, visitors and private and public sector interests. Access to land for development at a local level requires much more collaboration than practiced today. The capacity to involve the people affected in planning and implementation of the action required is crucial. This will satisfy their needs and facilitate development much easier. All social groups in a community should be involved in decision-making process and implementation process of any development initiative in their area.


Improving transparency and deepening community participation and consultation over classification and sale of unoccupied land could minimise the likelihood of potential land conflict. Greater dialogue may help differently positioned men, women and young people to listen to each other's perspectives and develop shared decision-making processes which may move closer towards addressing the unequal gendered and generational relations that underpin land access. According to Evans *et al.*, 2015; community participation in decision-making process may strengthen social, economic and environmental capitals, which are all crucial to the resilience and sustainability of rural communities in future.

In this study, it is revealed that local institutions comprise the community leaders who can act on behalf of the members of the community. The community leaders can be seen as the embodiment and custodian of the customs, beliefs, norms and values in the community and can vary across communities. It was indicated that to be able to gain access to land for agriculture, residential settlement and business development one should abide by the rules and regulations of the community they are residing in. Active participation in community meetings and activities was also a factor most singled out as one of the qualities that guarantees residents to gain access to land.

## **5.6 Recommendations**

Most of research studies in housing and access to housing focuses on the state subsidised programme and informal settlement upgrading for poor households (Marais & Cloete, 2017; Tutuko & Shen, 2016; Pritchard, 2013). However, it was revealed in this study that legislation on land access is often complex, contradictory and only partially implemented and enforced. As a result, leaving an open door for the wide range of actors such as smallholders, investors, government agencies and NGOs engaged in the land sector to claim and contest rights to land and other natural resources. Therefore, the following recommendations are made and targeted for the three groups namely development practitioners, policy makers and researchers:

### **Practice or Development Practitioners**

- 
- a. There is need for active collaboration of various stakeholders to deliberate together with grassroots community members on processes that can enhance access to land for development in their local areas.
- b. There is need to encourage youth to have more interest in accessing land for agricultural and business activities in their local areas.
- c. More should be done in providing clear information and procedures to be followed on accessing land for agriculture, business development and housing.
- d. Grassroots community members should be workshoped on existing policies and legislations governing land development in South Africa, this can enhance their knowledge and understanding of procedures to be followed on access to land for agricultural and business activities in their areas.

### **Policy Makers**

- a. A policy document focusing on procedures of accessing land for agriculture, business development and housing in South African rural areas is recommended.
- b. Active involvement of all social groups including children and the elderly in the intervention of enhanced procedures of access to land for development local summit should be initiated. This is critical as it will assist local leaders to understand better the views of grassroots community members and also to establish a collective procedure document of accessing land for development in their respective villages.

### **Researchers**

- a. A scientific research study should be undertaken focusing on access to land for residential settlement or housing and housing development in rural areas.
- b. Further research should be undertaken on the assessment of the determinants of access to land for development, including children and the elderly as the participants in order to gain more diverse perspective and perceptions in this topic.

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## 5. APPENDICES

### Data Collection Tools



#### Appendix 1: Consent Letter

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**Title of Study: Assessment of the Determinants of Access to Land for Development in Mutale Local Municipality, Limpopo Province**

#### Background

You are being invited to take part in a research study. Before you decide to participate in this study, it is important that you understand why the research is being done and what it will involve. Please take the time to read the following information carefully. Please ask the researcher if there is anything that is not clear or if you need more information.

The purpose of this study is *to obtain community-perceived determinants of access to land for development in traditional council areas of Mutale Local Municipality.*

#### Study Procedure:

Your expected time commitment for this study is **one hour**. All participants who will take part in this study will be given an attendance register where each fills in names and all relevant particulars. During the group discussions the groups will be taken pictures and all the discussions will be recorded using a voice recorder.

#### Risks

The risks of this study are minimal. The topics in the study may upset some respondents. You may decline to answer any or all questions and you may terminate your involvement at any time if you choose.

## Benefits

There will be no direct benefit to you for your participation in this study. However, we hope that the information obtained from this study may assist local leaders to resolve land development issues in your respective areas. It will also assist the Vhembe District and relevant institutions to come up with uniform procedure in providing access to land for development in all communities.

## Alternative Procedures

If you do not want to be in the study, you may choose not to participate and leave your answers blank, or you may read quietly at your desk.

## Confidentiality

Please do not write any identifying information on your questionnaire. Your responses will be anonymous. Every effort will be made by the researcher to preserve your confidentiality including the following:

Assigning code names/numbers for participants that will be used on all researcher notes and documents.

- a) Notes, interview transcriptions, and transcribed notes and any other identifying participant information will be kept in a locked file cabinet in the personal possession of the researcher. When no longer necessary for research, all materials will be destroyed,
- b) The researcher and the members of the researcher's committee will review the researcher's collected data. Information from this research will be used solely for the purpose of this study and any publications that may result from this study.

## Person to Contact:

Should you have any questions about the research or any related matters, please contact the researcher at [brilly.makhubele@gmail.com](mailto:brilly.makhubele@gmail.com)

## Voluntary Participation

Your participation in this study is voluntary. It is up to you to decide whether or not to take part in this study. If you do decide to take part in this study, you will be asked to sign a consent form. If you decide to take part in this study, you are still free to withdraw at any time and without giving a reason. You are free to not answer any question or questions if you choose. This will not affect the relationship you have with the researcher.

## Costs to Subject

There are no costs to you for your participation in this study



**Compensation**

There is no monetary compensation to you for your participation in this study.

**Consent**

By signing this consent form, I confirm that I have read and understood the information and have had the opportunity to ask questions. I understand that my participation is voluntary and that I am free to withdraw at any time, without giving a reason and without cost. I voluntarily agree to take part in this study.

Signature .....

Date .....

**Person Explaining the Research:** Your signature below means that you have explained the research to the participant or participant representative and have answered any questions about the research.

.....

.....

Signature of person who explained this research

Printed Name

Date .....

Time .....

## Appendix 2: Questionnaire

**Research Topic:** Assessment of the determinants of Access to Land for Development in Mutale Local Municipality of Limpopo Province

**Traditional Council Area:** ..... **Social Group:** Community leaders  Youth  Women  Men

**Number of Respondents:** Female: ..... Male: .....

*Please either tick (✓) or mark with an (x) any box that corresponds with your group's view for each statement below.*

Land development issues in Vhembe District	Strongly agree	Agree	Not sure	Disagree	Strongly Disagree
<b><i>Access to land for housing</i></b>					
a) Women who are single do not have easy access to land for housing in this area because it is assumed that they might get married or re-marry and go and stay with their husbands					
b) People in this area do not know the rights they have regarding land for human settlement or housing					
c) Girls and women find it difficult to access land for housing mainly because our culture favours boys and men in this regard					
d) Prices of land that traditional authorities set to access land for housing is not uniform					
e) Traditional leaders have a lot of control over allocation of land for housing because they are the primary custodians and often favour their relatives and those close to them					
f) Youth find it difficult to access land for housing because it is perceived that they might leave the village for other places in search of employment and never come back					
g) Men have easy access to land for housing in this area because they are perceived to be the head of households					
h) Information about prices set of land for housing is displayed and easily accessed by everyone in all traditional authority offices					
i) There are functioning Housing Committees in our area that facilitate easy access to land for housing					
j) People in this area are aware of policies and legislations that govern land for housing such as the White Paper on New Housing Policy: Strategy of South Africa of 1994, the Housing Act of 1997; etc.					
<b><i>Access to land for agriculture</i></b>					
a) Local procedures of accessing land for agricultural use are clear for everyone					

b) At present, access to land for agriculture is easier for men than women because men are perceived to be the ones who provide for the family					
c) Strict adherence to legislative requirements makes processes of accessing land for agricultural purposes very long					
d) High prices of land that traditional authorities set make it difficult to access land for agriculture in this area. Only the rich can have easier access to it					
e) Information about prices of land for agriculture is displayed and easily accessed by everyone in all traditional authority offices					
f) There are functioning Agricultural Committees and Forums in our area that address agricultural development issues					
g) People in this area are aware of policies and legislations governing land for agricultural development such as the White Paper on Agriculture of 1995; Land Redistribution for Agricultural Development (LRAD) programme of 2000; etc.					
<b><i>Access to land for business development</i></b>					
a) Prices of land for business purposes are too high and unaffordable for most local people					
b) Disagreements between developers and traditional leaders often make it difficult for ordinary people to easily access land where they can run their business					
c) The existing poor relationships between public institutions such as Municipalities and traditional leaders make the prices of land for business purposes very high and almost unaffordable for most people					
d) Lack of information on processes to be followed to access land for business development results in people not taking advantage of available opportunities					
e) Corrupt officials block access to land for business purposes for most local people and give those who do not reside in our area					
f) At present, access to land for business purposes is easier for men than women because they are perceived to be most business-minded than women					
g) Poor people cannot easily access land for business development because they cannot afford the high prices set					
h) Information about rates for land for business development is displayed and easily accessed by everyone in all traditional authority offices					
i) There are functioning Business Forums in our area that address issues that hamper access to land for those who need it					
j) People in this area are aware of policies and legislations governing land for business development such as the White Paper on South African Land Policy of 1997; Co-operative Development Policy for South Africa of 2004; etc.					

### Appendix 3: Interview guide/questions



Hello, my name is Brilliant Makhubele. I am a Masters student in Rural Development at the University of Venda. You are kindly invited to take part in a research study. Before you decide to participate in this study, it is important that you understand why the research is being done and what it will involve. Please take the time to read the following information carefully. Please ask the researcher if there is anything that is not clear of if you need more information.

The purpose of this study is *to obtain community-perceived determinants of access to land for development in traditional council areas of Mutale Local Municipality.*

1. What makes it easy to access land for any type of use here?
  - a) Housing
  - b) Agriculture
  - c) Business development
  
2. What problems do people in this area experience when trying to access land for any use?
  - a) Housing
  - b) Agriculture
  - c) Business development
  
3. What should be done to ensure that there is easier access to land for any (housing, agriculture and business) type of development here?
  - a) Housing
  - b) Agriculture
  - c) Business development

**Thank you!!!!**

## Appendix 4: Attendance Register

**Participant attendance registers** (Please complete all sections of the register)

Traditional council area .....

Date.....

Venue .....

Surname & Initials	Indicate if you are male or female	Indicate if you are youth, woman or man	Highest level of education: 1= None 2= primary 3= Secondary but not matric 4= Matric 5= Tertiary	Name of village you are representing	Position in your community	Cell number
1.						
2.						
3.						
4.						
5.						
6.						
7.						
8.						
9.						
10.						
11.						

## Appendix 5: Feedback and Dissemination Plan

Results of the research will be shared to:

- All wards participated through their ward councillor and traditional councils
- All local municipalities of Vhembe District
- Vhembe District municipality
- The upcoming Vhembe District Land Summit
- The University of Venda community through completed dissertation
- National and international conference through presentation
- The world through a research paper/ article to be published on a journal