

The South African Land Observatory – the establishment of a multi-stakeholder platform for multi-level evidence-based decision-making on land in South Africa

Thinah Moyo, Ward Anseeuw

Department of Agricultural Economics, Extension and Rural Development, University of Pretoria,
South Africa
thinah.moyo@up.ac.za

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Abstract

This paper presents an in-depth technical outline and a critical assessment of the implementation of the South African Land Observatory (SALO). The goal of the SALO is to facilitate evidence-based and inclusive decision-making over land resources in South Africa by generating, analyzing and making available land-based information and by widening participation to all stakeholders. Given the experiences within the different programs of land tenure, redistribution and restitution in South Africa, it is important to gather information that addresses identified challenges/concerns in each locality, as well as identify what is necessary for effective land reform to occur. To address these and other questions, the establishment and development of well-coordinated information and data gathering, useful to all stakeholders and aiming at supporting evidence-based decision-making is essential.

The methodology and implementation involves a combination of tools for an all-encompassing and comprehensive result at all levels. SALO responds to the need for data generation, monitoring evolutions and making information and research available, regarding land in South Africa, at different levels to multiple stakeholders, particularly in the framework of the country's Land Summit-related new policy perspectives. The focus is on decentralized data and information. A decentralized data gathering system is implemented at district level to curb data inconsistencies. Data and information gathering involves an identification of the farms, what is happening on the farms, how much land is under production, who owns the farms, etc. Hence, a decentralized approach, based in District Land Reform Committees is thus being promoted. The value-addition to national information bases and national decision-making processes is not neglected.

A database combining a centralized national database with the establishment of South African Land Observatory entities at decentralized levels is relevant. The initiative is an effort to provide evidence at national level on one hand while on the other hand, it is an effort to make this available, useful and accessible to all stakeholders in order to enable the latter to engage in inclusive, informed, evidence-based decision-making, based on a consultative process, at the different levels. The final SALO output is a knowledge hub accessible to a broad-based panel of stakeholders that could access all-inclusive data and information through the LandDATA, LandDOCS, LandEVENTS, LandFORUM and LandCOMMUNITY.

Key Words: Inclusive decision-making, Land data, Open access, South Africa, Stakeholder engagement

1. Introduction

Land is one of the most important assets in rural areas, as many people depend on access to land for their social and economic survival. In urban areas, access to land is similarly a prerequisite for a successful urban development program (DLA, 1997). In South Africa, land is an extremely emotive subject. Racially based policies were a cause of insecurity, landlessness and poverty amongst black people, and a cause of insufficient land administration and land use. Apartheid policies pushed millions of black South Africans into overcrowded and impoverished reserves, homelands and townships (ANC, 1994). Millions of black people were forced to leave their ancestral lands and resettle in what quickly became over-crowded and environmentally degraded reserves. The constitution of the Republic of South Africa Act no. 108 of 1996, places a responsibility on the national government to ensure equitable distribution of land among South Africans, thereby addressing the injustices and consequences of the racially segregated 1913 Land Act (Kitchin & Ovens, 2013).

Land reform aims to help redress the appalling inequality of incomes and to provide the largely impoverished black rural population with basic needs and more secure livelihoods. Without a significant change in the racial distribution of land ownership, there can be no long-term political stability and, therefore, no economic prosperity (DLA, 1997). However, more than 20 years into democracy, the country still grapples with the issue of land ownership and the land pattern remain almost unchanged. The land reform program seems to be progressing at a snail's pace with less than 8% of land transferred against the government target of transferring 30% (about 25 million hectares) of the agricultural land to previously disadvantaged people by 2014 through the land reform program (Nkwinti, 2013).

Getting to the bottom of land ownership in South Africa is not a straightforward business. The Department of Rural Development and Land Reform (DRDLR) shows that a significant percentage (79% of land) is privately owned, with about 18% of all land in black hands. However, there have been discrepancies in the figures on how much land is owned by blacks from some private sectors, the *landbouweekblad* speculated that black land ownership might be far higher than official figures suggest (Mail & Guardian, 2009). This leads to the question of 'who owns what percentage of land in South Africa?' The questions on land ownership as well as land use are of great importance as they influence decision-making on issues related to land in the country.

There are a number of concerns about land use by land reform beneficiaries. Little is known about the land use or production and resettlements on land reform projects. Land reform has focused on how to get the land and has had little to say about the types of land use and production to be promoted. Until

recently, the land reform policy has not envisioned the type of production to be promoted, and, therefore, what structural change in production, markets and settlement patterns to pursue, together with the de-racialization of ownership (Hall, 2009). Through land reform, where land has been transferred with full ownership rights, beneficiaries acquire a capital asset, but it is the use of this land, the consumption and sale of its produce, that bring about direct benefits to the beneficiaries.

Most of the land transferred through the redistribution and restitution programs has not been used productively (Aliber, 2001; Andrew et al., 2003; Kirsten & Machethe, 2005). Most land reform projects are experiencing hardships or have failed, which has resulted in a reversal of the land reform objectives (Anseeuw & Mathebula, 2008). South Africa's land reform program's main criticism is the little or lack of post-acquisition support for new landholders, who often have little or no farming experience. Much more than land is needed to improve the socio-economic status of beneficiaries (Thomas & Van den Brink, 2006). If land reform is well planned and implemented, it has the potential to contribute to local socio-economic development and fighting poverty (Mabuza, 2016).

Unless agricultural and land data is generated, analyzed and made available, inclusive decision-making on land at national and decentralized levels may not be realized and that would exacerbate challenges that already exist on issues related to land. In order to use evidence based research to inform development decisions, collection of data as well as a coordinated system to disseminate it, is required. Data, particularly of good quality, are essential for national governments and institutions to accurately plan, fund and evaluate development projects. To be of value, such data must be accurate, timely, disaggregated and widely available.

1.1 Setting the Scene: The Need for Evidence Based, Effective Land Reform Promoting Decentralized Participation

This initiative finds itself at the crossroads of several present observations in South Africa and beyond. On one hand, South Africa's willingness to engage in more effective and successful land reform; on the other hand, the need for evidence-based decision-making at decentralized levels. It was indeed recognized that reforms should be grounded on evidence and be informed as well as being inclusive of the levels and stakeholders they directly affect. A decentralized approach, based in District Land Reform Committees is thus being promoted (DRDLR, 2015). These observations correspond to the Guiding Principles of the Land Policy Initiative (African Union, UNECA, AfDB) (LPI, 2010).

As such, the South African Land Observatory (SALO) comes in support of several policy evolutions in South Africa, particularly, the interface between the Land Commission Bill and the Regulation of

Agricultural Land Holdings Policy Framework (RALHPPF), including the Land Ceilings and Land Ownership by Foreign Nationals, among others, (DRDLR, 2015). In addition, the project also fits with other policy evolutions such as those that are behind the achievement of Outcome 7 of Government (e.g. within DRDLR). Regarding the above-mentioned policies, SALO serves as a tool for the provision of data informing evidence-based inclusive decision-making.

- South Africa's willingness to engage in more effective and successful land reform. The resolutions of 2014 Land Summit have put to the fore the need for South Africa to further engage in effective land reform. Several options have been put forward: land holdings, 50/50, foreign ownership, agriparks.
- The need for evidence-based decision-making at decentralized level. Within the Summit's framework, it was also recognized that these reforms should be grounded on evidence and be informed as well as being inclusive of the levels and stakeholders they directly affect. A decentralized approach, based in District Land Reform Committees is this being promoted. The latter will have to be capacitated and will need to be informed, in order to engage in evidence-based policy making.

The Guiding Principles of the Land Policy Initiative (African Union, UNECA, AfDB), in particular promote:

- The constructive engagement of African States to engage in land reform, for political, economic, social and environmental reasons;
- Inclusiveness, participation and continuous public engagement through decentralized structures;
- The development of tracking and monitoring systems, to avail data and enable informed and evidence-based decision-making and policy process, at the different governance levels.

F&G - Guiding Principles of the Land Policy Initiative (African Union, UNECA, AfDB)

Some of the F&G guiding statements and principles related to this project:

“Without effective engagement of primary stakeholders at all stages in the implementation process leadership per se will not guarantee the delivery of outcomes contemplated in the policy. It is important that stakeholder engagement continues beyond completion of the policy development stage. Experience has shown that the implementation of land policies will move much faster where such engagement is organized in terms of decentralized structures that are fully controlled by those targeted in land policies.”

“Placing decision-making powers at the local level is arguably the most efficient way to secure land rights of individual households and communities, even though some form of nationwide monitoring and review may be required.”

Article 5.3.2. Design of land policy implementation strategies

Article 5.3.5. Continuous public engagement through decentralized structures

Article 5.3.7. Domesticating relevant regional and international commitments

Article 6.1. The Development of Tracking Systems

Article 6.1.3. The need for adequate data

Article 6.2.2. Stakeholder agreement on what should be tracked

Article 6.2.4. Defining participatory and measurable indicators

Article 6.2.6. Effective capacity building programs

It is in this framework that the F&G support the establishment of land observatories.

It is in the context of the present observations regarding South Africa’s land reform and of the guidelines of LPI’s “Framework and Guidelines on Land policy in Africa” that this project is developed.

1.2 In Support of Present Policy Evolutions in South Africa

This project comes in support of several policy evolutions in South Africa (Figure1). Indeed, more particular, it is a tool at the interface between, besides others, the upcoming Land Commission Bill and the Regulation of Land Holdings Policy Framework (RLHPF), including the Land Ceilings and Land Ownership by Foreign Nationals.

With regards the Land Commission Bill: This project concretely supports the functions of:

- Establishment and maintenance of a register of land holdings with respect private and public land;
- Enquire into correctness of disclosures regarding nationality of owner and the use of the land;
- Engage in additional research with regards the above.

With regards the RLHPF, this project serves as a tool for the provision of data informing evidence-based decision-making. In addition, this project also fits with other policy evolutions such as those that are behind the achievement of Outcome 7 of Government (i.e. DAFF and DRDLR).

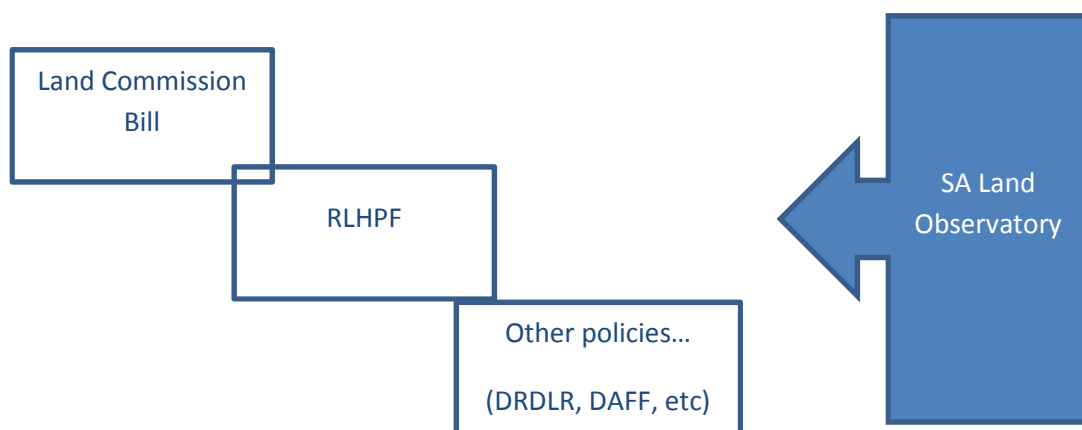


Figure 1: South African Land Observatory’s link to present policy evolutions in South Africa

The value added is that the South African Land Observatory does not only serve as support to South Africa’s present policy evolutions, in particular the Land Commission Bill and the Regulation of Land Holdings Policy Framework, it is also a tool to dig deeper into and engage research in certain aspects related to land ownership and use, covering aspects such as corporization and financialization of land.

1.3 Objectives

Given the experiences within the different programs of land tenure, redistribution and restitution, it is important to gather information that addresses identified challenges/concerns in each locality, as well as identify what is necessary for effective land reform to occur. To address these and other questions, the establishment and development of well-coordinated information and data gathering, useful to all stakeholders and aiming at supporting evidence-based decision-making is essential.

The goal of the SALO is to facilitate evidence-based and inclusive decision-making over land resources in South Africa by generating, analyzing and making available land-based information and by widening participation to all stakeholders. Given the experiences within the different programs of land tenure, redistribution and restitution in South Africa, it is important to gather information that addresses identified challenges/concerns in each locality, as well as identify what is necessary for effective land reform to occur. To address these and other questions, the establishment and development of well-coordinated information and data gathering, useful to all stakeholders and aiming at supporting evidence-based decision-making is essential.

Specific objectives, activities and outcomes for SALO are as follows:

Objective 1: To build an evidence base for informed decision-making on land and land-based activities in South Africa.

Activities: The project should make available the information basis necessary for evidence-based decision-making over land resources in South Africa. As such, it is an effort to provide answers to questions such as to what extent has land reform achieved its objectives, who owns which land, how much of this land is productive, who and where are the actual numbers of smallholder farmers in the country? Etc.

Outcome: A complete and extensive evidence base for informed decision-making on land and land-based activities in the country. The project provides a basis for information generation and monitoring at national level.

Objective 2: To establish a knowledge portal for improved and inclusive decision-making on land at national and decentralized levels.

Activities: The project promotes the use of this data as an evidence base for dialogue and engagement by a broad panel of stakeholders on decision-making on land use and land-based activities, at national and decentralized levels.

Outcome: Open-data and open-source one-stop-shop, online hub for informed debate and interaction at both national and decentralized levels.

SALO responds to the need for data generation, monitoring evolutions and making information and research available, with regards land in South Africa, at different levels to multiple stakeholders, particularly in the framework of the country's Land Summit-related new policy perspectives. This initiative is part of the broader trends of i) monitoring land governance (CFS, 2016) and is linked to other land monitoring initiatives, such as the Land Matrix at global level (Land Matrix, 2016) and other decentralized and thematic initiatives. Presenting SALO from a technical perspective and assessing its implementation critically should allow drawing lessons facilitating a learning process in the broader framework of inclusive evidence-based decision-making processes and land governance monitoring.

2. Methodology

The methodology involves a combination of tools for an all-encompassing and comprehensive result at all levels. The focus is on decentralized data and information. The value-addition to national information bases and national decision-making processes is certainly not neglected.

2.1 Decentralized Data Gathering System at District Level

A decentralized data gathering system would be implemented to curb data inconsistencies. Information gathering would begin with piloting in select districts where district land reform committees are being established, with the aim of out-scaling and up-scaling the process to several districts and provinces until the whole country is covered. Data and information gathering involves an identification of the farms, what is happening on the farms, how much land is under production, who owns the farms, etc.

Before going national, focus was on priority districts identified by DRDLR; a pilot project was implemented in two identified districts (in order to facilitate the work and fine tune the strategy and methodology). In order to provide improved and better coordinated data and research output, support evidence-based decision-making, with regards land and land-based activities, two research modalities were developed at decentralised level.

In order to provide improved and better coordinated data and research output to support evidence-based decision-making, with regards land and land-based activities, two research modalities are developed at a decentralized level.

- *Use of secondary and existing data:* This includes the use of data and databases that are already in existence, such as deeds registries (land ownership, monitoring land transactions, etc), Surveyor general's office (farm structures and sizes, land use, etc), land capability data, etc. This is complemented by satellite imagery and remote sensing (monitoring of land use cover, land degradation, water use, etc). Many of these data sources are accessed on a continuous basis, leading to dynamic data and databases.
- *Producing primary data at district level - Extensive fieldwork:* Existing secondary data is complemented through collection of ground truth information required to fill information gaps but also to respond to different and new challenges. A farming systems approach is most appropriate, as it represents a comprehensive approach combining geographical and socio-economic instruments, focusing on the identification of the diversity of farmers.

- *Zoning*: Zoning is the geographical delineation (mapping) of spatial units presenting a certain degree of homogeneity, according to relevant criteria. Zoning allows for the following:
 - Represent on a synthetic map the diversity, the organization and the evolution of space
 - Understand different levels of spatial and social organization and interactions are considered
 - Analyze the different stakeholders (the ‘actor’ in the center of the research)

- *Typology*: Within the framework of rural development, a typology implies grouping, then describing households with similar needs, with regards to the project’s objectives. As such, a typology is an attempt to highlight the diversity of livelihoods systems and allows for the following:
 - Identification of the different types of farmers in a specific zone/area;
 - Assessment of their farming operations and systems;
 - Assessment and understanding their livelihoods, challenges and needs;
 - Preparation of development plans based on a variety of farmers, challenges and needs, within a specific area.

Annexure 1 presents the different key variables, which may vary according to district or province and the data custodians in the country.

2.2 A Centralized National Database

A database combining a centralized national database with the establishment of South African Land Observatory entities at decentralized levels becomes relevant, useful and important for promoting and facilitating evidence-based and inclusive decision-making over land resources in the country and widening stakeholder participation. The aim is to aggregate the district level data in a national database, in order to develop a coherent set of data at all levels. On one hand, this initiative is an effort to provide the evidence at national level. On the other hand, it is an effort to make this available, useful and accessible to all stakeholders in order to enable the latter to engage in inclusive, informed, evidence-based decision-making, based on a consultative process, at the different levels.

2.3 Establishing South African Land Observatories, at National and Decentralized Levels

Land Observatories in South Africa at both national and decentralized level (in support of the District Land Reform Committees) become relevant, useful and important when they promote and facilitate evidence-based and inclusive decision-making over land resources by generating, analyzing and making available land-based information and by widening participation to all stakeholders. Such an initiative is an effort to provide answers to questions such as to what extent has land reform achieved its objectives, how much land is now in the hands of the previously disadvantaged people, how much of the land is productive, what are the actual numbers of smallholder farmers in the country, how much land do they occupy and where, etc.

In addition, the initiative is an effort to make data available, useful and accessible to all stakeholders in order to enable the latter to engage in inclusive, informed, evidence based decision-making, based on a consultative process, at the different levels. In this context, a South African Land Observatory would become a tool that makes the above mentioned data and databases available to the relevant stakeholders.

The South African Land Observatory provides a basis for information generation and monitoring at national level. It also represents and supports evidence-based decisions through concerted action. It promotes the collection of comprehensive data, and the use of this data as an evidence base for national dialogue and engagement by a broad panel of stakeholders on decision-making on land use and land-based activities. More specific results are (organised according to the three components of the project):

- a) Improved and better coordinated data and research output, support evidence-based decision-making, with regards land and land-based activities.
- b) A centralised and publically available knowledge portal for improved decision-making, in a transparent and inclusive manner, with regards land and land-based activities.
- c) Improved land policy through enhanced policy dialogue and multi-stakeholder engagement.

2.4 A One-Stop-Shop for All Data and Information on Land

This project provides a one-stop shop for data and information on land at national and decentralised levels to support evidence-based decisions. The final SALO output is a knowledge hub accessible to a broad-based panel of stakeholders that could access all-inclusive data and information through the following tools:

- Land DATA: an interactive map of land data, where , in a user friendly interface, the user can discover information on farm structures, land use and more;
- Land DOCS: a constantly updated collection of everything that is being published on land related matters, from media, research reports and opinion pieces to policies and parliamentary debates;
- Land EVENTS: an interactive calendar to never lose track of events related to land;
- Land FORUM: a space open to all, to feed the debate on any land-related topic judged relevant; and
- Land COMMUNITY: a directory of all stakeholders in the land sector – it also offers these stakeholders a platform to create their own webpage or link.

2.5 Target Group: Promoting Inclusiveness

Aiming at improved land policy through enhanced evidence based on inclusive decision-making, the project focuses on multi-stakeholder target groups. At decentralised level, main beneficiaries are the District Land Reform Committees, as prime entities of land management. In addition, targets of this initiative are broad-based, including all actors and stakeholders engaged directly and indirectly in South Africa’s land sector, in an inclusive and transparent manner (Central and Provincial Government bodies, civil society, farmers’ organisations, private sector, legal support services, academia, etc.).

3. Effective Implementation

The project engages in improved and better coordinated data and research output, supporting evidence-based decision-making, with regards land and land-based activities. This is aimed at district level disaggregation through:

- An assessment of existing data and research as well as the identification of gaps and shortcomings.
- Centralisation of existing data and research.
- Extensive quantitative and qualitative research on land and land-based activities.
- Databases/research outcomes that would feed the knowledge portal and the policy dialogue.

3.1 A Step-Wise Process for a 3-Year Master Plan

- **Step 1:** A pilot project was implemented in two districts, in order to facilitate the work and fine tune the strategy and methodology. This led to a fine-tuned methodology and an outline of the format of the outcomes (i.e. establish the database). Two districts were identified by the DRDLR, namely, Lejweleputswa in Free State and Cape Wine Lands in Western Cape. These were identified for their specific structural evolutions with regards farm structures and ownership.
- **Step 2:** The final upscale then covered all the remaining districts in the country. Based on a well fine-tuned methodology, the exercise was repeated in the other districts. This was the first step to an amalgamated database that is used as a centralized instrument. This last step led to the final national database. Data is continually being integrated as it becomes available.

3.2 Institutional Set-Up

For success, a look at the institutional set-up is critical. An initiative of this nature should be led by a neutral entity in order to keep its independence and objectivity. In the South African case, the University of Pretoria is the host. In addition, success depends on the buy-in of the broader land stakeholder community, including government. In South Africa, the latter refers, in particular, to the DRDLR with whom ties have been developed. Collaborations with other relevant Government departments are also necessary. Finally, the collaboration with the International Land Coalition; in the broader framework of the Land Matrix and in the framework of the F&G of the LPI, both directly and indirectly are supporting inclusive, multi-level evidence-based decision-making and policy making regarding land, allows for support and international guidance.

This project is not a once-off, temporary project, but should be a long term initiative necessitating buy-in from national institutions and stakeholders. Partners currently driving this initiative directly include the University of Pretoria's Department of Agricultural Economics, Extension and Rural Development and the Centre for the Study of Governance Innovation. This initiative is taken in collaboration with the International Land Coalition; in the broader framework of the Land Matrix and in the framework of the F&G of the LPI, who both directly and indirectly are supporting inclusive, multi-level evidence-based decision-making and policy making regarding land.

The broader stakeholder community should partake. Their role cannot be overemphasized. In the first instance, the South African Government should be on board. The latter includes, in particular, the

DRDLR, with whom ties have been developed. Other relevant Government departments include the Deeds Registry Office, DAFF, departments contributing towards Outcome 7 of Governments.

Access to information depends on the willingness of all stakeholders to partake in this exercise. They should at least be informed by this initiative, so that its implementation can be facilitated. For effective change to happen, the project promotes objectiveness, scientific rigor, engaging the large panel of core in the long term. Therefore, the project, based at the University of Pretoria, is owned by all stakeholders, including Government.

3.3 Financial Aspects, Human Resources and Cooperation

This project benefits from an initial financial endowment received by the University of Pretoria from the Flemish Cooperation (the Flemish project with funding is available on request). This funding is available to set-up the initial framework, to engage in initial data collection, and to set up the overall South African Land Observatory. Additional funding is needed to cover particularly the primary data collection in all districts. Funding is sought both within government and other donor spheres.

Similarly, regarding human resources, the initial funding and the anchorage of the project at the University of Pretoria allows for access to some of the human resource, in particular for the primary data collection. Additional human resources for the primary data collection in all districts are required. Such additional human resources are made available through the capacitation of government officials at the different levels. Not only does this lead to better cooperation, but also to ownership of the project and data by the specific people and stakeholders at the levels where it is needed.

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Annexure: Data and sources of data on land in South Africa

Variable	Source
1. Land ownership	
- Land ownership status (private, trust, CC, communal...)	Deeds registry
- Primary owner	Deeds registry
- Status of primary owner	Deeds registry Property Commission (CICP)-Sub C data
- Secondary owner	Deeds registry Survey
- Status of secondary owner	Deeds registry Survey
- Size / delimitations	Deeds registry Satellite
- Race	Deeds registry Home Affairs Department of Justice
- Nationality	Home Affairs CICP-Sub C data Department of Justice
- Gender	Home Affairs Deeds registry Department of Justice
- Date of acquisition	Deeds registry
- Price of acquisition	Survey
- Land fragmentation	Survey
2. Lease information	Survey
- Land leased	Survey
- Size/delimitations	Survey
- Lessee	Survey
- Lessee status (private, trust, CC, ...)	Survey
- Lessee race	Survey
- Lessee nationality	Survey
- Lessee gender	Survey
- Lease term	Survey
- Price of leased land	Survey
3. Land transactions	
- Number	Deeds registry
- Status of acquirer (private, trust, CC, ...)	Deeds registry CICP-Sub C data
- Acquirer race	Deeds registry
- Acquirer nationality	Deeds registry
- Acquirer gender	Deeds registry
- When	Deeds registry
- Price	Survey
- Size	Deeds registry
- New use	Satellite
4. Land use	

- Production (type of produce)	Satellite Survey DAFF
- Size	Satellite Survey DAFF
- Productivity	Satellite Survey DAFF
- Changes in land use over time (what changes, when, why, etc)	Satellite Survey DAFF
- By who	Survey
- Owned by whom	Survey
5. Environment	
- Land and soil degradation	Survey DAFF DEA
- Vegetation cover	Satellite
- Water bodies	DWA
- Water use	