CHALLENGES OF ACQUIRING TRIBAL LAND IN GIYANI, LIMPOPO PROVINCE, SOUTH AFRICA FOR COMMERCIAL DEVELOPMENT

Xongile Muthambi, Chris Cloete and Laetitia Cook
Department of Construction Economics
University of Pretoria
Corresponding author: chris.cloete@up.ac.za

Abstract

Purpose: Over the past two decades, rural areas in South Africa have experienced substantial economic growth and a rapid increase in the middle-income population group, resulting in a commensurate increase in consumer spending. In response to this shift, commercial developments in these previously untapped markets have come under increasing scrutiny by developers. However, development in these areas is hampered by the intricacies of the communal land tenure system of ownership prevalent in many rural areas and the concomitant lack of clear procedural requirements for approval of developments. The study endeavoured to identify the challenges which property developers experience when acquiring tribal land for commercial use.

Methodology: The research implemented a mixed research strategy of a desktop review supplemented by in-depth semi-structured interviews with property developers who have successful acquired tribal land in the Giyani area of the Limpopo Province of South Africa.

Findings: The study highlighted challenges procedural challenges, challenges arising from stakeholder engagements and other general challenges. Although the South African government makes provision for land under tribal administration in the legislative and policy environment, the lack of tribal authorities, municipality and other government stakeholders to coherently facilitate the land acquisition process fostered a lack of accountability. The process of land acquisition of tribal land was found to be lengthy and complex. In addition, challenges regarding the lack of services and infrastructure were highlighted.

Value: Addressing the identified problems will facilitate development in tribal areas in South Africa and contribute to a more sustainable process for development in these areas.

Keywords Rural land tenure, communal land tenure, land development, land acquisition, development challenges, Giyani, Limpopo, South Africa.

1. Introduction

Development in rural areas in South Africa is hampered by the intricacies of the communal land tenure system of ownership prevalent in many rural areas and the concomitant lack of clear procedural requirements for approval of developments. The study endeavoured to identify the challenges which property developers experience when acquiring tribal land for commercial use.

South Africa's rural landscape has undergone a series of transformations since the 1900s (Demacon Market Studies 2010:12). It is evident that these rural landscapes have experienced transformation as described in the transformation timeline developed by the DPLG and European Union. Public and private sector investment in these areas has increased and renewal has since taken place.

South Africa's spatial planning debacle dates to the 1830s where early measures of regulating the use of land being introduced (Van Wyk & Oranje 2014:6). These measures included restrictive covenants which were inherited from Britain alongside conditions aimed at ensuring good order, dignified conduct and enjoyment of property in villages and small towns.

Both the increase in spending together with the fact that many traditional retail hubs becoming saturated has significantly contributed to the rise of national retailers, especially supermarket stores, to increasingly focus on market expansion strategies in these emerging markets. In response to this shift, a reciprocal shift in developing retail centres in these previously untapped middle and low-income markets is evident (Ligthelm 2008:37).

Prior to South Africa's new planning reform post 1994, a situation existed where a wealth of laws governed planning and more specifically spatial planning. These laws include chapters of ordinances which have persisted from the pre-Constitutional era, planning laws which were developed after the enactment of the Constitution and sectoral Laws. Over time, there have

been numerous attempts of introducing policies which attempted at incremental and total planning legislative reform to address the issue pertaining to spatial planning (Joscelyne 2015:4). In July 2015, the South African government introduced the *Spatial Planning and Land Use Management Act, No. 16 of 2013* (SPLUMA) as an attempt to address the complexities and issues that still exist.

The present study attempts to analyse the land acquisition process as defined in the legislative framework of South Africa, identify the challenges property developers encounter during the process of acquiring tribal land for commercial use and provide recommendations to mitigate the challenges of acquiring tribal land for commercial use.

2. Land Reform in Democratic South Africa Post- 1994

Apartheid left South Africa's land use management and development control system as fragmented and disjointed as the spatial landscape it created (Nel 2016:1; van Wyk & Oranje 2014:2). Post 1994, a plethora of new legislation was enacted by the democratic government to reverse the apartheid laws which had been created. The transition to a democratic state post 1994 not only brought an end to the apartheid system of governance but also sparked a prospect of recreating a new South Africa (Maluleke 2017:36; van Wyk & Oranje 2014:2). The 2006 National Spatial Development Perspective describe that the South African urban landscape represents a dualism with two overarching spatial categories; areas of national significance with high population densities and high numbers of people living below the minimum living level and areas with low economic activity and low levels of demonstrated economic potential with high numbers of people living below the minimum living levels (Aliber 2017:1).

Even though the disparities between the rural and urban areas have persisted in South Africa for decades, in democratic South Africa the concerns particularly become a focus (Ndabeni 2015:11). The new democratic state of South Africa embarked on a process of reshaping the colonial inspired and tainted spatial planning system (Maluleke 2017:37; Mpofu 2017:99; van Wyk & Oranje 2014:2). There were significant strides at reforming the urban landscape alongside new legislation put in place to facilitate this process.

Land reform in the democratic South Africa is synonymous with rural development or rural resettlement and hence the presence of the Ministry

of Rural Development and Land Reform (Mpofu 2017:99). A major challenge government has been faced with is that most of the land restitution claims which have been processed have resulted with monetary pay-outs rather than land. Thus, the problem perpetuates as these mechanisms do not solve the need for urban land. Post 1994, the prevailing development concepts regarding land reform adopted to the country's rapidly expanding urban areas has been incapable of attaining the post-apartheid visions to transform South Africa's disadvantaged majority (Mpofu 2017:106).

It is paramount for the government to transform rural land and create more inclusive rural economies to address the consequences of apartheid legislation that resulted in land dispossession in rural areas. The government's approach therefore should be cognisant of the land pressures from all its inhabitants (Mpofu 2017:108). In order to promote new urban developments in rural areas, more land should be established and governed to promote development.

The policy and planning environment has been characterised with a renewed focus on the need for aligned, collaborative and spatially coordinated targeted investment (Maluleke 2017:36).

3. The Concept of Land Tenure in South Africa

Land tenure in South Africa is influenced by politics, race, location and traditions (Hull *et al* 2016:70; Urban Landmark 2013:8). In the rural areas, land situated in the former homelands, tribal land/communal land, is administered by a traditional council with communal tenure and plots registered in the name of the state. Farm land located in rural areas is mostly owned by white farmers, surveyed and titled under freehold (Urban Landmark 2013:8). Despite the land redistribution programmes which have been put in place post 1994, this racially discriminatory and fragmented land tenure system has been difficult to overcome. In the democratic South Africa today, race and class distinctions are still evident in the spatial landscape of the country. The transformation and formalisation of land tenure in these rural and underdeveloped areas thus remains a slow process.

3.1 Rural land tenure

Often land in urban areas is formally surveyed, well defined and recorded in a formal cadastre (Maluleke 2017:87) while most of the land in rural areas is not formally surveyed and recorded and thus not formally recognised.

During the apartheid period a use right referred to as a Permission to Occupy commonly known as a PTO was issued to black households allowing them the right to occupy the piece of land (Hull *et al* 2016:70). Despite being abolished in 1994, the issuing of PTO's is still active in some regions of the country as the basis system of land allocation.

3.2 Rural land rights

Land in rural areas will often present itself as land that is state owned and has a tribal authority which resides on the land. In this instance, the land's legal owner is the state however the tribal authority has the land owner's right over the land (Development Facilitation Act of 1995). The right to this is granted by the Interim Protection of Informal Land Rights Act of 1996. The act aims at providing a temporary protection of certain rights and interests in the land which is not adequately protected by law and to provide for matters connected therewith. This therefore implies that any prospective development on this land needs to be granted permission of the person who has the land holder's right and the developer would have to make a payment to the land holder and not the state for the acquisition of the land.

Provincial and municipal planning policies and legislations have further been introduced which become applicable to the provinces and municipalities specifically. Furthermore, urban and rural areas have experienced different levels of control with former white urban areas subject to the most stringent land use controls but little or no control is exercised in the former black areas (Parnell & Pieterse 2010:15).

Even though South Africa has legislated guidelines regarding public compensation and community participation in land use changes and developments in rural areas, these are not always effectively implemented and administered. On the other hand, the urban and developed areas of South Africa have well developed land use and spatial plans usually cascading from the regional to the local levels. However, these are not always aligned thus urban development at times takes place in an ad hoc manner (Urban Landmark 2013:15).

Problems around unclear laws and regulations, lack of audits and monitoring, lack of publicly available information, lengthy times for processing investors' applications, inconsistent implementation of social and environmental safeguard requirements and procedures, lack of action in cases of non-compliance with these problems are pertinent in the case of land tenure in the South African urban landscape (Urban Landmark 2013:19). Furthermore, there is a lack of clarity around expropriation of land by the state and insufficient information from the investors to access a project's viability, benefits and risks.

As of 2013, approximately 16 million to 19 million South Africans lived in rural areas of which over 90% are located on tribal land (Urban Landmark 2013:23). Although the constitution of South Africa recognises traditional land rights and traditional land tenure, there remains no legal mechanisms to register the tribal land. Consequently, the government holds the tribal land in trusts for the communities. Irrespective of the temporary legal initiatives put in place to address rural land tenure, there remains an urgent need for a cohesive legal framework to the protect the rights of vulnerable groups in these rural areas.

Rural development policy remains a vital cornerstone of national economic policy. Rural development policy reflects a priority that is attached to rural development (Ndabeni 2015:37). It is worth noting that the ideology regarding rural development has changed considerably and this is evident with the parallel shift in the approach and perception from government initiatives. New strategies are needed to ensure that rural areas achieve their full economic potential (Ndabeni 2015:42).

4. Tribal Land Acquisition – Processes And Challenges
Hull *et al* (2016:71) define land allocation as the allocation of land which the state control on the behalf of its nation. State owned land can be defined as either be under the control of the Department of Public Works, Department of Rural Development and Land Reform and or tribal authorities and quitrent land.

The role of land allocation is to administer the land to ensure that it is effectively administered. This is a crucial process to securing land. Hull *et al.* (2016:70) identify four components of land allocation;

- The process of allocating land parcels to potential rights-holders (individual, family or community),

- The procedures of demarcating land boundaries within tribal jurisdiction,

- The mechanisms of solving conflicts concerning property boundaries, land use and other land related rights, restrictions and responsibilities, and

- Land tenure security arising as a product of the first three components

The South African retail environment in rural areas has long been dominated by small, mainly informal, business traders offering basic products to the low-income consumers (Lighthelm 2008; Tustin & Strydom 2006:48). Due to the political changes post 1994 in South Africa; many consumers have been exposed to opportunities which have allowed them to move from the extreme low-income bracket to the middle-income brackets. This has thus sparked a trend amongst South Africans to trade township and rural life for a more urban life. According to Tustin & Strydom (2006), this shift in economic and demographic boundaries alongside other factors benefitted formal retail trade in rural and underdeveloped areas.

4.1 The role of traditional authorities in land acquisition

The institution of traditional leadership occupies an important place in South Africa (White Paper on Traditional Leadership and Governance 2003:5). Tribal authorities shall administer the affairs of the tribes and communities by rendering assistance and guidance of such a tribal authority regarding matters relating to the development and improvement of any land within that area (*Black Authorities Act No.68 of 1951* section 4.1).

Acquiring land under the administration of a tribal authority therefore needs to follow the processes as required and defined by the tribal authorities. The Act clearly outline the inclusions and exclusions which a tribal authority under the leadership of a chief has in the control, demarcation and administration of tribal land under his/her jurisdiction. Post 1994, the powers and authorities of tribal authorities have become more prescriptive and legislated.

Traditional leadership represents the communities they are allocated with and render assistance however it should be considered that in most cases,

the communities themselves have substantial influence on the land allocation process though they are not the ultimate decision maker (Hull *et al* 2016:73). It is therefore clear that the processes of land allocation are not as simple as they may appear.

A traditional authority fulfils the role of being the custodians of rural land and do this on behalf of the state (Hull *et al* 2016:79).

4.2 Transferring development land under the control of tribal authorities

Development land in rural areas will present itself in different conditions and often with numerous different challenges (Farrell 2009:19). A property developer willing to acquire such a parcel of land will have to engage with Tribal Authorities, government official and elected political officers to obtain the development land.

As previous highlighted, due to the discriminatory land use and ownership prospects of the previous apartheid government, development land allocation and rights were encompassed through the issuing of a Permission to Occupy (PTO). However, post the apartheid era, in democratic South Africa the issuing of PTO's is still active in some regions of the county as the basis system of land allocation despite it being abolished in 1994 (Hull *et al* 2016:70). A PTO is acquired through a personal contract with the local government and traditional authorities. The rights conferred within the PTO were considered a personal right and thus could not be registered in the official Deeds Registry. This has resulted in traditional authority areas with Chieftainships having no legal foundations thus the property rights as defined according to PTO systems are regarded as Old Rights or Informal Land Rights.

Formal ownership of unregistered state-owned land can be registered in terms of Certificates of Registered State Title (CRST) with the purpose of these titles to facilitate parcelling or subdivision of land, facilitate management and spatial information management of the land. No new rights or existing rights are registered or altered through issuing of CRST's however a full cadastral survey is conducted alongside formal registration by the State Attorney in the Registrar of Deeds (Umhlaba Consulting Group 2013:11).

5. Methodology

This study was executed through a mixed research strategy of a desktop review supplemented by in-depth semi-structured interviews with property developers who have successful acquired tribal land in the Giyani area. It was vital to conduct semi-structured interviews with property developers as they experienced the land acquisition challenges of tribal land for commercial use from on first hand basis.

5.1 Sampling method

Three property developers were selected to participate in the semi-structured interviews. The group of companies are all in varying stages of maturity with differing portfolios. To maintaining confidentiality to the research participants, the property developers will not be mentioned however the criteria for selection will be outlined.

Due to the nature of this research study, a selective approach has been employed based on the property developers' experiences with commercial developments in the Greater Giyani district. Given the demographics of the Greater Giyani district, the sampling criterion was cognisant of the total number of formal commercial development on tribal land.

The research participants collectively account to almost fifty percent of the commercial developments on tribal land in the area. Their profiles were as follows:

- *Developer one:* Less than 10 years' experience as a property development entity with only one established retail centre with local and national tenants, located on tribal land in the Greater Giyani district

- *Developer two.* Over 15 years' experience as a property development entity with one established retail centre with local tenants, located on tribal land in the Greater Giyani district. Has managed to acquire two additional land parcels on tribal land.

- *Developer three*. Accountable to forty percent of the total number of property developers in the area who have developed on tribal land. Has over 35 years' experience as a development entity. Developer of seven retail centres located in Greater Giyani.

During the semi-structured interviews with these developers, the focus was on the participant's first-hand experiences of their life-world rather than on the interpretation or explanations of it. The questions were compiled to

guide the semi-structured interviews to receive feedback pertaining to the research theme. To extrapolate as much information as possible, all interviews were conducted in the form of face to face interviews. Even though this was time consuming, the advantage of this method was to allow the researcher to ensure that all the questions are answered and to enable the researcher to steer the conversations to yield accurate and in-depth information.

To complement and validate the results obtained from the field work, secondary information sources including publications, journals and internet sources were used. Contextualising the secondary information sources enabled a coherent investigation while identifying the inherent issues and challenges that persist in acquiring tribal land for commercial use developments.

5.2 Study area
The study was conducted in the Greater Giyani District in Limpopo, South Africa (Figure 1) as the area is a good example of a strong commercial district with the area having 10 traditional authority areas comprising of 91 villages. The town of Giyani is the largest centre of population concentration, employment opportunities, retail and recreational amenities. Commercial activity and developments are relatively small with the largest facilities being in the order of community centres.

It is of importance to note that small towns are instrumental in stimulating and sustaining expansion of economic activities in rural areas (Ndabeni 2015:33). Often the location of small towns offers appropriate entry points for public investment and policy interventions that are focused on rural areas; however, the size of the small town is paramount in the attraction and growth of the economic activities. As per the Ndabeni's research, the key methods of selecting which small town is geared for investment is clarified by the attributes of that small town alongside the potential for development. Therefore, specific attention must be made to the capabilities and the roles of rural-urban development which enhances the diversification of the economic activities which are permissible for that small town. According to the above mentioned, this served as a primary rationale for selecting the area as there is growing commercial land development and most of the commercial developments are taking place on tribal land adjacent to the town.

The purpose of the field observations was to gather first-hand information sources from property developers in the area who have successful acquired tribal land for commercial use to identify the challenges which are pertinent with the land acquisition process of tribal land.
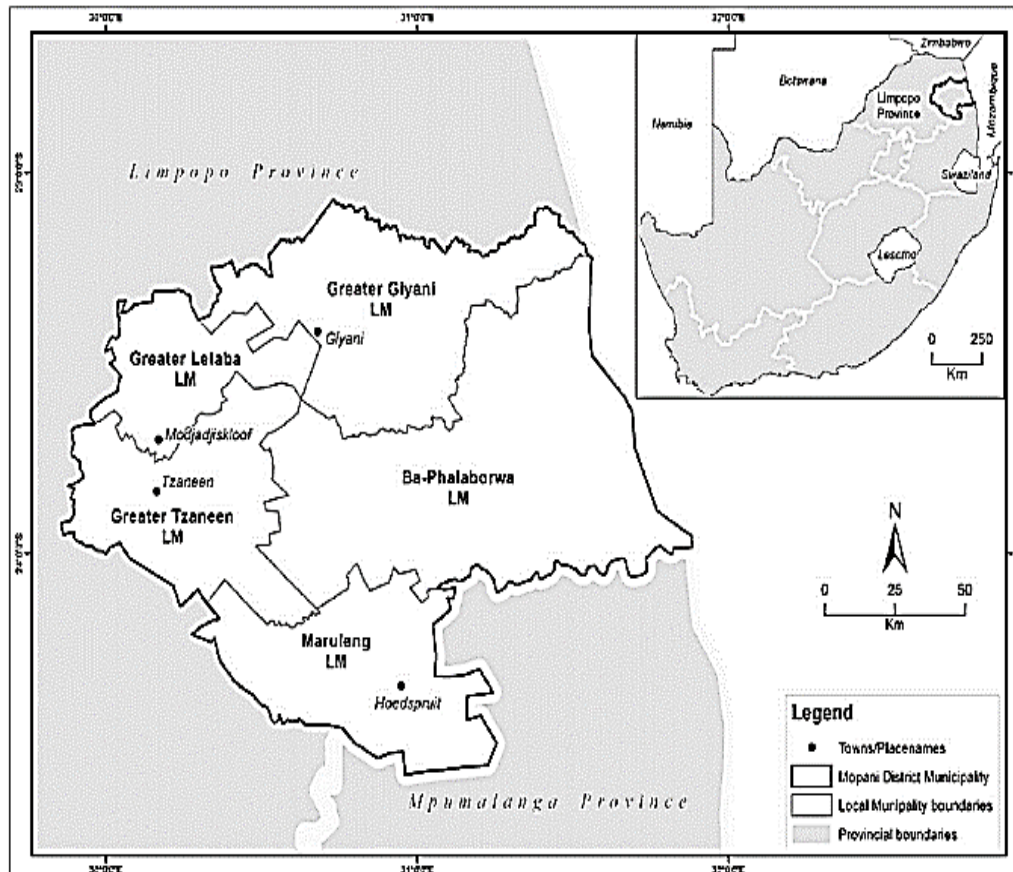

Figure 1: Locality map illustrating the extent of the Greater Giyani district in relation to the Mopani district (www.researchgate.net).

5.3 Results

Table 1 summarises the responses by the developers to the various questions.

Table 1 Responses by developers during semi-structured interviews

Question	Respondent A	Respondent B	Respondent C
Did you obtain the land through a tribal authority?	Yes	Yes	Yes
Can you briefly explain what the process of obtaining (purchasing) the land through the tribal authorities?	The land acquisition process followed by all three developers was basically the same. Some minor differences can be attributed to the time taken for the land application, the size of the proposed development and the credentials of the applicant. The process is summarised below (Section 6.2)		
How long did the process of obtaining (purchasing) the land take?	Two years	Three months	Up to five years
Did you experience any challenges or difficulties during the process of obtaining the land from the tribal authorities? [Yes/No]. If so, what?	• Delays in the municipal approval process • Financial institutions are not willing to finance developments on rural land • Chiefs cling to their sense of power and control	• Non-availability of infrastructure • Difficulty in obtaining demarcation of land by the (now) Department of Rural Development and Land reform • Bribes • Lack of clear processes	• Resistance from both municipalities and tribal councils • Squabbles about the jurisdiction between tribal authorities • Bribes • Lack of clear processes

Question	Respondent A	Respondent B	Respondent C
In your opinion, what can you say compromised the process of acquiring the land?	- Bribery in the tribal councils - tensions and conflicts between the tribal councils, Chiefs and the municipal departments - unclear roles of authority between the tribal councils and the government officials of the departments - tribal authorities are becoming greedy and arrogant	- Tribal authorities are becoming greedy and arrogant	- bribery, corruption and greed - due to this, many frictions developed between Chiefs of neighbouring communities - as a result, factions arise which ultimately lengthens the processes
Would you say that the process of obtaining the land from the tribal authorities was satisfactory? If not, why?	Yes	No. The process was costly, non-standardised, disorganised, and Indunas often allocate land which is outside of their jurisdiction without the Chiefs knowing	No. The process was costly, non-standardised, disorganised, and Indunas often allocate land which is outside of their jurisdiction without the Chiefs' knowledge

Question	Respondent A	Respondent B	Respondent C
How did you resolve these challenges?	Paid fees and bribes in order to have their land applications processed by the tribal councils and chiefs.	Paid fees and bribes in order to have their land applications processed by the tribal councils and chiefs.	Paid fees and bribes in order to have their land applications processed by the tribal councils and chiefs.
Was there any supporting infrastructure and municipal services on the development land you acquired?	Road infrastructure in place but there was no electricity, water and sewage facilities.	Road infrastructure in place but there was no electricity, water and sewage facilities.	Road infrastructure in place but there was no electricity, water and sewage facilities.
Do you have a Title Deed for the land you own?	No, but had been issued a PTO	No, but did receive a right of use letter from the tribal council as well as a map indicating the parcel of land they have acquired.	Yes

Question	Respondent A	Respondent B	Respondent C
How would you change the process of obtaining the land from tribal authorities?	• better planning of the land acquisition process, • reduce the number of role players, • a better tracking system • reduce the gate keepers and red tape as this complicates the process.	• formalise and effective manage the process • government should intervene in regulating the payable fees to the tribal councils and their stakeholders. • municipalities should have better working relations with tribal authorities as the political tensions are a constant hinderance. • municipalities should be mandated to service tribal land once it has been demarcated • municipalities should change their antagonistic attitudes and be the service providers they are mandated to be.	Reluctant to respond

6. Results

6.1 Challenges regarding the acquisition processes

Although the respondents all raised different challenges, some common themes can be identified:

• illegal fees and bribes are expected from tribal councils and their stakeholders in order to process the land application,

- the Chiefs present themselves in an arrogant manner as they know that without their approval the entire land acquisition process will come to a standstill,

- unwillingness from municipalities to support developments on tribal land,

- lengthy processes especially in the demarcation of the land,

- land allocation process is fragmented without a clear process to follow,

- tribal councils lack knowledge on the policies and procedures,

- factions between the tribal councils and unwillingness to function proactively to encourage commercial developments on tribal land.

6.2 The tribal land acquisition process

It was found that the tribal land acquisition process takes place in a manifold layered process. It is quite difficult to recommend a uniform process as stakeholders and tribal authorities have different requirements from region to region. Five stages in the land allocation process can be distinguished: land identification, land application, land negotiations, land adjudication and planning and land allocation (Figure 2).

As an initial step in the process, the applicant would identify the parcel of land they would like to acquire from the tribal authorities and thus initiating the process. In the case for commercial use particularly, the applicant would have identified the parcel of land based on the site selection principles to suit the type of commercial use they would like to utilise the land for. At this stage the applicant is the only role player of the process.

The second phase of the process includes the application of the land. In this stage the applicant would therefore initiate conversations with the Induna regarding the parcel of land they would like to apply for. The Induna would therefore conduct an initial site visit with the applicant as a preliminary check to see if the land has not been allocated to another applicant and to verify whether the land falls within his/her jurisdiction. This stage is primarily reliant on the Induna's knowledge of the area. The Induna would therefore provide the applicant with applications form for completion.

Action/Stage	Role Player/s	Output

1. Land Identification

Applicant identifies the portion of land they are interested in acquiring	Applicant and/ or Induna	Site selection and identification.

2. Land Application

The Induna conducts a site visit with the applicant and issues an application form to the applicant.	Induna and applicant	Completed Application Form submitted to the tribal council.

3. Land Negotiations

Application is scrutinised, initiation of land negotiations and the applicant pays the levies to the tribal council.	Applicant, tribal council and Chief.	Tribal Approved Application Form

4. Land adjudication and planning

The approved application form is submitted to the municipality for processing.	Municipality	Municipality Compliance Certificate.
The process of land demarcation is initiated for land	Tribal council coordinates with COGTA.	Survey General Diagrams.

which is not demarcated.		
COGTA coordinates with other stakeholders to ensure that the application is checked and signed.	COGTA, Department of Health, DRDLR and DPW.	Committee Approved Application Form.

5. Land Allocation

The Provincial Minister of DRDLR approves the application.	Provincial Minister of DRDLR	Provisional PTO Certificate.
Applicant is notified of the status of the application and issued a provisional PTO.	Local government and tribal councils.	PTO Certificate.

Figure 2 Tribal land allocation process

In the third stage of the process, the applicant would then engage with the tribal council to submit the application form and initiate the formal land negotiations. Negotiations are normally with the tribal council and the Chief. The applicant would therefore need to pay the levies due to the tribal council once an agreement has been reached. Depending on the applicant's relationship with the tribal council/Induna/Chief the negotiations can be quick and easy or can be lengthy as the role players struggle to reach an agreement. The scale of the development also influences the outcome of the land negotiations.

Once the role players have reached an agreement, the land adjudication and planning process then is initiated. The secretary of the tribal council then submits the application to the local government. The outcome of this

process includes; municipal inspections and checks the application for compliance and the necessary site inspections are held (water availability, electricity supply, soil and geological tests, roads and infrastructure checks), land demarcation and the involvement of Provincial government stakeholders being an active part of the process. This stage of the process is concluded by the Minister of DRDLR approving the application.

Once the Minister of DRDLR has approved the application, the last stage of the process is then initiated. This stage concludes the process with a provisional PTO being issued and registered against the applicant. The applicant therefore has the right to utilise the land. A PTO is then issued once the building is completed, inspected and certified to be compliant to all the requirements of the local municipality.

7. Conclusions

The findings highlighted the fact that the acquisition of development land in rural areas is riddled with challenges due to the following issues:

- The uncertainties of the stakeholders responsible for the administration for land transfer,

- The lack of accountability within the DRDLR during the process of land acquisition due to the lengthy procedures,

- The resistance of local communities and in some instance the tribal authorities in facilitating land acquisition for commercial use and,

- Conflicting agendas and political issues which are not directly related to the land itself but procedural issues between government stakeholders and tribal authorities.

The study revealed that provision is made in the legislative and policy environment for land under tribal administration. The enactment of SPLUMA can be commended for explicitly addressing the planning principles of land that has been zoned while being criticised for being rigid and a segregating mechanism for both land uses and people. There have been challenges of adopting one legislative framework to satisfy the fragmentation of the South African urban landscape. The challenges are especially prominent in rural areas where no land and building regulations are applicable. It is evident that the planning systems and laws have fallen short of meeting the objective goals of transforming land under tribal administration. It can therefore be argued that the numerous attempts of

legislative reform have largely remained ambiguous and further perpetuated the fragmentation of the urban environment.

The challenges resulting from stakeholder engagements explicitly revealed that the challenges experienced with the processes and procedures of acquiring tribal land for commercial use are in most instances due to the lack of stringent and definitive procedures which are applied a consistent manner. Furthermore, it was evident that the procedural challenges were linked to the level of influence that the property developers had with either the tribal councils or the local government stakeholders. As a consequence of procedural challenges, the land acquisition process fostered corruption within the process. Furthermore, the lack of tribal authorities, municipality and other government stakeholders to coherently facilitate the land acquisition process fostered the lack of accountability and responsibility from the stakeholders.

The study found that the acquisition of tribal land for development is lengthy, complex and fraught with problems. If the major challenges enumerated above are not addressed satisfactorily, the development of rural areas will remain lacking, to the detriment of the communities in those areas.

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