

RURAL DEVELOPMENT WITHIN THE CONTEXT OF DEVELOPMENT, SUSTAINABILITY AND RURAL ISSUES – SOME CONSTITUTIONAL, POLICY AND IMPLEMENTATION PERSPECTIVES

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1 Introduction

In April 2009, with the advent of the Zuma Presidency, rural development became one of the key priority programmes for the next five years (2009-2014). The premise of this article is that the Constitution of the Republic of South Africa, 1996 (hereafter "the Constitution"), provides a binding framework for the planning, coordination and implementation of development (including rural development) as one of the key foundations of South Africa as a developmental state. In addition, South Africa also has international obligations relating to the implementation of the global objective of sustainable development and the narrowing of the significant inequalities relating to income¹ that characterise the developing world (as against the developed world) of which South Africa is a member, due to its pervasive historically race-based domestic disparities.

Three distinct phases can be identified as regards rural development policy formulation and implementation in South Africa: 1994–2000 (the Reconstruction

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¹ The tool of measurement for the determination of relative inequalities is commonly referred to as the Gini Index. This index is used to provide a descriptive approach of the analysis of inequality in income. See Bellù and Liberati 2006 www.fao.org

and Development Programme and related documents and their implementation); 2000–April 2009 (the Integrated Sustainable Rural Development Strategy and its implementation) and April 2009+ (the Comprehensive Rural Development Programme and related documents).

Critical evaluation of both the contents and the implementation of the first two South African rural development policy frameworks indicates that there is a serious need for a radical new approach as regards the coordinated planning and implementation of rural development in South Africa. This need is currently being addressed by the post-April 2009 government; however, significant challenges as regards the coordination and alignment of other existing development-related programmes still have to be resolved, both at the levels of conceptual and of execution.

This article provides an overview of the international development framework (the United Nations Millennium Development Goals - hereafter the "MDGs" - and the sustainable development movement) in respect of which South Africa is both a signatory and an implementing authority (section 2), as well as a critical overview of the key post-1994 constitutional, policy and implementation frameworks as regards sustainability, development and rural issues with a particular focus on rural development (section 3).²

Section 4 sets out the three post-1994 phases relating to rural development, followed by an overview of the position from 1994 to 2000 in section 5. Section 6 consists of a discussion of the formulation, focus and implementation of the ISRDS during the period 2000 to April 2009. Thereafter a critical assessment of

2 As the focus of this article is on the constitutional, policy and implementation frameworks for rural development, the discussion of relevant post-1994 judgements by the Constitutional Court, Supreme Court of Appeal, High Court and Land Claims Court relating to various aspects of development will be dealt with by means of a separate publication.

the period 1994 to April 2009 and specifically of the successes and shortcomings of the ISRDS, is provided in section 7.

The 2009 policy shift is discussed in section 8, and includes references to the 2009 State of the Nation Address, the 2009 Medium Term Strategic Framework, the Comprehensive Rural Development Programme and the Rural Development Agency, which is yet to be established. The conclusion (section 9) consists of a summary of some key observations pertaining to the constitutional, policy and implementation frameworks relating to rural development, as well as a number of focused recommendations.

2 The International Context for Development and the Sustainable Development Movement

2.1 *The global context: the United Nations*

Sustainable development, as part of economic planning, aims to foster economic growth while at the same time preserving the quality of the environment for future generations. The generally accepted definition of sustainable development was agreed on by the World Commission on Environment and Development (the Brundtland Commission) in 1987: "Sustainable Development is development that meets the needs of the present without compromising the ability of future generations to meet their own needs". As is further alluded to below, it is a three-dimensional concept: environmental protection, economic growth and social development.³

3 UN NGO Sustainability www.unngosustainability.org. The notion of sustainable development is also an important cornerstone of corporate governance. In this regard, the three reports issued by the King Committee on Governance are relevant (King Committee on Governance www.iodsa.co.za). See also Van der Linde and Basson "Environment" 50-22. The 1992 Earth Summit (in Rio de Janeiro) resulted in the 1992 Rio Declaration, which focused on sustainable development (see UN Environment Programme www.unep.org, Encyclopaedia Britannica 2009 www.britannica.com, and Van der Linde and Basson "Environment" 50-3-50-5). The 2000 UN General Assembly

The international context for development is created *inter alia* by the UN Millennium Development Goals (MDGs) and the sustainable development movement. The United Nations General Assembly unanimously approved the MDGs in 2000. All member states undertook to realise these development goals and to meet their specific targets by 2015.⁴

The MDGs were formulated on the basis of the United Nations Millennium Declaration,⁵ which was adopted and signed during the United Nations Summit on 8 September 2000. These goals are:

- Goal 1: The eradication of extreme poverty and hunger;
- Goal 2: The achievement of universal primary education;
- Goal 3: The promotion of gender equality and empowerment of women;
- Goal 4: The reduction of child mortality;
- Goal 5: The improvement of maternal health;
- Goal 6: The combating of HIV and AIDS, malaria and other diseases;
- Goal 7: Ensuring environmental sustainability; and
- Goal 8: The development of a global partnership for development.⁶

The MDGs, however, do not have any binding legal force, as they do not form part of a treaty (and hence they could not be ratified or incorporated in South

Resolutions adopted by the General Assembly on 18 September 2000 included the development of special measures to address the challenges of poverty eradication and sustainable development (see UN General Assembly 2000 www.un.org). For the requirements of sustainable development and an overview of the factors that hinder Africa's efforts to achieve sustainable development, see UN 2002 World Summit Report www.unmillenniumproject.org

4 "32. We solemnly reaffirm, on this historic occasion, that the UN is the indispensable common house of the entire human family, through which we will seek to realize our universal aspirations for peace, cooperation and development. We therefore pledge our unstinting support for these common objectives and our determination to achieve them." (see UN General Assembly *Resolution adopted by the General Assembly*, 55/2 *UN Millennium Declaration*, September 2000).

5 UN General Assembly *Resolution adopted by the General Assembly*, 55/2 *UN Millennium Declaration*, September 2000.

6 UNDP 2006 www.undp.org. See also the UN Millennium Development Goals 2008 www.un.org; UN 2008 MDG Indicators mdgs.un.org and the UNDP (year unknown) Basic Country Indicator data (South Africa) www.undp.org.za

African domestic law as provided for in section 231 of the Constitution).⁷ As a result, the MDGs form part of international 'soft law'.⁸ In this regard, Strydom and Hopkins state as follows:

Non-binding resolutions, such as those adopted by the General Assembly or by the organs of other international organizations, do not have direct legal effect in the national legal system and must be transformed into national law by means of a legislative measure.⁹

In South Africa, no explicit legislative measures were enacted by the RSA Parliament to give statutory effect to the MDGs. Consequently there is no direct legally binding instrument in South African law that compels the Government to implement the MDGs, nor can the Government be held accountable in a court of law for alleged non-compliance with its international undertakings.

All member countries (including South Africa) have undertaken to submit annual reports on their progressive achievements of these goals in order to enable the General Assembly to review the realisation of the MDGs on a regular basis.¹⁰ The 2007 UNDP report on the progress made by South Africa in achieving the targets of the MDGs, for example, highlighted some socio-economic challenges that indicate that there are still a number of obstacles that must be addressed. These challenges include, amongst others, the fast growing number of households, the high unemployment rate, the changing structure of the economy, rapid migration into urban areas, and certain shifts in demographics.¹¹

7 Strydom and Hopkins indicate that "the creation of international customary law rules through resolutions by political organs of the UN is a hotly contested practice, especially with regard to UN resolutions that are non-binding and that fall under the category of mere recommendations". They refer to the International Court of Justice's decision in *Legality of the Threat or Use of Nuclear Weapons* (1996) ICJ Reports 226 where it is stated: "The Court notes that General Assembly resolutions, even if they are not-binding, may sometimes have normative value" (see Strydom and Hopkins "International Law" 30-5).

8 See Van der Linde and Basson "Environment" 50-18 with regard to the concept "soft law".

9 Strydom and Hopkins "International Law" 30-11.

10 UN General Assembly *Resolution adopted by the General Assembly, 55/2 UN Millennium Declaration*, September 2000 Article 31.

11 UNDP 2007 www.undp.org.za. For an overview of the advances that had been made, as well as the areas that need focus, see UN 2009 www.un.org

The 2002 UN World Summit on Sustainable Development (WSSD) identified the following priorities amongst others: the building of basic rural infrastructure, the diversification of the economy and the improvement of transportation and access to markets, and market information and credit for the rural poor in order to support sustainable agriculture and rural development. The pillars of sustainable development were identified as economic development, social development and environmental protection (the so-called "triple bottom line").¹² These pillars must be reinforced at local, national, regional and global levels. Poverty eradication, changing consumption and production patterns, and protecting and managing the natural resource base for economic and social development are perceived as overarching objectives of an essential requirements for sustainable development.¹³

2.2 The regional context: the African Union

In the regional context, the African Union's agenda for social development is human-centred in as far as it seeks to promote human rights and dignity. Progress is, however, likely to be hampered by the dire social developmental crisis facing the continent. The ministers present at the First Session of the African Union Labour and Social Affairs Commission even made a recommendation and requested the AU Commission to develop a Social Policy Framework for Africa to complement and supplement on-going national and regional policy initiatives.¹⁴ However, such a policy framework has not yet been developed. Once completed, and if approved by the African Union, it will have

12 Also referred to as the "Triple Ps" – people, planet, profit.

13 The Johannesburg Declaration on Sustainable Development (formulated at the WSSD) provided for the Plan of Implementation of the World Summit on Sustainable Development, which was referred to the General Assembly for adoption (UN 2002 World Summit Plan www.un-documents.net).

14 African Union 2009 Statement by H.E. Dr Maxwell M Mkwezalamba www.africa-union.org, African Union 2009 Statement by T Rhoda www.africa-union.org, African Union 2008 Development Programme www.africaunion.org, African Union 2008 Draft Social Policy www.african-union.org, African Union 2008 Duties and Responsibilities www.africa-union.org and African Union 2008 Ministerial Conference www.africa-union.org

to be adopted in accordance with section 231 of the Constitution in order to become part of South Africa's domestic law. This process is further attended to below.

As regards South Africa's signature, ratification and accession to the *African Union Constitutive Act*, the President of South Africa signed the Act on 8 September 2000 in his official capacity. The South African Parliament subsequently ratified the Act on 27 February 2001 as provided for in section 231 of the Constitution. Article 3(j) of the *African Union Constitutive Act* identifies "sustainable development at the economic, social and cultural level" as one of its objectives. Noticeably, no national legislation has been enacted in accordance with section 231(4) of the Constitution that would have the result of the *African Union Constitutive Act*'s becoming part of domestic law in the Republic.¹⁵

2.3 *The sub-regional context: the Southern African Development Community*

The founding document establishing the Southern Africa Development Community (SADC), the Treaty of the Southern African Development Community (signed in Windhoek by various Southern African Heads of State or Government on 17 August 1992), was acceded to by South Africa on 29 August 1994 at the Heads of State Summit in Botswana. The Senate and National Assembly approved the accession in terms of section 231(2) of the (interim) Constitution of the Republic of South Africa 200 of 1993, on 13 and 14 September 1994.¹⁶ Article 5 sets out the objectives of the SADC, which include, amongst others, the promotion of "sustainable and equitable growth and socio-economic development", the promotion of "self-sustaining development" and

15 Strydom and Hopkins "International Law" 30-4.

16 Department of Foreign Affairs 2004 www.dfa.gov.za

the achievement of "sustainable utilisation of natural resources and effective protection of the environment".¹⁷

Section 231(3) of the (interim) Constitution provided as follows:

Where Parliament agrees to the ratification of or accession to an international agreement under subsection (2), such international agreement shall be binding on the Republic and shall form part of the law of the Republic, provided Parliament expressly so provides and such agreement is not inconsistent with this Constitution.

Except in cases where Parliament expressly provided for an international agreement it had ratified (or approved the accession thereof) to be part of the domestic law, such ratification or approval of accession did not automatically result in the agreement being incorporated into the body of South African law. This had the result that the SADC Treaty was (and still is) binding on the South African Government in its relationship with other governments who are signatories to the Treaty; however, it did not (and still does not) create any enforceable rights for South African citizens in domestic courts *vis-à-vis* the South African Government.

The SADC Protocol on Gender and Development (2008) is one of the SADC protocols relevant to this article and focuses on development issues within the context of gender. According to this protocol, the integration and mainstreaming of focused development and of gender issues into the SADC Programme of Action and Community Building Initiatives is key to the sustainable development of the SADC region. The objectives of the protocol include the deepening of regional integration, the attainment of sustainable development and the strengthening of community building.¹⁸ Like the SADC Treaty, this Protocol has not been incorporated into the South African domestic law, as it

17 SADC 2009 www.sadc.int

18 SADC 2008 www.cladem.org

has not been enacted by Parliament by means of national legislation in accordance with section 231(4) of the Constitution.

2.4 *Critical assessment of the nature and feasibility of international trends and the way in which they affect South Africa*

As indicated above, the UN General Assembly's approval of the MDGs did not create any binding legal obligation on South Africa to comply with the contents thereof. In addition, no domestic legislation has been enacted to give content to the MDGs and the international undertakings made by the South African Government in this regard. Consequently, individual South African citizens do not have *locus standi* in a South African court to compel the South African Government to comply with the MDGs.

With reference to the African Union, although Parliament has approved by resolution the *African Union Constitutive Act*, no legislation has been passed to give legal effect thereto in the domestic sphere. As a result, individual citizens would also not be in a position to enforce in a South African court compliance with the article 3(j) objective of sustainable development.

As regards the Treaty, it is binding on the South African Government in its relationship with other governments who are signatories to the Treaty; however, it too does not create any enforceable rights for citizens in domestic courts.

3 Constitutional Framework for Development

3.1 *Chapters 1, 2 and 3 of the 1996 Constitution*

The Constitution is the supreme law of the country. It is premised on the developmental nature of the South African state including the establishment of a society characterised by social justice and fundamental human rights, as well as the improvement of the quality of life. Its Preamble provides as follows:

We, the people of South Africa,...
therefore, through our freely elected representatives, adopt this Constitution as the supreme law of the Republic so as to –
Heal the divisions of the past and establish a society based on democratic values, social justice and fundamental human rights;
...
improve the quality of life of all citizens and free the potential of each person.

Chapters 1, 2 and 3 of the Constitution form part of the constitutional framework for development. More specifically, Chapter 1 outlines the foundational values upon which South Africa is based.¹⁹ Chapter 2 contains the Bill of Rights and Chapter 3 provides for cooperative government among the three spheres of government. Some of the key constitutional provisions referring directly and/or indirectly to development are identified below.

Chapter 2 (sections 7-39) comprises the Bill of Rights. This forms the cornerstone of democracy in South Africa, and provides that the state must respect, protect, promote and fulfil the rights contained in the Bill of Rights as it applies to all laws and binds all Legislatures, Executives, the Judiciary, and all organs of state. The following sections are directly relevant as regards development (including rural development):

- section 9: equality, non-discrimination and affirmative action;²⁰
- section 10: respect for and protection of human dignity;²¹
- section 24: the right to a safe and healthy environment, and specifically the protection of the environment and the attainment of "ecologically sustainable development and use of natural resources", with the

19 See further Roux "Democracy" 10.1-10.77, Michelman "Rule of Law, Legality and Supremacy of the Constitution" 11.1-11.44, Roederer "Founding Provisions" 13.1-13.31 and Rautenbach and Malherbe *Constitutional Law* 1-14.

20 For a detailed discussion on the provisions of s 9, see Dlamini 2002 *JJS* 14-40, Dlamini 2002 *JJS* 15-32, Jagwanth 2005 *Acta Juridica* 131-148, Currie and De Waal *Bill of Rights* 229-271, Albertyn and Goldblatt "Equality" 35.1-35.85, Albertyn "Equality" 4.1-4.65 and Rautenbach and Malherbe *Constitutional Law* 358-363.

21 For a detailed discussion on the provisions of s 10, see Chaskalson 2000 *SAJHR* 193-205, Liebenberg 2005 *SAJHR* 1-31, Ackerman 2004 *PER* 70-85, Currie and De Waal *Bill of Rights* 272-279, Woolman "Dignity" 36-1-36-75 and Botha 2009 *Stell LR* 171-220.

simultaneous promotion of "justifiable economic and social development";²²

- section 26: the right of access to adequate housing (the section also imposes an obligation on the state to achieve the progressive realisation of this right);²³ and
- section 27: the obligation on the state to take legislative and other measures to achieve the progressive realisation of the rights relating to health care, food, water and social security.²⁴

Chapter 3 of the Constitution (sections 40 - 41)²⁵ indicates that the national, provincial and local spheres of government are distinctive, inter-dependent and interrelated. In addition, section 40(2) obliges all spheres of government and organs of state to observe and to adhere to the principles of cooperative government and inter-governmental relations. All spheres of government and

22 For a detailed discussion on the provisions of s 24, see Van der Linde and Basson "Environment" 50.1-50.50, Glazewski "The Environmental Right" 19.1-19.30, Currie and De Waal *Bill of Rights* 521-530, Rautenbach and Malherbe *Constitutional Law* 383, Kidd *Environmental Law* 18-31, Paterson and Kotze *Environmental Compliance*, Strydom and King *Fuggle & Rabie's*, Feris 2008 *SAJHR* 29-49, Feris 2008 *Constitutional Court Review* 235-253, Kotze 2006 *PER* 75-118, Du Plessis 2009 *SAPL* 56-96, Du Plessis "Understanding the Legal Context" 11-40, Stein and Beinart 2002 *ESR Review* 27-28, Freedman 2002 *SAJELP* 61-71, Glazewski 1999 *Acta juridica* 1-35 and Ferreira 1999 *TSAR* 285-303.

23 For a detailed discussion on the provisions of s 26, see McLean "Housing" 55.1-55.57, Van Bueren "Housing" 21.1-21.18, Currie and de Waal *Bill of Rights* 566-598, Rautenbach and Malherbe *Constitutional Law* 385-387, Hawthorne 2001 *De Jure* 584-592, Roux 2004 *SALJ* 466-492, Pillay 1998 *ESR Review* 11-13, Rautenbach 2005 *TSAR* 627-654, Ryan 2004 *Without prejudice* 12-13, and Chenwi 2006 *ESR Review* 10-14.

24 For a detailed discussion on the provisions of s 27, see Liebenberg "The Interpretation of Socio-Economic Rights" 33.1-33.66, Bilchitz "Health" 56A.1-56A.47, Kok and Langford "Water" 56B.1-56B.28, Brand "Food" 56C.1-56C.30, Swart "Social Security" 56D.1-56D.22, Van Bueren "Health" 22.1-22.18, Currie and De Waal *Bill of Rights* 566-598, Rautenbach and Malherbe *Constitutional Law* 385-387, Nqwena 2002 *SAPL* 463-472, Chetty 2002 *SAPL* 453-461, Nqwena 2000 *Tydskrif vir Regswetenskap* 1-32, Khoza 2004 *SAJHR* 664-683, Khoza 2004 *ESR Review* 3-5, Brand 2003 *LDD* 1-26, Khalfan and Conte 2008 *ESR Review* 12-15, Glazewski and Witbooi 2006 *SAJELP* 197-210, De Visser and Cottle *et al* 2003 *LDD* 27-53, Chetty 2002 *LDD* 231-253, Olivier 2000 *LDD* 101-108, Olivier and Jansen van Rensburg 2000 *LDD* 87-100, Dekker and Van der Walt 2000 *LDD* 1-14, Jansen van Rensburg 1999 *TRW* 43-57, Pieterse 2007 *SAJHR* 157-179, Pieterse 2006 *SAJHR* 473-502, Geldenhuys 2005 *SA Merc LJ* 182-195 and Van Wyk 2003 *THRHR* 389-407.

25 See Van Wyk 1997 *THRHR* 377-394, Bray 2002 *THRHR* 514-531.

organs of state must conduct all of their activities within the parameters of Chapter 3. Within this context, section 41 of the Constitution²⁶ provides that the principles of cooperative government and intergovernmental relations are binding on all three spheres of government and all organs of state.²⁷ The South African Parliament further enacted the *Intergovernmental Relations Framework Act* 13 of 2005, which provides for structures and institutions that promote and facilitate intergovernmental relations, as well as for mechanisms and procedures to facilitate the settlement of intergovernmental disputes.

Examples of organs of state within the rural development context are the Land Bank, the Agriculture Research Council, the Independent Development Trust, the National Development Agency, and the (proposed) Rural Development Agency (RDA). These are organs of state as they comply with the requirements as set out in section 239 of the Constitution²⁸ (that is they have been established by means of statute and they perform public functions). As a result, these organs of state are constitutionally obliged to cooperate with one another and the entities within the three spheres of government involved in rural development.

The Constitution also contains other references to development, which are aimed at complementing the notion of South Africa as a developmental state.²⁹

26 See Woolman *et al* "Co-operative Government" 14.1-14.27, Edwards 2008 *Politeia* 65-85, DPLG 2008 *Delivery* 48-57, Edwards 2008 *Journal of Public Administration* 89-98, Thornhill 2009 *Journal of Public Administration* 671-687, Rapoo 1999 *Synopsis* 3-4 and 15, Malan 2005 *Politeia* (24 2) 226-243 and Paterson and Kotzé *Environmental Compliance*.

27 See in this regard Mdumbe 2008 *SAPL* 1-28.

28 See the discussion above.

29 S 24(b)(iii): "ecologically sustainable development" (environment), s 82(2)(b): "developing" (developing national policy), s 125(2)(d): "development" (developing provincial policy), s 152(1)(c): "development" (objects of local government), s 153: "developmental" (duties of municipalities), s 153(a): "planning and development" (administration, budgeting and planning process), s 153(b): "development" (participation by municipality), s 184(1)(b): "development" (functions of SAHRC), s 195(1)(c): "development-orientated" (public administration), s 195(1)(h): "career-development" (public administration), s 214(2)(f): "developmental" (equitable shares and allocation of revenue), Schedule 4 (Part A): "population development" (concurrent national and

However, the Constitution does not contain a single integrated framework showing how these various references to development are or must be linked to one another, nor does it give evidence of a holistic vision (including integrating mechanisms) of how the envisaged development should be attained.

3.2 *The framework for the allocation of functions: the functional domains*

As regards the developmental roles of the three spheres of government, the Constitution provides a framework for the allocation of functions. Each sphere of government has distinct legislative and executive roles, powers and functions, and in terms of Schedule 4 (Part A) and Schedule 5 (Part A) certain functional domains are allocated, respectively, to the concurrent legislative competence of Parliament and the Provincial Legislatures, and to the exclusive legislative competence of Provincial Legislatures. "Rural development" as a functional domain is a concurrent functional domain. This has the consequence of national Parliament's being responsible for the determination of the national statutory framework, whilst the Provincial Legislatures are responsible for province-specific legislation. In addition, framework policy formulation, coordination and implementation of the national Rural Development Framework are the responsibilities of the national Executive. At provincial level, the Provincial Executive Council has similar responsibilities re province-specific frameworks and programmes, as well as for national Schedule 4 (Part A) legislation and programmes. The Constitution and national legislation also allocate specific development-oriented functions to the local sphere of government. As indicated above, Schedule 4 (Part A) of the Constitution provides that "regional planning and development" as well as "urban and rural development" is within the domain of the national and provincial spheres of government. "Provincial planning" falls within the exclusive provincial legislative

provincial legislative (and concomitant executive) functional domain), Schedule 4 (Part A): "regional planning and development" (concurrent national and provincial legislative (and concomitant executive) functional domain), and Schedule 4 (Part A): "urban and rural development" (concurrent national and provincial legislative (and concomitant executive) functional domain).

domain. As regards the powers and functions of the local sphere of government, "municipal planning" is a municipal function. Despite of all of the above, social development and economic development are included in the five constitutional objectives of local government as set out in Chapter 7.

In the case of the national sphere of government, the legislative authority is vested in Parliament (consisting of the National Assembly and the National Council of Provinces). The executive authority in the national sphere of government is vested in the President, who exercises this authority with other members of Cabinet.

As regards the provincial sphere of government, the legislative authority is vested in the Provincial Legislatures.³⁰ This authority includes the power to pass legislation in respect of the Schedule 4 (Part A)³¹ concurrent functional domains; the Schedule 5 (Part A) exclusive provincial functional domains, as well as any matter outside of the Schedules 4 (Part A) and 5 (Part A) functional domains, where such a matter has been expressly assigned to the provinces by means of national legislation.³² The executive authority of a province is vested in the Premier of that province.³³ The Provincial Executive Council (PEC) consists of the Premier and other members of the Executive Council. As regards matters relating to development (including rural development), the PEC is responsible for the implementation of provincial legislation, the implementation of all national legislation within the functional areas listed in Schedule 4 (Part A) and Schedule 5 (Part A), the development and implementation of provincial policies, and the coordination of the functions of the provincial administration and its departments.³⁴

30 See in this regard ss 104 to 124 of the 1996 Constitution.

31 See Bronstein "Legislative Competence" 15.1 – 15.21 and Steytler 2001 SAPL 241-254.

32 See in this regard the argument above that a number of matters relating to development and rural development are within the concurrent national and provincial legislative (and concomitant executive) competence.

33 With regard to provincial executives, see ss 125 to 141 of the 1996 Constitution.

34 S 133 of the 1996 Constitution.

In respect of the local sphere of government, the legislative authority and executive authority are vested in the municipal council.³⁵ Neither the national government nor the provincial government may compromise or impede a municipality's ability or right to exercise its powers or perform its functions.

In relation to departmental priorities and functions relating to development, the Department of Rural Development and Land Reform (DRDLR) is responsible for rural development (a concurrent national and provincial functional domain) and land (an exclusive national functional domain). However, the Department of Water and Environmental Affairs is primarily responsible for matters relating to sustainable development, as can be deduced from the fact that it was responsible for all matters that followed the World Summit on Sustainable Development (WSSD),³⁶ and that it is responsible for the administration of the *National Environmental Management Act* 107 of 1998 (the NEMA). It is at this point also relevant to point out that the NEMA defines sustainable development as "the integration of social, economic and environmental factors into planning, implementation and decision-making so as to ensure that development serves present and future generations".³⁷

It is possible to ask a broader question, namely whether the Constitution aims at ensuring development, or, more specifically, sustainable development.³⁸ The

35 The constitutional provisions regarding local government are set out in ss 151 to 164 of the 1996 Constitution. See De Visser 2002 *SAPL* 223-243 for the assignment of the performance of national and provincial Schedule 4 (Part A) and Schedule (Part A) functions to local government subject to capacity, financial and other resources and certain conditions in accordance with s 156(4) of the 1996 Constitution.

36 Subsequent to the WSSD, the then Department of Environmental Affairs and Tourism published in July 2008 a framework for sustainable development (People-Planet-Prosperity: A National Framework for Sustainable Development in South Africa) (see Department of Environmental Affairs and Tourism 2008 www.environment.gov.za). However, as is indicated in the discussion of the Comprehensive Rural Development Programme (CRDP) (see below), no specific exposition of the relationship between this 2008 framework and the CRDP is contained in the CRDP.

37 S 1.

38 See in this regard the discussion on the meaning of the term "present and future generations" in Van der Linde and Basson "Environment" 50-17 – 50-18. According to

only reference in the Constitution to sustainable development is contained in section 24.³⁹

Section 24 of the Constitution states, *inter alia*, that

[e]veryone has the right ... to have the environment protected, *for the benefit of present and future generations*, through reasonable legislative and other measures that ... secure *ecologically sustainable development* and use of natural resources while promoting justifiable economic and social development (own emphasis).

In the environmental context, at least, the Constitution therefore dictates that development should be sustainable. Noticeably, however, legislation which falls in the domain of the Department of Rural Development and Land Reform provides only for development (and not specifically for sustainable development).

3.3 *The objects and duties of local government with regard to development*

As was stated above, section 152 of the Constitution⁴⁰ sets out the five objects of local government (all of which relate directly and/or indirectly to matters pertaining to development, including rural development). Section 152 reads as follows:

152 (1) The objects of local government are –

- (a) to provide democratic and accountable government for local communities;

these authors, s 24 refers to intergenerational equity, which concept "requires that present generations be under an obligation to ensure that the environment and natural resources are equitably preserved and protected for the full enjoyment of future generations" (50-17). See in this regard also Tladi *SAYIL* 200-210.

39 See s 3.1 above for an exposition of all instances where the term "development" on its own, and in combinations (e.g. "rural development", "planning and development", etc.) is referred to in the Constitution.

40 See Steytler and De Visser "Local Government" 22.1-22.138, Rautenbach and Malherbe *Constitutional Law* 295-314.

- (b) to ensure the provision of services to communities in a sustainable manner;
- (c) to promote social and economic development;
- (d) to promote a safe and healthy environment; and
- (e) to encourage the involvement of communities and community organisations in the matters of local government.

(2) A municipality must strive, within its financial and administrative capacity, to achieve the objects set out in subsection (1).

The developmental duties of municipalities are identified in section 153, which section states that all municipalities must prioritise the basic needs of the community and promote social and economic development.⁴¹ Municipalities must also participate in national and provincial development programmes. This includes local government's compulsory participation in national and provincial rural development programmes.

As has already been shown, development is a key feature of the South African constitutional framework. Local government is a critically important development agent, judged by the constitutional objectives set out for this sphere of government. The national statutory framework for local government (also known as the "national suite of local government legislation") complements this view in as far as it sets out local government's powers, functions and duties (also with respect to development, including rural development).⁴²

41 "153 A municipality must -

- (a) structure and manage its administration and budgeting and planning processes to give priority to the basic needs of the community, and to promote the social and economic development of the community; and
- (b) participate in national and provincial development programmes."

See Steytler and De Visser "Local Government" 22.1-22.138, Rautenbach and Malherbe *Constitutional Law* 295-314 and Scheepers 1999 *Koers* 339-356.

42 The *Local Government: Municipal Demarcation Act* 27 of 1998; the *Local Government: Municipal Structures Act* 117 of 1998; the *Local Government: Municipal Electoral Act* 27 of 2000; the *Local Government: Municipal Systems Act* 32 of 2000; the *Local Government: Municipal Finance Management Act* 56 of 2003; the *Local Government: Municipal Property Rates Act* 6 of 2004; and the *Municipal Fiscal Powers and Functions Act* 12 of 2007.

3.4 Critical assessment of the constitutional framework for development

At the date of commencement (27 April 1994) of the (interim) Constitution of the Republic of South Africa 200 of 1993, none of the international treaties, declarations and agreements referred to earlier were in place.

As the SADC Treaty was acceded on 29 August 1994, and the accession was approved on 13 and 14 September 1994, the provisions of the (final) Constitution (which commenced on 4 February 1997) may be measured against the articles of the said Treaty. However, even though the Treaty binds the South African Government in its relationship with other governments who are signatories to the Treaty, it does not create any enforceable rights for South African citizens, as was explained earlier. In similar vein, as discussed above, the *African Union Constitutive Act* (2000), the MDGs (2000) and the Johannesburg Declaration and Implementation Plan (2002) have not been incorporated into domestic law and the provisions thereof are thus not enforceable in South African courts.

When it comes to development, it seems therefore that a lot must be achieved by nothing other than the Constitution itself. As was shown above, several enforceable rights and provisions are directly or indirectly relevant to development in South Africa. Still, notwithstanding the central role of Chapter 3 of the Constitution providing for co-operative government and the enactment of the *Intergovernmental Relations Framework Act* 13 of 2005, the co-ordination of several government activities aimed at the achievement of development within a specific sphere and across the different spheres of government has not been sufficiently well-designed. The functional domains of "rural development" and "land", for example, belong to the Department of Rural Development and Land Reform. The functional domain of the "environment" and the administration of matters pertaining to "ecologically sustainable development" belong to the Department of Water and Environmental Affairs. It seems therefore that constitutional fragmentation has been created. The absence of

co-ordination mechanisms to deal with this has resulted in independent and separate formulation of policy and regulatory frameworks, and the establishment and implementation of separate administrative structures and systems, including in resource allocation pertaining to programmes and projects. This observation is more closely considered below.

4 Post-1994 South Africa: Three Phases of Rural Development

As indicated above, "rural development" is a functional domain (Schedule 4 (Part A)) allocated to the Department of Rural Development and Land Reform (DRDLR). Other areas relevant to development, however, belong to other spheres or functionaries within the government construct. In addition, the Constitution has never established a direct link between "rural development" and "ecologically sustainable development" (see the discussion above). This position is not without consequences. In the absence of appropriate co-ordination between various government spheres and functionaries as regards policy formulation, planning and implementation, the South African rural development programme appears at this point not to have been driven by or at least aligned with the sustainable development agenda. This becomes particularly evident when looking at developments in the rural development context since 1994.

Rural development in South Africa is characterised by three distinct phases:

1. 1994-2000 (the Reconstruction and Development Programme and related documents and their implementation);
2. 2000-April 2009 (the Integrated Sustainable Rural Development Strategy (ISRDS) and its implementation); and
3. April 2009+ (the Comprehensive Rural Development Programme and related documents).

The discussion to follow critically reflects on these phases and the fragmented fashion in which rural development has been approached over the years by bearing in mind South Africa's international commitments, the objectives and provisions of the Constitution, and the relationship between sustainable development and rural development.

5 Rural Development 1994-2000

Parts of a rural strategy for South Africa were articulated in a number of government documents published during the period 1994-2000. The initial rural development strategy was formulated within the general framework of the 1994 Reconstruction and Development Programme (RDP). A comprehensive rural development strategy was subsequently also grounded in the macro-economic framework provided by the Growth, Employment and Redistribution Strategy (GEAR, adopted in 1996).

The first document addressing rural development following the launch of the RDP was the 1995 discussion document "Rural Development Strategy of the Government of National Unity", released by the Ministry in the Office of the President.⁴³ Renewed efforts to design a rural strategy were launched under the auspices of the Rural Task Team of the RDP Office. The land reform programme was (and still is) an important component of rural development, as presented in the White Paper on South African Land Policy 1997.⁴⁴ The agricultural policy reforms have been articulated in "Agricultural Policy in South Africa", a discussion paper issued by the Ministry for Agriculture and Land Affairs in 1998.

43 ANC 1995 www.anc.org.za

44 Department of Agriculture 1998 www.nda.agric.za

In due course, the RDP Office was disestablished and all line function departments were tasked with the implementation of RDP matters relating to their functional domains. Non-compliance with Chapter 3 of the Constitution and the absence of binding co-ordinating mechanisms resulted in an incoherent methodology to deal with the rural development challenges which faced South Africa during this period. In addition, no transversal monitoring and evaluation (hereafter "M&E") policy, structures and systems were in place that could have assisted in a government-wide effort to effect the sustainability of the disparate attempts at local level to provide rural development services.

From 1994 to 2000, activities within the framework of RDP and GEAR focused on the development of programmes to redress past and present inequalities. The RDP prioritised the reduction of poverty and inequality through economic growth, human resource development, and broad-based ownership of assets. Government departments contributed towards rural development through programmes in economic development, social investment (that is social infrastructure), human resource development and programmes based on natural resources.

Many programmes in rural areas focussed on poverty alleviation through investment in infrastructure and the provision of social services. Regulatory frameworks were put in place in order to eradicate prohibitive arrangements and practices that excluded rural people from access to resources.

Despite certain achievements,⁴⁵ the public investment programmes were beset by problems of co-ordination and communication. The initial six years of

45 Examples of achievements of rural development during the period 1994-2000 include the fact that Eskom completed 1.1 million electrical connections in rural areas from 1994 to 1999 and provided electricity to 3 891 rural schools. In agriculture, important and ambitious agricultural policy reforms were implemented throughout the 1990s and initiatives such as the Land Care Programme were launched in the agricultural sector in order to improve economic potential. The Municipal Infrastructure Investment Framework established minimum expected rural service levels to be attained over approximately ten years. In addition, the Municipal Infrastructure Programme and other local government

support for rural development (1994–2000) underscored the need for the integration and co-ordination of the multitude of activities at local government level.

Taking into account that the UN General Assembly's approval of the MDGs and the ratification of the *African Union Constitutive Act* took place after the RDP, GEAR and related rural development initiatives, this phase cannot be measured against the said international agreements. The international framework did not in fact influence the South African rural development agenda or create binding development-related obligations in South Africa during this first phase. Still, the absence of binding co-ordination mechanisms, the lack of a cohesive constitutional development vision and the non-existence of a government-wide M&E system resulted in insufficient implementation of the constitutional obligation on government to effect the various forms of development (and specifically rural development), as did a simultaneous disregard of the provisions of Chapter 3 of the Constitution.

6 Rural Development 2000–April 2009

The period 2000 to 2009 saw a number of government endeavours aimed at rural development across South Africa. Some of the key policies and strategies that dealt with rural development at national level during the period 2000 to April 2009 include the Integrated Sustainable Rural Development Strategy (ISRDS) (2000); the Strategic Plan for South African Agriculture (SPSSA) (2001); the Integrated Food Security Strategy for South Africa (IFSS) (2002); and the Drought Management Plan (DMP) (2005). In addition, a number of

support programmes, skills development programmes, the provision of primary health care and ABET added up to a substantial investment in social and economic infrastructure.

provincial government departments published sector-specific policies related to rural development.⁴⁶

As regards the planning and coordination framework established during this phase, key national, provincial and municipal policies and strategies dealing with rural development include the National Spatial Development Perspective (NSDP 2006); the Medium Term Strategic Framework (MTSF 5-year rolling plan); the Medium Term Expenditure Framework (MTEF 3-year budget cycle); the Accelerated and Shared Growth Initiative of South Africa (ASGISA); the Provincial Growth and Development Strategies (PGDSs) and the Municipal Integrated Development Plans (IDPs).

Government recommitted itself to rural development after the 1999 elections. The Presidency initiated a broader process that involved national departments and stakeholders to formulate the Integrated Sustainable Rural Development Strategy (ISRDS)⁴⁷ and to identify pilot areas (the so-called "developmental nodes") for interventions.

During the 1999 State of the Nation Address, the South African government also announced the creation of the Integrated Sustainable Rural Development Strategy (ISRDS). The Strategy was based on a number of key elements, namely integration through (municipal) IDPs, rural development, sustainability, the existence of growth dynamics in rural areas, and the existence of rural safety nets.⁴⁸

46 Examples are the Free State Department of Agriculture Strategic Plan (2004-2007); the KwaZulu-Natal Department of Agriculture and Environmental Affairs: the Mechanisation Policy (2006); the Policy on Mentorship (2006); the Northern Cape Department of Agriculture and Land Reform Strategic Plan (2005-2010); and the Western Cape Department of Agriculture: Strategic Plan (2005/06-2009-10).

47 Department of Land Affairs 2000 www.dla.gov.za. Analytical contributions were provided by a number of agencies and organisations, such as the Development Bank of Southern Africa, the UN and the World Bank.

48 *Kole 2004 Stakeholder Mobilisation 7-9*. See also Everatt (year unknown) Self-critical governance www.sarpn.org.za

Cabinet approved the ISRDS in 2000, and its implementation commenced in 2001. It was designed to have a ten-year lifespan which was divided into the following main phases: 2001-2004 for programme design and piloting; 2005 for the mid-term review, and 2005-2010 for the communication of the exit strategy for agencies situated outside the nodes. The ISRDS was a strategy rather than a programme. It had no dedicated budget or funding stream, and no tangible project-level deliverables. The Strategy focused on coordination and integration, especially with regard to (municipal) IDPs and was meant to plan, sequence and coordinate existing budgets and programmes (including, amongst others, the Local Economic Development Fund, Spatial Development Initiatives (SDIs); SMME incubators and Skills Development Services).⁴⁹

The ISRDS targeted communities affected by retrenchments with inclusive programmes. In addition, it focused on poverty pockets in labour-providing and mining areas; clustered delivery into nodes and corridors of sustainable economic development; built on the existing rural development work of role players; and pursued land rights as a key ingredient for agricultural and other economic development in rural areas. The ISRDS also promoted the linkages between small-scale mining and tourism. With regard to energy, the ISRDS's objective was to increase access to affordable energy services by rural households by 2010.

Both rural and sustainable development were identified as indicators of the RSA Department of Housing's Integrated Nutrition Programme (INP).⁵⁰ According to the ISRDS, rural development is multi-dimensional and broader than poverty alleviation through social programmes and transfers. It placed an emphasis on changing environments to enable poor people to earn more, invest in themselves and their communities, and contribute toward the

49 *Kole 2004 Stakeholder Mobilisation* 22-23; Everett *et al* 2004 www.sarpn.org.za; Everett (year unknown) Self-critical governance www.sarpn.org.za and Mehlomakulu *et al* 2004 www.ufs.ac.za

50 Department of Housing (year unknown) www.doh.gov.za

maintenance of key infrastructure. The Strategy itself made it clear that if successfully implemented, it would alleviate poverty, rather than making people more comfortable in their poverty.⁵¹

The (then) Department of Provincial and Local Government (DPLG) and the Independent Development Trust (IDT) were, respectively, responsible for the overall coordination and governance of the ISRDS and its operational implementation. Until April 2009 the DPLG (in the national sphere of government) planned, supported and coordinated sustainable rural development-related activities. Strategic priorities included, for example, the mobilisation of stakeholders to give financial and technical support to ISRDS nodes; improving the knowledge about nodal programmes to measure the impact on communities; and providing support to municipalities in order to enable them to comply with their constitutional mandate to bring about sustainable social and economic development. Eighteen programmes were established and are currently still being implemented by the Department of Provincial and Local Government (DPLG, now the Department of Co-operative Governance and Traditional Affairs – the DCoGTA) in order to provide the necessary support to municipalities.⁵²

During the 52nd National ANC Conference in 2007, the ANC resolved to embark, amongst others, on an integrated programme of rural development, and land reform and agrarian change through the provision of social and

51 Government of South Africa 2000 www.info.gov.za

52 The DPLG (now DCoGTA) Local Government Support Programmes are: Intergovernmental Relations (IGR), Integrated Development Planning (IDP), the Broad-based Black Economic Empowerment Initiative (BBBEEI), the Consolidation of Municipal Transformation Programme (MTF), the Municipal Infrastructure Grant (MIG), the Municipal Service Partnership (MSP), the Local Government Leadership Academy (LOGOLA), the Knowledge Sharing Programme (KSP), Local Economic Development (LED), Free Basic Services (FBS), the Urban Renewal Programme (URP), the National Disaster Management Centre (NDMC), the Integrated Sustainable Rural Development Programme (ISRDP), the Vuna Awards (Vuna), Project Consolidate (PC), and the Corridor Development Programme (CD). Other programmes include the DBSA Local Government Support Programme and Gijima.

economic infrastructure and the extension of quality government services to rural areas.⁵³

The 2007-2008 Annual Report of the (then) Department of Provincial and Local Government (DPLG) gave a cumulative overview of activities undertaken by the Department and other governmental entities as regards the coordination and implementation of the ISRDS. The DPLG's third programme dealt with urban and rural development. This programme had four sub-programmes, namely Urban Renewal Programme (URP) management, urban renewal monitoring and evaluation, Rural Development Programme management, and Rural Development monitoring and evaluation. According to the Annual Report, the goal of the ISRDS was firstly to ensure internal capacity building in nodal areas for integrated and sustainable development, and secondly to transform nodes into economically viable, socially stable and harmonious entities. Even though some intergovernmental relations (IGR) structures had been established, there was room for improvement in the coordination of the programme. Certain activities were undertaken by the DPLG to strengthen the national capacity and provide support to provincial and local government in order to expedite service delivery at local level. Coordinated provincial briefing and consultation sessions on economic profiles for rural nodes were organised by the Department.

Planning and implementation support were provided to a number of rural nodes during the Growth and Development Summits. The Independent Development Trust (IDT) enabled the ISRDS to provide hands-on support to rural areas with capacity challenges. Some M&E and reporting models were developed in order to enhance targeted project planning in the nodes. A partnership with the Business Trust resulted in the finalisation of economic profiles of 15 rural nodes. This improved government's understanding of the economic character of each node to some extent. With regard to the financial year in question,

existing IGR structures in the nodes were reviewed, an IGR report was compiled, and a number of IGR structures were established in all the nodes.

Intersectoral ISRDS M&E forums convened in order to ensure enhanced planning and benchmarking. Furthermore, the DPLG was involved in the preparation for political champion and portfolio committee visits to certain nodes. Certain provinces and national sector departments made commitments; and the National Development Agency (NDA) signed a Memorandum of Understanding with the DPLG, focusing on its support for the implementation of the ISRDS. The provincial Departments of Social Development indicated financial support for the nodes. Partnerships were established in order to provide skills to learners; transport support was provided by the Department of Transport; and an integrated craft hub was developed in the Eastern Cape.⁵⁴

It does not seem as if any of the activities that characterised this phase were in any way explicitly tied to or aligned by government with any of the international and regional developments in relation to development worldwide or in Africa as a whole or in the SADC. As indicated earlier, neither the MDGs nor the Johannesburg Plan of Action and Implementation Plan have become part of South African domestic law. The same applies to the SADC Treaty and the *African Union Constitutive Act*. The fact that these documents did not (and still do not) constitute enforceable rights within the domestic sphere may have been the reason for endeavours in South Africa that did not explicitly recognise international or regional soft law.

As regards the alignment of the 2000-2009 rural development policies, programmes and projects with the Constitution, non-compliance with Chapter 3 and the provisions of the *Intergovernmental Relations Framework Act* 13 of 2005, the lack of a cohesive constitutional development vision and the slow (and uneven) implementation of the government-wide M&E system (the first

54 Department of Provincial and Local Government 2008 www.info.gov.za
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draft of which was published in 2004) resulted in the continuation of the previous phase, which was characterised by a mismatch between what was done and what the Constitution obliges government to do.

7 The First Two Phases of Rural Development (1994–2009): A Critical Assessment of Implementation Activities

In terms of the Mid-term Review 2007 (issued by the Presidency), a number of indicators were identified to measure progress made as regards areas that had been earmarked for focused development.⁵⁵ These indicators were clustered into ten broad themes, namely economic growth and transformation, employment, poverty and inequality, household and community assets, health, education, social cohesion, safety and security, international relations, and good governance.

As indicated in the Mid-term Review (2007), a number of these indicators are especially relevant in measuring the implementation (and sustainability) of rural development initiatives (taking into account the significant levels of underdevelopment of the inhabitants of the deep rural areas of South Africa). Even though these assessments were more often than not of a quantitative as opposed to a qualitative nature, they do provide a partial overview of progress made with regard to development. As a result of the extension of social grants and the creation of jobs, there was a decrease in the head count poverty rate. From 1994 to 2006 nearly 2.3 million houses were built in terms of government's Housing Subsidy Programme. From 1995 to 2006 an additional 4.3 million households received electricity. In the period 1994-2007, 3.5 million homes had access to electricity. Water infrastructure development projects increased rural communities' access to water. The extension of telephone

55 Government of RSA 2007 www.info.gov.za

services to rural communities increased from 20% to 40%. 350 000 households gained access to 6.5 million hectares of land under the land reform programme. Also, in the period 2001-2007, malnutrition in children decreased, immunisation coverage increased, the maternal mortality ratio increased, and HIV and TB prevalence increased rapidly.

Various special instruments targeted poor communities: the Local Economic Development (LED) Fund; the Spatial Development Initiatives (SDIs); rural housing; and the school awareness and waste management programmes. Experiences with these programmes helped to identify replicable programmes to be included in the services provided under the ISRDS, for example ASGISA; Project Consolidate; Apex Priorities 2008; and AgriBEE. The success of the ISRDS has been the focus of a number of research reports. The findings as to the success and shortcomings of the ISRDS as evidenced by research undertaken in this matter are discussed below.

According to a review by Jacobs *et al*, the overall impact of the ISRDS on rural development is difficult to estimate, as comprehensive and reliable indicators of its costs and benefits are not easily derived.⁵⁶ However, it is clear from their review that the coordination among the three spheres of government and government departments remains a major challenge as a result of limitations in capacity and dysfunctional systems ("the systems according to which they function").⁵⁷

From research undertaken in the ISRDS nodes, it is clear that there is a lack of coordination among the stakeholders. A national stakeholder relations framework is non-existent. In addition, private sector engagement is weak. This is a consequence, amongst other factors, of the fact that the ISRDS did not provide implementation guidelines, as rural development programmes do not

56 Jacobs *et al* 2008 www.hsrc.ac.za

57 Jacobs *et al* 2008 www.hsrc.ac.za

normally have immediate positive outcomes for business, taking into account the geographical location of the rural nodes.⁵⁸

The identification in 2001 of the then DPLG as the department to take responsibility for the overall coordination of the ISRDS is seen as unfortunate, as the DPLG had not been involved in the design stages of the ISRDS. In addition, the launch of the ISRDS coincided with the redrawing of municipal boundaries. As a result of poor timing, the first two years of the implementation of the Strategy were therefore spent on developing local capacity. This and the poor coordination within government have continued to impact very negatively on the implementation of the ISRDS. Coordination among the three spheres of government as well as among sector departments has remained a significant challenge. Furthermore, governance structures have not paid sufficient attention to the pivotal role of the ISRDS. With regard to nodal selection, no reliable economic data existed for the first set of nodes. In addition, the response by the IDT (as the agency responsible for programme implementation) in dealing with the level of readiness of the stakeholders was deemed to be inadequate. The view that the nodes most in need were the most deserving is not in all instances the most advantageous view. There was a definite failure of provincial and national government to understand and accommodate the municipal IDP process (that is in ensuring an alignment between need and provision). Furthermore, the lack of available accurate data resulted in nodes being selected on the basis of social development and infrastructure, and not on account of economic potential. This is seen by some as a fundamental flaw. A significant shortcoming was that many anchor projects bore no relation to the demands identified in the local IDPs, but rather reflected deliverables of sector departments. In addition, sector departments did not ensure that development was demand- and not supply-driven.⁵⁹

58 Kole 2004 *Stakeholder Mobilisation* 54, 74 and Chapter 6.

59 Everett (year unknown) *Self-critical governance* www.sarpn.org.za

A research report on the ISRDS nodes commissioned by the Independent Development Trust (IDT) was published in 2004. Data from the questionnaires that were distributed in the nodes showed that 39% of the Executive Mayors and Municipal Managers taking part in the survey felt that their understanding of the ISRDS was poor. 8% of all of the respondents working on the ISRDS believed it to be a stand-alone programme. This clearly indicated a lack of understanding of the ISRDS. In addition, 59% of the respondents believed their nodes lacked the capacity to implement the ISRDS. Overall, there was a strong belief that municipalities did not have the skills required to implement the ISRDS and monitor the implementation of the projects. In addition, the research revealed a lack of coordination between the three spheres of government, as well as a lack of alignment with regard to the planning cycles of the three spheres. The national sphere did not take the municipal IDPs into account when finalising its budget. Furthermore, the fact that capacity building initiatives were provided by different departments and agencies, but were not coordinated, resulted in a waste of money for all relevant parties. Junior government officials attended joint meetings, resulting in the postponement or shelving of issues, as these officials did not have the authority to take decisions. In addition, the roles of the parties involved in the execution of the ISRDS were not clearly defined. Some key departments were not actively involved in all of the nodes. There was confusion with regard to which government entity was responsible for driving the ISRDS. The Strategy was furthermore characterised by a lack of funding for the relevant programmes and projects. The report made it clear that there was a belief that the local sphere of government was best organised, followed by the provincial sphere. On a more positive note, the report indicated that there was a view amongst communities in the nodes that the ISRDS assisted the nodes in securing improved intergovernmental relations and co-operation among departments, as well as community participation (even if this was insufficient). The Strategy was believed to provide opportunities for proper planning, access to basic

resources, improved employment opportunities, improved skills levels amongst the poor, speedy service delivery, and visible local government intervention.⁶⁰

At the outset of the ISRDS, the Department of Social Development commissioned a research project with regard to the Urban Renewal Programme (URP) and ISRDS nodes. The project stretched over 27 months and was carried out by Strategy & Tactics and Khanya-AICDD. The aim of the project was to improve understanding with regard to the nature of poverty; to identify key sustainable livelihoods interventions; to support the nodal, provincial and national spheres in developing a sustainable livelihoods approach and skills; to baseline the situation; and to evaluate the impacts of the programmes. The report gave a brief overview of poverty levels, development, social capital, health status, and service delivery in each node.⁶¹

In 2006, five years after the formal implementation of the ISRDS, another baseline survey was undertaken with regard to the ISRDS and URP nodes. The questionnaire covered five main areas, namely poverty, development, social capital, health status and service delivery. Of all of the ISRDS nodes where the survey was undertaken (Alfred Nzo, Chris Hani, OR Tambo, Ukhahlamba, Ugu, Umzinyathi, Umkhanyakude, Zululand, Sekhukhune, Bohlabela, Kgalagadi, Central Karoo and Thabo Mofutsanyane), five nodes (Alfred Nzo, Chris Hani, OR Tambo, Umkhanyakude, Zululand, Bohlabela and Thabo Mofutsanyane) performed very poorly in more than one of the five main areas. Umkhanyakude and Bohlabela showed the worst performance. It was clear from the research undertaken that the ISRDS nodes performed poorer than urban nodes.

60 Everatt *et al* 2004 www.sarpn.org.za

61 Strategy & Tactics and Khanya-AICDD (year unknown) www.sarpn.org.za. The ISRDS nodes were as follows at the time the research was undertaken: Alfred Nzo, Bushbuckridge, Central Karoo, Chris Hani, Kgalagadi, Maruleng, O R Tambo, Sekhukhune, Thabo Mofutsanyane, Ugu, Ukhahlamba, Umkhanyakude, Umzinyathi and Zululand.

Interestingly, many ISRDS rural nodes performed well with regard to social capital. Although the ISRDS did not have a "programme-wide, positive impact, despite being halfway into their decade-long lifespan", the poverty index had dropped in all nodes. However, the following key challenges faced by the ISRDS were identified: (a) improving the quality of service delivery, (b) speeding up (i) service and (ii) development delivery, (c) enhancing the quality of rendered services, (d) building on existing foundations of social capital, and (e) therefore speeding up the transformation of the nodes.⁶²

In addition, the survey revealed that the decline in poverty levels had speeded up, and that poverty levels had dropped by 5.9% between 1996 and 2006. The decline was, however, not as great as in urban nodes due to the following reasons, amongst others: (a) a lack of infrastructure in rural areas, (b) a lack of grants in rural areas, (c) spatial challenges, (d) the small local tax base, and (e) limited economic opportunities. In addition, (f) local governance remained a challenge. With regard to service delivery, 52% of the respondents who took part in the survey perceived service delivery to be poor. It seemed that respondents found it more difficult to access social grants in certain nodes than in others. In respect of development, only 39% of the ISRDS respondents were aware of development activities in their node. This highlights the need for better government communication. An average of one out of 10 URP and ISRDS respondents had heard about IDPs but of these, 45% of ISRDS respondents had participated in the IDP process. This indicated that if the IDP formulation process had been better communicated and been more inclusive in the nodes, more people would have participated. Regarding their health status, 53% of the respondents in ISRDS nodes were of the opinion that their health was poor. When scrutinising the data, it became clear that node-specific intervention was needed, e.g. interventions addressing alcohol abuse in nodes where this was a

major problem. Lastly, the rural nodes performed better than the urban nodes with regard to social capital.⁶³

In many instances the integration of youth was uneven and dependent on the goodwill of individual officials within the clusters. This should have been a compulsory requirement for the ISRDS projects.⁶⁴ Also, according to Everatt, a fundamental problem with the ISRDS was that it did not form part of a "broader, long-term redistributive government policy and strategy".⁶⁵

Mention has already been made of the non-enforceability at domestic level of a number of key international and regional documents which refer to or deal with aspects of development, rural development and sustainable development. This does not preclude the fact that the South African government could have been influenced in its thinking by the content of the relevant international and regional instruments that address development and which the country committed itself to. However, the analysis of the South African rural development-related documents, as well as of the implementation of programmes and projects within this context indicates that the international documents have not played any (explicit) part in either conceptualisation or implementation.

Although the Constitution does contain a number of references to "development" as such and in various combinations such as "rural development" and "ecologically sustainable development", there is no evidence in government's practices after 1996 of a clear, coherent vision of development.

The limited implementation of Chapter 3 of the Constitution and the concomitant national intergovernmental framework legislation has resulted in uncoordinated policy formulation, planning, implementation and resource

63 Everatt *et al* 2006 fanrpan.net 11-57.

64 Mehlomakulu *et al* 2004 www.ufs.ac.za

65 Everatt (year unknown) Development Update www.sarpn.org.za

allocation as regards development-focused initiatives (including, specifically, rural development initiatives). In addition, the lack of full implementation of the government-wide M&E system has had the consequence of removing the possibility of timeous intervention by government actors, which intervention could have ensured the sustainability of at least a number of rural development projects.

8 Rural Development April 2009+: The 2009 Policy Shift

The above overview of some of the successes and failures of the consecutive rural development frameworks - and especially of the 2000 ISRDS - indicates clearly that the overall state of rural development remains poor, and that the aims and objectives of the proposed and real interventions have not been addressed in a manner which has brought about sustainable rural development and a significant improvement in the indicators of the quality of life.

The publication of the 2009 Development Indicators⁶⁶ (issued by the Presidency) showed that notwithstanding a number of discernable improvements, the core causes and attributes of rural underdevelopment still need to be addressed in order to stabilise rural communities and bring about enduring improvement in the quality of life and all related development aspects. This 2009 evaluative overview identified 76 indicators, which are distributed in the following nine themes: economic growth and transformation; employment; poverty and inequality; health; education; social cohesion; safety and security; international relations and good governance.

During the June 2009 State of the Nation Address, the South African Government announced the introduction of a programme to build economic and

66 The Presidency 2009 www.thepresidency.gov.za

social infrastructure. In addition, it was announced that a comprehensive rural development strategy linked to land and agrarian reform and food security would be developed and implemented. The Greater Giyani Local Municipality in Limpopo was chosen as the first of the pilot projects in the rural development campaign.⁶⁷

The framework programme document for the 2009–2014 period, the 2009-2014 Medium Term Strategic Framework⁶⁸ (hereinafter MTSF), identifies five main objectives and ten key programmes for South Africa. The five main objectives are to halve poverty and unemployment by 2014;⁶⁹ to provide for a more equitable distribution of the benefits of economic growth and to reduce inequality; to improve the health and skills base,⁷⁰ as well as access to basic services; to improve the safety of citizens; and to build a nation free from racism, sexism, tribalism and xenophobia.⁷¹ The ten key programmes identified by the MTSF in meeting these objectives are as follows: inclusive economic growth; economic and social infrastructure; rural development, food security and land reform; access to quality education; improved health care; the fight against crime and corruption; cohesive and sustainable communities; the creation of a better Africa and a better world; sustainable resource management and use; and a developmental state that fosters improvement in the provision of basic services.

67 Government of RSA 2009 www.info.gov.za

68 Government of RSA 2009 www.info.gov.za

69 In a way, this relates to MDG 1 (the eradication of extreme poverty and hunger).

70 These objectives relate to MDGs 2 (the achievement of universal education), 4 (the reduction of child mortality), 5 (the improvement of maternal health) and 6 (the combating of HIV and AIDS, malaria and other diseases).

71 The objective regarding sexism relates to MDG 3 (the promotion of gender equality and the empowerment of women). It is interesting to note that MDGs 7 (ensuring environmental sustainability) and 8 (the development of a global partnership for development) do not form part of the main objectives of the South African Government. The focus in South Africa is rather on ensuring a more equitable distribution of the benefits of economic growth and reducing inequality; building a nation free from racism, tribalism and xenophobia (in addition to sexism); improving access to basic services; and improving the safety of citizens.

With regard to the third strategic priority (rural development), mention is made of the establishment and implementation of an innovative approach to integrated rural development, namely the Comprehensive Rural Development Strategy (which is linked to land and agrarian reform and food security). Between at least 10 and 15 million South Africans live in (largely rural) areas that are characterised by extreme poverty and underdevelopment. The overall objective is to develop and implement a comprehensive strategy for rural development that transcends the dichotomy between rural and urban, and that will improve the quality of life of rural households, will enhance the country's food security through generating a broader base of agricultural production, and will exploit the varied economic potential that each area enjoys.

Elements of the April 2009+ Comprehensive Rural Development Strategy include the aggressive implementation of land reform policies; the stimulation of agricultural production in order to contribute to food security whilst focusing on rural livelihoods (shielding valuable agricultural land from encroachment by other development, supporting communities to grow their own food and protecting the poor from rising food prices); the improvement of service delivery in order to ensure an improvement in the quality of life; the implementation of a development programme for rural transport; the development of skills; the revitalisation of rural towns; the exploration and provision of support to non-farm economic activities; the development of institutional capacity; and the provision of support to the development of emerging cooperatives.

The South African Government's 2009 Programme of Action is informed by the "People's Contract", and states that by 2014 government aims to have reduced poverty and unemployment by half; provided the skills required by the economy; ensured the realisation of the constitutional rights and full dignity of freedom for all South Africans; ensured the provision of compassionate government service to all people; achieved a better health profile and reduced the preventable causes of death; reduced crime; and positioned South Africa as an effective force in global relations. The Government has also put in place a

number of monitoring and evaluation systems that will assist in the assessment of government's meeting of its objectives, including the establishment of the Performance Management Monitoring and Evaluation Commission in the Presidency.⁷²

In June 2009, the Minister of Rural Development and Land Reform presented the concept of the Comprehensive Rural Development Programme (CRDP), which is a three-pronged strategy that includes agrarian transformation, rural development and land reform. Over the next 5 years (2009 - 2014) the following priorities will receive attention: the creation of decent work and sustainable livelihoods; education; health; and rural development, food security and land reform.⁷³

The CRDP has the following transversal (programme) elements:

- Appropriate co-ordinated planning;
- A strong emphasis on effectiveness;
- The empowerment of vulnerable groups (women, youth, the unemployed, people living with HIV/Aids, people living with disabilities, child-headed households, and older persons);
- The creation of "vibrant" and "sustainable rural communities";
- The realisation of equitable community development;
- An increased production and sustainable use of natural resources by means of (a) livestock farming development, and (b) cropping, as well as the development of their related value chains;

72 Government of South Africa 2009 www.info.gov.za

73 Parliamentary Monitoring Committee 2009 www.pmg.co.za. Previous approaches such as the Reconstruction and Development Programme (RDP); Growth, Employment and Redistribution Strategy (GEAR); Integrated Sustainable Rural Development Strategy (ISRDS); and other sectoral developmental policies and programmes will be replaced by the transversal implementation of the Comprehensive Rural Development Programme (hereinafter CRDP) and the eventual establishment of the Rural Development Agency (RDA) as the appropriate Special Purpose Vehicle (SPV).

- The strengthening of rural livelihoods for vibrant local economic development (including access to and use of the required assets);
- The identification of the following four key roles to be performed by government: initiator, facilitator, co-ordinator and catalyst; and
- The realisation of inter-departmental collaboration as regards the alignment of resources and co-ordination in project management within and among all three spheres of government (national, provincial and local).⁷⁴

Each individual rural development project has to be aligned with the municipal (local and district) IDPs, PGDSs, area-based plans and other planning frameworks; has to comply with the participatory community-based planning approach; and has to be packaged and coordinated at the provincial level, in consultation with the local level.

This new focus on rural development has also resulted in the restructuring of a number of government departments, amongst others the Department of Land Affairs (now called the Department of Rural Development and Land Reform - DRDLR) and the Department of Agriculture (now called the Department of Agriculture, Forestry and Fisheries - DAFF). In contrast with the three government periods before April 2009 (1994–1999, 1999–2004 and 2004–2009), different ministers are now responsible for these two portfolios.

The Department of Rural Development and Land Reform is responsible for taking the lead in coordinating and facilitating the integrated implementation of the CRDP.⁷⁵ The Rural Development Agency (RDA), which is yet to be established, will coordinate the process in the medium to long term.

⁷⁴ See DRDLR *The Comprehensive Rural Development Programme Framework*.

⁷⁵ Key actors in this transformative process for integrated sustainable development are the Planning Commission (Presidency), the Performance Management Monitoring and Evaluation Commission (Presidency), the Department of Agriculture, Forestry and Fisheries (DAFF) and the Land Bank. The Department of Cooperative Governance and Traditional Affairs (DCoGTA) and its provincial counterparts will play an important role in

The RDA will act as an arm of government and will be responsible for the following functions: coordination, planning and resource mobilisation, monitoring and evaluation, and reporting systems and accountability.⁷⁶ Overall, the RDA will play a co-ordinating role with regard to agrarian transformation, rural development and land reform (all of which form part of the CRDP).

Mention has been made above of the identification of Giyani in the Limpopo Province as the pilot site for the implementation of the CRDP. It is envisaged that additional pilots will be rolled out in a number of provinces during the next financial year (2010-2011). It has been announced that the CRDP base document (published in September 2009) will be updated before being implemented as the blueprint for Comprehensive Rural Development in South Africa.

A key part of the rural development strategy is the stimulation of agricultural production, which will in turn contribute to food security. This entails providing access to agricultural loans; providing agricultural implements to emerging farmers; and providing high quality agricultural extension services. With regard to emerging farmers, government will provide broadened access to training and skills enhancement; agricultural colleges will be transformed to become centres of excellence; the professional mentorship system for emerging farmers will be promoted; and steps will be taken to protect valuable agricultural land from encroachment by other land uses. In addition, government will ensure access to basic food items for poor households.

ensuring coordination at provincial and municipal levels as regards the transversal implementation of the CRDP. In addition, the Department of Trade and Industry (the dti), the Department of Water Affairs and the Department of Environmental Affairs are also involved in rural development matters. A number of sectoral departments are responsible for the provision of social services, e.g. the Department of Human Settlements, the Department of Health (DoH) and the Department of Social Development.

As indicated above, the international and regional documents pertaining to or having reference to development, rural development and sustainable development do not create binding rights within the domestic sphere. The CRDP does not refer explicitly to any of these documents as having established the context within which the CRDP has been formulated or is to be implemented. But, as was indicated, the 2009-2014 Medium Term Strategic Framework⁷⁷ does mirror some of the MDGs. No specific discussion is given in the CRDP framework of the relationship between rural development in South Africa and the international sustainable development agenda. The only references are to sustainable (rural) communities, sustainable livelihoods, sustainable resource management and use, sustainable use of natural resources, sustainable land use and management, sustainable rural development, sustainability of enterprises and, with respect to restitution, ensuring the sustainability of restitution projects.

As regards references to the Constitution, the CRDP framework refers to the following issues: (a) land reform is entrenched in section 25(4); (b) in relation to the CRDP, the land reform agenda will focus on the review of the restitution, redistribution and tenure reform programmes; (c) local government has certain important roles to fulfil in relation to rural development;⁷⁸ and (d) municipalities have the right to govern their own affairs (section 151(3)), and may, in certain circumstances, establish minimum standards required for the rendering of services.⁷⁹ This appears to be a positive move towards the recognition of the different facets of development as envisaged by the Constitution.

The specific references to and exposition of the need for effective co-ordination as regards conceptualisation, planning, implementation and M&E in the CRDP give evidence of an innovative approach. If implemented, this will deal in a

77 Government of RSA 2009 www.info.gov.za

78 The roles of local government relating to rural development will overlap with those of the other two spheres of government. As stated above, Schedule 4 (Part A) states that rural development is a concurrent national and provincial competence.

79 DRDLR 2009 www.dla.gov.za

significant manner with some of the major deficiencies that characterised rural development policy frameworks, programmes and projects during the two preceding phases.

9 Conclusion

The above overview and assessment of (a) the international development framework, (b) the key post-1994 constitutional, policy and implementation frameworks as regards sustainability, development and rural issues, and, (c) the three post-1994 phases relating to rural development provide the backdrop for the identification of the most crucial areas that need to be addressed by the South African Government.

It is recommended that in-depth multi-disciplinary research project be performed as regards the impact of government activities since 1994 and the reasons why there has not been a significant and sustainable improvement in the indicators relevant to the measurement of success in respect of rural development.

The evaluation of the implementation of the ISRDS as the core national strategy for rural development prior to April 2009 indicates that a number of serious conceptual and implementation shortcomings have marred the significant impact that the ISRDS was intended to have.

It is argued that some of the key challenge areas not addressed or addressed in an insufficient manner by the ISRDS (at conceptual and/or implementation level) inform the context within which the new post-April 2009 approach to coordinated rural development must function in order to bring about enduring sustainable rural development. They are:

- The establishment of direct linkages to the constitutionally prescribed development-related matters pertaining to the obligation on government

to give content to the socio-economic rights enshrined in the Constitution, intergovernmental relations and the allocation of functional domains and related powers to the three spheres of government;

- The compulsory establishment and implementation of binding intergovernmental structures and systems compliant with Chapter 3 of the *Constitution and the Intergovernmental Relations Framework Act 13* of 2005;
- The alignment of the evolving new post-April 2009 rural development strategy with the international context, which, as indicated above, consists of compliance with the Millennium Development Goals (MDGs) and the sustainable development movement;
- The review and rationalisation of all current national and provincial development-oriented policies and programmes, e.g. relating to poverty reduction, food security, extended public works, etc. in order to effect alignment with the post-April 2009 overarching rural development strategy;
- The identification of the statutory framework that informs and regulates all rural development initiatives with a view to the rationalisation thereof and the establishment of an appropriate regulatory framework that is aligned to the Constitution and the evolving post-April 2009 rural development framework;
- The clarification of the roles of the individual sector departments and organs of state in the national and provincial spheres of government, and at municipal level, of district and local municipalities;
- The clarification of the potential roles of the non-governmental organisation (NGO) and community-based organisation (CBO) sector;
- The determination of the potential participation of the private sector in providing support to government initiatives and in enhancing the economic development of the areas concerned, taking into account that this sector will become involved only if economic benefits were to materialise for them and for the rural communities concerned;

- The alignment of rural development projects with local and district Integrated Development Plans (IDPs) and Provincial Growth and Development Strategies (PGDSs);
- The alignment of sector departmental projects and their related budgetary and other resources with rural development projects;
- The implementation of an appropriate approach in the identification of which rural areas should be prioritised;
- The establishment of authoritative coordinating units at national, provincial and project level (In the case of the national and provincial spheres of government, this must be linked to the peremptory provisions of sections 85 and 125 of the Constitution, which oblige the National Executive and the Provincial Executive Councils to coordinate the functions of state departments and administration, as well as to implement national and provincial policies and legislation.);
- The conducting of comprehensive baseline surveys as regards beneficiary rural communities, current land use and production patterns and the capacity of government and other entities involved in the implementation of a rural development strategy;
- The establishment and implementation of a comprehensive public participation programme that will ensure the inclusive involvement and participation of beneficiary communities in needs identification, planning, implementation, and monitoring and evaluation;
- The establishment and implementation of a wide-ranging communication strategy that will serve to inform both the beneficiary communities and all government sectors on a continuous basis;
- The identification of core transversal elements that must be addressed in both the design and implementation of every rural development project, e.g. the inclusion of vulnerable groups such as people living with HIV/Aids, women, the youth and disabled persons;
- The establishment of a Special Purpose Vehicle (SPV) that will ensure that all government programmes, projects and related resources (e.g.

human, financial, infrastructural and training) are aligned to rural development projects; and

- The establishment and implementation of effective monitoring and evaluation structures and systems, including impact assessment, reporting and interventions.

The discussion of the post-April 2009 framework gives clear evidence of a radically new and different approach to sustainable rural development. As indicated above, the lessons learnt from the implementation of the ISRDS must be addressed by this new framework in order to bring about an enduring improvement in the quality of life and sustainable rural development. The success of this new approach depends on the effective coordination (within and across the three spheres of government) of the planning process (e.g. MTSF, national departmental sectoral plans, provincial transversal and departmental specific plans, municipal IDPs and LEDs); financial and other resources; human resources; the clarification of the roles of individual government and other public entities; implementation activities; monitoring and evaluation; as well as reporting and intervention.

The success of the approach also depends on the existence of an enforceable legal and administrative framework to provide for the above (which would include, amongst other provisions, very specific binding intergovernmental arrangements), as well as on a well-coordinated fiscal framework for the implementation of this new approach.

Having considered the features of the different phases relating to rural development, it appears as if history is repeating itself. There is currently no explicit linkage between the South African government's new approach to rural development and the international development context (consisting of the MDGs and the sustainable development movement) to which South Africa is also both a signatory and an implementing entity. The 2009 Comprehensive Rural Development Programme (CRDP) does not indicate how the new policy

approach and existing regulatory framework will be enhanced to ensure alignment thereof with the international sustainable development agenda. Government, therefore, will have to take the international sustainable development approach into account, and accordingly adjust the 2009 policy and envisaged changes to the current regulatory framework, as well as the proposed CRDP-based programmes and plans (including resource allocation). Consideration should also be given to the incorporation in the South African domestic law of the development-related parts of the SADC Treaty, the *African Union Constitutive Act*, the MDGs and the Johannesburg Declaration and Implementation Plan by means of the enactment of an overarching national framework statute dealing with all matters pertaining to development, including, amongst other issues, a coherent, inclusive development vision for South Africa. This should be followed by the review, rationalisation and alignment of all sector-specific policies and programmes (dealing with development-related issues) that are currently administered by individual government departments so as to ensure the realisation of co-ordinated, sustainable, comprehensive rural development.

The above overview indicates that, notwithstanding the fact that significant advances in the conceptualisation of and modes of implementation of rural development have been made through the September 2009 Comprehensive Rural Development Programme base document, much work still needs to be done to ensure that the challenges identified above, which relate to the constitutional, policy and implementation frameworks regulating and informing rural development, are addressed in a coherent manner.

Bibliography

Ackerman 2004 *PER*

Ackerman LWH "Menswaardigehid na tien jaar van regstaatlikheid in Suid-Afrika" 2004 (7) *Potchefstroom Electronic Law Journal* 70-85

Albertyn "Equality"

Albertyn C "Equality" in Cheadle MH and Davis DM *et al* (eds) *South African Constitutional Law, The Bill of Rights* 2nd ed (LexisNexis Butterworths Durban 2009) 4.1-4.65

Albertyn and Goldblatt "Equality"

Albertyn C and Goldblatt B "Equality" in Woolman S *et al* (eds) *Constitutional Law of South Africa* 2nd ed (Juta Cape Town 2006) 35.1-35.85

Bilchitz "Health"

Bilchitz D "Health" in Woolman S *et al* (eds) *Constitutional Law of South Africa* 2nd ed (Juta Cape Town 2006) 56A.1-56A.47

Botha 2009 *Stell LR*

Botha H "Human dignity in comparative perspective" 2009 (20) *Stellenbosch Law Review* 171-220

Brand 2003 *LDD*

Brand D "Between availability and entitlement: the Constitution, Grootboom and the right to food" 2003 (7) *Law, Democracy & Development* 1-26

Brand "Food"

Brand D "Food" in Woolman S *et al* (eds) *Constitutional Law of South Africa* 2nd ed (Juta Cape Town 2006) 56C.1-56C.30

Bray 2002 *THRHR*

Bray E "The constitutional concept of co-operative government and its application in education" 2002 (65) *Tydskrif vir Hedendaagse Romeins-Hollandse Reg* 514-531

Bronstein "Legislative Competence"

Bronstein V "Legislative Competence" in Woolman S *et al* (eds) *Constitutional Law of South Africa* 2nd ed (Juta Cape Town 2006) 15.1-15.21

Chaskalson 2000 *SAJHR*

Chaskalson A "Human Dignity as a Foundational Value of our Constitutional Order" 2000 (16) *South African Journal on Human Rights* 193-205

Chenwi 2006 ESR Review

Chenwi L "Giving effect to the right to adequate housing: the need for a (coherent) national policy on special needs housing" 2006 (7) *ESR Review: Economic and Social Rights in South Africa* 10-14

Chetty 2002 *LD*

Chetty K "The public finance implications of recent socio-economic rights judgements" 2002 (6) *Law, Democracy & Development* 231-253

Chetty 2002 *SAPL*

Chetty C "The right of health care services: interpreting section 27 of the Constitution" 2002 (17) *SA Public Law* 453-461

Currie 1999 *Annual Survey*

Currie I "Operational provisions of the SA Bill of Rights" 1999 (1) *Annual Survey of South African law* 38-50

Currie and De Waal *Bill of Rights*

Currie I and De Waal J *The Bill of Rights Handbook* (Juta Cape Town 2005) 229-279, 521- 530, 566-598

De Visser 2002 *SAPL*

De Visser J "Powers of local government" 2002 (17) *SA Public Law* 223-243

De Visser and Cottle *et al* 2003 *LLD*

De Visser J, Cottle E and Mettler J "Realising the right of access to water: pipe dream or watershed?" 2003 (7) *Law, Democracy & Development* 27-53

Dekker and Van der Walt 2000 *LLD*

Dekker A and Van der Walt A "Social security: a conceptual view" 2000 (4) *Law, Democracy & Development* 1-14

DPLG 2008 *Delivery*

Department of Provincial and Local Government "Special feature: IGR in action" 2008 (9) *Delivery: the magazine for local government* 48-57

DRDLR 2009 *Development Programme Framework*

Department of Rural Development and Land Reform 2009 *The Comprehensive Rural Development Programme Framework*

Dlamini 2002 *JJS*

Dlamini CRM "Equality or justice? Section 9 of the Constitution revisited" 2002 (27) *Journal of Juridical Science* 14-40

Du Plessis 2009 *SAPL*

Du Plessis A "Some comments on the sweet and bitter of the National Environmental Law Framework for 'Local Environmental Governance'" 2009 (24) *SA Public Law* 56-96

Du Plessis "Understanding the Legal Context"

Du Plessis A "Understanding the Legal Context" in Paterson A and Kotze L (eds) *Environmental Compliance and Enforcement in South Africa: Legal Perspectives* (Juta Cape Town 2009) 11-40

Edwards 2008 *Journal of Public Administration*

Edwards T "Key challenges of improving intergovernmental relations at local sphere: a capacity building perspective" 2008 (43) *Journal of Public Administration* 89-98

Edwards 2008 *Politeia*

Edwards T "Cooperative governance in South Africa, with specific reference to the challenges of intergovernmental relations" 2008 (27) *Politeia* 65-85

Feris 2008 *Constitutional Court Review*

Feris L "Sustainable development in practice: Fuel Retailers Association of Southern Africa v Director-General Environmental Management, Department of Agriculture, Conservation and Environment, Mpumalanga Province" 2008 (1) *Constitutional Court Review* 235-253

Feris 2008 *SAJHR*

Feris L "Constitutional Environmental Rights: an under-utilised resource" 2008 (24) *South African Journal on Human Rights* 29-49

Ferreira 1999 *TSAR*

Ferreira GM "Grondwetlike waardes en sosio-ekonomiese regte met verwysing na die reg op 'n skoon en gesonde omgewing" 1999 (12) *Tydskrif vir die Suid-Afrikaanse Reg* 285-303

Freedman 2002 *SAJELP*

Freedman W "The constitutional protection of property, the conservation of the environment, and the doctrine of constructive expropriation" 2002 (9) *South African Journal of Environmental Law and Policy* 61-71

Geldenhuys 2005 *SA Merc LJ*

Geldenhuys M "The rights to health care and housing: some aspects of constitutional interpretation" 2005 (17) *SA Mercantile Law Journal* 182-195

Glazewski "The Environmental Right"

Glazewski J "The Environmental Right" in Cheadle MH and Davis DM *et al* (eds) *South African Constitutional Law, The Bill of Rights* 2nd ed (LexisNexis Butterworths Durban 2009) 19.1-19.30

Glazewski 1999 *Acta juridica*

Glazewski J "Environmental justice and the new South African democratic legal order" 1999 (7) *Acta juridica* 1-35

Glazewski and Witbooi 2006 *SAJELP*

Glazewski J and Witbooi E "Sustainable development, poverty alleviation and the right to 'sufficient water' in the new democratic South Africa" 2006 (13) *South African Journal of Environmental Law and Policy* 197-210

Hawthorne 2001 *De Jure*

Hawthorne L "The right to access to adequate housing: curtailment of eviction?" 2001 (34) *De Jure* 584-592

Jagwanth 2005 *Acta juridica*

Jagwanth S "Expanding equality" 2005 (21 5) *Acta juridica* 131-148

Jansen van Rensburg 1999 *TRW*

Jansen van Rensburg L "Grondwetlike waardes en sosio-ekonomiese regte met verwysing na die reg op sosiale sekerheid: artikel 27 van die Grondwet" 1999 (24) *Tydskrif vir Regswetenskap* 43-57

Khalfan and Conteh 2008 *Economic and Social Rights*

Khalfan A and Conteh S "Big leap forward for the right of access to water in South Africa: case law" 2008 (9) *ESR Review: Economic and Social Rights in South Africa* 12-15

Khoza 2004 *ESR Review*

Khoza S "Protecting the right to food in South Africa: the role of framework legislation" 2004 (5) *ESR Review: Economic and Social Rights in South Africa* 3-5

Khoza 2004 *SAJHR*

Khoza S "Realising the right to food in South Africa: not by policy alone" 2004 (20) *South African Journal on Human Rights* 664-683

Kidd 2008 *Environmental Law*

Kidd M *Environmental Law* (Juta Cape Town 2008) 18-31

Kok and Langford "Water"

Kok A and Langford M "Water" in Woolman S *et al* (eds) *Constitutional Law of South Africa* 2nd ed (Juta Cape Town 2006) 56B.1-56B.28

Kole 2004 Stakeholder Mobilisation

Kole NM 2004 *An evaluation of the Integrated Sustainable Rural Development Programme highlighting stakeholder mobilisation and engagement* (M.Inst Agrar (Rural Development Planning) thesis University of Pretoria 2004)

Kotzé 2006 *PER*

Kotzé LJ "Improving Unsustainable Environmental Governance in South Africa: The Case for Holistic Governance" 2006 (9) *Potchefstroom Electronic Law Journal* 75-118

Liebenberg 2005 *SAJHR*

Liebenberg S "The Value of Human Dignity in Interpreting Socio-Economic Rights" 2005 (21) *South African Journal on Human Rights* 1-31

Liebenberg "The Interpretation of Socio-Economic Rights"

Liebenberg S "The Interpretation of Socio-Economic Rights" in Woolman S *et al* (eds) *Constitutional Law of South Africa* 2nd ed (Juta Cape Town 2006) 33.1-33.66

Malan 2005 *Politeia*

Malan LP "Intergovernmental relations and co-operative government in South Africa: the ten-year review" 2005 (24) *Politeia* 226-243

McLean "Housing"

McLean K "Housing" in Woolman S *et al* (eds) *Constitutional Law of South Africa* 2nd ed (Juta Cape Town 2006) 55.1 – 55.57

Mdumbe 2008 *SAPL*

Mdumbe F "The meaning of organ of state in the South African Constitution" 2008 (20) *SA Public Law* 1-28

Michelman "Rule of Law, Legality and Supremacy of the Constitution"

Michelman F "Rule of Law, Legality and Supremacy of the Constitution" in Woolman S *et al* (eds) *Constitutional Law of South Africa* 2nd ed (Juta Cape Town 2006) 11.1-11.44

Ngwena 2000 *JCRDL*

Ngwena C "Access to health care as a fundamental right: the scope and limits of section 27 of the Constitution" 2000 (25) *JCRDL* 1-32

Nqwena 2002 *SAPL*

Nqwena C "Access to health care and the courts: a note on *Minister of Health v Treatment Action Campaign*" 2002 (17) *SA Public Law* 463-472

Olivier and Jansen van Rensburg 2000 *LDL*

Olivier M and Jansen van Rensburg L "Protection and enforcement of the right to social security" 2000 (4) *Law, Democracy & Development* 87-100

Olivier 2000 *LDL*

Olivier M "Revisiting the social security policy framework in South Africa" 2000 (4) *Law, Democracy & Development* 101-108

Paterson and Kotzé *Environmental Compliance*

Paterson A and Kotzé L (eds) *Environmental Compliance and Enforcement in South Africa: Legal Perspectives* (Juta Cape Town 2009)

Pieterse 2006 *SAJHR*

Pieterse M "Resuscitating socio-economic rights: constitutional entitlements to health care services" 2006 (22) *South African Journal on Human Rights* 473-502

Pieterse 2007 *SAJHR*

Pieterse M "Indirect horizontal application of the right to have access to health care" 2007 (23) *South African Journal on Human Rights* 157-179

Pillay 1998 *ESR Review*

Pillay K "Local government and the right to adequate housing" 1998 (1) *ESR Review: Economic and Social Rights in South Africa* 11-13

Rapoo 1999 *Synopsis*

Rapoo T "Too much is expected of complex new system: intergovernmental relations" 1999 (3) *Synopsis: newsletter of the governance programme of the Centre for Policy Studies* 3-4 and 15

Rautenbach 2005 *TSAR*

Rautenbach IM "The limitation of rights and reasonableness in the right to just administrative action and the rights to access to adequate housing, health services and social security" 2005 (22) *Tydskrif vir die Suid-Afrikaanse Reg* 627-654

Rautenbach and Malherbe *Constitutional Law*

Rautenbach I and Malherbe E *Constitutional Law* (LexisNexis Butterworths Durban 2009) 1-14, 115-188, 295-314, 358-363, 383, 385-387

Roederer C "Founding Provisions"

Roederer C "Founding Provisions" in Woolman S *et al* (eds) *Constitutional Law of South Africa* 2nd ed (Juta Cape Town 2006) 13.1-13.31

Roux "Democracy"

Roux T "Democracy" in Woolman S *et al* (eds) *Constitutional Law of South Africa* 2nd ed (Juta Cape Town 2006) 10.1-10.77

Roux 2004 SALJ

Roux T "Continuity and change in a transforming legal order: the impact of section 26(3) of the Constitution on South African law" 2004 (121) *South African Law Journal* 466-492

Ryan 2004 *Without prejudice*

Ryan C "Constitutional court debates the right to adequate housing: human rights" 2004 (4) *Without prejudice* 12-13

Scheepers 1999 *Koers*

Scheepers T "The legal duty of local government to facilitate development" 1999 (64) *Koers* 339-356

Stein and Beinart 2002 *ESR Review*

Stein R and Beinart C "Realising environmental rights: developing indicators" 2002 (3) *ESR Review: Economic and Social Rights in South Africa* 27-28

Steytler 2001 *SAPL*

Steytler N "Concurrency and co-operative government: the law and practice in South Africa" 2001 (16) *SA Public Law* 241-254

Steytler and De Visser "Local Government"

Steytler N and De Visser J "Local Government" in Woolman S *et al* (eds) *Constitutional Law of South Africa* 2nd ed (Juta Cape Town 2006) 22.1-22.138

Strydom and Hopkins "International Law"

Strydom H and Hopkins K "International Law" in Woolman S *et al* (eds)

Constitutional Law of South Africa 2nd ed (Juta Cape Town 2009) 30-1-30-

27

Strydom and King *Fuggle & Rabie's*

Strydom HA and King ND *Fuggle & Rabie's Environmental Management in South Africa* (Juta Cape Town 2009)

Swart "Social Security"

Swart M "Social Security" in Woolman S *et al* (eds) *Constitutional Law of South Africa* 2nd ed (Juta Cape Town 2006) 56D.1-56D.22

Thornhill 2009 *Journal of Public Administration*

Thornhill C "Intergovernmental relations: the case of co-operative local government" 2009 (44) *Journal of Public Administration* 671-687

Tladi 2003 SAYIL

Tladi D "Strong sustainability, weak sustainability, intergenerational equity and international law: using the Earth Chapter to redirect the environmental ethics debate" 2003 (28) *South African Yearbook of International Law* 200-210

Van Bueren "Health"

Van Bueren G "Health" in Cheadle MH and Davis DM *et al* (eds) *South African Constitutional Law, The Bill of Rights* 2nd ed (LexisNexis Butterworths Durban 2009) 22.1-22.18

Van Bueren "Housing"

Van Bueren G "Housing" in Cheadle MH and Davis DM *et al* (eds) *South African Constitutional Law, The Bill of Rights* 2nd ed (LexisNexis Butterworths Durban 2009) 21.1-21.18

Van der Linde and Basson "Environment"

Van der Linde M and Basson E "Environment" in Woolman S *et al* (eds) *Constitutional Law of South Africa* 2nd ed (Juta Cape Town 2009) 50-1-50-50

Van Wyk 1997 *THRHR*

Van Wyk DH "'n Paar opmerkings en vrae oor die nuwe Grondwet" 1997 (60) *Tydskrif vir Hedendaagse Romeins-Hollandse Reg* 377-394

Van Wyk 2003 *THRHR*

Van Wyk C "The enforcement of the right of access to health care in the context of HIV/AIDS and its impact on the separation of powers" 2003 (66) *Tydskrif vir Hedendaagse Romeins-Hollandse Reg* 389-407

Woolman "Dignity"

Woolman S "Dignity" in Woolman S *et al* (eds) *Constitutional Law of South Africa* 2nd ed (Juta Cape Town 2009) 36-1-36-75

Woolman *et al* "Co-operative Government"

Woolman S, Roux T and Bekink B "Co-operative Government" in Woolman S *et al* *Constitutional Law of South Africa* 2nd ed (Juta Cape Town 2006) 14.1 - 14.27

Woolman *et al* *Constitutional Law of South Africa*

Woolman S, Roux T and Bishop M (eds) *Constitutional Law of South Africa* 2nd ed (Juta Cape Town 2006)

Woolman et al Constitutional Law of South Africa

Woolman S, Roux T and Bishop M (eds) *Constitutional Law of South Africa*
2nd ed (Juta Cape Town 2009)

Register of legislation

Abolition of Racially Based Land Measures Act 108 of 1991

Communal Land Rights Act 11 of 2004

Constitution of the Republic of South Africa 200 of 1993

Constitution of the Republic of South Africa, 1996

Development Facilitation Act 67 of 1995

Extension of Security of Tenure Act 62 of 1997

Housing Act 107 of 1997

Intergovernmental Relations Framework Act 13 of 2005

Local Government: Municipal Demarcation Act 27 of 1998

Local Government: Municipal Electoral Act 27 of 2000

Local Government: Municipal Finance Management Act 56 of 2003

Local Government: Municipal Fiscal Powers Functions Act 12 of 2007

Local Government: Municipal Property Rates Act 6 2004

Local Government: Municipal Structures Act 117 of 1998

Local Government: Municipal Systems Act 32 of 2000

National Environmental Management Act 107 of 1998

Restitution of Land Rights Act 22 of 1994

Transformation of Certain Rural Areas Act 94 of 1998

Register of internet resources

African Union 2009 Statement by H.E. Dr Maxwell Mkwenzalamba www.africa-union.org

African Union 2009 Statement by H.E. Dr. Maxwell M. Mkwenzalamba, Commissioner for Economic Affairs www.africa-union.org/root/ua/Conferences/2009/fev/EA/05mars/Speech_Commissioner%20Durban%20African%20Mining%20Partnership.doc [accessed on 28 October 2009]

African Union 2009 Statement by T Rhoda www.africa-union.org

African Union 2009 Statement by T Rhoda, peace commissioner for rural economy and agriculture of the African Union Commission at the Expert Segment of the African Ministerial Conference on Environment (AMCEN) www.africa-union.org/root/ua/Conferences/2009/mai/Africa-Day/25mai/Final%20statement%20of%20Commissioner%20REA%20AMCEN%20Nairobi%2025%2005%2009.doc [accessed on 28 October 2009]

African Union 2008 Development Programme www.africa-union.org

African Union Comprehensive African Agriculture Development Programme www.africaunion.org/root/ua/Conferences/2008/avril/REA/01avr/Experts_FAFA.pdf [accessed on 28 October 2009]

African Union 2008 Draft Social Policy www.africa-union.org

African Union Draft Social Policy Framework for Africa www.africa-union.org [accessed on 28 October 2009]

African Union 2008 Duties and Responsibilities www.africa-union.org

African Union Duties and Responsibilities of an Expert (Agriculture and Food Security) www.africa-union.org

union.org/root/au/employment/28SeptEU/en/P4_Expert_Agriculture_and_Food_Security.doc [accessed on 28 October 2009]

African Union 2008 Ministerial Conference www.africa-union.org

African Union 2008 *Ministerial Conference of Ministers of Agriculture Experts Segment 26 – 27 February 2008* www.africa-union.org/root/AU/index/archive1_february_2008.htm [accessed on 28 October 2009]

ANC 2007 www.anc.org.za

ANC 2007 ANC 52nd *National Conference Resolutions*
www.anc.org.za/ancdocs/history/conf/conference52/resolutions.html
[accessed on 12 October 2009]

ANC 1995 www.anc.org.za

ANC 1995 *Rural Development Strategy of the Government of National Unity* www.anc.org.za/rdp/ruralrdp.html [accessed on 12 October 2009]

Bellù and Liberati 2006 www.fao.org

Bellù LG and Liberati P 2006 Inequality Analysis – the Gini Index
www.fao.org/docs/up/easypol/329/gini_index_040EN.pdf [accessed on 5 January 2010]

Department of Agriculture 1998 www.nda.agric.za

Department of Agriculture 1998 *Agricultural Policy in South Africa, a discussion paper* www.nda.agric.za/docs/policy98.htm [accessed on 12 October 2009]

Department of Environmental Affairs and Tourism 2008

www.environment.gov.za

Department of Environmental Affairs and Tourism 2008 *People-Planet-Prosperity: A National Framework for Sustainable Development in South*

Africa

www.environment.gov.za/nssd_2005/background_docs/08%20JULY%2008%20NFSD.pdf [accessed on 5 February 2010]

Department of Foreign Affairs 2004 www.dfa.gov.za

Department of Foreign Affairs 2004 *Southern African Development Community (SADC)* www.dfa.gov.za/foreign/Multilateral/africa/sadc.htm [accessed on 18 February 2010]

Department of Health 2001 www.doh.gov.za

Department of Health 2001 *Integrated Nutrition Programme Provincial and National Demographic, Socio-Economic and Health Indicators* www.doh.gov.za/programmes/inp/docs/statistics.pdf [accessed on 28 October 2009]

Department of Land Affairs 2000 www.dla.gov.za

Department of Land Affairs 2000 *Integrated Sustainable Rural Development Strategy (ISRDS), 2000* www.dla.gov.za/documents&publications/publications/sis%20strategy/33/Associated%20background%20documents/Chapter%203/Poverty%20and%20rural%20development/presidency_isrds_2000.pdf [accessed on 12 October 2009]

Department of Provincial and Local Government 2008 www.info.gov.za

Department of Provincial and Local Government 2008 *Annual Report 2007-2008* www.info.gov.za/view/DownloadFileAction?id=89829 [accessed on 23 December 2009]

DRDLR 2009 www.dla.gov.za

Department of Rural Development and Land Reform 2009 *Comprehensive Rural Development Programme: the concept (Presentation by Mr Gugile Nkwinti, Minister of Rural Development and Land Reform)*

www.dla.gov.za/Comprehensive_rural_dev/CRDP%20Concept%20Minister%20Portfolio%20Committee%2008%20June%202009.ppt [accessed on 18 February 2010]

Encyclopaedia Britannica 2009 www.britannica.com

Encyclopaedia Britannica 2009 *Sustainable development*
www.britannica.com/EBchecked/topic/765435/environmental-law/224618/Sustainable-development#ref=ref750231 [accessed on 2 November 2009]

Everatt *et al* 2006 fanrpan.net

Everatt D, Smith MJ and Solanki G 2006 *Baseline survey of the 21 ISRDP and URP nodes – Topline report and data tables*
fanrpan.net/documents/d00215/ISRDP_baseline_survey_Nov2006.pdf
[accessed on 7 January 2010]

Everatt *et al* 2004 www.sarpn.org.za

Everatt D, Dube N and Ntsime M 2004 *Integrated Sustainable Rural Development Programme Phase 1 evaluation: Nodal Review Research and written for the Independent Development Trust*
www.sarpn.org.za/documents/d0000920/P1016ISRDP_Phase1_June2004.t.pdf [accessed on 7 January 2010]

Everatt (year unknown) Development Update www.sarpn.org.za

Everatt D "The politics of poverty" *Development Update* 75 – 100
www.sarpn.org.za/documents/d0000613/P636_Politics-Poverty.pdf
[accessed on 7 January 2010]

Everatt (year unknown) Self-critical governance www.sarpn.org.za

Everatt D (year unknown) *Self-critical governance: The evolution of the Integrated Sustainable Development Strategy – Summary* (year unknown)

www.sarpn.org.za/documents/d0000640/P649-isrdsdavid.pdf [accessed on 4 January 2010]

Government of South Africa 2009 Report on implementation www.info.gov.za

Government of South Africa 2009 *2009 Programme and report on implementation* www.info.gov.za/aboutgovt/poa/report/index.html [accessed on 8 January 2010]

Government of RSA 2009 State of the Nation www.info.gov.za

Government of RSA 2009 *State of the Nation Address, 2009* www.info.gov.za/speeches/2009/09060310551001.htm [accessed on 12 October 2009]

Government of RSA 2009 Strategic Framework www.info.gov.za

Government of RSA 2009 *Medium Term Strategic Framework 2009* www.info.gov.za/view/DownloadFileAction?id=103901 [accessed on 12 October 2009]

Government of RSA 2007 www.info.gov.za

Government of RSA 2007 *Development Indicators Mid-term Review* www.info.gov.za/otherdocs/2007/development_indicator.pdf [accessed on 12 October 2009]

Government of RSA 2000 www.info.gov.za

Government of RSA 2000 *The Integrated Sustainable Rural Development Strategy (ISRDS)* www.info.gov.za/otherdocs/2000/isrds.pdf [accessed on 28 October 2009]

Jacobs *et al* 2008 www.hsrc.ac.za

Jacobs P, Aliber M, Hart T and O'Donovan M 2008 *Review of Rural development: 15 Year Review of Economic and Social Sector Programmes* www.hsrc.ac.za/Document-3218.phtml [accessed on 7 January 2010]

King Committee on Governance 2009 www.iodsa.co.za

King Committee on Governance 2009 *King Report on Governance in South Africa 2009* www.iodsa.co.za [accessed on 4 November 2009]

Mehlomakulu *et al* 2004 www.ufs.ac.za

Mehlomakulu T, Mogoera L and Lenka M 2004 *A youth-related evaluation of the Integrated Sustainable Rural development Strategy Final Draft* www.ufs.ac.za/faculties/documents/06/003/YOUTH/9614-Integrated sustainable rural development strategy.pdf [accessed on 6 January 2010]

Parliamentary Monitoring Committee 2009 www.pmg.co.za

Parliamentary Monitoring Committee 2009 *Ministerial briefing progress – Comprehensive Rural Development Programme* www.pmg.co.za/report/20090825_ministerial_briefing_progress-comprehensive-rural-development-program [accessed on 12 October 2009]

SADC 2008 www.cladem.org

SADC 2008 *SADC Protocol on Gender and Development* [www.cladem.org/english/news/Protocol%20on%20Gender%20August%202008%20-%20English0001\(4\).pdf](http://www.cladem.org/english/news/Protocol%20on%20Gender%20August%202008%20-%20English0001(4).pdf) [accessed on 28 October 2009]

SADC 2009 Consolidated text www.sadc.int

SADC *Consolidated text of the Treaty of the Southern African Development Community, as amended* www.sadc.int/ [accessed on 18 February 2010]

Strategy & Tactics and Khanya-AICDD (year unknown) www.sarpn.org.za

Strategy & Tactics and Khanya-AICDD (year unknown) *Urban Renewal and Integrated Sustainable Rural Development Programme: Nodal reports* www.sarpn.org.za/documents/d0003004/index.php [accessed on 23 December 2009]

The Presidency 2009 www.thepresidency.gov.za

The Presidency 2009 *The Development Indicators 2009*

www.thepresidency.gov.za/main.asp?include=learning/me/indicators/2009/index.html [accessed on 28 October 2009]

UNDP 2007 www.undp.org.za

United Nations Development Programme 2007 *South Africa – Millennium Development Goals Mid-Term Country Report, September 2007*. United Nations www.undp.org.za/index.php/rempository/func-startdown/16/ [accessed on 6 October 2009]

UNDP 2006 www.undp.org

United Nations Development Programme 2006 *About the MDGs: Basics What are the Millennium Development Goals?*
www.undp.org/mdg/basics.shtml [accessed on 6 October 2009]

UNDP (year unknown) Basic Country Indicator www.undp.org.za

United Nations Development Programme *South Africa Basic Country Indicator Data* www.undp.org.za/index.php/the-country-programme/basic-country-indicator-data [accessed on 28 October 2009]

UN 2002 *World Summit Plan* www.un-documents.net

United Nations 2002 *Plan of the World Summit on Sustainable Development* www.un-documents.net/jburgpln.htm [accessed on 18 February 2010]

UN 2002 *World Summit Report* www.unmillenniumproject.org

United Nations 2002 *Report of the World Summit on Sustainable Development*
www.unmillenniumproject.org/documents/131302_wssd_report_reissued.pdf [accessed on 28 October 2009]

UN 2008 *MDG Indicators* mdgs.un.org

United Nations 2008 *Official List of MDG Indicators*

mdgs.un.org/unsd/mdg/Host.aspx?Content=Indicators/OfficialList.htm

[accessed on 28 October 2009]

UN 2008 *Millennium Development Goals* www.un.org

United Nations 2008 *The Millennium Development Goals Report August 2008*

www.un.org/millenniumgoals/pdf/The%20Millennium%20Development%20Goals%20Report%202008.pdf [accessed on 28 October 2009]

UN 2009 www.un.org

United Nations 2009 *The Millennium Development Goals Report 2009*

www.un.org/millenniumgoals/pdf/MDG_Report_2009_ENG.pdf [accessed on 5 January 2010]

UNEP www.unep.org

United Nations Environment Programme *Rio Declaration on Environment and Development*

www.unep.org/Documents.Multilingual/Default.asp?documentID=78&articleID=1163 [accessed on 4 November 2009]

UNGA 2000 www.un.org

United Nations General Assembly 2000 *UN General Assembly Resolution adopted by the General Assembly 55/2*

www.un.org/millennium/declaration/ares552e.pdf [accessed on 28 October 2009]

UN 2000 www.un.org

United Nations 2000 *Resolution adopted by the General Assembly, 55/2 United Nations Millennium Declaration, September 2000*

www.un.org/millennium/declaration/ares552e.pdf [accessed on 6 October 2009]

List of abbreviations

ABET	Adult Basic Education and Training
ANC	African National Congress
ASGISA	Accelerated and Shared Growth Initiative for South Africa
CRDP	Comprehensive Rural Development Programme
DAFF	Department of Agriculture, Forestry and Fisheries
DCoGTA	Department of Cooperative Governance and Traditional Affairs
DLA	Department of Land Affairs (now the DRDLR)
DRDLR	Department of Rural Development and Land Reform
DPLG	Department of Provincial and Local Government
GEAR	Growth, Employment and Redistribution Strategy
ICTAL	Intergovernmental Technical Committee for Agriculture (and Land)
IDP	Integrated Development Plan
IDT	Independent Development Trust
ISRDS	Integrated Sustainable Rural Development Strategy
LARP	Land and Agrarian Reform Project
M&E	Monitoring and Evaluation
MDGs	Millennium Development Goals
NGOs	Non-Governmental Organisations

OECD	Organisation for Economic Cooperation and Development
PEC	Provincial Executive Council
PLAS	Proactive Land Acquisition Strategy
RDA	Rural Development Agency
RDP	Reconstruction and Development Programme
SOEs	State-owned enterprises
URP	Urban Renewal Programme

RURAL DEVELOPMENT WITHIN THE CONTEXT OF DEVELOPMENT, SUSTAINABILITY AND RURAL ISSUES – SOME CONSTITUTIONAL, POLICY AND IMPLEMENTATION PERSPECTIVES

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SUMMARY

This article provides an overview of some developments, internationally, regionally and in the SADC, in relation to development, that may be expected to influence the South African government's response to the development needs of the people in the country. An overview is provided of the somewhat haphazard way in which the *Constitution of the Republic of South Africa*, 1996 refers to the need for and objective of development (including rural development) in the country. Through their explanatory outline of three distinct phases in South African rural development law and policy: 1994–2000 (the Reconstruction and Development Programme and related documents and their implementation); 2000–April 2009 (the Integrated Sustainable Rural Development Strategy and its implementation) and April 2009+ (the Comprehensive Rural Development Programme and related documents), the authors review some of the historical strengths and future prospects related to rural development in South Africa. Based on an assessment of historical trends, a number of recommendations are made for government's way forward

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in the implementation of the constitutional objectives, law and policy relevant to rural development in the country.

Keywords: rural development; sustainable development; constitutional law and development; development objectives; rural development policy