LAND GOVERNANCE, HISTORICAL LAND RIGHTS, HUMAN SETTLEMENTS AND THE RESPONSIBLE MANAGEMENT OF PUBLIC RESOURCES

A Comprehensive Policy Framework for Land Rights, Lawful Human Settlements, Municipal Planning, Service Delivery, Mineral Resources and Public Financial Accountability

Prepared for review by the leadership and relevant structures of AAAIC

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SECTION 1

1. PREAMBLE AND POLICY FOUNDATION

1.1. Preamble

1.1.1. Land is one of South Africa's most important economic, social, cultural, environmental and political resources. It is a source of shelter, livelihood, food production, mineral wealth, business opportunity, community identity and intergenerational security. Access to land and the protection of legitimate land rights are therefore central to human dignity, economic participation, social justice and sustainable national development.

1.1.2. South Africa's land question cannot be understood solely by reference to current title deeds, present-day occupation or the boundaries recorded in a cadastral system. It must also be understood in the context of colonial conquest, historical dispossession, the destruction or displacement of customary tenure systems, racially discriminatory legislation, forced removals, unequal access to economic opportunities and the continuing challenges of landlessness and insecure tenure.

1.1.3. At the same time, historical injustice cannot be remedied through an approach that disregards the Constitution, the rule of law, lawful procedures, the rights of affected communities or the need for responsible public administration. A just land policy must confront historical dispossession while protecting human dignity, providing legal certainty, addressing legitimate competing interests and ensuring that land is used in a manner that advances the public interest.

1.1.4. AAAIC recognises that unlawful land occupation, insecure housing, slow land reform, poorly coordinated municipal planning and inadequate access to basic services are interconnected challenges. These matters require more than political slogans or temporary interventions. They require lawful, transparent, financially sustainable and people-centred solutions.

1.1.5. The Congress further recognises that informal settlements may emerge from poverty, housing shortages, migration, unemployment, historical exclusion, administrative failures and other social or economic pressures. Residents of informal settlements must not automatically be characterised as criminals or political instruments. Equally, the genuine needs of vulnerable communities must not be exploited through unlawful inducements, deliberate administrative disorder, fraudulent land transactions or the misuse of public resources.

1.1.6. AAAIC accordingly advances a policy approach founded on constitutionalism, meritocracy, Ubuntu, justice, fairness, accountability and the protection of human dignity. The objective is to promote fair access to land, secure and lawful human settlements, responsible municipal governance and the equitable use of public resources.

1.2. The constitutional foundation

1.2.1. This policy is grounded principally in the Constitution of the Republic of South Africa, 1996, including:

(a) **Section 1**: The founding values of human dignity, equality, the advancement of human rights and freedoms, non-racialism, non-sexism, constitutional supremacy and the rule of law.

(b) **Section 9:** Equality and protection against unfair discrimination.

(c) **Section 10:** The inherent dignity of every person.

(d) **Section 25**: Property rights, protection against arbitrary deprivation, land reform, equitable access to land and restitution for qualifying historical dispossession.

(e) **Section 26:** Access to adequate housing and protection against eviction from a home without a court order made after considering all relevant circumstances.

(f) **Section 27**: Rights concerning access to sufficient food and water and other listed health-related services.

(g) **Section 32**: Access to information, subject to the constitutional and statutory framework.

(h) **Section 33:** Lawful, reasonable and procedurally fair administrative action.

(i) **Section 152**: The objectives of local government, including sustainable service delivery, social and economic development, a safe and healthy environment, and community participation.

(j) **Section 153:** Municipalities' developmental duties, including structuring and managing administration, budgeting and planning to prioritise the basic needs of communities and promote social and economic development.

(k) **Section 195**: The basic values and principles governing public administration, including accountability, transparency, efficient use of resources and responsiveness to people's needs.

(l) **Section 217:** Procurement by organs of state must be governed by a system that is fair, equitable, transparent, competitive and cost-effective.

1.2.2. These provisions must be read together. Property rights do not eliminate the constitutional obligation to pursue land reform. Equally, land reform and housing rights do not create an unrestricted entitlement to occupy any particular property without regard to applicable law. Municipalities must plan and deliver services responsibly, while public procurement must remain lawful and accountable.

1.2.3. The policy must also be interpreted consistently with applicable legislation, binding court judgments and South Africa's international obligations where relevant.

1.3. The policy's fundamental commitment

1.3.1. AAAIC commits itself to pursuing a land-governance system that:

(a) Addresses historical dispossession and promotes equitable access to land through constitutionally and legally sound measures.
(b) Recognises lawful ownership, customary and communal tenure, legitimate occupation and other rights protected by law.
(c) Promotes dignified, safe, properly planned and financially sustainable human settlements.
(d) Protects vulnerable communities from exploitation, fraudulent land sales, unlawful eviction and political manipulation.
(e) Requires municipalities to integrate land-use planning, housing, infrastructure, service delivery and budgeting.
(f) Prevents corruption, favouritism, conflicts of interest and waste in land administration and public procurement.
(g) Encourages meaningful public participation, transparent decision-making and effective remedies when public authorities or private actors act unlawfully.

The central policy position is that land justice, the rule of law, human dignity and accountable governance must reinforce one another rather than be treated as competing objectives.

SECTION 2

2. PURPOSE, OBJECTIVES AND SCOPE OF THE POLICY

2.1. Purpose

2.1.1. The purpose of this policy is to establish a coherent framework through which AAAIC can formulate positions, evaluate public decisions and advance practical solutions concerning land governance, historical land rights, unlawful land occupation, informal settlements, housing, municipal service delivery, mineral resources and the protection of public finances.

2.1.2. It seeks to move the public debate beyond the false choice between defending existing property rights and addressing historical injustice. A credible land policy must address both, while recognising the distinct legal rules applicable to different forms of land rights and different circumstances of occupation.

2.1.3. The policy will also provide a basis for evaluating whether land-related decisions by national, provincial and local government are lawful, fair, evidence-based, adequately funded and directed towards legitimate public purposes.

2.2. Primary objectives

The policy has the following objectives:

2.2.1. Land justice and historical redress

To support constitutionally compliant land reform, restitution where legally available, redistribution, tenure reform and other lawful measures that improve equitable access to land and address the continuing effects of historical dispossession.

2.2.2. Legal clarity concerning land and land-related rights

To clarify that the legal concept of land may involve different and overlapping interests, including surface ownership, occupation, customary tenure, communal rights, minerals and petroleum resources, water-related interests, environmental protections and legally protected uses of airspace. These interests must be identified and analysed separately rather than assumed to belong automatically to one person or institution.

2.2.3. Lawful and dignified human settlements

To promote access to adequate housing and secure tenure through planned development, appropriate land identification, lawful occupation, upgrading where suitable, infrastructure provision and fair administrative and judicial processes.

2.2.4. Responsible municipal planning

To promote effective integration between municipal Integrated Development Plans (IDPs), Spatial Development Frameworks, land-use schemes, housing programmes, infrastructure plans, service-delivery obligations and approved budgets.

2.2.5. Prevention of unlawful conduct and exploitation

To discourage unlawful land occupation, fraudulent land transactions, deliberate misrepresentation of land rights and the exploitation of housing insecurity for personal, political or commercial gain. Any allegation against a person, party, official or service provider must be assessed on credible evidence and in accordance with due process.

2.2.6. Public financial accountability

To promote transparent and cost-effective procurement, effective contract management, appropriate audit trails and accountability for public expenditure on emergency water supply, sanitation, refuse removal, temporary infrastructure and other services associated with informal settlements or unplanned development.

2.2.7. Sustainable development and environmental protection

To ensure that land-use decisions take account of environmental risks, water availability, sanitation, transport, public facilities, disaster exposure, agricultural potential and the long-term costs of infrastructure and maintenance.

2.2.8. Public participation and accountability

To promote access to relevant information, meaningful consultation, community oversight and lawful avenues through which residents can challenge defective decisions, report suspected corruption and seek remedies.

2.3. Scope and application

2.3.1. This policy is intended to guide AAAIC's political positions, policy proposals, public communications, engagement with government and oversight activities. Subject to its formal adoption and the relevant party structures' authority, it may also inform election manifestos, municipal governance proposals and legislative submissions.

2.3.2. Its subject matter includes:

(a) State-owned, privately owned, communal and customary land, as well as other legally recognised forms of tenure.

(b) Historical dispossession, land restitution, redistribution and tenure reform.
(c) Land identification, acquisition, allocation, occupation, transfer, development and use.
(d) Informal settlements, unlawful occupation, settlement upgrading, relocation and formalisation.
(e) Housing, water, sanitation, roads, electricity, refuse removal and other municipal services.
(f) Integrated development planning, spatial planning, infrastructure investment and municipal budgeting.
(g) Prospecting, mining, petroleum resources and the interaction between surface rights and statutory mineral rights.
(h) Public procurement, emergency service contracts, contract performance, conflicts of interest and expenditure oversight.
(i) Environmental protection, disaster risk and sustainable land use.

2.3.3. The policy does not purport to replace legislation, court orders, professional assessments, title investigations, environmental authorisations or the specialised procedures governing particular land disputes. Every case must be assessed according to its own facts and the applicable law.

2.3.4. Where national, provincial or municipal responsibilities overlap, the policy supports lawful intergovernmental cooperation and clearly assigned accountability rather than shifting responsibility between institutions.

SECTION 3

3. DEFINING LAND AND UNDERSTANDING THE DIFFERENT RIGHTS ASSOCIATED WITH IT

3.1. What is meant by “land”?

3.1.1. For the purposes of this policy, the term “land” must be understood in both its physical and legal contexts.

3.1.2. In its physical sense, land includes the surface of the earth and its natural features, together with the geological formations and resources beneath it. In its legal sense,

however, land is not a single, unlimited bundle of rights held by one person. Different rights and regulatory interests may exist over, under, on or in relation to the same geographical area.

3.1.3. For example, a person may hold registered ownership of a residential property, while municipal planning rules regulate what may be built there, environmental legislation restricts certain activities, and statutory mineral-rights legislation governs prospecting or mining rights in the area. The existence and scope of each interest depend on the applicable legal framework and the facts.

3.1.4. Accordingly, this policy uses the expression “land and land-related rights” when discussing the full range of legal, customary, economic, environmental and public interests connected with land.

3.2. The surface of the land

3.2.1. Surface rights may include ownership, occupation, access, use, possession and other interests recognised by law. The exact rights depend on whether the land is privately owned, state-owned, communal, held under customary tenure or subject to another recognised legal arrangement.

3.2.2. Registered title deeds are important evidence of ownership within South Africa’s land-registration system. However, a title deed does not necessarily resolve every question concerning historical dispossession, customary rights, statutory restrictions, servitudes, public-law obligations or competing claims.

3.2.3. Similarly, physical occupation does not by itself establish ownership. A person may occupy land lawfully under a lease, permission, customary arrangement, court order or other recognised basis without owning it. Conversely, an allegation that occupation is unlawful must be assessed against the relevant facts and legal procedures.

3.3. The land beneath the surface

3.3.1. The land beneath the surface includes geological formations and may contain minerals, petroleum resources, groundwater and other resources governed by specific legal regimes.

3.3.2. It is therefore incorrect to assume that ownership of the surface automatically gives a landowner unlimited ownership or control over everything beneath it.

3.3.3. In South Africa, the Mineral and Petroleum Resources Development Act 28 of 2002 (MPRDA) fundamentally changed the legal regime governing mineral and petroleum resources. Section 3 establishes the State's custodianship of those resources on behalf of the nation. Prospecting and mining activities are governed by the statutory rights, permissions and authorisations required under the applicable law.

3.3.4. This means that surface ownership, mineral-resource custodianship and statutory mining rights are legally distinguishable interests. A mining right does not simply mean that every other right or legal obligation disappears. The particular circumstances may involve access to land, consultation, environmental authorisation, water-use requirements, compensation or other legal protections and procedures.

3.3.5. No universal conclusion should be drawn about which interest prevails without examining the applicable legislation, the nature of the rights involved, the relevant authorisations and any binding court decisions.

3.4. The airspace above land

3.4.1. Ownership of a plot of land does not mean that the owner possesses the entire atmosphere above it without limit.

3.4.2. South Africa exercises sovereignty over the airspace above its territory, subject to applicable constitutional, statutory and international law. A private landowner may nevertheless have legally protected interests in the reasonable use and enjoyment of airspace associated with the property, subject to relevant aviation rules, planning controls, servitudes and other lawful restrictions.

3.4.3. The legal position therefore distinguishes between:

(a) The State's sovereignty and regulatory authority over national airspace.
(b) The landowner's legally protected use and enjoyment of the property.

(c) The rights and obligations of aircraft operators and other persons acting under applicable aviation law.

3.4.4. The policy must not confuse state sovereignty over airspace with unlimited private ownership of the atmosphere.

3.5. Water, environmental interests and natural resources

3.5.1. Water, biodiversity, wetlands, rivers, ecological systems and other natural resources may be subject to public-law controls and specialised statutory protections. Their legal status cannot be determined solely by identifying who owns the surface land.

3.5.2. For example, activities affecting water resources may require authorisation under the National Water Act 36 of 1998. Land development may also be subject to environmental authorisation, municipal planning approval, building controls and other legal requirements.

3.5.3. A responsible land-governance policy must therefore consider the wider environmental and infrastructure consequences of land use, including water availability, sanitation, pollution, flood risk, ecological damage and the long-term sustainability of human settlements.

3.6. Policy principle: identify each right before deciding a dispute

3.6.1. AAAIC adopts the principle that land disputes must be analysed by identifying the particular right or interest in issue before deciding who may lawfully exercise it.

3.6.2. The relevant questions may include:

(a) Who owns or lawfully administers the surface land?
(b) Who occupies or uses it, and on what legal or customary basis?
(c) Are there registered rights, servitudes, leases, communal rights or other interests?
(d) Are minerals, water or other resources subject to a separate statutory regime?
(e) What planning, environmental, housing or safety requirements apply?

(f) What lawful procedure is required to resolve the dispute or authorise the proposed activity?

3.6.3. This approach guards against oversimplification. It recognises that land governance is not merely a contest between a title deed and an occupier; it is a legal and policy framework in which property, tenure, public administration, human rights, resource management and the public interest must be assessed together.

SECTION 4

4. HISTORICAL LAND TENURE, COLONIAL DISPOSSESSION AND THE SIGNIFICANCE OF 19 JUNE 1913

4.1. Land ownership before colonial settlement

4.1.1. South Africa's land history did not begin with colonial settlement, the introduction of European property-registration systems or the enactment of the Natives Land Act of 1913.

4.1.2. Before colonial rule, Indigenous African communities occupied, used, governed and exercised different forms of authority over land. These arrangements included customary tenure, communal landholding, rights associated with families and communities, grazing rights, cultivation rights and access to water and natural resources.

4.1.3. Such systems were not uniform throughout the territory now known as South Africa. They differed according to community, social organisation, customary practice, political authority and patterns of settlement.

4.1.4. It would therefore be historically inaccurate to assume that all land was ownerless before colonial settlement simply because it was not registered under a European system of individual title deeds.

4.1.5. Equally, historical tenure arrangements should not automatically be equated with modern registered freehold ownership. The nature of the rights, the communities

exercising them and the applicable customary rules must be examined in their historical context.

4.1.6. AAAIC policy position: The absence of a modern title deed does not, by itself, prove that land was historically unoccupied, ownerless or free of legitimate customary interests.

4.2. Colonial expansion and the dispossession of land

4.2.1. Colonial expansion from the seventeenth century onwards brought profound changes to landholding and political authority in the territory now known as South Africa. Through conquest, conflict, colonial administration, discriminatory laws and other practices, Indigenous communities experienced loss of land, displacement and restrictions on their ability to occupy, use and control land.

4.2.2. The history of dispossession was not a single event, nor did it occur uniformly across all regions or communities. It developed over an extended period and involved different colonial authorities, governments, legal arrangements and forms of coercion.

4.2.3. The introduction and expansion of European legal institutions also affected how land rights were recognised, recorded and enforced. In some instances, customary rights and community-based systems were marginalised or subordinated to legal arrangements that favoured colonial authorities and settlers.

4.2.4. A historically responsible land policy must therefore examine both the physical loss of land and the legal, economic and political processes through which existing rights were displaced, restricted or denied recognition.

4.2.5. At the same time, historical claims must be assessed through reliable evidence, including historical records, customary-law evidence, archival material, legislation, court findings and the particular circumstances of affected communities.

4.3. The Natives Land Act of 1913

4.3.1. The Natives Land Act 27 of 1913 was a major instrument in the statutory restriction of African landholding and occupation. It established restrictions that confined many

African people's acquisition and occupation of land to designated areas, subject to the legislation and its exceptions.

4.3.2. The Act did not mark the beginning of land dispossession in South Africa. Rather, it formed part of a longer history of colonial dispossession and racial exclusion and became a significant foundation for subsequent segregationist land policies.

4.3.3. The Act and the wider system of racially discriminatory land laws had far-reaching consequences for residence, agriculture, economic independence, labour migration, family security and access to productive land.

4.3.4. Its significance remains central to understanding South Africa's land question and the constitutional commitment to land reform.

4.4. Why 19 June 1913 is constitutionally significant

4.4.1. Section 25(7) of the Constitution addresses the right of a person or community to restitution of property, or equitable redress, where they were dispossessed of property after 19 June 1913 as a result of past racially discriminatory laws or practices, subject to the constitutional and statutory requirements.

4.4.2. This date is therefore significant to the constitutional restitution framework. It must not, however, be misrepresented as the date on which land ownership began, the date on which all dispossession started or a declaration that land lost before that date was necessarily ownerless.

4.4.3. The constitutional restitution framework operates alongside other provisions of section 25, including section 25(5), which requires the State to take reasonable legislative and other measures, within its available resources, to foster conditions enabling citizens to gain access to land on an equitable basis.

4.4.4. Section 25(6) addresses the position of persons or communities whose tenure of land is legally insecure as a result of past racially discriminatory laws or practices, subject to the conditions set out in that subsection.

4.4.5. These provisions serve different purposes and must be distinguished from one another.

4.4.6. A claim relating to dispossession before 19 June 1913 may not fall within the specific restitution entitlement established by section 25(7). That does not, by itself, determine every possible legal, historical, customary, policy or redress question arising from the circumstances.

4.5. Existing ownership and historical claims

4.5.1. AAAIC recognises that South Africa must confront historical dispossession while maintaining a lawful and reliable system for determining present-day land rights.

4.5.2. A current title deed is important evidence of registered ownership. However, the existence of a title deed does not eliminate the need to comply with applicable land-reform legislation, court orders, environmental requirements, planning controls or other legal obligations.

4.5.3. Conversely, an allegation of historical dispossession does not automatically invalidate a current title deed or establish that a particular claimant is legally entitled to immediate possession of the property.

4.5.4. The outcome of a dispute depends on the applicable law, the evidence, the nature of the claim, the rights of affected parties and the procedures available to resolve it.

4.5.5. AAAIC therefore supports land reform through lawful processes that provide appropriate opportunities for affected parties to be heard and that produce decisions capable of withstanding legal scrutiny.

4.6. Policy commitments on historical land justice

4.6.1. AAAIC commits itself to:

(a) Supporting constitutionally compliant land restitution, redistribution and tenure reform.
(b) Recognising the historical importance of customary and communal landholding systems.
(c) Encouraging the preservation and examination of historical records and evidence relevant to land claims.

(d) Supporting secure tenure and protection against arbitrary deprivation for lawful occupants and recognised rights-holders.
(e) Promoting fair, accessible and transparent procedures for resolving competing land claims.
(f) Opposing the use of historical injustice as a justification for violence, fraud, corruption or arbitrary dispossession.
(g) Opposing the use of present-day property rights as a blanket argument against lawful and constitutionally required land reform.

4.6.2. The objective is not to erase history or to replace one form of injustice with another. It is to advance meaningful redress, legal certainty and equitable access to land under the Constitution.

SECTION 5

5. PROPERTY RIGHTS, LAND ACCESS, OCCUPATION AND THE RULE OF LAW

5.1. The constitutional balance between property rights and land reform

5.1.1. Section 25 of the Constitution must be understood as a whole. It protects against arbitrary deprivation of property while expressly recognising the need for land reform and equitable access to land.

5.1.2. Section 25(1) provides that no one may be deprived of property except in terms of a law of general application, and no law may permit arbitrary deprivation of property.

5.1.3. Section 25(2) regulates expropriation, requiring a public purpose or public interest and subject to the conditions set out in the Constitution, including the requirement for just and equitable compensation as determined in accordance with the constitutional framework.

5.1.4. Section 25(4) makes clear that the property clause must not be interpreted in a manner that excludes measures designed to achieve land, water and related reform, and that property is not limited to land.

5.1.5. The constitutional framework therefore rejects two extreme positions:

(a) That property rights make land reform legally impossible.

(b) That the pursuit of land reform authorises the arbitrary taking or occupation of any property without lawful process.

5.1.6. AAAIC supports a constitutional approach in which land reform is pursued actively, while decisions affecting property and occupation are made under applicable law.

5.2. Land ownership does not mean freedom from regulation

5.2.1. Ownership of land is subject to the Constitution and applicable legislation. Depending on the property and the proposed activity, landowners may have to comply with municipal zoning, building regulations, environmental laws, water-use requirements, heritage protections, servitudes and other lawful restrictions.

5.2.2. Similarly, a person or institution acquiring land through a public process must comply with the legal requirements governing that acquisition.

5.2.3. The State may pursue land reform, acquire property lawfully where authorised, regulate land use and take reasonable measures to address housing and tenure insecurity. Such powers must be exercised within the applicable legal framework and may be subject to administrative review or judicial oversight.

5.2.4. AAAIC supports a system that protects legitimate ownership while ensuring that property is used and administered consistently with the law and the public interest.

5.3. Occupation does not automatically confer ownership

5.3.1. Physical occupation and legal ownership are different concepts.

5.3.2. A person may occupy land under a lease, permission, customary arrangement, statutory protection, court order or other lawful basis without being the registered owner. In other circumstances, occupation may be unauthorised or may give rise to a dispute requiring legal determination.

5.3.3. Occupation alone does not automatically transfer ownership to the occupier. Nor does an assertion by an owner or official that occupation is unlawful necessarily settle every question concerning the occupier's legal status or the procedure required to remove them.

5.3.4. Each case must be assessed according to its facts, the applicable legislation and any rights or protections available to the parties.

5.3.5. AAAIC opposes fraudulent land sales, false representations of ownership and the deliberate inducement of people to occupy land on the basis of promises that the person making them has no legal authority to fulfil.

5.3.6. Where people have been misled into paying for land or occupying it unlawfully, they should have access to appropriate legal advice and lawful remedies. Vulnerability must not be exploited, and allegations must be investigated fairly.

5.4. Eviction, housing rights and human dignity

5.4.1. Section 26(3) of the Constitution provides that no one may be evicted from their home, or have their home demolished, without an order of court made after considering all the relevant circumstances. It also prohibits legislation that permits arbitrary evictions.

5.4.2. The Prevention of Illegal Eviction from and Unlawful Occupation of Land Act 19 of 1998 (PIE Act) establishes a statutory framework for evictions within its scope. The Act requires the applicable legal procedures to be followed, and courts must consider relevant circumstances in deciding whether and on what terms an eviction order should be granted.

5.4.3. The legal position does not mean that unlawful occupation must always be permitted indefinitely. Equally, it does not authorise landowners, private security personnel or public officials to remove people from their homes through force or self-help in disregard of the law.

5.4.4. The circumstances may include the duration and nature of occupation, the rights of the owner, the position of vulnerable people, the availability of alternative accommodation where legally relevant and the duties of the responsible municipality.

5.4.5. AAAIC supports lawful resolution of occupation disputes that takes account of property rights, housing needs, human dignity, public safety and the circumstances of all affected parties.

5.5. Unlawful occupation and the responsibilities of political actors

5.5.1. Political organisations and public representatives have a responsibility to communicate honestly about land access, housing opportunities and the legal requirements governing occupation.

5.5.2. No party, councillor, official or community leader should promise ownership, formalisation, municipal services or immunity from eviction unless there is a lawful basis for the representation being made.

5.5.3. Where credible evidence indicates that a person or organisation deliberately encouraged unlawful occupation through false promises, fraud, intimidation or other unlawful conduct, the matter should be referred to the appropriate authority for investigation.

5.5.4. However, political responsibility must not be confused with proof of criminal liability. Allegations of organised land invasions, political orchestration or corrupt benefit require reliable evidence and must be investigated through appropriate legal procedures.

5.5.5. AAAIC will not treat the mere existence of an informal settlement as proof of political wrongdoing or corruption.

5.6. The rule of law must protect communities as well as property

5.6.1. The rule of law requires public authorities, landowners, political organisations and individuals to act within the law. It also requires that people have access to fair procedures and effective remedies when their rights are affected.

5.6.2. For communities, this includes protection against fraudulent land transactions, arbitrary displacement, unlawful eviction, corruption in land allocation and misleading promises about housing.

5.6.3. For lawful landowners and other rights-holders, it includes protection against arbitrary deprivation, unlawful occupation and the failure of public authorities to exercise their powers lawfully.

5.6.4. For municipalities, it includes the obligation to act within their powers, follow fair procedures, make properly informed decisions and plan for service delivery in accordance with constitutional and statutory duties.

5.6.5. AAAIC policy position: The rule of law is not an obstacle to land justice. It is the framework through which land justice must be pursued.

SECTION 6

6. INFORMAL SETTLEMENTS, FORMALISATION AND THE DEVELOPMENT OF LAWFUL HUMAN SETTLEMENTS

6.1. Understanding informal settlements

6.1.1. Informal settlements often develop where people lack affordable access to formally planned and serviced land or adequate housing. They may arise through a combination of poverty, unemployment, rapid urbanisation, population movement, housing shortages, historical exclusion, administrative delays and inadequate infrastructure provision.

6.1.2. Some settlements develop on privately owned land, some on state land and others on land subject to communal or other tenure arrangements. Some are situated in areas suitable for upgrading, while others may occupy floodplains, unstable slopes, environmentally sensitive land or locations where essential infrastructure cannot safely or economically be provided.

6.1.3. It is therefore inappropriate to treat all informal settlements as legally or physically identical.

6.1.4. The legal status of the land, the circumstances of occupation, the suitability of the site, the rights of residents and the municipality's development plans must be examined before a decision is made about formalisation, upgrading, relocation or another intervention.

6.1.5. Residents of informal settlements remain entitled to the constitutional protections applicable to their circumstances. Their vulnerability should not be used to justify discrimination, exploitation or disregard for human dignity.

6.2. What does formalisation mean?

6.2.1. Formalisation is not simply the act of recognising an existing settlement or providing a temporary service to its residents. Depending on the circumstances, it may involve a coordinated process of land investigation, planning, tenure arrangements, infrastructure provision, regulatory approval and the creation of a legally recognised human settlement.

6.2.2. A formalisation programme may include:

(a) Land-status investigation: Establishing ownership, administration, existing rights, restrictions and any disputes affecting the site.
(b) Site suitability assessment: Evaluating safety, environmental conditions, access, water availability, sanitation, transport and other infrastructure requirements.
(c) Spatial and land-use planning: Determining whether the proposed development is consistent with applicable municipal plans, land-use controls and statutory requirements.
(d) Tenure arrangements: Identifying a lawful and appropriate form of tenure, occupation or land allocation for residents.
(e) Infrastructure planning: Determining the requirements and costs of water, sanitation, roads, stormwater management, electricity, waste removal and public facilities.
(f) Budgeting and funding: Establishing realistic capital and operating costs and identifying lawful sources of funding.
(g) Community participation: Consulting residents and affected rights-holders and communicating the options, constraints, risks and likely timeframes.
(h) Implementation and monitoring: Coordinating the required approvals, construction, allocation and ongoing maintenance.

6.2.3. Not every settlement can or should be formalised in place. Where a site is unsafe or unsuitable, relocation may be considered, but it must be pursued through lawful processes that take account of residents' rights and the circumstances of the case.

6.2.4. Formalisation must therefore be evidence-based, legally compliant and financially sustainable.

6.3. Formalisation does not automatically transfer ownership

6.3.1. Recognition of a settlement for planning or service-delivery purposes does not, by itself, transfer ownership of the land to its residents.

6.3.2. Similarly, the provision of water, sanitation, refuse removal or other emergency services does not necessarily establish ownership, create a title deed or automatically legalise the underlying occupation.

6.3.3. A decision to allocate land, grant tenure, transfer ownership, approve a development or formalise a settlement must have a lawful basis and comply with the procedures applicable to that decision.

6.3.4. The distinction matters because public announcements can create expectations that government is legally unable to fulfil. Residents should receive accurate information about what a formalisation programme does and does not achieve.

6.3.5. AAAIC supports transparent communication that distinguishes between:

(a) Temporary humanitarian assistance.
(b) Recognition of an existing settlement for planning or administrative purposes.
(c) Upgrading and infrastructure provision.
(d) Lawful allocation of land or establishment of tenure rights.
(e) Transfer of ownership or registration of title.

6.3.6. These processes may overlap, but they are not interchangeable.

6.4. The relationship between informal settlements and municipal planning

6.4.1. Municipalities have constitutional developmental duties and must undertake planning and budgeting consistent with the Municipal Systems Act 32 of 2000, the Municipal Finance Management Act 56 of 2003, the Spatial Planning and Land Use Management Act 16 of 2013 (SPLUMA), and other applicable legislation.

6.4.2. The Integrated Development Plan (IDP) is a central instrument for identifying municipal development priorities and coordinating plans. It must be considered alongside the municipality's Spatial Development Framework, land-use scheme, infrastructure plans, housing-related programmes and approved budget.

6.4.3. When settlement growth occurs without adequate planning, municipalities may face increased demands for water, sanitation, roads, refuse removal, electricity, public transport, clinics, schools and other facilities. The cost and complexity of responding may increase where infrastructure must be installed retrospectively or where development occurs in unsafe locations.

6.4.4. However, the existence of an informal settlement does not automatically establish that a municipality has acted unlawfully or that residents are responsible for the planning failures. The circumstances, the municipality's knowledge and duties, available resources and the applicable law must be examined.

6.4.5. AAAIC supports proactive planning that anticipates housing needs, identifies suitable land, accelerates lawful development and avoids the unnecessary creation of unsafe or unsustainable settlements.

6.5. Temporary services and emergency interventions

6.5.1. Where people lack access to essential services, municipalities may need to consider interim measures such as water tankers, portable toilets, temporary sanitation, refuse collection and other emergency arrangements.

6.5.2. Such interventions may be necessary to protect health, dignity and public safety while permanent infrastructure is planned or constructed. Their provision should not automatically be characterised as wasteful or corrupt.

6.5.3. At the same time, temporary services can become expensive if they continue for long periods without a credible transition plan. Repeated extensions, weak contract management, poor monitoring or inadequate planning may create risks to public value and accountability.

6.5.4. Municipalities should therefore, where appropriate:

(a) Document the need for emergency services and the reasons permanent solutions are not immediately available.
(b) Assess the quantity, quality, frequency and cost of services required.
(c) Use the procurement process legally applicable to the circumstances, including any lawful emergency-procurement provisions.
(d) Record service locations, delivery volumes, performance standards and payments.
(e) Monitor contractor performance and investigate credible indications of non-delivery, overcharging or conflicts of interest.
(f) Review temporary arrangements periodically and plan for sustainable long-term solutions.

6.5.5. AAAIC will distinguish between a necessary emergency intervention and an intervention that is poorly planned, inadequately monitored or tainted by unlawful conduct. Evidence, rather than assumption, must determine which description applies.

6.6. Community participation and responsible formalisation

6.6.1. Residents should be provided with meaningful opportunities to participate in decisions affecting their settlement. Consultation should explain the status of the land, the applicable legal processes, the feasibility of upgrading, infrastructure constraints, possible relocation and the expected costs and timeframes.

6.6.2. Participation must be genuine rather than a mechanism for securing political support or creating unrealistic expectations. Residents should not be misled into believing that

a public meeting, political promise or temporary service arrangement necessarily confers ownership.

6.6.3. Where relocation is being considered, the relevant authorities should investigate feasible alternatives, assess the needs of affected households and comply with applicable constitutional, statutory and judicial requirements.

6.6.4. AAAIC supports community participation that empowers residents with accurate information and gives them a meaningful role in shaping lawful, safe and sustainable human settlements.

6.7. AAAIC policy commitments on informal settlements

6.7.1. AAAIC commits itself to:

(a) Supporting humane, lawful and evidence-based responses to informal settlements.
(b) Promoting faster identification and development of suitable land for housing and settlement upgrading.
(c) Requiring formalisation decisions to consider tenure, planning, infrastructure, environmental safety and affordability.
(d) Opposing false promises that occupation automatically results in ownership or immunity from lawful eviction.
(e) Supporting appropriate emergency services where necessary to protect health and dignity.
(f) Promoting transparent procurement and effective oversight of temporary service contracts.
(g) Encouraging municipalities to establish measurable transition plans from temporary interventions to sustainable infrastructure wherever feasible.
(h) Supporting fair procedures and meaningful engagement with residents and affected landowners.
(i) Opposing the exploitation of vulnerable residents for political, financial or other improper purposes.
(j) Promoting public reporting on settlement-upgrading programmes, expenditure, milestones and unresolved obstacles.

6.7.2. The ultimate objective is to replace unmanaged crisis responses with a coordinated system of lawful land access, secure tenure, dignified housing, reliable services and responsible public expenditure.

SECTION 7

7. MUNICIPAL PLANNING, BUDGETARY CONSTRAINTS AND THE LONG-TERM COST OF HUMAN SETTLEMENTS

7.1. The relationship between land development and municipal finances

7.1.1. Land development and human settlement planning have direct financial consequences for municipalities. A settlement requires more than the physical allocation of land or the construction of houses. Depending on its location and design, it may require roads, stormwater drainage, water infrastructure, sanitation, electricity, refuse removal, public transport access, community facilities and ongoing maintenance.

7.1.2. These services have both capital costs and operational costs.

7.1.3. Capital expenditure includes the construction or upgrading of infrastructure, such as water pipelines, sewer networks, roads, substations and stormwater systems. Operational expenditure includes recurring costs such as water purchases, electricity, personnel, fuel, vehicle maintenance, waste removal, repairs and contracted services.

7.1.4. A municipality that approves, permits or accommodates development without properly assessing these requirements risks creating service-delivery obligations that exceed its available capacity or approved funding.

7.1.5. This does not mean that residents of informal settlements should be denied essential services merely because a settlement was established without formal planning. It means that the municipality must respond to immediate humanitarian needs while developing a lawful, realistic and adequately funded long-term solution.

7.1.6. AAAIC therefore supports the integration of land-use decisions, housing programmes, infrastructure planning and municipal budgeting from the earliest feasible stage.

7.2. The role of the Integrated Development Plan

7.2.1. The Municipal Systems Act 32 of 2000 establishes the framework for municipal integrated development planning. The Integrated Development Plan (IDP) is intended to guide municipal development priorities and coordinate the municipality's programmes and resources.

7.2.2. Land acquisition, settlement upgrading, housing delivery, infrastructure expansion and service provision should be considered in the context of the municipality's IDP and related planning instruments, including its Spatial Development Framework and applicable land-use scheme.

7.2.3. An IDP should not be treated merely as a document prepared for compliance purposes. It should provide a practical basis for deciding:

(a) Where future human settlements should be located.
(b) Which areas require upgrading or infrastructure rehabilitation.
(c) Which land is suitable for housing and other development.
(d) Which communities face the most urgent service-delivery needs.
(e) What infrastructure is required and what it will cost.
(f) How projects will be prioritised and funded.
(g) Which projects depend on provincial or national government support.
(h) How progress and expenditure will be measured.

7.2.4. Where circumstances change unexpectedly, municipalities may need to revise their priorities through the applicable planning and budgetary processes. Such changes should be properly motivated, documented and undertaken lawfully.

7.2.5. AAAIC supports IDPs that are evidence-based, responsive to community needs and aligned with the municipality's actual financial and implementation capacity.

7.3. The relationship between the IDP and the municipal budget

7.3.1. An IDP cannot be implemented effectively without adequate financial planning. Equally, a municipal budget should reflect credible priorities and development objectives rather than operate as a disconnected financial document.

7.3.2. The Municipal Finance Management Act 56 of 2003 (MFMA) provides an important framework for municipal budgeting, financial management, expenditure control and accountability.

7.3.3. Municipalities must consider the cost of planned projects, their funding sources, affordability, implementation schedules and ongoing financial implications. They must also distinguish between once-off capital expenditure and recurring operational commitments.

7.3.4. For example, the installation of a permanent water network may require substantial initial capital expenditure but may reduce dependence on repeated water-tanker contracts over time. Whether this is financially preferable depends on factors such as infrastructure feasibility, settlement density, water availability, construction costs, operating costs and the time required to complete the project.

7.3.5. The comparison must therefore be based on a proper assessment rather than an assumption that either temporary or permanent provision is invariably cheaper.

7.3.6. AAAIC proposes that municipalities undertake a documented whole-life cost assessment for major settlement and service-delivery interventions. Such an assessment should, where practicable, compare:

(a) Initial construction or establishment costs.
(b) Recurring operating and maintenance costs.
(c) Expected service demand and population growth.
(d) The lifespan and replacement requirements of infrastructure.
(e) Environmental and public-health risks.
(f) The cost and feasibility of alternative solutions.
(g) The likely financial consequences of delaying implementation.

7.3.7. This approach can help municipalities make more informed choices and avoid commitments that are affordable initially but unsustainable over time.

7.4. The cumulative cost of unplanned development

7.4.1. Unplanned development may create additional costs where settlements expand faster than infrastructure and public services can be provided. These costs may include emergency water supply, temporary sanitation, additional refuse collection, access roads, drainage interventions and the extension of existing networks.

7.4.2. Where a settlement develops in a hazardous or environmentally sensitive location, further expenditure may be required to mitigate risks or, where legally and practically necessary, to relocate affected residents.

7.4.3. However, these consequences are not inevitable in every informal settlement. Some settlements may be suitable for in-situ upgrading, while others may require a combination of upgrading, additional land and relocation. Municipal responsibility, the conduct of individual actors and the causes of settlement growth must be assessed on the evidence available.

7.4.4. AAAIC calls for early identification of emerging settlements, regular assessment of service demand and coordinated intervention by the relevant spheres of government.

7.5. Emergency services and the risk of recurring expenditure

7.5.1. Water tankers, portable toilets, temporary sanitation and similar services can be essential where permanent infrastructure is unavailable. Their use may be justified by immediate public-health needs, infrastructure failures, construction delays or other circumstances requiring an interim response.

7.5.2. The financial risk arises when temporary measures continue without adequate review, performance monitoring or a credible plan for resolving the underlying problem.

7.5.3. A municipality should therefore maintain records of the reasons for the intervention, the population served, the services delivered, the amounts paid, the period of provision and the steps being taken towards a sustainable solution.

7.5.4. Where a temporary contract must continue, the municipality should document why continuation remains necessary, whether the price remains reasonable, whether the contractor is performing and whether alternative solutions are feasible.

7.5.5. No conclusion of waste, negligence or corruption should be reached solely because temporary services have been used for an extended period. The circumstances and available evidence must determine whether the arrangement is justified and properly managed.

7.6. Intergovernmental cooperation and funding responsibilities

7.6.1. Human settlements frequently involve responsibilities shared across national, provincial and local government. A municipality may be responsible for certain local planning and service-delivery functions while depending on provincial or national programmes, funding or infrastructure decisions for other aspects of development.

7.6.2. Where responsibilities overlap, inadequate coordination can cause delays, duplicated expenditure or gaps in service delivery.

7.6.3. AAAIC supports clear allocation of responsibilities, timely communication between institutions, transparent funding arrangements and documented project milestones. Municipalities should identify dependencies on other spheres of government early and escalate unresolved obstacles through appropriate intergovernmental mechanisms.

7.6.4. Public communication should also distinguish between funding that has been approved, funding that has been allocated but not yet transferred, funding that remains conditional and funding that has merely been requested.

7.7. AAAIC policy commitments on municipal planning and financial sustainability

7.7.1. AAAIC commits itself to advocating for:

(a) Alignment between IDPs, Spatial Development Frameworks, housing plans, infrastructure programmes and municipal budgets.
(b) Whole-life cost assessments for major land-development and settlement-upgrading projects.
(c) Clear, measurable plans for moving from temporary emergency services to sustainable solutions where feasible.
(d) Transparent reporting on project costs, implementation milestones and service-delivery outcomes.
(e) Better coordination between municipalities and provincial and national government.
(f) Early intervention in emerging settlements to reduce avoidable infrastructure and public-health risks.
(g) Protection of essential services while maintaining sound financial management.
(h) Independent scrutiny of significant cost overruns, repeated contract extensions and persistent service-delivery failures.

7.7.2. The policy objective is to ensure that municipal planning protects both community welfare and the long-term sustainability of public finances.

SECTION 8

8. PUBLIC PROCUREMENT, CONTRACT MANAGEMENT AND THE PROTECTION OF MUNICIPAL RESOURCES

8.1. The constitutional principles governing public procurement

8.1.1. Public procurement is a critical component of municipal governance because it determines how public funds are converted into infrastructure, goods and services. In the context of informal settlements and human settlements, procurement may involve water tankers, portable toilets, sanitation services, refuse removal, construction, roadworks, housing projects and infrastructure maintenance.

8.1.2. Section 217(1) of the Constitution requires organs of state, when contracting for goods or services, to do so in accordance with a system that is fair, equitable, transparent, competitive and cost-effective.

8.1.3. These principles are not merely administrative formalities. They are intended to protect public resources, promote fair access to government business, discourage favouritism and ensure that public expenditure delivers genuine value.

8.1.4. Municipal procurement must also comply with the applicable statutory framework, including the MFMA, relevant municipal supply-chain management regulations and policies, and other procurement legislation that is in force and applicable to the particular transaction.

8.1.5. The commencement and transitional provisions of any newer procurement legislation must be verified before determining which legal regime governs a particular contract.

8.1.6. AAAIC maintains that procurement decisions must be based on legitimate public needs, lawful procedures, documented reasons and demonstrable value for money.

8.2. Emergency procurement: necessity does not remove accountability

8.2.1. Emergencies may require municipalities to obtain services quickly. Examples include a sudden water-supply failure, a sanitation crisis, flooding, infrastructure collapse or an immediate public-health risk.

8.2.2. Where the applicable law permits an emergency or deviation procedure, the municipality must satisfy the requirements governing its use. The urgency of the situation must not be used as a blanket justification for avoiding procurement controls.

8.2.3. An emergency procurement decision should, as appropriate to the applicable legal framework and circumstances, establish:

(a) The nature and urgency of the problem.
(b) The reasons ordinary procurement procedures cannot reasonably address the immediate need.
(c) The legal basis for the procedure adopted.
(d) How the supplier was identified and why the price and terms are reasonable.
(e) The quantity and duration of the services required.
(f) The approvals and records required by law.
(g) The arrangements for verifying delivery and authorising payment.

(h) The measures being taken to restore normal procurement arrangements or resolve the underlying emergency.

8.2.4. The precise requirements depend on the applicable legal provisions. A genuine emergency may justify a lawful departure from ordinary competitive procedures where permitted, but it does not create immunity from scrutiny.

8.2.5. AAAIC supports procurement systems that can respond rapidly to genuine emergencies while retaining appropriate controls against abuse.

8.3. The risks associated with recurring temporary-service contracts

8.3.1. Temporary services may become recurring municipal expenses when permanent infrastructure is delayed or when the service demand remains unresolved.

8.3.2. For example, a municipality may contract for water tankers to serve an area without a functioning water network. Another municipality may require portable toilets while sanitation infrastructure is being planned or constructed.

8.3.3. Neither arrangement is inherently improper. The relevant questions concern necessity, cost, duration, performance, procurement compliance and the existence of a reasonable plan for addressing the underlying need.

8.3.4. Risks may arise where there is:

(a) Repeated extension of a contract without adequate justification.
(b) Inadequate verification of the quantity or quality of services delivered.
(c) Payment for services that were not supplied.
(d) Unexplained differences between market prices and contracted prices.
(e) Deliberate splitting of procurement requirements to evade applicable controls.
(f) Unlawful conflicts of interest involving decision-makers or suppliers.
(g) Poorly justified sole-source or deviation procurement.
(h) Failure to take appropriate action when a contractor persistently underperforms.
(i) Dependence on temporary services without a credible assessment of alternatives.

8.3.5. These are indicators that may warrant scrutiny; they are not, by themselves, proof of corruption. Each concern must be investigated using contracts, invoices, delivery records, approvals, market information and other relevant evidence.

8.4. Supplier selection and conflicts of interest

8.4.1. Public contracts must not be awarded on the basis of personal loyalty, political affiliation, family relationships or private financial interests where these compromise or unlawfully influence the procurement process.

8.4.2. Conflicts of interest must be disclosed and managed in accordance with the applicable legal requirements. Officials and other persons involved in procurement must not use public office or entrusted authority to secure improper private benefits.

8.4.3. AAAIC supports appropriate verification of supplier information, beneficial ownership where legally available and relevant, declarations of interest, disqualification grounds, subcontracting arrangements and other matters necessary to establish compliance and protect public value.

8.4.4. Where credible evidence suggests that a supplier has an undisclosed relationship with a decision-maker or that the procurement process was manipulated, the matter should be referred to the appropriate oversight or investigative authority.

8.4.5. Political affiliation alone should not be treated as proof that a supplier is corrupt or that a contract is unlawful. The relevant issue is whether the relationship, conduct or decision breached applicable law or compromised the integrity of the procurement process.

8.5. Contract management and proof of delivery

8.5.1. A lawful procurement process does not guarantee that a contract will be performed properly. Effective contract management is therefore essential.

8.5.2. Municipalities should establish clear specifications, performance standards, reporting arrangements, verification procedures and payment controls.

8.5.3. For water-tanker services, for example, appropriate records may include delivery locations, quantities, dates, service logs, quality requirements where applicable and verification by authorised personnel.

8.5.4. For portable sanitation services, records may include the number and location of units, servicing schedules, cleaning and maintenance requirements, complaint records and evidence of completed work.

8.5.5. For infrastructure projects, contract administration may require inspection reports, certified milestones, variation approvals, quality testing and records of defects and remedial work.

8.5.6. Payments should be supported by evidence that the contracted goods or services were delivered in accordance with the contract and that the payment is lawfully due.

8.5.7. Where discrepancies arise, the municipality should investigate promptly, preserve relevant records and take proportionate action in accordance with the contract and applicable law.

8.6. Price reasonableness and value for money

8.6.1. The lowest quoted price is not always the best overall value, and a higher price is not automatically evidence of corruption. Relevant considerations may include quality, reliability, delivery capacity, location, urgency, safety, lifecycle costs and the specifications of the required service.

8.6.2. Nevertheless, municipalities should be able to explain how prices were assessed and why the selected offer provides value for money under the applicable procurement criteria.

8.6.3. Useful safeguards may include market research, comparison with similar contracts, documented cost estimates, review of unusually high or low prices and monitoring of price variations during the contract period.

8.6.4. For long-running temporary services, periodic price and performance reviews can help determine whether the existing arrangement remains appropriate or whether alternative solutions should be considered.

8.6.5. AAAIC supports evidence-based cost analysis rather than unsupported claims based solely on the size of a contract or the identity of a contractor.

8.7. Transparency, records and public oversight

8.7.1. Procurement records are essential for internal controls, audit processes, public accountability and the investigation of suspected irregularities.

8.7.2. Subject to lawful confidentiality restrictions, applicable access-to-information requirements and the protection of personal information, municipalities should make relevant procurement and expenditure information accessible through appropriate channels.

8.7.3. Depending on the contract and legal requirements, relevant information may include the procurement method, award decision, contract value, duration, scope of work, approved variations, reported performance and expenditure.

8.7.4. Public oversight should focus on whether the municipality followed the law, whether the contractor delivered what was paid for and whether the expenditure achieved its intended purpose.

8.7.5. Where a finding of irregular expenditure, fruitless and wasteful expenditure, misconduct or fraud is contemplated, the relevant legal definitions and procedures must be applied. These categories should not be used interchangeably, and an irregularity does not automatically establish criminal conduct.

8.8. AAAIC policy commitments on procurement integrity

8.8.1. AAAIC commits itself to advocating for:

(a) Compliance with the constitutional and statutory procurement framework applicable to each transaction.

(b) Properly documented and justified emergency procurement.
(c) Transparent supplier selection and appropriate management of conflicts of interest.
(d) Effective contract monitoring and verification of delivery before payment.
(e) Periodic assessment of prices, contract extensions and continued reliance on temporary services.
(f) Accessible procurement information, subject to applicable legal restrictions.
(g) Timely investigation of credible reports of procurement irregularities.
(h) Appropriate recovery, disciplinary, administrative or criminal processes where legally justified.
(i) Protection of public officials, whistleblowers and community members who lawfully report suspected wrongdoing, subject to the applicable legal framework.
(j) Procurement practices that deliver safe, reliable and cost-effective services to communities.

8.8.2. The guiding principle is that public money must be spent for a legitimate public purpose, under lawful procedures and with demonstrable accountability for the results.

SECTION 9

9. PREVENTION OF CORRUPTION, POLITICAL EXPLOITATION AND THE ABUSE OF LAND-RELATED SERVICE DELIVERY

9.1. The distinction between a governance risk and proven corruption

9.1.1. The interaction between land occupation, settlement growth, emergency services and municipal procurement can create opportunities for poor administration or abuse. However, the existence of a risk does not establish that wrongdoing has occurred.

9.1.2. A municipality may lawfully procure temporary services because residents urgently need water or sanitation. A settlement may expand because of housing shortages, poverty, population growth or other factors unrelated to organised political activity.

9.1.3. Conversely, unlawful conduct may occur where individuals deliberately misrepresent their authority over land, demand payment for land they cannot lawfully sell,

manipulate allocation processes, induce occupation through fraudulent promises or exploit resulting service-delivery demands for improper gain.

9.1.4. AAAIC therefore distinguishes between three categories:

9.1.4.1. **Category A** — Legitimate public need: Services are procured to address a genuine community requirement through lawful and appropriately controlled procedures.

9.1.4.2. **Category B** — Governance weakness: Planning failures, weak controls, poor coordination, inadequate monitoring or repeated delays result in unnecessary costs or ineffective service delivery, without sufficient evidence to establish deliberate corruption.

9.1.4.3. **Category C** — Suspected unlawful conduct: Credible evidence indicates possible fraud, bribery, collusion, procurement manipulation, unlawful conflicts of interest, theft or other misconduct requiring investigation.

9.1.5. This distinction is important for fairness, political credibility and effective accountability. Allegations should not be presented as established facts before the available evidence has been assessed.

9.2. Possible patterns requiring investigation

9.2.1. Where credible information becomes available, investigators and oversight bodies may need to examine whether there is a connection between unlawful land transactions, settlement development and the award or administration of public contracts.

9.2.2. Potential indicators requiring further examination may include:

(a) Persons falsely claiming authority to sell, allocate or authorise occupation of land.

(b) Payments collected from residents without a lawful basis or without the promised rights being delivered.

(c) Evidence that public officials or political actors knowingly made materially false promises about ownership, housing allocation or immunity from eviction.

(d) Unexplained procurement decisions that favour particular suppliers despite applicable competitive requirements.

(e) Evidence of undisclosed financial interests or improper relationships between decision-makers and contractors.
(f) Payments unsupported by reliable evidence of delivery.
(g) Repeated contract extensions accompanied by unexplained price increases or failure to address known service-delivery problems.
(h) Evidence of collusion, bribery, document falsification or deliberate circumvention of procurement controls.
(i) Attempts to intimidate witnesses, conceal records or obstruct a lawful investigation.

9.2.3. These indicators must be assessed in context. For example, a contract extension may be justified by unforeseen circumstances, and a supplier may lawfully have a relationship with a political organisation that does not influence the award. The decisive questions concern the conduct, the evidence and the applicable legal requirements.

9.3. The need for evidence and proper investigation

9.3.1. AAAIC will not regard political suspicion, community rumour, the existence of an informal settlement or the award of a temporary-service contract as sufficient proof of corruption.

9.3.2. A responsible investigation should seek to establish:
(a) What decision was made and by whom.
(b) What legal authority and procurement procedure applied.
(c) What information was available to the decision-maker at the time.
(d) Whether required approvals, declarations and records exist.
(e) Whether the supplier delivered the contracted goods or services.
(f) Whether the price and payment were justified.
(g) Whether any relevant personal or financial interests were disclosed and managed.
(h) Whether the conduct caused loss, conferred an improper benefit or breached a legal duty.
(i) Whether there is evidence connecting the relevant persons to the alleged conduct.
(j) What corrective or legal action is justified by the findings.

9.3.3. Where appropriate, investigations may draw on procurement files, municipal budgets, council minutes, audit reports, invoices, delivery records, contracts, company records and lawful witness statements.

9.3.4. The investigation must respect procedural fairness, confidentiality where required, the rights of affected persons and the independence of the relevant investigative or adjudicative institutions.

9.4. The responsibilities of municipalities and public officials

9.4.1. Municipal officials and political office-bearers must act within their legal authority and in accordance with the duties applicable to their positions.

9.4.2. They should not use public resources for private benefit, manipulate procurement processes, unlawfully favour associates or mislead communities about land allocation and service-delivery commitments.

9.4.3. Municipalities should maintain appropriate systems for risk assessment, procurement oversight, internal controls, recordkeeping, complaints management and follow-up on audit findings.

9.4.4. Where officials identify possible misconduct, they should use the applicable reporting, investigation and disciplinary procedures. Where a matter may involve criminal conduct, it should be referred to the appropriate law-enforcement or investigative authority.

9.4.5. AAAIC supports accountability based on individual responsibility and reliable evidence. An institution should not be condemned solely because an allegation has been made against one of its members, but neither should political office or institutional status shield a person from lawful investigation.

9.5. The responsibilities of political parties and community leaders

9.5.1. Political parties and community leaders have an important role in communicating information about land access, housing, settlement upgrading and municipal services.

9.5.2. They should explain the legal status of land and the procedures that residents must follow. They should not knowingly make false claims about ownership, guarantee outcomes that are outside their authority or encourage conduct that places vulnerable people at foreseeable legal or physical risk.

9.5.3. Where residents are confronted with possible fraudulent land sales, false allocation promises or demands for unauthorised payments, they should be encouraged to preserve relevant documents and seek advice or assistance from the appropriate authorities.

9.5.4. Political participation in community concerns is legitimate. The improper use of community hardship to obtain private benefits, manipulate public expenditure or secure unlawful advantages is not.

9.5.5. AAAIC undertakes to communicate land-policy issues responsibly and to oppose the exploitation of vulnerable residents, regardless of the political affiliation of those involved.

9.6. Community reporting and whistleblower protection

9.6.1. Community members can contribute to accountability by reporting suspected wrongdoing through lawful channels. Such reporting should be encouraged where it is based on a genuine concern and is undertaken responsibly.

9.6.2. People should, where possible, preserve relevant records such as receipts, written promises, messages, photographs, service-delivery logs and details of the transactions or decisions concerned. Information should be shared with the appropriate authorities rather than circulated indiscriminately where doing so may compromise an investigation or unlawfully expose personal information.

9.6.3. The Protected Disclosures Act 26 of 2000, as amended, provides a legal framework for certain disclosures by employees and workers. Its protection depends on the circumstances and the applicable statutory requirements; it should not be assumed that every public allegation automatically qualifies for protection under that Act.

9.6.4. Other reporting mechanisms may be available through municipal complaint systems, internal audit functions, the Auditor-General of South Africa, the Public Protector, the Public Service Commission where applicable, the South African Police Service or specialised investigative bodies, depending on the nature of the matter and their respective mandates.

9.6.5. AAAIC supports lawful protections against retaliation for qualifying disclosures and encourages reporting procedures that are accessible, confidential where legally appropriate and capable of producing meaningful follow-up.

9.7. Oversight, audit and corrective action

9.7.1. Accountability must result in practical improvements rather than public statements alone.

9.7.2. Depending on the findings and the applicable legal framework, appropriate action may include:

(a) Correcting defective procurement or contract-management procedures.
(b) Improving settlement-planning and budgeting practices.
(c) Recovering amounts lawfully determined to be recoverable.
(d) Taking disciplinary action where misconduct is established through the proper process.
(e) Referring suspected criminal conduct for investigation.
(f) Reviewing contracts and supplier performance.
(g) Improving disclosure, recordkeeping and internal controls.
(h) Reporting progress to the relevant oversight structures and, where appropriate, the public.

9.7.3. The Auditor-General’s reports and municipal audit outcomes can help identify weaknesses in financial management and service delivery. However, an adverse audit finding should not automatically be described as proof of fraud or criminal corruption. The nature of the finding and any further evidence must be considered.

9.7.4. AAAIC supports the principle that oversight should identify responsibility, remedy deficiencies, protect public funds and reduce the likelihood of recurrence.

9.8. AAAIC policy commitments on preventing abuse

9.8.1. AAAIC commits itself to:

(a) Opposing fraud, bribery, collusion, unlawful favouritism and misuse of public resources.

(b) Supporting evidence-based investigation of suspected land-related and procurement misconduct.

(c) Rejecting unsupported accusations against individuals, political parties, officials or contractors.

(d) Promoting transparent land-allocation and settlement-upgrading procedures.

(e) Encouraging proper declarations and management of conflicts of interest.

(f) Supporting effective internal controls, audits and contract-performance monitoring.

(g) Promoting lawful reporting channels and appropriate protection for qualifying whistleblowers.

(h) Advocating corrective action when systemic weaknesses or misconduct are established.

(i) Supporting community access to accurate information about land rights, municipal services and public expenditure.

(j) Ensuring that emergency assistance remains focused on legitimate community needs and is not used to conceal or facilitate unlawful conduct.

9.8.2. AAAIC policy position: No community's hardship should be exploited for private or political gain, and no person should be branded corrupt without adequate evidence. Public resources must serve the public, and suspected abuse must be investigated through lawful, independent and accountable processes.

SECTION 10

10. MINERAL AND PETROLEUM RESOURCES — STATE CUSTODIANSHIP, ACCESS AND PUBLIC INTEREST

10.1. The constitutional and statutory framework

10.1.1. South Africa's mineral and petroleum resources are governed by a legal framework distinct from ordinary ownership of the surface of land.

10.1.2. The principal statute is the Mineral and Petroleum Resources Development Act 28 of 2002 (MPRDA), which came into operation on 1 May 2004. The Act introduced a system under which the State acts as custodian of the nation's mineral and petroleum resources, in accordance with section 3 and the wider objectives of the legislation.

10.1.3. The concept of custodianship is important. It should not be inaccurately simplified into the proposition that the State owns every mineral deposit in precisely the same manner that a private person owns a house or farm. The MPRDA establishes a statutory system for managing access to and development of mineral and petroleum resources in the public interest.

10.1.4. The Act's objectives include expanding opportunities for historically disadvantaged persons, promoting equitable access to resources, supporting economic development and ensuring that mineral-resource development is conducted within the applicable legal framework.

10.1.5. The MPRDA must be read together with the Constitution, applicable environmental and water legislation, the law governing administrative action, and relevant court decisions.

10.2. The position before and after 1 May 2004

10.2.1. Before the MPRDA commenced, South African law recognised forms of privately held mineral rights, subject to the legal framework then in force. The MPRDA fundamentally changed that system by placing mineral and petroleum resources under State custodianship and regulating prospecting and mining through statutory rights and authorisations.

10.2.2. The consequences for particular pre-existing rights depend on the legislation, the transitional provisions, the nature of the right and the facts of the case. The constitutional and legal effects of the change were considered in Agri South Africa v Minister for Minerals and Energy [2013] ZACC 9.

10.2.3. The historical distinction matters because the surface owner, a holder of an older mineral right and a person who later obtains a statutory prospecting or mining right may occupy different legal positions.

10.2.4. No general conclusion about entitlement, compensation or the validity of a particular right should be reached without examining the applicable statutory provisions and relevant legal history.

10.3. Prospecting rights and mining rights

10.3.1. The MPRDA regulates different forms of mineral-resource activity, including prospecting, mining and related operations. The relevant statutory right or authorisation must be obtained where required by law.

10.3.2. A prospecting right generally concerns activities undertaken to investigate whether minerals may be present and economically recoverable. A mining right concerns the legally authorised exploitation of mineral resources, subject to its terms and applicable conditions.

10.3.3. A mining company cannot lawfully assume that it may undertake every activity it considers commercially necessary merely because it has an interest in a mineral deposit. It must comply with the applicable requirements governing the grant and exercise of its rights, including relevant environmental, water, safety, land-access and administrative requirements.

10.3.4. The precise approvals required depend on the activity, the legislation in force, the conditions of the right and the circumstances of the proposed operation.

10.3.5. AAAIC supports a transparent and accountable licensing system in which statutory rights are granted and administered lawfully, public-interest objectives are considered, and affected parties are treated fairly.

10.4. Does a mining right automatically override the surface owner?

10.4.1. The relationship between a mining right and ownership or occupation of the surface is legally complex. It is incorrect to state categorically either that a surface owner always prevails or that a mining-right holder may disregard every other land-related right.

10.4.2. The grant of a mining right does not, by itself, resolve every question concerning access to the land, occupation, environmental compliance, compensation, safety, consultation or the rights of other affected parties.

10.4.3. Depending on the circumstances, relevant issues may include:

(a) The legal basis on which the mining or prospecting right was granted.
(b) Whether the holder has complied with applicable statutory requirements.
(c) The rights of the surface owner, occupier or community.
(d) The legal arrangements required for access to and use of the surface.
(e) Consultation and participation requirements under the applicable law.
(f) Environmental authorisations and rehabilitation obligations.
(g) Applicable compensation provisions and procedures for resolving disputes.
(h) Any court orders or other legal restrictions affecting the operation.

10.4.4. The legal position must be established by examining the specific right, the relevant legislation and the facts. A dispute should not be resolved by relying on a broad assertion that one form of right invariably extinguishes all others.

10.5. The rights and interests of affected communities

10.5.1. Mining can generate employment, investment, infrastructure and public revenue. It can also create risks involving displacement, environmental damage, water pollution, loss of livelihoods, health impacts and disruption of community life.

10.5.2. The impact depends on the nature and location of the operation, the conditions attached to the relevant rights and authorisations, the quality of regulatory oversight and the effectiveness of safeguards.

10.5.3. Communities should receive accurate information about proposed developments and the opportunities available to participate in applicable consultation and decision-making processes. The relevant statutory requirements must be followed, and consultation should not be treated as a mere formality where the law requires meaningful engagement.

10.5.4. AAAIC supports a resource-development model that promotes legitimate economic activity while protecting lawful rights, human dignity, environmental integrity and the interests of affected communities.

10.6. Mineral-resource development and public benefit

10.6.1. The extraction of minerals and petroleum resources should be evaluated not only by the volume of production or the value of private investment, but also by its contribution to the public interest.

10.6.2. Relevant considerations include employment, skills development, economic participation, infrastructure, environmental rehabilitation, public revenue, local economic effects and the long-term consequences for affected communities.

10.6.3. AAAIC supports transparent administration of mineral rights, appropriate oversight of compliance, lawful action against misconduct and effective measures to address environmental and social harm.

10.6.4. The Congress further supports the principle that mineral wealth should contribute to broad-based economic development rather than produce benefits concentrated among a limited group while communities bear disproportionate costs.

10.7. AAAIC policy commitments on mineral and petroleum resources

10.7.1. AAAIC commits itself to advocating for:

(a) Lawful and transparent administration of prospecting and mining rights.

(b) Clear recognition of the distinction between surface ownership and statutory mineral rights.

(c) Compliance with applicable access, consultation, environmental, water-use and safety requirements.
(d) Fair procedures for resolving disputes between mining-right holders, landowners, occupiers and affected communities.
(e) Appropriate oversight of rehabilitation obligations and the environmental consequences of mining.
(f) Greater transparency concerning the public-interest obligations attached to mineral-resource development.
(g) Effective enforcement against unlawful mining and other proven breaches of applicable law.
(h) Economic participation and development that produce meaningful benefits for South Africans, including affected communities.

10.7.2. The guiding principle is that mineral-resource development must take place under the law and in a manner that balances economic opportunity, public benefit, lawful rights and environmental responsibility.

SECTION 11

11. ENVIRONMENTAL PROTECTION, WATER RESOURCES AND SUSTAINABLE LAND USE

11.1. Environmental protection as an essential element of land governance

11.1.1. Land cannot be managed responsibly without considering the natural environment and the consequences of human activity.

11.1.2. Land development, mining, agriculture, housing construction, industrial activity and informal settlement growth may affect water resources, soil quality, biodiversity, wetlands, rivers, air quality and the stability of ecosystems. These effects can have direct consequences for human health, food security, livelihoods, infrastructure and municipal finances.

11.1.3. Section 24 of the Constitution recognises the right to an environment that is not harmful to health or well-being and the right to have the environment protected for present and future generations through reasonable legislative and other measures.

11.1.4. The National Environmental Management Act 107 of 1998 (NEMA) establishes important environmental management principles. These include sustainable development, the prevention or minimisation of environmental harm, environmental justice, public participation and the consideration of the social, economic and environmental consequences of decisions.

11.1.5. AAAIC therefore regards environmental protection as an integral component of land justice and responsible development, rather than an obstacle that can simply be disregarded when development is proposed.

11.2. Sustainable development and responsible land use

11.2.1. Sustainable development requires decisions to take account of present needs without disregarding the ability of future generations to meet their own needs.

11.2.2. In land governance, this requires consideration of whether proposed development is environmentally suitable, socially beneficial, economically viable and capable of being supported by available infrastructure.

11.2.3. For example, land may be physically available for housing but unsuitable for development because of flood risk, unstable ground, inadequate water resources, ecological sensitivity or the absence of a realistic means of providing sanitation and access roads.

11.2.4. Similarly, agricultural land, wetlands and other environmentally significant areas may require particular protection under applicable law and planning instruments.

11.2.5. AAAIC supports development decisions that are informed by appropriate assessments, lawful authorisations, realistic infrastructure planning and meaningful engagement with affected communities.

11.3. Informal settlements and environmental risk

11.3.1. Informal settlements sometimes develop in locations where residents face heightened exposure to environmental hazards. These may include floodplains,

riverbanks, polluted land, unstable slopes, areas with inadequate drainage or places without safe sanitation.

11.3.2. Such conditions can arise from a combination of housing shortages, poverty, limited access to suitable land, planning failures and other circumstances. The mere presence of residents in a hazardous area does not establish who is responsible for the situation.

11.3.3. Municipalities and other relevant authorities should assess risks and identify practical measures to reduce harm. Depending on the circumstances, these may include drainage improvements, safer sanitation, waste removal, environmental remediation, in-situ upgrading or relocation through lawful processes.

11.3.4. Where relocation is considered, the relevant authorities must comply with applicable legal requirements and take account of the rights and circumstances of affected residents. Environmental risk should not be used as a pretext for arbitrary or discriminatory treatment.

11.3.5. AAAIC supports early risk assessment and preventive planning so that vulnerable communities are not left to bear avoidable environmental and public-health consequences.

11.4. Water resources and the public interest

11.4.1. Water is essential to life, public health, agriculture, industry and economic development. South Africa's water resources are governed by a specialised legal framework, principally the National Water Act 36 of 1998.

11.4.2. Section 3 of the National Water Act establishes national government's role as public trustee of the nation's water resources. The Act provides for the protection, use, development, conservation, management and control of water resources in a sustainable and equitable manner for the benefit of all persons.

11.4.3. Ownership of land does not, by itself, confer an unrestricted right to use water in any manner or quantity. Water use may be governed by statutory entitlements, general authorisations, licences and other applicable legal provisions.

11.4.4. Land-use decisions must therefore take account of water availability, the protection of water quality, the needs of communities and the requirements of sustainable resource management.

11.4.5. AAAIC supports fair and lawful access to water, protection against pollution and the responsible allocation and use of water resources.

11.5. Pollution, environmental damage and accountability

11.5.1. Pollution and environmental degradation can impose costs on communities and public authorities long after the activity that caused the damage has ended.

11.5.2. Examples may include contaminated water, damaged soil, unsafe waste disposal, the destruction of wetlands and the failure to rehabilitate land after mining or industrial use.

11.5.3. Environmental law may impose obligations to prevent harm, obtain authorisations, undertake remediation or rehabilitation and address pollution. The precise obligations and remedies depend on the applicable statute, the circumstances and any relevant administrative or judicial decision.

11.5.4. AAAIC supports the principle that persons and entities responsible for environmental harm should be held accountable in accordance with the law. Where responsibility is disputed, it must be established through appropriate investigation and legal processes.

11.5.5. The Congress also recognises the importance of effective monitoring, enforcement capacity, transparent environmental reporting and adequate provision for rehabilitation where required.

11.6. Environmental justice and affected communities

11.6.1. Environmental justice requires that the benefits and burdens of development are not distributed unfairly, particularly where disadvantaged communities are exposed to disproportionate environmental harm.

11.6.2. Communities affected by proposed mines, industrial projects, waste facilities, major land developments or infrastructure projects should have appropriate opportunities to access information and participate in relevant decision-making processes.

11.6.3. Consultation must comply with the applicable legal framework. Where environmental authorisation or another approval is required, the relevant procedures must be followed.

11.6.4. Community participation should enable affected persons to understand the proposed activity, its likely impacts, available alternatives, mitigation measures and the mechanisms for raising concerns.

11.6.5. AAAIC supports meaningful environmental participation and the recognition of relevant local and Indigenous knowledge, while ensuring that decisions are based on appropriate evidence and legal requirements.

11.7. AAAIC policy commitments on environmental protection

11.7.1. AAAIC commits itself to advocating for:

(a) Compliance with environmental legislation and applicable land-use controls.
(b) Environmental and site-suitability assessments before major development decisions where required or appropriate.
(c) Protection of water resources, wetlands, agricultural land and ecologically sensitive areas.
(d) Improved environmental risk management in informal settlements and human settlement programmes.
(e) Effective pollution prevention, remediation and rehabilitation.
(f) Fair access to environmental information and meaningful public participation.
(g) Accountability for established environmental breaches and harm.
(h) Coordination between environmental management, housing, municipal planning and infrastructure investment.

11.7.2. The policy objective is to promote development that improves human welfare without transferring avoidable environmental costs to vulnerable communities or future generations.

12. SPATIAL PLANNING, LAND-USE MANAGEMENT AND THE DEVELOPMENT OF SUSTAINABLE COMMUNITIES

12.1. The purpose of spatial planning

12.1.1. Spatial planning determines how land should be used and developed, where infrastructure and public facilities should be located, and how settlements, transport networks, economic activities and environmental resources should relate to one another.

12.1.2. Effective spatial planning is necessary to address the legacy of racially segregated development, reduce unnecessary travel distances, improve access to employment and services, and guide the responsible use of public resources.

12.1.3. The Spatial Planning and Land Use Management Act 16 of 2013 (SPLUMA) establishes a national framework for spatial planning and land-use management. Its development principles include spatial justice, spatial sustainability, efficiency, spatial resilience and good administration.

12.1.4. These principles are particularly relevant to land reform and informal settlements because they require planning systems to address historical spatial imbalances while promoting sustainable, inclusive and efficient development.

12.1.5. AAAIC supports planning that connects land access with practical opportunities for people to live, work, travel, receive services and participate in economic life.

12.2. Spatial justice and the legacy of apartheid geography

12.2.1. South Africa’s settlement patterns continue to reflect historical policies that separated communities by race, restricted access to land and located many disadvantaged communities far from employment, transport and economic opportunities.

12.2.2. Addressing this legacy requires more than constructing housing units. It requires consideration of where housing is located, whether residents can reach employment

and public services, whether infrastructure is available and whether communities can develop sustainable livelihoods.

12.2.3. Spatial justice requires public authorities to consider the needs of previously excluded areas and communities, including informal settlements and areas affected by persistent poverty and deprivation. SPLUMA specifically recognises the need to address past spatial and development imbalances.

12.2.4. AAAIC supports the progressive development of communities that are integrated into the wider economy and connected to essential services, transport and social infrastructure.

12.3. Spatial sustainability and the cost of development

12.3.1. A development may be legally permissible in principle but still create substantial practical and financial challenges if its location is poorly suited to the proposed use.

12.3.2. Spatial sustainability requires consideration of infrastructure costs, the availability of services, the protection of agricultural land, the prevention of unnecessary urban sprawl and the long-term viability of communities.

12.3.3. For example, housing development far from employment opportunities may increase residents' transport costs and impose additional demands on public transport infrastructure. Development in an area without adequate water or sanitation may require expensive infrastructure extensions or create public-health risks.

12.3.4. These matters should be assessed before major development decisions are finalised, rather than addressed only after residents have settled in the area.

12.3.5. AAAIC advocates for land-use decisions that consider the full social, environmental and financial consequences of development.

12.4. Land-use schemes, development applications and lawful approvals

12.4.1. Municipalities exercise land-use management functions within the applicable legal framework. Depending on the proposal, development may require rezoning,

subdivision approval, consent use, building approval, environmental authorisation or other permissions.

12.4.2. The precise requirements depend on the nature of the land, the proposed activity, the applicable municipal land-use scheme and the relevant legislation.

12.4.3. Physical occupation or informal construction does not automatically substitute for the approvals required by law. Conversely, planning and approval processes should be administered efficiently, transparently and fairly, particularly where delays affect housing delivery and essential infrastructure.

12.4.4. AAAIC supports administrative systems that provide clear requirements, reasonable processing times, accessible information and appropriate mechanisms for challenging unlawful or unreasonable decisions.

12.5. Planning for housing, transport and economic opportunity

12.5.1. Sustainable human settlements require coordinated planning for residential areas, public transport, employment opportunities, schools, healthcare facilities, public spaces, water, sanitation, electricity and waste management.

12.5.2. The objective should be to reduce the distance between homes and opportunities wherever feasible, while ensuring that development is supported by adequate infrastructure and is environmentally suitable.

12.5.3. Municipalities should identify land suitable for housing and assess the cost and feasibility of developing it. They should also consider whether existing infrastructure can be used more effectively, whether underutilised land can be lawfully developed and whether intergovernmental partnerships are required.

12.5.4. AAAIC supports housing and settlement programmes that are planned around the needs of residents and the long-term viability of communities rather than the mere number of units delivered.

12.6. Community participation in spatial planning

12.6.1. Spatial planning decisions can affect land values, housing options, local businesses, transport access and environmental conditions. Meaningful public participation is therefore important.

12.6.2. Communities should have appropriate opportunities, under the relevant legal procedures, to provide information about local needs, identify risks, comment on proposed development and raise concerns about the distribution of costs and benefits.

12.6.3. Public participation should be supported by understandable information and adequate notice. It should not be used to predetermine outcomes, create false expectations or exclude affected groups.

12.6.4. AAAIC supports transparent planning processes that give residents and other affected parties a fair opportunity to participate while allowing lawful decisions to be made within reasonable timeframes.

12.7. Monitoring implementation and measuring results

12.7.1. Spatial plans and land-use policies must be evaluated against actual outcomes. A municipality should be able to assess whether development has improved access to services, reduced infrastructure deficits, expanded housing opportunities and supported economic participation.

12.7.2. Relevant indicators may include:

(a) The number and location of housing opportunities created.
(b) Progress in upgrading settlements and improving tenure security.
(c) Access to water, sanitation, electricity and transport.
(d) Infrastructure costs and maintenance requirements.
(e) The time taken to process development applications.
(f) The availability of serviced land for future development.
(g) Environmental risks identified and mitigated.
(h) Community participation and the resolution of reported concerns.

12.7.3. Indicators should be selected according to the municipality's responsibilities, available data and applicable planning framework. Reporting should be sufficiently clear to enable communities and oversight structures to assess progress.

12.7.4. AAAIC supports evidence-based monitoring, transparent reporting and periodic review of spatial plans so that policies can be improved where they are not achieving their intended results.

12.8. AAAIC policy commitments on spatial planning

12.8.1. AAAIC commits itself to advocating for:

(a) Spatial planning that addresses historical exclusion and promotes equitable access to land.
(b) Alignment between land-use decisions, IDPs, housing programmes, transport planning and infrastructure budgets.
(c) Development that considers the full costs of infrastructure and services.
(d) Efficient and transparent municipal land-use administration.
(e) Suitable and serviced land for housing and economic development.
(f) Meaningful public participation in planning decisions.
(g) Protection of agricultural land and environmentally sensitive areas in accordance with applicable law.
(h) Regular monitoring of settlement development, infrastructure provision and spatial outcomes.

12.8.2. The guiding principle is that land development should create viable, inclusive and sustainable communities while correcting historical spatial inequalities and protecting the public interest.

SECTION 13

13. IMPLEMENTATION FRAMEWORK AND INSTITUTIONAL RESPONSIBILITIES

13.1. Purpose of the Implementation Framework

13.1.1. A policy can only produce meaningful results if its principles are translated into practical programmes, measurable objectives, clearly assigned responsibilities and accountable decision-making processes.

13.1.2. AAAIC therefore proposes an implementation framework through which its principles on land governance, historical land rights, human settlements, municipal planning, mineral resources, environmental protection and public financial accountability can be converted into practical policy proposals and programmes.

13.1.3. Implementation must be lawful, financially responsible, evidence-based, transparent and responsive to the needs of affected communities. It must also recognise the respective constitutional and statutory responsibilities of national, provincial and local government, traditional leadership structures where applicable, public entities, private landowners and affected communities.

13.1.4. AAAIC will not represent itself as having governmental authority where it does not possess such authority. Its role as a political organisation is to formulate policy, educate communities, participate in lawful democratic processes, scrutinise public administration, make evidence-based representations and, where elected to public office, exercise its responsibilities within the Constitution and applicable legislation.

13.2. Guiding Principles for Implementation

The implementation of this policy shall be guided by the following principles:

(a) Constitutional supremacy: All implementation proposals must comply with the Constitution and applicable law.

(b) Evidence-based decision-making: Land claims, allegations of corruption, disputes over ownership and claims concerning unlawful expenditure must be assessed against reliable evidence.

(c) Historical redress: Implementation must recognise the consequences of historical dispossession and support lawful, equitable and effective land reform.
(d) Human dignity: People living in informal settlements or experiencing housing insecurity must be treated with dignity and fairness.
(e) Legal certainty: Land ownership, occupation, customary rights, mineral rights and other interests must be distinguished and assessed according to their applicable legal frameworks.
(f) Financial sustainability: Projects must be assessed against available resources, long-term maintenance costs and competing public needs.
(g) Public participation: Affected communities must have meaningful opportunities to participate in decisions that materially affect their lives.
(h) Accountability: Institutions and individuals responsible for implementation must be subject to appropriate reporting, oversight and corrective measures.
(i) Environmental sustainability: Land development must take account of ecological systems, water availability, climate-related risks and the needs of future generations.
(j) Meritocracy and fairness: Appointments, procurement, project selection and the allocation of opportunities must be based on lawful, transparent and defensible criteria rather than political patronage.

13.3. Responsibilities of National Government

13.3.1. National government has constitutional and statutory responsibilities concerning matters such as national housing policy, land reform, mineral resources, water, environmental regulation and other areas assigned to it by law.

13.3.2. AAAIC will advocate for national government to:

(a) Develop and implement coherent land reform and human settlement policies that address historical injustice while promoting secure tenure and sustainable development.
(b) Improve coordination between departments responsible for land reform, human settlements, mineral resources, water, environmental affairs, public infrastructure and local government.
(c) Ensure that land reform programmes have clear objectives, realistic budgets, transparent beneficiary-selection procedures and measurable outcomes.

(d) Strengthen the administration of restitution, redistribution and tenure reform programmes, including appropriate mechanisms for resolving delays and disputes.
(e) Promote the lawful release and development of suitable public land for housing, infrastructure, economic activity and community facilities.
(f) Establish appropriate safeguards against the misallocation of public land, conflicts of interest, fraudulent claims and politically connected beneficiary selection.
(g) Support municipalities that lack the financial, technical or administrative capacity required to deliver lawful and sustainable human settlements.
(h) Ensure that the regulation of mineral and petroleum resources is conducted in accordance with the Mineral and Petroleum Resources Development Act 28 of 2002 and other applicable legislation.
(i) Promote environmental rehabilitation, responsible resource extraction and appropriate protection for communities affected by mining and other land-intensive activities.
(j) Publish reliable information concerning land reform progress, housing delivery, public land development and relevant expenditure, subject to applicable legal restrictions.
(k) AAAIC recognises that these responsibilities are distributed across different institutions and must be exercised according to the applicable constitutional and legislative mandates.

13.4. Responsibilities of Provincial Government

13.4.1. Provincial government has important coordinating, planning, oversight and service-delivery responsibilities, particularly in relation to housing, provincial planning, environmental functions and support for municipalities.

13.4.2. AAAIC will advocate for provincial government to:

(a) Coordinate provincial housing and human settlement programmes with municipal Integrated Development Plans (IDPs), Spatial Development Frameworks (SDFs) and infrastructure plans.
(b) Assist municipalities in identifying suitable land for development, subject to ownership verification, planning requirements, environmental considerations and the availability of infrastructure.

(c) Monitor provincial and municipal projects to identify delays, cost overruns, incomplete construction and failures to deliver contracted outputs.
(d) Provide technical support to municipalities experiencing capacity constraints.
(e) Facilitate cooperation between municipalities, traditional leadership structures where applicable, affected landowners, communities and relevant national departments.
(f) Promote transparent allocation criteria for provincial housing opportunities and ensure that eligible beneficiaries receive fair treatment.
(g) Support appropriate responses to settlements exposed to flooding, unstable ground, pollution, unsafe mining areas or other serious environmental and safety risks.
(h) Report material implementation failures through the appropriate oversight and accountability mechanisms.

13.4.3. Provincial oversight must strengthen accountability without disregarding the constitutional autonomy and legally defined responsibilities of municipalities.

13.5. Responsibilities of Municipal Government

13.5.1. Municipalities are central to spatial planning, municipal infrastructure, local development, land-use management and the provision of services within their constitutional and statutory mandates.

13.5.2. AAAIC proposes that municipalities should:
(a) Integrate land development, housing, infrastructure, transport, water, sanitation, electricity and community facilities into their IDPs, SDFs and budgets.
(b) Maintain accurate and accessible records of municipal land, subject to applicable access, privacy and security requirements.
(c) Assess whether land proposed for settlement is suitable for human habitation, including its environmental conditions, accessibility, infrastructure requirements and disaster risks.
(d) Distinguish emergency assistance from permanent settlement development and long-term infrastructure commitments.
(e) Establish clear procedures for receiving and responding to complaints concerning land allocation, service delivery, procurement and settlement conditions.

(f) Ensure that land-use decisions and development approvals follow applicable legislation, municipal planning instruments and lawful administrative procedures.
(g) Budget responsibly for both the initial construction and ongoing maintenance of infrastructure.
(h) Monitor the performance of contractors and service providers against contractual obligations.
(i) Avoid making public commitments concerning housing allocation, land ownership or settlement formalisation without a lawful basis and a realistic implementation plan.
(j) Publish appropriate project information, expenditure reports and progress updates to facilitate public scrutiny.
(k) Work with affected communities when considering settlement upgrading, relocation, service provision or other decisions with significant social consequences.
(l) Apply lawful procurement procedures and maintain appropriate records for contracts, payments, variations and extensions.

13.5.3. AAAIC further proposes that municipal councils should exercise their oversight responsibilities through properly constituted committees, council resolutions, questions to the executive and other lawful mechanisms.

13.6. Responsibilities of Traditional Leadership and Community Structures

13.6.1. Traditional leadership structures, community organisations, residents' associations and other legitimate local structures may play important roles in identifying community needs, preserving customary practices, facilitating consultation and resolving certain local disputes.

13.6.2. Their participation must nevertheless respect constitutional rights, statutory authority and the legal rights of affected persons.

13.6.3. AAAIC will advocate for:
(a) Recognition of legally protected customary and communal land rights.
(b) Transparent consultation with affected communities before decisions are made concerning land and settlement development.

(c) Clear communication about the legal status of land, the limits of any allocation authority and the distinction between permission to occupy and ownership.
(d) Fair and non-discriminatory processes for identifying beneficiaries of lawful community development programmes.
(e) Protection against unauthorised land sales, fraudulent allocation documents and demands for unlawful payments.
(f) Respect for the rights of women, young people, persons with disabilities, vulnerable households and other groups whose land-related interests may be inadequately represented.
(g) Appropriate referral of disputes to institutions legally empowered to investigate, mediate, adjudicate or resolve them.

13.6.4. No community structure should be assumed to possess authority to transfer ownership or confer legally enforceable rights unless the applicable law and facts support that authority.

13.7. Responsibilities of Private Landowners, Developers and Mining Operators

13.7.1. Private landowners, developers and mining operators have rights under applicable law, together with obligations arising from legislation, contractual commitments, administrative authorisations and court orders.

13.7.2. AAAIC will advocate for:
(a) Respect for lawful ownership and other legally protected interests.
(b) Compliance with land-use approvals, environmental authorisations, water-use requirements and other applicable regulatory conditions.
(c) Responsible engagement with affected communities where projects have significant social, economic or environmental consequences.
(d) Compliance with lawful compensation, rehabilitation, safety and remediation obligations where applicable.
(e) Transparent communication concerning proposed developments and their reasonably foreseeable impacts.
(f) Prevention of discriminatory practices, unlawful eviction, environmental harm and exploitation of vulnerable communities.

(g) Appropriate dispute-resolution processes where disagreements arise over access, occupation, compensation or development rights.

13.7.3. These commitments do not create additional legal obligations independently of the applicable law. Their purpose is to guide AAAIC's policy positions and proposals for responsible conduct.

13.8. AAAIC's Internal Implementation Responsibilities

13.8.1. Within AAAIC, the implementation of this policy should be coordinated through the appropriate party structures and responsibilities, subject to the party's Constitution, rules and properly adopted resolutions.

13.8.2. The proposed internal responsibilities are as follows:

13.8.2.1. National Executive Committee (NEC)

(a) Provide national political and policy oversight.
(b) Consider and approve policy proposals through the applicable party procedures.
(c) Ensure that public statements on land governance are consistent with the approved policy.
(d) Review material developments requiring a national response.

13.8.3. Provincial structures

(a) Identify provincial land governance and human settlement challenges.
(b) Gather reliable information concerning municipal planning, land reform and service delivery.
(c) Submit policy recommendations to the appropriate national structures.
(d) Monitor implementation of adopted party policy within their respective areas.

13.8.4. Regional and local structures

(a) Identify community concerns and recurring service-delivery problems.
(b) Facilitate community education and lawful public participation.
(c) Refer complaints supported by relevant information to the appropriate authorities.
(d) Avoid making unsupported allegations or promising outcomes beyond their authority.

13.8.5. Relevant policy and research personnel

(a) Conduct legal and policy research.
(b) Verify relevant legislation, regulations, official records and available data.
(c) Prepare submissions, briefing documents and oversight questions.
(d) Maintain records of policy proposals, correspondence and responses.

13.8.6. Elected representatives, where applicable

(a) Use lawful oversight mechanisms to scrutinise municipal and other public decisions.
(b) Raise questions concerning expenditure, land allocation, planning, procurement and service delivery.
(c) Advocate for corrective action where supported by evidence.
(d) Disclose conflicts of interest and comply with applicable ethical obligations.

No party structure or individual should be presumed to have authority that has not been lawfully conferred.

13.9. Phased Implementation

AAAIC proposes that implementation be organised into the following phases.

Phase 1: Policy review and adoption

(a) Circulate the proposed policy to relevant party structures.
(b) Obtain legal, technical and community input.
(c) Identify inconsistencies, omissions and implementation risks.
(d) Submit the revised policy for formal consideration and adoption by the competent party structure.

Phase 2: Research and baseline assessment

(a) Identify priority land governance and human settlement challenges.
(b) Collect available information concerning land status, service delivery, infrastructure, expenditure and planning.
(c) Distinguish verified facts from allegations, estimates and unresolved disputes.
(d) Identify the relevant government departments, municipalities and oversight institutions.

Phase 3: Priority setting and programme development

(a) Rank proposed interventions according to urgency, legality, social benefit, feasibility and cost.
(b) Identify responsible party structures and external institutions.
(c) Establish measurable objectives and realistic timeframes.
(d) Prepare proposed budgets for AAAIC's own activities, where required.

Phase 4: Engagement and implementation

(a) Submit evidence-based representations to relevant public bodies.
(b) Participate in lawful public consultation processes.
(c) Conduct community education and policy-awareness programmes.
(d) Monitor responses and pursue appropriate remedies where necessary.

Phase 5: Evaluation and revision

(a) Assess whether the interventions have achieved their intended outcomes.
(b) Record unresolved challenges and lessons learned.
(c) Revise proposals in response to legal developments, new evidence and community needs.

13.10. Funding and Resource Allocation

13.10.1. Implementation must be proportionate to the resources available and must not depend on unrealistic financial assumptions.

13.10.2. AAAIC proposes that its own activities be supported through lawful and transparent funding arrangements, approved budgets and appropriate financial controls.

13.10.3. Where government funding or expenditure is involved, the applicable public finance, procurement and reporting requirements must be observed.

13.10.4. Priority should be given to interventions that demonstrate:

(a) A clearly identified public need.
(b) A lawful basis.
(c) A realistic cost estimate.
(d) A credible implementation plan.

(e) Measurable social or economic benefits.

(f) Appropriate safeguards against waste, fraud and conflicts of interest.

13.10.5. The policy does not guarantee funding for any project, nor does its adoption automatically authorise expenditure by AAAIC or any public institution.

13.11. Risk Management

13.11.1. Implementation may be affected by land disputes, litigation, insufficient budgets, inadequate technical capacity, environmental constraints, incomplete records, political interference and resistance from affected parties.

13.11.2. AAAIC proposes that these risks be addressed through:

(a) Early legal and technical assessment.

(b) Verification of ownership, tenure and relevant statutory rights.

(c) Realistic costing and phased implementation.

(d) Transparent stakeholder engagement.

(e) Appropriate conflict-of-interest controls.

(f) Accurate documentation of decisions and expenditure.

(g) Independent review or specialist investigation where justified.

(h) Lawful dispute-resolution and enforcement mechanisms.

13.11.3. Where the facts remain disputed, AAAIC should avoid presenting allegations as established findings.

13.12. Intended Implementation Outcomes

13.12.1. The intended outcomes of this implementation framework are:

(a) Better coordination between land reform, settlement development and municipal planning.

(b) More transparent land allocation and project selection.

(c) Improved scrutiny of public expenditure associated with land and human settlements.

(d) More effective participation by affected communities.

(e) Better identification of environmental and infrastructure risks.

(f) Clearer distinctions between lawful occupation, tenure security, settlement upgrading and transfer of ownership.
(g) More effective oversight of contractors, developers and public institutions.
(h) Greater consistency between AAAIC's policy commitments and its conduct.

13.12.2. These are intended outcomes, not claims that the policy has already achieved them.

SECTION 14

14. COMMUNITY PARTICIPATION, PUBLIC EDUCATION, TRANSPARENCY AND ACCESS TO INFORMATION

14.1. Purpose

14.1.1. Land governance directly affects housing, livelihoods, family security, customary practices, economic opportunity and community development. Decisions about land and human settlements must therefore be informed by the experiences and legitimate interests of the people affected.

14.1.2. AAAIC recognises that public participation is not merely a procedural formality. Properly conducted, it can improve decision-making, expose practical problems, reduce conflict, strengthen public trust and help ensure that public resources are directed towards genuine needs.

14.1.3. This section establishes AAAIC's proposed approach to community participation, public education, transparency and access to information.

14.2. Meaningful Public Participation

14.2.1. AAAIC supports meaningful participation by affected communities in relevant land-related decisions, subject to the requirements of the applicable law.

14.2.2. Participation should, where appropriate:
(a) Occur early enough to influence the decision rather than merely explain a decision already made.
(b) Provide information in accessible language and appropriate formats.

(c) Identify the issues on which public input is being requested.
(d) Allow reasonable opportunities for affected persons to submit representations.
(e) Take account of the interests of residents, landowners, customary rights holders, businesses and other materially affected stakeholders.
(f) Include appropriate arrangements for persons with disabilities, older persons, vulnerable households and people who may face barriers to participation.
(g) Provide feedback on material issues raised and explain how the decision-maker considered them.
(h) Preserve records of consultation, submissions and relevant responses where required.

14.2.3. Public participation does not necessarily mean that every participant has a veto over a lawful decision. The responsible authority must consider relevant representations and make its decision in accordance with the Constitution and applicable legislation.

14.3. Participation in Municipal Planning and Budgeting

14.3.1. AAAIC supports community involvement in municipal planning processes, including the development and review of IDPs, SDFs, budgets and relevant land-use planning instruments.

14.3.2. Communities should be encouraged to identify:
(a) Areas with inadequate water, sanitation, roads, electricity or waste removal.
(b) Land suitable for housing and community facilities, subject to lawful assessment.
(c) Settlements exposed to flooding, pollution, unstable ground or other hazards.
(d) Gaps in public transport and access to employment opportunities.
(e) Delays in housing, upgrading and infrastructure projects.
(f) Public facilities requiring maintenance or rehabilitation.
(g) Potential conflicts between proposed developments and existing lawful rights.
(h) Concerns about land allocation, procurement and the use of public funds.

14.3.3. AAAIC will advocate for municipalities to explain, as far as reasonably possible, how community priorities relate to available budgets, technical constraints, competing needs and statutory obligations.

14.3.4. Where a requested project cannot immediately be funded, the public should receive a reasoned explanation where appropriate, rather than an unsupported promise or unexplained rejection.

14.4. Community Education on Land Rights

A significant source of conflict is confusion about the legal consequences of occupying, purchasing, inheriting, allocating or developing land.
AAAIC therefore proposes a continuing community education programme addressing the following subjects:

(a) Ownership and occupation

Residents should understand the distinction between ownership, lawful occupation, permission to occupy, customary tenure, leasehold and other forms of land rights.

(b) Informal settlement upgrading

Communities should understand that upgrading may involve planning, infrastructure, environmental assessment and tenure arrangements, and that it does not automatically confer ownership.

(c) Eviction and housing rights

Residents and landowners should be informed that eviction from a home is subject to applicable legal procedures, including the protections of section 26(3) of the Constitution and the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act 19 of 1998, where applicable.

(d) Historical land claims

Communities should be informed about the legal framework for restitution, redistribution and tenure reform, including the significance and limitations of the constitutional restitution framework relating to dispossession after 19 June 1913.

(e) Mineral and surface rights

Landowners and communities should understand that surface ownership, mineral rights, prospecting or mining authorisations, environmental permissions and water-use rights are legally distinct interests.

(f) Municipal planning

Residents should understand how municipal planning, land-use approvals, IDPs, SDFs, housing programmes and budgets interact.

(g) Public finance and procurement

Communities should learn how to identify the difference between a project announcement, an approved budget, an awarded contract, actual expenditure and a completed project.

(h) Reporting suspected wrongdoing

Residents should be informed about appropriate complaint and reporting channels and the importance of providing factual information rather than circulating unverified allegations.
Public education materials should be reviewed for legal accuracy and updated when the law or relevant official procedures change.

14.5. Preventing Misinformation and Political Manipulation

14.5.1. AAAIC rejects the exploitation of vulnerable communities through false promises concerning land ownership, housing allocation, settlement formalisation or immunity from lawful enforcement.

14.5.2. Political leaders and community representatives should not promise that a settlement will automatically be formalised, that residents will necessarily receive title deeds, or that an existing landowner's rights have been extinguished without a proper legal basis.

14.5.3. Equally, public communication should not portray every informal settlement resident as a criminal, every landowner as an unlawful beneficiary of historical dispossession, or every settlement-upgrading project as evidence of corruption.

14.5.4. AAAIC will seek to distinguish between:

(a) Verified facts supported by reliable records.

(b) Allegations requiring investigation.

(c) Legal questions requiring specialist interpretation.

(d) Policy opinions and proposed reforms.

(e) Matters that remain disputed or unresolved.

14.5.5. Where inaccurate information is circulated, AAAIC should correct it through lawful, factual and proportionate communication.

14.5.6. Where evidence reasonably suggests serious wrongdoing, the appropriate response is to preserve the relevant information and refer the matter to a competent authority rather than make a premature declaration of guilt.

14.6. Access to Public Information

14.6.1. AAAIC supports appropriate access to information held by public bodies, subject to the Constitution and applicable legislation, including the Promotion of Access to Information Act 2 of 2000 (PAIA).

14.6.2. Information that may be relevant to land governance and public accountability includes, where legally accessible:

(a) Municipal land registers and relevant ownership records.

(b) Approved IDPs, SDFs, budgets and budget adjustments.

(c) Housing and settlement-upgrading project plans.

(d) Relevant land-use decisions and development approvals.

(e) Tender notices, award information and contract details.

(f) Publicly available project progress and expenditure reports.

(g) Audit findings and corrective-action plans.

(h) Relevant environmental authorisations and compliance information.

(i) Publicly available records concerning land reform programmes.

14.6.3. The availability of a record must be assessed under the applicable access-to-information framework. Some information may lawfully be withheld or redacted, for example to protect personal information, confidential commercial information or other legally protected interests.

14.6.4. AAAIC will advocate for public bodies to publish useful information proactively where lawful and appropriate, reducing the burden on residents who would otherwise have to submit individual requests.

14.7. Transparency in Land Allocation and Beneficiary Selection

14.7.1. Land allocation, housing beneficiary selection and access to public development opportunities should be governed by clear, lawful and consistently applied criteria.

14.7.2. AAAIC proposes that relevant authorities should:

(a) Publish the applicable eligibility criteria and application procedures.
(b) Explain how applications are assessed and prioritised.
(c) Maintain reliable records of applications, decisions and allocations.
(d) Provide accessible mechanisms for applicants to enquire about the status of their applications.
(e) Establish appropriate review or complaint procedures.
(f) Protect applicants against discrimination, unlawful favouritism and demands for improper payments.
(g) Protect personal information and avoid publishing sensitive beneficiary details unnecessarily.
(h) Investigate credible reports of fraudulent allocation, bribery or manipulation through competent procedures.

14.7.3. Fairness does not require that every applicant receive land or housing. It requires that decisions be made under lawful, transparent and defensible criteria, with appropriate consideration of individual circumstances and available resources.

14.8. Engagement with Landowners and Affected Communities

14.8.1. Land-related disputes may involve competing interests, including the rights of landowners, occupiers, customary rights holders, prospective beneficiaries, developers and public authorities.

14.8.2. AAAIC supports lawful engagement that seeks to establish the relevant facts and identify practical solutions without prejudging disputed claims.

14.8.3. Depending on the circumstances, engagement may include:

(a) Verification of title, tenure and other relevant rights.
(b) Identification of the parties legally entitled to participate.
(c) Assessment of the history and circumstances of occupation.
(d) Examination of planning, environmental and infrastructure constraints.
(e) Consideration of negotiated acquisition, settlement upgrading or alternative land, where feasible.
(f) Referral to mediation, administrative review or judicial processes where appropriate.

14.8.4. Engagement must not be used to coerce residents, dispossess lawful owners without authority, circumvent statutory procedures or compel any party to surrender legally protected rights unlawfully.

14.9. Protection of Vulnerable Groups

14.9.1. Land and housing insecurity may disproportionately affect people with limited financial resources, women, children, persons with disabilities, older persons and households headed by vulnerable individuals.

14.9.2. AAAIC will advocate for decision-makers to consider these circumstances when designing land reform, housing, settlement-upgrading and relocation programmes.

14.9.3. Where relocation is lawfully necessary because of serious safety or environmental risks, the process should, as far as applicable law and available resources require, address:

(a) The reasons for relocation and the evidence supporting it.

(b) Consultation with affected residents.
(c) The legal basis for the action.
(d) Reasonable notice and appropriate procedural safeguards.
(e) Access to relevant information and available remedies.
(f) The circumstances of children, older persons, persons with disabilities and other vulnerable residents.
(g) Feasible alternatives and the availability of appropriate accommodation where required by law.
(h) The continuity of access to schools, healthcare, employment and essential services.

14.9.4. Vulnerability should not be used to justify unlawful occupation or disregard the rights of others. It should inform a lawful, humane and proportionate response.

14.10. Ethical Public Communication

14.10.1. AAAIC's public communications on land governance should be accurate, fair and responsible.

14.10.2. Party representatives should:
(a) Verify material facts before publication.
(b) Identify the source and date of important information where practicable.
(c) Distinguish allegations from findings.
(d) Avoid disclosing protected personal information without a lawful basis.
(e) Avoid language that encourages violence, intimidation or unlawful dispossession.
(f) Correct material errors when identified.
(g) Explain the difference between an AAAIC policy proposal and an adopted party position.
(h) Avoid promising that government institutions will take action where AAAIC has no authority to compel that outcome.

14.10.3. These standards are intended to protect the credibility of AAAIC and the integrity of public debate.

14.11. Complaints, Submissions and Community Reporting

14.11.1. AAAIC proposes the development of a structured system for receiving land-related complaints and community submissions.

14.11.2. Where feasible, each submission should record:

(a) The nature and location of the problem.

(b) The relevant parties or public institution, where known.

(c) The dates and sequence of material events.

(d) Supporting documents, photographs or other evidence lawfully obtained.

(e) Previous steps taken to resolve the issue.

(f) The action requested.

(g) Any relevant deadlines or immediate risks.

14.11.3. AAAIC should assess whether a matter falls within its policy or oversight priorities and identify the institution legally responsible for addressing it.

14.11.4. The receipt of a complaint does not establish that its allegations are true. The party should assess the information impartially and avoid guaranteeing a particular result.

14.11.5. Where a complaint reveals a potential threat to life, serious environmental harm or another urgent risk, appropriate referral should not be delayed merely because the full factual record is incomplete.

14.12. Intended Outcomes of Community Participation

The intended outcomes are:

(a) Better-informed communities capable of understanding their land-related rights and responsibilities.

(b) More meaningful public participation in planning and budgeting.

(c) Greater transparency in land allocation and housing programmes.

(d) Reduced circulation of false promises and unverified allegations.

(e) Improved communication between public institutions and affected communities.

(f) Better protection of vulnerable persons without disregarding lawful rights.

(g) More reliable information for AAAIC's policy research and oversight activities.

(h) Increased public confidence in lawful and accountable land governance.

SECTION 15

15. MONITORING, EVALUATION, REPORTING, ACCOUNTABILITY AND POLICY REVIEW

15.1. Purpose

15.1.1. Monitoring and evaluation are necessary to determine whether policy commitments are being implemented, whether public resources are producing the intended benefits and whether corrective action is required.

15.1.2. AAAIC proposes an evidence-based monitoring and evaluation framework to assess the implementation of this policy within its own structures and to scrutinise relevant government programmes through lawful political, public-participation and oversight mechanisms.

15.1.3. The framework must distinguish between the adoption of a policy, the commencement of activities, the expenditure of funds, the completion of projects and the achievement of measurable public outcomes.

15.1.4. These are different stages and should not be treated as interchangeable.

15.2. Objectives of Monitoring and Evaluation

The proposed framework seeks to:

(a) Measure progress against clearly defined policy objectives.
(b) Identify delays, implementation failures and gaps in institutional coordination.
(c) Assess whether expenditure is producing reasonable and measurable value.
(d) Identify recurring problems in land allocation, settlement upgrading and municipal planning.
(e) Evaluate the effectiveness of community participation.
(f) Identify legal, environmental, financial and administrative risks.
(g) Support evidence-based policy revisions.
(h) Promote accountability without making unsupported allegations.

(i) Provide a factual basis for AAAIC's public statements, submissions and oversight activities.

(j) Enable the party to explain what has been achieved, what remains outstanding and what corrective action is proposed.

15.3. Establishing a Baseline

15.3.1. Before measuring progress, AAAIC should establish a baseline against which later developments can be assessed.

15.3.2. The baseline should use available and verifiable information and may include:

(a) The number and location of identified land governance concerns.

(b) The status of relevant land claims or disputes, where reliable information is available.

(c) The number of settlements under assessment, upgrading or relocation programmes.

(d) The status of major housing and infrastructure projects.

(e) The extent to which relevant municipal plans and budgets are publicly available.

(f) Available information on project expenditure, procurement and completion.

(g) The number and nature of community submissions received by AAAIC.

(h) The status of complaints referred to relevant authorities.

(i) Available environmental and disaster-risk assessments for priority settlements.

(j) Identified capacity or coordination constraints affecting implementation.

15.3.3. The baseline should record the source, date and limitations of the information used.

15.3.4. Where data is unavailable or unreliable, the report should say so. AAAIC must not invent figures or present estimates as verified facts.

15.4. Key Performance Indicators

15.4.1. AAAIC proposes that the following indicators be considered for monitoring. Targets should be set only after a baseline, available resources and realistic implementation timeframes have been assessed.

Policy area	Proposed indicator	Evidence of progress
Land reform	Progress reported on priority land reform matters	Official records and verified programme updates
Tenure security	Number of identified tenure concerns referred for appropriate assessment	Case records and referral outcomes
Human settlements	Progress of priority upgrading or relocation projects	Approved plans, progress reports and site verification
Municipal planning	Alignment of identified projects with relevant plans and budgets	IDPs, SDFs, budgets and project documents
Public participation	Participation opportunities and submissions documented	Consultation notices, minutes and submissions
Procurement	Priority contracts reviewed through available lawful records	Tender records, contracts, audit reports and delivery evidence
Financial accountability	Material expenditure concerns referred to appropriate authorities	Referral records and official responses
Environmental protection	Identified environmental risks assessed or referred	Environmental reports and competent-authority responses
Community education	Education activities conducted and materials reviewed	Attendance records, publications and feedback
Institutional responsiveness	Responses received to formal submissions and complaints	Correspondence and case-tracking records
Policy implementation	Completion of agreed AAAIC policy actions	Approved work plans and progress reports

15.4.2. These indicators are proposed tools, not a statement that all relevant information is presently available or that AAAIC can compel external institutions to provide it.

15.5. Reporting Frequency

AAAIC proposes the following reporting cycle, subject to available resources and approval by the competent party structure:

(a) Quarterly internal progress reports

Relevant policy personnel and party structures should, where feasible, report on activities undertaken, matters referred, responses received, unresolved issues and emerging risks.

(b) Annual policy implementation review

An annual review should assess progress against the approved work plan, identify significant developments and recommend amendments or new priorities.

(c) Issue-specific reports

Where a serious or time-sensitive issue arises, AAAIC may prepare a special report or submission without waiting for the annual review.

(d) Public reporting

AAAIC may publish summaries of its findings, recommendations and activities, provided that the information is adequately verified and disclosure is lawful.

The reporting cycle should be practical and proportionate. A reporting obligation must not be treated as fulfilled merely by producing a document; reports should support decisions and corrective action.

15.6. Verification of Information

Information used for monitoring must be assessed according to its reliability, relevance and limitations.

AAAIC should, where appropriate:

(a) Prefer official records, primary documents and independently verifiable evidence.

(b) Confirm dates, amounts, project descriptions and the identity of relevant institutions.

(c) Compare reported progress with available contractual obligations and project records.

(d) Seek clarification where material information is inconsistent.

(e) Distinguish firsthand observations from information supplied by third parties.
(f) Record when a claim cannot be independently verified.
(g) Avoid treating an audit qualification, irregular expenditure finding or procurement concern as automatic proof of fraud.
(h) Provide a reasonable opportunity for clarification before publishing serious adverse allegations, where appropriate and practicable.

Where formal findings have been made by a court, authorised investigative body or competent institution, AAAIC should describe the finding accurately and within its proper scope.

15.7. Accountability for Public Expenditure

AAAIC proposes that public expenditure related to land acquisition, housing, settlement upgrading, infrastructure, emergency services and environmental rehabilitation should be scrutinised against the applicable legal and financial requirements.

The assessment should consider:

(a) Whether the expenditure had a lawful purpose.
(b) Whether the required approvals and procurement procedures were followed.
(c) Whether the goods, services or works were actually delivered.
(d) Whether the price was reasonable in the circumstances.
(e) Whether the expenditure was supported by appropriate records.
(f) Whether contract variations, extensions or additional payments were justified.
(g) Whether assets and infrastructure were maintained appropriately.
(h) Whether the expenditure achieved the intended public benefit.
(i) Whether any identified deficiencies were corrected.
(j) Whether the matter requires referral to an auditor, regulator, law-enforcement agency or another competent authority.

AAAIC must respect the distinction between an administrative irregularity, a control failure, irregular expenditure, fruitless and wasteful expenditure, civil liability and criminal conduct. The applicable definitions and consequences must be assessed under the relevant legislation and financial framework.

15.8. Corrective Action

15.8.1. Where monitoring identifies a problem, AAAIC should seek a proportionate and legally appropriate response.

15.8.2. Possible corrective measures include:

(a) Requesting clarification or additional information.

(b) Submitting written representations to the responsible institution.

(c) Requesting a progress report or explanation for delays.

(d) Recommending improved contract management or financial controls.

(e) Proposing amendments to planning or implementation arrangements.

(f) Referring credible allegations to the appropriate oversight body.

(g) Requesting a lawful investigation where the evidence warrants it.

(h) Advocating for corrective measures following verified findings.

(i) Recommending a review of policy, budget priorities or implementation methods.

15.8.3. AAAIC should not assume that every failure requires criminal investigation. Some problems may arise from inadequate capacity, poor planning, conflicting mandates or insufficient funding and may require administrative or policy correction.

15.8.4. Conversely, an explanation based on capacity constraints should not automatically excuse unlawful conduct, misuse of funds or deliberate failure to comply with legal duties.

15.9. Complaints and Referral Tracking

15.9.1. AAAIC should, subject to available resources and appropriate confidentiality safeguards, maintain a register of material land-related complaints and submissions received by its structures.

15.9.2. The register may record:

(a) A reference number.

(b) The date received.

(c) The general nature of the issue.

(d) The responsible public institution, where known.
(e) The supporting information received.
(f) The date and nature of any referral.
(g) Responses received.
(h) Outstanding actions and relevant deadlines.
(i) The eventual status of the matter, where known.

15.9.3. Access to this information should be controlled where necessary to protect personal information, confidential communications, whistleblowers and legally privileged material.

15.9.4. A complaint should not be marked as substantiated merely because it has been referred. Its status should reflect the evidence and any verified outcome.

15.10. Independent Review and External Expertise

15.10.1. Some matters will require technical or legal expertise beyond the capacity of party structures.

15.10.2. AAAIC may therefore seek qualified assistance, subject to lawful and transparent arrangements, in areas such as:
(a) Land surveying and cadastral records.
(b) Property valuation and acquisition.
(c) Customary and communal tenure.
(d) Environmental assessment.
(e) Geotechnical and disaster-risk assessment.
(f) Municipal engineering and infrastructure planning.
(g) Public finance, procurement and forensic accounting.
(h) Housing and spatial planning.
(i) Administrative and constitutional law.

15.10.3. Where a matter involves significant public expenditure, serious allegations or complex technical questions, independent review may improve the credibility of the findings.

15.10.4. The appointment of an expert does not eliminate the need to disclose the scope of the review, its limitations and any relevant conflicts of interest.

15.11. Ethical Standards and Conflicts of Interest

15.11.1. Monitoring and accountability activities must be conducted in a manner consistent with truthfulness, fairness, independence and respect for lawful rights.

15.11.2. AAAIC representatives involved in reviewing a matter should disclose relevant conflicts of interest and, where appropriate, withdraw from the assessment.

15.11.3. The party should not use confidential information for personal gain, political intimidation or unlawful disclosure.

15.11.4. Equally, political relationships should not be used to shield a person or institution from legitimate scrutiny.

15.11.5. Findings should be based on evidence rather than factional interests, personal hostility or assumptions about the identity of the parties involved.

15.12. Review of Policy Effectiveness

15.12.1. The policy should be reviewed periodically to determine whether its provisions remain relevant, lawful and practical.

15.12.2. The review should consider:

(a) Changes in constitutional or statutory law.
(b) Relevant court judgments and authoritative legal interpretations.
(c) Developments in land reform and restitution policy.
(d) Changes in housing, municipal planning and public finance frameworks.
(e) Emerging environmental, climate and infrastructure risks.
(f) Evidence concerning the effectiveness of settlement upgrading and relocation programmes.
(g) Community feedback and recurring complaints.
(h) Findings from audits, official investigations and independent assessments.

(i) The availability of financial and technical resources.

(j) Whether the policy's implementation methods remain consistent with AAAIC's values and approved political programme.

15.12.3. A review should not be used to weaken constitutional protections or remove accountability mechanisms merely because they are inconvenient to a particular institution or political interest.

15.13. Procedure for Amending the Policy

15.13.1. Any amendment should follow the procedures prescribed by the AAAIC Constitution and applicable internal rules.

15.13.2. The proposed process is:

(a) Identify the provision requiring amendment and explain the reason.

(b) Prepare a written proposal setting out the existing wording, proposed change and justification.

(c) Obtain legal or technical input where necessary.

(d) Circulate the proposal to the structures entitled to consider it under the party's rules.

(e) Allow appropriate deliberation and consideration of material representations.

(f) Submit the amendment to the competent decision-making structure.

(g) Record the decision and effective date.

(h) Update the controlled version of the policy and communicate the change to relevant structures.

15.13.3. No amendment should be represented as formally adopted until the competent party structure has approved it in accordance with the applicable rules.

15.14. Public Accountability and Communication of Results

15.14.1. AAAIC should communicate the results of its monitoring activities in a manner that is informative, proportionate and evidence-based.

15.14.2. Public reports should, where appropriate, identify:

(a) The issue examined.

(b) The scope of the review.

(c) The information considered.

(d) The findings that can reasonably be supported.

(e) Any unresolved questions or limitations.

(f) The representations made to the responsible institution.

(g) The responses received.

(h) The corrective action proposed or undertaken.

(i) The further steps that remain necessary.

15.14.3. Where allegations have not been verified, the report should state that clearly.

15.14.4. Where an institution has corrected a problem, that development should also be acknowledged. Accountability should be directed towards improving governance and protecting public resources, not simply assigning blame.

15.15. Intended Outcomes of Monitoring and Evaluation

The intended outcomes are:

(a) A clearer record of progress on land governance and human settlement priorities.

(b) Better identification of implementation failures and financial risks.

(c) More reliable information for party policy development and public oversight.

(d) Improved tracking of complaints and referrals.

(e) More transparent reporting on the use of public resources.

(f) Stronger internal discipline in AAAIC's policy and research work.

(g) Timely correction of ineffective or unlawful practices.

(h) Regular review of policy in light of evidence and legal developments.

(i) Greater consistency between public commitments and demonstrable results.

(j) A culture of accountability grounded in truth, fairness, constitutionalism and responsible governance.

SECTION 16

16. CONSTITUTIONAL AND LEGISLATIVE FRAMEWORK, LEGAL COMPLIANCE AND INSTITUTIONAL COORDINATION

16.1. Purpose and Legal Foundation

16.1.1. This policy is founded on the principle that land reform, housing, human settlements, environmental protection, mineral resource governance and public financial accountability must be pursued within the framework of the Constitution of the Republic of South Africa, 1996, and applicable legislation.

16.1.2. AAAIC recognises that the land question cannot be resolved through a single statute, department or government programme. It involves interconnected constitutional rights, historical claims, land tenure arrangements, municipal planning instruments, environmental controls, financial management obligations and administrative decisions.

16.1.3. Accordingly, this policy seeks to promote a coordinated approach that advances substantive justice while respecting constitutional supremacy, the rule of law, lawful administrative processes and the rights of affected persons.

16.1.4. The policy is intended to guide AAAIC's political positions, research, public education, representations and oversight activities. It does not replace legislation, establish new legal rights independently of the law, or determine the outcome of an individual dispute.

16.2. The Constitution as the Supreme Law

16.2.1. Section 2 of the Constitution establishes that the Constitution is the supreme law of the Republic and that law or conduct inconsistent with it is invalid, with constitutional obligations required to be fulfilled.

16.2.2. AAAIC therefore affirms that no land policy, settlement programme, municipal decision, procurement process or public development initiative should be supported

merely because it is politically popular or intended to achieve a desirable social objective. Its legal basis, procedure and implementation must also be constitutionally defensible.

16.2.3. The following constitutional provisions are particularly relevant.

16.2.3.1. **Section 1: Founding Values**

16.2.3.1.1. The Constitution establishes founding values including human dignity, the achievement of equality, the advancement of human rights and freedoms, non-racialism, non-sexism, constitutional supremacy and the rule of law.

16.2.3.1.2. AAAIC's land governance policy should reflect these values by pursuing redress, fair access to opportunities, lawful decision-making and accountable public administration.

16.2.4. Section 9: Equality

16.2.4.1. The equality guarantee is relevant to land reform, housing allocation, access to public services and the treatment of persons affected by land-related decisions.

16.2.4.2. AAAIC supports measures that address historical disadvantage and promote substantive equality, provided that such measures comply with the Constitution and applicable law.

16.2.4.3. Equality does not require identical treatment in every circumstance. Lawful remedial measures may be necessary to address established disadvantage, while allocation and administrative decisions must remain legally defensible.

16.2.5. Section 10: Human Dignity

16.2.5.1. Human dignity must inform the treatment of people experiencing homelessness, insecure tenure, historical dispossession or forced displacement.

16.2.5.2. It also requires that public authorities avoid arbitrary, degrading or discriminatory treatment of landowners, occupiers and other affected persons.

16.2.6. Section 25: Property and Land Reform

16.2.6.1. Section 25 protects against arbitrary deprivation of property and provides a constitutional framework for expropriation, equitable access to land, restitution and tenure reform.

16.2.6.2. AAAIC recognises that section 25 must be understood as a whole. It protects property rights while expressly recognising the need for reforms addressing the consequences of past racial discrimination and unequal access to land.

16.2.6.3. The constitutional land reform mandate must not be reduced either to the unrestricted preservation of existing patterns of ownership or to the assumption that any form of land occupation or taking is automatically lawful.

16.2.6.4. Each measure must be assessed under the relevant constitutional provision, legislation and applicable legal principles.

16.2.7. Section 26: Housing

16.2.7.1. Section 26 protects the right of access to adequate housing and regulates eviction from one's home.

16.2.7.2. The State must take reasonable legislative and other measures, within its available resources, to achieve the progressive realisation of the right of access to adequate housing.

16.2.7.3. Section 26 does not mean that every individual has an immediate, unconditional entitlement to a particular house or that all informal settlements must be formalised in place. Housing programmes must be reasonable, lawful, appropriately prioritised and implemented in accordance with applicable constitutional obligations.

16.2.7.4. Section 26(3) also requires a court order before a person may be evicted from their home or have their home demolished, and prohibits legislation permitting arbitrary evictions.

16.2.8. Section 24: Environment

16.2.8.1. Section 24 recognises environmental rights and the need for environmental protection for present and future generations.

16.2.8.2. AAAIC supports development that addresses housing and economic needs without disregarding pollution, ecological degradation, unsafe land conditions, water scarcity or other environmental risks.

16.2.9. Sections 32 and 33: Information and Just Administrative Action

16.2.9.1. Section 32 concerns access to information, while section 33 protects the right to administrative action that is lawful, reasonable and procedurally fair.

16.2.9.2. These provisions are relevant when individuals seek public records, challenge land-use decisions, question beneficiary allocations or seek reasons for administrative decisions.

16.2.9.3. The Promotion of Access to Information Act 2 of 2000 and the Promotion of Administrative Justice Act 3 of 2000 give effect to important aspects of these constitutional rights, subject to their respective requirements and limitations.

16.2.10. Sections 152 and 153: Local Government

16.2.10.1. Sections 152 and 153 establish the objects of local government and require municipalities to structure and manage their administration, budgeting and planning processes to give priority to the basic needs of the community and promote social and economic development.

16.2.10.2. These provisions support AAAIC's position that municipal planning must connect settlement development, infrastructure, public finance and service delivery.

16.2.11. Sections 195, 217 and 239–243: Public Administration and Related Constitutional Principles

16.2.11.1. Section 195 establishes principles of public administration, including accountability, transparency, efficient use of resources and professional ethics.

16.2.11.2. Section 217 requires organs of state contracting for goods or services to do so through a system that is fair, equitable, transparent, competitive and cost-effective, subject to the applicable constitutional and legislative framework.

16.2.11.3. Sections 239–243 address aspects of executive government, administration and cooperative governance. Together with other relevant provisions, they reinforce the importance of lawful institutional conduct and coordination.

16.2.11.4. AAAIC will advocate for these principles to be reflected in land acquisition, housing delivery, procurement, infrastructure development and the management of public resources.

16.3. Principal Legislation Relevant to the Policy

16.3.1. The following legislation is particularly relevant. The list is illustrative and not exhaustive; the applicable provisions, amendments, regulations and commencement arrangements must be verified when a specific proposal or dispute is considered.

Legislation	Relevance to the policy
Restitution of Land Rights Act 22 of 1994	Provides a statutory framework for qualifying land restitution claims, subject to the applicable law and claim status.
Land Reform (Labour Tenants) Act 3 of 1996	Addresses specified rights and claims involving labour tenants.
Extension of Security of Tenure Act 62 of 1997	Regulates specified occupation and tenure rights on land, particularly in rural contexts.
Prevention of Illegal Eviction from and Unlawful Occupation of Land Act 19 of 1998	Regulates eviction proceedings and provides protections relevant to unlawful occupation.

National Environmental Management Act 107 of 1998	Establishes an overarching framework for environmental management and sustainable development.
National Water Act 36 of 1998	Regulates water resources and water use under the statutory framework.
Municipal Systems Act 32 of 2000	Addresses municipal planning, integrated development planning and community participation, among other matters.
Mineral and Petroleum Resources Development Act 28 of 2002	Governs mineral and petroleum resources, including statutory custodianship and prospecting and mining rights.
Municipal Finance Management Act 56 of 2003	Regulates municipal financial management and related accountability requirements.
Intergovernmental Relations Framework Act 13 of 2005	Provides a framework for intergovernmental relations and cooperation.
Housing Act 107 of 1997	Establishes a framework for housing development and related responsibilities.
Spatial Planning and Land Use Management Act 16 of 2013	Establishes a framework for spatial planning and land-use management.
Public Finance Management Act 1 of 1999	Regulates financial management in national and provincial government and public entities within its scope.
Promotion of Access to Information Act 2 of 2000	Provides a framework for access to records, subject to statutory requirements and exemptions.
Promotion of Administrative Justice Act 3 of 2000	Gives effect to constitutional requirements for just administrative action.
Protected Disclosures Act 26 of 2000, as amended	Provides protections for qualifying disclosures in circumstances covered by the Act.

16.3.2. The applicability of a statute depends on the nature of the issue, the institution involved, the relevant rights and the facts of the case. The presence of a statute in this table should not be interpreted as establishing that every provision applies to every land dispute.

16.4. Historical Dispossession and the Constitutional Land Reform Framework

16.4.1. AAAIC recognises that historical land dispossession occurred over an extended period and was shaped by colonial conquest, racially discriminatory laws, restrictions on land ownership and occupation, forced removals and unequal access to economic opportunity.

16.4.2. The Natives Land Act 27 of 1913 was a major instrument of dispossession and racial restriction, but it did not mark the beginning of all historical dispossession.

16.4.3. Section 25(7) of the Constitution specifically addresses restitution for qualifying dispossession of property after 19 June 1913 resulting from past racially discriminatory laws or practices, subject to the constitutional and statutory framework.

16.4.4. The constitutional restitution framework must be distinguished from other land reform measures, including equitable access to land under section 25(5), tenure reform under section 25(6), and other applicable statutory or customary rights.

16.4.5. AAAIC therefore supports:

(a) Effective administration of qualifying land claims.
(b) Fair and lawful assessment of historical and customary rights.
(c) Transparent communication about the status and requirements of land reform programmes.
(d) Appropriate support for beneficiaries in obtaining the practical benefits of successful claims.
(e) Fair consideration of competing rights and the circumstances of affected communities.
(f) Avoidance of unsupported promises that a particular claim will succeed or that a particular property will necessarily be transferred.

16.4.6. Historical injustice must be addressed through effective and lawful reform, not through the substitution of one arbitrary process for another.

16.5. Mineral Resources and Surface Ownership

16.5.1. AAAIC recognises that the legal position of minerals and petroleum resources differs from the legal position of surface land.

16.5.2. Under section 3 of the Mineral and Petroleum Resources Development Act 28 of 2002, the State acts as custodian of the nation's mineral and petroleum resources, within the statutory framework.

16.5.3. The existence of surface ownership does not automatically establish ownership of minerals or confer an unrestricted right to prospect or mine. Conversely, a prospecting or mining right does not necessarily remove every other legally protected interest affecting the land.

16.5.4. Relevant issues may include:

(a) The nature and status of the mining or prospecting right.
(b) Applicable transitional provisions and historic rights.
(c) Surface access and the interests of landowners or occupiers.
(d) Consultation and other procedural requirements.
(e) Environmental authorisations and rehabilitation duties.
(f) Water-use requirements and health and safety obligations.
(g) The rights of communities and persons affected by the proposed activity.

16.5.5. AAAIC will advocate for responsible resource development that promotes public benefit, legal certainty, environmental protection and fair treatment of affected communities.

16.6. Municipal Planning and Financial Management

16.6.1. Municipal land development must be considered in conjunction with the municipality's legal planning instruments and financial capacity.

16.6.2. AAAIC supports coordination between:

(a) The Integrated Development Plan.
(b) The Spatial Development Framework.

(c) Applicable land-use schemes and approvals.
(d) Housing and settlement-upgrading programmes.
(e) Infrastructure and maintenance plans.
(f) The municipal budget and relevant capital and operational expenditure.
(g) Environmental and disaster-risk assessments.
(h) Procurement and contract-management arrangements.

16.6.3. A development proposal may be socially desirable yet remain impracticable if the site is unsuitable, infrastructure is unavailable, funding is inadequate or required approvals have not been obtained.

16.6.4. Conversely, budgetary constraints should not be used as an automatic justification for ignoring constitutional duties. Authorities must act within their lawful mandates and resources and should be able to explain material decisions and priorities.

16.7. Cooperative Governance and Institutional Coordination

16.7.1. Land-related challenges frequently cross institutional boundaries. For example, a proposed settlement may involve municipal land-use planning, provincial housing responsibilities, national land reform, water infrastructure, environmental approvals and community tenure rights.

16.7.2. AAAIC therefore supports structured coordination between relevant institutions.

16.7.3. Such coordination should:

(a) Identify the institution legally responsible for each decision.
(b) Clarify which approvals, assessments and resources are required.
(c) Establish practical timelines and reporting arrangements where appropriate.
(d) Avoid duplication and contradictory instructions.
(e) Facilitate lawful information-sharing.
(f) Provide appropriate avenues for resolving intergovernmental disagreements.
(g) Protect affected communities from being passed indefinitely between institutions without a meaningful response.

16.7.4. Cooperation must not be used to obscure accountability. Each institution remains responsible for performing the functions assigned to it by law.

16.8. Legal Review Before Major Decisions

16.8.1. AAAIC proposes that major land-related initiatives and public positions be subject to appropriate legal and technical review before they are finalised.

16.8.2. Such review should, where relevant, consider:

(a) Constitutional compliance.
(b) Statutory authority.
(c) Existing property and tenure rights.
(d) Environmental and planning requirements.
(e) Public finance and procurement implications.
(f) Procedural fairness and public participation.
(g) Potential litigation and implementation risks.
(h) The availability of realistic funding and administrative capacity.

16.8.3. Legal review is particularly important where a proposal concerns expropriation, relocation, contested title, customary rights, mining access, eviction or substantial public expenditure.

16.8.4. The objective is not to delay every decision unnecessarily, but to prevent avoidable illegality, protect rights and improve the prospects of effective implementation.

16.9. Interpretation of This Policy

16.9.1. This policy should be interpreted consistently with the Constitution, applicable legislation, binding court orders and lawful administrative decisions.

16.9.2. Where a provision appears inconsistent with applicable law, the law prevails. Where legal uncertainty exists, AAAIC should obtain appropriate advice rather than assume that a particular interpretation is correct.

(a) Nothing in this policy should be interpreted as:
(b) Authorising unlawful occupation, dispossession or eviction.
(c) Automatically conferring ownership or title on an occupier.

(d) Removing a person's lawful rights without the applicable legal process.
(e) Guaranteeing that every informal settlement can be formalised in place.
(f) Establishing that every expenditure irregularity constitutes corruption.
(g) Exempting public or private actors from applicable legal obligations.
(h) Replacing the jurisdiction of a court, tribunal, regulator or other competent authority.

16.10. Intended Outcomes

16.10.1. The intended outcomes of this section are greater legal certainty, improved coordination, more defensible policy decisions and stronger alignment between land reform objectives and constitutional governance.

16.10.2. AAAIC's position is that justice, legality, human dignity and accountability must operate together. Sustainable land reform requires both the courage to address historical injustice and the discipline to implement reform through lawful and effective institutions.

SECTION 17

17. DISPUTE RESOLUTION, ACCESS TO REMEDIES AND THE PROTECTION OF LEGAL RIGHTS

17.1. Purpose

17.1.1. Land-related disputes can arise from competing ownership claims, historical dispossession, customary tenure, unlawful occupation, eviction proceedings, settlement boundaries, land allocation, environmental damage, mining operations, municipal planning and the use of public funds.

17.1.2. If such disputes are not handled effectively, they may result in prolonged uncertainty, community conflict, financial losses, environmental harm and the deterioration of public trust.

17.1.3. AAAIC therefore supports accessible, impartial and legally appropriate mechanisms for resolving land-related disputes, protecting legitimate rights and correcting unlawful administrative conduct.

17.1.4. The objective is to encourage the earliest reasonable resolution of disputes without sacrificing due process, constitutional protections or the jurisdiction of competent institutions.

17.2. Fundamental Principles Governing Dispute Resolution

AAAIC proposes that all land-related dispute-resolution processes supported by the party should observe the following principles:

(a) Legality: Every process must have a lawful basis.

(b) Impartiality: Disputes must be assessed on the available evidence, not political affiliation, personal relationships or assumptions.

(c) Procedural fairness: Affected parties must receive the procedural protections required by law.

(d) Accessibility: Appropriate mechanisms should be available to people who lack financial resources or specialist knowledge.

(e) Proportionality: The response should be appropriate to the nature and seriousness of the dispute.

(f) Timeliness: Unnecessary delays should be avoided, particularly where housing, safety, essential services or substantial public resources are at risk.

(g) Transparency: Decisions should be explained and documented to the extent required or permitted by law.

(h) Respect for legal rights: No party should be compelled to surrender a lawful right through intimidation, political pressure or an unlawful process.

(i) Evidence-based assessment: Claims must be assessed using relevant documents, testimony, records and other appropriate evidence.

(j) Accountability: Where wrongdoing is established, appropriate corrective, administrative, civil or criminal processes should be considered according to law.

17.3. Identification and Classification of Disputes

Before deciding how a dispute should be addressed, AAAIC proposes that the nature of the dispute be identified.

17.3.1. Ownership and Title Disputes

17.3.1.1. These disputes may concern registered ownership, competing deeds, boundary descriptions, transfers, alleged fraud or the legal consequences of historical transactions.

17.3.1.2. The appropriate response may require examination of deeds records, cadastral information, conveyancing documents, historical records and relevant court decisions.

17.3.1.3. An allegation of historical dispossession does not automatically invalidate a current title deed. Equally, the existence of a registered title does not necessarily resolve every possible statutory, customary or other legally recognised claim.

17.3.2. Restitution and Land Reform Disputes

17.3.2.1. These disputes may involve eligibility, historical dispossession, claim validity, beneficiary identification, the implementation of a settlement or delays in administrative processes.

17.3.2.2. AAAIC supports the use of the procedures established by the applicable land reform legislation and the appropriate institutions.

17.3.2.3. The legal position of a claim must be assessed according to its particular history, status and governing legal framework.

17.3.3. Tenure and Customary Rights Disputes

17.3.3.1. These disputes may concern communal land, customary rights, occupation, family or community interests, labour tenancy or other forms of legally protected tenure.

17.3.3.2. AAAIC recognises that not all legitimate land rights are represented by individual registered title deeds.

17.3.3.3. Such disputes should be assessed with due regard to the applicable legislation, relevant customary practices, constitutional protections and the rights of all affected parties.

17.3.4. Occupation and Eviction Disputes

17.3.4.1. These disputes may arise where people occupy land without the consent of the owner or where the legal basis for occupation is contested.

17.3.4.2. AAAIC supports lawful resolution that distinguishes the rights of owners from the protections afforded to occupiers.

17.3.4.3. Where the Constitution and applicable legislation require a court order or prescribed procedure for eviction, that requirement must be respected. No person should resort to unlawful self-help merely because they believe their property rights have been infringed.

17.3.4.4. Similarly, the existence of housing-related protections does not automatically confer ownership or establish a permanent right to occupy another person's land.

17.3.5. Municipal Planning and Settlement Disputes

17.3.5.1. Disputes may concern zoning, development approvals, settlement boundaries, relocation, infrastructure, environmental suitability or municipal service-delivery decisions.

17.3.5.2. Depending on the matter, the appropriate remedy may involve a municipal process, administrative appeal, review, intergovernmental engagement or judicial proceedings.

17.3.6. Procurement and Financial Accountability Disputes

17.3.6.1. These disputes may concern tender awards, contract performance, payment, alleged conflicts of interest, project delays or the use of public funds.

17.3.6.2. AAAIC supports the use of appropriate procurement review mechanisms, audit processes, complaints procedures, administrative remedies and investigations by competent bodies.

17.3.6.3. A disputed contract or irregular administrative decision does not automatically establish criminal conduct. The evidence and applicable legal standards must determine the appropriate response.

17.3.7. Environmental and Mining Disputes

17.3.7.1. These disputes may involve pollution, access to land, environmental authorisations, rehabilitation, water use, mining impacts or alleged non-compliance with regulatory conditions.

17.3.7.2. Depending on the circumstances, the matter may require technical investigation, engagement with the competent regulator, administrative proceedings, environmental remedies or court intervention.

17.4. A Graduated Dispute-Resolution Process

AAAIC proposes a graduated approach, where appropriate, to ensure that disputes are referred to the most suitable mechanism.

Stage 1: Fact-finding and legal classification
Establish the parties, the nature of the rights involved, the relevant documents, the history of the dispute and any applicable deadlines.

Stage 2: Engagement and negotiation
Where appropriate, encourage direct engagement, written representations or structured negotiation between the parties.

Stage 3: Mediation or specialist assistance

Where the parties agree and the matter is suitable, consider mediation, technical assessment or assistance from a qualified independent person.

Stage 4: Formal administrative or statutory remedies

Refer the matter to the appropriate municipality, department, regulator, statutory body or appeal mechanism where required.

Stage 5: Judicial proceedings or other binding determination

Where necessary, pursue an appropriate court or legally authorised tribunal process, subject to jurisdiction, procedure, standing, costs and applicable time limits.

This sequence is a proposed guide, not a mandatory sequence for every dispute. Urgent court relief, statutory procedures or other immediate steps may be necessary without first attempting negotiation or mediation.

17.5. Internal Administrative Remedies and Appeals

17.5.1. Where a land-related decision has been made by a public institution, AAAIC supports identifying and using any applicable internal appeal, reconsideration or complaint procedure.

17.5.2. Before pursuing a remedy, the affected person should establish:

(a) Which institution made the decision.
(b) The legal provision under which the decision was made.
(c) Whether the decision is subject to an internal appeal or review.
(d) The prescribed time limit and filing requirements.
(e) Whether reasons for the decision may be requested.
(f) Whether the remedy suspends implementation of the decision or whether separate interim relief is required.
(g) Whether further remedies are available if the internal process fails.

17.5.3. An internal appeal should not be assumed to exist in every case. Nor should the availability of an internal process be assumed to suspend a deadline for court proceedings or another statutory remedy.

17.5.4. Where the Promotion of Administrative Justice Act 3 of 2000 applies, its provisions and any relevant internal remedy requirements must be considered alongside the legislation governing the particular decision.

17.6. Judicial Remedies and the Rule of Law

17.6.1. AAAIC recognises the role of the courts in interpreting the Constitution, reviewing administrative action, determining property disputes and granting appropriate relief.

17.6.2. Depending on the facts and applicable law, judicial remedies may include:

(a) Review of unlawful administrative action.
(b) Declaratory relief concerning rights or legal status.
(c) Interdictory relief to prevent or restrain unlawful conduct.
(d) Appropriate eviction or possession orders.
(e) Compensation or other relief where legally justified.
(f) Enforcement of statutory or contractual obligations.
(g) Orders requiring a public institution to perform a lawful duty.

17.6.3. The availability of any remedy depends on matters including jurisdiction, standing, the nature of the dispute, the applicable legislation and the evidence.

17.6.4. AAAIC should not promise that litigation will succeed or encourage unnecessary proceedings without considering the legal merits, likely costs, urgency and practical alternatives.

17.6.5. Where public-interest litigation is considered, the decision should be based on a defensible legal foundation and an assessment of the potential benefit, risks and available resources.

17.7. Protection Against Unlawful Eviction and Arbitrary Dispossession

17.7.1. AAAIC opposes unlawful eviction, intimidation, violence and arbitrary dispossession.

17.7.2. Where an eviction is contemplated, the parties must comply with the applicable constitutional and statutory framework, including the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act 19 of 1998 where it applies.

17.7.3. Depending on the circumstances, a court may be required to consider relevant factors such as the rights and circumstances of occupiers, the nature of the property, the interests of affected owners and the availability of alternative accommodation where legally relevant.

17.7.4. AAAIC also recognises that landowners and other lawful rights holders are entitled to pursue appropriate remedies when their rights have been infringed.

17.7.5. The protection of occupiers must not be misrepresented as a blanket prohibition on eviction. Equally, an owner's rights must not be misrepresented as authorising forcible removal without the process required by law.

17.8. Disputes Involving Informal Settlements

17.8.1. Disputes involving informal settlements may be particularly complex because they can combine housing insecurity, land ownership, municipal planning, service delivery, environmental risks and competing public interests.

17.8.2. AAAIC proposes that such disputes be assessed through a structured process that considers:

(a) The legal status of the land.
(b) The history and circumstances of occupation.
(c) The nature of any existing rights or permissions.
(d) The suitability of the site for residential occupation.
(e) The availability and feasibility of basic services.
(f) The applicable planning and environmental requirements.
(g) The rights and circumstances of vulnerable residents.

(h) The lawful interests of the landowner or other rights holders.

(i) The feasibility of in-situ upgrading, alternative accommodation or relocation, as applicable.

(j) The budgetary and infrastructure implications of possible solutions.

17.8.3. No settlement should be presumed suitable for permanent formalisation before the necessary legal, planning, environmental and technical assessments have been undertaken.

17.8.4. Where relocation is considered, AAAIC supports lawful, consultative and humane processes that take account of safety, dignity and the practical consequences for affected households.

17.9. Dispute Resolution and Traditional or Community Processes

17.9.1. AAAIC recognises that community-based and customary dispute-resolution processes may have an important role in resolving appropriate disputes.

17.9.2. Such processes should be considered only within their lawful scope and with due regard to constitutional rights, procedural fairness and the interests of all parties.

17.9.3. Participation should not be coerced. A community process should not be used to extinguish rights that can only lawfully be altered through another prescribed procedure.

17.9.4. Where a dispute involves serious criminal allegations, threats, violence, complex questions of title or a matter reserved to a statutory institution or court, referral to the competent authority may be necessary.

17.9.5. Community engagement should complement, not unlawfully replace, formal legal remedies.

17.10. Complaints Concerning Corruption or Misuse of Public Resources

17.10.1. Where credible information indicates possible corruption, fraud, unlawful procurement, abuse of office or misuse of public funds, AAAIC supports appropriate referral to competent oversight or investigative institutions.

17.10.2. The response should be guided by:

(a) Preservation of relevant evidence.

(b) Accurate recording of the alleged conduct.

(c) Identification of the institution with legal authority to investigate.

(d) Protection of confidential information and qualifying whistleblower disclosures.

(e) Avoidance of retaliation, intimidation or improper interference.

(f) Respect for the rights of persons accused of wrongdoing.

(g) Appropriate follow-up on the status of the referral.

(h) Implementation of corrective measures where wrongdoing is established.

17.10.3. A referral is not a finding of guilt. Public statements should distinguish suspected wrongdoing from an official finding, a civil determination or a criminal conviction.

17.11. Legal Assistance and Access to Remedies

17.11.1. AAAIC recognises that the cost and complexity of legal proceedings may prevent affected people from asserting legitimate rights.

17.11.2. The party may, subject to available resources and appropriate arrangements, support public legal education and provide information about possible referral channels.

17.11.3. These may include Legal Aid South Africa, relevant statutory bodies, community advice offices, qualified legal practitioners and other appropriate organisations.

17.11.4. Any referral should be made without guaranteeing eligibility, funding, representation or a particular outcome.

17.11.5. AAAIC's political and policy role should also be distinguished from the provision of regulated legal services. Where specialist legal representation is required, affected persons should be directed to appropriately qualified professionals or institutions.

17.12. Dispute Records, Confidentiality and Follow-up

17.12.1. AAAIC proposes maintaining appropriate records of significant disputes referred to its structures.

17.12.2. Such records should, where feasible, identify the nature of the issue, the relevant institution, important dates, supporting documents, steps taken and known outcomes.

17.12.3. Personal information should be handled in accordance with applicable privacy and confidentiality requirements. Sensitive information should not be published merely because it has been received by a party structure.

17.12.4. Where a matter remains unresolved, the record should reflect its actual status. It should not be represented as successfully resolved simply because correspondence has been sent or a meeting has taken place.

17.13. Intended Outcomes

This section seeks to promote:

(a) Earlier identification and appropriate classification of land disputes.
(b) Greater awareness of available legal remedies.
(c) Reduced reliance on unlawful self-help, intimidation and misinformation.
(d) Fair treatment of landowners, occupiers, customary rights holders and other affected persons.
(e) Better use of internal administrative remedies where available.
(f) Appropriate referral of complex legal and technical matters.
(g) More effective scrutiny of public decisions and expenditure.
(h) Respect for judicial independence and the rule of law.
(i) Improved protection of vulnerable communities without disregarding the rights of others.
(j) More constructive and sustainable resolution of land-related disputes.

SECTION 18

18. FINAL POLICY POSITION, RECOMMENDATIONS AND FORMAL ADOPTION

18.1. AAAIC's Overall Policy Position

18.1.1. AAAIC affirms that land governance is a fundamental issue of justice, dignity, economic development, community stability and responsible government.

18.1.2. South Africa's land question cannot be understood without acknowledging historical dispossession, racially discriminatory land policies, unequal ownership patterns, insecure tenure and the exclusion of many communities from meaningful economic opportunity.

18.1.3. At the same time, sustainable land reform requires constitutional governance, sound administration, appropriate planning, transparent expenditure and respect for legally protected rights.

18.1.4. AAAIC therefore rejects the false choice between historical redress and the rule of law. Both are necessary to establish a fair and sustainable land governance system.

18.1.5. The party supports a land reform framework that is effective enough to address historical injustice, sufficiently accountable to protect public resources, and sufficiently lawful to provide certainty and fairness to all affected persons.

18.2. The Central Commitments of AAAIC

Subject to formal adoption by the competent party structure, AAAIC proposes to advance the following commitments.

18.2.1. Land Reform and Historical Redress

18.2.1.1. AAAIC supports effective, fair and transparent land reform, including restitution, redistribution and tenure reform within the applicable constitutional and legislative framework.

18.2.1.2. The party will advocate for improved administration, reliable information, reasonable implementation planning and appropriate support for qualifying beneficiaries.

18.2.1.3. Historical claims should be assessed on their merits, under the applicable law and available evidence, without arbitrary exclusion or unsupported guarantees of success.

18.2.2. Secure and Lawful Human Settlements

18.2.2.1. AAAIC supports the development of dignified and sustainable human settlements, with appropriate attention to housing, infrastructure, access to employment, public transport, water, sanitation and community facilities.

18.2.2.2. Informal settlements should be assessed individually, taking account of the legal status of the land, site suitability, environmental conditions, infrastructure requirements and residents' circumstances.

18.2.2.3. Where feasible and lawful, settlement upgrading should be considered. Where a site presents serious risks or cannot lawfully or practically be developed for permanent occupation, alternative solutions may need to be assessed.

18.2.3. Responsible Municipal Planning

18.2.3.1. AAAIC supports closer alignment between land development, IDPs, SDFs, housing programmes, infrastructure plans and municipal budgets.

18.2.3.2. Municipal decisions should be informed by reliable data, meaningful participation, realistic costing and long-term maintenance requirements.

18.2.3.3. The party will advocate for transparent explanations where competing needs, resource constraints or legal requirements affect project priorities.

18.2.4. Responsible Management of Mineral and Natural Resources

18.2.4.1. AAAIC supports the lawful and responsible use of mineral, petroleum, water and other natural resources.

18.2.4.2. The party recognises the distinction between surface ownership, statutory mineral rights, environmental authorisations, water-use rights and other legally protected interests.

18.2.4.3. Resource development should be consistent with the applicable law and should appropriately address environmental protection, community impacts, rehabilitation and public accountability.

18.2.5. Procurement Integrity and Financial Accountability

18.2.5.1. AAAIC supports lawful, transparent and cost-effective procurement, effective contract management and appropriate scrutiny of public expenditure.

18.2.5.2. Projects involving land acquisition, emergency services, housing, settlement upgrading and infrastructure should be assessed against their legal basis, actual delivery, costs and intended public benefits.

18.2.5.3. Credible allegations of misconduct should be referred through appropriate channels, while conclusions should remain proportionate to the available evidence and any findings by competent authorities.

18.2.6. Community Participation and Public Education

18.2.6.1. AAAIC supports meaningful participation in relevant land-related decisions and improved public access to information.

18.2.6.2. Communities should be equipped to understand the difference between ownership, occupation, tenure, formalisation, upgrading and the transfer of title.

18.2.6.3. Public education must correct misinformation without stigmatising vulnerable communities or disregarding the lawful interests of landowners and other rights holders.

18.2.7. Constitutionalism and the Rule of Law

18.2.7.1. AAAIC affirms that public and private actors must act within the law.

18.2.7.2. The party will advocate for the lawful protection of property and tenure rights, the proper administration of land reform, fair administrative action and effective access to appropriate remedies.

18.2.7.3. No person or institution should be treated as exempt from legal accountability because of political status, economic influence or social vulnerability.

18.2.8. Meritocracy, Fairness and Responsible Leadership

18.2.8.1. AAAIC supports transparent, defensible and lawful criteria for public appointments, beneficiary selection, project prioritisation and the allocation of opportunities.

18.2.8.2. Political patronage, personal connections and improper influence should not replace merit, fairness, public need and lawful criteria.

18.2.8.3. The party's approach should reflect its commitment to truth, justice, Ubuntu, fairness, equity, accountable governance and the voice of the voiceless.

18.3. Priority Recommendations to Government

18.3.1. AAAIC proposes that the following priorities be advanced through appropriate policy submissions, public participation, engagement with government and lawful oversight.

18.3.1.1. Recommendation 1: Improve land records and transparency.

Relevant institutions should improve the accuracy, accessibility and coordination of land-related records, subject to applicable legal protections.

18.3.1.2. Recommendation 2: Strengthen land reform administration.

Land reform programmes should have clear procedures, reliable status information, realistic implementation plans and appropriate support for qualifying beneficiaries.

18.3.1.3. Recommendation 3: Assess informal settlements systematically.

Municipalities and other responsible institutions should assess the legal, environmental, planning and infrastructure circumstances of informal settlements and identify appropriate lawful responses.

18.3.1.4. Recommendation 4: Improve the integration of planning and budgets.

Land development, housing, infrastructure and maintenance commitments should be aligned with applicable planning instruments and realistic financial resources.

18.3.1.5. **Recommendation 5: Strengthen procurement and contract oversight**.

Public bodies should maintain adequate records of procurement decisions, contract variations, payments, delivery and corrective action.

18.3.1.6. **Recommendation 6: Improve community participation**.

Affected communities should receive meaningful opportunities to participate in relevant planning, development and settlement decisions.

18.3.1.7. Recommendation 7: Promote environmental and water security.

Land development and resource extraction should be assessed against environmental, water, safety and sustainability requirements.

18.3.1.8. **Recommendation 8: Clarify institutional responsibilities**.

Relevant departments, municipalities and public entities should improve coordination while retaining accountability for their respective legal duties.

18.3.1.9. Recommendation 9: Improve access to remedies.

People affected by land-related decisions should receive appropriate information about complaint procedures, administrative appeals, legal assistance and other available remedies.

18.3.1.10. Recommendation 10: Publish measurable progress information.

Relevant public bodies should provide reliable progress information, subject to applicable legal requirements, to enable communities and oversight institutions to assess implementation.

These recommendations are proposed policy positions. Their implementation would depend on the lawful mandates, decisions, resources and responsibilities of the relevant institutions.

18.4. Priorities for AAAIC's Own Political Programme

18.4.1. Following formal adoption, AAAIC should translate this policy into a practical political programme.

18.4.2. The proposed priorities are:

(a) Develop public education materials explaining land rights, human settlements, municipal planning and public accountability.
(b) Identify priority land governance challenges in the communities where AAAIC is active.
(c) Establish a consistent process for receiving, assessing and referring community complaints.
(d) Prepare evidence-based submissions to relevant government departments and municipalities.
(e) Monitor public information concerning selected land reform and human settlement projects.
(f) Develop policy proposals addressing gaps identified through research and community consultation.
(g) Promote responsible land-use planning and environmentally sustainable development.
(h) Encourage transparent procurement and effective oversight of public expenditure.
(i) Review relevant legislation and court decisions when developing formal submissions.

(j) Report periodically to the appropriate party structures on progress, constraints and proposed corrective action.

18.4.3. The scope and timing of these activities should be determined by the competent party structures, taking account of available personnel, funding and technical capacity.

18.5. Final Policy Statement

18.5.1. AAAIC's proposed position is that land must be governed in a manner that recognises its historical, social, economic, environmental and constitutional significance.

18.5.2. The country requires land reform that delivers meaningful redress, human settlements that promote dignity, municipal planning that is financially and environmentally responsible, and public institutions that are transparent and accountable.

18.5.3. Neither historical injustice nor present-day hardship should be used to justify arbitrary conduct, unlawful dispossession, political manipulation or the misuse of public resources. Equally, the protection of existing rights should not be used to deny the legitimacy of constitutional land reform or the need to address historical disadvantage.

18.5.4. AAAIC therefore advocates an integrated approach grounded in constitutionalism, evidence, meritocracy, fairness, public participation and responsible leadership.

18.5.5. The ultimate objective is to contribute towards a South Africa in which land reform is effective, communities live in dignified and sustainable settlements, public resources are used for their intended purposes, and decisions affecting land are made lawfully, transparently and in the public interest.

Together Building a Fairer, Brighter and Prosperous South Africa Through Meritocracy.