

POST SETTLEMENT CHALLENGES FOR LAND REFORM BENEFICIARIES: THREE CASE STUDIES FROM LIMPOPO PROVINCE

**A mini-thesis submitted in partial fulfilment of the requirements for the
degree of Masters Philosophy (Land and Agrarian Studies)**



**Programme for Land and Agrarian Studies (PLAAS)
Faculty of Economic and Management Sciences
University of the Western Cape (UWC)**

May 2007

DECLARATION

I declare that '*Post Settlement Challenges for Land Reform Beneficiaries: Three case studies from Limpopo Province*' is my own work. All other sources, used or quoted, have been indicated and acknowledged by means of complete references. This thesis has not been submitted for a degree at another university.

Tshililo Justice Manenzhe

May 2007



Supervisor: Dr. Edward Lahiff (University of the Western Cape, South Africa)

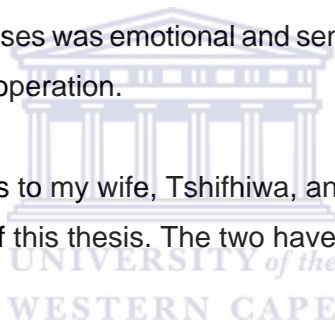
ACKNOWLEDGEMENTS

Many people have helped me in various ways to complete this thesis, and I thank them. I would like specifically to thank my supervisor, Dr. Edward Lahiff, who patiently read many drafts of this thesis. I am grateful for his support.

My gratitude goes to Nkuzi Development Association, my previous employer, for their support and for providing me with financial resources and time off for study purposes. I would like to extend my sincere appreciation to Mr. Marc Wegerif (Ex-director of Nkuzi) for his motivation.

I thank the CPA members who welcomed me into their houses, their ploughing fields and their meetings. I am grateful to them because, to the best of their abilities, they shared with me information which in most cases was emotional and sensitive. This study would not have been possible without their co-operation.

Special heart-felt gratitude goes to my wife, Tshifhiwa, and Arendwe, my daughter born a month before the submission of this thesis. The two have been an inspiration to me.



ABSTRACT

POST SETTLEMENT CHALLENGES FOR LAND REFORM BENEFICIARIES: THREE CASE STUDIES FROM LIMPOPO PROVINCE

Tshililo Justice Manenzhe

MPhil Mini-thesis (Land and Agrarian Studies)

This thesis presents a study of post-settlement experiences of land reform beneficiaries, with a focus on three case studies from Limpopo Province, South Africa. Since 1994, the South African government has implemented a land reform programme that aims to redress the injustices in land ownership patterns in the country. To date, land reform has managed to return some land to previously landless and marginalised individuals and communities. There is emerging evidence from a number of studies, however, that the period after land transfer (settlement) is the most critical because the success of land reform is not only measured by the number of hectares redistributed but also by the use that is made of the land acquired. This study includes a review of international and local literature on land reform with particular interest in what happens after land transfer and settlement. It is based on repeated field visits to the three research sites, on interviews with members of the Communal Property Associations (CPA) and CPA committee members as well as other external institutions. Field work was carried out between 2004 and 2006.

This study shows that after transfer of land, land reform beneficiaries are confronted by numerous challenges such as poor infrastructure on farms, group tensions, access to affordable inputs and lack of support from official agencies. These and other challenges ultimately hamper beneficiaries from making effective use of land. The study concludes that inappropriate planning and lack of post settlement support (PSS) are critical weaknesses in South Africa's land reform programme. Inadequate and inappropriate planning, and lack of meaningful consultation with beneficiaries, gives rise to negative community dynamics, a lack of institutional support and unco-ordinated service delivery. This absence of post-settlement support impacts negatively on land use and on the livelihoods of intended beneficiaries. The findings of this study point to the need for the state to rethink its strategy on post-settlement support and the involvement of a range of institutions, especially local government, in the post settlement stage of land reform.

Keywords

Communal Property Association

Land access

Land Reform

Limpopo Province

Livelihoods

Post Settlement Support

Redistribution

Resettlement

Restitution

Smallholder agriculture

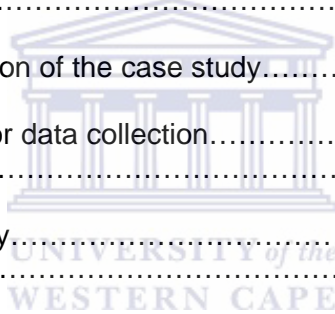


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LIST OF ACRONYMS AND ABBREVIATIONS

AALS	Affirmative Action Loan Scheme
ALRI	Area Land Reform Unit
ANC	African National Congress
BP	Business Plan
CASP	Comprehensive Agricultural Support Program
CRLR	Commission on Restitution of Land Rights
CPA	Communal Property Association
DLA	Department of Land Affairs
ESTA	Extension of Security of Tenure Act
FURS	Farm Unit Resettlement Scheme
IDP	Integrated Development Plan
LED	Local Economic Development
LDA	Limpopo Department of Agriculture
LRAD	Land Redistribution for Agricultural Development
LUDP	Land Use and Development Plan
MALA	Ministry of Agriculture and Land Affairs
NDA	National Development Agency
Nkuzi	Nkuzi Development Association
PLRO	Provincial Land Reform Office
PSS	Post-Settlement Support
RDP	Reconstruction and Development Program
RLCC	Regional Land Claims Commissioner
SADT	South African Development Trust
SL	Sustainable Livelihoods
SLAG	Settlement and Land Acquisition Grant
SSDU	Settlement Support and Development Unit

CHAPTER 1: INTRODUCTION TO THE STUDY

1.1. Introduction

Secure access to land and its productive resources is widely seen as one of the ways in which the rural poor can improve their livelihood and alleviate poverty. The South African Government's programme of land reform can therefore play a critical role in ensuring access to land by poor people who would not have it otherwise. The success of land reform in impacting positively on the livelihood of the poor is dependant on effective and productive use of the land concerned. Various studies undertaken in South Africa have indicated problems arising during the post-land transfer stage of project implementation.

Problems include drops in production, conflicts within the beneficiary institutions and an absence of complimentary services. In order to realise the benefits of land reform, it is therefore essential for the state and other development agencies to support new landowners who were previously dispossessed of their land. Deininger and May (2000) have argued that in order to appreciate the challenges facing the new landowners after acquisition of land, an understanding is essential of both the profound nature of discrimination that resulted from the apartheid policy and the limited capacity of land reform beneficiaries compared to their white farming counterparts.

Inequality in land distribution in South Africa is a direct consequence of a colonial legacy that saw land being appropriated from the black people. Various pieces of legislation were utilised to dispossess black people of their land; for example the 1913 Native Land Act and the 1936 Native Trust and Land Act. Southall (1982) states that the promulgation of the 1913 Land Act was done in order to secure the interests of white agriculture and immediately resulted in the removals of many black people from their own land as they were now regarded as squatters. Land dispossession in South Africa further contributed to the exclusion of blacks from the economy and made them beggars on white owned land.

In 1994, the Government of South Africa committed itself to the Reconstruction and

Development Programme (RDP), a policy framework to promote a fundamental transformation of the social, economic and moral foundation of South African Society (African National Congress, 1994). The Reconstruction and Development Programme (RDP) identified land reform as a key component of its programme of meeting basic needs and building the economy (ANC, 1994). RDP further regarded land reform as a central and driving force of a programme of rural development and set a target of redistributing 30% of agricultural land within five years of democratic Government. (ANC, 1994: 21-3). The ANC led Government, through the Department of Land Affairs, announced a land reform programme with three components entrenched in the Constitution of the Republic of South Africa:

- *Restitution*, which aims to restore land or provide comparable redress for rights in land which were dispossessed after 19 June 1913
- *Redistribution*, which responds to various needs and aspirations of people for land, in both rural and urban areas, in an equitable and affordable manner while at the same time contributing to poverty alleviation and national economic growth.
- *Tenure Reform*, which aims to upgrade the different land tenure arrangements currently restricting tenure security for the previously disadvantaged, in both urban and rural areas (DLA: 1997).

The White Paper on South African Land Policy included in its strategic goals the promotion of economic growth and poverty reduction through land reform (DLA, 1997). Various authors have argued for the integration of land reform with wider developmental activities. Lipton et al. (1996) argue that the success of land reform in its contribution to rural development internationally is rooted in the incorporation of what they call the 'four reforms' in rural development: the distribution of land, agricultural research, rural infrastructure (including education) and markets.

Such a holistic approach to land reform is imperative in order to provide solutions to issues of rural development through access to land. Based on Lipton's 'four reforms' approach, access to land, without other complimentary measures, is unlikely to contribute to development and poverty alleviation. Such thinking is central to the spirit of the South African White Paper on Land Reform (DLA,1997), in which poverty alleviation and

enhancement of peoples' livelihood strategies are given priority in South African land reform.

Institutions, internal or external, as well as social and economic relations are critical in land reform: change in *material factors* such as land, water infrastructure, technology and knowledge could help poverty reduction. Change in material factors implies changes in the *social and economic relations* as well as in *institutions* that give the poor greater control over their environment. It is evident that access to land alone is not enough, further investment by the state in support of beneficiaries is extremely important.

Speaking specifically of the South African context, Kepe and Cousins (2002) argue that provision of complementary services and investment in both land reform and wider rural development are needed from state and non-state development agencies. Supporting communities engaged in land reform projects cannot be achieved by an individual entity but a more collective effort is required from a variety of role players. Lahiff (2001) argues that a major challenge in restitution as a programme of land reform is inadequate infrastructure development, poor service provision and unrealistic business planning. He further argues that there is no clear linkage with the national, provincial and local Governments programmes of development.

In line with the concept of sustainable livelihood (SL) which is central to much of contemporary development discourse and poverty alleviation, access to land as an asset, should be complemented by skills of beneficiaries and other resources in order for the beneficiaries to secure a livelihood from the land acquired, A definition of livelihood by Chambers and Conway emphasizes that a livelihood comprises the capabilities, assets (stores, resources, claims and access) and activities required for a means of living, and it is sustainable when it can cope with and recover from stresses and shocks and maintain or enhance its capabilities and assets both now and in the future, while not undermining the natural resource base (Chambers and Conway, 1992: 7-8). The concept of SL extends beyond just production activities. Access to land and provision of other assets, for example, all the five capitals/assets (Human, Social, Financial, Natural and Physical assets). This concept clarifies the context within which poor people live and how they sustain themselves through available resources.

Land reform should allow for a range of settlements and not only confine new land owners to adopt a status quo of newly acquired farms which are mostly commercially run by individuals. Such commercial farms do not in most cases address the needs of the rural poor who need land for small-scale family farming. Most black rural communities, who are now landowners as a result of settled land claims or redistribution projects, were in the past marginalised and excluded from the mainstream economy therefore they lack skills and capacity to run big commercial farms. Their skill and technology is sufficient for small family farms.

Under current South African land reform policies, beneficiaries are encouraged to use the land provided on large-scale commercial basis. It therefore remains a challenge for new owners, the Government and development agencies involved in land reform to ensure that beneficiaries of land reform effectively manage and use land productively without compromising the multiple needs and aspirations of the intended beneficiaries.

The new South African Constitution (Act 108 of 1996, Section 25) clearly identified the need for land reform to address the legacy of the past Government based on racial discrimination. In a similar vein, the Reconstruction and Development Programme (RDP) has identified land reform as a key component of its programme of meeting basic needs and building the economy (ANC, 1994). The White Paper on South African Land Policy (DLA, 1997) articulates cases for land reform and among its aims are to underpin economic development, improve household welfare and alleviate poverty. Academics and land rights activists have raised the question of the absence of post-settlement support as a critical gap in South African land reform, thus undermining the developmental potential of land reform (Lahiff 2001; Hall 2003; Wegerif 2004).

Lahiff (2001) argues that there is no consistent co-ordination of Government support to new land owners and therefore provision of such post-restoration support by the Government remains a critical question in South African land reform.

1.2. Objectives of the study

This mini-thesis is an in-depth study of three case studies from Makhado local municipal area, Limpopo Province. It attempts to explore the experiences of land reform beneficiaries after they had acquired land through South African land reform programme, with a focus on design of projects, and post-settlement support. This research attempts to answer the following questions:

- i. How did these identified CPAs acquire their land?
- ii. What are the land use patterns in land reform projects?
- iii. How do communities organise post-signing of the settlement agreement?
- iv. What are the successes or failures of these specific land reform projects?
- v. What support if any is provided to land reform beneficiaries after land transfer and how it is coordinated?
- vi. What are the challenges for redistributive land reform in South Africa?

The study has the following specific objectives:

- i) To document experiences of land reform beneficiaries post-land acquisition.
- ii) To study how they are able or why they are not able to use the land acquired.
- iii) To investigate what support is available to land reform beneficiaries and from whom.
- iv) To identify different challenges confronting land reform beneficiaries as well as agents of state regarding post-settlement support.
- v) To evaluate the success or failure of the three CPAs, based on land use, future planning and community internal organisation.

1.3. Research design

1.3.1 Rationale for the selection of case studies

This study has adopted the case study method in order to understand the experiences of land reform beneficiaries after the settlement agreement has been signed. The areas

selected for these case studies are: Munzhedzi, Shimange, and Mavungeni Communal Property Associations (CPA). These property associations represent a range of conditions including different types of former land ownership, different types of land use after settlement of land claims or acquisition of land through SLAG. In one of the CPAs, community members returned to the land before the Minister of Agriculture and Land Affairs had handed it back to them legally. The investigation of the driving force for land occupation in this case was pivotal for this study and how the occupation of the land had addressed their needs for land and what form of support was provided to them.

Three of the cases studied were communities who were awarded land through land restitution as a component of the South African Land Reform, with exception of Mavungeni which has a SLAG component. These communities have registered three distinct Communal Property Associations (CPAs) with the Department of Land Affairs. The identified CPAs are located in the same geographical area and their land claims were facilitated together as a cluster. The settlement of their claims on 02 March 2002 was marked by the celebration of the signing of settlement agreement. Since then these communities, or part of them, have been on the land, either using it for a range of initiatives including residence, cattle farming, dry land cropping and arable land under irrigation, poultry and pig farming. These communities consist of people who used to live close to one another sharing most of the resources available or at their disposal before the removals. These groups are comprised of two dominant ethnic groups in the Makhado Municipal area i.e. Tshivenda speakers and Xitsonga speakers and the majority of the people are poor and unemployed. All the three CPAs have support of a local land rights NGO, Nkuzi Development Association, which currently runs a project on Promotions of Sustainable Livelihoods (PSL) in Limpopo.

It is beneficial to use them as case studies this research because:

- The original land was restored to the communities and the Department of Land Affairs has policies in place to support land beneficiaries.
- The land claims settled are rural claims affecting more than 2 000 households and there is a varied complexity in terms of community and institutional dynamics.
- The Limpopo Department of Agriculture has forged working relations with the office of

the Regional Land Claims Commissioner for Limpopo to support these beneficiaries regarding land use.

- The Munzhedzi CPA land is now fully occupied as residential land. It remains a big question whose decision it was for that form of land use as opposed to other means of productive use of land.
- In Shimange and Mavungeni, large tracts of land are still not being fully utilised.
- There are different development agencies involved in these projects.

It is almost six years since the land was acquired and this study documents the challenges of the post-settlement stage under South African land reform. Similar issues in these case studies are: delays in release of planning and restitution discretionary grants, complex institutional arrangement, and delays in finalisation of the business plans.

The involvement of the local municipality in these case studies is also interesting for land reform because of the current policy debates on the role of local Government in land reform and area-based land reforms (territorial approaches). Makhado Municipality was directly involved in negotiations because the land that was awarded was part of the municipal land proclaimed for township development as an extension of Vleifontein Township. This study provides an opportunity to look into the plans of municipalities for land reform beneficiaries and Issues of conflicts within the CPAs. External disputes around boundaries for communities also form part of this study which therefore brings to the fore the role of Government in general in supporting use and development of land redistributed under its land reform programmes.

1.3.2 Summary of methods for data collection

In this study, desk top study (literature review) was done, entailing reading widely about the subject and related fields so that this study could address wider debates in land and agrarian reform. The literature review involved an international study of experiences regarding implementation of land reform. This work focused on both secondary and primary data, some of the latter including minutes of meetings and correspondence with Government departments found at the office of Nkuzi.

To complement the literature review, fieldwork was conducted between the years 2004-2006 with land reform beneficiaries, Government officials, and NGO workers. All the three sites were visited to introduce the research project to the people involved and ask for permission to interview them and conduct the research. The study followed the use of structured and semi-structured interviews with land reform beneficiaries, and key informants. Unstructured interviews and observations during community meetings were also undertaken. In addition, focus group meetings with the committees of CPAs and the commodity groups were undertaken. The focus group discussions helped the researcher to confirm what had been raised by the individuals and key informants. These activities made it easier to document the institutional aspects of the community, community profiles and issues around access and control of resources by the members of these communities/CPAs.

In summary, the whole study was undertaken between end of 2004 and 2006. Six interviews were also conducted with key informants representing RLCC, Department of Agriculture, Makhado Local Municipality, community leaders and NGO (Nkuzi Development Association). In addition to the key informants, representatives of nineteen households spread across the sites were interviewed. 7 households from Shimange, 8 from Munzhedzi and four households from Mavungeni were interviewed. These were followed by interviews with three CPA leaders and three focus groups were conducted with CPA committee members and commodity groups/farmers in each case study. In addition to interviews conducted at community level, repeat visits and observations in community meetings and of their activities were also a major part of the methodology for this study. These methods which complemented one another enabled the author to gather rich empirical data on the post-settlement phase of land reform in the three land reform communities.

1.3.3. Ethical Conduct

Ethical considerations for this research were important because data was gathered through interviews with members and representatives of identified case study communities. Interviewees' request for anonymity was accepted and their identity protected. Undue

pressure on interviewees to divulge information was avoided. The information gathered is to be used purely for academic purposes.

1.4. Significance of the Study

What happens after the delivery of land to the majority of landless people in South Africa is a critical issue for land reform. Policymakers, civil society, land reform beneficiaries and Government officials should engage on these issues because in many cases the success of land reform is judged by what happens when land is given to the poor people who previously did not have access to it. This issue is important not only because of the amount of time and money that Government is putting into the implementation of land reform, but also because of the people of South Africa whose livelihood is dependant upon having access to land and its productive resources. If land reform is well planned and implemented it has the potential to contribute to local economic development and fight poverty through its multiplier effect.

Such discussion is important in Limpopo where most of the land is rural and being claimed by black communities. When it comes to planning for local economic development, land becomes the most critical resource as the province's economic pillars are agriculture, mining and tourism (all of which are dependant on land). It is the intention of this study to contribute to the debate around the state's role in post-settlement support and efficient land use. It is hoped that findings from this study will contribute to informing policy makers and planners in how to develop a coherent strategy for post-settlement which does not exist at the present stage.

1.5. Outline of the thesis

The thesis is organized into five chapters, including this introductory Chapter 1. The remaining chapters are as follows:

- **Chapter Two:** This is mainly a literature review of debates around post-settlement issues drawing on international experiences. It also presents some of the debates

regarding land transfer and the challenge of post-settlement in South Africa.

- **Chapter Three:** This chapter introduces the case study area by means of a historical background of the area. In addition it provides a motivation for the use of the methodology during this study.
- **Chapter Four:** This is the main chapter of this study as it presents and analyses the findings of the case studies.
- **Chapter Five:** This concluding chapter addresses the wider implications and challenges of post-settlement that have emerged from the findings in the previous chapter.



CHAPTER 2: REVIEW OF LITERATURE ON POST-SETTLEMENT CHALLENGES IN LAND REFORM

2.1. Introduction

Following the democratic elections of 1994, many South Africans expected the Government to do a great deal in terms of redressing the injustices of the previous regime, including land reform (Hall, 2004a: 213) The Government after a period of engagement and debates decided on a programme of land reform in which it would play a leading role.

In terms of the *White Paper on South African Land Policy* (DLA, 1997) land reform aims to contribute to economic development by giving households the opportunity to engage in productive land use and by increasing employment opportunities through encouraging greater investment in the rural economy. Since the commencement of the implementation of the land reform programme, debate has centred on the slow pace of land reform, particularly on settling land claims and securing tenure rights for farm dwellers. To date only a small fraction of the target of 30% of agricultural land has been redistributed (Hall, 2004a: 214).

Among other issues raised by academics and landless people is the challenge of post-settlement in South African land reform. It is generally acknowledged that there has been acceleration in the settlement of restitution claims in the second term of the democratic government (1999-2004). Many of the restitution claim involved restoration of land. Critical issues raised by academics and critics of land reform include the following; programmes which were limited to the mere transfer of land were generally associated with limited equity. However, major investments in complementary investment, training, technical assistance, and provision of resources beyond the land transfer are fundamental to attainment of greater equity and efficiency benefits (Deininger 2003; Hall 2003; Lahiff 2001).

This chapter presents the debate around land reform and what happens after land transfer. The post-settlement stage under land reform is a critical one because the success of land

reform is not only measured by the number of farms and hectares redistributed, but also by what happens when people are on the land. In concluding the chapter I argue that there must be a development of a coherent strategy for post-settlement in land reform, including devolvement of powers to local authorities such as municipalities. Such devolvement could be implemented along the lines of integrated area-based focus in land reform with clear vision for the area, realistic planning and provision of adequate post settlement support service.

2. 2. International Perspectives on Land Reform and post settlement

Land reform is generally understood as the redistribution of rights in land for the benefit of the landless, tenants and farm labourers (Adams 1995: 1). Ghimire (2001: 3) takes the definition further by stating that it involves a significant change in the agrarian structure resulting in increased access to land by the rural poor and security of land rights and titles. He further includes improvement in production structures e.g. access to agricultural inputs, markets and services such as extension, training for small farmers, rural workers and other beneficiaries during the post-land reform period as forming a critical part of land reform. Among reasons for advocating land reform and tenure security is that access to land by the rural population should be seen as being an essential human right and showing respect for human dignity, it also provides the rural poor with the possibility of access to shelter, food, employment and improved livelihood.

In the international arena, land reform was propelled on to the development agenda in order to destroy the undemocratic concentrations of power which was based on skewed patterns of land ownership. After the Second World War, land reform in the international setting, particularly Japan, Taiwan and South Korea, was executed in the model of land-to-the-tiller (Bruce: 1993). In this model, tenants became owners of the land that they had previously farmed as tenants. Griffin et al (2002) argue that these countries had common characteristic of scarcity of land, high incidence of tenancy and unequal distribution of land, therefore land scarcity became the basis for land distribution rather than shunning away from land redistribution. Land reform was based on buying land from those who owned more land than the law entitled one to own.

The examples of China and Vietnam were more radical. The transition from collective to private models of cultivation has been associated with large increases in productivity, as in the cases of China (McMillan et al., 1989; Lin, 1992) and Vietnam (Que, 1998; Ravallion & van deWalle, 2002). In the period between the 1960s and the 1970s there was a strong move to undo the concentration of land ownership through land reform in the Latin America with the aim to move people off the *latifundia*¹ (Griffin et al., 2002).

Bernstein (2002) argues that the starting point for land reform is rooted in the exploitation of the peasants or landless workers by the owners of landed property. In most cases land reforms were brought about by the actions of social movements and labour organisations leading to upheavals, rebellions and other forms of protest. Examples of struggles that led to fundamental changes in the agrarian property regimes are Russia and Mexico in the early twentieth century; Eastern and South-eastern Europe and China in the interwar period, Bolivia in the 1950s, Vietnam and Algeria in the 1950s and 1960s, Cuba and Peru in the 1960s and Nicaragua in the 1970s and 1980s.

2.3. Approaches to land reform

Ghirmire (2001) argues that land reform has taken a variety of approaches, including expropriation of large holdings and their redistribution to the landless; and the restitution of land rights previously removed by dominant groups. According to Adams (2000: 5), among recent approaches to land reform is a market-assisted land reform that has involved much participation of foreign donors. This is known as negotiated land reforms.

The primary mode of redistributive land reform over the last decade has been market based land reform (MBLR) and debates have revolved increasingly around the merits and demerits of this approach. This approach has been favoured by the World Bank on the basis that it is compatible with its economic policies and those of the IMF (EI-Gohemy 1999: 106). It was also based on the need to avoid top-down state interventions, promotion of land markets and general deregulation of the economy (Wegerif 2004: 6). The risk of landowner

¹ Latifundia: large landed estates

resistance to the forced seizure of land is argued to be counter productive to land reform hence MBLR. Efforts to set up maximum landholding sizes have been hard to enforce and have negative effects such as the inability to use land as collateral for accessing loans from the bank (Deininger, 2003: 124-126). It is further argued that the market based land reform approach offers an efficient way to enhance equity in asset distribution. What is also seen as a merit for the market based approach to land reform is the liberalisation of the agricultural sector to remove distortions in various land and agriculture related markets. It has been argued that liberalisation will lead to a de-concentration of land holdings since distortions have favoured larger holdings than the optimal size, (Deininger 2003: 155; Borrás 2003: 372). However, Binswanger and Deininger (1996: 71) argue that the land market cannot be expected to lead to an efficiency- enhancing redistribution of land because poor farmers who do not have much equity cannot acquire land even if they have access to mortgage credit. This is because of market prices which are higher than the production value of the land. Therefore the role of the state is to provide grants to subsidise buyers.

Critiques of market-based approach have argued that it will not lead to substantial change in land redistribution., e.g. South Africa, Brazil and Colombia tried market based approaches but key problems have emerged such as the slow pace and low scale of land delivery and land purchased have not been cheaper as it is with the state led land reform (Wegerif, 2004: 8; El-Gohemy 1999: 117-119). According to Griffin et al, (2002: 321) market friendly land reform is a non-starter, if land redistribution is based on free market prices major redistributive land reforms are impossible.

The scope of land reform in most countries includes some mix of access to land and formalisation of land rights and entitlements, as well as improving post-reform production structures and livelihoods (Ghimire, 2001: 7-10). Ghimire argues that the scope of land reform varies from country to country, or even from locality to locality. In most Latin American countries, Southern Africa and a few Asian countries such as Philippines, large landholding persist and fertile land is concentrated in the hands of a few. It therefore prevents prospects for acquisition of land by the poorer peasants and rural workers. Ghimire (2001) argues that when such people are provided with land and support, they could be assisted to move out of poverty through land use initiatives that increase household income

and food security.

2.3.1. Perspectives of Land reform in the context of Southern Africa

Throughout southern Africa, issues of access, use, ownership and control of land have become critical to debates around political and economic development. In the post-independence era of many countries, equitable distribution of land became a major political issue which could not be ignored. For example, in the 1980s and 1990s, proposals for redistributive land reforms in Zimbabwe, Namibia and South Africa grabbed the headlines.

According to Toulmin and Quan (2000: 267-8) policy debates in southern Africa have focused on two strategies, namely promoting freehold land markets to replace so-called customary tenure zones, and expanding commercial farming through market mechanism. At the core of the land reform debate in the region are fundamental issues such as: Is land reform simply to transform the racial ownership patterns of existing farms, or are the creation of livelihoods and reduction of poverty for the landless the central goals? Or both? Should programmes be targeted at larger-scale black farmers or poorer landless individuals who could become small farmers?

In Namibia in 1990, approximately 52% of arable land was held under freehold title under whites, while 48% remained in the communal lands. Namibian land reform sought to bring about equitable land distribution, promote sustainable economic growth, and reduce poverty and lower income inequality. Currently two main redistribution programmes are being implemented, i.e. Farm Unit Resettlement Scheme (FURS) accommodating small-scale farmers and the Affirmative Action Loan Scheme (AALS) targeting large-scale farmers who were previously disadvantaged. However, it is difficult to measure progress in land redistribution (FURS) and no realistic and uniform official targets exist. In terms of AALS, no specific targets has been placed, As opposed to FURS, AALS is demand driven and is limited by funding made available by Government to Agribank.

Table 1: Redistribution of freehold land in Namibia, 1980 -2005

Year	Type of acquisition	No. of Farms	Total freehold area (ha)
1980-1990	Representative Authorities	181	980 260
1991-2005	Resettlement	163	993 841
1992-2005	Affirmative Action Loan Scheme	625	3 470 000
	TOTAL	969	5 444 101
	Total Freehold area		36 000 000
	Percentage of freehold area		15

Source: RoN 1991: 126; PTT 2005b

The table above indicates the slow pace of land redistribution which is attributed to a number of factors: inflated land prices (ascribed to the willing seller willing buyer principle), the low quality of farms offer to Government for acquisition, a lack of accredited valuation institutions and prolonged negotiations (RoN 2002: 245). A study by Werner (2003) identified post- settlement support as being a critical gap in Namibian land reform. They identified shortage of important farm management skills and also cited lack of capital, tenure insecurity and lack of agricultural extension service and unreliable water points as being critical issues that needed to be addressed. After 17 years of land reform, challenges still remain, i.e. the pace of redistribution, absence of post settlement support and services for FURS and AALS and has been identified as a constraint obstructing beneficiaries from deriving full benefits from their land.

According to Toulmin and Quan (2000: 285) land ownership was central to the battle for independence in Mozambique. At independence in 1975, nearly all colonial settlers left the country and all land was nationalised. The 1979 and 1986 Land Laws permitted individuals to title their land and established titles issued by Government as being the only mechanism for foreign access to land. Mozambique was able to deal with the issues of land ownership when they passed the July 1972 law that allowed the state to lease land to individuals, companies or communities for up to 100 years. Land laws were revised seven years ago in

a fusion of formal and customary law that recognises written contracts as well as traditional tenure systems. Buildings can be privately owned but all land is owned by the state. Permission can be secured for 50-year renewable leases. Previously when buildings were sold, owners had to go through a lengthy reapplication to acquire permission to lease the land. Under the new law, land leases automatically transfer with building sales. It protects the rights of farmers who inherit land without formal land leases, makes it easier for commercial users to obtain legally binding land leases, and guarantees the rights of women to inherit and own property on their own.

In Zimbabwe, the land question was high on the political agenda in the 1980s, dormant for much of the 1990s, but bounced back into the limelight in 1999. Palmer (1990: 163) argues that land prominently featured in the elections which Robert Mugabe called on the eve of the 10th Anniversary of Independence. According to Moyo (1995) the re-emergence of land reform on the development agenda in the mid 1990s and the re-launching of the resettlement programme in Zimbabwe mark the latest phase of a dialectic relationship between peasants, Government and global institutions. Post 2000, land reform in Zimbabwe has been characterised by what was called “land invasions” which is a generic term used to denote a negative view of politically organised trespassing of farms led by war veterans. The amendment of the constitution and the land acquisition act reflected a major formal effort to challenge the imposed rules on colonial land property rights. Kinsey’s (1999: 173-177) account of Zimbabwe’s land reform is that it involves approaches that emphasise uniform family based holdings (Model A), collective co-operatives (Model B), and links between satellite producers and centralised commercial crop and livestock production and processing (Model C). It also includes efforts to devise an approach to resettlement to suit the needs of populations in the semi-arid parts of the country (Model D).

South Africa has the highest land inequalities in the region, and land reform formed an important part of the political negotiations during the transition to democracy and the adoption of a new Constitution. The policies adopted by the democratic Government since 1994 are based on using land reform as a means of fostering national reconciliation and stability, economic growth and development. This is to be achieved through a multiple programme of land restitution, redistribution and tenure reform (Toulmin and Quan 2000:

2.3.2. The context of the South African land reform

South Africa is characterised by enormous inequalities as a result of the policies of apartheid implemented by the previous regime. According to Levin and Weiner (1991: 92) there were approximately 82 million hectares of agricultural land in the country, divided into 60 000 commercial farm units in white ownership, while over 13 million people, the majority of them poverty-stricken, lived in the 13% of the national territory that constituted the former 'homelands'. This was the kind of skewed pattern of land ownership that the democratic Government of South Africa inherited. The people of South Africa expected fundamental transformation of property rights after 1994.

Bernstein (1996) suggests that the agrarian question of South Africa is both 'extreme and exceptional'. His example of these in the South African situation is based on the fact that in the world there is an extreme distribution of income and poverty associated with it. Furthermore, South Africa has the most extreme distribution of land: 60 000 white farms occupy 86% of the total land area (85, 8 m ha) of which 10 6 million hectares is under arable cultivation. On the other hand 14 million people in the Bantustans occupied land equivalent to one-sixth of that fenced by white farms. The extreme conditions of life in the former Bantustans and severely constrained availability of, and access to, the means of farming underlie much of the consideration of South Africa's exceptional agrarian question and what makes it exceptional. He argues that the policies of the segregation and apartheid eras excluded blacks from the main economy by reducing them, legally, to be sources of cheap labour. The social and political order of the day promoted and safeguarded the interests of white commercial farmers. The majority of the oppressed were trapped and lived in poverty within the 'homelands'.

In the early 1900s black farmers were progressing well and accumulating wealth through the use of land, thereby competing with the white farmers. Southall (1982) argued that there was a need to do away with African peasantry and thus induce peasants to seek wage

labour.. This could be achieved by dispossessing peasants of their land. The Government passed the 1913 Native Land Act in order to establish the principle of land segregation and define the boundaries of the 'native reserves'. The 1913 Native Land Act restricted blacks to 7% of the total land area of the Union of South Africa. Other policies and laws such as the 1923 Stallard Commission and its resulting legislation, the 1936 Native Trust Land Act which set limits upon land available to blacks (the native reserves) by expanding the native reserves to 13.8 percent of the total land area of the Union (Baldwin 1975, Southall 1982; Legassick and Wolpe 1976).

The application of the apartheid policy in 1948 and other legislation in the 1960s e.g. the Group Areas Acts of 1950 and 1957, the Native Resettlement Act of 1954, the Native Trust and Land Amendment Act of 1954, led to mass removals of many people from what was called the white South Africa (Baldwin, 1975). Due to land dispossessions black people were led into different kind of poverty, unable to farm for themselves since they were reduced to being a source of labour without any ownership of land. In the "homelands/Bantustans" they lived in the marginal lands with lack of access to the market opportunities, credit facilities, infrastructure and other services to which their white counterparts had access. Land became one of the major issues for people involved in the struggle against white domination (Platzky and Walker: 1985).

(a) The Three Legs of the South African Land Reform Programme

Prior to the elections in 1994, the African National Congress stated in the Reconstruction and Development Programme that land reform was intended to redress the injustices of forced removals and the historical denial of access to land (ANC; 1994). It would ensure security of tenure for rural dwellers, eliminate overcrowding and supply residential and productive land to the poorest section of the rural population. The South African Land reform has its base in the South African Constitution Act 106 of 1996, particularly Section 25 (5), (6), (7). The 1997 White Paper on Land Policy sets out the Government's land reform programme based on three components, all of which are provided for in the Constitution. The three legs of the programme are as follows: land restitution, land redistribution and land tenure reform (DLA 1997).

Land Restitution: Restitution deals with claims lodged in terms of the *Restitution of Land Rights Act, 22 of 1994*, under which a person or community dispossessed of property after 19 June 1913 as a result of racially discriminatory laws or practice, is entitled to lodge a claim for restitution of that property or comparable redress. It thus tackles the injustices of apartheid most directly (DLA 1997). By the cut-off date in 31 December 1998, 63, 455 claims by communities, households, groups or individuals had been lodged, of which about 80% are urban. Due to the splitting and merging of claims, the total number reported by the end of 2003 was 72 975 claims (Hall 2003: 21). With the shift from a purely judicial to a more administrative way of settling land claims in 1999, there has been an increase in the number of land claims settled. By 31 August 2004, 56 650 land claims at the cost of R1 557 648 437 were settled (Hall, 2004: 13). Between 1994 and June 2006, the restitution process has been able to deliver 1 007 247 ha of land to claimants (DLA; 2006). Most of the land claims remaining are complicated rural claims while those already settled were mainly urban claims that received cash compensation. Of the settled land claims, 59% accepted financial compensation, 5% obtained alternative remedies and 36% involved land restoration. Hall (2003) argues that to date there has thus been little impact on changing patterns of property ownership and property rights in South Africa.

Land Redistribution: During the period 1994-1999 land redistribution policy aimed at providing the disadvantaged and the poor with land for residential and productive purposes. A single mechanism of a maximum grant of R16 000 per household was used to purchase land from willing sellers. Land redistribution took several forms, including group settlement combining housing with some production; group production; commonage schemes; and on-farm settlement of farm workers and farm worker. A range of additional financial resources supported the basic grant, such as a planning grant and facilitation and dispute resolution services. The approach was application based and did not involve the prior acquisition of land by the state for subsequent resettlement (i.e. in the language of South African land policy, it was demand rather than supply driven). Because land was both relatively costly and unavailable in small parcels, people wishing to acquire land with the grant had to form themselves into groups to acquire land.

Since 1999, a new policy called Land Redistribution for Agricultural Development (LRAD) has been in operation. Its focus is to create 70 000 new black commercial farmers by 2017. LRAD has little emphasis on smallholder agriculture and poverty alleviation, and critics have argued that it lacks a pro-poor approach. Hall et al (2004b) argue that redistribution is no longer an anti-poverty endeavour but an attempt to change the racial profile of the large-scale commercial agricultural sector. Since 1994 redistribution's contribution to land delivery amounted to 1 477 956 ha.

Land Tenure Reform aims to provide people with secure tenure where they live or farm, to prevent arbitrary evictions and fulfil the constitutional requirement that all South Africans have access to legally secure tenure in land. In order to address the tenure insecurity of labour tenants and farm worker, specific legislation has been enacted and is being used to prevent evictions by owners of the commercial farmland on which these categories of people live. *The Land Reform (Labour Tenants) Act, 1996 (Act No. 3 of 1996)* provides for the protection of the rights of labour tenants and gives them the right to claim land. *The Extension of Security of Tenure Act (ESTA)*, of 1997, aims to protect people who live on land with the consent of the owner or person in charge against unfair eviction and to create long-term tenure security through on-or-off-site settlement assisted by a Government grant and the landowner. According to Cousins (2002: 13) the impact of these rights-based legislations has been more limited than expected, partly because of capacity constraints on the part of the state and partly on the inability of poor farm dwellers to access legal services. A survey project carried out by Nkuzi Development Association and Social Surveys in South Africa has found that between 1994 to the end of 2004, 942,303 people were evicted from farms out of a total of about 2,351,086 who had been displaced from farms through various means (including voluntary exit) (Wegerif et al. 2005, 45-47).

Cousins (2002: 15) argues that tenure insecurity in the communal areas of South Africa takes two forms: a relatively small number of high profile cases where conflicts and contestations over land rights are explicit and obvious, and a larger number of chronic, low profile situations where lack of clarity and certainty are constraining land-based livelihoods. *The Interim Protection of Informal Land Rights Act (IPILRA)*, 1996 (Act No. 31 of 1996) was passed as an interim measure to protect people in the former "homelands" against abuses

of their land rights by corrupt chiefs, administrative measures or property developers who fail to consult the occupiers of affected land, while a new more comprehensive law was being prepared. IPILRA was designed as an interim measure for two years but it was renewed in 1998 and 1999, while a new law was being prepared. In February 2004, The Communal Land Rights Act 11 of 2004 was passed by Parliament and was signed into law by the President on 15 July 2004, but has yet to be implemented. The act empowers the Minister of Land Affairs to transfer ownership of communal land to communities, to be held under a new order of rights, whose content is not yet defined (Hall 2004c: 49).

The table below indicates the performance of the State in terms of land delivery across all land reform programmes:

Table 2: Total land transfers under South African land reform: 1994 -2006²

Programme	Ha	Contribution in %
Redistribution	1 477 956	43.8
Restitution	1 007 247	29.9
State land disposal	761 524	22.6
Tenure Reform	126 519	3.7
TOTAL	3 373 326	100

2.4. Perceived challenges in South African land reform

It is widely acknowledged that there are immense challenges facing land reform implementation in South Africa. Among the challenges are the following: the slow pace of land delivery failing to meet the expectations, market based land reform operating on the willing seller willing buyer approach and failure to realise development benefits from land reform emanating from post settlement support.

The first term of the democratic Government in South Africa has been characterized by slow delivery of land reform. This has been attributed to the fact that it was a period of 'tooling up' through policy making, consultation and building of delivery institutions (Hall 2004). For

² Adapted from a power point presentation made to NEDLAC by the DDG for the DLA 24/08/2006

example, the statistics around the number of land claims settled fails to elaborate that most of the land claims were settled with cash compensation and only 6% of rural land claims had been dealt with by 2005. During the National Land Summit (2005) the dominant issue that was put forward for discussion was that the notion that land reform should not be based solely on the willing-seller willing buyer approach, but other means of proactive land acquisition were emphasised. Reflecting on the international experience, it was evident that markets on its own are unable to alter the pattern of ownership effectively in favour of equity for the targeted beneficiaries of land reform. This is confirmed by the experience of South Africa in the 11 years of land reform implementation (MALA 2005).

Van Zyl et al (1996: 13) argue that the success of a land reform in South Africa should be tested against its ability to address equity in land distribution and livelihood upgrading, reduction of poverty, creation of rural employment and income-generating opportunities. Van Zyl et al further argue that in the post-settlement era, issues around sustainability, improvement of livelihoods of beneficiaries, creation of employment etc. are critical. It is evident that land access is just one factor but there has to be complementation of the land access with the support services so that the success of land reform can be realised. According to Van Zyl these services existed for a certain target group in the past and now these services have to be reoriented towards land reform beneficiaries. These services include research, extension, information, credit, input provision and output market.

Involvement and participation of beneficiaries in the planning of infrastructure and services is a critical element in land reform. (Van Zyl & Binswanger, 1996: 415). Binswanger (1996: 24) has in addition raised a challenge around ignoring women and farm workers, which he describes as the greatest mistake happening in various parts of Africa. Where land reform has been implemented in ignorance of these marginal groups (farm dweller/workers and women), it has resulted in loss of jobs.

The challenge for land reform is in the planning and the design of agricultural and rural development strategies; and for the design of support services and credit programmes. Van Rooyen & Njobe-Mbuli (1996: 470-471) argue that different groups of farmers have different needs. Therefore needs of farmers, marginal groups such as women and farm workers

should be prioritised when designing programmes and projects. Involvement of beneficiaries in planning for their projects and livelihoods security creation is critical.

There is also a need for the development of shared strategic vision for transformation and institutions and the provision of resources for fundamental agrarian reforms. What sort of change is foreseen in the countryside, large commercial farms or small family farms? Globally, Binswanger argues that there were misconceptions about the early agricultural development, for instance, an assumption without empirical evidence that large farms are more efficient than small ones. He argues that large farms are often well managed with technically efficient, high volumes of output, yet their economic costs of production exceed that of small enterprises that rely primarily on family labour. Production on large enterprises tends to be capital intensive and generates relatively little employment whereas small farms use an input mix which relies much more on labour than on capital and thereby generates relatively more employment (including self-employment) than do their large counterparts.

According to Van Zyl et al. (1996) beneficiaries' ability to make effective and productive use of land acquired during land reform will depend among other things on construction of complementary infrastructure suitable for smallholder agriculture; change in the pattern of utilisation of land; and clear delineation of responsibility for production outcomes. In many cases lack of capital prevented beneficiaries from significantly increasing the efficiency of production. Whether workers are turned into beneficiaries/ owners does not make a great difference. In scenarios where workers become owners as in equity schemes, it is true that an incentive is created for them to make effective use of land (Van Zyl et al. 1996: 151). Van Zyl et al. argue that workers, now owners, are not accustomed to making independent entrepreneurial decisions because of lack of prior exposure to such levels of decision making. This is a constraint that is particularly important if realising the benefits of land reform is an ultimate goal. Realising land reform benefits requires significant modifications to crop patterns or marketing arrangements.

According to Cousins (1999: 60-61), post-apartheid South Africa has inherited a legacy of massive inequalities in both income and access to services, with the worst poverty being located in the rural areas. Resources, particularly natural resources from the communal

range lands, are important in the livelihood strategies of rural people. When we deal with aspects of rural livelihoods we need to consider these issues. Cousins (1999) continues to argue that rural livelihoods are multiple, diverse and dynamic and are often aimed at managing risk, reducing vulnerability and enhancing security. Livelihoods strategies thus involve maintaining complex social and economic relationships across a number of levels, both locally and internationally. These strategies link individuals, family members, social networks and community institutions, and sometimes involve participation in a variety of both local and more distant markets. As mentioned above, livelihoods strategies are also institutionally mediated, this can be particularly complex where land tenure is communal in character and many resources are found on the commons. Clarity of roles for stakeholders and role players is important in order to prepare properly for post-restoration issues arising out of implementation of a settlement. Criticism has been expressed that the Department of Land Affairs (DLA) and Regional Land Claims Commission (RLCC) does not take sufficient account of post-settlement issues when negotiating settlements especially in rural areas (Cousins 1999: 61).

According to Lipton & Lipton (1993) South Africa has more advantages than the rest of the Sub-Saharan Africa because there are more qualified agricultural researchers in the public sector than in the rest of Sub-Saharan Africa. But the research and extension systems, though exceptionally developed, are also misdirected towards lowering the production costs of the capital intensive, large-scale farmers. Research and extension systems focus on the crops, regions and activities that benefit wealthy white farmers, their clients and suppliers, at the expense of black employees and smallholders. Privatisation of agricultural research has also increased the risk for the rural small holders because demand for research is dependant on the distribution of land and power within agro-rural areas.

As a result, Lipton & Lipton argue, the distortions caused by apartheid on the technical and research base of South Africa's agriculture have to be reformed. Many countries in sub-Saharan Africa were dominated by the land policy issues in their post-independence and little attention was given to the question of how to generate dynamic, smallholder technology and research. In South Africa it is assumed that the existing research is suitable for efficient growth on post-independence smallholdings or even labour intensive large black-run farms.

In Sub-Saharan Africa such assumptions have been falsified. Smallholder technology issues such as irrigation, fertiliser use, suitable seed varieties and activity mixes, and overall crop risk reduction, development of stock, horticulture and other non-staples are critical.

2.5. The Challenge of post-settlement support under South African land reform

DLA (1997: 16) distinguishes between the equitable distribution of land and the provision of complementary support services. Recent studies have shown that land reform beneficiaries experience numerous problems regarding access to complementary services such as infrastructure support, farm credit, agricultural inputs, training extension advice and access to markets for farm outputs and ploughing services and also assistance with productive and sustainable land use (Hall,2004; HSRC,2003, Wegerif,2004). According to Jacobs (2003) land reform in South Africa since 1994 has helped some rural poor people to gain access to land for a range of purposes but land-based livelihoods strategies and support after land transfer has been neglected by the state. Vink and Kirsten (2003) argue that land reform beneficiaries and small scale farmers have been left alone struggling with access to services. Various academics have argued that the challenge for land reform in South Africa is the absence of clear and coherent strategy on post-transfer support (Hall, 2003; Jacobs, 2003; Lahiff, 2000; Wegerif, 2004).

Absence of post-settlement strategy has resulted in the Government getting private companies to assist communities to manage their farm in the name of strategic partners. Derman et al. (2006) have argued that strategic partnership arrangement is in simple terms privatisation of post-settlement support.

The South African land reform programme, particularly restitution (with its deadline for 2008) is expected to restore vast amounts of land, including prime agricultural land, to previously disadvantaged communities and victims of land dispossessions. This presents a mammoth task of provision support to the new farmers and settlements that will be created by land reform. DLA (2004) has identified issues such as the use of intermediaries in the process of land reform, design agents (consultants) involved in business planning and design of projects for the new land owners. Lahiff (2006) has amongst others identified the problem of inappropriate design of most land reform projects as a weakness in South African land

reform. The Minister of Agriculture and Land Affairs has in November 2005 presented to Parliament information that 70% of land reform projects in Limpopo Province were dysfunctional. She found poor design, negative dynamics within groups and non-existent post-settlement support as major causes for this collapse of land reform projects³.

Hall (2003: 18) has also added that absence of post-settlement support has led to serious problems of the new owners of land being unable to use land as a basis for their livelihoods. She further identified institutional support to legal entities as another key area of support for land reform beneficiaries. Andrew et al (2003: 22-23) have argued that weak institutional capacity and conflicts have a direct, debilitating impact on the ability of beneficiary groups to develop and implement land use management strategies and make productive use of their resources such as the acquired land. In *Rural Restitution*, Hall (2003: 16) argues that there are a lot of contestations on decisions on land use and how such decisions are made. In addition general problems regarding representations and feedback to the community in general, and access issues have been seen as a problem for weak and dysfunctional institutions.

A survey by DLA (1998) known as Quality of Life, has found out that, critical support services such as production loans, agricultural extension, infrastructure, and project management training were identified as being important for the sustainability of land reform projects. In similar veins Jacob (2003) identified key functional areas of support for land reform beneficiaries; namely, extension services (farming advice), skills development and capacity building; including training and mentoring programmes, financial assistance in the form of grants and credit to assist with farming operations, infrastructure support such as irrigation and fencing, and access to markets ranging from local sales which are mainly informal to marketing arrangements with commodity organisations.

Various studies have found that post-settlement support is a key weakness in South African land reform. A land rights NGO, Nkuzi Development Association undertook a plot project to do alternative approaches to land reform. In its Area Land Reform Initiative Report, Nkuzi (2003) argues for a need to shift from emphasis on pre-project planning to an integrated

³ "Didiza offers reasons for Limpopo Failures", in *Farmers Weekly*, 18 November 2005

strategy for post-land transfer support, where pre-settlement and post-settlement planning becomes part of the implementation of land reform. Nkuzi (2003) also argues that a critical challenge for post-settlement support is the co-ordination of services for land reform beneficiaries. The report argues for a need to decentralise roles and responsibilities to the local sphere of governance e.g. Municipalities for co-ordination of services. Various studies have also indicated that the problem in co-ordination stems from poor communication between the National Department of Land Affairs and the National Department of Agriculture, resulting in a rigid distinction between land delivery and agricultural development (Jacobs 2003; Hall et al 2004).

Current land policy assumes that local Government will be the leading role player in service delivery after the transfer of land to beneficiaries (DLA 1997b). Yet local Government policies and programmes give only marginal attention to this. Across the countries many land reform beneficiaries are unable to access municipal service such as water, sewerage, electricity and roads after land transfer. This has been exacerbated by the confusion in the local government as to whether the local municipalities are allowed to provide services on private land or whether they are not obliged to do so (Jacobs, 2003: 19-20).

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Land use management poses another challenge for post settlement under South African land reform. A study by Campbell et al. (1997) found that rural communities in Southern Africa are no exception to other rural dwellers in the developing countries in procuring varieties of natural resources for household consumption and/or sale. The situation is equally true for the rural beneficiaries of land reform. Hassan (2002) argues that state agencies internationally accord a low value to natural resources in people's livelihoods. He argues that it is evidenced by the fact that these items are not accounted for in development plans and land reform projects. Most of the business plans that the beneficiaries of land reform are required to develop with the assistance of the consultants outsourced by the Government are usually orientated along commercial farming lines with little or no account for natural resources (Shackleton, 2001). In the post-transfer period, a key challenge is that planners and policy makers should begin to appreciate the importance of natural resources to rural people so that rural reforms do not fall short of meeting the needs of the people these are supposed to support.

The impact of HIV/AIDS on land-based livelihoods is hardly documented. But the pandemic poses a critical challenge for land reform. According to Andrews et al (2003: 16), it may be that a head of household with indigenous knowledge is affected by the disease and dies without passing on the knowledge necessary for the household survival. Such knowledge should include which crops are most suitable for which area and which season, what natural resources can be harvested and when or what is the most sustainable way of harvesting certain natural resources.

2.6. Conclusion

The post-settlement challenge in land reform is presented in this study as a critical issue that may potentially undermine the development goal of land reform, particularly of restitution. This chapter has argued that land reform is more than just distributing land but requires changes in the agrarian structure, improvement in production structures and power relations. Speaking specifically for South Africa, post-settlement support has been identified as a critical gap in South Africa. A comprehensive integrated programme of land reform is needed to ensure that the benefits of land reform are realised by the majority of the beneficiaries.



CHAPTER 3: INTRODUCTION TO THE CASE STUDIES

3.1. Introduction

This chapter provides an introduction to the case study area. Background information about the selected case studies and their locality is clarified under this chapter. In an attempt to undertake a close analysis of post-settlement stage in South African Land Reform, this chapter provides a brief summary of land reform and progress made in the Limpopo Province. The chapter also outlines methodology and tools used for data collection. It further elaborates the rationale for the choice of tools and methods used in the research process.

3.2. Background to Limpopo

Limpopo Province is 123,600 KM² in size, bordered by Zimbabwe to the north, Mozambique to the east, and Botswana to the west and the South African provinces of Gauteng in the south, Mpumalanga in the south-east and North West in the south-west (see figure 1. Map of Limpopo). It is the fifth largest province in South Africa in size and the fourth largest in population, with about 5.3 million people. Around 2.4 million are male, and 2.9 million female. More than 97% are black African, 0.2% are coloured, and 0.2% are Indian or Asian, with 2.4% being white. Limpopo Province is one of the most ethnically diverse provinces in South Africa, with different groupings such as the Venda, Sotho, Shangaan, Ndebele, Tswanas and Swazis. Its capital Polokwane has about 130 000 inhabitants; other economically important towns are Phalaborwa, Thohoyandou, Musina, Tzaneen and Makhado.



Figure 1: Map of Limpopo Province

Official unemployment rate of Limpopo is 48.8%, with only 22.7% of adults of working age having jobs. Nationally unemployment rose dramatically from 33.9% in 1996 to 41.4% in 2001⁴. A closer analysis shows only 22.7% of the population between the ages of 15 and 65 actually have work. This situation is compounded by the fact that nearly half of the 5.3 million population is under 15 or over 65 years of age. The agricultural sector is the largest employer outside Government employing 118 261 people. Many of these people and their families live on the farms. Others live on the farms, but no longer work there. It is common in the Limpopo Province for families to live for generations on one farm.

The Limpopo Province comprises three “ex-homelands” of the apartheid Government, namely, Lebowa, Gazankulu and Venda (See figure 2.). People were forced to live separately in these areas on the basis of their ethnicity. Land dispossession and forced

⁴ Figures are based on Stats SA's Census 2001 and 1996 Agricultural Survey.

removals, for the purpose of consolidating these homelands, were the basis of many restitution claims. Overcrowding in these areas resulted in land degradation and the development of rural slums, with residents having little possibility of entering into paid employment. The large-scale exodus of men to the industrialised centres of Gauteng in search of work compounds this situation. As a result, over 55% of the province's population is female.

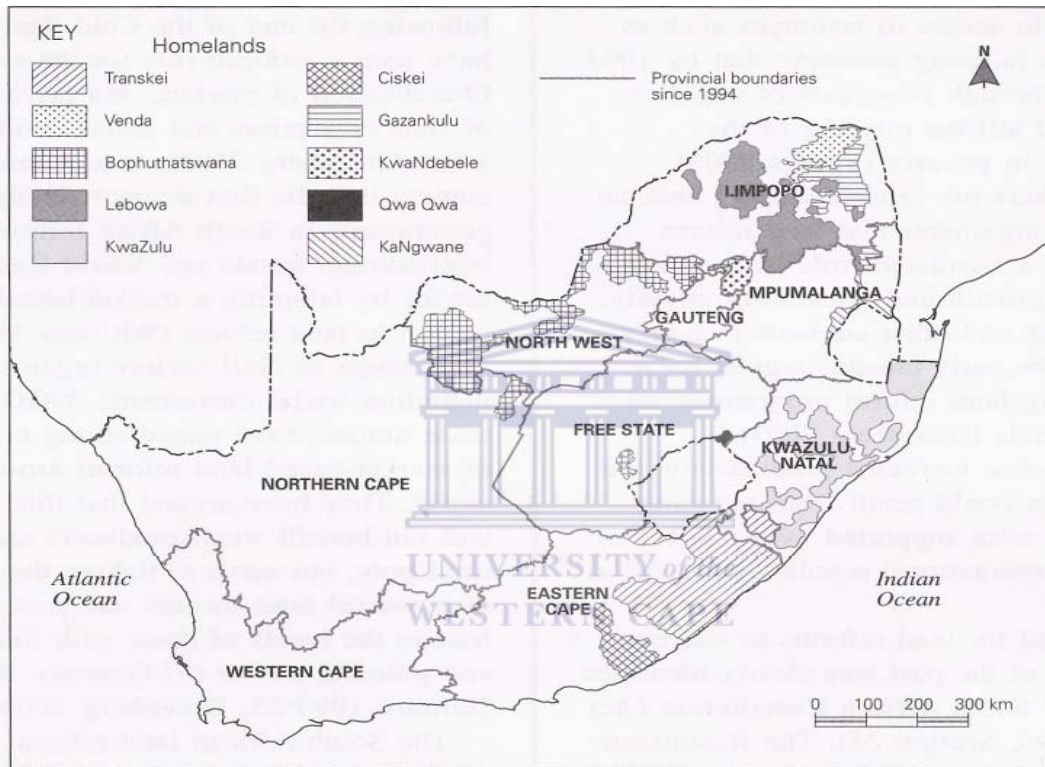


Figure 2: Map of South Africa (indicating homelands location)

Limpopo Province has a varied geography, rainfall and soil fertility. In the fertile areas, agriculture is the main source of income; maize is the main crop, with fruit, vegetables, tea and cereals grown where possible. The majority of commercial farms are white-owned. Cattle and game farming are mainly practiced in the western and northern parts of the province, where the rainfall is too low for cultivation.

3.2.1. Case study area

The case studies researched are located within the Makhado Municipality. Makhado municipality incorporates the previous three Transitional Local Councils, namely, parts of Nzhelele-Tshipise, Hlanganani-Mulima-Vuwani-Tshitale and Louis Trichardt. In terms of the spheres of Government in South Africa, Makhado is a local Government located within the Vhembe District Municipality of Limpopo Province. It is found in the North to the North-Eastern part of Limpopo Province. The Municipality is mainly inhabited by Venda, Afrikaans, English, Tsonga and Northern Sotho speakers.

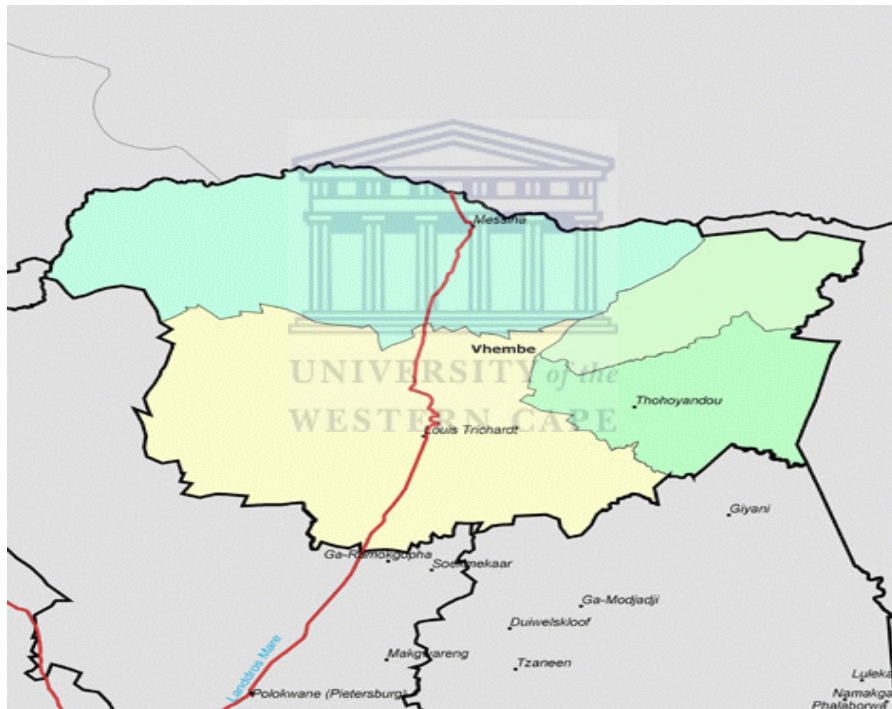


Figure 3. Map of Vhembe District (Makhado, Musina and Thulamela Municipalities)

The total population of Makhado Municipality is about 522 350, growing at about 1.4% per annum (Urban-econ, 2004). The total female population is 53.1% and male is 46.9%. 80% of the workers in the area earn less than R3 200.00 per month. The economy of the municipal area is largely driven by Government and trade. There is a 21.9% unemployment rate in Makhado. About 35% of the labour force has no education (Urban-econ, 2004).

The research focused not three settled land restitution claims projects in Makhado Municipality. The office of the Regional Land Claims Commissioner based in Polokwane facilitated these land claims. Communities, currently registered as Communal Property Associations (CPAs), had lodged land claims on properties that are close to one another. These properties were state land which formed part of the former Venda Homeland. As a strategy to fast track the process the RLCC grouped the claims and negotiated settlement for all three distinct land claims. The settlement was agreed and signed simultaneously by the Minister of Agriculture and Land Affairs on 2 March 2002. By the time the land was restored to the original owners it was under utilised and infrastructure like buildings, dams and fencing was already damaged and not functional, except for a portion of land given to Mavungeni. That portion had already been acquired by part of the Mavungeni community through the Settlement and Land Acquisition Grant (SLAG) from the Department of Land Affairs (DLA). This was because it was privately owned and the owner had maintained it until he left after the purchase of the farm.

3.2.2. Land dispossessions in the case study area

Lahiff's (2000) account of land dispossessions in the Soutpansberg area states that the arrival of the first *trekkers* in the Zoutpansberg areas had a direct impact on the dispossession of the inhabitants of the Zoutpansberg area (Lahiff: 2000). Most of the white settlers arrived in the Zoutpansberg in the 1820s. In 1836 there were parties from the Afrikaner *Great Trek* led by Louis Trichardt, Andries Hendriek Potgieter and Johannes van Rensburg arrived there in search of a land route to Lourenco Marques. Most of them died of malaria or at the hands of the local inhabitants. Their first settlement was at Schoemansdal which is 15 Km beyond the present Louis Trichardt which was founded in 1848. Rivalry over diminishing trade and attempts to subjugate the Venda chieftaincies are believed to have contributed to the outbreak of war in 1867, when the Venda forces led by Chief Makhado defeated a Boer commando under Paul Kruger and destroyed the town of Schoemansdal. The Boers retreated to Potgietersrus and Marabastad and later to Pietersburg.

Christian missionaries came to the area in the 1870s, for example Lutherans from the Berlin Mission Society established themselves in the Tshivhase in 1872, Tshakhuma 1874,

Mphaphuli in 1877 and Presbyterian Missionaries from the Swiss Mission gained converts among the Shangaan-speaking population and established missions in Valdezia (1875) and Elim (1879). They also took large tracts of land from the local inhabitants (Lahiff: 2000).

The death of Makhado and his succession by Mphephu in 1895 was followed by disputes among the Venda chiefs. Against this background, the Boer commandos were able to infiltrate the Venda territory crossing the Mhohodi River and erecting a laager with an iron roof at Tshitandani (Rietvlei) which later became Louis Trichardt. In November 1898 a Boer commando under Joubert with the support of the Swazi and Shangaan fought Mphephu who retreated to Rhodesia, returning in 1901. The town of Louis Trichardt was established in 1899 and became the centre of an increasing white presence in the far north.

Following the South African war (1899 – 1902) the Venda people were disarmed by the new British administration and the area was divided under three native commissioners' areas, namely; Louis Trichardt, Spelonken and Sibasa. In 1902 the first native commissioner was stationed in Sibasa. Most of the land particularly in the south and the western part was thrown open to white settlers and a greatly reduced area was delimited as native locations for leading Venda chiefs. The areas were subsequently scheduled under the terms of the 1913 Native Land Act, meaning they were reserved for black occupation only.

Forced removals began only after white settlers had established themselves in the early 1900s. In most cases black people were not immediately removed because there were only a small number of settlers and absentee landowners in the area. Settlers were eager to have cheap labour and sizeable number of the original inhabitants was allowed to remain on the farms as unpaid labour tenants. Nonetheless, restrictions on the amount of land available to tenants for their own cultivation and on the number of livestock they could keep and also demand for unpaid labour from men, women and children lead to a steady flow of members moving from the households of the labour tenants on the so called white farms into the increasingly overcrowded reserves.

The administration of the reserves was mainly done by the commissioners, magistrates and officials of the Native Affairs Department until 1948 when the National Party Government

came to power and established a system of tribal administration in the reserves while at the same time continuing to deny them political and economic rights in the white South Africa. The native policy of the National Party Government found a base in the system of tribal authorities. In the Venda area the first tribal authorities were established in 1954. In 1962 the National Government created three territorial authorities - Thohoyandou, Matshangana (later called Gazankulu) and Lebowa. The divide and rule policy of the state started here. The process of homeland consolidation and boundary fixing continued through the late 1970s and into the 1980s. As a result tribal consciousness became a problem with the tribal authorities and with homeland consolidation. After the establishment of homelands, forced removals from the farms escalated. The forced removals were not only confined to white farms but also included people living on mission stations.

3.2.3. Land Reform in the case study area

Land reform in the study area has experienced setbacks like the rest of South Africa. It was slow to start and in many cases resources were limited. Under Restitution, 11 745 land claims were lodged by the cut off date (31 December 1998) in Limpopo and Mpumalanga. After the separation, records indicate that by 2002 there were 5 809 land claims lodged for Limpopo and 6 473 for Mpumalanga (Hall, 2004a). According to the RLCC Limpopo, consolidation of land claims resulted in 3 654 land claims recorded. By June 2006, the 2 542 of the 3 654 claims had been finalised and 1 112 were left (DLA, 2006). Most of the land claims were settled by cash compensation. The RLCC is determined to complete the remaining claims by the year 2008. Speaking generally about restitution Hall (2004a) argues that Limpopo and the Eastern Cape provinces are the poorest provinces in South Africa with a high number of rural claims. These may be difficult to deal with and time consuming.

Land redistribution is well understood in terms of bridging the gap between the 87% of the land dominantly owned by the white commercial farmers and the 13% in the former Bantustans. Post 1994, most land transfer under the Government Land Reform programme has been through redistribution, with restitution contributing only less than a third of the total. A small portion has been transferred to farm dwellers or under tenure upgrade. By 2004 there were 98 LRAD projects registered in Limpopo, with the total of 44 425 hectares

of land transferred to 668 beneficiaries. With regard to the SLAG projects, Limpopo registered 77 projects with land transfers of 45 181 ha to 6 714 beneficiaries as at 2004 (Hall, 2004a). There is no information available for Limpopo regarding the implementation of farm workers share-equity schemes and commonage projects (Hall, 2004). There is growing evidence of high tenure insecurities in the homelands; the Communal Land Rights Act has not been implemented yet.

According to Wegerif et. al (2005) Over 940 000 people are employed on farms either on full or part time. This indicates that many people are resident and make a living from the farmlands that they do not themselves own. Farm workers and dwellers are among the poorest South Africans. Wegerif et al (2005) found that in Limpopo, as in the rest of South Africa, there is no working system to monitor evictions, yet evictions and ill treatment of farm dwellers and workers is the order of the day.

3.3. Methods used for data collection

Bulmer & Warwick (1983) define a case study approach as a technique that involves an in-depth study of a particular milieu rather than a random sample of individuals drawn more widely. This research has adopted a case study method in order to gather information about the unit of analysis. The researcher relied on a repertoire of methods to gather data. Such methods include major techniques such as those outlined by Silverman (1993) namely; observation, analysis of text and documents, interviews, recording and transcribing of data. These methods were used in complement to and not in competition with each other.

There is little literature about the case studies identified, as a result primary sources were studied such as project reports and any documentation about what happened after the claim was lodged up to the present moment after the settlement. This helped the researcher to understand the issues before beginning fieldwork. Key informants for this research were community members/project members who were organised into focus groups (various projects groups, women, youth, CPA committee), officials from the provincial departments of agriculture and land affairs, the Regional Land Claims Commission, NGOs such as Nkuzi, and officials from the Local Municipality.

3.3.1. Rationale for methodologies used for data collection

This is a qualitative study of post settlements challenges in land reform. Qualitative methodologies have been used - for example interviews and primary and secondary literature reviews were made. Straus and Corbin suggest that qualitative methodology allows a researcher to produce findings not arrived at by statistical procedures or other means of quantification. Some of the data may be quantified but the bulk of the analysis is interpretative. For instance some information was gathered through interviews and observation, techniques normally associated with qualitative methods. However, information gets coded in a manner that allows them to be statistically analysed.

The following is the rationale for methodology used in this study:

- Due to the nature of the research problem, it required the researcher to interact with the unit of analysis through methods and techniques mentioned above so that first hand information is obtained.
- Observation of events when and as they happen provided an external person with the opportunity to gather information about those unsaid issues regarding a particular group. Through conventional research methods it is difficult to learn feelings, thought processes and emotions.
- Because there is not a lot written about the case studies, much of the information for the Case studies comes from interviews with community members hence qualitative methods are useful when there is an exploration of substantive areas about which little is known.

3.3.2. Analysis and interpretation of data

In order to assist in the synthesis of data gathered, data collected was broken up into manageable themes, patterns, trends and relationships as Mouton (2001) suggests. It helped the author see emerging trends and establish themes in the data. Analysis of data used for this study is both qualitative and quantitative. It involved use of statistical tables to

analyse data while analysis of respondents' perceptions, beliefs, behaviour, attitudes and aspirations was done.

Contrasts and comparisons of issues from the three case studies identified were carried out in order to draw common issues and trends emerging across case studies.

3.3.3. Limitations of the methods used

Interviews were solely dependant on the information provided by the respondents. The author has been involved in the facilitation of the land claims for these case studies through Nkuzi Development Association, an NGO that played a critical role in the support of communities during the lodgement and facilitation of these land claims. Therefore information provided is a true reflection of what is happening at the community as the author has an insight into the matters of these CPAs. However because of his prior involvement with Nkuzi and being sympathetic to CPAs, the information might not be surfaced as it should be but show much biasness to the communities.

Observation of the events within the community was dependent on the availability of such events. If events were not organised, nothing could be observed.

3.4. Conclusion

This chapter presented key issues of the study by way of introducing the case study area, the type of study, methods and techniques that were used for data collection, analysis and interpretation of data. It concluded by summarising some of the important limitations for the study.

CHAPTER 4: PRESENTATION OF CASE STUDY FINDINGS

4.1. Munched Communal Property Association

(i) *Historical background*

Munzhedzi is the name of a community that resided in the former Venda homeland, in the area of Nthabalala. Nthabalala was one of the sons of Thovhele Rasithu Ravele Ramabulana, who was granted the area known as Nthabalala after his father's death in 1864. Munzhedzi is one of the sons of Nthabalala and was granted jurisdiction over land that was later registered as the farm Vleifontein 310 LS, and parts of the farms Syferfontein 85 LT and Diepgezit 390 LS (Nkuzi, 1998).

In 1936, the South African Government introduced the labour tenancy system in the Northern Transvaal in order to require all African people to render labour on white farms in exchange for permission to stay on farms. As a result most of the African people who resisted working on farms under such terms were dispossessed of their rights to land. Similarly those black people on Vleifontein 310 LS and Diepgezit 390 LS who resisted serving under the labour tenancy system were forced to vacate their land from around 1936. In 1965/6 people who remained on the land were given final notices to leave because those farms were meant for white occupation only. In the late 1970s, following a change in policy regarding the homeland establishment, the Government bought those same farms in order to expand the Venda homeland. While the land was acquired by the state (SADT), and the former white owners compensated, the land was never formally incorporated into Venda and remained largely unused state land for many years. In 1982 part of Vleifontein 310 LS was proclaimed the Township of Vleifontein and was intended to accommodate victims of forced removals, mainly Venda speakers from Tshikota (an older township adjacent to the 'white' town of Louis Trichardt). The rest of Vleifontein 310 LS, along with Syferfontein 85 LT and Diepgezit 390 LS, remained in the hands of the state (Nkuzi: 1998).

Following the passing of the Restitution of Land Rights Act 22 of 1994, Munzhedzi

community under the leadership of headman T.J. Munzhedzi, organised themselves to lodge a land claim. On the 1st February 1998, they formed a land claims committee⁵ and lodged a land claim with the Commission on Restitution of Land Rights (CRLR) on the 22nd July 1998⁶. Originally, properties claimed by Munzhedzi were Vleifontein 310 LS, Diepgezit 390 LS and Syferfontein 85 LT but Syferfontein 85 LT was not awarded to Munzhedzi for reasons explained below.

The initial enthusiasm of the claimants to pursue their claim through the legal route was frustrated by lengthy bureaucratic delays in the processing of the claim, and lack of consistent communication from the office of the Regional Land Claims Commissioner. Loss of confidence in the official process, and pressure from within the community to address the people's need for land, resulted in members of the community, led by their headman, to occupy the land prior to the formal settlement of the claim [Nngobo, 22/12/2004].⁷ A small group of disgruntled members of Munzhedzi community and some landless people from outside Munzhedzi, under the leadership of headman T.J. Munzhedzi, moved onto the claimed land and the demarcated residential land in 1999 and started constructing shacks.

This became the new Munzhedzi settlement on western portion of Vleifontein 310 LS and Diepgezit 390 LS. Reasons given by the land occupiers for taking this action were the slow processing of their land claim and the belief that the Makhado Local Municipality was planning to proclaim land west of Vleifontein Township (within the Munzhedzi's ancestral land) as an extension of the formal township. They alleged that the Municipality had proclaimed that new low-cost housing ('RDP houses') would be built on the land⁸. The local municipality denied that they were going to proclaim the land for the extension of the township, saying they were aware of the land claim and supported land access by the previously disadvantaged communities [Muvhumbe, 03/04/ 2005].

Headman T.J Munzhedzi was the first to erect a shack together with a few claimant

⁵ Minutes of meeting for Munzhedzi Community dated 1st February 1998

⁶ Munzhedzi Land Claim Form dated 22 July 1998

⁷ This style of reference indicates a personal interview, showing the surname of the informant and the date of interview e.g. [Nngobo, 24/12/2004].

⁸ Report of the meeting between Nkuzi and the Munzhedzi Land Claims Committee, dated the 15/10/2000.

households. The majority of the claimants did not go to the land in the initial stage of land occupation because some members had already established themselves elsewhere and awaited assistance from the Government to build them new houses, and some had been threatened by the interdicts from the Municipality. As a result, headman T.J. Munzhedzi allocated land to anyone from the area that needed land, in order to gain supporters and reduce the chances of removal [Nngobo, 22/12/ 2004]. Efforts to remove the community were resisted by the new settlers. In 2001, the office of the RLCC Limpopo responded by settling the land claim with the return of 1 204 ha of land to the Munzhedzi community, consisting of 486 named members and their dependents⁹.

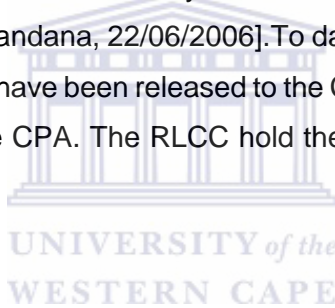
The Settlement Agreement entered into between the Munzhedzi CPA and the Minister for Agriculture and Land Affairs on behalf of the state added to the restored farms, Zwartfontein 392 LS. Zwartfontein 392 LS was given as an equitable compensation for the loss of land on Vleifontein 310 LS which is currently a formal Vleifontein Township. Syferfontein 85 LT could not be given to Munzhedzi because claimants of Munzhedzi and Shimange (a neighbouring claimant community) reached an agreement on property description for claimed land, leaving Syferfontein outside Munzhedzi boundaries.

The settlement agreement provides that the DLA will release grant-in-aid funding (Restitution Discretionary Grants – RDG and Settlement Planning Grants - SPG) to assist the Munzhedzi CPA to develop their property. The Settlement agreement is silent on the amount of grants available and what the land could be used for. However these grants could be calculated as follows: the total number of claimants eligible for the RDG was 486, according to the claimant verification list, each of whom qualified for a grant of R3 000, yielding a total of R 1 458 000; the SPG was calculated on the basis of R1 140 per claimant, yielding a total of R 554 040 [Nkatingi, 22/11/2006]. These grants were to be paid to the CPA, and to be used for planning the settlement as well as assist in establishing development projects.

⁹ Settlement Agreement: Minister of Agriculture and Land Affairs and Munzhedzi CPA,02/03/2002

The settlement agreement reached in terms of section 42D of the Restitution of Land Rights Act, 1994 accepts that the claim by Munzhedzi is valid and the community has a right to restoration of land rights. It makes the following concrete proposals: formation of a Communal Property Association, restoration of land rights and transference of the land to the CPA. A section on development assistance was included in the settlement agreement, which outlined the release of planning grants, RLCC negotiating with the Makhado Local Municipality, Limpopo Department of Agriculture and Department of Local Government and Housing to support the CPA in accessing all necessary grant available in order to assist in land development¹⁰. All the other responsibilities by default fall in the hands of the RLCC to finalise in co-ordinating the settlement.

Since the signing of the Settlement agreement, communication between the community and the RLCC has broken down, “we write many letters to the RLCC and no response is received from the office” [Mushandana, 22/06/2006]. To date, April 2007, no business plan has been developed, no grants have been released to the CPA and even the title to the land has not been transferred to the CPA. The RLCC hold the community responsible for the delay.



“At Munzhedzi the RLCC is not able to provide the necessary support because they have opted to built houses before the RLCC could assist them in development of a formal settlement; the CPA is dysfunctional with the traditional leadership taking authority of the community” [Shilote, 02/08/2006].

The RLCC argues that the land is fully occupied, and there is nothing to plan for. What they are contemplating on doing perhaps with the local municipality is to work on formalising the existing settlement. However internal dynamics such as conflicts and dysfunctionality of the CPA plays a hampering role and until the CPA is organised, the RLCC will be able to carry out its work and provide support services such as formal settlement planning, provision of water and electricity.

¹⁰ Settlement Agreement: Minister of Agriculture and Land Affairs and Munzhedzi CPA, 02/03/2002

Delays in the implementation of the settlement agreement resulted in an influx of people from Makhado and elsewhere, who were allocated housing stands on the claimed land by Headman Munzhedzi. Most of the people did not have an understanding that there was proposed development plan for the land, or the role of the CPA (of which they were not members) [Kwinda, 06/06/2005]. While there were 486 members registered as claimants during the process of claimant verification, currently there are approximately 1 500 residential sites allocated in Munzhedzi and approximately 90% of these are occupied. The reason for the increase in the number of resettled families is because there was a huge demand for land from people from the nearby Munzhedzi village and elsewhere. In addition to the land needs, the son of the late headman saw this as an opportunity to make money by accepting anyone who was able to pay some dues for land allocation leading to a rapid increase in the number of residential sites.

(ii) *Claimants/Beneficiaries' land needs and aspirations*

Munzhedzi community land claim was based on the desire to regain land that was wrongfully taken from them, but was also driven by a variety of current needs, such as land for settlement purposes that many people relate to. Those who were members of household that were victims of dispossession viewed Munzhedzi as their own land and felt that they were returning to their own land. They wished to rebuild the Munzhedzi community which the apartheid dispossession destroyed when members of the community were scattered all over the former Venda, Gazankulu and Lebowa homelands. Hence the headman took the lead in rebuilding the settlement with the initial occupation of the land [Mushandana, 22/11/2005].

According to Mr. Nngobo [22/11/2004], some of the places where most of the claimants live, in and around Nthabalala are hilly, with poor soils and little rainfalls. Their former land at Munzhedzi is fertile and closer to the places where people from the community work:

“On our previous resettlement at Nthabalala, one could hardly get a piece of land for production purposes, we need this land in order to grow food, plough orchards,

grazing for our livestock” [Phaswana, 20/11/2004].

“We needed our land so that we can feel as persons of worth, full of dignity and have sense of ownership” [Nngobo, 22/11/ 2004].

At Nthabalala, Munzhedzi community members were always regarded as foreigners, and were granted little land for settlement or for farming. They aspired to develop a residential area, with a multiple land uses such as backyard gardens, orchards, ploughing fields, and group farming projects. These were to contribute to addressing poverty alleviation and food security as well as providing living space.¹¹

Spiritual factors, including unrestricted access to places where their ancestors were buried, were also included among the reasons given by claimants for wanting to return to Munzhedzi. The need to conduct rituals on the land where their ancestors are buried is a critical aspect in the spirituality of the community. When headman T.J. Munzhedzi passed away in 2003, he was buried on the land where his forefathers were buried, i.e. Munzhedzi. According to the Chairperson of the CPA committee, Mr. Mushandana, this was one of the main reasons the headman fought for access to this land. It was his wish while he was alive to be buried one day on their original land.

The main aspirations for Munzhedzi by the claimants were to establish income generation projects that would last and make profits. Their initial plan was to start such projects with grant funding from the Department of Land Affairs and other sources of grant funding such as those proposed by the settlement agreement. Such projects as poultry farm, a pig farm and vegetable garden were the most popular within the community. Some of the members of the community wanted land to plough mealies and plant orchards. They also expected to create job opportunities within the community through the above-mentioned projects. However, challenges such as lack of financial resources, poor community organisation and “lack of interest from the Government on this settlement” have dented their hope for development. Only a small poultry and pig farm are running and only a handful of people are

¹¹ “A resolution regarding land settlement options” dated 01/03/2001.

participating in those projects, the majority have given up.¹² These projects are running at a minimal scale with little return for the active members because they have not received any income from the pig farm since the project started.

Generally, members of the Munzhedzi community aspire to see a developed community that has all the social amenities and was safe place to stay. They wish to see the development of infrastructure and services such as electricity, water, roads and streets, sports grounds, schools, clinics and shops [Malesa,10/12/2004]. At the time of this research no such infrastructure development had taken place and it was not clear what the way forward was. People did not have water, and still had to collect it from the nearby township. The CPA attributes all failure to the inability of the Government to provide services such as provision of water, housing or schools.

(iii) Land ownership and institutional/organisational arrangement

At Munzhedzi, the land administration is handled by a number of institutions, namely headman Munzhedzi, the Nthabalala Tribal Authority, under which the headman falls, and the CPA as the would-be legal owner of the land. The municipality may also play a role in approving applications to establish business premises (e.g. a shop) on the land. All these institutions have an undefined stake in the administration of land at Munzhedzi; often these roles are confused, resulting in a clash in terms of interests and approach.

In 2002 Munzhedzi community registered a Communal Property Association with the Department of Land Affairs in terms of the Communal Property Association Act of 1996.¹³ The registered CPA was intended to become the legal owner of the acquired land, holding it on behalf of its members. The institution of a CPA was chosen over a trust because it was seen as more participatory and democratic in nature and allowed all members to be involved in decisions relating to the land. However, no land was transferred to the community, what exists at Munzhedzi is the weaker form of tenure existent in many rural settlements in the former homelands.

¹² CPA focus group discussion report dated, 23/12/2005

¹³ Munzhedzi CPA registration certificate.

The CPA act requires a community to have a written constitution to guide the running of the CPA. Munzhedzi undertook a process of drafting a Constitution for its CPA with the assistance of Nkuzi (local land rights NGO) and the Limpopo office of the RLCC. The main objective of the association is to hold and manage the land acquired in terms of the community's land claim. Secondary objectives of the association include the acquisition of further property, whether movable or immovable, for its members. The constitution emphasizes the need for secure land tenure for all the members of the association. Ultimately, the CPA aims to address poverty, unemployment and other socio-economic needs of its members.¹⁴

An elected committee mandated by members runs the Munzhedzi CPA. This committee was democratically elected at a meeting of beneficiaries and was initially made up of eight claimant members. The CPA committee experienced many problems such as contested powers and custodianship of the land. The chief began to take over much of the responsibilities from the CPA committee. The committee was no longer responsible for land transactions and CPA issues were dealt with through the tribal council at Munzhedzi. The headman did not recognize the CPA committee and was often in conflict with the chairman and other members. When the CPA chairman and other members wanted to lead the affairs of the CPA, the son of the late headman regarded them as people who wanted to snatch his headmanship away from him, leading to continued tensions. Due to problems of contested powers of the CPA in allocation of rights to land and managing CPA property such as land, tractor and other equipments, the majority of the members of the CPA committee resigned from the committee.¹⁵ The son of the headman then appointed his own people. Currently the "CPA committee" comprises of 10 members, six men and four women. Some of the members are the original members but others are new members also resident at Munzhedzi. Two members of the committee are not necessarily land claimants in terms of the Restitution of Land Rights Act.

A critical issue facing the community of Munzhedzi is the role of the headman, the tribal

¹⁴ Munzhedzi CPA's Constitution adopted and signed on the 22 December 2001.

authority and the CPA committee, and the difficult relationship between the three. In 2003, after the passing away of headman T.J. Munzhedzi, who lodged the land claim, his son, S. Munzhedzi informally, took over as headman. Some members of the community regarded him as a self-imposed headman because no official function was held to proclaim him as the leader of the community, and the tribal authority was not consulted. When he took over from his late father, S. Munzhedzi declared that he alone, and not the CPA, would decide on all land allocations at Munzhedzi. Members of the CPA committee complained to the Limpopo RLCC and Nkuzi Development Association about the apparent usurpation of their authority by the new headman.¹⁶ As a result of the actions of the headman's son and the lack of response by state officials, the majority of the CPA committee members resigned [Mulaudzi, 23/12/2004]. S. Munzhedzi (Rambau), son of the late T.J. Munzhedzi (Rambau) believes he has the sole right to administer land at Munzhedzi, hence he has allocated land to many people who were not beneficiaries according to the Restitution of Land Rights Act.

Chief Nthabalala has authority over communal land west of Munzhedzi, in the village known as Ha-Maila. When the land was returned to Munzhedzi, the Maila community under the leadership of Chief Nthabalala began to allocate plots and expand their land rights into the Munzhedzi CPA land. This led to conflicts between the Nthabalala Tribal Authority and the Munzhedzi community. The CPA committee and the headman were both unhappy at the actions of the Maila people but interventions by the office of the Regional Land Claims Commissioner (RLCC) of Limpopo failed to resolve tensions. These problems with neighbouring village, and conflict between the CPA and the S. Munzhedzi (Rambau), remain unattended by the Government and there has been no further communication from the RLCC office on these issues.¹⁷ However, the CPA act obligates the Department of Land Affairs to support the CPAs in instances of conflicts or with other institutional support needs. A meeting called by the RLCC confirmed to the Nthabalala that the CPA is the legal owner of the land and that Diepgezit has been awarded to Munzhedzi and, though there has as yet been no transfer of the land.

¹⁵ Letter of resignation of the first CPA Chairperson.

¹⁶ Letter from the Current Chairperson to RLCC titled "invasion of our land Diepgezit by the chief" dated 10/04/2003.

¹⁷ A letter from the CPA chairperson to Nkuzi titled " Problems encountered by Munzhedzi CPA"

(iv) *Land acquisition and access*

As described earlier some members of Munzhedzi community started to occupy the claimed land prior to the settlement of the land claim. After occupation of land, the RLCC intervened officially and awarded the restitution of the land to the Munzhedzi CPA through section 42D of the Restitution of Land Rights Act. As the acquired land was already owned by the state; it could be transferred directly to the Munzhedzi CPA, with minimal costs of registration for the Government as the state did not have to enter a long process of negotiations and purchase from a private owner.

However, the land has not yet been transferred to the CPA. According to the CPA chairperson, Mr. Mushandana, the CPA does not have the title deed of the land. According to Shilote [21/08/2006] the Munzhedzi CPA has done what they wanted and that is obtained land for residence. They did this before the RLCC could facilitate a process of planning and ensuring that the process was taken step by step i.e. a land use plan developed, business plan determined that accommodated the interests of the people, the land transferred etc. The RLCC has been pressured to meet the deadline for settlement of land claims and so far this has been the main focus of the RLCC. The current focus in delivery of high value agricultural land such as Levubu, Hoedspruit and others has taken most of the time of the staff in the SSDU of the Limpopo RLCC.

Access to the land for communal use is mainly for projects such as a piggery, vegetable garden, poultry and grazing. On an individual basis, households have accessed residential stands and some have access to orchards and ploughing fields. During the initial stage of the settlement, the CPA secretary kept a list of applicants. Later the secretary was no longer involved and the headman handled all the plot allocations himself. Most of the people who applied were landless people from Nthabalala, Vleifontein Township, Mulima and Muila. People who needed access to land closer to towns and main roads came from all parts of Vhembe District.

dated 10th January 2005

After the formal return of the land, a person who wanted land to build a house, first applied to the headman who then allocated him/her a plot, regardless of gender. The marital status of women and whether they have dependants or not were considered strongly. Although there was a committee of three, including headman T.J. Munzhedzi, the committee did not have any role to play unless there were specific requests from the headman himself [Malesa, 10/12/2004; Tovhakale, 10/12/2004]. Headman T.J. Munzhedzi used to keep records of people who were resident at Munzhedzi, indicating who came to the land, when and how much that person paid.

Under S. Munzhedzi, Munzhedzi community has a record of land transactions, for example, a receipt book was used to record those who became occupants of Munzhedzi and who paid money for land access.¹⁸ Because of inconsistencies in recording and even absence of records, conflicts over land are common. For example; in 2003, two women were allocated the same piece of land, one was a daughter of the original land claimants and the other was a landless woman who has not been part of the Munzhedzi community and had come because she needed land for residential purposes. A beneficiary of one claimant sought legal help from Nkuzi Development Association. Nkuzi's interventions to facilitate conflict and resolve disputes over access to land assisted to assert the rights of the claimant and the landless woman never came back [Shirhinda, 13/11/2006; Nngobo, 22/04/2004].

From the onset, people paid different amounts for access to land, depending on whether they were a descendant of a victim of removal from Munzhedzi or not. "Beneficiaries" (i.e. members of the restitution claim group) pay R120 and non-beneficiaries pay R150. There were, however, no clear accounting systems for the money collected. Although there is a receipt book for the money paid, there is no consistency in recording transactions. The prices for land access have increased from R120 to R220 for "beneficiaries" and from R150 to R320 for the "non-beneficiaries".¹⁹

Plots allocated therefore differ in sizes for a range of reasons. The majority of those

¹⁸ Poultry and piggery project members focus group report, dated 22/12/2004

¹⁹ CPA focus group report dated 23/12/2004

allocated for residential purposes are either 30m x 50m or 45m x 45m in size with the exception of those who extended their allocated plots by means of “unlawful” occupation of the land in the first occupation and also by land allocated for use other than residence. In some cases, those who could afford to pay the headman more money were also given a slightly larger plot. Some allocated plots/stands are big enough to allow owners to live there and plough the land around their houses. Some people have access to separate arable fields.²⁰ Munzhedzi is not a typical land reform settlement whose land use is heavily influenced by consultants. It is land reform in its pure form where land is distributed to people who use it according to their needs and aspirations

People use the land in-between the residential stands to graze their livestock. Hilly land not suitable for ploughing or residential purposes is also used for grazing purposes and is open to livestock from surrounding areas such as Nthabalala, Vleifontein, Mpofu and Maila. Some members of the Munzhedzi community who have livestock rent grazing land from the neighbouring community Mavungeni (also a land reform project). For example; Ms. Mulaudzi owns 20 cattle which graze from some of the camps at Mavungeni CPA land, acquired under the land redistribution programme.

This land is now fully occupied with no provision for those of us who have pursued land claims in order to get land for cattle farming. I am now renting grazing land from the nearby community because Munzhedzi is a residential area and it seems to be the priority of the chief to allocate residential land without considering other uses such as grazing” [Mulaudzi, 29/12/2004]

(vi) *Land use and livelihood activities*

According to preliminary information put together by Nkuzi as an input to a business plan after the settlement of the land claim, the restored land was to be used mainly for residential purposes, with gardens for small-scale cultivation (Nkuzi, 2002). No business plan was developed by the RLCC as it is the case in most of the land reform projects in the country.

²⁰ CPA focus group report dated 23/12/2004

The RLCC argues that the business plan was not developed because most of the land had already been settled before planning could take off the ground. [Shilota, 21/08/2006]. According to the CPA committee, delays in business planning and lack of information as to what the RLCC was intending to do has also contributed to further allocation of land for residential purposes before a business plan for the land could be developed. Currently there is no plan for resettlement, and as a result the chief allocates land for residential and agricultural purposes as he sees fit. He is influenced in this by the high demand for residential land in that area.²¹

With the support of Nkuzi Development Association, three agricultural projects have been established. These projects are run exclusively by the members with no involvement by the CPA.

- A poultry project run by seven women. The poultry project started with 17 people, but as it continued, with little or no return compared to the investment they made, and little support from Government, many people withdrew from the project.

“How can one spend much time on project that that does not pay him/her at the end of the month? Those who left felt that they needed some income at the end of the month and went to look for work somewhere else. But some left because they expected that money will just come without hard work. I am still involved because I have nowhere to go and I hope that someday someone will come to help us” [Ramalivhana, 16/09/2005].

- Piggery projects run by three men. The piggery project was established with the support of Nkuzi which bought materials to construct a basic structure as a pigsty. In 2004, they built cages and Nkuzi arranged training in piggery from Madzivhandila College of Agriculture and bought the group three pigs. Apart from training, three pigs and enough feed for one month, no other support was offered to this project. The main problems faced by the project is lack of water and electricity. Currently the project has grown to 16 pigs and they are expecting to start selling on the local market by the end of November 2006. They wish to extend the pigsty and connect water and electricity as these are very

²¹ CPA focus group report dated 23/12/2004

important for the project.

- A vegetable garden run by 10 people (7 men and 3 women). Nkuzi bought materials for them to build a basic structure to start something. The members of the project did the construction themselves. As a result the majority stayed away from the project. A few that was interested in this project continued. In 2003/4 Nkuzi bought 300 chicken and some feeds for the first batch. Much of the money that they receive from the sale of chickens is put back into the project. Members have continued to work on this project in the hope that some day the CPA will function properly and give them the support they need and that the Government will at some stage release grants to ensure the improvement of the project [Kwinda, 06/06/2005; Mushandana, 06/12/2004].
- Another form of sustenance comes from the natural resources they find on the land of which members of the community make extensive use. Wild vegetables like *mushidzhi* (black jack) are used as a form of relish. Other kinds of wild vegetable gathered are *thebe (vowa)*, *delele*, *murudwe* and *nngu*. There are also wild fruits such as *Matshili*, *nwevhe* and *thungulu*. These foods contribute significantly to the household diets of the poorer households [Mulaudzi, 2004].

“Here, I have land of my own and if I do not have money to buy meat or vegetables, I can go outside and get myself wild plants for vegetable. But the problem is that now the land is becoming fully occupied. It may not be easy to move around and get good vegetables”

For housing purposes, people at Munzhedzi made use of *Musengele* for poles and walls, mud bricks and thatch grass

“This land is rich in everything you need. When I started living on this land I used mud bricks, poles from *Musengele* and got thatch grass from elsewhere. This helped me a lot because I did not have money to buy materials for building. The problem we had is water for construction of the house” [Tovhakale, 10/12/ 2004].

Community members reported that they now fear that veld fires may destroy these wild foods. In addition, uncoordinated occupation of land and overgrazing of land poses similar threat to these natural resources.²²

Many people at Munzhedzi work in Makhado and the nearby townships such as Vleifontein and Waterval. Others work within the local area doing construction work or as hawkers in the surrounding villages and townships. There is also considerable dependency on remittances from migrant workers, welfare grants (mainly old age pensions and child support grants), and small-scale farming (mainly in people's yards). In the rainy season most households (including those that have jobs in towns) hire the community tractor (see below) to plough their yards and they plant maize, beans, ground/peanuts and sweet potatoes and vegetables such as pumpkin and bean leaves. This is purely for household consumption [Tovhakale, 10/12/ 2004]. In fact when one moves around in the rainy season, one can observe that almost all the households are ploughing maize and vegetables in their yard. They say they are able to harvest three to four 80 Kg bags of maize meal which is enough food for approximately four months without having to buy from the shops.

(vi) *Provision of support services by Government and non-Government organisations*

The state institution responsible for the Munzhedzi land claim and its settlement is the Commission for Restitution of Land Rights, under the direction of the Regional Land Claims Commissioner (RLCC), Limpopo. Apart from the transfer of land to the community, the Commission is also responsible for post-settlement support, as stipulated in the settlement agreement [Shilote, 02/08/2006]. The agreement states that the Commission is responsible for drawing in support for the Munzhedzi CPA from the local municipality and other Government departments.

“The Department of Land Affairs undertakes to release the planning grants and the restitution discretionary grants due to this claim. The RLCC undertakes to assist the claimant community to negotiate with the Makhado Municipality, Northern Province Departments of Agriculture; Local Government and Housing ... accessing all

²² Poultry and piggery project members focus group report, dated 22/12/2004

necessary development aids for the land²³.

According to the settlement agreement, the Government institutions responsible for support services at Munzhedzi are RLCC – Limpopo, DLA, Makhado Municipality, Limpopo Department of Agriculture (LDA) and Department of Local Government and Housing (DPLGH).

The Limpopo Department of Agriculture has provided what they term “starter packs” to all the land restitution projects that were settled in the Makhado area in 2002. The starter packs include a tractor, a plough and a trailer. This equipment was intended for use by the CPA and its members. The Munzhedzi CPA tractor is used by the community members to plough their gardens and back yards fields, and is also rented out to neighbouring communities during the rainy season [Khorombi, 22/04/2005]. Some of the members complain that the tractor is not being used for the benefit of the community at large, because the money charged to use the tractor does not serve the interest of the community as it is kept and used by the headman and the tractor driver and the tractor is mostly used by the headman’s friends.

The regional office of the Department of Agriculture in Makhado has placed an extension officer in the area to provide support to the new projects. In addition, training has been provided for community members at the Madzivhandila College of Agriculture, in Thohoyandou, where members were trained in horticulture, broiler production and pig production. The extension officer has tried to assist members to access grants under the Comprehensive Agricultural Support Programme (CASP) of the Department of Agriculture, but to date without success [Khorombi, 22/04/2005].

Nkuzi Development Association is playing a critical role in supporting land use initiatives at Munzhedzi, particularly in the vegetable garden, piggery and poultry projects. With finance obtained from the National Development Agency (NDA), Nkuzi bought pipes and other implements for the vegetable garden, but these had not yet been delivered by the supplier, who was paid in advance. A building for the piggery and poultry projects has been

²³ Settlement Agreement: MALA (Ms. A.T. Didiza) and The Munzhedzi CPA, signed 02/03/2002

constructed, but is very basic. According to Nkuzi, the grant funding they received could not fund more sophisticated sheds, so they decided to start at a basic level [Kwindu, 12/10/2005].

Some members of the community feel that support they receive from state institutions, in particular, is far from adequate. For example, the collapse of the CPA through lack of support for the institutions of CPA as required by the CPA act, its failure to provide them with prompt agricultural extension advice and support, and its failure to intervene in township planning before the settlement sprouted. [Mushandana, 22/11/2005].

Today Munzhedzi is a typical rural area, like many of the villages that surround it in the former Bantustans. It is a spontaneous settlement where the leadership has responded to the land needs of people without following any plan or structure predetermined by the authority. Although the settlement has responded to the needs of the people, poor internal organisation weakened the land holding entity and failed it in terms of the administration of its affairs. As a result, further development has been affected by the absence of Government support. The settlement has been entangled by the current breakdown of relations between the CPA and the son of the late headman, by an absence of communication with the RLCC, by lack of infrastructure for development and by the community's loss of hope in the land reform programme. Faced with this breakdown of relations within the community, the office of the Regional Land Claims Commissioner, the body formally responsible for post-settlement support at Munzhedzi, has effectively walked away from the community, and left it to fend for itself. In summary, the failure of the state to support the CPA committee in asserting its power over other institutions in this area has weakened the status of the CPA, rendering it non-functional, with the result that the promised development assistance has not materialized.

4.2. Mavungeni Communal Property Association

(i) *Historical background*

In the late 1800s, the Mavungeni people came from Mozambique and settled the land around “Mulambunjele”²⁴, which they named Mavungeni. This equates roughly with the current property described as Vleifontein 310 LS. The land is located in the Makhado Local Municipality, under the Vhembe District Municipality of Limpopo Province. It is situated 20km south-east of Makhado town (formerly known as Louis Trichardt), along the Elim Road (R578) and approximately 8km west of Elim.

Agriconcept (2000) defines the terrain of the land in question as flat to undulating. The western part is characterised by a low rocky outcrop with a minor depression serving as a natural water course, creating some wetlands in the centre of this land. The land is further characterised by soils derived from the granite parent materials which are dominantly deeper red soils and which, according to Agriconcept (2000) are suitable for crop and tree production, including irrigation. Shortlands and Hutton soil forms dominate this area. The natural vegetation occurring in this area falls within Acocks Veld Type No.19, Sourish Mixed bushveld to the west and Acocks Veld Type No. 9 Lowerveld Sour Bushveld to the east. It is an open veld with clumps of thorn tree and shrubs.

The climate for the area is mostly sub-tropical and minimum temperatures seldom drops below zero, hence high development potential for subtropical fruit and frost-sensitive crops during the winter months. Average rainfall varies between 400 and 700 millimetres because the farm lies on the escarpment where convection of the moist atmosphere results in rainfall somewhat higher than the surrounding areas above or below the monocline. Rain starts early summer and peaks in January (Agriconcept (Pty) Ltd, 2000: 3-6).

In the late 1800s both the Shangaan and the Venda speakers lived together, having equal access to resources from this land. The arrival of whites on this land from the 1880s dispossessed blacks of their land without physically removing them from this land, the

²⁴ Mulambunjele is a perennial river that runs across the farm Vleifontein 310 LS.

status was reduced to that of squatters and later labour tenants (Nkuzi, 1999). In 1896 the ZAR General Cronje, and the leading Venda chief, Mphephu met at the farm of Cooksley (Lovedale Park) to mediate on a dispute between Mphephu and Chief Sinthumule over this land (Nemudzivhadi: 1985). According to P.F. Menné, a neighbouring farm owner, Vleifontein belonged to his great grandfather, John Cooksley and was at this time inhabited largely by Shangaan speakers, who had accepted white domination and served as labour tenants.²⁵

The inhabitants of this land, Shangaans and Vendas, continued to have undisputed land rights, ploughing and grazing their livestock without any obstruction from the new white owners until the 1913 land act was passed. Most of these people's rights were reduced to that of labour tenants or squatters on their land of birth. As a result some started to leave the farm as early as in the 1930s. A major removal occurred during 1968/9 when all people on the farms Vleifontein 310 LS were removed from the land and scattered in former Gazankulu and Venda, namely; Riverplaats, Mbhokota, Chavani, Bungeni, Nthabalala and the whole of Vuwani. These areas were overpopulated and dry and most of the people did not have access to productive land because of landlessness and because they were viewed as foreigners (Nkuzi, 1999).

The land was bought by the state and was never transferred to private hands but remained an unused state land owned by SADT for a long time, except for Lovedale Park which continued to remain in private hands from Cooksley until Mr. Keith Johnson sold it to the SLAG beneficiaries in 2002. The private farms (Lovedale Park) had continued as a cattle ranch with minimal crop farming. The state land remained unused with some of the land being leased to farmers and some being used by Vleifontein people living adjacent to the farm.

In 1994, the attainment of democracy and liberation of the majority of South Africans provided an opportunity for the Mavungeni community to claim their lost land and heritage. According to Mr. G. Chauke who served as the chairman of the land claims committee, "we heard that people whose land was taken unlawfully under the apartheid Government could

²⁵ Letter from P.F. Menne' dated 24/02/1996 "Support of the claim by Mavungeni community"

claim it back, as a result we reorganised ourselves and submitted our land claim to the office of the Land Claims Commissioner in Pretoria” [Chauke, 01/08/2006]. Two separate claims were lodged by Mr. G. Chauke on behalf of the Mavungeni community registered as *Tsonga Community* and *Mavungeni Community* were claimed on the 16th of August 1995 and 18th September 1998 respectively. Both claimed rights to Vleifontein 310LS as the traditional land of the Mavungeni people. As a result these claims were consolidated and facilitated as a single claim.²⁶ The main objective for lodgement of the claim, according to Mr. Maluleke [07/08/2006] was to acquire their ancestral land so that they were able to access ancestral graves, farm cash crops and orchards, get land for residence and create employment opportunities.

They also learned of the land redistribution programme under South African land reform of which they took advantage and applied for a Settlement and Land Acquisition Grant (SLAG) for land purchasing. The application was pioneered by the three families of Maluleke, Chauke and Baloyi (all being part of the Mavungeni Land Claim) who applied for SLAG to the Department of Land Affairs in 1998. They purposed to purchase a farm called Lovedale Park (see table 2). Lovedale Park is a name of the farm comprising of three distinct portions of Boschkopje and a portion of Vleifontein 310 LS. The portion of Vleifontein happened to fall outside the claimed land by Mavungeni; hence it was targeted for acquisition through SLAG.

“We heard that the Government was buying farms for the previously disadvantage communities in order to start farming, therefore we, the Chauke, Maluleke and Baloyi families, started registering names of people interested in order to apply for the grant to buy land because it was not clear if we were going to get our claimed land soon” [Chauke, 01/08/2006].

By the end of 1998, the Mavungeni community was involved in two separate processes; i.e. a land claim dealt with by the office of the Regional Land Claims Commissioner for Limpopo and a SLAG application dealt with by the Provincial Land Reform Office.

²⁶ Original Land Claim Forms dated 16/08/1995 and 18/09/1998, submitted to the CRLR.

The three families started organising a group of interested farmers and submitted their application, registered in September 1998 and approved on the 31st of March 1999 [Chauke, 01/08/2006]. The processes unfolded with members of the community identifying the properties earmarked, negotiating purchase prices with the landowner, compiling beneficiaries list and registering the Communal Property Association (CPA) for the SLAG farm initially but the same CPA was used for ownership of the Restitution award that followed, spelling out clearly who had rights on which piece of land.²⁷ A total of 98 beneficiaries were registered for the SLAG application while another 200 members have been added to the lists under restitution. The Government's processes for facilitation of SLAG approval and the purchase of land included amongst other things an investigation on whether the identified land fell under the land claim. As a result, Boschkopje portions were dropped from the application because of land claims lodged against those properties by other communities such as Nthabalala Royal Council. DLA can not proceed with the application on those properties until the land claims have been resolved. Further investigations on Vleifontein 310 LS found out that portion 1 of Vleifontein 310 LS did not have any other land claim lodged and that a claim by the Nthabalala Royal Council did not affect the said portion.²⁸

The table below indicates all properties earmarked for SLAG by the Mavungeni community initially. However, facilitation dropped all other properties except portion 1 of Vleifontein 310 LS which was later transferred to the Mavungeni CPA.

Table 3. Portions forming Lovedale Park Farm earmarked for SLAG

Property	Portion	Area	Owner/s
Vleifontein 310 LS	1	561, 3880	Keith Johnson
Boschkopje 315 LS	7	67, 6860	Keith Johnson
Boschkopje 315 LS	6	67, 6946	Keith Johnson
Boschkopje 315 LS	8	67, 6903	Keith Johnson
Total	4 portions	764,4583	1 owner

²⁷ Only 1 CPA was registered for both restitution and SLAG projects. meaning that SLAG beneficiaries do have benefits from both SLAG-awarded land and restitution award.

²⁸ Resolution signed by Munzhedzi Community and the Nthabalala Royal Family on 01/02/1999; Inspection in Loco Report: Vleifontein 310 LS, 27/07/1999 compiled by Shirhami Shirinda (Nkuzi)

A group of 98 people of Mavungeni community successfully acquired portion 1 of Vleifontein 310 LS, measuring 561, 3880 ha in extent through SLAG of SA land reform programme (see Table 2: Mavungeni SLAG profile). The deed of transfer indicates that it was bought on the 16th of November 2001, and was transferred in full title to the Mavungeni CPA on the 26th of April 2002.²⁹ They got a fully equipped dairy, which consists of a fully automatic four “Milk Right” machines with a cooling tank and a large cool room. The dairy has an office, feed room, workers’ toilet, change room and engine room. There are also holding pens, a crush pen, outbuildings, sheds and feed troughs. At the time of the purchase of the dairy it was fully operational. The CPA also got 49ha of kikuyu and ‘green gold’ pastures under irrigation to be utilized by the dairy herd, 12ha of eucalyptus plantation as well as 491ha of natural grazing. There is also good water supply for the camp (Agriconcept, 2000: 31).

Table 4: Mavungeni SLAG profile

Beneficiaries	98 households
Hectares	561,3880
Women	38
Youth	40

In 1999, shortly after the cut-off date for lodgement of claims, the RLCC: Northern Province and Mpumalanga which was then based in Pretoria started with the process of investigating land claims. This included validation, gazetting, valuation; settlement options workshops and a settlement agreement, which was concluded on the 2nd of March 2001 when the Minister for Agriculture and Land Affairs signed the settlement agreement in full and final settlement of the Mavungeni Community Land Claim. The settlement of Mavungeni land claim was achieved administratively where the minister approved the settlement in terms of Section 42D of the Restitution of Land Rights Act. The value of the remaining extent of Vleifontein 310 LS was not established because it was state land and so no purchase or compensation was required. However conservative estimates of the property amount to R3, 9 million.

The settlement agreement stipulates that the community must form a legal entity to hold the

²⁹ Deed of Transfer executed at the Registrar of Deeds at Pretoria on 26/04/2002.

property on its behalf; it ordered restoration of the Mavungeni land rights to the remaining extent of the Vleifontein 310 LS, measuring 744. 5 ha in extent and that the land be transferred to the legal entity on behalf of the Mavungeni community. It further made provision for financial compensation to be made for the land where the Vleifontein cemetery is currently situated, and which was excluded from the settlement. It provides for an undertaking from Government to assist the new owners of the land with development support, in terms of planning grants, and for the RLCC to negotiate with Makhado Local Municipality, Limpopo Department of Agriculture and Department of Local Government and Housing in order to ensure that the CPA can access all available grants to assist in land development (Settlement Agreement, 2001).

The land acquired was to be registered in the name of the Mavungeni Communal Property Association, registered in 2002 as Mavungeni CPA/01/000323/A.³⁰ The CPA is a juristic person that enables the community to acquire, hold and manage property collectively in their own name according to the provisions of the Communal Property Associations Act, 28 of 1996. The Mavungeni community elected a committee of 9 people in terms of the provisions of the Mavungeni CPA constitution [W. Maluleke, 07/08/2006]. This committee meets every quarter unless special meetings are called. The committee is currently divided on issues relating to the use of resources of the CPA, land use and access to which piece of land. These divisions have filtered down to the community at large. For example, some members of the committee want a township to be established next to the road, while the other group wants it next to the existing township for a number of reasons such as costs of putting in bulk infrastructure and electricity if the township is located too far from the existing township. The former position raises concerns of consultation with the majority of the people in taking such decisions as well as the fact that it is far from the roads and would be difficult for access by pedestrians and that during rainy weather, the soils are slippery, so they want it next to the tar road. [S. Shirinda, 06/08/2006].

The land restored was previously used mainly for dry land cultivation, with mango, avocados and macadamia orchards, operated by a commercial farmer who had leased the land from Government. In addition, the land also has a cemetery used by the Vleifontein

³⁰ Mavungeni CPA registration certificate in terms of CPA Act, 1996; dated 30/07/2001

community since their resettlement in 1984/5. Before the settlement of the land claim, farmers resident in Vleifontein Township had access to grazing and dry land cultivation on some parts of this land since the collapse of ARDC. These people used the land without any form of authority administering their access and rights over that land; hence there is a feeling of entitlement to this land.

The land has four earthen dams and three equipped boreholes that could assist irrigation of the orchards and food plots. Fencing of the land was not up to standard as it was old and it needed a lot of renovation. Currently the community has started with some farming enterprises such as poultry farming, dry land cultivation and livestock farming on a small scale, they further plan to establish a township and improve the orchards [Focus Group Discussion, 08/08/2006]. There is also interest from some members of the committee to start tourism development through an entity called the Zoutpansberg Skirmishes Routes (ZSR), which organises tours of Anglo-Boer War (1899-1902) battle sites. ZSR is particularly interested in the war memorial that exists on the land awarded to the community [G. Chauke: 01/08/2006].

The Limpopo Department of Agriculture (LDA) provided a “starter pack” for the community to help them begin farming. The starter pack included a tractor, trailer, mould board plough, planter, disc plough and a tiller. This equipment is now owned by the CPA. Nkuzi Development Association also assisted with purchasing other equipments such as an irrigation system for a 10ha food plot, materials for construction of a pigsty and poultry house, and with training. The RLCC has also assisted the CPA in the development of a business plan. The RLCC appointed a group of consultants called WOHIMU Rural Development, based in Polokwane to draw a business plan for the community. The business plan mainly proposes a residential development and different kinds of farming enterprises such as broiler production, mango and macadamia orchards, food lots, livestock farming and dairy production [W. Maluleke, 07/08/2006].

(ii) *Claimants/Beneficiaries’ land needs and aspirations*

During interviews with project members an enquiry was done in order to understand

reasons for claiming Vleifontein as well as the application for SLAG. The reasons for claiming this land were responded to mainly in terms of needs for acquisition of land. These needs were summarised as being landless in the areas to which they had been moved, restoration of the dignity and authority associated with land ownership and access to ones ancestor's graves, reconstruction of the community, and land as a source of food and wealth. Their wishes are for a developed community with access to land and related resources to improve the wellbeing of the community.

When members of the Mavungeni community lost land rights from Vleifontein and scattered through former Gazankulu and Venda Bantustans, they found themselves dumped on densely populated areas, having little opportunities for small-scale farming or other production, and fewer job opportunities.

According to the chairperson; "We are also regarded as outsiders and can not access arable land and grazing fields. We needed land to help the community out of poverty because the loss of land, meant loss of income, removal from our place of birth, dispossession of our fields for cultivation and grazing. We needed land for our own survival" [Chauke, 01/08/2006].

A land needs assessment done by Nkuzi Development Association in 1998, sought to enquire about land needs on the land settled before the settlement of the land claim. It revealed that they needed land in order to get access to natural resources such as firewood, to establish ploughing fields in order to produce food for their households; they needed grazing land which their old settlement before the settlement of the land claim could not provide and thatch grass for roofing. On the other hand, problems of overcrowding, scarcity of water, unemployment, not having access to ancestral graves, and lack of social amenities such as sport grounds were also cited as areas that needed urgent intervention. Access to additional land, particularly for Mavungeni community was seen as a relief to the current occupied land because it has plenty of water and fields and natural forests where members will be able to get firewood (Nkuzi, 1998).

At Mavungeni one gets dissenting views about the aspirations of the beneficiaries. Some

members, particularly the members of the leadership who have livestock on the farm and have been involved in the meetings with the neighbouring farmers and Government, are keen to run the farm as a single entity on a commercial basis except for the residential development. This view is favoured by a small group of community members running the farm and employing members of the community. On the other hand, there is a group who prefer that plots should be allocated to individuals who would then decide what to do with them and that there should be small-scale production for household consumption with the surplus being sent to the local markets. [Focus Group discussion, 08/08/2006].

The former group wants the farm to boost the local economy, with the dairy supplying schools and Elim hospital with milk as it used to do before the land was sold to the Mavungeni community. They also would like to see money coming into the account of the CPA, through leasing land to the neighbouring white farmer. They believe that there is enough land to lease out and also graze their dairy cattle. They also wish to enter into some kind of joint venture, or what they call a strategic partnership with an external investor. For example, a proposal for a joint venture was brought to the attention of the RLCC by Mr. Henning for consideration to farm at Mavungeni. The Business plan also recommends getting strategic partners to come and assist in running the farm together with the beneficiaries. However the community is divided on the issue of bringing in strategic partners to work on the land because some of them believe that there is no need to bring in them in because their land is not highly developed. Some of the members of Mavungeni CPA see themselves as residing on the land with access to ploughing fields of equal sizes and with every one producing for the benefit of his or her own household and having access to natural resources on that land [S.Shirinda, 06/08/2006]. The discussion on getting a strategic partner has come to a halt because some of the community members have taken the committee to court for leaving them out of the discussion regarding the recruitment of a strategic partner.

It is not easy to find a community which is homogenous with a single vision regarding the use of the land. The critical question for planners and other role players is how to take all the needs and aspirations of the group, and come up with a vision that speaks to different needs of the members of a community. It has become clear that when a resettlement does

not respond to the needs of the people, there will be mobilisation outside the committee to register dissatisfaction through other means such as occupying unallocated land or staying away from meetings.

(iii) Land ownership and institutional/organisational arrangement

The Mavungeni CPA was registered on the 30th of July 2001. It is run by a committee of nine which meets on a quarterly basis as provided for by its constitution. This committee is responsible for both properties i.e. SLAG and restitution awarded land. This committee is expected to hold annual general meetings where the committee gives a report on the affairs of the CPA. Such meetings have proved difficult because the majority of the people do not attend such meetings. Some of the people argue that they are not informed of such meetings, yet the committee publishes such meeting over the radio and sends written invitations to village councils. In July 2005, the committee was reshuffled and a new chairperson and deputy took over. [G. Chauke, 01/08/2006]. However since the new committee took over, the CPA has experienced serious problems in terms of the cohesion of the committee and the CPA in general and non-attendance of meetings. These are attributed to the fact that some members of the committee dominates the decision-making and do not provide space for other members of the CPA to have a say.

The new institution is difficult to administer because it is new and people are not yet acquainted with the procedures and processes required by the CPA act. Such processes include majority decision making and participation, Committee members argue that because most of the people do not come to meetings, the committee is not prepared to sit and wait for nothing but have to do something. However at the end of the day they are accused of taking decisions without consultation with the majority of the people. This is indicative of the complexities of group ownership of land as well as of communal projects.

A critical issue raised by the CPA chairperson is the functionality of the CPA and the capacity within the CPA committee to administer the institution. The CPA as an institution is neglected by Government because it is not clear who should be providing institutional support to this institution. "We are expected to ensure that the project is viable and

sustainable but nobody comes to support us in resolving conflicts within the group or else provide advice on how these could be dealt with". In terms of Section 11 (1) of the CPA Act, any registered CPA must, at prescribed times, furnish prescribed documents and information to the Director General of DLA in order to enable them to monitor compliance with the provisions of the relevant constitution and the Act. Since its establishment the CPA committee has not given any report to the Department despite being requested to prepare such documents.

The CPA constitution clearly spells out that all members will have access to residential land and ploughing fields. Yet under the SLAG-acquired land, rights of individuals in terms of access to land and sharing of profits is not clearly spelt out hence controversies arise around who should benefit from the enterprises. The CPA has adopted a system whereby those who are working jointly share the labour, produce or profit. The CPA is used as an instrument for management. The question which emanates is whether the CPA is suitable for enterprise management because they rely on group decision making. The CPA has allowed individuals to form groups and run enterprises on their own account.

The CPA committee deals with all the issues of allocation of rights and benefits to the members of the CPA. This committee has also taken up the responsibility of facilitating development of the land in both the SLAG and the restitution properties, including access to dry land cultivation fields, food plots and residential stands which are being planned. The Mavungeni CPA committee is also involved in the management of funds accrued from rentals and other grants received. The CPA feel that there is a critical need for the committee to obtaining financial skills. The committee also deals with conflict resolution among members and also within committee. However internal conflicts seem difficult to resolve hence some members of the committee have resorted to the court for relief in disputes within the committee and the CPA at large.

The need for support as articulated by the committee leadership relates to land rights administration, development of sets of rules and procedures and resource allocation. It is believed that such support should be provided for the CPA in order for it to be firmly established to administer the newly acquired resources (Maluleleke, 07/08/2006).

An assessment by the RLCC has identified the key areas of support required for the CPA committee. These were book keeping, financial management and conflict resolution (RLCC, 2001). Such training has not been offered as yet. The CPA is weak and not able to deal with issues around conflict resolution, which is a critical area of skills that they should have seen that land has been given to a group of people who have different aspirations, come from different backgrounds and have not been living together as a community for a long time since the dispossession of the land happened a long time ago. [Baloyi, 08/08/2006].

(iv) *Land acquisition and access*

The Mavungeni people have acquired different portions of Vleifontein 310 LS, namely part of the remaining extent of Vleifontein 310 LS acquired through restitution, and portion 1 of Vleifontein 310 LS acquired through SLAG. The community has thus benefited from both the two named programmes of South African land reform. Only portion 1 has been transferred in full and free title to the Mavungeni CPA/01/000323/A on the 26th of April 2002 (Deed of Transfer, 26/04/2002), the remaining extent has not yet been transferred. Despite the award of the land to the Mavungeni community, the land is still officially held by the SADT. The RLCC has indicated frustrations with regard to the transfer of land because of difficulties in terms of contestations of the boundaries, the long process of planning and surveyors, and the ownership of projects at a local level of the Municipality. [R. Shilote, 02/08/2006].

The critique by NGO workers of the delays lies in the fact that there is a lack of a coherent strategy of dealing with settlements of this nature. Where a transfer is hasty, it is because of the involvement of private land owners and the need to settle the deal with transfer. When it comes to state land, transfer has been neglected. [N. Kwindu, 06/08/2006].

Without full legal ownership of the property, the community feels that they are more vulnerable particularly to those people who object to them occupying the land. They currently face contestations of rights of use by the neighbouring communities such as Vleifontein and Nthabalala.

“We know that the Government has given this land to us, but we do not have legal ownership therefore we need the Government to give us full and free title of returned land so that we completely have full and legal ownership of this land” [Maluleke, 07/08/2006].

On portion 1 (SLAG acquired), the CPA has agreed to cattle farming, dairy and broiler production. This land would remain owned by the CPA on behalf of the SLAG beneficiaries, who are not all members of the Mavungeni community who mostly will benefit under restitution. On the remaining extent (restitution award) they plan a residential development where individuals would have exclusive access to residential land. In addition, food plots will be allocated for individual households for use under a lease arrangement agreed upon by the committee and the CPA at large. Some parts of the farm which have orchards would be worked on as a collective.

Irrespective of those allocation plans mentioned above, the settlement is faced with disputes about who has access to which piece of land, either by the members of the CPA or by outsiders whose livestock trespass for grazing purposes. In portion 1, the owners of the land can not use that particular piece of land because the Maila and Munzhedzi farmers have pushed their livestock onto the western part of the farm, and producers from Maila are cultivating some of the land on that side. This is also caused by poor fencing around the farm and lack of powers from the CPA to assert themselves as owners of the land. On the eastern side of the remaining extent of Vleifontein 310 LS, farmers from Vleifontein township have been ploughing and grazing their livestock on the land awarded to Mavungeni land, claiming that the municipality has also given them permission to use the land.³¹ Even after the restitution of the land, they continued to farm on that land claiming that they were not consulted and had the right to use that land.

³¹ A letter to the Makhado Municipal Manager, 28/10/2003 “Destabilization of the Mavungeni Area”

For the remaining extent, the CPA constitution makes a provision for every member to have exclusive access to residential land where each individual household holds a title deed to the plot it has in line with the idea of having a residential development (township establishment). However, the business plan has proposed finding a developer to develop the land, and sell developed and serviced housing sites. The options put forward are that the CPA sells the land to the developer or they share in terms of profit. This development will not cater only for the beneficiaries but for members and non-members to the CPA (Wohimu, 2005: 38). It is difficult to see how the poor will benefit from this housing project if it is initiated.

In terms of farming, members of the CPA will have access to communal grazing land and individualised ploughing field. The CPA committee would then oversee the allocation of such land to members of the Mavungeni community as they appear in the beneficiary list. If a person's name does not appear on their membership list, that person has to prove convincingly that he/she was part of the community at the time of removals or his/her parents or grand parents were victims of the forced removals (Mavungeni CPA Constitution, 18/03/2002).

The business plan has taken a stance of leasing the productive land (food plots) and not giving full ownership of the land to the members. It stipulates that all members should apply to the CPA for access and be screened and selected for access to the production plots. They will pay a rent of R100.00 per month to the CPA. Production will be for own account not for the general CPA account. At this stage no rent is paid by plot holders (WOHIMU Rural Development, 2005: 24).

Apart from the CPA constitution and the business plan, the committee has allocated land to some members of the CPA based on their attendance at the meeting and their stating their availability to farm. This allocation only affected the remaining extent. These members were verified as members of the Mavungeni community during the land claims' claimants verification process. In 2002/2003, the committee allocated plots of between two and three hectares to approximately 40 households from the claimant group. These people still have a

share on portion 1 of Vleifontein. There was no other form of tenure security given to individual holders of those plots. The chairman is in possession of a list of people and which portion of land they were allowed to use [G. Chauke, 01/08/2006]. Within the group such rights are protected by the CPA constitution.

A group of people who are disgruntled with the lack of consultation by the CPA committee, and the process by which the land and other resources were being allocated and the use of the CPA resources have moved onto the remaining area of Vleifontein 310 LS to begin ploughing on self measured plots. The dissatisfaction relates to both parts of the CPA property (portion 1 and remaining extent of Vleifontein 310 LS). These people did not form part of the initial 40 households because they claim that they were not informed of the processes of land allocation and that the committee is handling the affairs of the CPA discriminately. The processes of application had not started pending the finalisation of the residential plan and implementation of the business plan. This group of disgruntled members of the CPA is not happy with the delays in the formal processes of application and screening. The monthly rental is also not acceptable to the group. They want to have free ownership of the land. These people allegedly moved on to the land after they heard that the land was going to be leased to a neighbouring white farmer.

“I could not just wait and see my land being used by another person who is not even part of our community, while I do not have land to produce food for my family” [S. Shirinda, 06/08/2006].

Those people who are unhappy with the CPA committee's decisions asserted their position by moving on to the land, erecting shacks and ploughing some of the areas meant for business use, in opposition to the lease proposal, joint venture arrangements and objections regarding the location of the residential development. Access and control of this land has now become difficult for the CPA committee but they are still working hard to bring the situation under control. Some of the actions taken are to report those people to the RLCC and the Municipality. Such actions by that group are regarded as disruptive of the planning processes therefore the CPA committee, the local municipality and the RLCC have sought an interdict to remove these “occupiers”. Some of the occupiers feel insecure because of

the interdict threatening to remove those people regarded as “squatters”. So far those people have not been removed and they continue to work the land.

Acquisition and access to land becomes complicated if the processes are too long and cumbersome because beneficiaries become tired and impatient. Among critical issues raised was lack of participation by the majority of CPA members in decision making processes. In most cases as had been observed at Mavungeni leadership runs the project and not promptly report to the general majority of the CPA members, hence dissatisfaction and “invasion” of the land.

(v) *Land use and livelihoods activities*

In all land reform projects, the DLA insist on there being a business plan which is supposed to assist the community in farming operations or any other land use activity on the acquired land. The business plan developed for the Mavungeni SLAG projects outlines the development objectives as follows:

“To improve the quality of life and household income of beneficiaries through the profitable utilization of agricultural resources earmarked for this purposes. This could be done by means of entrepreneurial activities, job creation and profit sharing enterprises”.³² (AgriConcept (PTY), 2000: 1)

The second business plan, for the restitution award, has the following aims:

“To create a sustainable project which creates job opportunities and wealth for its beneficiaries; the secondary aim is to provide resettlement opportunities for those beneficiaries who are able to afford relocation” (WOHIMU Rural Development, 2005: 6).

The objectives of the SLAG project emphasize that land will be profitably used for agricultural purposes. The second business plan captures ideas of sustainability, job

³² Mavungeni Business plan p.1. First Draft, February 2000. Drawn by AgriConcept (PTY) LTD

creation and provision of settlement opportunities. This section tries to understand the livelihood activities engaged by the Mavungeni beneficiaries, and asks to what extent does the use of land and livelihood activities being impacted upon by the business plan.

In 2002, the Mavungeni CPA bought eight dairy cows using money from the SLAG grant left over after they had purchased land and some equipment. Unfortunately most of the cows died before the project could start any production of milk. Currently there are only three dairy cows. The dairy has not begun running due to constraints such as absence of electricity connection, death of dairy cows and lack of dairy skills within the CPA. SLAG beneficiaries also attempted broiler production on the SLAG farm. In 2003, they constructed poultry houses and an office using some of the money that remained after they had bought the dairy cows. With additional grant funding from National Development Agency, obtained via Nkuzi Development Association, they bought 300 chicks and feed to start a broiler production. This project has been running to date with a staff compliment of five [N. Kwindu, 12/10/2005].

Initiatives to start a piggery and vegetable garden have stalled due to absence of the required equipment and necessary infrastructure such as irrigation, electricity connection for pumping water, cages and fencing. Those members interested in the piggery project could not start building cages for the pigs because there was some disagreement as to the location of the cages as they were advised that a piggery next to the poultry project could be detrimental to the chicks. On the other hand the vegetable garden has come to a halt because the infrastructure bought was of poor quality; the pump supplied was small and could not pump water to the reservoir. However the pumps that are there which were used by the previous owners were electric, therefore they cannot not be used without an electricity connection. [Kwindu, 12/10/2005].

Some of the CPA members have brought livestock onto the farm for grazing. Mr. Eric Maluleke has approximately 100 cattle on the farm. The CPA committee has also leased some grazing land to a farmer from the nearby township, Vleifontein. This has proved difficult to control because livestock from the Vleifontein Township, Munzhedzi and Maila Locations push fences down and graze on the same land [Maluleke, 07/08/2006].

Under SLAG, beneficiaries have tried to implement the business plan that was prepared on their behalf by AgriConcept (PTY) LTD in February 2000 but failed because of lack of skills, financial resources and access to inputs. They could not have electricity connection because they could not afford it, dairy cows died due to heart water sickness and they did not have the knowledge to deal with such diseases. At this stage the use of land and projects in place does not follow any plan. Members of the community are using the land as best they can with the little skills and knowledge acquired when farming before their previous removal from this land, with the exception of a few people trained by Madzivhandila College of Agriculture.

Shortly after the settlement of the Mavungeni land claim, Mavungeni CPA committee met with the Makhado Local Municipality, Makhado Regional Department of Agriculture, and a local land rights NGO, Nkuzi Development Association, to prepare a land use plan in the interim while the Government was still busy with remaining processes such as the formal transfer of the land title and release of the planning grants.

On the remaining extent of Vleifontein 310 LS, land use has been dominated by the demand for individualised access and use of land for the benefit of individual farmers and households. In 2002/3, from the allocated plots of 2-3ha to approximately 40 households from the claimant group, some people started production.

“I was allocated 3 ha of land. I planted maize in the initial year and was able to produce 30 x 80kg bags of maize-meal” [Chauke, 01/08/2006].

According to the chairperson of the CPA most of the people had the similar kind of harvest.

“What I harvested was used at home for consumption and a few bags were sold in the villages and surrounding areas” [G. Chauke, 01/08/2006].

Mealies were sent to a small grinding mill in the nearby village of Chavani, and some were exchanged for bags of maize-meal at the large commercial mill in Makhado town. In 2004/5 some of the farmers planted maize again, but experienced severe problems from livestock

on the land, which destroyed the crop. As a result, in 2005/6 very few people ploughed. Cattle come mainly from neighbouring villages, but one member of the CPA was also grazing livestock on the fields where people were cultivating. One of the neighbouring farmers has even built a cattle kraal on the land. Such grazing appears to be uncontrolled, and undermines the stated intention of the CPA to use this land exclusively for cultivation, and to allow grazing only on Portion 1 [G. Chauke, 01/08/2006].

The macadamia and avocado orchard which were already established on the land prior to its transfer to the community have not been maintained and as a result have yielded a very poor harvest. Mr. Henning, the neighbouring white farmer, helped by shelling the macadamia nuts, packing them and transporting them to market, but the nuts were found to be of poor quality and could not be sold. They were sold instead a local informal market and made

R18 000.00. Some of this income was used to subsidise the poultry project. In the following years the CPA leased the orchard to a member of the community who paid R3 000 per month to the CPA in rent. The returns from the orchards have been used to run the CPA affairs and also support the broiler production on portion 1 of Vleifontein 310 LS [Maluleke, 07/08/2006].

A strong desire by the dispossessed people to return to their land and re-establish the settlement of Mavungeni dictated that there must be a place for human settlement. As a result land was reserved for township establishment. This was done in terms of the Land Use and Development Plan. However, a dispute arose regarding what piece of land was going to be used for human residence. In 2006, some members of the community moved on to the land irrespective of the plan developed and started constructing shacks on land that the development plan has earmarked for cultivation. They complain that the CPA does not consult with the majority of the members of the community [S. Shirinda, 06/08/2006].

Some of the activities on the land include efforts to start tourism development, for example the Zoutpansberg Skirmishes Routes (ZSR), which organises tours of battle sites of the Anglo-Boer War (1899-1902). This initiative has not really taken off the ground, yet the people speak of it as a potential project that could assist craftsmen and bead-making

women in the village. In May 2006 the ZSR had a function to unveil the monument in honour of the known and unknown civilians who were killed during the military operations during the Anglo-Boer War. Members of the community feel that this provides an opportunity for development of tourism initiatives which in turn could generate income for the community.

In 2005, a residential development plan has been developed by a Wohimu, a group of consultants appointed by the RLCC. The layout has sites for approximately 200 residential stands, school facilities, two church sites, business sites and social amenities. The Committee has provided a copy of the plan to the local municipality for inclusion in its Integrated Development Plan (IDP) for 2006/2007. So far no formal resettlement has been started but the number of shacks is growing in areas other than the one earmarked for the township.

(vi) *Provision of Support Services by Governmental and Non-Governmental organisations*

The state institution responsible for the Mavungeni land claim and its settlement (e.g. the remaining extent of Vleifontein 310 LS) is the Commission for Restitution of Land Rights, under the direction of the Regional Land Claims Commissioner, Limpopo. For Portion 1 of Vleifontein 310 LS, the Provincial Land Reform Office of the Department of Land Affairs takes a leading role. Both DLA and RLCC are arms of the National Department of Land Affairs. However, the PLRO does not extend its responsibilities to post-settlement support (even on land acquired under its redistribution programme, leaving this aspect to the Provincial Department of Agriculture (PDOA)). The RLCC supporting Limpopo has recently formed a Settlement Support and Development Unit to ensure that beneficiaries of restitution are supported to use their restored land effectively. [R. Shilote, 02/08/2006]. The settlement agreement obligates the DLA (through the RLCC) to support the Mavungeni CPA in terms of accessing grants, and obtaining help from the local municipality and any other departments that might have grants or other forms of support to offer:

“The Department of Land Affairs undertakes to release the planning grants and the restitution discretionary grants due to this claim. The RLCC undertakes to assist the

claimant community to negotiate with the Makhado Municipality, Northern Province Departments of Agriculture; Local Government and Housing ... accessing all necessary development aids for the land.³³

As at Munzhedzi, Limpopo Department of Agriculture has awarded what they term “starter packs” to Mavungeni CPA. The starter packs included a tractor, a plough and a trailer. This equipment was intended for use by the CPA and its members in order to kick-start farming operations on those farms acquired. The tractor is used to plough the dry lands for individual households who have access to the field, and to carry firewood for the poultry project which has no electricity and depends on firewood for heating. The tractor is also rented out to neighbouring communities such as Munzhedzi and Shimange when they need it, and the income is taken to the CPA account to assist in running the affairs of the CPA [Khorommbi, 22/04/2005].

The regional office of the Department of Agriculture in Makhado has also placed an extension officer in the area to provide support to the new projects. In addition, training has been provided for community members at the Madzivhandila College of Agriculture, in Thohoyandou, where members are trained in horticulture, broiler production and pig production. The extension officer has tried to assist members to access grants under the Comprehensive Agricultural Support Programme (CASP) of the Department of Agriculture, but without success to date [Khorommbi, 22/04/2005].

Nkuzi Development Association has assisted the community while lodging the land claim and has continued to play a supporting role in farming initiatives at Mavungeni. However most of its efforts have failed due to problems with the supply of materials and infrastructure. For example, the water pump supplied is too small and cannot pump water to the tank. The matter has been taken to the legal desk of Nkuzi and in the meanwhile the vegetable project cannot start [Kwinda, 12/10/2005].

Members of the community feel that support they receive from state institutions, in particular, is far from adequate. For example, there is no adequate extension support,

³³Settlement Agreement: MALA (Ms. A.T. Didiza) and The Mavungeni CPA, signed 02/03/2002

infrastructure development has not been done and the CPA does not have financial resources to acquire such infrastructure. Support for institutional development (CPA) has been neglected even by the department that helped formed the CPA, DLA. [Maluleke, 07/08/2006].

In summary, Mavungeni presents a scenario of a resettlement in which land was awarded to a community and systems were put in place. The problems lies with the support structure necessary to ensure that the new settlement has clearly understood the systems required to administer the resources allocated to the group. The main challenges emanating from the case study are institutional support, technical support to farmers, and planning processes without participation of the majority of the people that are too long and cumbersome. These challenges affect productivity and the chances of ensuring that beneficiaries obtain material benefits from the land acquired.



4.3. Shimange Communal Property Association

(i) *Historical background*

The Shimange clan comprises people who in 1845 settled on land that is currently registered as Syferfontein 85 LT and Uitschot 84 LT.³⁴ This land is situated 20 km south-east of Makhado town (formerly Louis Trichardt), 13 km south-west of Elim and south of the Vleifontein Township. For many years, it was a mission station known as Ephrata.

The topography of the area can be described as broken foothills and undulating land. It lies between an altitude of 805m and 1074m (Northplan; 2004). The farms contains numerous springs and an area of natural sponge, part of the Letaba Catchments area. The area is frost-free, with average minimum temperatures of 8C and maximums of 31C. It is a summer rainfall area (October – March) with mean annual precipitation of 612 mm. Geology is largely Goudplaats Gneiss; soils in parts are deep and fertile:

“The soils in the majority of the farm are soils with minimal development, usually shallow on hard weathered rock, with or without intermittent diverse soils. Lime is rare or absent in the landscape. Depths are between 450mm-750mm on average. In the valley the deeper soils are found” (Northplan; 2004: 9-12).

The Shimange clan originated in Mozambique, where Nkukwana left Xihaheni District and trekked to the area which they called Vudyodyodyo and was later named Syferfontein. In 1850 a son was born to Nkukwana and was named Shimange, who eventually took over the leadership of the clan. In the 1890s, Syferfontein was obtained by its first white owner, .Veldkornet Tom Kelly. The land remained in Kelly’s family until 1916 when it was sold to Rev. N. Jacques; in 1969 the Jacques family sold the farm to a Mr. Henning. The farm was used for cattle and maize production and a mission school also operated from this farm. The mission was known as Ephrata, and even today most people know the land as Ephrata rather than Vudyodyodyo (Nkuzi, 1996).

³⁴ Shimange, a son of Chief Konkani (Baloyi clan) left Xihaheni district of Mozambique in 1845.

The Shimange people were not immediately removed from their land when the whites arrived on the land. However, they lived on the land with unrestricted access to ploughing fields, grazing, water and other natural resources. From 1936, the black residents of the farm were subjected to forced labour of three to nine months in exchange for permission to live on the farm, in line with the then Government's policy of labour tenancy. Those who refused to work were ordered to leave those farms. From the late 1950s, the apartheid Government introduced plans to abolish labour tenancy and create ethnic Bantustans in the northern Transvaal. Between 1957 (when the first trek passes were issued) to 1972 the Shimange community was forcibly removed from Syferfontein and Uitschot, without any form of compensation. The majority, who were Shangaan speakers, scattered all over the newly established Gazankulu, a Shangaan-Tsonga Homeland. Some Venda speakers went to nearby areas such as Nthabalala in the former Venda homeland. Subsequent to the removals, in 1976, the farm was purchased by the South African Development Trust (SADT) to add to the Venda homeland, but it remained unused for a long time (Nkuzi 1999).

As early as the 1980s, under the leadership of Chief Xitlhangoma Baloyi, the Shimange clan formed the Shimange Reconstruction and Development Committee in order to reclaim their lost land. The dawn of the new democratic Government and the subsequent enactment of the Restitution of Land Rights Act of 1994, provided an opportunity for the Shimange people and other victims of land dispossession to register a land claim with the Commission on Restitution of Land Rights. On the 27th December 1995, Mr. Risenga Freddy Baloyi, on behalf of the clan, lodged a land claim. Members of the committee insist that their intention was to claim the entire Vudyodyodyo, i.e. Syferfontein 85 LT, Uitschot 84 LT and Zwartfontien 392 LS. However, the land claim form recognized by the office of the Regional Land Claims Commissioner for Limpopo indicates that a claim was lodged on Syferfontein 85LT only.³⁵

Between 1995 and 2000, the office of the Regional Land Claims Commissioner investigated the claim and found it prima facie valid in terms of the Restitution of Land Rights Act. A lengthy process followed, included gathering of histories, proving lost land rights, validation, negotiations and settlement options, formation of the Communal Property Association

³⁵ Letter from RLCC, Ms Gilfillan, dated 22/07/99; original land claim form dated 27/12/1995.

(CPA), and finally signing of a settlement agreement. The CPA property was formed by a meeting of beneficiaries with the assistance of a local land rights NGO, Nkuzi. This entity enabled a community to form a legal entity which could be guided by a written constitution based on democratic principles. The committee comprised five executive members, and four additional members from the Shimange community. On the 2nd March 2001, at the first 'interested party' meeting, the Shimange community presented a proposal in which they indicated that only the restoration of their lost land rights would satisfy.³⁶

As the land belonged to the state, and was not contested by any party, this claim was settled through an administrative process whereby the Minister approved the settlement according to Section 42D of the Act, restoring the farm Syferfontein 85 LT, measuring 718,87 hectares in extent, to the Shimange Clan, as represented by the Shimange CPA. However, the settlement left out the farms Uitschot and Zwartfontein, which remains a matter of dispute between the community and the RLCC [C. Baloyi, 2/11/2005]. The settlement of the claim was marked by a celebration held at the Vleifontein Stadium on 2nd March 2002, which also involved the communities of Mavungeni and Munzhedzi, which also had their land restored to them at this time (see above). The ceremony officially marked the final settlement of the claim, despite the ongoing dispute over Uitschot and Zwartfontein.

The settlement agreement concluded in finalisation of the Shimange land claim was based on a submission to the Minister from the RLCC, in terms of section 42D of the Restitution of Land Rights Act and set out the terms of the agreement. It describes how much land was being restored to the Shimange community, how the land will be owned and the development support that the Government and its agents will provide. This agreement was signed between the Shimange CPA and the Minister for Agriculture and Land Affairs, on behalf of the state. The settlement agreement proposed restoration of the land and transference to the CPA which at the time of the signing of the agreement already existed. The settlement agreement made it clear that the CPA would own and manage the land for the benefit of all the beneficiaries of the Shimange community. With regard to development assistance, the agreement promises release of planning grants to the CPA and that the RLCC will negotiate with Makhado Local Municipality, Limpopo Department of Agriculture

³⁶ Signed settlement options resolution, 01/03/2001.

and Department of Local Government and Housing to support the CPA in accessing all necessary grants available in order to assist in land development³⁷. The agreement further provides that DLA will release Restitution Discretionary Grants (RDG) and Settlement Planning Grants (SPG) to assist the Shimange community to develop their property. The settlement agreement did not specify how large these grants would be. It was only later when the RLCC commissioned consultants for the development of the Land Use and Development Plan (LUDP) that the grant were estimated. The LUDP report stated that there are 250 households and 700 beneficiaries for the Shimange and furthermore estimated that the Shimange are entitled to R1 008 000.00 in SPG and R875 000.00 in RGD.

(ii) *Claimants/beneficiaries' land needs and aspirations*

The main interest of the Shimange community in claiming their land was to rebuild the sense of community destroyed through the implementation of the apartheid policies and to return to their ancestral land. They hoped that the return of the land would lead to the creation of job opportunities and boost the local economy.

A closer look at the Shimange reveals a community divided around their vision for the land. On one hand, there is a desire held by professionals and business people in fulltime employment to engage in commercial farming. They support the farm being run as a single entity, under a central management, and oppose allocating the land to individuals for either productive or residential purposes.

On the other hand there is a view, common among the poor and locally based unemployed people who are able to visit the farm daily or stay there. These people need access to land on an individual basis in order to produce for their households as well as possibly a small surplus for sale on the local market. These people reported that they were not willing to wait indefinitely for the Government to release grants, and put in infrastructure. They took it upon themselves to start using the land with the minimal support received from Nkuzi Development Association and other inputs from remittances and pension [Focus Group

³⁷Settlement Agreement entered into between the Shimange CPA and the Minister of Agriculture and Land Affairs (Ms. A.T. Didiza) signed 02/03/2002.

Discussion, 16/10/2006].

A needs assessment exercise by Nkuzi in 2002 revealed a demand for the creation of a residential area of approximately 70 ha, a business area of about 10 ha, and provision of land for different forms of farming i.e. livestock, game, horticulture and crop farming, both for growing food and for generating cash income (Nkuzi, 2002). This exercise led by Nkuzi discovered that the intentions of the community was to settle on the land as they used to do before the land was taken by the former discriminatory Government. They aspired to farm and secure food from their fields, so that they would be able to supply their families, ensure the creation of job opportunities through farming and also grow food commercially when necessary.

In 2004, RLCC appointed the consultants, Northplan, to prepare a Land Use and Development Plan (LUDP) for the Shimange community. The plan, which is dealt with in detail below, contains a long list of options for land use, but is lacking in concrete proposals and clearly does not constitute a business plan. In fact it suggests that the community developed more specific business plans for the farm. The LUDP emphasizes that the farm can not be used as a township but must be used purely as a commercial farm : “no urban settlement is going to take place and the farm will be operated as a commercial farm” (Northplan, 2004: 9). No effort has been made to implement the vision contained in the LUDP and interviews with community members reveals little or no support for the commercial farming model proposed. This raises serious questions about the nature of the consultation process and the relevance of this plan to the needs and aspirations of community members.

(iii) Land ownership and Institutional/organisational arrangement

Any land claiming community is required by law to form a legal entity for the ownership of land they acquire. The Shimange community chose a Communal Property Association (CPA) after a series of meetings to discuss which legal entity was most suitable for the community. The Shimange community chose CPA instead of a Trust because it was easier to set up and requires democratic processes, accountability, transparency and equality of

membership.

Supported by the RLCC and Nkuzi, the community also undertook a process of drafting a constitution for the CPA in 2001. As a result a Shimange Communal Property Association was registered on the 10th of May 2002, registration number: CPA /02/0427 /A. However there is a second constitution dated April 2002 which differs from the one used for registration. This has mainly been developed by the committee after the submission of the original one for registration. The second constitution differs from the original one in the sense that it provides a role for traditional leadership in the affairs of the CPA. It specifically mentions that the traditional head of the community 'President-Chief Designate' be put as a member of the proposed committee.³⁸

The CPA has 414 members in terms of a list of verified members drawn up by the RLCC. These members are victims of land dispossession at Ephrata and/or their direct descendants who were over the age 18 years at the time of verification. The Constitution also provides that anyone who in the future can prove that he or she too had land rights or is a direct descendant of land rights holder may be admitted as a member (Shimange CPA constitution, 2001). In the initial stage the CPA committee comprised of twelve members with five portfolio holders. Only two of this executive are based in Limpopo, one of whom is based in Giyani, about 70 km from the farm, and sometimes stays on the farm, the other three are based in the other provinces of South Africa. The committee is comprised mainly of urban-based professionals and full-time business people. As a result the daily running of the CPA affairs has suffered from neglect because members have other businesses other than the farm that provide them returns for the time they invest.

In response to a need to drive development on the farm, a sub-committee, known as "local committee" was constituted in 2004 with a mandate to assist in the management of day-to-day responsibilities of the CPA on the farm, but this committee does not have the power to take decisions. The committee is comprised of five CPA members resident on the farm and in the surrounding areas such as Elim. The relationship between this subcommittee and the main CPA committee (the so-called 'Jo'burg committee') remains unclear, and sometimes

³⁸ Two CPA constitutions dated 22/12/2001 and 27/04/2002.

tense, and members reported that they feel they do not have powers to take decisions without the agreement of the main CPA committee that seldom meets. Although the CPA committee deputy chairperson resides in Giyani, he also reported that he feels powerless and is not in a position to take decisions about running the projects, for instance meeting the RLCC to request release of development support grants, allocation of further residential sites etc.

Some of the major problems identified by members on the land are the lack of meetings of the CPA committee, or of the general CPA members. Initiatives to allocate fields and allow more people to farm in livestock and orchards have been discouraged by the main committee because of its vision to run the farm commercially as a single entity. The sub-committee (local committee) has not been meeting regularly because “when we try to organise meetings to discuss how we can access services to ensure that the farm is fully operational, the main committee instructs the local committee to wait for the main committee whose majority are in Gauteng and that they will contact the RLCC and the Department of Land Affairs. So we are always waiting for the committee to contact the RLCC but they have not made any progress” (Focus Group Discussion, 16/10/2006).

In terms of the constitution the CPA is supposed to meet regularly, hold AGMs etc. None of this has happened in five years. The CPA Act provides for the monitoring of CPAs, and for interventions by the DG of Land Affairs where necessary, but no action of this sort has been initiated so far. Most importantly, the RLCC has made no effort to date to intervene to revive the CPA, to protect the interests of the members, or to compel it to meet its obligations in terms of the law.

Members of the Shimange CPA are frustrated because leadership and management structure is not functional and there is no structure in the area to meet people and give feedback to processes for the release of grants and other development support such as water, electricity provision. They are also frustrated because the Government is not communicating with them about what are the current problems. The RLCC also says it is frustrated by the leadership because it only wants the RLCC, not the people on the farm, to communicate with them. Those on Uitschot feel that their need for secure land access has

not been met because they do not have a formal agreement to use the land but they keep working the land in the hope that it will ultimately be transferred to them.

(iv) *Land acquisition and access*

The RLCC officially returned Syferfontein to the Shimange CPA. But members of the community whose rights were attached to Uitschot also returned to their land because they thought that their land was returned as well. To them Ephrata has always been one land and was not divided [M.A. Mdhuli, 02/11/2005]. Therefore the Shimange case study has categories of beneficiaries of land reform, those who officially were awarded the land by Government and those who have returned to what they knew was part of Ephrata regardless of the dispute regarding the settlement of the land claim.

The nature of the land restored was state land. Other features on the land restored are a graveyard, various out-buildings. The remnants of a cattle dip, holding pens, a dam, a small plantation and pump room are still visible. All are old and some cannot be used. They need more investment in terms of renovations and putting up a new infrastructure. There is a fence cut line from the north to the south, a gravel entrance road to the old houses and seven streams that flow through the area from natural springs, which are tributaries of the Klein Letaba River. The original farmhouse, dating from the 1880s, was supplemented by a second adjacent house build in the 1930s, both of which remain in reasonable condition but can not be used without further renovations (Northplan, 2004: 25). Following its purchase by the South African Development Trust (SADT), the farm fell into disuse and the area became greatly overgrown. The land was reportedly used by people from Vleifontein Township to graze their cattle and to plough. Prior to the return of the land, the Department of Water Affairs used the house as a depot for their staff and equipment servicing the area [Marimi, 28/04/2005].

Although the formal processes for the settlement of the claim for Syferfontein were finalised, the Shimange CPA has not yet received title deeds for that property. The land is still registered in the name of the SADT. The RLCC has emphasised that there is a need to get all the planning work off the ground to ensure that beneficiaries use the land accordingly

and they will then follow up on the release of title deeds. However, planning work is also at a halt because of leadership problems within the CPA. Officials from the RLCC claim that they are frustrated by the CPA committee based in Gauteng because it is difficult to work with a distant committee. The distant leadership of the CPA which is powerful and respected has always undermined the local farmers who are involved in farming on a daily basis.

There is much confusion around the adjoining farm, Uitschot. Members of the CPA insist that their claim was for the whole property, which they knew as Vudyodyoyo or Ephrata. When owned by white people, these properties were owned and operated as one. Members of the Shimange community reported that they were unaware that, in terms of the deeds registry, these were in fact two separate properties (Vukeya, 02/11 /2005). This matter was raised by the Shimange Land Claims Committee in 2001 when they became aware of the problems around the settlement of the claim. Some committee members interviewed claim that the RLCC ignored their complaint and proceeded to settle a claim on Syferfontein on the basis that the only property mentioned on the official claim form submitted to the RLCC was Syferfontein, and that the RLCC could not amend the claimed property list.

Following the handover ceremony in March 2002, a sub-group of the Shimange CPA, comprising a group of closely-related families, Vukeya, Mdhuli and Baloyis, moved on to the farm Uitschot, on the basis that this was the area originally occupied by these particular families. Although this has not been formally approved by the Shimange CPA, it appears to have its tacit agreement, as other members have not opposed it and, in practice, seem interested only in Syferfontein. The tenure status of the people residing and farming on Uitschot is far from clear. Officially, this is state-owned land, on which there is no official restitution claim, and the occupiers are present on the land without any official approval. It would appear, however, that the state has little knowledge of, or interest in, this property. The CPA committee has tried liaising with the RLCC in order to get the land transferred to the CPA but, as no claim has been lodged for that land, the RLCC argues that it lies outside its area of responsibility.

In the initial stages immediately after the settlement of the land claim, the local committee allocated some residential land to those people who wanted to relocate to live on the farm.

From these, three shacks were constructed on the allocated residential land. However, these shacks have not been occupied. Some of the people who had been allocated residential land could only try to cultivate maize. In 2003, the local committee again demarcated 22 cultivation fields of approximately one hectare each around the main farm house at Syferfontein for access by individual households. This initiative did not involve the local municipality or any other Government authority. It was a prompt response of the committee to the demands of productive land from the CPA members. This initiative was contrary to the official position adopted by the main committee which is backed by the Land Use and Development Plan which advocates a unitary farm plan.

Individual households that were allocated plots tried to plough in the first year but a poor harvest and destruction of crops by livestock from adjoining villages discouraged most of the farmers from ploughing again. Most of these people are no longer involved in farming and have moved back to their original homes [Focus Group Discussion, 16/10/2006].

The majority of the members of the Shimange CPA have not so far benefited in any way from this restoration as they are not living on the farm or using it for production. Of the 414 members of the CPA, just thirteen households are involved in some form of activity at Syferfontein. Those not involved are currently waiting for the Government's grants and support in infrastructure. Some of the thirteen households on the land have occupied the old farm houses and some have constructed shacks dwellings. This group can be described as follows (Focus group, 16/10/2006):

1. Five households who live and work full time on the farm, these include those cultivating crops on a small scale and those farming poultry in the sheds adjoining the main house.
2. Five households who live on the farm but do not work the land. This category includes pensioners who for reasons of attachment to the land have come to stay on the land and some people who are unemployed and for lack of financial resources are not ploughing any fields, and
3. Three households who commute to the farm for work and/or employ others to work on the farm. This category comprises people who have other formal employment and do not reside full-time on the farm but have ploughing fields, on which they have employed

people to work, and may come and stay occasionally on the farm.

The question of land access by individuals is a critical issue because of the different stances adopted by the main committee regarding the unitary farm plan and the need for individual access to productive and residential land by beneficiaries. However those currently living and working on the farm have continued regardless to farm on an individual basis and not collectively through the CPA. They de-bushed approximately 10 ha field and allocated between 0, 5 ha to 4 ha to eight households for crop farming as one can observe in the field. The difference depends on how much one can work, however some members believe that some farmers who sit on the main committee and are part of the local group allotted more land to themselves than to others [Marimi, 24/05/2006]. This 15 ha field is separate from the fields that different households had access to in 2003. The eight farmers are mainly active people who work on the farm on daily basis or their employees. Most of them have resources to enable them to get necessary inputs to this plots. For example, some of the people are teachers or retired members of the Shimange community.

The adjoining farm of Uitschot was not restored to the Shimange CPA, but has been occupied by members of the community. By October 2005 there were eight farmers involved in farming all of whom are related, members of the extended Vukeya family. Mr. Vukeya, as an elder to the family, apparently assumed responsibility for co-ordinating access to this piece of land. Allocation of individual fields has been linked to the reconstruction of the previous settlement of Vukeya family at Shimange. Most of the plots allocated to members of this group of the clan are around the areas where they used to live before land dispossession. Although in some case it is not possible to resettle exactly where they used to live. "We are returning to our ancestor's ruins, this is the rebuilding of the Vukeya settlement at Shimange" [M.A. Vukela, 01/11/2005]. The occupation of this land by the extended Vukeya family does not appear to be opposed by the members of Shimange community who have taken occupation of Syferfontein, nor by the state which still officially owns this land.

On Uitschot, access to land is determined by how much an individual can clear and work. Mr. Vukeya oversees the allocation of land, and it is up to the person to de-bush as much of

the land as he or she can. If they have sufficient labour they may de-bush large amount of land. Most of the people on this land are employing other people from the local area to assist in the de-bushing of the land. So far no disputes have been reported over land allocation, and the set boundaries seem to be respected by all. "In this land all people know each other and where they are supposed to work" [M.A. Mdhuli, 02/11/ 2005].

(v) *Land use and livelihoods activities*

When the community moved on to Syferfontein and Uitschot, these farms were unused state land which had been neglected for a long time. On acquisition, the Shimange people started to resettle a few households in the two existing farm houses to look after the property and guard against theft and vandalism. Those people who moved on to the land to look after the property and some who were interested in farming started cultivating dry arable land around the farm houses. The farm fencing is in a poor state and, as a result, their crops were destroyed by stray livestock from the neighbouring settlements of Vleifontein and Nthabalala. Fences were also allegedly cut by people from the nearby township because they were now restricted from grazing and ploughing land that they had been using without permission for many years. The cutting of the fence was regarded as a sign that people in the neighbouring communities are not happy with the resettlement of the Shimange community on this land [Focus Group Discussion, 16/10/2006] At the same time some people, part of the Shimange CPA, also moved on to Uitschot to start building houses and de-bushing in preparation for ploughing fields and establishing orchards.

Most of the members of the community that had started farming on dry land were discouraged by the livestock damage. They say that they will plough again only when proper fencing is in place [Marimi, 24/05/2006]. They expect the Government to grant them funding to erect such fencing. Another limitation that they faced was that the tractor belonging to the CPA (provided by the Department of Agriculture) broke down and nobody could afford to repair it. Most of the people who came to live or work on the land at the beginning have now given up and some are no longer involved on the farm. Only a few continued to develop small irrigated plots. However, the farmers on Uitschot are continuing to farm regardless of the absence of support from Government and insecurity of tenure on

the land they are working on. They have constructed four substantial houses, cleared and fenced an area of approximately 20 hectares which is being used for cultivation of rain-fed crops such as maize, sweet potatoes and groundnuts.

As part of the settlement agreement signed between the community and the State, the community is required to prepare a business plan, for which the State will provide funding. An outline business plan prepared the leadership of the CPA in March 2002 included plans for resettlement and agricultural development, including the following elements: construction of access roads, water reticulation, fencing, electrification, refurbishment of farm buildings, de-bushing, latrines and agricultural projects – tropical fruit production, vines, cattle ranching, dairy, chicken rearing, piggery. The plan estimated that a budget of R9.35 million was needed to get the farm running again.³⁹ No evidence could be found that this plan had ever been approved by the community members, and no steps have yet been taken to implement it.

In 2004, Northplan, a Town and Regional Planning consultant completed the LUDP for the Shimange community⁴⁰. The LUDP report consists of a Status Quo report on the land acquired by the community and a list of possible projects that could be initiated. According to the plan documents, it was adopted by the community on the 24th of November 2004, although the accompanying attendance list shows that only eight members of the community were in attendance. This plan proposes a unitary commercial farm model and discourages human settlement on the land: “no urban settlement is going to take place and the farm will be operated as a commercial farm” (Northplan, 2004: 9). It is based on the assumption that all Shimange people want to run the farm as a commercial agricultural enterprise without accommodating the need to resettle and rebuild the community. The LUDP makes no reference to the existing skills or resources of the Shimange community, how the farm will be managed (or by whom), nor how a single commercial farming operation can meet the needs of over 250 households.

³⁹ This is a version of a draft business plan that was prepared by a member of the CPA committee, Dr O.S.B. Baloyi (President: Shimange/Baloyi CPA). Note that the registered CPA is called Shimange CPA but the Dr. refers to it as Shimange/Baloyi CPA.

⁴⁰ Note that LUDP is now for the Shimange Tribal Community and not for the Shimange CPA.

The LUDP only focused on the restored property of Syferfontein, which it divides into three sections, as follows:

- Area A of approximately 150 ha which could be used for biodiversity and water preservation
- Area B of approximately 459 ha which could be used for grazing. It further states that both A & B can be used for cattle and/or game farming and could support 100 cattle at 5 ha / LSU [Large Stock Unit] on Area B;
- Area C of approximately 110 ha, which is regarded as good arable land. Area C was further divided into 49 ha of crops, 11 ha of intensive livestock, 25 ha of horticulture and 25 ha of crops and intensive.

The report concludes that the farm is suitable mainly for dry land farming, deciduous fruit and cattle and game farming. It proposes that the Shimange CPA must “prepare a business plan for the renovation and use of the existing building structures on the farm; apply to the Municipality for the provision of electricity; and prepare an agricultural business plan for each of the proposed agricultural activities ...” (Northplan, 2004: 10). No such business plan has been developed as yet, although members of the community and officials of the RLCC refer to the LUDP as a business plan.

Productive activities on Syferfontein to date have been influenced by the immediate needs and very limited resources of local people who can access the land, rather than by the elaborate, yet vague, proposals of the LUDP. With the support of Nkuzi Development Association, one household (Sipho and wife) is producing broilers in a new purpose built shed. Sipho and his wife run the poultry business for their own benefit, without the involvement of other members of the CPA. Sipho was trained in broiler production by consultants hired by Nkuzi as part of its livelihood support work. He was also trained in crop production at the Madzivhandila College of Agriculture, with funding from the Department of Agriculture. Eight households, including Sipho’s, are cultivating small irrigated vegetable plots and one other household has brought in livestock for grazing. Nkuzi also provided the occupiers with 100 macadamia trees which later died because of lack of water.

Poultry production was started as a group activity for the CPA, with 300 chickens, a poultry

house and other provisions provided by Nkuzi. Member received training for a consultant appointed by Nkuzi. However, the people who were to be employed did not continue with the project because when they discovered they would not be paid for the time spent on the project and would only be entitled to a share of the profits. The CPA then allowed Siphon to control the business because he was trained in poultry and in the hope that he would grow it and employ more people from the Shimange community. Now the project is run as a private business by Siphon and his wife. The operation is still very basic as there is neither electricity nor water supply to the poultry house. Water has to be purchased in Vleifontein Township for R1.00 per 25 litre container and transported to the farm by bakkie.

Now the project has 500 chickens, which are sold at six weeks for R23.00 each. If all the chickens survive and are sold, they generate an income of R9 200. The costs of production include purchase of four boxes of chicks at a cost of R420.00 per box (R1 680 in total). The cost of feeds (for starters, growers and finishers) is estimated at R3 152.00 per batch of 400. The cost of vaccines and other medicines such as *chlone 30*, *hebivex*, *gumboravex*, and *lasotta* are estimated at R110.00. The total costs for a single batch of 400 chicks are thus estimated at R4 942.00. The net return to Siphon and his wife is thus approximately R4 250, which is their salary for the six to eight weeks required per batch of chicks. They are not making enough money to employ extra people at this stage.

Individual producers have also started de-bushing a 10 ha field for cash crop cultivation. This 10 ha field has been allocated to eight producers who each have plots of approximately 0.5 to 5 ha. Only a few producers have accessed this land. The allocation has not been discriminatory but those people who were interested and were on the farm allocated themselves land. When it was started, they used their own hand tools to de-bush the fields, and at a later stage the Department of Agriculture provided a grader which greatly assisted them. Nkuzi Development Association provided diesel for the grader and it was driven by an official from the Department of Agriculture. People involved on this project are producing vegetables such as spinach, beans and peas, beetroot, tomatoes, cabbages, pumpkin leaves and some have produced maize. The production is mainly for household consumption and any surplus is sold on the local informal market.

“I feel happy here because I have my own piece of land that I can grow food for my family” [Marimi, 24/05/2006].

The irrigated fields were cultivated for the first time in May 2004. They planted cash crops which they used for household consumption and some of the food they sent home to the family and relatives. In 2004, Siphon and wife planted a hectare of cabbages, beetroot and onions. In 2005 they planted tomatoes, spinach, beetroot and onions. From these they reported a good harvest. Seven crates of tomatoes, two crates of beetroot, and a crate of onions were sold to the local markets in the township. “From this produce, I am able to feed my family and still sell what we are not able to use at home” says Siphon. He does not spend a lot in transport because people come to the farm to buy vegetables. In terms of marketing, information is spread through community networks where one tells the other person when vegetables are available at his plot. In the first year there were not a lot of inputs made to the field, because the seedlings he used were a starter given from the training he attended but he bought ‘323’ fertilizers from NTK in Makhado with money he got from his parents. In the seasons that followed he bought seeds from NTK Makhado and also Vleifontein’s Max Hardware. Production from this field supports the family at home and also consumption at the farm.

“Last time when we had a funeral for my brother, we were able to get tomatoes, onions and cabbages from this plot. We saved a lot of money because vegetables are expensive in the village” [S. Baloyi, 24/05/2006].

Other people who have good sources of off-farm income are able to cultivate bigger portions. One member, the secretary of the CPA, has cleared approximately 5 ha of land, which he is irrigating; he uses the land on a more commercial basis. However some other farmers complain that he has taken more land than he should and monopolised the irrigation pipes that were donated to the community.

“These pipes are not for individuals. He could have shared with the rest of us who do not have” [Marimi, 24/05/2006].

The household using 5 ha is comprised of professionals (teachers) who earn an income and are able to farm on a bigger scale than others. They use their salary to purchase inputs for this plot. They produce spinach, chillies, and green peas. They have in the initial stages used Landman Vervoer in Levubu to transport and market produce in Johannesburg, but feel that this was a waste of money. Their major concern is that a lot of money was spent on intermediaries and transportation. Some of the produce rotted before it reached Johannesburg and others remained unsold, with the result that they lost money. They now prefer to sell at local markets e.g. shops and supermarkets in Makhado town.

“Transporting the produce to the local shops only costs me only R30, increasing my chances of making a profit”, [C. Baloyi, 2/11/2005].

The Baloyis also employ someone on a full time basis who is paid R700.00 a month. They also employ seasonal workers for weeding and harvesting, paying R25.00 per day. Their sons occasionally assist the parents on the plot. The head of the household estimated total costs for inputs for 2004 at R600.00, buying seeds, fertilisers, repairing irrigation pipes and cultivation with the exception of labour and transport [C. Baloyi, 2/11/2005]. The Baloyis family acknowledges that this 5ha cultivation is making an important contribution to the household diet and income.

“My life has changed now because I can make extra income from the fields to supplement our household income. Some of the produce such as spinach, cabbage and onions have been used for household consumption” [C Baloyi, 2/11/2005].

Another member of the community, Mr. Khoza, keeps his son’s cattle on the farm. In 2004 he brought in three cattle bought from Giyani Gaza Beef. These were returned as they had come from the area within the red line and were not fully quarantined. Currently they have six head of cattle, including a calf.

“I have problems with farming cattle on this farm because there are no camps, and other crop producers complain that my cattle interfere with crop farming. In addition there is no water for drinking, as a result I use my van to fetch water from Elim,

approximately 13km from the farm” [Khosa, 16/11/2006].

This has been the major cost of Mr. Khosa so far. According to Khosa, there has not been any sales or benefit for this household so far as they are spending a lot to maintain the cattle on the farm and building up a herd [Khosa, 16/11/2006].

On Uitschot there are about eight households who are closely related and have allocated each other individual plots of approximately 1-5ha. Production is mainly on individual basis, producing rain-fed maize, groundnuts, peanuts, pumpkin leaves, beans and sweet potatoes. Some of the producers also intend to establish orchards with trees such as mango, avocados, macadamia, and pawpaw. Small patches of vegetable gardens have been established next to streams where producers carry water from springs in buckets to irrigate their vegetables. One producer uses a generator to pump water from a small pond to the tank for irrigation. There are a few houses (some temporary but some permanent mud brick and cement brick houses) built on the land where some of the farmers are staying while they are on the farm because they live far from Uitschot.

One of the producers on Uitschot is Mr. Vukela, who moved on to the land in 2002 around the time the land claim was settled. He is a retired policeman and works the land himself without employing anyone. He has cleared approximately 12ha, of which 5ha was for his sister while he is working on 7ha. The cost of clearing and fencing this area amounted to R20 000 in 2002 which he received from his retirement annuity. In the initial harvest in 2003, he obtained 80 x 80kg bag of maize, this excludes green mealies which were consumed at home and given to friends and relatives before the main harvest. The harvest has been an important contribution to the Vukela household food and income because most of the maize was sold in informal markets in villages.

“This harvest has encouraged me to work hard because I realized that there is a potential to get returns for what I have invested when using all my pension money” [M.A. Vukela, 01/11/2005].

On another plot Ms. Mihloti Annah Mdhuli (63) and her husband (66), both of whom are

pensioners, are using some of their pension and other savings to purchase inputs for their plot. They planted maize, ground nuts, sweet potato, sugar beans, sweet potatoes and peanuts. They earned a cash income of R3 180. In the years that followed they also made a cash income of R6 000, with the exception of 2006 because of drought. She used her own transport at the cost of R200.00 for petrol and she employs two women who works during the harvesting season and pays them R300.00 per hectare [M.A. Mdhuli, 02/11/2005]

(vi) *Provision of Support Services by Government and non-Government organisations*

The RLCC - Limpopo is the main role player that facilitated acquisition of Syferfontein under the Restitution of Land Rights Act. The settlement agreement signed by the parties stipulates that the RLCC will co-ordinate the involvement of other parties in this settlement. These organisations include the Makhado Local Municipality, Department of Local Government and Housing, and the Department of Agriculture:

“The Department of Land Affairs undertakes to release planning grants and restitution discretionary grants due to this claim. The Regional Land Claims Commission undertakes to assist the claimant community to negotiate with the Makhado Local Municipality, Limpopo province Department of Agriculture and the Department of Local Government and Housing in accessing all the necessary development grants available for the development of their land” (Settlement Agreement entered into between MALA and Shimange CPA, 2002).

The RLCC has not achieved its role to co-ordinate all the support institutions for the beneficiaries, for instance when they visit the local municipality requesting for water, they are told that they municipality does not deal with land reform beneficiaries; they should go to Water Affairs. Other departments such as Agriculture do not have a strategy for dealing with these sorts of settlements where there were no farming activities running before its restoration to the owners. In terms of the Settlement Agreement (2002):

“The State shall take all the necessary steps to transfer the said land to the communal property association... The department reserves the right to delay

transfer until the Shimange communal property association has ratified the terms and conditions of this agreement and has an approved business plan.”

To date, the RLCC has failed to transfer land to the Shimange CPA, the RLCC has not been able to facilitate completion of a business plan other than a LUDP which is basically a wish list of all the things that the community can do with the farm.

Since the drawing up of the LUDP, communication between the CPA and the RLCC has broken down because of the distance between the 'main committee' and members, the lack of progress in the release of grants and planning and unwillingness to delegate powers by the executive committee members [S. Baloyi, 14/10/2005]. Nkuzi has accused the RLCC for failing to develop a real business plan or release development support grants [N.D. Kwindu, 5/05/2005]. The RLCC has argued that the problem lies within the CPA committee who want the money to be deposited in the account of the CPA which is contrary to the practice of the RLCC who pays these grants to the CPA, following quotations for services to be rendered or payment of service providers for services rendered on the farm including settlement planning as well as assisting in terms of establishment of development projects for the CPA. However these grants have not yet been released due to internal weaknesses of the CPA such as a requisition for the amount to be paid to the CPA account, and the bureaucratic processes of the RLCC [R. Shilote, 02/08/2006].

The Limpopo Department of Agriculture (LDA) has purchased machinery for the Shimange CPA which is commonly referred to as a “starter-pack” consisting of a tractor, disc plough, trailer, planter, and rake plough. The LDA has also made a bulldozer available to the community to use in establishing access roads, fire belts and de-bushing where necessary. The Department provides a driver for the grader for a number of months, but the farmers had to pay for diesel. Some members of the community were able to de-bush an area of approximately 20ha for rain-fed crop production. The area was demarcated into plots of unequal sizes of between one and three hectares and was given to those farmers who were in a position to provide their own inputs.

In addition to the equipment for this settlement, the Department of Agriculture has also

placed an extension officer to support producers on Shimange and nearby restitution projects. These officers are responsible for the provision of extension support in livestock and crop farming. However, extension officers merely visit farms occasionally and there is virtually no extension support provided to these producers.

By October 2006 they recorded that the last time the extension officer visited the farm for crop farming was 6 months previously. The farmers active on the land, particularly on crop production, are not happy about the extension support which the LDA claim to provide. Producers also wish they could be helped to access grants from the Department, e.g. Comprehensive Agricultural Support (CASP) grant. With CASP they believe that they could establish fencing for the field and grazing camps, and they could also drill water for irrigation, drinking by livestock and domestic use. Since 2004, producers have requested the LDA to help them access CASP but to date they have not received a reply to their request.

The Department of Agriculture through its education and training arm, Madzivhandila Agricultural College, has trained some of the farmers at Shimange in vegetable production, broiler production and soil analysis. Two members of the community were trained in these areas. This training has helped producers on their production in crop fields, and broiler production which they had already started. Although people were trained, some of the trainees feel that a lack of financial resources has limited their willingness and aspirations to farm.

Further support for farmers at Shimange has been provided by a local land rights NGO, Nkuzi Development Association. Nkuzi was involved with the facilitation of the land claim up to the point of settlement, and with the formation of the CPA, and upon the settlement of the claim assisted in the areas of poultry production, a macadamia orchard and a vegetable garden with some of farmers that lived in the local area. Nkuzi helped secure grant funding for training in game farming, crop farming, tree management and broiler production. Nkuzi also helped with the purchase of implements such as spades and wheel barrows, as well as bricks and cement for building cages for poultry and pigs. This NGO has also continued to play an advisory role to the farmers and has worked hard to bring the local Municipality on

board regarding the incorporation of this and other restitution settlements in the Municipal IDP and LED plans. However, the Municipality has not been able to put this CPA in the IDP except for a small budget for training all the claims in Makhado and orientating extension officer from LDA who became involved in 2004 [Kwinda, 25/04/2006].

The other potential role player is Makhado Local Municipality as they are the sphere of Government responsible for service delivery. However the local municipality has not yet taken a clear position on how they should support beneficiaries of land reform. On numerous occasions, the Shimange community representatives have requested the municipality to provide water and an electricity supply to the farm. These efforts have proved unsuccessful to date because the local municipality claims that it is not their mandate to deal with land claims issues, failing to accept that this was not a land claim but a settlement that needs services. The municipality argues that it does not have to supply water or electricity because the area has not been proclaimed a township and have referred the community to the Public Works Department. To date, the farm has no access to water or electricity [Focus Group Discussion, 16/10/2006].

In summary, Shimange provides an example of restitution settlements, with poor design of projects and settlement, weak internal institutions, and absence of extension support. All these factors contribute to decrease the productivity of the farms acquired under Government land reform programme. It is evident that within black communities there are people who are willing and able to farm but they need proper support and correct policy environments targeting small-scale producers. With this support they will be able to farm and be more productive like their large scale commercial farmer counter-parts.

CHAPTER 5: CONCLUSION

5.1. Introduction

This study has used three case studies from Limpopo Province to investigate what could happen when people acquire land through the South African Government's land reform programme. Land reform does not encourage a range of settlement options, like small family farms, and instead promotes more commercially oriented single-entity farms which in most cases address the needs of small minorities within the CPAs. Complementary support services for land reform are not being adequately planned or implemented, and no clear role has been allocated to municipalities. There is a pressing need to augment the current land reform efforts with services such as affordable credit, extension support, affordable inputs and agricultural training relevant to new entrants to the farming industry.

The study has identified that challenges for post settlement lie in two broad areas, namely project design and implementation, and the provision of post settlement support. The main finding of the thesis is that the provision of land alone is not enough to ensure productive use of that land and to make a positive difference to people's livelihoods. This chapter, therefore, summarises the critical issues that emerged from this study, particularly the challenges of post settlement, and offers recommendations for policy reform.

5.2. Key conclusions from this study

5.2.1. Secure access to land and provision of complementary support services is a critical aspect in securing improved standard of living of the poor people

Access to land is an important step in redressing the injustices of apartheid in South Africa. However, if land is to contribute to improving people's lives, especially those of the very poor, complementary support services are a critical intervention. Such services are widely expected to come from the State because the majority of land reform beneficiaries are poor people, impoverished through the land dispossession of the previous apartheid

Government.

In all three case studies presented here, land reform beneficiaries who are using the restored land reported that their greatest satisfaction to date was regaining land that they could call their own.⁴¹ Degrees of satisfaction vary from site to site. In the case of Mavungeni and Shimange, where the majority have not returned to the land, the emphasis was more on the symbolic return of the land. At Munzhedzi, where people had resettled on their land, the highest degree of satisfaction was found. This is because the people have material benefits in the form of land for housing and ploughing, which has been accessed by the majority of community members.

“I have my piece of land that I am able to produce vegetable and mealies which I can feed my children. Where I used to stay I did not have enough yard to be able to cultivate vegetable like here at Munzhedzi” [Malesa, C.10/12/24].

In Mavungeni and Shimange, the minority of members who have gained access to the land to date similarly expressed happiness that they are back on their ancestral land and using it for grazing their livestock, ploughing and some are returning to stay, particularly at Mavungeni. However, the majority of the people have not yet returned to the land, and do not have access so far because of lack of resources to make use of the land. Major problems cited by the people are the distances between the farm and their places of residence. Many of the people have expressed disappointment because they expected Government to help them relocate to their new land, and so far no progress has been made.

Community members at Shimange were found to be producing at a very small scale and could not expand due to lack of access to credit and affordable inputs. This situation is made worse by the fact that the development support grants owed to the community by the Commission on Restitution of Land Rights have not yet been released to them. Nonetheless, food production even at a small scale does make a significant contribution to household well-being. One of the farmers said that “I am able to complement my salary with

⁴¹ Interestingly, none of the communities in question are yet in possession of title deeds to their land, but the members feel they own the land because the Minister of Land, Agriculture and Land

additional income from the farm produce; I am able to feed my family with fresh produce from the farm for three to four months a year". Food security of some households at Shimange and Munzhedzi has certainly been improved through access to productive land, which is of much better quality than the land to which they had access in their previous places of residence.

This study suggests that many rural people, especially the poor and unemployed, are able and willing to farm on a small scale if they are given the opportunity. For them farming is largely driven by food needs and lack of alternative employment possibilities. Production of food crops can make a significant contribution to household food needs, even without cash sales. This suggests that access to land is indeed important for poverty alleviation in South Africa.

Unlike Munzhedzi, where benefits from the use of land are enjoyed by most members, in Mavungeni and Shimange it is limited to a few households who have been willing to move on to the land without waiting for direction from the wider community. However limited the numbers of people, those that have worked the farm, have found satisfaction with being able to produce from those fields. Both of these communities have been tied up for lengthy periods in debates about how to use the farms as collective entities, but the example from other such farms in the area suggests that these are unlikely to ever get off the ground. In the absence of any clear decision or direction, a minority of individual household are producing for themselves without reference to the wider community. There is little doubt that many more members of these communities would benefit if the land was subdivided and individual production was more widely encouraged. Munzhedzi stands out as one of the few land reform projects in the country where the idea of group production was discounted at an early stage, resulting in clear benefits for its members.

5.2.2. Local coordination for service delivery is a critical gap in post settlement support.

In South Africa, land reform is the core responsibility of the Department of Land Affairs

Affairs came and awarded them the land in settlement of their land claims.

(including the Commission on Restitution of Land Rights and the Provincial Land Reform Offices) whereas the Provincial Departments of Agriculture deal with matters of agricultural support. Local Government, which is legally responsible for co-ordination of local development, typically does not see land reform as part of its mandate, and virtually no municipalities have included support to land reform in their Integrated Development Plans (IDPs).⁴² There is therefore a critical absence of co-ordination of services for land reform beneficiaries at a local level. The Commission on Restitution of Land Rights has tried to adopt the concept of 'developmental restitution' by setting up Settlement, Support and Development Units (SSDU) in each province, but major challenges remain regarding local co-ordination. Local municipalities, where land reform is implemented, could play an important role if they understood their role properly and were given the necessary resources.

The three land reform projects discussed here are the responsibility of the RLCC for Limpopo. In addition, the Mavungeni case includes a component of SLAG, which is supposed to become the responsibility of the Department of Agriculture once DLA has finalised the transfer of land. In Limpopo, the RLCC and the Department of Agriculture have recently started a closer working relationship to provide support for land reform. This relationship has, however, yet to be firmed up at a local level through the inclusion of local municipalities. The experience of Shimange illustrates the problematic relationship with local Government. When representatives of Shimange approached the Makhado municipality requesting that they be provided with water and electricity, the municipality responded by saying that it does not deal with land reform projects and that their application should instead be directed to the Departments of Land Affairs, Public Works or Water Affairs.

On the other hand, the role of DLA's Provincial Land Reform Office in land restitution has also not been well defined. Clear needs exist in many areas, including institutional support to communal property institutions and ongoing Monitoring and Evaluation of project performance, but these are not being carried out by any of the existing Government bodies.

⁴² Integrated Development Planning (IDP) is one of the key tools for local Government to tackle its developmental role. It is meant to arrive at decisions on issues such as municipal budgets, land management, promotion of local economic development and institutional transformation in a consultative, systematic and strategic manner.

The Local Municipality has shown great uncertainty in terms of establishing its role in restitution or other land reform programmes.

None of the cases under investigation here have access to electricity or safe drinking water, despite numerous efforts to get the local municipality to provide such services. In most case land reform beneficiaries were told that land reform is not the competency of the local municipality. Likewise, the higher level District Municipality has not yet established what role, if any, it might play in providing support to land reform. Land reform beneficiaries are, as a result, effectively left without support from any direction. These services could be best located at the local municipality as the lowest form of Government tasked with service delivery. This could be the most accessible because it is based in the locality of land reform beneficiaries rather than in some distant provincial office.

Local Economic Development and IDP units within municipalities could be appropriate vehicles for provision of support to land reform. LED officials should be in a position to advise in terms of access to credit and inputs for farmers. Lack of inter-governmental co-ordination affect development in local areas. In this study it has been found that when land reform beneficiaries visit local municipality in order to request services such as water, they are told that it is not the mandate of the local municipality. This has affected development in the settlements profoundly.

5.2.3. Absence of support services limits productivity of farms acquired by large groups through the land reform programme

In most resettlement projects, under both restitution and redistribution, groups of beneficiaries have – under pressure from state officials who advocate the unitary farming system - opted to hold the land in common and to work the land as a group. Because the majority of the beneficiaries of land reform in rural area are poor, they remain heavily dependant on State support, both financially and otherwise. Particular needs of land reform beneficiaries include credits, supply of farm inputs, assistance with marketing, extension services and the like. Support needs for land reform beneficiaries also differ according to their needs and aspirations. The needs of small plot-holders and large-scale commercial

farmers are unlikely to be the same. Group and individual projects also have unique needs. It is therefore important to channel relevant support to the beneficiaries. There is little prospect of land reform beneficiaries engaging in production for the market, without substantial assistance in all areas, from inputs to marketing. Small-holder production can make a significant contribution to livelihoods of the rural poor, but need appropriate support from state and non-state actors that empower people, rather than obstructing them. Support which build on the existing skill and knowledge is more empowering.

The case studies were all community-based initiatives that were, in the minds of officials, intended to lead to large-scale collective forms of production. In practice, the only land uses that have emerged have been based on individuals and households, largely against the wishes of official planners. These cases are thus characterised by small-holders producing on a very small scale, largely for household food purposes. Yet land reform policy gives inadequate attention to the needs of smallholders, preferring large, collective, 'commercial' projects. These take a lot of organisation and resources, a long time to get moving, and may not deliver the expected benefits. For the groups in this study, agricultural production could probably be improved by appropriate extension service and support in training, advice, ploughing, access to inputs, small scale irrigation and marketing where necessary.

The examples of Mavungeni and Shimange reveal major difficulties with regard to farm inputs, extension support and credit. Smallholders have struggled to expand their production on these farms because of lack of irrigation and fencing to ward off stray livestock. Individuals have applied for assistance under the Department of Agriculture's CASP and MAFISA programmes, but have had no response from the extension officer or the Department since. Considering what they have been able to produce so far without support and with only the most rudimentary forms of irrigation, it is likely that they could expand production greatly if appropriate support could be provided. Without it, they are likely to be stuck at the most basic level.

I concur with Kinsey and Binswanger (1993) who have argued that smallholder agricultural growth cannot be achieved without access to farmer support services such as grant funding as well as credit, finance etc. International experiences have shown that with adequate

support services, smallholder farmers can significantly increase agricultural productivity and production. For example, in Zimbabwe; smallholder farmers doubled maize and cotton production when extension and marketing services were provided. Similar results were seen in South-East Asia when access to farmer support services was provided. Simply providing land claimants with land in the absence of support services is unlikely to make a significant difference to their livelihoods.

5.2.4. Irrelevant and poor planning is among the causes of failures and collapse of land reform projects

For the case studies presented here, the RLCC has been the lead organisation regarding planning for the land use and development of the acquired land with the partial exception of Mavungeni where the Provincial Land Reform Office took the lead in planning for the SLAG portion.

Both DLA and the RLCC require beneficiaries to compile land use and development plans culminating in business plans. This phase in the project cycle allows the state to release grants to the community and beneficiaries are thus compelled to draw up such plans as conform with official thinking. These formal plans are in most cases dictated by private consultants hired by the State to assist communities and tend to focus narrowly on agricultural production, with the neglect of alternative land uses, including housing. For example, the land use and development plan for Shimange completely rules out the possibility of resettling the community on the farm, despite the fact that the majority of the members currently reside between 20 and 70 kilometres away from the farm. It is difficult to understand how they will farm the land under these conditions. Munzhedzi demonstrates the popular demand for resettlement on claimed land, and it is significant that this community refused to accept the state-imposed planning process and resettled themselves in defiance of official wishes. This has in return implied that they could not get any grants because no formal planning has been done. Their priority was housing in a location that provided access to transport routes, and land for small-scale farming. This has now been achieved in an egalitarian way, which has provided direct benefits to most members of the

community.

Planning for land reform needs to be more participatory, more flexible and more realistic, and to be properly linked to post-planning implementation. The evidence of these three case studies suggests that plans often lack clarity in terms of who will provide what support to the land reform beneficiaries. In instances such as Shimange and Mavungeni, there are dissenting views within the communities about how such plans were actually developed and approved, as most members appear not to have been consulted. In the case of Shimange, none of the farmers currently on the land support the idea of running a single commercial farm entity. They believe they should have access to individual plots for their own production rather than a collective enterprise within which they would have to compete for the limited employment opportunities. This raises important questions around the nature of the planning process, including the imposition of inappropriate models of commercial farming, the lack of popular participation in the process, and whose needs are actually being met.

Technically, these business plans are unrealistic in that they rely on huge loans and high levels of expertise in farm management and marketing. McMillan (1992: 80) has argued that successful settlements depend on the cumulative results of decisions made by many settler families; and that those decisions result from their perception of risk opportunities and constraints and the extent to which their potential interest are promoted. Therefore without their interest and commitment, without their empowered participation in planning and implementation, settlement can not succeed.

To be successful, projects require the support of various Government departments, with a key role for the local municipality. In most cases municipalities are bought into the process at the end of the planning cycle and are only then asked to provide a budget to support the project. Hence, none of these projects appear in the IDP or LED plans of the local municipalities. This is not an issue peculiar to Makhado alone but to the whole country. A survey by Hall et al. (2003) indicates that in 2002/3 none of the rural claims settled by the RLCC featured in the IDP of their respective municipalities.

5.2.5. Institutional development and support forms of critical base for sustainable settlements.

The potential for land reform projects, particularly group projects, to impact positively on the welfare of the poor is closely related to the nature of the institutions formed for purposes of land transfer and service provision. Such institutions include CPIs and trusts, local municipalities and traditional leadership institutions (insofar as they are located in the local areas where land reform beneficiaries are found). All these institutions have a role to play in support of the intended beneficiaries of land reform, but without a clear demarcation of roles and responsibilities, conflicts and tensions often arise, affecting the viability of the land reform projects.

Common Property Institutions (CPI) such as CPA and trusts require extensive external support in the short term while they endeavour to establish themselves. This is partly because in most cases they are foreign to the land reform beneficiaries and take time for people to learn new ways of administration of land which is completely different from the customary ways in which decision are made about land allocation and use in tribal areas. Currently the three CPAs under study have not received any external guidance or training in how to interpret and manage their affairs, including financial matters, dispute resolution or even the specific rights of members to the land they have been allocated. This has led to particular problems at Mavungeni, for example, where there is a dispute around how to divide the benefits arising from group activities among the community members.

Clear systems need to be in place for distribution of opportunities and benefits among members. It is often not clear what the rights of individuals are within these large groups. Within CPAs, the rights of individuals is a critical issue that needs to be attended to without compromise because without clearly spelling out rights of individuals, only a few people in the leadership will benefit from land reform. Such rights include rights to share in the wealth of the Association, including dividends (if there are any) and access to land.

Productive activities clearly need to be decentralised to individuals and small groups of members, and not all run through the main CPA committee, which has effectively collapsed

in all three case studies.

5.3. Policy Implications for post settlement support' and issues for further research

This study was conducted at a time when both Government and civil society in South Africa were concerned about the pace of land redistribution, and were arguing for acceleration of land delivery. For instance, a presidential directive that all restitution claims be finalised by 2008 has led to proposals for expropriation by the Minister of Agriculture and Land Affairs in certain cases. However a mammoth task remains in providing the necessary support to the large number of people who will take over as owners of the farms acquired through land restitution or other land reform programmes.

Exploration of alternatives for post-settlement support services remains an important issue for land reform in South Africa. At the National Land Summit held by the end of July 2005, there was some consensus on the need to seek alternatives that will work in land reform. Such ideas included elements of a more proactive and integrated area-based approaches in dealing with land reform, including post-settlement support. This approach should be people driven. Such approaches have been put to the test in the Makhado area by the NGO Nkuzi Development Association, under the heading of Area Land Reform Initiative (ALRI).⁴³ However experience from ALRI has shown that, without commitment of the local sphere of governance and a commitment of resources, an area-based approach will not function.

A critical issue in post-settlement is the question of the visioning for an area. What is the desired result when land is given to people? Is the objective large scale commercial farms run by groups in the name of CPAs, or small plots given to individuals who run them on own account? These issues need to be clearly dealt with because it has been shown that small-scale family farms can contribute to improved livelihoods of the poor. However most land reform planning seem to favour large scale commercial farming, without taking into account the number of people involved in the process and their interests. With a supportive

⁴³ ALRI is a pilot project run by Nkuzi in Makhado Municipal Area, mainly dealing with area-based land reform planning done by a range of stakeholders with an active and key role of the beneficiaries of

policy environment, it is likely that small scale family farms are able to provide more benefits to more people than large-scale commercial farms run by committees.

There has recently been a move to involve private sector companies in post-settlement support through what is called “Strategic Partnerships”. This implies the formation of joint venture companies, bringing in workers, CPA and private sector companies, whereby the strategic partner will effectively manage the farm on behalf of the owners in return for a management fee and the sharing of profits among the various share holders (Derman et al. 2006). Although such initiatives are intended to support the beneficiaries, by maintaining large farms without giving options for direct participation by small-scale farmers, the danger is that they will overlook the actual land needs of the people by assuming that what they need is cash.

It has now become clear that the CRLR does not have a strategy for post-settlement support in restitution cases, and it has recently commissioned various consulting institutions to come up with a Ten-Year Strategy for post-settlement support. The findings of the case studies presented here suggest that such a strategy must deal with the co-ordination of support services and their location within institutions where they can be most effective. Particular attention needs to be paid to institutional support, credits, inputs, extension, and farmer training. A holistic approach is required that co-ordinates the contribution of a wide range a state actors in the provision of support for land reform.

5.4. Conclusion

This chapter has highlighted some key issues for South Africa’s land reform programme. It has argued that post-settlement support is critical to improving the livelihoods of the intended beneficiaries, and that failure to provide it undermines the developmental potential of land reform. This thesis therefore argues that access to land should be complemented with the building of sound institutions at the local level with capacity to enable land reform beneficiaries to use their land and other resources efficiently and effectively; as well as the provision of support services such as extension advice, access to credit and access to

land reform. ALRI put the local municipality at the centre of land reform in a local area.

affordable inputs. These case studies have shown that despite the absence of post-settlement support in the form of grants, extension advice and proper planning, land reform beneficiaries will embark on those land use initiatives with which they are most familiar. Therefore interventions from the State - when it decides to become more involved - should not eradicate those initiatives but rather find ways to enhance them and increase productivity.

While overall targets and total amounts of land delivered is important, improved quality, stronger local institutions and more appropriate development plans are even more important. The challenge is meeting the wider expectations of land reform. To conclude my thesis, I share a view with Lahiff (2003: 48) that if land reform is to meet its wider objectives, new ways will have to be found to transfer land on a substantial scale and to provide necessary support services to a much wider class of land owners.



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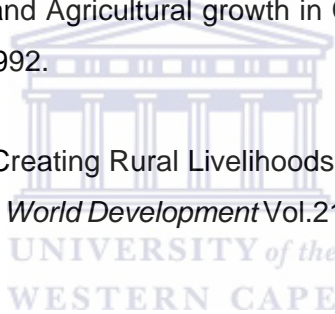
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