

**THE SUSTAINABILITY OF LAND REFORM PROJECTS
AFTER A DECADE OF DEMOCRACY: A SPECIAL
FOCUS ON THE PROVINCE OF KWAZULU-NATAL**



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FOREWORD

Within the South African context, the need for a Land Reform emanates from the scale and scope in which the African people were dispossessed of land rights and holding from the 1950's. This dispossession process was largely based on a situation of inequality where the 'minority dominated the majority'. The minority refers to white domination whilst the majority refers to Black or African being dominated by the minority. As time went on, and towards the end of the 19th Century, the majority of the black (indigenous African) people were displaced and moved into smaller areas of land. Due to the nature in which African or Black people were settled, this led to overcrowding, starvation and degradation of the society and natural environment. These small patches of settlements were later referred to as the 'native reserves', which basically served as labour pools for surrounding white commercial farmers and mining companies. It was also the areas where migratory labourers were drawn to work in the cities and small towns.

Subsequently, when the National Party (NP), came to power in 1948, it began a process of reviewing the Native Policy, which had established the Reserves, and this led to the introduction of a separate development policy or Apartheid. As part of the policy, the separation of race groups on the basis of ethnicity was legally entrenched. In setting the races apart, the then government also created separate administrative functions and departments. The result was the spatial disjuncture of land and the formation of self-governing territories or bantustans. The administration system entrenched the position of Traditional Leaders and Izinduna or Headmen as Apartheid agents of dominance in the reserves. Furthermore, the need to spatially separate races and communities had an adverse impact and led to forced removals, which took place between 1960's to 1970's where the so-called 'black spots' were changed and areas of land consolidated together and assigned for specific racial occupation.

Acknowledging the deficiencies of the past, in 1994, a great milestone was reached. It was where the country managed to put together a constitutional and legal framework, which was to be the pillar for implementing the land reform. It was well acknowledged that there was a need to address a myriad of issues pertaining to land dispossession within the framework of the law. There was a need to protect the rights of those with property but at the same time there was also a need to redress the wrongs of the past and allocate new land rights to those without property.

Through the Constitution of the Republic of South Africa (Act No. 108 of 1996) as amended and the formulation of White Paper on Land Policy, all South Africans reached a common goal in that land reform should be undertaken in realistic and legal way. To do this, three programmes were put forward namely; Redistribution, Restitution and Tenure Reform. The

objectives of these programmes are to bring about national reconciliation, social and economic development, provide land for settlement and other economic use such as agriculture. Therefore, it is essential that land reform is implemented in an integrated manner thus ensuring sustainability of the projects. If projects are sustainable, this will lead to sustainable communities hence the economy will prosper and provide employment opportunities for the majority of the poor people.

ABBREVIATIONS

ANC	African National Congress
CBO	Community Based Organisation
CBT	Community Based Trust
CASP	Comprehensive Agricultural Support Programme
CPA	Community Property Association
DAEA	Department of Agriculture and Environmental Affairs
DED	Department of Economic Development
DLA	Department of Land Affairs
DoA	Department of Agriculture
DoH	Department of Housing
DFA	Development Facilitation Act
ESTA	Extension of Security Tenure Act
DEAR	Growth Employment Agency and Redistribution
GNU	Government of National Unity
HIV	Human Immunodeficiency Virus
IDP	Integrated Development Plan
IDT	Independent Development Trust
IT	Ingonyama Trust
ITB	Ingonyama Trust Board.
ISRDP	Integrated Sustainable Rural Development Programme
IRDWP	Integrated Rural Development White Paper
IFP	Inkatha Freedom Party
IPILRA	Interim Protection of Informal Land Rights Act
LA	Local Agenda
LAPC	Land and Agricultural Policy Centre
LDO	Land Development Objectives
LUMS	Land Use Management Systems
LT	Labour Tenant
LRAD	Land Redistribution for Agricultural Development
LP	Land Policy
NLC	National Land Committee
NGO	Non Governmental Organization
PGDS	Provincial Growth and Development Strategy
PTO	Permission to Occupy
RDP	Reconstruction and Development Programme
RLCC	Regional Land Claims Commission
SDF	Spatial Development Framework
SLAG	Settlement Land Acquisition Grant
TA	Traditional Authority
UN	United Nations
UNDP	United Nations Development Programme
URP	Urban Renewal Programme

CHAPTER ONE – OUTLINE OF THE THESIS

1.0 INTRODUCTION

1.1 *The Purpose of the Dissertation*

This thesis presents an analysis of the Land Reform Programme since its inception in 1994. In view of the complex nature of the subject, the study has chosen to focus on the province of KwaZulu-Natal. It does however address relevant National Policy Issues and their impact on the issue being addressed in the research. Rather than to consider land reform in a broad context, it places more emphasis on the "sustainability" of Land Reform Projects, and *inter-alia* covers the following aspects:

- An introduction and background;
- International literature;
- Current national and provincial policies;
- The study;
- Land reform in south africa;
- The sustainability of land reform projects;
- A comparative analysis of case studies;
- Recommendations, and
- Conclusion.

1.2 *Background*

In terms of the South African National Constitution (Act No 108 of 1996), land reform is a national competence and is driven largely by the Department of Land Affairs (DLA). The Department of Land Affairs was set up to address a myriad of issues that are related to land reform in the post apartheid era e.g. equitable access and distribution of land. Prior to 1994, the majority of the people in South Africa were allocated approximately 13% of land and were living in reserves under unacceptable conditions. Post 1994, the demand for land was increasingly becoming evident especially amongst the previously disadvantaged communities. This meant that the government had to devise mechanisms for addressing land inequality and skewed ownership within a framework that addressed the rights outlined in the new constitution. It was against this background that a Land Reform Policy was established and is dealt with in more details on the following section:

1.3 The Land Reform Policy

As a mechanism for addressing aspects of land deprivation and concurrently tackling increasing land demand, a Land Policy was formulated. It was written and approved between the years of 1994 to 1997. The African National Congress (ANC), which was the dominant party in the Government of National Unity after the first ever-democratic elections in 1994, was eager to redress past land imbalances created by apartheid through the framework laid out in the Reconstruction and Development Programme (Marais, 1998:1). The Reconstruction and Development Programme (RDP) provided a set of guidelines including principles, which gave direction to the initial process of creating the National Land Policy. Subsequently, the National Government Department of Land Affairs (DLA) was given a mandate to formulate a Land Policy. The White Paper on South African Land Policy came into effect in 1997, and thereafter the DLA initiated the Land Reform Pilot Projects between the periods of 1994 to 1996. Amongst other things, the policy intended to redress the injustices of the past, build reconciliation and political stability, to form a strong base for economic development and growth thereby contributing to the national mandate to alleviate poverty.

The core components of the Land Policy have been the three Land Reform Programmes namely; Restitution, Redistribution and Tenure Upgrade. In their conceptualisation, the programmes were expected to fulfil a wide range of political, social and economic goals. In terms of the Department of Land Affairs, Land Reform is defined as 'the reallocation of rights in land to the poor and the historically disadvantaged as an essential component of rural development' (1997a: v). It was supposed to contribute towards economic development by affording households the opportunity to engage in productive use of land and increase employment opportunities through encouraging financial investment. Therefore, the Land Reform strategy was then viewed by the new government as a central pillar for transforming rural areas within the new South African Context.

As indicated the Land Reform framework comprised three interrelated programmes or strategies, namely; Land Redistribution, Land Restitution and Tenure Reform. These three components were provided for in the South African Constitution, which endeavoured to strike a balance between the protection of existing property rights on the one hand and the constitutional guarantees of the Land Reform on the other hand (Act 108 of 1996: Section 52). The three components are dealt with in more details on the following sections:

1.3.1 The Land Redistribution Programme

The Land Redistribution Programme aimed at 'providing the disadvantaged, the landless, labour tenants, farm workers and emerging farmers access to land for residential and productive purposes so as to improve their livelihoods and quality of life' (DLA 1997a: 9; 38). This programme has largely taken place on the basis of 'willing buyers' and 'willing sellers'. This method has been utilised by the government with a view of assisting beneficiary households to enter the land market. Initially, the government has not been the buyer or owner of land, however, it has played more of a facilitative role through assisting communities in the purchase of land, ensuring support and financing for the required planning process' (DLA, 1997a: 38).

The 'willing buyer' 'willing seller' process relied on communities or individuals having to approach the DLA through its Provincial or Local Regional Government offices. Communities would then form themselves into legal entities such as section 21 companies or trusts, which will enable them to, hold land and take on legal responsibility. Such structures would then commence negotiations with the relevant private owners of land or with government for state land. DLA was mandated to be involved and approve each step as the beneficiaries bought land, appointed planning consultants to establish the vision of the community through land use plans, which are required for accessing funds for implementation on a participatory basis. The grants made available were not to be paid to individual households, but were held by DLA against the names on list of beneficiaries and released as necessary to cover approved costs. The issue of the provision of services and infrastructure theoretically devolved to the relevant Provincial Departments and now this responsibility lies with the Local Municipalities.

In view of the slow progress with regard to Land Redistribution, the Land Redistribution for Agricultural Development (LRAD) Programme was introduced. LRAD programme was designed to cater for a wide range of people with varying needs. It allowed the participants to devise strategies that will best address the specific needs. This programme enabled beneficiaries to access to a whole range of grants (R20 000 to R100 000) depending on the amount of their own contribution in kind, labour and/or cash. Beneficiaries were able to access these grants on a sliding scale depending on their own contribution. Table 1 below illustrates the relationship between own contribution and corresponding grant funding.

TABLE 1: OWN CONTRIBUTION AND LRAD GRANT

Own Contribution	Matching Grant (R)	Own Contribution (%)	Grant
5000	20 000	20	80
35 000	40 871	46	54
145 000	68 888	68	32
400 000	100 000	80	20

Source: Land Redistribution for Agriculture Development 2000

1.3.2 The Land Restitution Programme

The Restitution Programme has been a high priority on the Departments agenda and has become highly politically charged component of the Land Reform Policy (De Wet, 1997: 357). The South African Constitution and the Restitution of Land Rights Act (Act No. 22 of 1994) both provided for the priority treatment for 'any person or community' who were dispossessed of their land after 1913 as a result of racially discriminatory legislation and practice, and who had not received fair compensation (DLA, 1997a: xi).

One example of such dispossession was the systematic elimination of 'black spots' (which were patches of land within white rural areas which were either owned or occupied by black people exclusively). Furthermore, in most instances tenants, owners or occupiers were forcibly removed under the umbrella of the Native Trust and Land Act (Brown *et al*, 1997: ii). In order to deal with such cases, the policy has endeavoured to restore to the original inhabitants or to their descendants their land or to provide what is termed justifiable and equitable compensation through a Land Claims Court and Commission (DLA, 1997a: xi).

With regard to the restitution process, DLA has a principle responsibility. However, the central institution for processing land claims lies with the Commission for the Restitution of Land Rights. The Commission was charged with the responsibility of receiving land claims and assisting the claimants with the preparation and submitting of claims. Should the claim be undisputed, the Commission could make a ruling. However, if the claim was contested then it would be referred to mediation (Levin, 1997: 244). If all these options proved unsuccessful, the claim would be referred to the Land Claims Court, which was empowered to determine cases of restitution including expropriation in order to restore land rights and provide compensation in the form of payments or other land. Compensation for the victims of racial land policies could take a number of forms e.g. restoration of original land, provision of alternative land, payment of compensation, alternative relief or priority access to state resources in the allocation and development of housing and land (DLA, 1997a: 56).

1.3.3 The Tenure Reform Programme

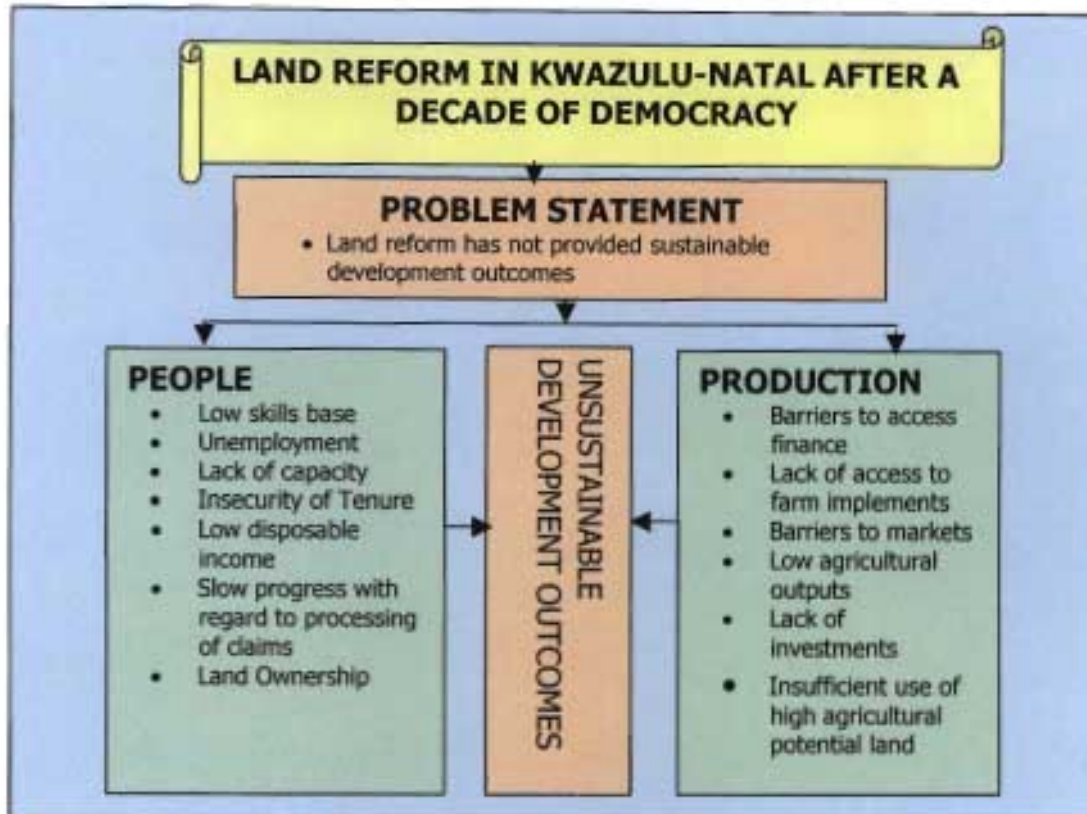
The Tenure Reform Programme has attempted to effect real rights for the rural and urban poor through a rights-based approach that involves upgrading or formalising entire systems of land holding and form of land ownership into legally enforceable rights to land (DLA, 1997a: 60). The core component of the Tenure Reform Programme has been to develop mechanisms for upgrading vested interests in land, which exist on the ground despite not being legally recognised and codified into enforceable rights. One of the cornerstones of this process is that, all tenure systems should be consistent with the national constitution's commitment to basic human rights and equality. In dealing with such issues, DLA has developed a whole range of tenure options including group and individually based ownership systems that the end-user can choose. These include the Communal Property Associations Act (Act No. 28 of 1996). This enabled a group of people to acquire, hold and manage property based on the agreed constitution.

1.4 THE PROBLEM STATEMENT

Since the inception of the Land Reform Programme, a number of debates on the performance of the Land Reform have come up. Such debates are gathering momentum and are set to become one of the key issues after the Local Government elections in March 2006. The Bill of Rights on Property in the democratic constitution, states that the "public interests includes the nation's commitment to the Land Reform". This particular right has raised enormous expectations with regard to the fact that the fundamental transformation of property rights would address the issue of dispossession of land.

The dilemma for any government that is involved in the process of land reform is that it is an incredibly complex area of social and economic reform and requires comprehensive strategies to implement it. Furthermore, it is costly and time consuming in terms of yielding benefits. It can become a political football with opposition parties exploiting perceived failures for their political gains. Figure 1 below graphically illustrates some of the problems associated with the process of Land Reform, more especially as they have been played out within the province of KwaZulu-Natal.

FIGURE 1: A DIAGRAM ILLUSTRATING THE PROBLEM STATEMENT



The figure above, graphically illustrates a whole range of issues that impact on the process of land reform. It has specific reference to the unique circumstances found within the context of KwaZulu-Natal. From the diagrammatical illustration, it is apparent that the majority of the land reform beneficiaries lack necessary skills or expertise that will enable them to engage in a productive and sustainable farming venture. Low levels of education means that the beneficiaries will not be able to understand technicalities involved with regard to farming. Therefore, succinctly put, the problem statement can be categorized as follow:

'In terms of the Land Reform, there are very few projects (if any) that have been implemented in a sustainable manner thus ensuring positive development outcomes'.

In addition to this, KwaZulu Natal is unique in a sense that there are other institutional structures that impact on the development processes and land management, allocation and utilization. Such institutional structures are dealt with in more details in chapter four of this thesis (under the heading Ingonyama Trust Board).

1.5 THE CENTRAL RESEARCH QUESTION

Land Reform should not only be construed as a tool for returning people back to land. It should also provide mechanisms that ensure projects unfold in a sustainable and integrated manner. To this end, the main research question of this thesis is as follow:

To ascertain the sustainability of Land Reform Projects over the past ten years by evaluating two actual projects and their implementation in the Muden and Msinga area.

1.6 SUBSIDIARY QUESTIONS

The subsidiary questions for this particular piece of research are outlined as follow:

- To ascertain why certain land reform projects have been successful whilst others have failed;
- To ascertain whether Land Reform has provided development outcomes or has it trapped people back into poverty;
- To ascertain if Land Reform has addressed the issue of skewed land; ownership and contributed towards economic empowerment; (especially for the previously disadvantaged), and
- To ascertain if there are any Small and Emerging Farmers who have successfully come through the process of Land Reform.

The above-mentioned are some of the subsidiary questions that will guide the development of this thesis argument and research. However, it should be noted that the work is not only confined to the above subsidiary questions and that it will address any additional questions that are raised during research process and as the study unfolds.

1.7 HYPOTHESIS

The proposed hypothesis for this study is as follows:

The process of Land of Reform has been successful in merely transferring land back to the people, but has not provided the necessary measures for poverty alleviation, which would ensure sustainable development.

1.8 AN OUTLINE OF THE CENTRAL ARGUMENT

In undertaking the study of this nature, it is essential to provide a broader view of the theoretical policies (views obtained from implementing agencies, communities and individuals), regarding Land Reform. On the basis of this information, it is generally argued that most Land Reform projects have not met the direct objectives of the national policy due to the following reasons:

- Implementation of Land Reform projects has had mixed re-actions (especially in rural areas) and this is mainly attributed to the conflict between the land-related policies especially those from Department of Land Affairs (DOA), and the confusion with regard to institutional set up in terms of who is suppose to do what and at which stage (clear roles and responsibilities).
- The national Department of Land Affairs is the implementing agent of the Land Reform. However, its ability to deliver in terms of institutional capacity and financial resources is regarded as being limited. As a result, there are weak mechanisms for delivery being established.
- The success of the Land Reform Programme hinges at the co-operation of various government department's at all three spheres of government and on public/private partnerships. Therefore different government departments and Non Governmental Organizations (NGO's) should work together to ensure the success of Land Reform projects. However, so far this has not been the case since most Land Reform projects have been undertaken on ad-hoc bases and have not been incorporated to the Local Municipalities wider integrated development planning, which would ensure their sustainability.

1.9 THE NEED FOR THE STUDY

According to the South African Constitution, land was defined as a national competence due its role envisaged in terms of building a united nation. The property clause guaranteed existing property rights and further specified the new duties of the new public service as ensuring equitable access to land, redress past imbalances (especially those dispossessed of land after 19th June 1913) and secure tenure for all citizens.

Given that a decade of democratic rule has passed, perhaps it is an appropriate time to evaluate and interrogate what successes and failures have occurred. In this research, the focus is the sustainability of Land Reform Projects. Since the country has achieved such a great milestone in its history, it is essential to reflect on what has been achieved to date. Correspondingly, it is useful to make a comparative analysis on the lives of the people prior to

1994 (where the majority of the people did not have access to land and had inferior land rights) as compared to now where vast amount of land has been returned back to its original owners, as a means of social and economic upliftment. The question however remains, has this strategy proved effective and sustainable? Furthermore, the process of Land Reform should not only be seen as merely transferring land back to its original owners. It also needs to contribute towards the economic and social advancement of the people it is intended to benefit.

In view of the urgent need to redress the imbalances of the past and to ensure equity in land ownership, certain critical development aspects have been overlooked. Such measures include the need to ensure that projects implemented through a Land Reform Program become sustainable. Therefore, the major part of this exercise is to evaluate sustainability measures of the land reform projects, especially during the post transfer period. It is against this background that a need for such a study was identified.

1.10 AIMS AND OBJECTIVES

The primary aim of this research is to ascertain whether Land Reform Projects are sustainable or not, and if they are not sustainable, to distinguish the critical aspects that contribute to such a phenomena. What is it that allows one project to work and yet a similar one to fail? To this end, the objectives can be summarized in the following manner:

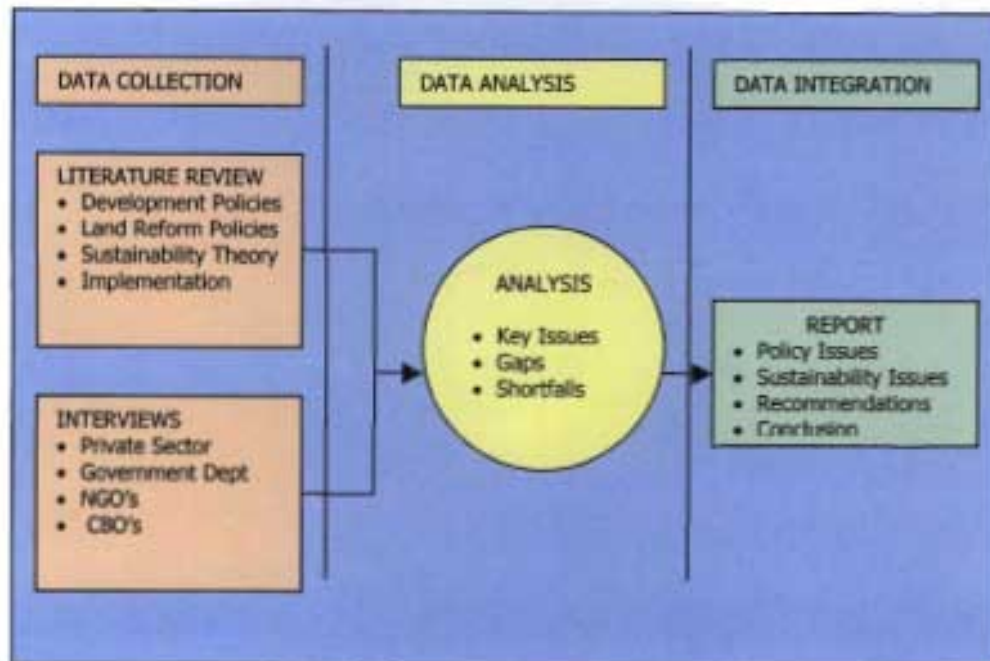
- To outline current situation regarding land reform policy and legislation
- To ascertain whether land reform projects are sustainable or not;
- To identify critical factors contributing to negative or positive development outcomes and lessons that can be learned;
- To undertake an analysis of roles and responsibilities of various stakeholders involved in land reform, and
- To outline the problems which are likely to remain outstanding in terms of current and envisaged land reform policy in practice.

1.11 APPROACH AND METHODOLOGY

Figure 2 below graphically illustrates the approach adopted and the methodology followed. From the figure, it is apparent that the study unfolded in three phases. The first phase was based on two aspects namely; literature review and interviews, phase two focused on the analysis of the information generated during the first phase. During the analytical or evaluation phase, issues raised on the first phase were discussed and analysed in more details. At this time gaps and shortfalls in the information required to address the sustainability of projects were identified with regard to various aspects of land reform. The need to develop strategies that will address the identified gaps were considered and addressed. Phase three was the last one in the research

process, and was based on data interpretation and integration. All data generated was then used in the preparation of the final report for submission. This included a critical analysis of policy matters that pertain to land reform and an in-depth analysis of what factors are required for sustainability. From this analysis and research a set of recommendations is presented in the conclusion of the document.

FIGURE 2: APPROACH AND METHODOLOGY



1.11.1 Literature Review

A substantial amount of work has been done at both national and provincial levels of government with regard to land reform. Information was also gleaned from other sources such as Internet, land reform journals and the framework for land reform in KwaZulu-Natal. This information was used as secondary data and provided the context within which land reform is being implemented. Over and above that, it also provided useful insight into the land reform trends and served as the base for the analysis of the work generated for this research. In short, literature, which formed part of this exercise, could be summarised in the following manner:

- Development Legislation and Policies.
- Land Reform Policy.
- A Framework for Land Reform in KwaZulu-Natal.
- Books – Focusing on Land Reform.
- Journals with Articles on Land Reform.
- Department of Land Affairs (Quality of Life Survey 2000/01).
- Integrated Development Plans.

1.11.2 Interviews

Interviews were conducted with a range of stakeholders, using open-ended questionnaires. Interviewees provided their own insight with regard to land reform, especially within the Province of KwaZulu Natal. The following categories of interviewees were targeted specifically:

- Department of Land Affairs (Ladysmith Regional Office).
- Department of Agriculture.
- Local Municipalities.
- Farmers Associations.
- Department of Economic Development (DED).
- Amafa aKwaZulu.
- KZN Regional Land Claims Commission (RLCC).
- Land Bank.
- Business Chambers.

In view of the time frame which was available to undertake the research, and the emotions attached to the subject matter (taking into consideration that since business plans were submitted little progress has been achieved) interviews were conducted with the chairpersons of the two land holding structures (Buyafuthi and Shenfield Communal Property Associations – CPA). Mr Magudulela is the chairperson of the Buyafuthi CPA whilst Mr Mchunu was representing the Shenfield CPA.

With regard to the sampling of the correspondents in the case studies, when the initial planning process was undertaken, the Department of Land Affairs requested that socio economic information shall be sourced from all the beneficiaries. This means that, there was no sampling done, however, all beneficiaries who attended the meeting were interviewed. The number of interviewees is indicated under each case study on section eight of the thesis.

The case studies that were selected for the purpose of this thesis represents a number of dynamics. Firstly to begin with, both Shenfield and Buyafuthi properties are located in rural contexts within the Umsinga Region. This area is characterised by high levels of unemployment and the ability to attract industries to this area in the near future can only remain an illusion (due to their location in relation to major transport movements, major airports and harbours etc). Secondly, the majority of the community in this area suffer from high level of illiteracy most of whom are located within the rural context. Thirdly, areas such as Mudon and Weenen represent areas of huge tension between current landowners and Labour Tenants, which needs to be dealt with accordingly through various Land Reform Programmes. Lastly, the Shenfield property was acquired under the Food Safety Net Programme, and its main aim was to assist the community to engage in crop production as a

poverty reduction strategy and to ensure security of tenure. The Buyafuthi property was acquired under the Labour Tenant Programme and was meant to provide security of tenure and crop production as well.

1.12 THE STRUCTURE OF THE THESIS

This thesis is divided into ten chapters with the first chapter being a general introduction. It outlines the background to the research project and indicates the aims and objectives of the study. The approach and research methodology is outlined as well (Refer to Figure 3 below).

In addition, chapter two presents a theoretical framework, which provide guidance towards the research topic.

Chapter three deals with international literature related to the topic. It indicates how other countries have implemented the Land Reform Programme.

Chapter four identifies the national, provincial and local development policies that impact, and influence the implementation of the land reform program. The chapter concludes with an outline of the implications of these policies for the land reform in KwaZulu-Natal.

Chapter five focuses on the land reform within the South African context and outlines the approach taken by national government since 1994.

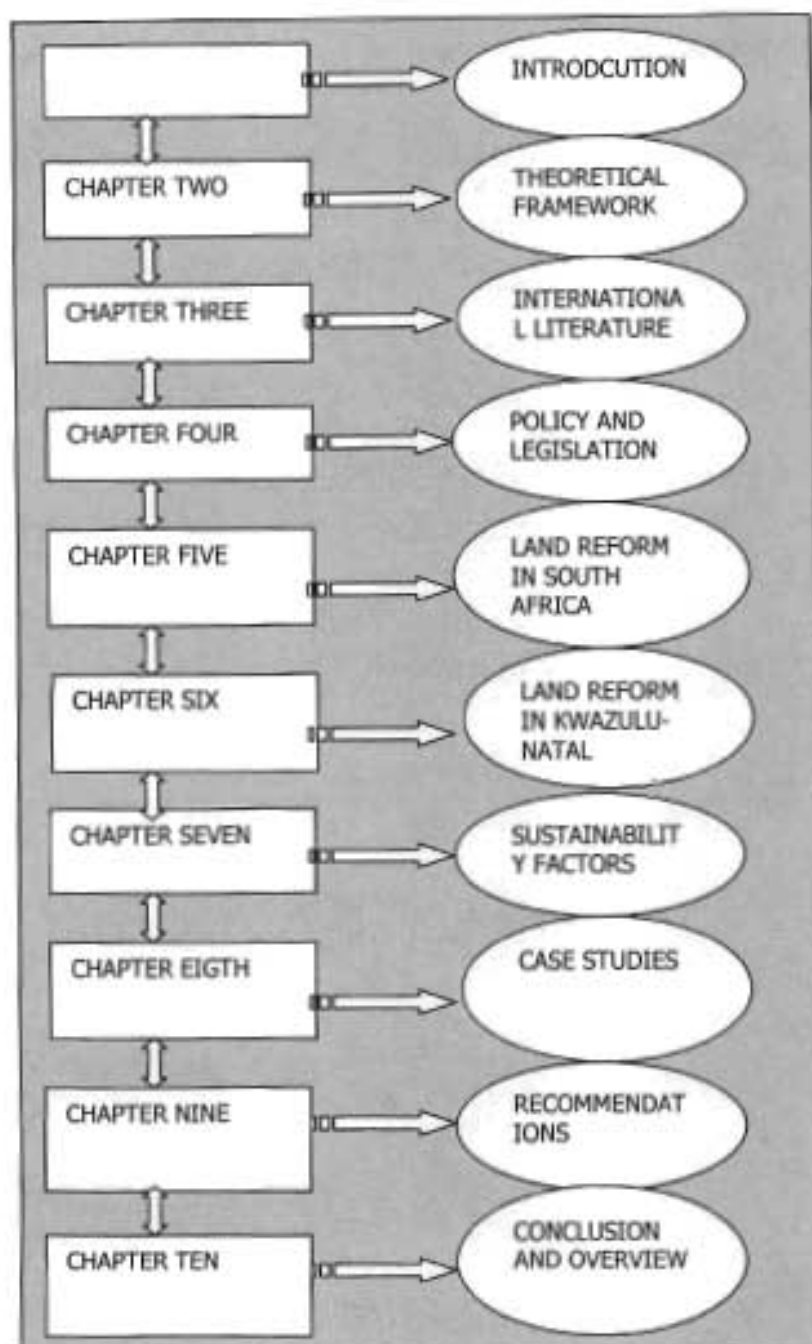
Chapter six presents issues pertaining to Land Reform within the context of KwaZulu Natal.

Chapter seven provides an analysis of sustainability and its impact on land reform.

Chapter eight looks at case studies. It provides a comparative analysis of two communities that were allocated land through the Land Reform Programme.

Chapter nine present recommendations that could be explored so as to improve implementation of land reform projects thus contributing to sustainability and in the last chapter (chapter ten) some concluding comments are made including the overview of the research process.

FIGURE 3: THE STRUCTURE OF THE THESIS



1.13 CONCLUDING COMMENTS

Chapter one has provided an introduction of the thesis, this include problem statement, approach and methodology, the hypothesis and some of the subsidiary questions, which will guide our research topic. The following chapter (chapter two) looks at the theoretical framework related to the research topic.

CHAPTER TWO – CONCEPTUAL FRAMEWORK

2.0 INTRODUCTION

This section presents a theoretical framework/concepts that underpin the research topic. Such concepts provide a guiding framework in terms of what is supposed to be achieved, and will inform the thinking around certain issues that form part of the research topic.

2.1 CONCEPTS FOR LAND REFORM

2.1.1 Sustainability

Sustainability can be defined in a number of ways, and different people have different ideas in terms of what sustainability is about. For the purpose of this thesis, sustainability is defined '*as an endeavor to meet the needs of the current generation without compromising for future development*'. So, it's about ensuring that resources are utilized in a manner that is not detrimental to the next generation (which means that the next generation can also make use the same resources that are currently exploited). There is an inherent assumption that there is a management strategy in this approach and perhaps that needs more exploitation.

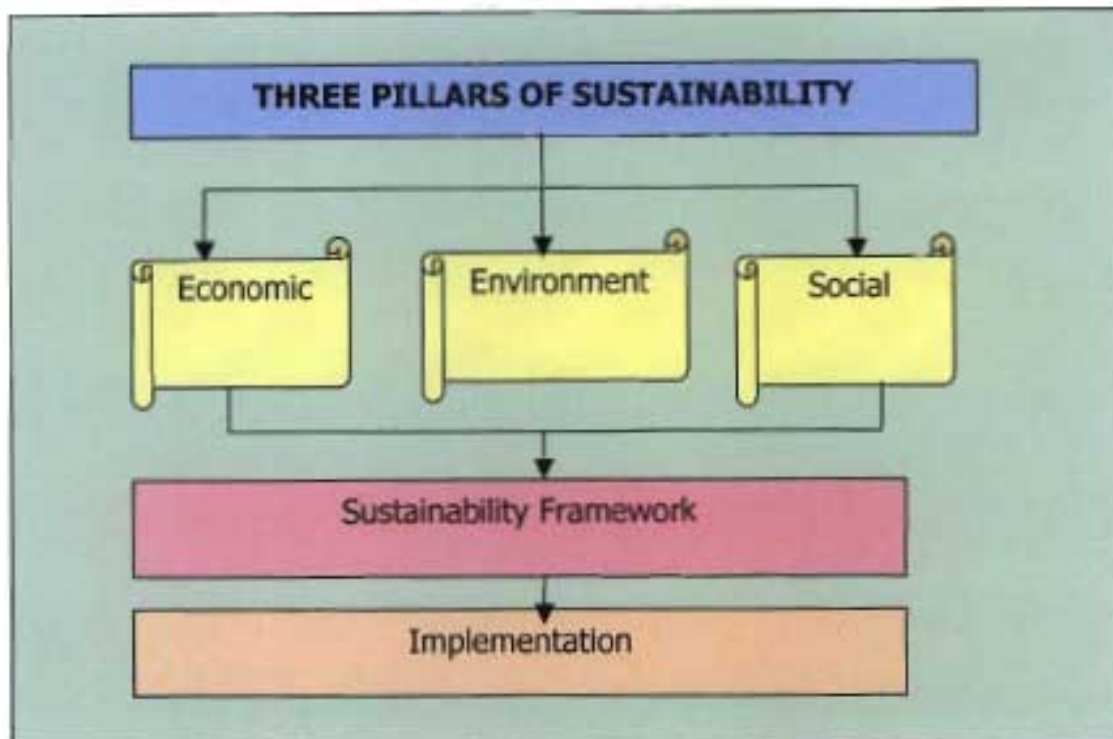
Figure 4 below graphically illustrates three pillars of sustainability, and what it is intended to achieve. From the above-mentioned figure, it is apparent that, the most important aspect is striking a balance between economic, environment and social needs.

¹

The Local Agenda 21 (LA21) programme agreed upon in 1992 at the Earth Summit in Rio fuelled the development aspirations and hopes of communities across the world. Through the democratisation process, South Africa committed itself to the principles of sustainable development as outlined in the Constitution and various policies. This means that any development undertaken needs to adhere to the principle of sustainable development as required by the Constitution. Development should embrace the concept of sustainable development through careful consideration of the three pillars of sustainability as mentioned in figure 4 below. However, it is acknowledged that economic benefits generally outweigh environmental and social benefits in most development projects.

¹ Prior to 1994, land was handled by all levels of government and all spheres had land holdings over which they had jurisdiction. After the democratic elections the singular responsibility for land matters was moved solely within the ambit of the national Department of Land Affairs and this perhaps has contributed to the slower pace of response in resolving land issues.

FIGURE 4: SUSTAINABILITY PROCESS



As a result, economic forces generally prevail, due to the fact most people are unemployed and can ill afford to ignore economic benefits attached to any proposed development venture. The principles of the Local Agenda 21 (LA21) are as follows:

- **A continuing process:** A LA21 program has no beginning or end. It is a long-term commitment to achieve local ecologically sustainable development and is a permanent feature of the way councils carry out their functions and responsibilities.
- **Integration:** Full integration of the LA21 planning process with the overall corporate and strategic planning of councils ensures that environmental, social and economic considerations are incorporated in all decision making. In committing to an LA21 program a council will interact in an integrated, regional sense with other Local, State and Commonwealth agencies in order to turn policy into practice. It is also essential that the State and National Governments ensure that the outcomes of LA 21 programs are integrated with and inform all levels of planning and policy making.
- **Local solutions to global problems:** It is essential to link local issues and actions with global issues. Collective responses from local government have been recognized at an international level as the most effective way to turning Agenda 21 and other international and national strategies into a reality, thereby achieving tangible changes that fulfill Ecologically Sustainable Development.

- **A community partnership:** Community consultation and participation is a core principle in LA21 programs. LA21 programs aim to make the ideology of 'think globally, act locally' a reality through effecting changes in the attitudes and activities of people at a community level—in households, workplaces, and social groups and through their local government.

From this perspective, it is essential to evaluate whether the Land Reform process has been able to embrace principles associated with sustainable development (this include striking a balance between economic, environment and social needs). Land Reform should be carried in a manner that meets the economic and social needs of the community without contributing to degradation of the environment.

2.1.2 Integration

For the purpose of this study integration will be described as 'a combination of various aspects, actions and programs, which will lead to development unfolding in a holistic and sustainable manner'. This necessitates a need to marry both physical and social aspect of development. Furthermore, integration cannot be achieved by omitting other important integrating factors such as financial and institutional issues. Both aspects are important and if not properly integrated, there is a potential that any proposed development venture might not succeed.

In South Africa, the key development tool at a local or municipal level of government is the Integrated Development Plan (IDP), and is a legal requirement for all Municipalities. It is a five-year strategic plan and is supposed to be reviewed annually. Correspondingly, it seeks to promote integration by balancing social, economic and ecological pillars of sustainability. Furthermore, it seeks to achieve both horizontal and vertical alignment. Within the IDP, there is also a Spatial Development Framework (SDF), which has been dealt with in chapter seven of this thesis (under the heading Integration). It is essential to ascertain whether this process has led to integration of any kind in relation to the inclusion of the land reform policy and its projects engendered within the main concerns addressed by the IDP and SDF.

2.1.3 Poverty Alleviation

Poverty is a multidimensional phenomenon. It is understood as a condition that manifests itself in a number of ways, including the lack of income, insufficient resources and vulnerability to social, political, environmental and economic shocks. Individuals and households become vulnerable because they lack the assets or combination of assets or information to develop strategies to enable them to cope or manage the negative effects of external shocks. Poverty therefore is the result of a number of interrelated factors.

Different countries have developed various policies and programmes that seek to address issues related poverty. However, as it has been indicated, poverty manifest itself in a number of ways and as such it requires a multidimensional approach to address it. There is no single solution, such an approach should be specific to the needs of each country and be based on best practice from international and other local knowledge. Poverty alleviation calls on various government structures to pull resources together and develop aggressive strategies that seek to mitigate its impact. Such strategies should be able to produce tangible results.

Therefore having gone through a decade of democracy, it is deemed necessary to evaluate whether is there any progress being made in terms of alleviating poverty which is what the Land Reform Policy state it is seeking to address. Moreover, a critical assessment Land Reform process should be undertaken in relation to whether it has had a positive contribution towards improving relative well being of the beneficiaries.

2.2 THEORETICAL FRAMEWORK

2.2.1 Evolution of Approaches to Development (1950-1990)

Typical models of development were established on the basis of the documented experiences of the now industrialized First World countries. Such models illustrate evolution of thinking over time and can be categorized in the following manner:

- The stages of economic growth (1950's and 1960's);
- The patterns of structural change (1970's);
- The dependency approach (1970's);
- The neoclassical approach (1980's), and
- The Sustainable Model of Development (1990's).

Each of the above is dealt with in more details on the following section:

a) The Stages of Growth Approach

This one was based on Rostow's theory of growth, which saw a series of successive stages through which all countries, had to pass. This particular approach was entirely an economic one, which saw development as synonymous with rapid economic growth.

Rostow has argued that the now advanced countries all passed the take off state into self-sustaining growth and development. The underdeveloped countries that were still in either the traditional society of the pre-conditions stage had only to follow certain rules of development and they will be able to take off. Developing countries needed to mobilize domestic and foreign saving in order to generate sufficient investment to accelerate economic

growth. Countries that were able to save approximately 15% to 20% of Gross National Product (GNP) could grow at a much faster rate than those saved less. However, the main obstacle to or constraint on development was the relatively low level of new capital formation in most poor countries. The capital constraint stages approach to growth and development became a rationale and an opportunistic tool for justifying massive transfers of capital and technical assistance from the developed to the less developed nations.

In rural areas of the Third World countries, there was no rapid economic growth, which eventually led to this approach being replaced by one or two alternatives approaches in the 1970's. Some of the criticism of the above-mentioned approach includes the fact that, savings and investment was an insufficient condition for accelerated rates of economic growth. The Marshall Plan worked well for Europe because the European countries receiving aid possessed the necessary structural, institutional and attitudinal conditions e.g. well integrated commodity and money markets, highly developed transport facilities, a well trained and educated work force, the motivation to succeed and efficient government bureaucracy to convert new capital effectively onto higher level of output.

Rostow's model simply assumes that the existence of the same attitudes and arrangement in underdeveloped countries will lead to economic growth and development. It failed to take into account the crucial fact that contemporary third world nations are part of a highly integrated and complex international system. Within this context, even the best development strategies could be easily nullified by external forces beyond the country's control.

b) The Pattern of Structural Change

The structural change theory focused on the mechanism by which underdeveloped economies transform their domestic economic structures from an emphasis on traditional subsistence agriculture to a modernized industrially economy. It employs the tools of neoclassical and resource allocation theory and modern econometrics to describe how this transformation takes place. It uses two models namely; the Lewis and Pattern of Development Model.

Lewis Sector Model: the primary focus of this mode is on both the process of labour transfer and the growth output and employment in the modern sector. Both labour transfer and modern sector employment growth are brought about by output expansion in that sector. The speed within which this expansion occurs is determined by the rate of industrial investment and capital accumulation in the modern sector. Such investment is made possible by the excess of modern sector profits over wages on the assumption that capitalists re-invest all their profits. Finally, the level of wages in the urban industrial sector is assumed to be constant and determined as a given premium over a fixed average subsistence level of wages in the traditional agricultural sector.

Criticism of this approach is based on the fact that, it assumes that the rate of labour transfer and employment creation in the modern sector is proportional to the rate of modern sector capital accumulation. It assumes that the faster the rate of capital accumulation, the higher the growth of modern sector and the faster rate of new job creation. It may also be highly unrealistic to assume that capitalist profits are re-invested in the local economy and not sent abroad as a form of capital flight to the west.

Structural Change and Patterns of Development: this one focuses on the sequential process through which the economic, industrial and institutional structure of an underdeveloped economy is transformed over time to permit new industries. New industries will replace traditional agriculture as the engine of economic growth. In this model increased savings and investment are perceived by development analysts as necessary but not sufficient conditions for economic growth. In addition to the accumulation of capital, both physical and human, a set of interrelated changes in the economic structure of a country are required for the transition from a traditional economic system to a modern one. These structural changes involve all economic functions including transformation of production and changes in the composition of consumer demand etc. Furthermore, structural analyst emphasizes both domestic and international constraints of development. The domestic one includes economic constraints such as a country's resource endowment and its physical and population size as well.

c) The Dependency Approach

This approach followed a more explicit political analysis in viewing the lack of development in the Third World countries as a function of international power relationships and economic institutional constraints. This particular approach saw the Third World largely trapped in a dependency relationship with the powerful First World countries. It saw the need to address inequalities and eradicate poverty rather than stimulate rapid economic growth as the main theme for development.

d) The Neo-classical Approach

In the 1980's, there was shift in economic thinking, which saw a renewed interest in the role of the free market as the basis for development and criticized the heavy economic costs of government playing a direct role in the development. It pointed out the waste of resources typical of state owned enterprises, the harmful effects of price distortions and the repeated failures of development planning.

This approach is also an indirect outgrowth of Marxist thinking (Todaro, 1991:81). It attributes the existence and continuance of the Third World

underdevelopment primarily to the historical evolution of a highly unequal international capitalist system of rich country-poor country relationship (Todaro, 1991:8). As a result of this, rich nations may be either internationally exploitative or unintentionally neglectful.

Furthermore, the co-existence of rich and poor nations in an international system dominated by such unequal power relationships between the centre (the developed countries) and periphery (less developed countries) renders attempts by poor nations to be self-reliant. This contributes to the notion that self-reliance for developing countries will be impossible to achieve.

All of the above-mentioned approaches have contributed something to modern understanding of development as a careful balance between free market operation and equity oriented government intervention in the interests of a country and its people.

Furthermore, the above-mentioned theories are useful in terms of indicating where we coming from with respect to development theories. However, it must be said that they have not yielded benefits that were envisaged. Owing to this, they have failed to bring about radical changes in various countries and more especially developing or third world countries. Nevertheless they are worth mentioning since they have provided a starting point for most countries and have shaped our thinking in a certain way.

2.3 LAND REFORM IN THE CONTEXT OF DEVELOPMENT

The previous section has outlined some of the development theories that were used by different countries. However, due to the nature of development strategies that focused on rapid urbanization often at the expense of agriculture and rural development, this led to their failure more so in third world countries. This section focuses mostly on the theories that will shape our thinking in terms of the research topic, and *inter-alia* includes the following:

2.3.1 The Need for a Land Reform

Different people have different views on Land Reform. Some view Land Reform as a mechanism or a tool for ensuring equal redistribution of land. To others, the word 'Land Reform' means getting access to land and engaging in agricultural production. But in general terms, the history of each country generally determines the way in which people define or view Land Reform.

In most instances, Land Reform occurs in situations where there are great disparities in wealth and land ownership is seen as a critical element to level the playing field. Pronounced inequality in the distribution of landownership can virtually occur in a number of ways. The processes linked to economic development tend to lead to cumulative concentration of resources. This tend to manifest itself geographically, sectorally and socially, and land is general no exception in this rule. Landowners with access to land and necessary technical support can be in a position to generate huge income through agricultural production. Huge disparities and distortions in land ownership patterns can trigger unrest to any country. Thus the concept of Land Reform is deemed as important both from the social and economic perspective hence it should be undertaken in a considerable manner. In countries where unemployment is rife and the majority of people have low level of skills and are located within the rural context, the best form of creating employment opportunities is through agricultural production and associated farm labour.

2.3.2 The Motives and Objectives of the Land Reform

The myth that surrounds Land Reform is not only confined in its definition, but also on the objectives and motives behind this process. The underlying factors, which have been identified as the key driving force behind Land Reform, include political, social and economic. When Land Reform began, most practitioners saw a conflict of interest between social and economic objectives. However, recently, most debates and literatures have tended to adopt that says, economic and social objectives do not conflict. In fact, they recommend that, the two processes should be integrated together into development matters so as to achieve sustainable development outcomes.

The other important and perhaps the most critical one, is the political motive around Land Reform. In some instances it is generally played down, but in recent years it has begun to be at the forefront even though somewhat hidden. Many governments, use Land Reform or the promise of it thereof as one of the mechanisms for gaining or retaining power. This type of motive is generally linked to social motive and has the potential to create pandemonium if not dealt with cautiously.

It has been argued that, the relief of political and social tension has the ability to provide a base for a reform to occur. This will then have 'trickle down' effects in as sense that, it create an environment conducive for economic development to occur when there is some form of consensus that is taking place. In countries where political stability prevails, and some form of consensus between various role players is achieved, Land Reform should focus on increasing production capacity and creating employment opportunities within the agricultural sector. Astoundingly, it should also be noted that Land Reform alone cannot be the remedy for high levels of unemployment and the inability of the formal economy to absorb excessive labour. In this context, the crucial role of the Land Reform is to try and create additional employment opportunities more so for people located within the rural context. Through this process, people can begin to interact with other sector of the economy in terms of backward and forward linkages. This will enable people to develop further thus opening other economic opportunities for new entrepreneurs. Nevertheless, a poorly thought of Land Reform can result in failure, which will contribute to excessive poverty.

2.3.3 Land Reform and Development

Land Reform and Development can be seen as integrated elements with a potential to provide better life prospects for most people. In describing development, one can adopt a view, which is based on the notion that, development embraces a number of aspects, which include economic, social, environmental and institutional issues. In most developing countries where income variation is evident, where the gap between the rich and the poor continues to widen and inequality with regard to resource allocation prevails, Land Reform is seen as one of the mechanisms for initiating development, in areas which hitherto did not exist. Land Reform can result in security of tenure thus providing pre-conditions for a variety of development initiatives to unfold.

Initiatives focused on development, shall contribute to relief of poverty as one of its fundamental objectives. At its best, Land Reform approach to development aims precisely at this. By ensuring security of land tenure, this has the ability to widen the economic opportunities for the masses of people, especially those located within the rural context. Within the South African context especially in KwaZulu Natal, where the majority of people reside in rural areas, implementation of Land Reform is critical and has the ability to

contribute to employment opportunities and widen the networks geared towards poverty reduction.

2.3.4 The Challenge of the Land Reform Programme

One of the key challenges facing many developing countries is poverty. Many of the developing countries engage in various development initiatives as a quest to solve poverty. This involves raising the standard of living for communities, many of whom reside within the rural setting. Astoundingly, these initiatives transpire in the face of adversity where the majority of the rural communities are denied access to basic means or resource for self-improvement, which in this case is land.

Generally, the argument for Land Reform lies or is compounded in three arguments. This include social equity, which is based on ethical moral, the need for doing 'to what was done wrong' and the need to address inequality. The second aspect is linked to the first one, which is based on the fact that Land Reform is strongly linked to political motives. The recent events in countries such as Zimbabwe are in line with this argument. Thirdly, Land Reform is also argued on economic grounds. It is grounded on the fact that it deals with land issues, and land tenure patterns are seen as a defining factor for economic advancement of many poor rural communities.

Throughout history, there is evidence, which indicate that, poor people have engaged in a continuously struggle and effort to get access to land. From this perspective, Land Reform has been seen as an approach or programme that has a potential to address this issue. Access to land has the ability to unravel a number of opportunities and economic development being one. However, access to land alone, cannot guarantee positive development outcomes. This means an integrated approach is necessary to ensure that land is utilised in manner that does contribute to economic development thus alleviating poverty. This is one of the key challenges confronting Land Reform Programme in many developing countries.

2.4 CONCLUDING COMMENTS

Chapter two has dealt with some of the key concepts that define sustainability. This includes sustainability and integration, which form the bases of the argument presented in this thesis. Thus far, Land Reform has been undertaken in manner that does not contribute to spatial integration. It has been undertaken outside of key municipal informant programmes such as the Spatial Development Framework (SDF), Land Use Management Systems (LUMS) etc. As a result of the adhoc approach adopted towards the implementation of Land Reform projects, sustainable development outcomes have been minimal. This has led to inefficient utilisation of scarce resources both human and financial.

This chapter has also endeavoured to address the relationship between Land Reform and Development or in the context of Development. It has provided a brief overview of the objectives and challenges confronting the Land Reform process. It acknowledges the fact that there are other important motives that underpin this process, which include political interference and the need to accelerate economic development amongst poor communities. The understanding of Land Reform in relation to other development initiatives is important for this thesis, since Land Reform within the South African context has been seen as a stand-alone programme. It has not been strategically incorporated into development priorities of other departments hence little or no sustainable development outcomes observed.

CHAPTER THREE – INTERNATIONAL LITERATURE

3.0 INTRODUCTION

This section of the thesis presents an overview of examples that deal with the common issues associated with Land Reform Programmes. Its main aim is to provide an indication of how various countries have gone about implementing Land Reform Programme, as compared to the South African model. It focuses Land Reform Programme in the developing world and specifically countries in Latin America and Africa.

3.1 LAND REFORM IN LATIN AMERICAN COUNTRIES

For a relatively long time issues pertaining to land policy have been some how shifted down the margins of development. Nevertheless, in recent years shifts and changes have taken place, which have resulted in the rapid upward movement of Land Policy in the international agenda (Land Reform Journal, 2003). Within the Latin American context, a wave of market oriented Land Policy reforms were adopted in the early 1990's and this took place in various countries such as Mexico, Honduras, Brazil, Ecuador and Peru (Baranyi, 2003). This section therefore examines some of the initiatives undertaken in various Latin America countries regarding Land Reform and Land Policy.

3.1.1 Brazil's Land Reform Programme

Since its return to democratic rule in 1985, Brazil has been one of the main Latin American countries actively pursuing agrarian reform (Baranyi, 2004). They formulated a programme referred to as Reforma Agraria-Nova Republica (PNRA-NR). This affirmed the government's commitment to expropriate land with compensation in the interest of social justice (Baranyi, 2004). Productive properties, irrespective of their size were exempted from expropriation. This commitment to agrarian reform and the limitations on the expropriation of properties that did not serve a social function was also maintained in the 1988 Federal Constitution (Baranyi, 2004).

The goal of the government was to create viable family farmers (Baranyi 2004). It pledged to provide each beneficiary family with a financing package that included a settlement grant and three credit lines under the agrarian reform credit program, for working capital and investment in social and productive infrastructure (Baranyi, 2004). The average costs of expropriation per parcel were initially quite high but as a result of macro stability as well as concerted efforts to reduce the overvaluation of properties in the expropriation process and the average cost fell by over 50 percent by 2001 (Baranyi, 2004). In addition to this, as a way of encouraging the sale of unproductive land and its more efficient use, in 1996 the government

increased land tax on unused land. The price range was dependent on two factors, namely; the size of the farm and the degree of land utilisation. This process was complemented by the efforts that were made to modernise the rural land cadastral and institute a national land registry. These processes enabled for the precise identification of illegally titled national land.

Furthermore, the government established a divide and rule strategy which was a new variant of the market assisted land reform strategy. In collaboration with other institutions such as the World Bank, funds were raised which were meant at targeting the rural poor in approximately 14 sites. This process required that beneficiaries must be well organised and be in legally recognised associations including municipal level unions. The programme aimed at benefiting approximately 50 000 families between the years 2002-2004 and was administered by the national state and the Municipal Sustainable Rural Development Councils (Baranyi, 2004).

Brazil has been the main country engaged in significant land reform efforts in the 1990's; furthermore, it is also the main country currently carrying out market assisted alongside traditional agrarian reform efforts. One of the potential benefits of the market-assisted program in Brazil is that it targeted land that would not otherwise be eligible for expropriation.

3.1.2 Venezuela's Land Reform Programme

From the 1960's, Venezuela's land reform has improved access to land and has assisted the expansion of the country's total land under cultivation, thereby accelerating the country's attainment of self sufficiency (Venezuela's Land Policy, 2003: Volume No4). The country's land reform programme began with an initial decree in 1958 after the demise of the dictatorship rule (Venezuela's Land Policy, 2003: Volume No4). The Agrarian Reform Law of 1960 created National Agrarian Institute, which aimed to provide land to those who worked it. This was done through transferring public land and later by expropriating private holdings of arable land not under cultivation (Venezuela's Land Policy, 2003: Volume No4).

Although the government invested substantial resources in an effort to integrate its rural development strategy through provision of roads, markets, schools and clinics, new agricultural colonies rarely had the conveniences of earlier farming towns. Accordingly, the land reform programme began to experience a drop-off rate as high as one third. Moreover, few of the peasants who stayed in the settlements actually obtained legal title to their land, which remained in the hands of the state.

As such, land reform had made modest adjustment in Venezuelan land tenure through 1990. By the 1998 approximately over 200 000 families had benefited from the state's distribution of nearly 10 percent of the country's total land area (Venezuela's Land Policy, 2003: Volume No4). Improved access to land assisted the country to gain self-sufficiency in certain crops and livestock (Ibid).

On the other side, the benefits of the land reform were seriously impeded by the high failure rate and the fact that as many as 90 percent of participants never gained title to their land. Without access to a land title, farmer's lacked access to collateral to obtain financing needed for agricultural inputs. Such factors, which were coupled with immense private tracts of land, remained intact, demonstrated the relatively minor impact of land reform.

3.2 LAND REFORM IN AFRICAN COUNTRIES

Problems associated with land reform in Africa differ from agrarian problems in other continents. In tropical Africa, and Sub Saharan Africa, tribal or communal ownership is dominant for many rural communities. There are a few countries where land is not entirely held in communal ownership, and this was because of colonial mismanagement of traditional land tenure. Land ownership is widely diffused rather than confined to a small landowning aristocracy and tenancy is not widespread. The main problem has been to define rights to land and determine the relative emphasis on individual as against communal rights in changing technological and socio-economic conditions.

3.2.1 Land Reform in Kenya

Carrying out land redistribution within the African context requires a great deal of innovation, and Kenya merits special attention in this regard. Land has always conditioned Kenya's social, economic and political life. Due to lack of minerals and industries, economic development signifies rural development. Historically, Kenya was the first Black African country to opt decisively for individualised land tenure. Even though individual tenure emanated during colonialism, its diffusion over the settled parts of the country has been reduced since independence in 1964.

The process of land reform in Kenya unfolded in three ways. The first one was during the European colonisation; the second one was a period of decolonisation whilst the last one was based on consolidation of various properties. The European colonisation of Kenya Highlands took place over a period of approximately six years. Within the fertile Highlands, a racially based policy was implemented where Africans were denied access to land ownership, however Indians who were there as traders were permitted to settle on a small portion of Highland area. The White Highlands scheme

initiated Kenya's agricultural export economy, but land alienation and settlement created land problems because not everyone shared the benefits of the opportunities created by export market. So, the White Highland boundaries created an island of European settlement surrounded by land belonging to Africans forming a natural pool of labour for Highland's commercial farms.

Kenya became an independent state on the 12th December 1963 and with the process of decolonisation, exclusive white ownership of areas such as Highland's Scheme was removed. The economic desirability of land reform was not questioned due to the fact that it was viewed as political inevitability. Out of this independence period, came the important programme of settling more than 40 000 families on approximately 50 000 hectares of land which was previously occupied by white farmers. The settlement programme was governed by four main objectives, which included the following:

- Firstly to limit the European farmers land holdings thus giving ownership of land to Africans;
- Secondly to relieve social overcrowding by settling landless natives and they were from the increasingly overcrowded African areas;
- The third was economical driven. Under supervision it introduced a significant number of African farmers to advanced agricultural method in order to improve the per hectare production. From this increased production, a farmer could manage to pay off the loan, and get additional technical assistance, and
- Fourthly, the programme had long-term national objectives, which were to improve the country's social and political climate by creating a stable landowning rural society, with an African farmer possessing a secure position and a respected socio-economic status.

With regard to land consolidation, the government made a policy statement based on the radical shift from European to African and from settlement to consolidation. Major new schemes were initiated and funds related to agricultural development were channelled towards land demarcation, registration and consolidation. These measures were aimed at individual, compact holdings, which were to be a vehicle for bringing improvement in rural areas and peasant capitalist entrepreneurship throughout the country. It has been said that in Kenya consolidation and individual tenure brought about a rural revolution with crop production taking place on African smallholdings supplied with credit, quality control and other necessary measures. This was done within a legal framework, which encouraged smallholdings ownership as compared to communal ownership as is the case with the South African model.

Kenya's pioneering experience in land reform and land settlement was very interesting to other African countries/nations. It addressed issues pertaining to customary tenure and provided for improved income based on cash crop production. It managed to create a stable middle class society based on

farming. Nevertheless, as time went on, the gap between the small minority of progressive farmers and most of the rural population was increasing. Again the manifestation of this social and economic gap raises the question whether reform can be truly successful unless rural population share widely in its benefits.

3.2.2 Land Reform in Namibia

The Land Reform Programme in Namibia has been regarded by most as being slow and it has been criticised for not addressing the critical issues such as lack of tenure for farm workers. Most people have argued that the pace within which Land Reform was undertaken has been protracted and has produced very few benefits. So, far the Land Reform Programme in Namibia has been based on a 'willing seller-willing buyer' concept/principle with the government having first option on any commercial farm for sale (Land Redistribution in Namibia, 2004: Volume No3). In 1995, the Agricultural Land Reform Act was enacted for the acquisition and redistribution of agricultural land. The Act acquired agricultural land that was to be redistributed to Namibian's who have never owned land, or used land for agricultural purposes. Furthermore, the acquired land was to be redistributed to Namibian's citizens who were perceived to be socially, economically and educationally disadvantaged.

However, since the law was passed, very few tangible results have been achieved with regard to land redistribution. Evictions have continued on farms where people have worked as labour tenants, and this sparked tensions throughout the country. As time went on, the government realised that the situation was being aggravated since some of the land offered by the commercial agricultural sector was unsuitable for resettlement (Land Redistribution in Namibia, 2004: Volume No3). Approximately 30 720 people out of an estimated 243 000 landless Namibian's were resettled by 2003 (Land Redistribution in Namibia, 2004: Volume No3). Subsequent to this, authorities launched a Land Tribunal to determine the purchase price in situations where consensus could not be reached between the landowner and the Ministry of Land, Resettlement and Rehabilitation. The findings of the Land Tribunal were that most beneficiaries could not sustain themselves on their allocated land. This prompted the government to provide long-term support mechanisms for small and emerging farmers in an effort to provide a framework for sustainability.

Pressure has been mounting on the government to devise more radical measures to speed up the Land Reform process. This has also been coupled by the recent events taking place in neighbouring countries such as Zimbabwe, where a controversial fast track land reform programme has been implemented. Namibia's farm workers union threatened to invade commercial farms in what they referred to as 'the land sharing exercise and not a land grabbing process' (Land Redistribution in Namibia, 2004: Volume No3). This was also in response to farm evictions that were taking place throughout the

country. In a statement made by the government, it was acknowledged that, the process of acquiring land for resettlement of previously disadvantaged communities was moving more slowly than anticipated. The slow progress was attributed to the fact that some of the farms offered to government were unsuitable for resettlement purposes. Some of these farms had no production capacity; since they consisted of stony and desert like areas, hence the Ministry could not purchase such farms for agrarian reform.

Lessons coming out of this process are that, land was/is a very sensitive issue in Namibia and the rest of the Southern African Region. The principle of 'willing seller-willing buyer' has had adverse connotations attached to it. For any government involved in land reform where the majority of the people are poor, landless and impoverished, it is essential to devise strategies for redistributing land, and this should not only be based on a market driven approach. It requires other interventions such as area-based approach, which seek to locate beneficiaries on arable farms and identification of under utilised arable land and expropriating it for the benefit of the community at large. As it has been indicated the market driven approach has a potential to lead to unrest due to the need to satisfy the legal requirements of land purchase and acquisition. In some instances it can result in the purchase of unproductive land, which is in direct contradiction to the agrarian fundamentals intended by the reform policy.

3.2.3 Land Reform in Zimbabwe

At the time of its independence in 1980, large tractors of best agricultural land were owned by commercial farmers. The size of these farms was often more than 1000 hectares in extent. Poor families were living in crowded conditions on land under the Tribal Trust Lands, which had minimal production capacity, on land holdings that were often less than one hectare in extent. The resettlement process took a slow turn due to difficulty the government experienced with regard to meeting high prices for acquiring land.

In 1992, the National Constitution was amended and the Land Acquisition Act was formulated. Both these processes were aimed at giving government more impetus with regard to acquiring approximately 5.0 million hectares of land from commercial farmers. The Act called for a number of non-market solutions e.g. a land valuation procedure to replace the 'willing seller-willing buyer' principle in determining the land purchase price, limiting the number of farms owned by a single farmer, land owned by absentee landlords and under foreign ownership (Land Reform Progress in Zimbabwe, 2004: Volume No 4).

The government's policy was criticised by those who were in support of the market driven approach. They recommended dispersed land acquisition for resettlement as against block resettlement in designated areas. The government of Zimbabwe engaged in what is referred to as the 'fast track programme' (Land Reform Progress in Zimbabwe, 2004: Volume No 4).

The 'fast track programme' in which the government of Zimbabwe engaged on has been criticised from all corners of the world including the international community. The 'fast track programme' was/is undertaken outside of the laws of Zimbabwe and is not in accordance with the principles agreed to during the 1998 Land Conference (Land Reform Progress in Zimbabwe, 2004: Volume No 4). A group of Commonwealth Foreign Ministers met in Abuja on the 6th September 2001 to discuss issues pertaining to Zimbabwe's land reform policy. At this summit, it was agreed that land reform should be done on the bases of the United Nations Development Programme (UNDP) as agreed to in December 2000 (Land Reform Progress in Zimbabwe, 2004: Volume No 4). The Government of Zimbabwe agreed to honour the principles as stipulated in Harare Commonwealth Declaration. This agreement was to curb occupation of farmlands and to restore the rule of law. In contrary to this, the Zimbabwe's Land Acquisition Act, as amended (Act No.2 of 2002) was promulgated so as to empower the President and other authorities to acquire land and other immovable property in certain compulsory situations and to make special provision for the compensation payable for agricultural land required for resettlement purpose. Chapter 5 of this act provides a legal procedure for compulsory acquisition of land if it is in the interest of public at large. It states that, if a property is acquired lawfully, one shall publish in a Gazette once a week for two consecutive weeks commencing with the day on which the notice in the Gazette is published, in a newspaper circulating in the area in which land to be acquired is located. Furthermore, chapter 16 of this act makes provision for the legal procedure for payment of compensation to the dispossessed owner. It states that, when acquiring a property, the authority shall pay fair compensation within a reasonable time to the landowner, which is required either for resettlement or for other purposes. Chapter 29A makes provision for the establishment of a Compensation Committee which shall assess all compensation that should be issued to various land owners who are affected by acquiring of land for the purpose of redistribution. Thus far, the avenues created by the Land Acquisition Act, (Act No.2 of 2002) have not been utilised in the distribution of land within Zimbabwe and this has resulted in confusion and chaos that is currently being experienced.

Recently, due to political pressure, there has also been another process emerging aimed at redistributing land to the landless in Zimbabwe. This process is based on 'land grabbing'. The illegal occupation of rural farms and smallholdings adjacent to larger cities of Harare and Bulawayo has continued. Current evidence suggests that the Government has actively encouraged this land occupation as part of political patronage system. Led by small groups of war veterans and either tacitly or actively supported by the police and army, groups of people have settled on portions of or occupied commercial farms that largely belonged to white farmers. In a second wave, the occupation of these first settlers has been replaced by a second occupation of political and municipal officials, high placed army personnel and members of the armed forces. The first settlers have been evicted to make way for these elites, who have been awarded commercial land in lieu of services to the state. This has

seen a total decline on the rule of law and has had tremendous adverse consequences on the economy of the country. This was attributed to the fact that, approximately 40% of Zimbabwe's national exports were the basis for agricultural related industries, which has since collapsed.

Some lessons coming out of the Zimbabwe's experience with regard to land reform include the following;

- For land reform to be successful, it needs to be led by the government;
- A clear policy with regard to execution of the land reform objectives is of vital importance;
- Political motives can in most instances overshadow the good fundamentals or objectives of any programme if such a programme is not consistent with the political view;
- Land reform undertaken on ad-hoc bases has the potential to trap people on poverty instead on providing sustainable livelihoods.

3.3 INTERNATIONAL AND AFRICAN POLICY ISSUES

Land Reform Programmes have been ongoing in various parts of the Developing World for over three decades. The previous section, which dealt with some of the international events pertaining to implementation of examples of Land Reform Programmes elsewhere in the Third World, has concisely highlighted some of the shortfalls and consequences generally experienced with the Land Reform Programme. Whilst this reform was taking place, South Africa was still governed by an oppressive government and isolated from the international arena. This however did not mean that land issue was debated in the country. However, contrary to what may have been expected the South African Land Reform Programme, which began approximately 10 years ago, has been characterized by similar shortfalls to those identified in the international literature. This brings into question whether the Land Reform Policy did not take sufficient cognizance of the international lessons or whether the process of land reform is so complex that it is not possible to engage with its social and economic aspects except in practice.

In most countries, Land Reform has been undertaken on the basis of a market driven approach. This approach is built primarily on the concept of the willing seller-willing buyer model. Consequently, as it has already been illustrated in a preceding section, this approach has led to dissatisfaction especially on the part of the poor communities, and has yielded less development outcomes than may have been expected. In African countries such as Namibia and Zimbabwe, poorer communities have opted to resort to other measures, which they believe will speed up the process of land redistribution. Most of these initiatives are taking place outside of the framework of the law and can result in civil unrest. Further to that, in countries such as Brazil, which utilised the option of expropriation as a

mechanism of speeding up land redistribution as an alternative to market based approaches. In so doing it demonstrated that perhaps a multi pronged approach to land reform is necessary where the willing seller willing buyer model is used along with other mechanisms and state interventions.

3.3.1 South African Policy Strengths and Gaps

So far, the implementation of the Land Reform Programme within the South African context, has also taken the market driven approach, which is also based on a willing seller willing buyer model. In South Africa with its history of racial discrimination and forced removals, Land Reform was and is still seen as the key tool for bringing about real national reconciliation. As such, perhaps at the beginning, the willing seller willing buyer model was useful as part of the reconciliation process hence one of the strengths of the Land Policy. It endeavoured to protect the rights of the citizens e.g. those with access to land whilst at the same time addressing skewed land ownership patterns. Secondly, the strengths of the South African Land Policy, is that it sees the state as taking a leading role with regard to implementation of a Land Reform Programme, through provision of financial grants to communities, legal protection for vulnerable groups e.g. labour tenants and informal owners, engaging in negotiations with farm owners to secure land and acting as a broker in land negotiations. Furthermore, it also places emphasis on the need to ensure social and economic advancement of rural communities who are the most disadvantaged.

Despite this good start, a decade has elapsed since the Land Reform Programme came into effect. Large numbers of people still do not have security of tenure and are living under de-humanising conditions and the Land Reform Programme has not yielded positive development outcomes. Clearly, the market driven approach has also not worked and this in line with the international trends. This is perhaps one of the important gaps or shortfalls of the Land Reform Programme in South Africa. More needs to be done to develop various mechanisms to redistribute land as opposed to pursuing a market related model; therefore, this suggests that non-market solutions are needed so as to expedite the Land Reform process. The second gap regarding Land Reform Programme is that, it is implemented in the absence of an overall Rural Development Strategy hence its implementation has not been effective. Recently, one of the initiatives, which the Department of Land Affairs seems to be pursuing, is related to expropriation. It has been said that, due to market related approach, farm owners have inflated property prices thus making the process of acquiring land even more difficult. Even though this option has been considered in the formulation of the Land Reform Policy, it has been regarded as a last resort rather than a formal mechanism for land acquisition. It is now being presented as an 'add on strategy' that will ensure speedy implementation of the Land Reform Programme. However, there are reservation about the wide spread use of expropriation as this might lead to unrest thus causing economic decline especially within the agricultural sector.

These are some not all of the gaps and strengths of the South African Land Policy.

3.4 LESSONS LEARNT FROM INTERNATIONAL LITERATURE

Some of the lessons which could be sourced from interrogating the international literature *inter-alia* include the following:

- That the 'market driven' approach based on a 'willing seller willing buyer' has not been successful in most countries that have undertaken land reform.
- State intervention in terms of policy formulation is of paramount importance if land reform is to be successful.
- Land reform undertaken where there is political instability has the potential to lead to unrest.
- Land reform undertaken with the absence of a clear strategic direction has the potential to trap people back to poverty.

3.5 CONCLUDING COMMENTS

An overview of the international literature pertaining to land reform has been presented in this chapter of the thesis (chapter three). The legislative and policy context, in which the South African Land Reform Policy has been designed and amended, will now be presented in the following chapter (chapter four) to provide a more detailed perspective on the national approach and its programmes.

CHAPTER FOUR – POLICY AND LEGISLATIVE FRAMEWORK

4.0 INTRODUCTION

Since the democratically elected government came into being in 1994, it has developed a number of policies that seek to guide development thus promoting integrated and co-ordinated planning. Some of these policies are not directly associated with Land Reform; however, they contribute to this process by formulating objectives and basic principles relating to the process. This section therefore seeks to provide a brief overview of the policies pertaining to development and their implications with regard to Land Reform.

4.1 NATIONAL POLICY CONTEXT

At the onset, and in order to be able to get a clear perspective on issues related to Land Reform, it is essential to examine some of the National and Provincial Policies that have a direct or indirect impact on this issue. The implications created by National and Provincial Policies are unravelled in this section, which critically analysis them. Furthermore, it also looks at policy changes with regard to recent speeches made by various government departments and officials which impact on this aspect of development planning.

4.1.1 Reconstruction and Development Programme and Growth Employment and Redistribution

Two fundamental policies that deal with the development of the South African economy *inter-alia* include, The Redistribution and Development Programme (RDP) produced after 1994 and the Growth Employment and Redistribution (GEAR) policy, which replaced the RDP approximately in 1998. Most importantly for Land Reform, the RDP perceives economic growth, development, reconstruction and redistribution as an integrated process. These elements of development are linked through the commitment to meeting the basic needs of the poor and the opening up of unrealized economic and human potential.

The Growth Employment and Redistribution Strategy (GEAR) has superseded the RDP as the main development policy of the National Government. GEAR is aimed at achieving a fast growing economy, which create enough jobs, redistribution of income in favor of the poor, equal access for all to facilities and a safe and secure environment for all. This policy is dealt with in more details on the following page:

4.1.2 Growth Employment and Redistribution Strategy (GEAR)

The Growth Employment and Redistribution Strategy (GEAR) remains the official development policy of South Africa. It is intended to kick starting a fast growing economy. From this perspective, it is therefore aimed at creating jobs, ensuring equal access to services and facilities for everyone. It proposes redistribution of income in favor of the previously disadvantaged or the poor and the creation of a safe and secure environment for all.

Based on the government ten-year review, and in most recent speeches, there appear to be a change in emphasis regarding development priorities in South Africa. Amongst other things, the emphasis seems to be on the increasing need for government to ensure the provision of houses and thereby meeting current housing demand. For this to take place, the government would therefore need to acquire land. There is also mention of the fact that government need to develop support programmes for farmers thus ensuring appropriate utilization of land and to establish land use data base and collection system for planning and monitoring of these initiatives.

The government has also agreed to the United Nations (UN) Millennium Declaration, which aims to halve poverty and hunger, provide universal primary education, to decrease child and maternal mortality, combat HIV/AIDS and to provide for sustainable development.

In his "state of the nation" address (2004), President Thabo Mbeki emphasized once more the importance of focusing on the poor to alleviate poverty, to fight HIV/AIDS, to provide education and skills to the youth of this country. He further outlined that the financing of a protocol for Urban Renewal Programme and the Rural Development Programme would be instituted in an attempt to increase the efficiency of co-coordinated financing for these programme. The president also added that the Department of Agriculture is to increase its support to agricultural activities in communal land areas as well as small-scale agriculture.

The former minister of the Department of Agriculture and Land Affairs (Thoko Didiza) in her speech on the 8th June 2004 stated that, the aim of the Department is to de-racialise the agricultural sector. She made mention of the fact that, the increased budgets for Land Reform has resulted in increased number of settled claims. The minister also mentioned that poverty eradication; accelerated growth and wealth creation are all goals of the Department of Agriculture in the current context. She also introduced new programmes referred to as Comprehensive Agricultural Support Programme (CASP) and the Siyavuna Programme (which is a provincial programme). The main aim of CASP is to enhance the provision of support services, to promote and facilitate agricultural development targeting mainly the beneficiaries of the Land Reform and Agrarian Reform Programmes. The CASP programme is mainly aimed at four categories, which have been identified as critical in

terms of ensuring service support, and are categorized in the following manner:

- **The Hungry and Vulnerable:** Though this group is primarily the responsibility of the Department of Social Welfare, they are supported by the DoA and PDAs through advice and during food emergencies and crises through the agricultural food packs and for those families who are ready, the introduction of agriculture starter pack.
- **Subsistence and Household Food Producers:** Supported through food production and include the beneficiaries of the Special Programme on Food Security (SPFS) and the Integrated Food Nutrition Programme (IFSNP) where the provision of the agriculture starter pack is made.
- **Farmers and business level activity:** Supported through farm level support and include beneficiaries of the LRAD and other strategic programmes, e.g. SLAG, Restitution, Redistribution, Tenure reform.
- **Agricultural macro-system within the consumer environment:** This category includes the agri-business and entrepreneurs to ensure that business and regulatory environment is conducive to support agricultural development and food safety.

4.1.3 Urban Development Framework (UDF)

The aim of the Urban Development Framework (1997) is to promote a "consistent urban development policy approach for effective urban reconstruction and development, to guide development policies, strategies and actions of all stakeholders in the urban development processes and to promote development of a collective vision for urban development. The **Urban Renewal Programme (URP)** replaced the UDF in 2001. The URP has a life span of ten years and seeks to focus on eight urban nodes that have been identified as having concentrated poverty. These nodes include: Alexandra, Galeshwe, Khayelitsha, Mitchell's plain, Mdantsane, Motherwell and in KwaZulu-Natal – KwaMashu, Inanda and Ntuzuma.

The main thrust of the policy is to alleviate poverty, to increase equity and social cohesion, to enhance local government capacity to deliver services, to promote innovation in planning, design, financing and implementation.

4.1.4 Rural Development Framework (RDF)

The 1997 Rural Development Framework (RDF) addresses a number of key issues. It confirms the important role of local government in development and provides for the promotion of a wide range of activities to achieve rural development. It was replaced by the Integrated Sustainable Rural Development Programme (ISRDP) in 2001 and is believed to provide more synergy between the existing rural development programmes. It focuses on thirteen (13) nodes in rural areas for development, in the Province of KwaZulu-Natal. The thirteen areas for development are located in the District Municipalities of Ugu, Umzinyathi, Umkhanyakude and Zululand. The programme seeks to promote participation in development matters, co-operative governance, to promote values of the National Constitution and Batho Pele principles, to target the rural poor, the most vulnerable sections of the community that include women, youth and the disabled.

4.2 PROVINCIAL DEVELOPMENT POLICIES

Provincial policies that impact directly or indirectly on the land reform are as follows:

- The Provincial Growth and Development Strategy;
- The Integrated Rural Development White Paper, and
- The Land Use Management Systems (LUMS), which is also referred to as the 'Pink Book', and the KwaZulu-Natal Land Use Management Guidelines 2004.

A brief overview summary of these documents is provided below in order to illustrate their relevance and the impact they have on matters pertaining to planning and development at a Provincial Level:

4.2.1 Provincial Growth and Development Strategy (PGDS)

The KwaZulu-Natal Provincial Growth and Development Strategy of 1996 provided an opportunity for individuals to earn a basic sustainable living, by creating a competitive and entrepreneurial economic environment, which attract business and investment, and an improvement in service delivery and infrastructure. The framework attempted to do this by creating an enabling environment conducive for economic growth and service delivery. However, the PGDS has been reviewed in the light of changes taking place both global and local economic markets. The revised document or strategy was released at the end of October 2004 and outlined some long-term provincial priorities for economic growth and development including:

- Good governance;
- The need for the transformation administrative structures;

- Competitive investment;
- Local economic development;
- The need for sustainable communities, and
- Basic income opportunities.

4.2.2 The White Paper on Integrated Rural Development

The Integrated Rural Development White Paper (IRDWP) provides a general framework for rural development in KwaZulu-Natal. It seeks to promote integration within policy, through the re-orientation of the present delivery systems, building co-operation between civil and customary systems of governance. It also seeks to create an inclusive rural economy through, among others strategies, the opening of access to land and capital, maximising and diversifying local economic opportunities, and providing basic services and poverty alleviation programmes. It outlines eight strategies for rural development, and this includes the need for developing a provincial land reform strategy. As a result, it has led to the establishment of Integrated Sustainable Rural Development Strategy for 2001 to 2010 for the province. Within KwaZulu-Natal, four special areas of focus were identified and they include Ugu, Umzinyathi, Umkhanyakude and Zululand.

4.2.3 The Land Use Management Systems (LUMS)

A number of planning legislations have been used within KwaZulu-Natal as a way of managing development. The introduction of integrated development planning has enabled the province to develop an all-inclusive approach to land use management that can be applied uniformly throughout the province. In terms of the new land use management system for KwaZulu-Natal, a system of wall-to-wall planning scheme is proposed as forming the basis for the single LUMS required for municipalities. Therefore, LUMS can be described as a tool that will assist local municipalities to promote co-coordinated, harmonious and environmentally sustainable development. Furthermore, it will assist the municipality to identify areas subject to development pressure, thus developing appropriate mechanisms. To this end, some of the key elements of a land use management systems categorised in the following manner:

- Spatial Development Framework and other relevant development plans for different areas within the municipality;
- Environmental issues;
- Road and transportation issues;
- Valuation and rating system;
- Property registration, ownership and tenure system.

4.2.4 Provincial Initiative - Siyavuna

Siyavuna is a Nguni word which means 'harvesting'. This is a Provincial program and is in response to the challenges confronting KwaZulu-Natal, which include unemployment, inequality, HIV/AIDS and poverty. The Siyavuna Programme is regarded as a strategic approach, which has a potential to kick-start development, ensure job creation thus addressing poverty in KwaZulu-Natal. Not only does this programme seek to create job opportunities, however, it is used as a commitment to honoring the people's contracts, social responsibility and care of the government.

Through this programme, the department endeavour to align its projects in line with the vision of optimising the vast agricultural potential within the province of KwaZulu-Natal.

4.3 NATIONAL POLICY RELATED TO LOCAL GOVERNMENT TRANSFORMATION

The White Paper on Local Government (1998) establishes the basis for a new developmental local government system. Various pieces of legislation have been passed since the publishing of White Paper as a means to implement and restructure local government. Amongst the well-known statute, the following are mentioned:

- The Municipal Structures Act (Act No. 117 of 1998) which establishes a criteria for determining the category of a Municipality, propose the approach to the division of functions and powers between Municipalities, indicates how internal systems, structures and office-bearers of Municipalities will be regulated and address other matters related thereto, and
- The Municipal Systems Act (Act No. 32 of 2000) which provides the core principles, mechanisms and processes necessary to enable Municipalities in the new local government dispensation to function. Chapter 5 of this Act is devoted to the implementation of integrated development planning by local government, and requires Municipalities to prepare and adopt Integrated Development Plans (IDP's).

The White Paper further acknowledges Local Government as a sphere of governance in its own right and emphasises that it should serve as a point of integration and co-ordination for the delivery of national programmes.

4.3.1 The Transformation of Traditional Authorities in KwaZulu Natal

The South African Government has engaged in a process of democratising Traditional Councils. Through this process it seeks to establish what will be referred to as 'Local Houses'. Section 36 of Chapter four of the KwaZulu Natal Traditional Leadership and Governance Act (Act No.5 of 2005) makes provision for the establishment of Local Houses of Traditional communities within the District Municipalities. Furthermore, an initiative has also been taken to further transform Traditional Councils in line with the government's gender requirements. This means that, women (they should constitute 40% of the traditional council) should also be represented within the Traditional structure of each Tribal Authority, and most Traditional Councils now have women representation.

4.3.2 Traditional Leadership and Governance Framework Act, Act No 41 of 2003)

The above-mentioned Act was promulgated to address some of the following aspects:

- ❖ The recognition of Traditional communities.
- ❖ The establishment and recognition of Traditional Councils.
- ❖ The functions and roles of Traditional leadership.
- ❖ A statutory framework for leadership positions within the institution of Traditional leadership.
- ❖ Establishes the Houses of Traditional Leaders.
- ❖ Dispute resolution as well as the establishment of the commission on Traditional leadership disputes and claims.

4.4 LEGISLATIVE ADVANCES

In order to implement the Land Reform Programme, a number of statutes have been passed at the national and provincial levels of government. These include:

- **Distribution and Transfer of Certain State Land Act, (Act No.19 of 1993)** – this Act was promulgated so as to regulate the distribution and transfer of certain land belonging to the state and designated by the Minister and to provide matters connected therewith.
- **Restitution of Land Rights Act, (Act No. 22 of 1994)** – this Act was promulgated for the restitution of rights in land in respect of which persons or communities who were dispossessed of their land under the old regime. It provides mechanisms through which compensation and other initiatives for land restoration could be done.

- **Land Administration Act, (Act No. 2 of 1995)** – this Act seek to provide for the delegation of powers and the assignment of the administration of laws regarding land matters to provinces and the creation of a uniform land legislation.
- **Development Facilitation Act, (Act No. 67 of 1995)** – this Act is dealt with in more details in section 4.4.1 of this thesis. The objectives of this Act is to provide a policy framework for land development, land registration and planning, in accordance with the general principles in chapter one of the Act; to fast track the approval of land development applications, and to overhaul the existing planning and land development framework.
- **Communal Property Associations Act, (Act No. 28 of 1996)** – this Act enable communities to establish structures that will hold and manage land on their behalf under the written constitution.
- **Interim Protection of Informal Land Rights Act, (Act No. 31 of 1996)** – the Act was meant to provide for the temporary protection of certain rights and interest, which is not adequately provided by the law.
- **Land Reform (Labor Tenants Act) (Act No. 3 of 1996)** – it is meant to provide security of Tenure of Labor Tenants and those people or persons using land as a result of their association with Labor Tenants. It further provides mechanisms for acquiring land and rights by Labor Tenants.
- **Land Survey Act (Act No. 8 of 1997)** – the land survey Act was meant to ensure the regulation of the survey of land in the Republic and to further provide for matters connected therewith.
- **Extension of Security Tenure Act (Act No. 62 of 1997)** – amongst other aspects, the Act was promulgated so as to regulate conditions of residence in certain areas/land and to regulate conditions and circumstances under which persons, whose right of residence has been terminated and may be evicted from occupying land.
- **Communal Land Rights Act (Act No. 11 of 2004)** – this Act is addressed in more details in section 4.5 of this thesis. Nevertheless, the Act was promulgated to address a whole range of issues which include establishment of land rights boards, procedures for amending or repealing certain laws and for integration of municipal functions on communal land.

These now function together with a number of inherited statutes and regulations that pre-date the 1994 change in government e.g. The 1991, National White Paper on land reform resulted in three laws that radically changed the land holding patterns in South Africa and disposed of racially based spatial segregation. These laws were the Abolition of Racially Based Land Measures Act (Act No. 108 of 1991), the Upgrading of Land Tenure Rights Act (Act No.112 of 1991) and the Less Formal Townships Establishment Act (Act No.113 of 1991). Each was designed to achieve different results e.g. the Upgrading of Land Tenure Rights Act also called ULTRA was meant to allow ownership for people living someone's property

and the upgrading of individual and communal title without full ownership whilst Less Formal Township Establishment Act (LEFTEA) was meant for township establishment with necessary services including security of tenure. The KwaZulu Land Affairs Act, Act No. 11 of 1992) as read with Notices No. 29 and 30 respectively provided measures for disposal of Government land and its subdivision. Furthermore, it provided mechanisms for removal of restrictive conditions and other incidental matters. The Black Communities Development Act (Act no.4 of 1984) provided mechanisms for the development of former Black areas/communities outside of the national state. Furthermore, it also provided mechanisms for amending and consolidating certain laws, which applied with reference to Black communities and other matters connected therewith.

4.4.1 Development Facilitation Act (Act No. 67 of 1995)

The Development Facilitation Act (DFA) was promulgated as a unitary mechanism for fast tracking land and housing development. Most importantly, it was meant to expedite and facilitate the implementation of RDP and projects linked to land development. It sets out requirements that all Municipalities have to prepare and adopt Land Development Objectives (LDO's) so as to provide a strategic focus with regard to development.

Nevertheless, Land Development Objectives have now been superseded by the introduction of Integrated Development Plans (IDP's). Integrated Development Plans (IDP's) were initially established through the Local Government Transition Act (Act No.58 of 1999) and then introduced as a strategic planning tool. These plans are seen as mechanisms through which integrated planning and co-operation of various government departments at various levels can occur including the private sector.

4.4.2 The Provision of Certain Land for Settlement Act (Act No. 126 of 1993)

This Act was promulgated so as to provide designation of certain land, regulate the subdivision of land and the settlement of the persons thereon. Augmenting to this, it was also meant to provide measures for financial assistance on the acquisition of land and to ensure security of rights for beneficiaries and any other matters connected herewith.

²

² The Development Facilitation Act (Act No.67 of 1995) has not been utilised by the Western Cape, which chose to use its own Provincial Legislation rather than a national statute. It was not implemented in KwaZulu Natal until 1997 when it became apparent that the Provincial Planning and Development Act would never become operational

4.5 COMMUNAL LAND RIGHTS ACT (ACT No. 11 of 2004)

The Communal Land Rights Act (Act No. 11 of 2004) was promulgated so as to provide for legal security of tenure by transferring communal land, including KwaZulu Natal Ingonyama land to communities or by awarding comparable redress. Furthermore, it seeks to provide mechanisms for the conduct of land rights enquiry to determine the transition from old order rights to new order rights. Mechanisms are also put in place that endeavours to provide for the co-operative performance of municipal functions on communal land.

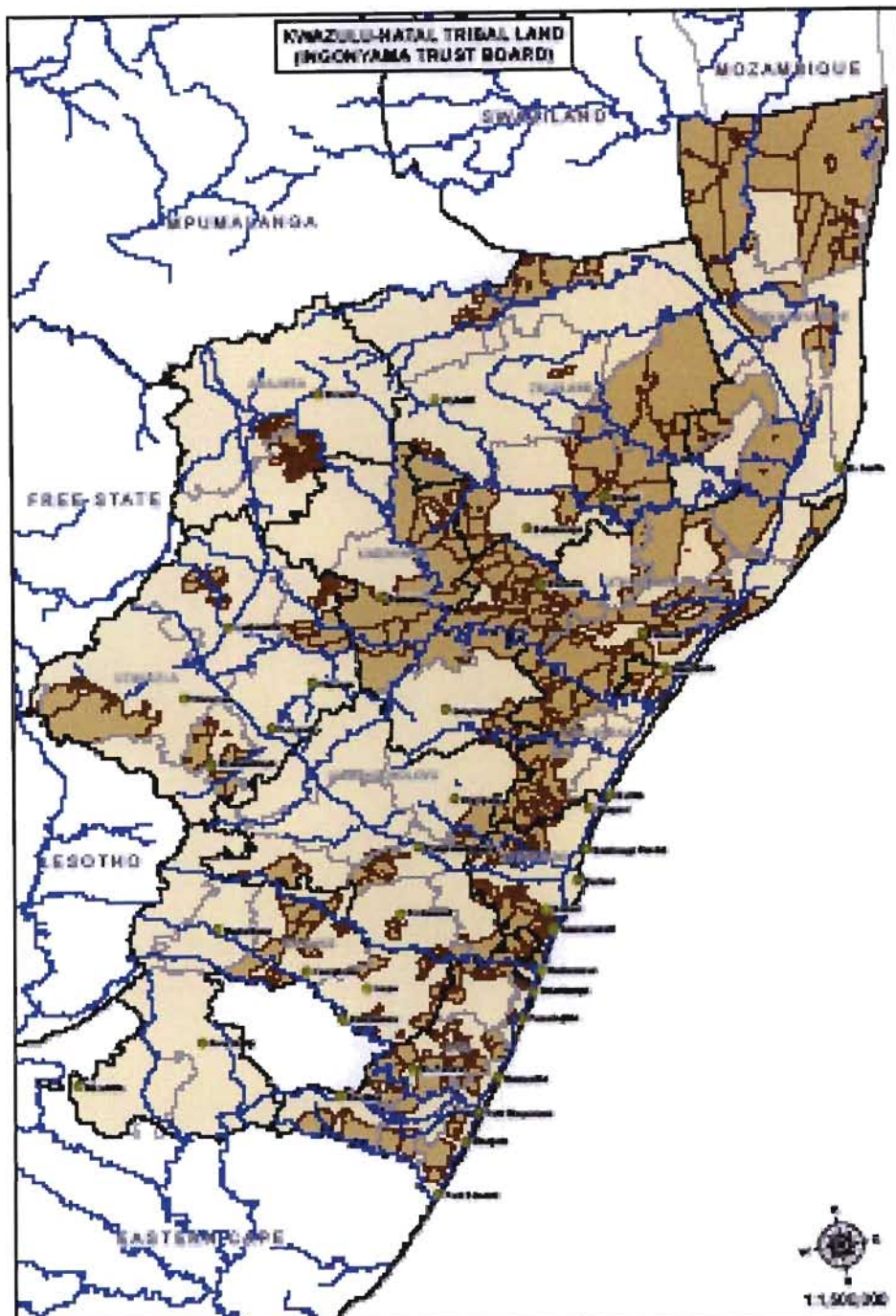
4.6 PROVINCIAL LEGISLATION

4.6.1 Ingonyama Trust Act (Act No.3 of 1994)

The province of KwaZulu-Natal is slightly different to other provinces in a sense that, there are other institutional structures that exist which have an impact on the development process. One of the important structures within KwaZulu-Natal is the Ingonyama Trust. Ingonyama Trust was established in terms of KwaZulu-Natal Ingonyama Trust Act (Act No.3 of 1994), however, this Act was amended by the National Act (Act No.9 of 1997). The KwaZulu-Natal Ingonyama Trust Amendment Act provided for the establishment of the Ingonyama Trust Board. The legislation provides for His Majesty the King to be the sole trustee but in terms of the 1997 amendments, the aforementioned Board came into operation in 1998 to administer the affairs of the trust. The core business of the Trust is to manage land for the 'material benefit and social well being of the individual members of the tribes'. Furthermore, no alienation or burdening of the land may occur without the written permission of the relevant traditional or community authority.

Ingonyama Trust land is currently occupied by many rural traditional communities and is home to approximately 5 million people who use it mainly for subsistence farming (for spatial distribution of Ingonyama Trust Land Refer to Map 1 overleaf). The land is some of the least developed within the province and constitute of communities, which are amongst the poorest in the province. Even though most of the Ingonyama land is underdeveloped and would be considered for greenfield development in planning terms, however, getting development to such areas is a complex process. This is due to conflicting interests between the chief and the beneficiaries of land reform projects. The chief usually intervenes in fear of losing control over beneficiaries.

MAP 1: LAND UNDER INGONYAMA TRUST-KWAZULU-NATAL



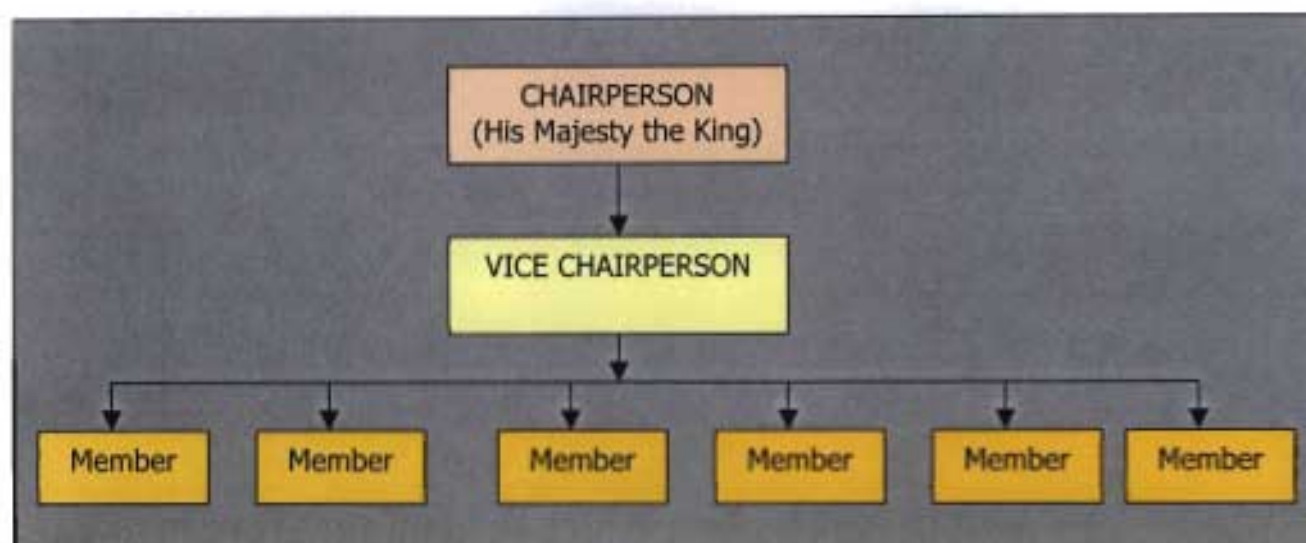
Source: MHP Geospace KwaZulu Natal-2006

4.6.2 Ingonyama Trust Board

The Ingonyama Trust Board was established in terms of the KwaZulu-Natal Ingonyama Trust Amendment Act, 1997 (Act No. 9 of 1997). The primary objective of the Board is to function as trustees (landowners-in-law) of Ingonyama Trust Land. The Board may however only perform that function in the manner prescribed in the Act.

Furthermore, the Act stipulates that land must be administered for the material benefit and social well being of the members of the tribes and communities living on trust land. Ingonyama trust land comprises of approximately 3 million hectares of land, which makes up 40% of the area of KwaZulu-Natal. Figure 5 below graphically illustrate the structure of Ingonyama Trust Board.

FIGURE: 5 THE STRUCTURE OF INGONYAMA TRUST BOARD



As indicated on figure 5 above, the Board consists of a Chairperson (His Majesty the King), the Vice Chairperson and six members. The Board meets approximately every six weeks to formulate policy issues and approve land rights for new development applications. The operational activities of the Board are generally funded through the revenue generated from mineral leases and leases of commercial land. It is noted that recently the Board has referred to itself as an institution that deals with land rights and not land use matters. It has also moved from proving Permission to Occupy (PTO's) certificates the predominant tenure in former areas of KwaZulu to a leasehold system.

4.6.3 KwaZulu-Natal Planning and Development Act (Act No. 5 of 1998)

The KwaZulu-Natal Planning and Development Act, Act No.5 of 1998, was developed with an intention to rationalize the planning requirements emanating from different pieces of legislation. Although the Act was promulgated it has never been used because the regulations to implement the statute were never completed. It has also led to the formulation of the new KwaZulu-Natal Development Bill (2003), which is in the process of being completed. This bill focuses mainly on development issues within KwaZulu-Natal, by providing guidelines for land use management.

Furthermore, it deals with requirements regarding land development, subdivision of land, compensation, establishment of KwaZulu-Natal Development Tribunal, the establishment of the KwaZulu-Natal Development Appeal Tribunal, the establishment of the KwaZulu-Natal Provincial Planning and Development Commission (PPDC) as well as the requirements for an overall development policy.

As indicated a new Draft of the Planning and Development Bill is being prepared by the Department of Local Government, Housing and Traditional Affairs. This new statute should be available for public comments anytime from now. It will impact on the issue of land reform in that it seeks to bring issues of equity regarding utilization of land, it also seek to encourage formulation of both urban and rural schemes and this will have an impact on the spatial location of land reform projects.

4.7 Implications for Land Reform

The implementation of the Land Reform Programme is not undertaken in a vacuum. It is implemented within the context of some of the above-mentioned national, provincial and local development policies. All of the above-mentioned policies have their own goals and priorities within which they operate. In some of these policies, Land Reform Programme is not a priority and as such; it is not catered for in most planning and development programs of various sectors.

The new demarcation process, which took place in 2000, established a new system of Local Government. With that, came the introduction of the Municipal Systems Act (Act No. 32 of 2000), which sets out the platform for the new system of Local Government. One of the requirements from the Municipal Systems Act (Act No. 32 of 2000) is formulation of Integrated Development Plans (IDP's). IDP's are supposed to provide a strategic direction for each District and Local Municipality and run concurrently with the current term of councilors, which is at present five years. IDP's should be reviewed annually to reflect the changing needs and priorities of the communities.

As part of the IDP, Municipalities should prepare a Spatial Development Framework (SDF). The SDF broadly indicates the strategic development intentions of each Municipality. It assists with decision making in terms of indicating the priority of development areas as well as identifying areas where development should be discouraged. So far, Land Reform Projects have been undertaken outside of this process (which means they have not been incorporated into overall municipal planning). As a result of this, most Land Reform Projects have been undertaken on adhoc-bases and this has led to inefficient utilization of arable and productive land, establishment of settlements without access to proper service. So as a point of departure, Land Reform should as far as possible be integrated into municipal planning

especially at a local level so as to align with the overall development outcomes of the Municipalities which *inter-alia* include the following:

- The need to utilize Land Reform as a tool for meeting other needs which include housing and basic services;
- To ensure security of tenure;
- To broaden the base of land ownership;
- To contribute towards economic and social advancement of beneficiaries;
- To contribute towards nation building and reconciliation;
- To ensure effective and efficient land use and development, and
- To focus on eradicating poverty through sustainable development.

4.8 The Inter-Linkages of Policy, Legislation and Land Reform

The difficulty facing implementation of various development projects and policy makers is that, at present there is not a single unified piece of legislation that could be used on uniform bases. Development related projects (which include land reform projects) are undertaken within an array of policies and pieces of legislation either at a national or provincial level.

Section 4 above has highlighted some of the essential policies and pieces of legislation that impacts on land reform issue as well. Such policies and pieces of legislation seek to provide a framework within which various development initiatives should be undertaken. And at the centre of it all, is the desire to encourage advancement of rural areas thus unearthing economic development potential (which land reform has the ability to achieve) without a clearly defined rural development strategy for the entire country. The introduction of Integrated Development Plan's (IDP's) at a local level has brought new hope in that it seeks to pull resources together from various role players thus developing a common vision. This means that land reform projects would perhaps begin to form part of municipal wide planning earlier on thus avoiding ineffective spatial structure which contributes to ineffective use of resources (both human and capital).

The next chapter (chapter five) looks at Land Reform within the South African context.

CHAPTER FIVE – LAND REFORM IN SOUTH AFRICA

5.0 INTRODUCTORY REMARKS

The South African Land Reform Programme *"should be demand-driven and must aim to supply residential and productive land to the poorest section of the community (rural population) and aspirant farmers. As part of a rural comprehensive development policy, it must raise rural income and productivity and must encourage the use of land for agricultural and other productive or residential purposes"* (ANC, Reconstruction and Development Programme, 1994:20).

Land Reform in South Africa is seen as the crucial cornerstone towards social and economic advancement of the previously disadvantaged section of the community. It is seen as the driving force for ensuring a better future and a way of bringing hope to thousands of people. The White Paper on Land Policy (1997) sets out three programmes or parts within which Land Reform is to be implemented. These programmes include Redistribution, Restitution and Land Tenure and are dealt with on individual basis on the following sections:

5.1 LAND REDISTRIBUTION

Land Redistribution is the sub-programme of the Land Reform Policy. The main aim of this programme is to provide the disadvantaged, the landless poor, labor tenants, farm workers and emerging farmers with access to land for residential and productive purposes in order to improve their livelihoods and quality of life (DLA 1997a; 9:38). It seeks to remedy past imbalances more especially skewed land ownership through redistributing land to those who need it. It is done on voluntary basis between *"willing – buyers"* and *"willing – sellers"* and is therefore in principle market driven. Such term is applied within the South African context and is the reflection of the government's assistance to beneficiary households to enter the land market.

5.1.1 Principles Underpinning Land Redistribution Programme

a) Demand Driven versus- Supply Driven Allocation Process

The application-based, demand-driven approach originated in the late 1980's with the formation of the Independent Development Trust (IDT) and is now the approach followed by a number of government departments, including the DLA. Communities, groups or individuals are required to articulate a land need and submit an application in order to benefit from the land redistribution program. This approach is based on the principles of local initiative and control (people-driven), and is cast in a consultative, participative mode.

It is therefore anticipated that the impact of this approach will be more uneven. The White Paper further suggests that application-based programmes should be located and prioritised within a framework of local opportunity and need.

b) **Willing-Buyer Willing-Seller Principle**

The land redistribution process is subject to the willing-buyer, willing-seller principle. This principle is grounded in political compromises made in negotiations that gave rise to the new democratic order in South Africa in 1994. In its simplest form, this principle seeks to avoid expropriation of privately owned land, and to rather rely on available State-owned land or land willingly made available for redistribution by private landowners. The intention is that the value of the land and therefore the sale price is decided by the market and agreed to by a three-phase evaluation. Recently, there have been examples of disagreement regarding the price for land for unrealised potential which has made the process of accessing land more difficult. The practical example in this case is the Gongola project located in the Weenen area where current landowners are asking more money than what the government is prepared to offer. This has become a contentious issue and has halted development.

Proponents of this principle feel that it is necessary to ensure that the Land Reform Programme is not detrimental to the fundamental goals of reconciliation within the country. Its detractors would state that this policy results in the most productive and valuable land being retained by a minority of the population, and only the low productive potential agricultural land being made available for redistribution to the poor. This implies that other than the state land much of which is tied up with leases and extended agreements, the only land available for redistribution is land where there is a willing seller. For this reason, the land reform is characterised by "speculation, obstruction by existing, landowners and expensive land transfers" (National Land Committee, 2001). This approach impacts severely on the location of projects and the potential of the land available for redistribution. It also places severe constraints on the availability of funding for land reform projects.

5.2 LAND REDISTRIBUTION PROGRAMMES

In addition to the principles shown above, specific programmes have been devised by the Department to provide a conducive environment for land redistribution to occur. These include the following:

5.2.1 Land Redistribution for Agricultural Development (LRAD)

As a means of speeding up the process of redistributing, the minister of the Department of Land Affairs (DLA) introduced the programme commonly known as Land Redistribution for Agricultural Development (LRAD). This programme is meant for people who want to access land mainly for commercial farming purpose. Those who wish to access land can do so either as a group or on individual bases. Furthermore, this programme enables the end-user to design the project according to their specific needs. It focuses on the development of small to medium scale emerging farmers, and makes provision for food-safety-net projects, equity schemes and agricultural development in communal areas. LRAD introduces a new grant funding system based on a sliding scale and own contribution. It responds to the variations in land need and financial support, and provides for grant funding ranging from R20 000 to R100 000.

5.2.2 Municipal Commonage

Municipal commonage is not an uncommon occurrence in most small towns and dates back to the time when there was a need to use public land collectively for agricultural purposes. The White Paper on the South African Land Policy acknowledges that legislative competence for municipal commonage rests with the Municipality and Provincial Government Structures. It, however, introduces a grant for the acquisition of land for municipal commonage as a means to assist the urban poor to gain access to agricultural land. It encourages Municipalities to develop policies and conditions, which will enable the poor to access existing commonage currently, used for other purposes, and where necessary acquire additional land in order to supplement their land holdings.

However, the majority of small rural towns remain mini-citadels of apartheid with most public assets still being in the hands of the white minority (Land Policy, 1997:28). Where commonage land is subject to a long-term lease, it is not available for the implementation of this policy, and the poor are excluded from deriving direct benefits there from. The DLA has also not publicised this policy vigorously nor have they provided the necessary assistance to Municipalities to implement this policy.

5.2.3 Church Land Policy

Church land presents a "window of opportunity" for the Land Redistribution process of government. In a number of instances the churches have adopted an open and constructive attitude to land reform. The implementation of land reform on church land has in the past been beset by a number of problems. Firstly, churches often wish to donate land but are uncertain as to whether these donations will attract a transfer or donation tax and whether the

donation of land will lead communities to be deprived of access to government grants. Secondly, due to church land being viewed as private land, communities on this land do not have access to government support as Local Municipalities have a policy of not providing services on private land (however, once land has been made available through signing of the Land Availability Agreement, government can put in services). Thirdly, it has been indicated that Provincial Departments of Land Affairs has historically been hesitant to deal with church land, as no national guidelines existed for this purpose.

The Church Land Policy (2000), as it is commonly referred to, goes a long way towards clarifying the uncertainty relating to land reform on church land. It is stated that where people derive their right to the land from a contractual nature (received express or tacit consent to reside on land) of their presence they are covered by the Extension of Security of Tenure Act (Act No. 62 of 1997), which is also known as ESTA. ESTA enables occupiers to become owners of the land they live on or other land. Two types of grants can be used for this purpose, viz. Settlement Land Acquisition Grant (SLAG) or the Housing Subsidy.

5.2.4 Legislation Relevant to Land Redistribution

There are a number of laws, which were promulgated in order to assist the implementation of the land redistribution programme, and are categorized in the following manner:

The *Provision of Certain Land for Settlement Act (Act No. 126 of 1993)* is the primary piece of legislation by which Government seeks to implement the Land Redistribution Programme. It defines the land redistribution process and provides the Minister of Land Affairs with wide-ranging powers to designate land for settlement purposes. Such land could either be State-owned land controlled by the Minister and made available by her for the purposes of the Act, land acquired by the Minister and made available by her for such purposes, or privately-owned land made available for such purposes by the landowner.

The designation of the land in this manner frees it from operation of such Acts as the *Subdivision of Agricultural Land Act (Act No 70 of 1970)*, and the other laws relevant to the establishment of townships. This naturally opens the way for the Minister to deal swiftly with the development and redistribution of the land in question to the beneficiaries. While this may expedite the redistribution process, it undermines the provincial development regulatory framework and has potential to compromise co-ordinated and integrated development. In fact, it does not provide sufficient mechanism to ensure that land redistribution projects are consistent with and contribute to the achievement of the national and local development priorities.

5.2.4.1 Communal Land Rights Act (Act No. 11 of 2004)

"The conventional notion of ownership of land, as inherited from the Roman Dutch law, is undergoing change as a result of tenure reform introduced by the first democratic government. The right of access to land, its use and its occupation may now be shared between its owner and other persons who hold rights to the land which go beyond the rights conventionally held by third parties, such as by lease or by servitude, and encompass notions of co-ownership. Tenure reform is a process that is still underway and the major expected tenure reform legislation, a Land Rights Act, is still awaited. In terms of its implementation, CLRA will have both advantages and disadvantages, and these can be summarized as follow:

- Possibility of issuing ownership to individuals or community (this process however has some implications)
- Some will use ownership of land to their advantage whilst for others this will have no major impact in their lives. For example most people in townships have title deeds but have not utilized them in a manner that will improve their lives. But those who are prepared to take risks through bonding their title deeds to get loans to improve their well-being will benefit in terms of CLRA (including rural areas as well).
- Furthermore, the issuing of individual titles will have an impact in the way certain activities are organized in the rural context. For example in rural areas, people own cattle's and they generally graze their livestock on communal land. With the issuing of individual title deeds this might alter the long-standing communal practice.

Some of the conflicting aspects of CLRA include the following:

- In terms of CLRA, even the Traditional Councils (a new institution to replace Traditional Authorities) can apply for ownership of land provided it complies with certain requirements.
- Through CLRA, people can apply for restitution (this means that those who did not get their land back can apply using CLRA as an alternative mechanism for claims).

Legally enforced spatial segregation and the denial of ownership rights to land under Apartheid has led to distorted land use patterns in South Africa. Citizens of the country, simply as a consequence of their racial origins, occupied land both in the urban and the rural context, in many cases for decades and for generations, but could never acquire legally enforceable rights to the land. In order to survive, people devised their own tenure rules, often based on traditional rules of land use and administration. These tenure rules ran in direct conflict with the official, legal tenure rules, but had resonance for the community and individuals who designed them.

The legacy of apartheid for black South Africans is that most have only informal land rights - they have been living on land, in many cases for

decades, which they do not own. In most cases they are on the land with the permission of the landowner, but as there are only informal occupation agreements, most of these people are vulnerable to eviction. Furthermore not only do they live in a constant state of insecurity, but they are unable to develop and improve their homesteads without clear land rights" (Peter Rutsch Inc. for Maseko Hlongwa and Associates: 2005).

5.3 LAND RESTITUTION

Land Restitution is one of the important components of the Land Reform Programme. Its main objective is to deal with the deficiencies of the past. The intention of the programme is one of redressing the wrongs of the past - to do "right" to what was done "wrong". This programme provides a framework for those people who were dispossessed of their land during the apartheid era to either be compensated or restored back to their land. It sits specifically with the Regional Land Claims Commission (RLCC). Recent events in the country have indicated that the government is prepared to make additional interventions e.g. the expropriation of land where no agreement on purchase price can be reached with landowners who have claims on their land.

5.3.1 Pre-1994 Tenure Reform

The abolition of influx control in 1986 brought the first tenure reform. Rights to land in the urban areas were allocated to the residents of South Africa's townships by way of Deeds of Grant and Rights of Leasehold. Holders of Certificates of Occupation and Site Permits, issued under the Urban Areas Regulations, could upgrade their rights to the sites occupied by them to Rights of Leasehold under the Conversion of Certain Rights to Leasehold Act, (Act No. 81 of 1988). By a process of adaptation, the rights held by holders of Deeds of Grant and Rights of Leasehold were adapted to emulate ownership, although the rights were always to land vested in an underlying owner.

5.3.2 Post-1994 Tenure Reform

The first democratic government, in its legislative programme on tenure reform, focussed on two prime areas of concern. These were tenure security and communal land ownership. In regard to tenure security, Parliament set out to correct deficiencies in tenure security experienced by three categories of people. The first category was occupiers of rural private land under circumstances where such occupiers had a form of consent to be on such land. This category effectively fell into two sub-categories, namely farm dwellers, farm workers and labours tenants. Two laws, that is, the Land Reform (Labour Tenants) Act 1996 and the Extension of Security of Tenure Act 1997 were passed to deal with category of rights holders.

The second category is composed of people who lived on land that they did not own but under circumstances where they held a belief that they held ownership rights (Maseko Hlongwa and Associate: 2005). The land on which such people live is mainly tribal or vests in the successor to the South African Development Trust, and their rights are protected by the Interim Protection of Informal Land Rights Act 1996. People who occupied land illegally accounts for the third category, and this was achieved by means of the Prevention of Illegal Evictions and Unlawful Occupation of Land Act 1998.

5.3.3 Legislation Relevant to Land Restitution

The *Restitution of Land Rights Act (Act No. 22 of 1994)* also known as the "RLRA") is one of the first Acts passed by the democratically elected Parliament of South Africa. It established the Commission on Restitution of Land Rights, the Land Claims Court, and a process for the receipt, investigation, adjudication, and settlement of restitution claims. It is in terms of this Act (as amended on several occasions) and the bodies and procedures established in terms thereof, that Government is implementing its Land Restitution Programme as a sub-programme of the Land Reform Programme.

5.3.4 The Prerequisite of a Valid Land Claim

The Act identifies as a potential claimant either an individual or a community, or the direct descendant (a blood relative or spouse only) thereof. A community is defined as "any group of persons whose rights inland are derived from shared rules determining access to land held in common by such group, and includes part of any such group."

The Claimant must have been dispossessed of a 'right in land'. A 'right in land' is defined as "any right in land whether registered or unregistered" and includes the rights of a sharecropper, a beneficiary under a trust arrangement, the rights of a labour tenant, a customary law interest, or beneficial occupation for a period of not less than 10 years prior to date of dispossession (MHA 2003).

Other criteria for claims include:

- The dispossession must have occurred *after* 13 June 1913;
- The dispossession must have been as the result of past racially discriminatory laws or practices;
- The claim must have been lodged prior to 31 December 1998; and
- No claim shall exist if "just and equitable compensation" or other consideration, which is just and equitable, was received by the claimant or the predecessor who was dispossessed.

5.3.5 Forms of Redress

A successful land claimant is entitled to, in settlement of their claim and in appropriate circumstances the:

- Restoration of the right in land (either in the form originally held, or in an 'upgraded form', usually freehold tenure, in terms of section 35 (4) of the Act);
- Financial compensation equivalent to the current-day value of under-compensation; or
- Provision of rights in alternative State-owned land.

In some cases a combination of compensation option is offered to claimants in order that they gain adequate restitution for their loss.

5.3.6 The Process for Resolution of a Land Claim

Initially, the Act only made provision for the judicial settlement of a land claim by way of referral of the claim (whether already settled or unsettled), to the Land Claims Court for finalisation. This judicial process was supplemented in 1997 by way of the insertion of Section 42D in the Act, which makes provision for the administrative settlement of a claim by the Commission and the Department of Land Affairs, in those cases where a settlement has been broken with the claimant and the landowner where applicable.

5.4 POVERTY AND LAND NEED

Inequalities created by Apartheid made it difficult for any post democratic development venture to be effective (more particularly in rural areas). This has to do with the fact that, most rural communities were denied access to basic means of living such as good education and proper housing with access to necessary services. Furthermore, most rural communities reside under tribal administration where land is held in communal ownership hence investing becomes a daunting task. The Reconstruction and Development Programme emanated from the need for nation building and reconciliation was established as one of the tools for accelerating development in rural areas. The 1998 Poverty and Inequality Report indicated that 50 percent of the national population was defined as poor and living below the poverty standards. In view of lack of precise information regarding the acceptable standards and norms for defining people living below the poverty line in South Africa, indigent policy standards utilised by the majority of municipalities has been adopted for the purpose of this study. According to the indigent policy, any household with a combined household income of less than R800, 00 or R1000, 00 rands a month is defined as living below the poverty line. The majority of the people in South Africa are unemployed (especially in rural areas) and even those employed are underpaid. To this end, most

households depend on the Indigent Policy as a survival mechanism. This Policy exempt households living below the poverty line from paying for certain services, thus providing a chance for a disposable income.

Generally, poverty extends beyond merely lack of sufficient income but it also includes inadequate access to basic services and the unfavourable conditions for previously disadvantaged to prosper. Table 2 below indicates distribution of poor population in both rural and urban areas.

TABLE 2: Distribution of Poor Individuals by Rural/Urban Classification

Classification	Population Share %	Poverty Share %	Poverty Rate %
Urban	49.6	28.4	28.5
Rural	50.4	71.6	70.9

Source: Orkin *et al*, 1999-From the 1995 Income and Expenditure Survey

From the above table, it is evident that, the majority of people who fall into poverty category are located in rural areas with 70.9% as compared to urban areas with 28.5%. It was also suggested that, provinces with former Bantustans have a greater level of severe poverty rate as opposed to those who had no Bantustans. This is attributed to the fact that, income in these areas was low and they were living far beyond the poverty line.

It is well acknowledged that land can be a primary source of income for rural families if it is utilized accordingly. To this end, livelihoods in rural areas are highly dependent on access to land. Therefore, from this perspective, it is generally accepted that land in rural areas including urban areas is highly in demand. However, at present there are no exact figures that could prove such a statement. Nevertheless, a study conducted by the Land and Agricultural Policy Centre (LAPC) in 1998 endeavoured to provide an estimate with regard to land demand especially for agricultural production.

Table 3 below indicates broadly that approximately a two-third of the rural households desired land for agricultural development. This demand is based on either the need to supplement what they already had or because they had nothing at all.

TABLE 3: Land Need

Province	No. H/holds (in Millions)	Mean H/hold Size	% H/hold Who Need Land
Eastern Cape	1.106	5.3	70.3%
Free State	0.618	4.0	50.0%
Gauteng	1.887	3.8	76.0%
KwaZulu-Natal	1.237	6.2	78.3%
Mpumalanga	0.563	4.7	68.0%
Northern Cape	0.213	3.5	40.0%
Northern Province	0.764	5.4	72.4%
North West	0.879	3.9	40.1%
Western Cape	1.056	3.9	74.5%
National	7.887	4.8	67.7%

Source: LAPC Land Reform Research Programme, 1996 Cited in DLA, 1998a

5.5 CONCLUDING COMMENTS

This chapter has presented some of the underpinning principles related to land redistribution within the South African context. Furthermore, it has also looked at the broad overview of the land need and poverty classification (urban and rural) at a national level. The next chapter (chapter six) focuses on land reform within KwaZulu Natal.

CHAPTER SIX – LAND REFORM IN KWAZULU NATAL

6.0 INTRODUCTION

The province of KwaZulu-Natal is dynamic when compared to other Provinces in the country. It has varying development levels between geographical areas. For example, there are well-developed towns or urban areas with access to all urban amenities. Most of these areas were former administrative Natal and development was guided by the Town Planning Ordinance No. 27 of 1949. However, areas outside of the well developed urban centres are characterised by low levels of development. Approximately 70% of the people within KwaZulu-Natal reside in rural areas, which are poverty-stricken and lack necessary human basic services. Land Reform was there seen as tool to address amongst other things the issue of poverty, provision of basic services and a strategy to alleviate poverty. This section therefore looks at the implementation of Land Reform within KwaZulu-Natal over the past ten years.

6.1 LAND REFORM IN KWAZULU NATAL

Land redistribution within KwaZulu-Natal is arguably the most important component of Land Reform. The reason being, the majority of poor rural communities are found within the Province of KwaZulu-Natal and land redistribution has the potential to lead to rural advancement of these poor communities. Secondly, most labor tenants are within the said province and through land redistribution they can access land thus ensuring security of tenure. The study therefore sets out to evaluate the sustainability of some of the projects undertaken within the province through the Redistribution Programme. Land redistribution within KwaZulu-Natal has been fundamental in shaping of KwaZulu-Natal. From the arrival of the first settlers, ownership and rights to the land and the administration and control of it has been controversial. In the 1990's, tensions emerged between white commercial farmers, black farm workers and labor tenants in the areas of Weenen and Muden, as a result of the governments move toward land reform measures. The government then introduced policies such as the Labor Tenants Act (Act No.3 of 1996). The purpose of this act was to protect the rights of people living and working on someone's property against any form of eviction. It put in place procedures that should be followed before any lawful eviction can take place. The second one was the Extension of Security Tenure Act (Act No.62 of 1997). This act was also aimed at protecting the eviction of farm dwellers. This meant that farmers could not easily dispose off the farm dwellers instead; they had to follow certain procedures. It facilitated the extension of right for occupiers who have been living on someone's property for more than eight years. This led to conflict arising between the farmers and farm dwellers since there were laws put in place to protect the interest of the occupiers.

Some of this conflict mainly arises from the tensions between the two most important political organisations within the region namely the Inkatha Freedom Party (IFP) and the African National Congress (ANC). Disputes between the then IFP-led provincial government and the ANC – led national government over the plight of Traditional Authorities, have kept land as a contentious issue. Traditional Authorities were mainly seen as furthering the political objectives of the IFP hence their credibility in terms of service delivery was questioned.

6.2 LAND NEED

The majority of the rural poor in KwaZulu-Natal reside on Ingonyama Trust land in overcrowded and in most instances de-humanizing conditions. Most people do not have access to sufficient and suitable arable and grazing land, which will enable them to meet their daily consumption needs. This creates a great deal of pressure on existing land resources.

Furthermore, others reside on privately or state owned properties with or without the consent of the owners and are subject to eviction even though there are laws, which prevent such action-taking place. This does not mean that all people in these areas are in need of land, but emphasises the need to broaden access to land, create opportunities for intended people to engage in productive land use and deliver security of tenure.

Within KwaZulu-Natal, defining a rural area is difficult and for communities located in close proximity to commercial farms (e.g. Weenen and Muden), land needs manifested in the form of poach-grazing, and often led to conflict between the landowners and such communities. Organised evictions of people living in private land, that dominated the late 1980's and early 1990's, in areas such as Weenen, Ladysmith, Estcourt, indicated the level of tenure insecurity for the majority of the people living on privately owned farms. Similarly the invasion of state and privately owned land in areas such as Vryheid and Melmoth symbolised the nature and extent of the need for land.

Acknowledging the existence of the above-mentioned problems, the Land Redistribution Program has secured the right of people living in state land, reduced conflict arising from land need and created some form of stability to majority of the people. This means that some degree of success has been reached with regard to issues pertaining to insecurity of tenure and redistributing land to the previously disadvantaged communities.

6.3 POVERTY

Poverty manifests itself in a number of ways, which include lack of sufficient income, poor education levels. In most of the National and Provincial policy documents, land is identified as a key mechanism to ensuring sustainable livelihood for the poor people. Therefore, if land redistribution is done in an effective and efficient manner, it should contribute towards poverty alleviation and assist communities to engage in productive agricultural production.

However, most of the farms used for the purpose of land redistribution are either far from markets and lack necessary resources and further add to the escalating costs of providing services. Some of the farms acquired for the purpose of redistribution are too small. They do not have sufficient grazing capacity and lack adequate arable land to be able to sustain a community of approximately 40 families. More so, what is important here is not the size of the farm but it's how arable the farm is. It could be small in size but has sufficient arable land to sustain as many people as possible.

However, most farms have rugged terrain and are located in remote areas, which make it impossible for the government to provide services thus improving the well being of the beneficiaries.

6.4 IMPLEMENTING LAND REDISTRIBUTION

Although a national competence, the implementation of Land Reform projects falls within the ambit of provincial level government. Fundamental to the success of its implementation are the developmental goals and objectives. One way of realizing such developmental goals is through the implementation of land redistribution in an effective and efficient manner. Land redistribution projects undertaken within the province of KwaZulu-Natal vary according to size and location.

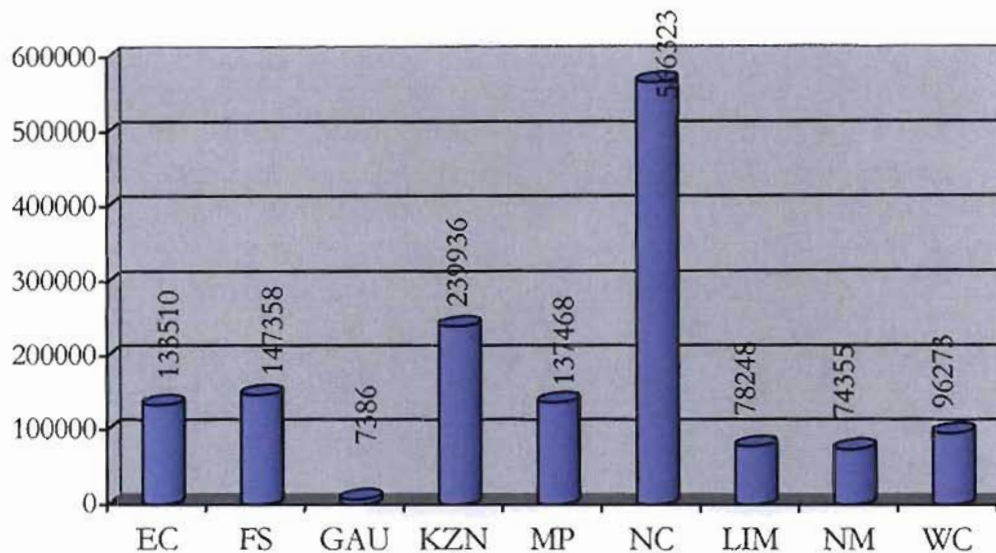
Correspondingly, Land Redistribution Projects account for the majority of land transferred to beneficiaries within KwaZulu-Natal through the process of land reform. Initially Land Redistribution was regarded as the key area of focus within the land reform programme hence it accounts for most land transferred to beneficiaries.

Furthermore, a significant number of projects are still awaiting designation and are either being considered by the provincial office or are on route to the Minister of DLA.

6.4.1 Progress With Regard to Land Redistribution

Figure 6 below, graphically illustrates the number of Land Redistribution Projects that have been undertaken throughout the country. From this comparative analysis, it is apparent that Northern Cape is the leading Province in terms of implementing Land Redistribution Projects, followed by KwaZulu-Natal whilst Gauteng has the least number of Land Redistribution Projects implemented. From the graph results, it can be seen that KwaZulu-Natal has managed to give land to 239 936 recipients. This is only half that of the Northern Cape but makes KZN the second highest. In terms of redistributing land, however, more work still needs to be done so as to meet the target set by the Minister, which requires that 30% of land should be redistributed to previously disadvantaged farmers by 2015.

FIGURE 6: LAND REDISTRIBUTION PROJECT



Source: Maseko Hlongwa and Associates: 2005

6.4.2 Land Redistribution for Agricultural Development (LRAD)

The process of Land Redistribution has been censured for being slow and failure to deliver its anticipated development outcomes. Criticisms about the Land Redistribution Programme have been received from various stakeholders including NGO's, the Private sector and other Government Departments. A high level of dissatisfaction about the slow progress of the Land Reform Policy generally and the Land Redistribution Programme specifically has come from the marginalized sector of the community (the poor). As a result, the minister has introduced Land Redistribution for Agricultural Development (LRAD), as a mechanism of addressing agricultural development aspects of the Land Reform program and promotes economic development. It has been designed

to give grants mainly to previously disadvantaged section of the community who want to farm. Its main objectives can be summarized as follow:

- To provide agricultural opportunities to previously disadvantaged farmers;
- To broaden ownership base;
- To redistribute 30% of agricultural land within the next 15 years from 1997;
- To widen the economic base, and
- To ensure efficient and effective utilization of agricultural land.

6.5 Challenges Facing Implementation of the Land Redistribution Programme

Generally, there is no development programme that can be implemented without problems being encountered. Land redistribution programme is also no exception to this issue. Its implementation is faced with a number of enormous challenges, which should be addressed so as to realise the anticipated goal. Some of the problems currently confronting this programme *inter-alia* include the following:

6.5.1 Projects undertaken through the Settlement Land Acquisition Grant (SLAG)

The Settlement Land Acquisition Grant (SLAG) is part of the broader land redistribution programme. Correspondingly, since its implementation a number of difficulties have emerged, these difficulties are dealt with in more detail on the following sections:

(i) Settlements

This programme allows for the establishment of settlements. However, due to lack of proper co-ordination between various government departments to ensure the sustainability of these projects, most settlements are poorly located. They are located in areas where they could not be easily accessed e.g. the Buyafuthi Project is one of the case studies considered and illustrates this point. It will be dealt with in more details on section seven of the thesis. They are far from any economic activities and are not provided with social facilities. Furthermore, due to insufficient funding, they are not provided with necessary basic infrastructure nor they are likely to be because the distance makes the service provision costly.

(ii) Land Related Matters

With regard to land related matters, the following is noted:

- Due to lack of necessary support for beneficiaries, land is generally lying idle and is not being used accordingly (which means no production is taking place)
- There is a lack of skills and training for beneficiaries and as a result, the end-users are not able to understand technicalities involved in successful farming projects.
- In some instances, land allocated to beneficiaries has had very limited or marginal productive capacity.

These problems contribute to the failure of beneficiaries to realise the outcome of the programme, which is economic and social advancement.

(iii) Matters Related to Land Administration

Community structures that are established to overlook development issues pertaining to the farm or project area are usually in effective and inefficient. This is attributed to the fact that, most members of such structures are illiterate and dominated by men. Their ability to comprehend technicalities involved in development matters is limited. This generally leads to the following:

- Land not being utilised for what it was intended for;
- Land not being settled by beneficiaries only, and
- As a result the land tenure of beneficiaries becomes undermined.

(iv) Institutional Issues

The success of Land Reform is not only the responsibility of the Department of Land Affairs. However, it requires that all relevant government departments should work together thus ensuring that projects become more sustainable in the long term. Some of the institutional issues include the following:

- Redistribution projects have not been incorporated into Municipal planning
- So far, redistribution projects are not driven by spatial planning
- In most instances, land is only utilised for settlement purpose as opposed to developmental programmes.

The consequences of the above-mentioned issues are that, it becomes extremely difficult for the Municipalities to incorporate land redistribution projects into their overall development programmes. This leads to land redistribution projects being undertaken on ad-hoc basis without any integration. For integrated development planning strategies this has consequences e.g. the exclusion of projects that can affect the strategic outcomes of the IDP.

In acknowledging some of the above-mentioned issues, there has been a shift towards Land Redistribution for Agricultural Development (LRAD). Nevertheless, LRAD is also faced with its own challenges, which are as follow:

- Land redistribution has been criticized for being slow and stagnant. This is mainly attributed to lack of adequate funds to drive the process and inadequate technical support to beneficiaries.
- Most beneficiaries that have acquired land through LRAD and are utilising such land mainly for subsistence or safety net purposes. This is in contrary to the overall objectives of this programme, which is to establish small and emerging farmers especially from the previously disadvantaged communities.
- Due to lack of proper co-ordination, land redistribution projects are not included in the overall local economic development initiatives for various Municipalities.

6.6 CONCLUDING COMMENTS

Chapter six above has provided a broad overview of the Land Reform Programme within KwaZulu Natal. It has dealt with some of the complexities involved in the redistribution of land with particular focus in KwaZulu Natal. This includes tension between two major political parties (Inkatha Freedom Party -IFP and African National Congress-ANC), which has had an impact on the redistribution of land and sustainability of projects within the province of KwaZulu Natal. Equally so, it has also provided a brief progress regarding land redistribution in various provinces throughout the country and some of the challenges facing implementation of land redistribution projects.

The following chapter (chapter seven) provides an in-depth analysis of some of the sustainability issues impacting on land reform. This includes the role of various institutions and some of the funding sources.

CHAPTER SEVEN – SUSTAINABILITY

7.0 INTRODUCTION

The term 'sustainability' has been and is used in many different contexts to convey a general principle of ongoing use. Sustainability is a most commonly used definition of the term sustainable development and was formulated by the World Commission on Environment and Development in 1987. One definition of the world is presented below:

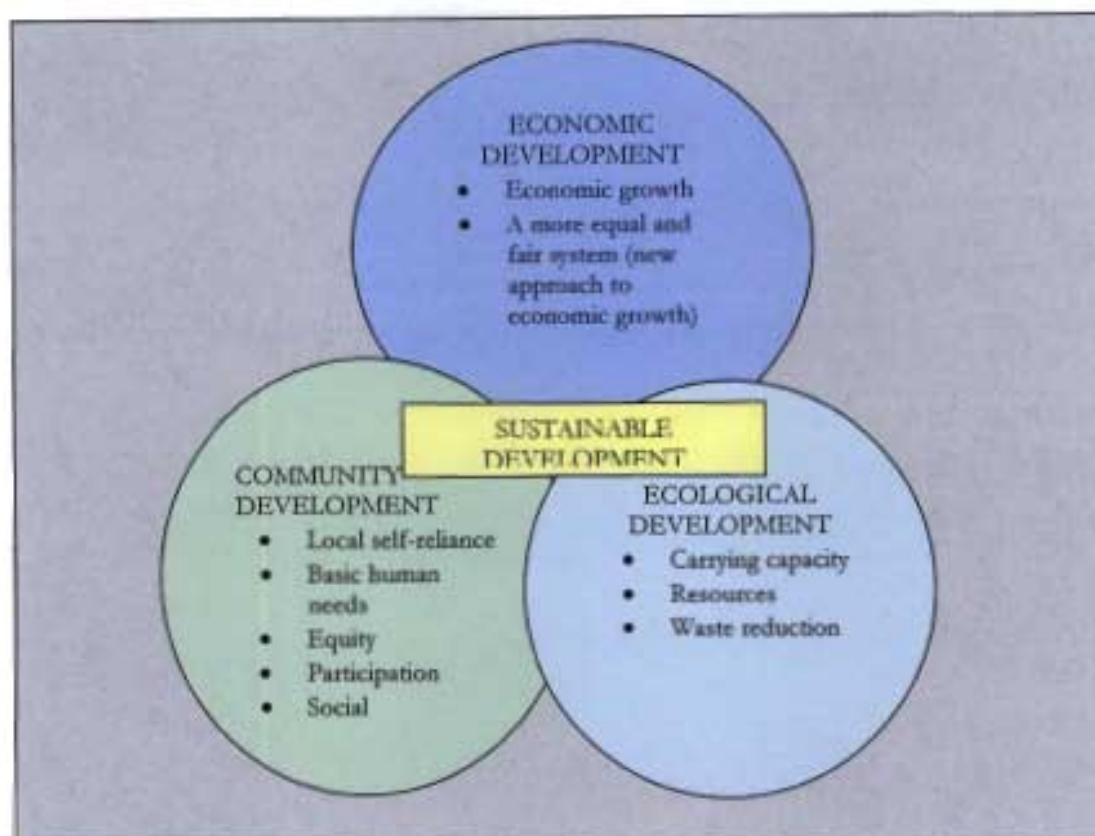
Development that meets the needs of the present generation without compromising the ability of future generations to meet their own needs.

An alternative is provided by the National Environment Management Act (NEMA) defines sustainable development as follow:

The integration of social, economic and environmental factors into planning, implementation and decision making so as to ensure that development serves present and future generation.

To begin to think about what the pathway to sustainability might mean, it is essential to explore steps that are needed or principles that should be adopted to underpin this approach to development. The key components and principles of sustainable development provide a framework within which to locate development and land reform projects and programmes. Figure 7 below graphically illustrate three circles that are essential if development is to be sustainable.

FIGURE 7: THREE CIRCLES OF SUSTAINABILITY



Source: WSSDP; Johannesburg 2002

Generally it is difficult to work with the above three spheres in a way that does not compromise the other. As a result, trade offs between elements of the three spheres need to be made. This requires a great deal of innovation if one is making such trade offs.

For example, do we always favour economic benefits over social and ecological issues? Any intervention that is made need to elevate social and ecological concerns and find new ways of ensuring more appropriate forms of economic growth.

Economic development places more emphasise on economic growth, which will ensure that people have access to jobs and are able to provide for their respective needs. This should happen within the framework that ensures the development of appropriate skills that allows for the protection of current resources for future generations.

On the other hand, ecological development is based on limiting the use of natural resources to a level that allows nature to generate more resources. Furthermore, it seeks to reduce the amount of waste and pollution that is realized into the system hence it does not over extend the carrying capacity of resources.

Community development focuses on empowering communities to manage their own environment. It also emphasizes the need to ensure the use of appropriate technology in a way that does not degrade ecological systems. This should be achieved through a framework of community participation and equity, paying more attention to the most vulnerable section of the society.

In most instances, the above-mentioned components contradict each other hence the challenge in sustainable development is to try to manage them in a way that goals and principles thereof are adhered to. The trade offs generally made between environmental considerations versus economic benefits are one sided. This is attributed to the fact that, economic aspirations and the need to put a plate of food in the table are far more important than environmental conservation. This is more so to people who are at the lower end of the income (poor people), but in most instances even rich nations also put economic spin offs as the top priority and the environment falls to last. It seems likely that such a trend is not going to be reversed any time soon.

7.1 INSTITUTIONAL ANALYSIS

Various government departments or institutions should collaborate in their efforts so as to achieve the desired level of sustainable development. Land reform is not operating in isolation in this regard and its success depends on interaction of government departments at various levels. This section seeks to indicate some of the key stakeholders that should be involved so as to ensure sustainability of projects.

7.1.1 Department of Land Affairs (DLA)

By law the primary mandate of the Department of Land Affairs is to provide "access to land as well as rights attached to that land". DLA mainly assists beneficiaries who want to have access to land either to use for agricultural production or for other means related to economic upliftment.

So, once the Department of Land Affairs has made land available to the beneficiaries through various programmes that they administer, the issue of successful implementation and sustainability move out of their area of administration goes to the provincial and local levels of government. This is where various government departments should be brought in to play a meaningful role so as to ensure sustainability of projects. In attempt to lobby support from other government departments, DLA provides funding for undertaking of Business plans, which indicates the vision of the beneficiaries in terms of how they would like to utilise land in the future. Business plans are generally done by the consultants working in close collaboration with the beneficiaries and a representative or officials from DLA.

7.1.2 Department of Agriculture

The Department of Agriculture and Environmental Affairs (DAEA) is one of the key role players in the implementation of land reform projects. This department serves the whole farming community of KwaZulu-Natal ranging from household farmers for food security, farmers producing in excess of household's needs and commercial farmers. Since land reform is the priority of the government, the Department of Agriculture is also focusing its resources on ensuring that this process becomes a success.

Nevertheless, the majority of the land reform projects have been undertaken with a view that agricultural production will be the key economic driver. In order to farm successfully a person needs the necessary skills such as land resource management, knowledge of appropriate crops type and soil yields, access to additional finance for agricultural infrastructure and vehicles such as tractors, ploughs and irrigations systems. In most instances, beneficiaries of land reform are not equipped with necessary skills that will allow them to engage in meaningful agricultural production. To redress this problem, the role of the department of agriculture should be to consider the following interventions:

- To offer training to beneficiaries (related to agricultural production);
- To act as mentors;
- To offer financial assistance wherever its deemed necessary;
- To evaluate viability of business plans produced by consultants (especially the agricultural plan), and
- To ensure implementation of projects as outlined in the business plans.

In most of the land reform projects that have been implemented, the beneficiaries have received little or none of the above-mentioned assistance. The reason that is given for this oversight is that, land reform projects have been undertaken on ad-hoc bases with little integration-taking place. Land reform has been regarded as the competence of the Department of Land Affairs hence other government departments have played a minimal role thus far. To a large extent, this has led to unsustainable implementation of land reform projects and as a results, development outcomes that were envisaged have not been realised.

7.1.3 Department of Housing

The Housing White Paper published in, 1994 sets out the government's broad housing policy and strategy to deliver shelter. It sets out seven key strategies and since 1994, the housing policy has evolved and implementation has proceeded. All current policy exists within the context of the Housing White

Paper. The Urban and Rural Development Frameworks published in 1996 set the framework for urban and rural housing policy and development. More recently in 2000 a revised Housing Code was promulgated by the Department and provided for the following matters related to land reform:

- Is economically, fiscally, socially and financially sustainable;
- Maximize social and economic benefits to the local community, and
- Ensure security of tenure and provides for widest feasible range of tenure options whether individually or collectively etc (Source: National Housing Code).

Furthermore, the Department of Housing (DoH) has mainly been responsible for the provision of housing and related services. However, housing should not only be viewed in the context of providing only shelter, but it goes beyond that. Housing refers to an integrated approach to development using the delivery of shelter as the primary focus. As indicated in Figure 8 below, housing includes, among others, the development of housing units, service delivery, the upgrading of land tenure rights, social and community development and planning policy issues. Future housing projects should facilitate the attainment of all of these development goals.

FIGURE 8: HOUSING CONCEPT



Maseko Hongwa and Associates: 2005

Based on figure 8 above, the Department of Land Affairs provides access to land and rights attached to land, however, it does not deliver housing units. Therefore, since most land reform beneficiaries also require access to shelter, it is essential for the Department of Housing to play a meaningful role towards the implementation of land reform (especially towards provision of housing units for beneficiaries based on various programmes and grants they administer).

7.1.4 Department of Economic Development

Local economic development is one of the key performance areas that the National, Provincial and Local Governments are focusing on. This emphasis on LED strategies is aligned with the need to reduce alarming levels of unemployment and inequality. Communities working in close collaboration with relevant service providers are supposed to identify projects geared towards reviving local economic development thus contributing to job creation and poverty alleviation. However, in view of lack of resources within the province to unlock the economic development, the Department of Economic Development (DED) has prioritised what it regards as essential in terms of promoting local economic development. Eight programmes have been identified and it is believed that they will have the greatest impact in terms of accelerating local economic development and empowerment and *inter-alia* include the following:

- Rural economic development;
- Tourism development;
- Black economic empowerment;
- Promoting fixed investment and trade;
- Local economic development;
- Logistics and supply chain enhancement;
- Business regulation, and
- Effective business processes.

The first one, which deals with rural economic development, aims to develop economic potential of rural communities. This will take place through projects involving agri-industrial market as well as through support for emerging economy pilot project areas.

With regard to the Tourism Development Programme, its main aim is to increase black ownership, management and involvement in the tourism industry for previously disadvantaged individuals or groups. It is based on the following key initiatives:

- Developing community based tourism;
- Increasing Black Economic Empowerment in the Tourism Industry (regarding management);
- Developing a Tourism Master Plan that will guide all major tourism development, and
- Implementing a strategy for public and private investment in tourism.

Land reform is not in isolation to the above-mentioned initiatives since it's mainly implemented within the rural context and in most instances is recommended to be the key economic driver. Correspondingly, due to lack of co-ordination between various government sectors, the training of community members to understand economic benefits attached to tourism has been lacking and so, little success has been achieved (especially tourism initiatives identified through land reform projects).

Recently, a programme referred to as 'Gijima KZN' was established. It is a partnership between the European Union and the Government of South Africa and is currently being piloted in three provinces, namely; KwaZulu Nata, Limpopo and Eastern Cape. Within KZN it is located within the Department of Economic Development (DED) and is meant to accelerate economic development. Land Reform projects could also benefit from this initiative with regard to accessing funds, which could be utilised for implementation.

7.1.5 District and Local Municipalities

The demarcation process introduced a new system of Local Municipalities based on wall-to-wall boundaries. In terms of the Constitution, Municipalities are charged with a responsibility of 'being "developmental", which requires of them a paradigm shift, which was based on 'being control orientated to be 'developmentally orientated'. In terms of chapter 5 of the Local Government: Municipal Systems Act, (Act No. 32 of 2000) all Municipalities are supposed to prepare Integrated Development Plans (IDP's). IDP's are a five-year strategic plan and should be reviewed annually.

Integrated Development Plans are the key guiding tool for the Municipality and inform their decision making on matters pertaining planning and development including budgeting. From the IDP, Municipalities have to prepare a Spatial Development Framework (SDF), which sets out the location criteria for a range of proposed development initiatives. Therefore, all development projects should align with the Spatial Development Framework (SDF) and set of IDP programmes or projects prepared by the Local Municipality.

In terms of the land reform programme, Municipalities act as implementing agents of the Department of Land Affairs (depending on the nature of the project). In some instances, the Department of Land Affairs send out tenders and appoint consultants accordingly for undertaking business plans working with beneficiaries. Once the business plan is done, the money is then transferred to either the District or Local Municipality for implementation (the responsible Municipality will therefore appoint consultants who will undertake implementation).

7.2 LAND REFORM FUNDING SOURCES

There are a number of funding sources available for land reform programme and are categorised in the following manner:

7.2.1 Settlement Land Acquisition Grant (SLAG)

In line with the recommendations made by the Strauss Commission, the Department of Agriculture will cease its activities as provider of agricultural credit and will focus on the provision of certain specifically targeted subsidies. The Department already provides a range of subsidies for agricultural purposes. These subsidies differ from province to province. In the case of KwaZulu-Natal, the Department provides assistance for community garden development via subsidies for infrastructure and fencing and a subsidy on farm planning if conducted in conjunction with conservation staff. In 1998 the Department was also considering the establishment of a guarantee scheme (Maseko Hlongwa and Associates, 2000).

7.2.2 Land Bank

One of the important financial institutions regarding land and other relevant matters is the Land Bank. The Land Bank generally offers loan to groups or individuals that seek to engage in farming and other similar activities. There are certain requirements that should be met before an applicant is successful.

The Strauss Commission made a number of recommendations regarding the role of the Land Bank, including that it takes over the role of wholesale credit provider from the Department of Agriculture and that all credit provision for agricultural purposes be concentrated within the Land Bank. It was further proposed that the Land Bank "... refocuses its activities away from the established commercial farmers towards land reform beneficiaries and emerging farmers." Schemes aimed at the Bank fulfilling these roles have been implemented, viz. seasonal loans, a rural savings scheme, medium term loans and a special development fund to subsidise mortgage bonds (Maseko Hlongwa and Associates, 2000).

7.2.3 Finance from the Department of Land Affairs

The Land Reform Credit Facility makes loans available to commercial banks that are willing to provide commercial loans to land reform beneficiaries to cover a period of deferred payment. There are National and Provincial Development Finance Institutions e.g. the National Housing Finance Corporation and Khula Enterprise Finance who provide wholesale finance to intermediaries for housing and small-scale business enterprises. The establishment of an Agricultural Development Finance Fund was considered in 1998.

At the provincial level the potential exists to link land reform beneficiaries to credit provided by the development corporations such as Ithala.

7.2.4 Private Commercial Banks

Most banks only lend money to beneficiaries on the basis of collateral e.g. security of tenure, property rights or other guarantees. The nature of the tenure in the rural areas makes it difficult for rural households to access these financial opportunities since they have the Permission to Occupy (PTO's) or communal ownership, which cannot be mortgaged. There is also the added burden of paying back the loan on a monthly basis, which would place an additional burden on households whose financial status is precarious. Furthermore, the fact that the majority of people are poor and do not have necessary skills to obtain formal employment. So, far most private financial institutions have not been involved in land reform projects and this includes housing development projects.

7.3 KEY SUSTAINABILITY ISSUES ON LAND REFORM WITHIN KWAZULU-NATAL

Within the South African context, land reform has been implemented within a strong rural focus because it was identified that this was where the greatest need occurred. Due to low levels of development in most rural areas and especially in KwaZulu-Natal land reform is seen as the key tool for reviving economic development thus ensuring sustainable livelihoods for rural communities. Once the business plan or detailed planning is completed, the land reform project is therefore transferred for implementation to relevant structures. During this phase, there are a number of important lessons that can be learned which *inter-alia* includes the following:

7.3.1 Integrated Development Planning

Land reform is the core business of the Department of Land Affairs. However, in terms of the Constitution, planning is the responsibility of different departments within the national sphere of government. The Department of Provincial and Local Government has a responsibility for certain planning functions specifically integrated development planning. The Provincial Planning Department namely Local Government, Housing and Traditional Affairs is a conduit for policy and finance. In recent times the role played at provincial level has been reduced with their planning functions being devolved and an emphasis placed on delivery and implementation at the District and Local level e.g. through the Municipalities. Apparently, in most cases, detailed planning of land reform projects has been undertaken by the Department of Land Affairs (through consultants), which in terms of the constitutional mandate, falls outside the scope of their work.

This suggests that Municipalities are not involved in early stages of project conceptualization. The implications of this approach is that, land reform projects are done outside of ambit of municipal planning from the start and therefore stand a little chance of being incorporated into municipal wide planning during and after implementation. Furthermore, they are not incorporated into the strategic development approach in which Municipalities intend pursuing which include Spatial Development Framework (SDF), and which translates the vision and strategic objectives of the IDP into spatial terms.

With the new approach, which has been adopted by Municipalities at a local level, which requires each Municipality to prepare and adopt the Integrated Development Plan (IDP), it is hoped that land reform will also be incorporated into municipal planning at an early stage thus avoiding confusion when it comes to implementation. Correspondingly, this will also assist in terms of ensuring that land reform projects also takes place within the Spatial Development Framework Plan for each Municipality thus contributing to spatial integration. Spatial integration is essential in a sense that it enables the Municipality to utilize its limited resources in an effective and efficient manner through zoning different areas for different uses.

7.3.2 Poverty Alleviation and Sustainable Livelihoods

Land redistribution based land reform projects have been in most instances unable to deal effectively with poverty and sustainable livelihood issues. The problem is, however, not inherent within the design of the program, but packaging of projects and the lack of support for the beneficiaries. Some of the projects are located on land with a relatively high production and use potential, and the beneficiary communities are keen to optimise land use but lack capacity and technical expertise. There are instances where the land purchased has had a marginal production potential and could not contribute to poverty alleviation and creation of a condition conducive for sustainable livelihoods. Due to the principle of 'willing seller-willing buyer', the Department of Land Affairs now and again find itself having to purchase farms, which are not productive. Commercial farmers are also not willing to give up good productive commercial farms since they also form the backbone of their livelihood and there is limited high potential agricultural land available. Furthermore, most commercial farms tend to be very expensive when are being put on the market and this compels the Department of Land Affairs to go for cheaper farms, which are not so productive. As a result, this does not contribute to the overall objective of the land reform programme, which is to provide sustainable livelihoods.

7.3.3 Empowering Emerging Farmers

One important objective behind land reform is to ensure empowerment of previously disadvantaged and emerging farmers. This received further impetus when the minister introduced Land Redistribution for Agricultural Development (LRAD), which is aimed at empowering small and emerging farmers. LRAD consist same principles as those of the private sector land reform, which also aims at empowering emerging farmers. These programs differ significantly in that private sector land reform comes as a package, which includes financial and technical support and access to markets. Currently, most LRAD projects are not packaged in a similar manner, and as a result land intended for agricultural production end up being utilised for settlement purpose, and as such, LRAD projects would take time to produce the required results. Conceptually, LRAD was designed so as to give the applicant an opportunity to access loans that suits them best. However, it does not come with other aspect such as technical and financial know how. Furthermore, there is usually little mentoring that takes place, as opposed to the private sector programme where beneficiaries receive up-front training and have a mentor. It must also be noted that statistics regarding number of farmers established through the LRAD programme could not be obtained from the relevant government structures. Attempts were made to access this information but little success was achieved hence it could not be provided in this report.

7.3.4 Lack of Support to Land Reform Beneficiaries

Inadequate support given to land reform beneficiaries is one of the important factors that contribute to un-sustainability of land reform projects. During the preparation of a business plan, a needs assessment is conducted where the beneficiaries are given a chance to indicate their needs including developing a vision. In most instances, beneficiaries generally indicate a need for training on matters that will assist them to become better farmers.

Subsequent to beneficiaries getting access and rights to land (rights to ownership and use of land), the issue of implementation and sustainability goes well beyond the responsibility of Land Affairs. It is where various government departments should ensure a great deal of co-operation so as to ensure sustainability of projects. Training of beneficiaries on various technical matters pertaining to agricultural development has been lacking in most land reform based projects, and as a result this has had adverse effect on the success of land reform.

7.3.5 Co-operation and Co-ordination of Various Government Departments

Success of land reform hinges on co-operation of various government departments so as to ensure sustainability of projects. As already indicated, the primary business core of the department of land affairs is to ensure access and rights to land. Therefore sustainability becomes a responsibility of all government departments that provide services to beneficiaries. For example, once a project has been identified, there will obviously be a need for a school and other important social facilities. At an initial stage, it is essential that relevant national and provincial departments are engaged so as to indicate whether providing a school in that particular project is feasible or not. If it is not feasible, then the relevant departments e.g. Education and Public Works need to indicate what alternatives can be explored to meet the social development needs of the community.

Having said that, the current procedure is that, a project will be identified without any pre-feasibility study being undertaken to determine whether it is sustainable or not. Projects are generally undertaken in isolated areas without provision of education and other essential facilities and are usually far from any economic activities. Communities are expected to travel long distances to access social facilities and economic activities. Children are also expected to walk long distances to school and have to sometime cross heavy flowing rivers thus putting their lives at risk. This illustrates that co-ordination and co-operation of various government departments is essential to achieve sustainability of projects.

7.3.6 Gender Issues

Gender is also an important issue for consideration if land reform projects are to be sustainable. In the White Paper of Land Policy the need to address gender-based discrimination is highlighted in the Land Reform Programmes. In most instances, women have been excluded from issues pertaining to land administration for a long time. This is identified as one of the challenges in the implementation and sustainability of the land reform program, hence the commitment of the department to take legislative and administrative measures to ensure equal access to rights to land, economic resources and appropriate technology.

DLA has developed a number of strategies to achieve this, and these can be categorized into welfare, efficiency, equality and empowerment concern (Maseko Hlongwa and Associates).

Nevertheless, the department has not set targets in this regard, and this makes it difficult to measure progress achieved regarding this issues. Information regarding the number of women who have benefited from the land reform program is also not readily available. According to a DLA official,

women beneficiaries vary from project to project, but in most instances, they account for approximately 30% to 45% of the total beneficiaries (Maseko Hlongwa and Associates).

Below are some of the statistics, which indicate women participation in land reform projects. They are based on the interviews held with land reform beneficiaries for a study that was looking at 'opportunities and obstacles to women's land access in South Africa' undertaken by Catherin Cross and Donna Hornby 2002:

- 77% of the household's surveyed have obtained land through the redistribution process.
- 22% of the beneficiaries surveyed were women heads of households.
- 42% of the beneficiaries surveyed were male heads of households.
- 20% were the wives of the heads of households and sole beneficiaries, and
- 2% were the other women in the households (Cross and Hornby; 2002).

The above stats indicate a better view of women accessing land as beneficiaries in their own right. Equally so, this means that more effort should be put towards enabling women (especially in rural areas) to have access to land since it is well acknowledged that there is no women that works harder than the rural women. Should they be given access to land coupled with proper support mechanisms and advice, women can have a positive impact on the development of rural areas.

7.3.7 Capacity Regarding Legal Entities

The Department of Land Affairs requires that a legal structure be established that will hold and manage land on behalf of the beneficiaries. A few years back, the most popular in this regard were the 'Community Based Trust', however, this was later changed to "Communal Property Associations" (CPA). Communal property associations (CPAs) were established as the primary vehicle for implementing land redistribution to landless communities and groups.

CPAs were established in terms of the Communal Property Associations Act, (Act No. 28 of 1996), which provides a legislative framework for the acquisition, holding and management of property on a communal basis.

Trusts are still the integral part used for holding land, however, the most commonly used legal structure is the CPA. CPA's are inherently flawed institutions with complications. The view is often expressed by Farmers Associations, some of the official from DLA and even the communities on the ground that CPA's are not working, which if it is the case, holds serious concerns regarding the sustainability of a large number of already

implemented land redistribution project. Some of the problems *inter-alia* includes the following:

- A lack of capacity within the members of the CPA which makes it difficult for the beneficiaries to understand technical abilities involved in farming;
- A lack of clarity with regard to their roles and responsibilities;
- Unbalanced gender representation;
- CPA's are being established in an institutional vacuum with little or no support being provided by DLA once it has been established.

In the absence of an alternative, the CPA remains the institutional vehicle for land reform projects however it is generally felt that it can be improved. Improvement should cover issues pertaining to capacity building of the CPA members prior to taking over the running of the farm, training on various aspects pertaining to farm management. This suggests a need for upfront investment on land reform beneficiaries in order to ensure successful implementation of land reform projects.

7.3.8 The Role of Traditional Leaders

KwaZulu-Natal is unique in a sense that most land (especially in rural areas) falls under the jurisdiction of Traditional Authorities. Inherently, the institution of the Traditional Authorities (TA's) has played and continues to have a critical role in land administration in KwaZulu-Natal. However, their involvement in land reform has been minimal, due to the fact that most land reform projects have occurred on privately owned land (with the exception of certain areas), which falls outside the traditional community area. It is important, however, to note that most land in KwaZulu-Natal is affected by Traditional Authority system in one way or other. There are instances where land has been purchased for people who identify themselves with one Inkosi in an area where a different Inkosi claims jurisdiction. This has caused social problems, and in some instances, people have either been intimidated or refused to take occupation of the land. As a result, this has had adverse impact on the sustainability and success of certain land reform projects.

Furthermore, in terms of the new system of local government, the role of AmaKhosi has not been clearly defined. It is therefore recommended that while the role of AmaKhosi in development is being debated at a national level, strategies be developed to prevent such occurrences, and where possible for the involvement of AmaKhosi in land reform.

7.4 CONCLUDING COMMENTS

With respect to sustainability of Land Reform projects with KwaZulu Natal, the following is noted:

- Even though there is lack of precise statistics, however, there are very few in any farmers that have emerged since the inception of the Land Reform Programme. Recently, Uthukela District Municipality initiated a study looking at the economic impact assessment of Land Reform projects within its area of jurisdiction. The majority of the beneficiaries (approximately 87%) indicated that, they have not experienced any economic improvement in their lives since acquiring properties or land through various land reform programmes (Isibuko Se Africa; 2006).
- The majority of the Land Reform projects have been undertaken on adhoc bases with lack of proper co-ordination;
- There are few or little projects that have embraced three pillars of sustainability (economic, social and environmental considerations);
- With regard to gender, more and more women have begun to access land in their own right (which should be encouraged), and
- Land Reform has not addressed the issue of poverty alleviation as was originally anticipated. The majority of the land reform beneficiaries feel trapped in poverty.

The following chapter (chapter eight) looks in more details at the two case studies for the projects that were undertaken under the Land Reform Programme.

CHAPTER EIGHT – CASE STUDIES

8.0 INTRODUCTION

As part of unravelling certain issues pertaining to land reform, case studies were considered and evaluated as part of the study. Case studies are essential since they are project specific and from this perspective, can be used to outline or indicate some of the problems or successes that have been experienced in relation to sustainability issues. The first case study looks at Buyafuthi Land Reform Project and the second one deals with Shenfield community.

8.1 BUYAFUTHI LAND REFORM PROJECT (CASE STUDY)

8.1.1 Project Location

Buyafuthi is located within Msinga Local Municipality (KZ 244), which falls within uMzinyathi District and approximately 4km north east of Pomeroy town (refer to Map 2). It is accessed through a dirt road off R33, between Pomeroy and Dundee, and is generally surrounded by commercial farms.

MAP 2: LOCALITY MAP FOR BUYAFUTHI



8.1.3 Buyafuthi Beneficiaries

The Buyafuthi community consists of 38 labour tenants and 38 associates, and the total number of households is 76. Most beneficiaries were residing in neighbouring farms with only 24 being resident within the study area. Even though the majority of the beneficiaries were treated as labour tenants, the project was implemented as a land redistribution project. As such the beneficiaries come from some of the most vulnerable groups affected by land issues.

8.1.4 Aims and Objectives

The primary aim of this project was to provide security of tenure and also ensure long-term sustainable livelihood for the beneficiaries through grant funding provided by the Department of Land Affairs. As part of this exercise, detailed planning was undertaken which formed the key milestone in terms of developing a vision with the community, and its main objectives *inter-alia* include the following:

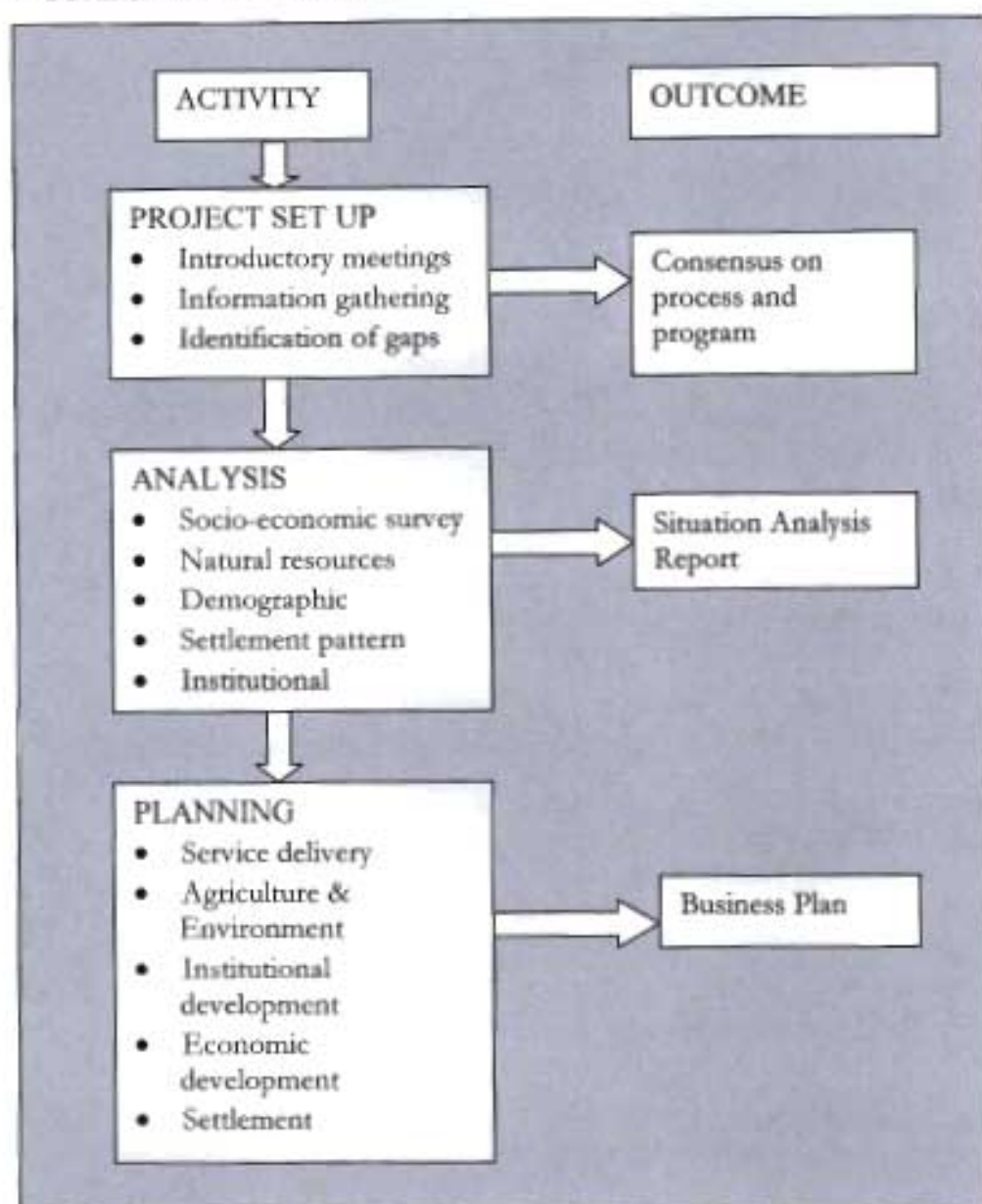
- To facilitate formulation of a community development vision;
- To plan for the establishment of a sustainable and an efficient rural settlement;
- To plan for a cost-efficient delivery of affordable and sustainable services;
- To create a framework for agricultural development as means to provide for both economic development and household food security;
- An assessment of the development potential of the area;
- Determination of the socio-economic conditions and the development needs of these households, and
- To identify opportunities for economic development and mobilize the community and resources to optimise such opportunities.

8.1.5 Approach and Methodology Used

Figure 9 below clearly outlines a methodology as well as the approach used during the planning process. The process was initiated during a project set-up phase where the planning team was introduced to the community and initial meetings were held with the Department of Land Affairs. The main outcome of this phase was an agreement on the program and official start of the planning process.

The analysis phase focused on developing an in-depth understanding of the current situation. It also assessed the development potential of the area, while the last phase focused on developing a business plan or development plan for the area.

FIGURE 9: METHODOLOGY



8.2 BACKGROUND

The applicants used to reside on the farm before the then landowners moved in. However, after the first group of applicants were removed, others were allowed to settle by the then landowners. The applicants came together both those living on and off the farm. They approached the Department of Land Affairs for assistance. They then lodged an application in terms of the Labour Tenant Act (Act No. 3 of 1996) and the Extension of Tenure Act (Act No. 62 of 1997).

Most of the applicants were living outside the subject area at the time of making an application and had indicated intentions of relocating should the application be successful. Few members of the applicants were already residing on the subject property.

8.3 PARTICIPATION

8.3.1 Community Participation

Community participation was maintained throughout the planning process. It unfolded in the form of community meetings, focused sessions held with the committee and a socio-economic survey. Community meetings were used as information and decision making session. The following are some of the issues that were addressed in community meetings:

- The introduction of the project and assessment of community development needs;
- The formulation of a development vision and assessment of different alternatives;
- Presentation of specialist inputs such as Agriculture and Engineering services, and
- The Presentation of a Business Plan for developing the area.

Meetings with the committee were used as working sessions, and involved preparations for community meetings. These sessions were also used as capacity building sessions for the CPA, focusing mainly on understanding their responsibilities in terms of implementing the Business Plan, managing the area and organizing the community according to interests.

The socio-economic survey was used to collect quantifiable information and to verify some of the information collected using participatory approaches. It also provided an opportunity for the project team to engage on a dialogue with each applicant, and to develop a better understanding of households and community dynamics.

8.3.2 Stakeholder Participation

Participation was not only limited to the members of the community, but was broadened to include various stakeholders and role-players. The following were identified as key stakeholders/role-players and were consulted accordingly:

- Officials from the Department of Land Affairs;
- Officials from the Department of Agriculture;
- Previous landowners;
- Neighbouring farmers, and

- The Local Municipality of Msinga area.

These meetings were used to disseminate information about the project, collect relevant data and ensure that there was stakeholder buy in for the implementation process. The meeting also addressed any fears or problems articulated by the stakeholder.

8.4 SOCIO-ECONOMIC PROFILE OF THE BENEFICIARIES

This section is based on a socio-economic survey conducted with 40 members of the community. The survey forms part of the investigation process and was intended to develop an in-depth understanding of the socio-economic condition of the community, particularly, its development needs and potential to develop as small scale farmers.

8.4.1 Population Size

The survey conducted with 40 members of the community indicates that, the total population could be estimated to 245 people, with an average of 6.1 members per family. An application of the projected population growth rate of 1.9 suggests that this population may increase to about 528, 9 people by 2010, taking into account the impact of HIV/AIDS.

8.4.2 Age Cohort

The majority of the population appears to be within the age cohort of 20 and above. This clearly suggests that, youth is more dominant with the study area (See Table 5 below). The majority is expected to be still at school, and in the near future they will be entering a job market. Furthermore, this youthful population places a significant demand on social services in the area, particularly the education sector. It is also indicative of the fact that beneficiaries may not have the necessary experience to be farmers and will need assistance as they engage in agricultural production.

TABLE 5: AGE DIFFERENCE

AGE DIFFERENCE					
0-5	6-10	11-20	21-30	31-50	<50
48	51	72	33	27	17

Source: Maseko Hlongwa and Associates, 2002

8.4.3 Gender

Table 6 below indicates a slight dominance of males over females. This is contrary to the widely held belief that most rural areas have more women than men. A high representation of males found in the area can be attributed to failure of the labor tenancy system that was common in the Weenen, Pomeroy and Muden areas. In terms of this system, all members of the households were expected to work on the farm in return for food hand-outs and right to live on the farm. Also important, is the decline in the job opportunities in major urban centers, which has resulted in large number of males returning back to the rural areas to compete for opportunities?

TABLE 6: GENDER

GENDER	NUMBER	% NUMBER
Females	26	37.5
Males	42	60.0
Not Indicated	2	2.50
TOTAL	70	100

Source: Maseko Hlongw and Associates, 2002

The significance of the gender profile of the community is that there is a requirement to focus on the needs of women given their multiple-role in their community. Women are expected to rear children, feed their families and perform various household activities. As part of this project, Buyafuthi women were given an opportunity for the first time to own the land and focus on their development as women. This is particularly important in cases of women headed households where security is critical.

8.4.4 Household Type

As already indicated, each household has an average of approximately 7 members indicating the extent to which the community has also been affected by the breakdown of extended family unit. This process is a general trend and affects both the rural and urban areas alike. It emanates from the decline in the economy, the need to migrate to where there is employment, in some instances survival strategies and the affordability levels of the working members of households. Its effect is the concomitant decline in social support systems, which has serious implications for the availability of labor to work on the crop production fields and the up-bringing of the youth to manhood and womanhood.

8.4.5 Economic Status

The Msinga Local Municipality is one of the least developed areas within uMzinyathi District Municipality. As a result, it has been declared as one of the areas of special focus in terms of the Integrated Sustainable Rural Development Program (ISRDP). It is also characterized by high level of unemployment, which is linked to low levels of education and lack of employment opportunities in the area. Low level of education limits the ability of the economically active to compete effectively in the job market. This has resulted in a massive exodus on the working age group to the urban centers to look for employment opportunities. However, recently this trend has begun to reverse as more people return to rural areas in pursuit of opportunities created by farming programmes such as LRAD etc

Changes in the agricultural sector, particularly mechanization and introduction of new farming practices, have also had a negative impact in the employment profile of the Msinga area. A machine driven by at least two people now undertakes activities that were hitherto undertaken by a team of workers. Some farmers have stopped doing crop production and livestock farming, and are now engaged in farming activities that are not labour intensive, e.g. game farming. In part this has resulted from the fact that Msinga is particularly a dry area of the province and game ranching offers a number of other opportunities in the form of eco tourism and hunting. This has forced a number of people to resort to the informal sector activities, which includes hawking, tuck shops and spaza shops.

8.4.6 Education

In addition to a high level of unemployment, Buyafuthi is also characterized by a high rate of illiteracy. 70% of the heads have not received any formal education and only 27.5% has primary education. While this is a serious impediment to their ability to compete for well-paying job opportunities, it is also a structural function built-in in the labour tenancy system. The school going children are not allowed to attend school if the adults are unable to work on the farm. Where they attend school, they are not allowed to proceed beyond a certain standard (usually standard 2), because by that age they are expected to work in the farm to provide for their families.

Given the fact that most of the beneficiaries have been working on the farm for a long period of time, it can be assumed that they have mastered some of the farming practices and this should be seen as an opportunity for them to develop as farmers. However, this should not be over-emphasized as they lack finance, access to farm implements and the technical expertise and are starting from a disadvantaged situation at the outset.

This requires that development projects address the current backlogs as well as providing a chance to improve the quality of life and economic opportunities available to the beneficiaries.

8.4.7 Livestock

The ensuing analysis suggests that Buyafuthi community can be regarded as low income and poverty stricken community. While this cannot be denied, it is also important to note that the community owns and keep livestock. Table 7 below, indicates that there are approximately 280 cattle's distributed among 70 households, thus giving an average of 4 cattle per household. The number of goats is approximately 280 and sheep amount to approximately 86. This gives an average of 3.5 goats per household. There are also approximately 210 chickens within the project area, thus giving an average of 3.1 per household. Chickens are usually used for eggs, household consumption and for sale. The latter is an exception than a rule.

TABLE 7: LIVESTOCK

LIVESTOCK	NUMBER
Cattle	280
Goats	280
Sheep	86
Chickens	210
Other	0

Source: Maseko Hlongwa and Associates, 2002

Livestock are among the most important assets in the ownership of the community. It symbolizes wealth and status, but for others it forms a vital component of their survival strategies. Cattle and goats are generally used for various purposes such as traditional functions e.g. weddings. Others also sell cattle for financial reasons and as a means of survival. Furthermore, the registered livestock brand from the government (Pretoria) scheme will have to be implemented. This could be done either on individual or group basis. Over and above this, cattle's also stray onto other properties and can be impounded. This suggests a need to develop effective management structures that will address such issues.

8.4.8 Crop Production

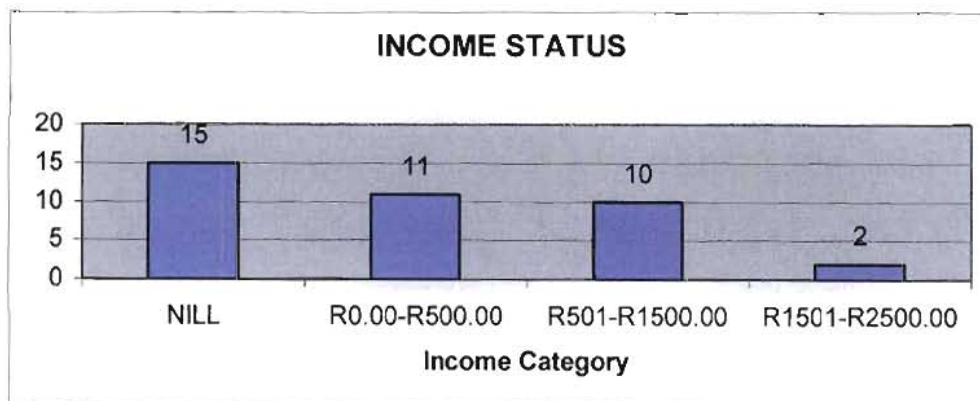
The community also practices limited crop production. Maize is the most popular crop. Other crops used by the community are beans, potatoes and cabbages. Crop production occurs on small plots linked to residential stands. This does not occur on large scale.

In most instances, these are undertaken within residential sites. None of the members engage in crop production at a large scale and for commercial purposes. Crops are produced mainly for household consumption.

8.4.9 Income Profile

Figure 10 below; indicate an income profile of the beneficiaries. From the Figure, it is evident that Buyafuthi community comprises of low income and poor people. 60% of the heads does not have a secured source of monthly income. Only 20% has a monthly income of less than R500.00, while 15 % earn between R501.00 and R1 500.00 a month (this also include pensioners). Only 5% earn between R1 501 and R2 500.00 a month (see Figure 10 below). To note these statistics are based on the time in which the survey was conducted and some changes might have occurred since then.

FIGURE 10: INCOME PROFILE



Source: Maseko Hlongwa and Associates, 2002

Low-income levels imposes serious limitations on the affordability level of the community, and therefore puts members of the community within a high-risk category for loan finance from the banking institutions.

8.4.10 Access to Farm Implements

Lack of adequate access to farming implement serves as one of the major constraints to the farming operations of the community. Hence they cannot engage in any meaningful agricultural production. At present, the community also does not enjoy support from the Department of Agriculture. During the survey undertaken, the head of the households indicated what they had in the form of agricultural implements to assist with crop production and soil preparation. These are indicated are in position on Table 8 below.

TABLE 8: FARM IMPLEMENTS

IMPLEMENTS	NUMBER
Hoe	41
Spades	26
Plough	9
Wheelbarrow	10
Other	9

Source: Maseko Hlongwa and Associates, 2002

The above table indicate a serious challenge in which most of the land reform beneficiaries face on day-to-day basis. For any one to engage in productive farming, farm implements are essential. So far, in most land reform projects beneficiaries have no access to farm implements. Even the balance of the grants left after farm purchases are generally not sufficient to purchase adequate farm implements.

8.4.11 Survival Strategies

Most members of the community do not have any formal employment; hence the community is categorized as being in the low-income bracket with most households living below the poverty datum line. Nevertheless, individuals within the community have devised a number of survival strategies, which are summarized as follow:

- Livestock farming. This includes cattle, goats and chickens;
- Grant funding (pension and child grants), and
- Small businesses such as hawking in areas such as Pomeroy.

8.4.12 Implications for Development

The socio-economic profile of the community provides an in-depth understanding of the community and the manner in which households survive. In the case of Buyafuthi, it is clear that any intervention should focus on creating sustainable livelihood and income-generating opportunities.

8.5 FORMULATION OF A BUSINESS PLAN FOR BUYAFUTHI COMMUNITY

8.5.1 Product / Output

Formulation of a business plan for Buyafuthi beneficiaries was undertaken through involvement of all relevant structures including the community and other government departments. The business plan culminated into the following strategies:

- An Agricultural and Environmental Plan (which indicated areas suitable for various crop production);
- A Service Plan (to provide level of services to the households and for production purpose);
- A Settlement Plan (which indicate how the community will be settled spatially), and
- A Management Plan for all of the above as required by the department.

8.5.2 Utilization of Funds

During the formulation of a business plan, a detailed itemized list of activities was presented. This indicated how the balance of SLAG was to be used by the beneficiary community in terms of implementing their development vision. See table 9 below.

Form the above-mentioned table; it is evident that the amount (R475 112 00.00), which was made available for the community to be able to implement its vision, was not sufficient. This therefore required that additional funding be sourced from other relevant structures, if the beneficiary community was to be able to realize its vision. This once again illustrates the amount of support that land reform projects require in terms of both human and financial resources so as to be sustainable. As can be observed from a list of prioritized activities by the beneficiary community, farm implements were not mentioned which is a key component for any proposed agricultural development venture.

TABLE 9: PRIORITISED ACTIVITIES

FUNDING		AMOUNT
Balance of Slag		475 112,00
ACTIVITIES	AMOUNT	
Livestock	3 0400,00	
Irrigation	59 000,00	
Crop production	15 800,00	
Woodlots	17 000,00	
Water	201 821,90	
Roads	534 789,68	
Sanitation	86 640,00	
TOTAL	945 451,58	
BALANCE		-R470 339,58

8.6 IMPLEMENTATION OF A BUSINESS PLAN FOR BUYAFUTHI COMMUNITY

8.6.1 Community Aspirations

The aspirations of Buyafuthi beneficiary community are categorised in the following manner:

- Security of tenure;
- Access to housing;
- Access to services e.g. water, roads, sanitation;
- Subsistence farming with a potential to develop into small-scale commercial farming, and
- The establishment of a sustainable settlement.

8.6.2 Current Status of the Project

Subsequent to formulation of a business plan, the project was transferred to the relevant Municipality, which act as an implementing agent for the Department of Land Affairs. However, since the project was transferred it has not been implemented due to a number of reasons, which include the following:

- Transfer of implementation funds has been problematic;
- A lack of capacity within the Municipality;
- A lack of clarity in terms of roles and responsibilities between the department and the Municipality, and
- A lack of sufficient funds to be able to implement the vision of the community.

As a result of some of the above-mentioned issues, the land earmarked for this land reform project is currently lying vacant and is not being utilised. Apparently, people will begin to encroach onto high potential agricultural land hence its status will start to deteriorate. As indicated at the beginning, few of the beneficiaries are already living on the farm whilst the majority is residing outside of the farm and should be relocating into the farm.

8.6.3 Key Sustainability Issues Regarding the Project

Like most land reform based projects, this particular project was characterized by a number of complications, which are categorized in the following manner:

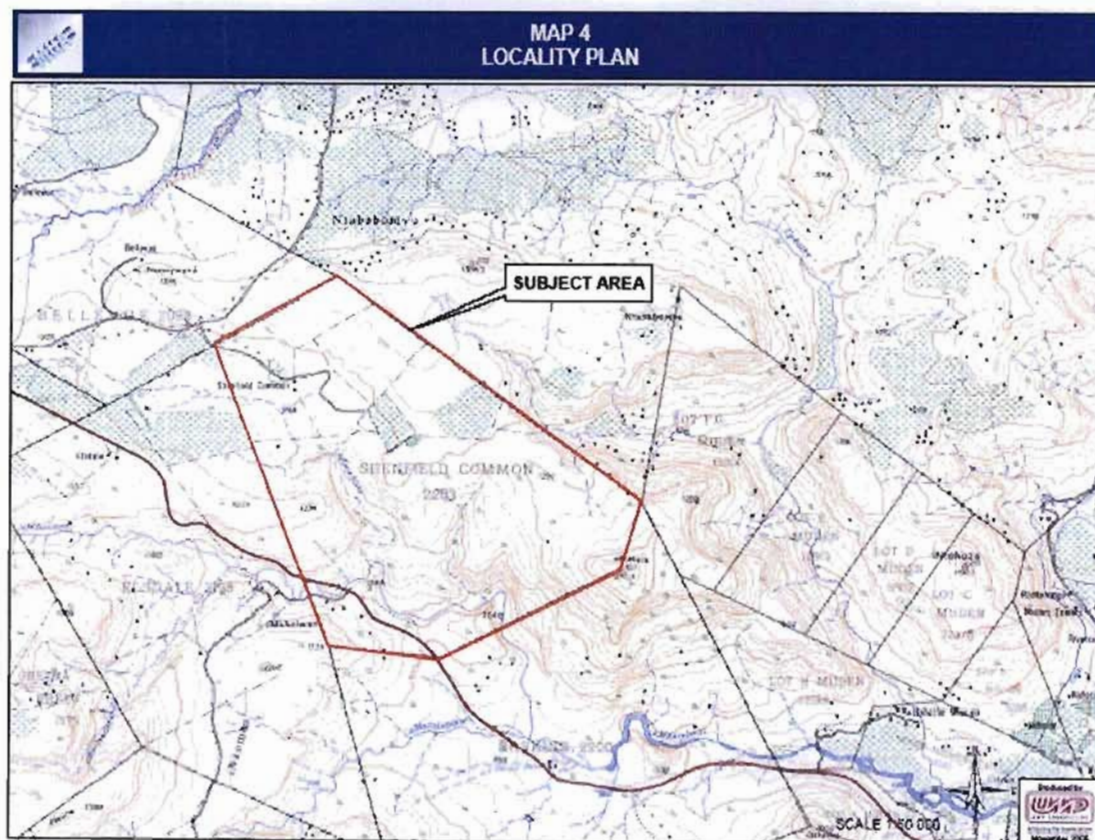
- The project was undertaken outside of the arena of municipal planning and hence was not incorporated into spatial planning of the Municipality;
- In terms of its location, it is located far from major movement routes hence accessibility is not easy. Furthermore, there are no economic opportunities in close proximity to the project area;
- The members of the CPA were mostly men and as a result, the needs of the women and children were not adequately addressed;
- Relevant government departments did not take part during the conceptualisation of the project so as to make their contribution regarding sustainability issues;
- Members of the CPA lacks capacity on matters related to management and required extensive amount of training, which has not taken place;
- Detailed planning was undertaken by Department of Land Affairs, which in terms of the Constitution, planning should be done by provincial and local government structures in this case the Local Municipality concerned;
- A huge amount of arable land is lying vacant and is not being utilized for the purpose it was earmarked for;
- There are no social facilities located in close proximity to the project area e.g. schools, children have to walk long distances to access education facilities;
- Lack of capacity amongst officials from Department of Land Affairs to be able to evaluate implementable business plans;
- There was also dissatisfaction with regard to who should become the members of the Development Committee that was established;
- The project area was accessed through a dirt road, which was in bad condition and required access over someone else's property (right of way-servitude), and
- There were not enough funds available to be able to implement all activities as outlined on the business plan.

8.7 SHENFIELD LAND REFORM PROJECT (SECOND CASE STUDY)

8.7.1 Project Location

The project area falls within Mpofana Local Municipality (KZ223). It is approximately 17km northwest of Muden and approximately 28 km southeast of Weenen. It is accessed through D12-2, which link the project area with surrounding areas such as Weenen and Muden. Extensive commercial farms form the northern, southern, eastern and westerly boundaries. Refer to Map 4 here referred to as Locality Map.

MAP 4: SHENFIELD LOCALITY MAP



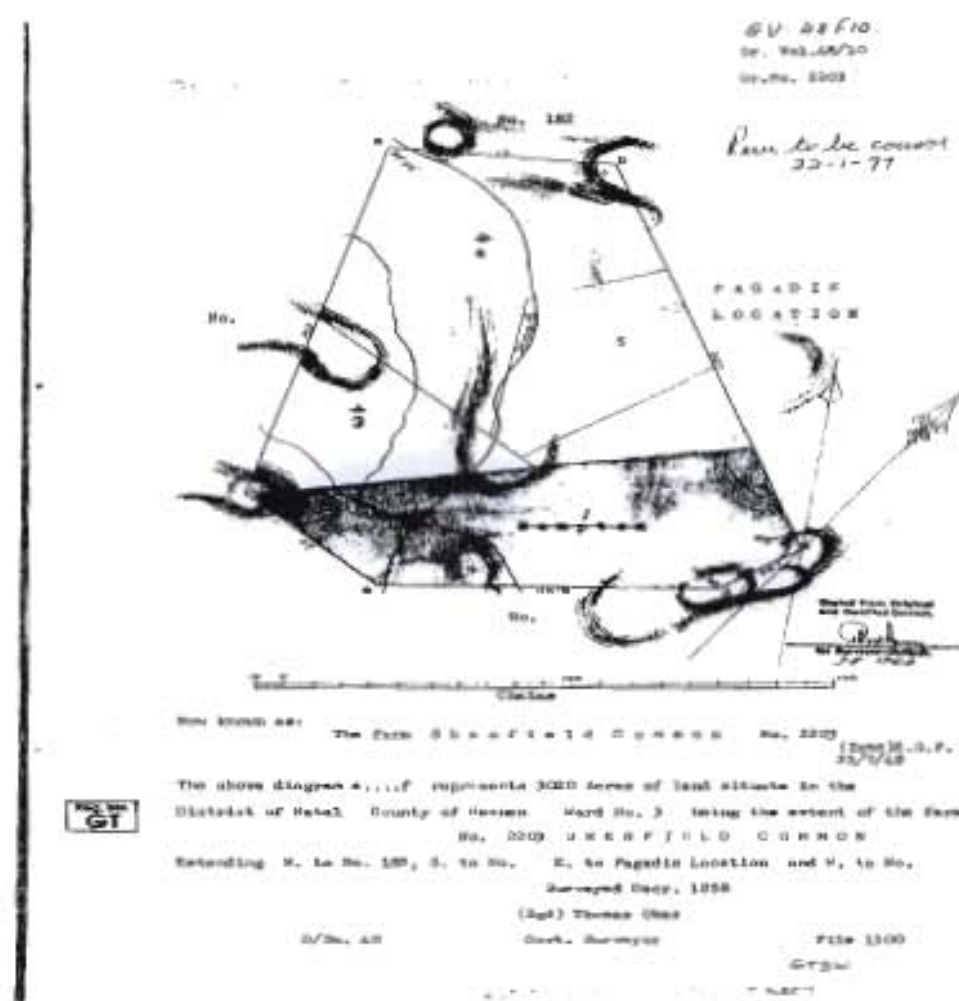
8.7.2 Property Description

Table 10 below outlines and identifies the property description of the project area:

Table 10: Property Descriptions

Farm Name	Farm Number	Property Description	Extent
Shenfield	2203	Portion 2	246,2640ha
Common			
Shenfield	2203	Remainder of Portion 3	165,7063ha
Common			

MAP 5: SHENFIELD CADSTRAL MAP



8.7.3 Aims and Objectives

The process of land redistribution has been criticized for being slow and stagnant and does not guarantee development outcomes. Criticisms against the process of land redistribution have been received from different sectors of the community including the NGO's and the most marginalized groups (poor

people). It was against this background that the Minister of Land Affairs introduced Land Redistribution for Agricultural Development (LRAD) as a mechanism for speeding up the process of land redistribution. Correspondingly its objective here *inter-alia* includes the following:

- The need to reduce poverty;
- Redistributing 30% of agricultural land within the next 15 years;
- The need for security of tenure for all;
- To broaden ownership base, and
- The need to settle the previously marginalized farmers.

The project falls within the food security sub-program of LRAD thus was intended to promote access to productive land encouraging food production. Its objectives can be summarized as follows:

- To access safety net grants from the Department of Land Affairs in order to acquire ownership of the subject property;
- To establish production potential of the property and advice the community accordingly;
- To develop an expenditure framework for the LRAD grants and other funds;
- To indicate optimal land use and advice the community accordingly, and
- To establish a viability of establishing a food security net project on the subject property.

8.8 BACKGROUND

The community of Shenfield had been living in the farm for as long as they can remember. Most of the beneficiaries used to reside in surrounding areas of Mudon and had been working on farms located in close proximity to the subject area. Before land went into the ownership of uMdumbeni Game Lodge Trust, the community used grow various crops. However upon arrival of the then landowners, they had to seize their operation but could remain on the farm. In view of lack of job opportunities and the desire to engage in farming activities, the applicants approached the Department of Land Affairs for assistance.

There were approximately 11 applicants all of whom were living on the land in which they wanted to purchase. Their main goal was to engage in farming activities mainly for subsistence purpose since the then landowners (uMdumbeni Game Lodge) were not making use of the property and land had reverted back to veldt. They wished to use land for grazing and other related agricultural activities.

8.9 SOCIO-ECONOMIC PROFILE

In this section, the results of a socio-economic survey conducted with 9 beneficiaries during the planning process are presented. The survey forms part of the investigation process and is intended to develop an in-depth understanding of the socio-economic condition of the beneficiaries, particularly, its development needs and potential to develop as small scale farmers.

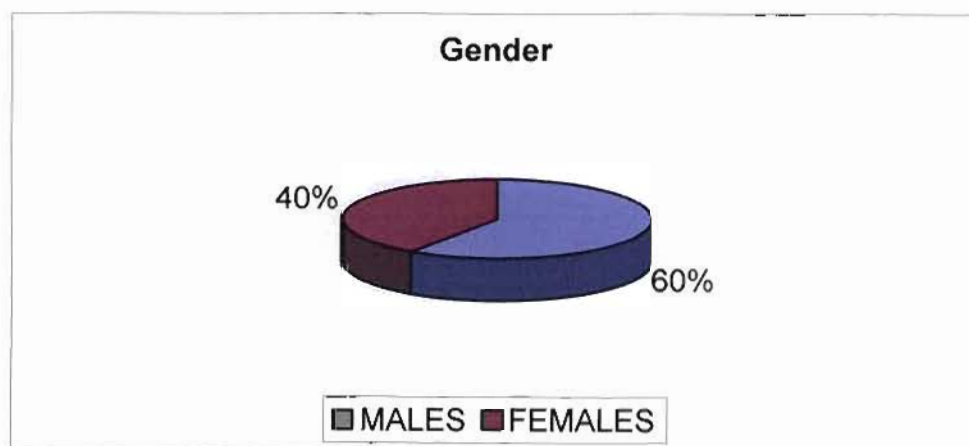
8.9.1 Population Size

Although the number of beneficiaries consists of 11 people, the total population that will benefit from this project could be estimated to 45 people. On average, each household has about 4 members.

8.9.2 Gender

The gender structure of the beneficiaries is indicated on figure 11 below. 60% of the applicants consist of males, whilst females account for only 40%. This suggests that males are more dominant and this has severe implications in terms of decision-making. In rural areas, women are expected to obey or respect males and this will lead to inequality in terms of decision making especially in relation to utilization of resources within the farm and prioritization of key issues. Due to inequality in terms of decision-making the needs of women might not be fully addressed.

FIGURE 11: GENDER STRUCTURE

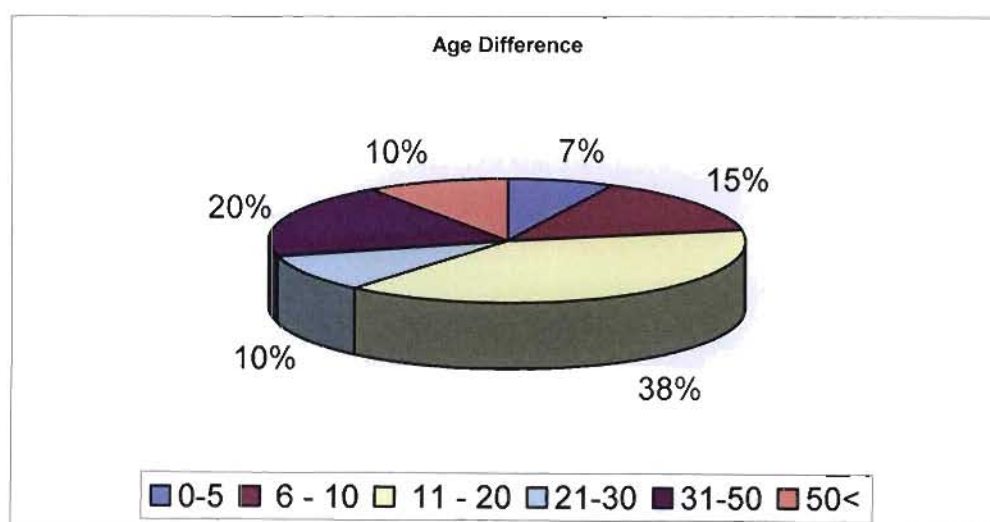


Source: Maseko Hlongwa and Associates, 2002

8.9.3 Age Difference

Figure 12 below indicate the age structure of the beneficiaries. From this figure, it is evident that, the majority of the population falls within a youthful category. 60% of the population is under the age of 20 whilst only 40% is reported to be over the age of 20. The implications of this are two pronged, firstly; the youthful population will exert pressure in terms of provision of social facilities in and around the project area. Whilst the elderly population will take responsibility in terms of ensuring that the farming venture becomes sustainable and can be utilized by the next generation.

FIGURE 12: AGE DIFFERENCE

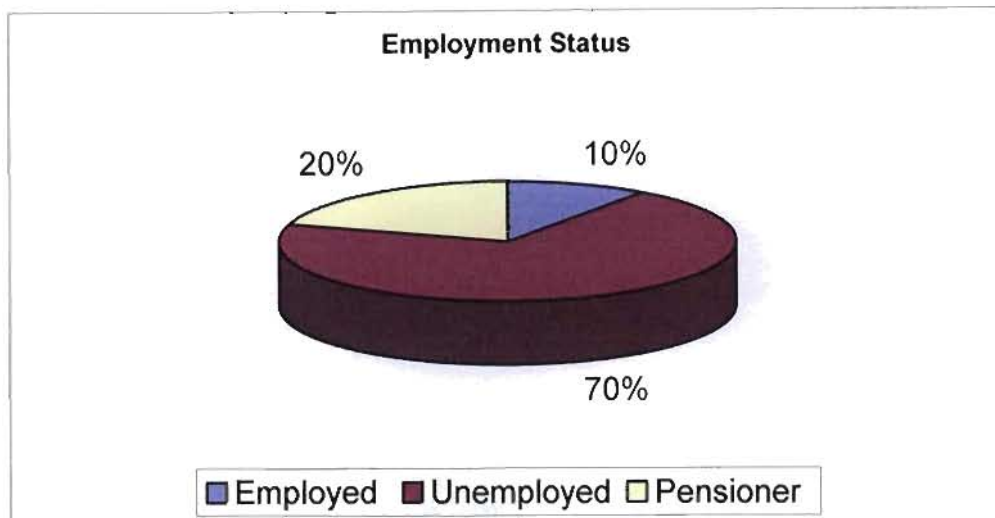


Source: Maseko Hlongwa and Associates, 2002

8.9.4 Employment Status

Figure 13 below illustrate the employment profile of the beneficiaries. 70% of the beneficiaries are unemployed, 10% is dependant on grants e.g. pensioners whilst 20% is reported to be working on temporary basis. The implications of this are that, planning intervention should focus on creating strategies that will ensure food security thus improving the living standard of the applicants.

FIGURE 13: EMPLOYMENT STATUS



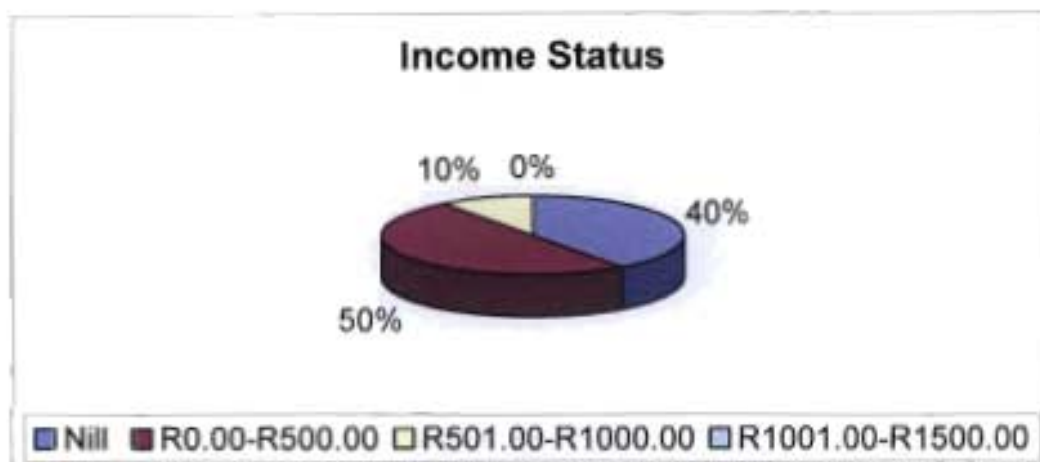
Source: Maseko Hlongwa and Associates, 2002

8.9.5 Income Status

Figure 14 below indicate income status of the head of the household. The majority of the beneficiaries do not have reliable source of income. Due to their low level of income, they have developed a number of survival strategies through which they have been able to sustain their families, this include selling of wood and chickens to commuting individuals.

50% reported to have an income (this depends on the sales) of between R0, 00 and R500, 00, 40% reported to have nil income whilst 10% is reported to receive between R501, 00 and R1000, 00 a month (this also depends on the sales of various activities in which the applicants engage on as survival strategies⁰. Low levels of income reflects the inability of the beneficiaries to be able to afford high level of services, hence it is important to create strategies that are locally based thus utilizing local resources to its maximum.

FIGURE 14: INCOME STATUS

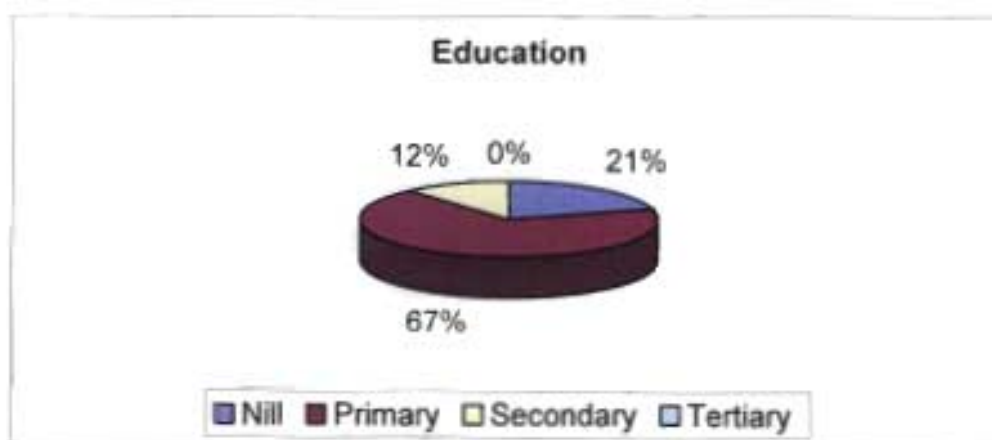


Source: Maseko Hlongwa and Associates, 2002

8.9.6 Education

Figure 15 below indicate education profile of the beneficiaries including members of their families. The figure suggests that 67% of the beneficiaries have primary education, 21% has nil education, and 12% has secondary education whilst none has tertiary education. Low levels of education have a number of implications, namely; it hinders the ability of the people to compete effectively in the job market. They are usually the last hired and first fired. It also has negative implications towards the management of the farming venture, which requires a certain amount of skills in terms of taking minutes during meetings.

FIGURE 15: EDUCATION PROFILE

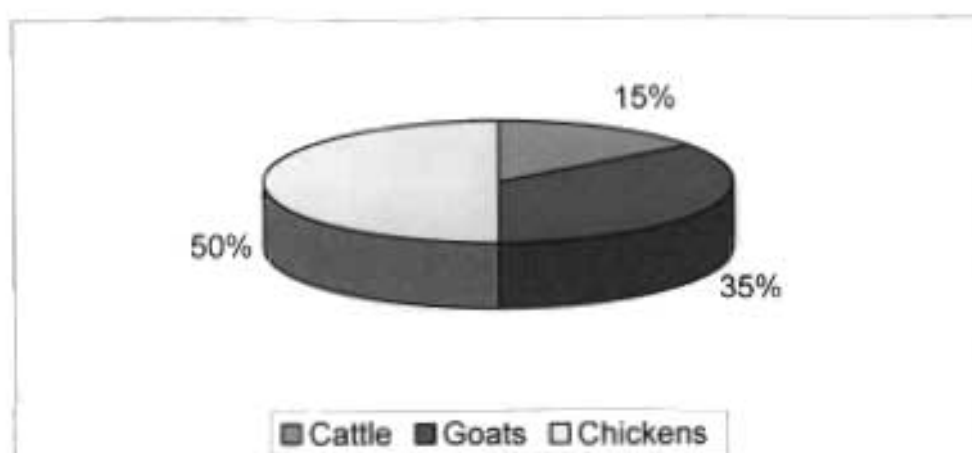


Source: Maseko Hlongwa and Associates, 2002

8.9.7 Livestock

The beneficiaries indicated to be in possession of livestock as shown on figure 16 below. 15% of the beneficiaries are in possession of cattle, 35% is in possession of goats whilst the majority, which is 50%, is in possession of chickens. Ownership of livestock means different things to different people. Within African families, it symbolizes wealth and status. Furthermore, livestock is used, as another form of survival strategy where by it is usually sold to individuals, be it for cultural or economic reasons.

FIGURE 16: LIVESTOCK



Source: Maseko Hlongwa and Associates, 2002

8.9.8 Farm Implements

For the beneficiaries to engage in meaningful subsistence crop production, it is imperative to have access to farm implements. However, during the planning process, none of the beneficiaries indicated to be in possession of farm implements. This suggests that planning intervention should also cater for farming implements. Farm implements could either be purchased or outsourced since purchasing could prove to be expensive in terms of maintenance.

8.9.9 Implications for Development

The socio-economic profile of the beneficiaries provides an in-depth understanding of the beneficiaries and the manner in which households survive. In the case of subject beneficiaries, it is clear that intervention should focus on creating sustainable livelihood and income generating opportunities. The following observations are made:

- The total population is generally youthful, falling within the age category of between 6 and 30 years.
- In terms of gender, males are more dominant which means that the needs of women should be prioritized.

- Low-income households with limited disposable income dominate Shenfield beneficiaries.
- Level of unemployment is relatively high.
- The majority of the beneficiaries are functionally illiterate.
- Some members keep livestock but cannot be classified as farmers.
- The beneficiaries have limited access to farm implements.
- In view of the impact of HIV / AIDS, the study assumes a zero growth rate.

8.10 FORMULATION OF A BUSINESS PLAN

The primary objective of this project was to provide food security for the beneficiaries with the following being the key development aspects:

- Agricultural development;
- Food security, and
- Infrastructure development.

8.10.1 Product / Output

Based on the interaction with the beneficiary community and other relevant stakeholders, it was proposed that application of LRAD grant should be done as indicated on table 11 below:

TABLE 11: APPLICATION OF FUNDS

FUNDING		AMOUNT
LRAD Grant		254 957,00
Farm purchase		120 000,00
ACTIVITIES	AMOUNT	
Land preparation	5 157, 00	
Dry land crop production	15 8,00	
Irrigation	59 000,00	
Tractor	50 000,00	
Plough	5 000,00	
TOTAL	134 957,00	
BALANCE		Nil

8.11 IMPLEMENTATION OF A BUSINESS PLAN

8.11.1 Community Aspirations

Subsequent to the beneficiary community receiving good news that land has been made available for them to be able utilise it for food security, a number of aspirations evolved which include the following:

- Security of tenure;
- Food security;
- Provision of social facilities;
- Engaging in subsistence agriculture with a potential to develop into, and small-scale commercial farming.

8.11.2 Utilization of Funds

The current procedure or process is that, funds are allocated as a safety net for projects, and are not transferred to the Municipality's finances. However, the community working in collaboration with the Department of Land Affairs can utilize funds to source all relevant material as outlined in the business plan. For the case of Shenfield community, the only funds that were to be transferred to the Municipality are for establishing a water scheme that will be used by the beneficiary community.

8.11.3 Current Status of the Project

Since the business plan was done and adopted by the beneficiary community and the Department of Land Affairs, the following is noted:

- Land is lying idle and is not being utilized, and
- The community has lost hope in terms of implementing its vision thus ensuring food security.

8.12 KEY SUSTAINABILITY ISSUES REGARDING THE PROJECT

All land reform based projects experience more or less the similar type of problems and Shenfield community is not an isolated case in this regard. Some of the sustainability issues that pose a threat to the Shenfield project are as follows:

- This particular project was also undertaken outside of municipal planning and was not incorporated into its spatial development framework so as to ensure spatial integration;
- There was not enough financial resources for the beneficiary community to be able to implement its vision, therefore additional

funding was necessary so as to establish a sustainable agricultural development venture;

- In terms of institutional structures, the CPA was male dominated which means needs of the women were not properly addressed;
- Furthermore, the CPA was very weak in terms capacity with only one member that was trusted with the responsibility of decision-making;
- The majority of the project area was steep and mountainous and required extensive land preparation since it had reverted back to veldt and was mainly used for grazing purpose, and
- Water was the main issue, since the nearby river had been dry for some time and members of the surrounding community were also struggling to access water for household consumption.

8.13 COMPARATIVE ANALYSIS OF BOTH CASE STUDIES

8.13.1 Similarities

In terms of similarities, both projects were undertaken as part of the land redistribution programme. The Buyafuthi project was also intended to establish a sustainable settlement whilst the Shenfield one was mainly geared towards sustainable livelihood in a form of safety net.

From the methodological perspective a similar method and approach was used in terms of formulating business plans for both projects. Community participation was undertaken and relevant government departments were also engaged during the planning process.

From the socio-economic analysis, it became apparent that, both communities consisted of high level of unemployment hence there was a need to devise strategies that will lead to job creation thus improving the economic status of the beneficiaries. As a result, both projects put more emphasis on the need to identify projects that will ensure rural advancement of beneficiaries thus improving their relative well-being.

8.13.2 Successes

In terms of success for both projects, the following is noted:

- Both projects contributed towards security of tenure for beneficiary community;
- Both projects were successful in terms of redistributing and ensuring access to land for beneficiary community;
- Furthermore, both projects contributed immensely in terms of redressing the issue of skewed land ownership, and

- On both projects, a certain degree of capacity building was achieved more especially during the planning process whereby elected members of the development committee participated in the formulation of the vision for their area (development vision).

8.13.3 Shortcomings

With regard to shortcomings, the following is noted for both projects:

- Both projects were undertaken outside of municipal planning processes hence their sustainability in terms of resources, both financial and human is problematic;
- The Municipalities in some instances regard these projects as unfunded mandates. They are not included in the IDP for the area and therefore have no status in terms of the SDF;
- Poverty alleviation: land reform should not only ensure access to land, however, it should put in place measures for poverty alleviation. In terms of poverty alleviation, it can be said that both projects have not contributed to poverty alleviation as was anticipated more especially by the beneficiary community;
- Economic development: land reform should also ensure rural advancement of beneficiaries. However, the location of both projects makes it difficult to have any opportunities for economic advancement since they are far from major economic centres. Furthermore, the Buyafuthi one is far from major movement routes and access to this area is more problematic;
- Social advancement: to ensure sustainable development, social advancement of the beneficiary community is also essential. It is important that land reform beneficiaries also have access to social facilities such as schools, clinics, community halls. Such facilities form a key component of a sustainable development thus leading to a healthy living environment. Such facilities are not the competency of the Department of Land Affairs however; it's a line function, which is provided by other government departments, and
- Insufficient funding: for both communities to be able to implement and sustain their vision, adequate funding is necessary. In the case of Buyafuthi and Shenfield community, it is apparent that the amount of funds available for them to implement and sustain their vision is not adequate hence additional funding should be sourced from other relevant government departments.

8.14 STRENGTHS OF THE BUSINESS PLANS

As part of the evaluation process, perhaps it will be useful to look at the strengths of the business plans, which were prepared for both projects. Based on this observation, the strengths of the business plans could be summarised in the following manner:

- Well structured Business Plans;
- Good assessment of community needs;
- Both subject areas were well analysed in terms of their development potential and a comprehensive agricultural assessment was undertaken;
- Community involvement in the formulation of a development vision for both areas;
- Good indication of the development priorities per community/project, and
- The balance of funds was allocated accordingly.

The above-mentioned points are some and not all of the aspects, which could be characterised as constituting a good business plan.

8.15 WEAKNESSES OF THE BUSINESS PLANS

Some of the weaknesses of the both business plans *inter-alia* include the following:

- Availability of funds to execute development needs as identified by the community;
- Market assessment was not properly undertaken which would have indicated where various crop products will be sold, and
- Stakeholder buy in so as to ensure sustainability of projects was limited.

8.16 CONCLUDING COMMENTS

This chapter has provided an in-depth analysis of the two case studies for projects undertaken in different areas under the Land Reform Programme. It has outlined some of the shortfalls, gaps, successes and failures associated with the two case studies. Strengths and weaknesses of business plans were also addressed. The next chapter (chapter nine) presents some of the proposed recommendations regarding sustainable implementation of projects.

7.8 Do you have access to worship?						
7.9 Do you have access to community hall?						
8. ECONOMIC DEVELOPMENT						
8.1 What projects do you think can be done to improve the economic situation within the settlement area?						
9. AGRICULTURE						
9.1 What agricultural products do you think are suitable for the area?						
9.2 Where can you sell or Who do you think would buy your products?						
9.3 Are you engaged in any form of agricultural activity? State nature of the activity.						
10) LIVESTOCK	CATEGORY	NUMBER				
10.1 Are you in possession of any form of livestock	10.1.1 Cattle					
	10.1.2 Goats					
	10.1.3 Sheep					
	10.1.4 Horse					
	10.1.5 Chickens					
	10.1.6 Other					

CHAPTER NINE – PROPOSED RECOMMENDATIONS

9.0 INTRODUCTION

From the foregoing analysis of case studies, the following recommendations are proposed as being necessary for sustainable Land Reform projects:

9.1 Establish a Co-ordinating Committee

As a means of ensuring a certain degree of sustainability in land reform projects, it would be necessary to establish a structure that will screen or co-ordinate all activities especially at project inception level. Such a structure should be made up of all government departments that are directly or indirectly involved in land reform including Municipalities, Housing, Agriculture, Social Welfare and Development, Health and Education.

Subsequent to the project being identified by the Department of Land Affairs, it should be brought for screening before the proposed co-ordinating committee that will analyse its potential and ascertain whether it has potential to succeed on a sustainable basis or not. If it is determined that the project has necessary requirements to succeed it should be given the go ahead. If on a careful evaluation, is found not to be sustainable (taking into consideration all sustainability measures that have been dealt with) alternative measures or strategies should be developed. Such a structure should be given authority to put the project on hold since it might lead to fruitless expenditure.

9.2 Encourage a System of Trade-Offs

Some land reform projects have been unsuccessful due to the fact that land being allocated to beneficiary community had limited production capacity. As a result, limited financial resources are channelled towards land preparation. Secondly, as indicated some land reform projects are located far from movement routes, economic and social opportunities which place them at an immediate disadvantage.

Therefore, it is proposed that, a system of trade-offs be encouraged whereby once the co-ordinating committee has made a ruling that a certain project might not be sustainable due to certain reasons which might include its spatial segregation from main activities, an alternative site or land could be identified (which might be in close proximity with the original project). Trade-offs could be made with owners of such properties (if not being utilised in a productive manner and are strategically located). Such land should in more ways be characterised by the following:

- It should have high agricultural production capacity (arable land);
- It should ideally be located in close proximity to movement routes as opposed to being isolated;
- It should consist of less or nil settlement;
- It needs to be located in close proximity to economic opportunities, and
- It should be located in close proximity to social facilities.

Such an approach might have financial implications since an alternative land might be more expensive. Furthermore, this might also require some form of persuasion especially from the side of the beneficiaries who might not want to give up ties with their original land due to historical and culturally reasons.

However, if by virtue of disposing of land, which is not, arable and replacing it with productive arable, well-located piece of land, beneficiary community might agree with the approach. Equally so, such an approach will ensure long-term sustainability of projects thus contributing to poverty alleviation, economic and social advancement of the beneficiaries. Trades offs, which are generally made have an impact in terms of achieving sustainable development. The impact is generally felt where economic spin offs take precedence over environmental considerations. Furthermore, political motives as well also take precedence over environmental considerations hence achieving sustainable development become virtually difficult.

9.3 Information Dissemination

The other critical aspect with regard to land reform is the issue of access to information. Subsequent to beneficiaries getting ownership of land, there is usually lack of clarity with regard to certain issues, more especially in terms of knowing where to get assistance with various technical issues related to agricultural production and other farming techniques.

Therefore, it is essential to establish a system that will ensure that land reform beneficiaries have access to information more so those that are located in rural areas, who do not enjoy access to any form of technology. With access to proper information, most beneficiaries indicated that they could be in a position to improve their farming techniques thus contributing to poverty alleviation.

9.4 Incorporate Farmers Unions/Associations

Some land reform projects takes place in areas where they are surrounded by commercial farms. Commercial farmers have been involved in agricultural production for a long period of time and are well aware of the risks involved in farming. Furthermore, they have the expertise necessary to be able to evaluate a good business or agricultural plan that might have been done for land reform beneficiaries.

It would be recommended that in areas where such a farmers union exists, they should be brought into the mainstream and become part of the post implementation strategy. They could either be compensated for their services or undertake this initiative on voluntary bases. After land has been transferred to beneficiaries and business plans have been completed, farmers union should evaluate all business plans prepared within its area of jurisdiction. Secondly, they must oversee implementation of such business plans (more especially from the agricultural aspect). Subsequent to implementing a business plan, they should work with the beneficiaries for approximately two years offering advice and expertise wherever necessary, especially on the management aspect of the farming venture.

Once the beneficiaries illustrate that they have the necessary capacity to farm and manage on their own, farmers union will be required on part time bases to offer additional advice, monitoring and evaluation to ensure sustainability of projects.

9.5 Ensure Training and Capacity Building for Beneficiaries

One of the fundamental flaws of the current Land Reform model is that beneficiaries do not receive necessary training that is needed for any one to engage in a farming venture. There is no upfront investment in human capital or beneficiaries. This issue is linked to getting access to information, and the generally scenario is that, lack of access to information put one in a disadvantaged situation.

Therefore, through training of land reform beneficiaries on various matters ranging from administrative to technicalities involved in farming might go a long way in terms of contributing towards sustainability of land reform projects. Such training could firstly be offered to the development committee, which overlooks all issues pertaining to the project area. Subsequent to this, such training can be extended to other members of the community.

9.6 Lobby Financial Support from Other Financial Institutions

Most land reform projects have been undertaken with minimal or inadequate financial resources. Land reform projects have not had adequate funding support that they deserve, through their role they play in terms of building a united nation and contributing towards reconciliation. For most land reform projects, funds allocated to beneficiaries have not been sufficient enough to be able to address a myriad of issues that are usually raised by the beneficiaries.

Therefore, this suggests that additional funding streams should be sourced. Currently, most financial institutions have had little input on land reform due to the risks involved e.g. the ability of the beneficiaries to be able to pay back

the loan amount. Nevertheless, in view of high levels of poverty and the inability of the formal economy to create formal jobs, strategies should be devised that will compel financial institutions to start getting involved in land reform projects. This will assist in terms of ensuring that the vision of beneficiaries can be implemented and will also broaden the financial streams that assist on land reform issues.

9.7 Mentorship Programme

There is a need for a Mentorship Programme to provide guidance to land reform beneficiaries. People appointed as mentors should be available on full time bases so as to provide necessary guidance. Farmers Unions have shown a great deal of interest in capacitating beneficiaries; however this should be done in a strategic manner. Mentorship programmes need to be established before the transfer of land is undertaken.

9.8 New forms of Ownership

The current communal ownership is problematic hence new concepts need to be devised regarding land ownership of land reform projects. There need not be more than one person managing the farm, as it is currently the case. One person should be managing the farm. Some practical examples in the Uthukela District Municipality area have illustrated that individual ownership is more effective as compared to communal ownership. Beneficiaries that engage on land reform on individual bases are more successful as opposed to group beneficiaries.

9.9 Screening Process

Since land reform began approximately 11 years ago, the experience has shown that not all beneficiaries are willing or have a passion for farming. As such, it is essential to develop procedures or mechanisms that will assist in terms of screening beneficiaries who have passion and are committed to engage in farming. This is more prevalent for LRAD projects, which are geared towards commercial farming.

CHAPTER TEN – CONCLUSION AND OVERVIEW

10.0 INTRODUCTORY REMARKS

This section presents the conclusion of this thesis based on the research work undertaken for the subject topic.

10.1 An Evaluation of the Research Process

At the onset, it must be stated that land reform is complex and comprehensive process and any government or institutional structure involved can pay testimony to this. From the foregoing, the thesis has attempted to cover as many aspects pertaining to land reform and the research topic as possible.

Some of the sections covered in the thesis were addressed comprehensively. At the same time, it must be acknowledged that due to time frame, some of the sections were not addressed as comprehensively as they should have been.

It's been approximately eleven (11) years since land reform began in South Africa. It was deemed fitting to do an evaluation, which seek to illustrate some of the shortfalls embedded in the land reform programme. A comprehensive illustration of international example regarding how land reform was implemented in other countries was discussed and its implications regarding the way in which land reform has been implemented in South Africa. A detailed section focusing on policies and their inter-linkages with land reform was provided. This included the shortcomings embedded in the land reform policy. An analysis of the theoretical framework, which was fundamental for guiding the research process, was dealt with comprehensively.

Sustainability issues pertaining to land reform were discussed in this thesis. Equally so, gaps were identified along the way which were the missing link between sustainable implementation of projects and adhoc implementation (which has dominated land reform since its inception). Perhaps it must be stated that, information pertaining to gender was not adequately addressed due to time frame and the inability of some of the government departments to provide records in various segments or specific areas. Furthermore, information pertaining to poverty standards was also not adequately addressed. However, indigent policy was used as an instrument or a measure of people that can be described as living below the poverty line or standard. The indigent policy is used widely by most municipalities in South Africa as a measuring mechanism for relieving the poor of many burdens such as payment of services etc.

Liaison with other stakeholders involved in land reform has also been addressed through stakeholder analysis including their role and responsibility. Interviews were conducted with various stakeholders (Appendix A consists of a questionnaire which was used both for beneficiaries during the formulation of business plans and stakeholder interviews respectively). A detailed comparison analysis of two case studies has been provided in this thesis. Its main intention is to illustrate gaps regarding implementation of land reform projects in a manner that promotes sustainable development.

Recommendations that seek to guide implementation of land reform in a sustainable manner have also been discussed as a way forward including the concluding comments.

From this perspective, it must be said that, overall the research proceeded according to the expected process and an attempt was made to ensure that the thesis or output is up to the required or acceptable standard.

10.2 Concluding Comments

In conclusion, in a country like South Africa, where millions of people do not have access to jobs and are living below the poverty line, where thousands of people do not have proper education and hence they do not have skills that will assist them to be competitive when seeking for a job, where income has a skewed distribution, land reform more than any other strategy has the potential to change millions of lives thus contributing to economic and social advancement of the beneficiaries. Proper coordination and support is required from all government departments and other agencies including Non Governmental Organisations (NGO's) for this to happen.

If this occurs, Land Reform has the ability to be sustainable and contribute immensely towards the growth of this country. Perhaps with the implementation of some of the proposed recommendations, some form of sustainability in land reform projects might begin to be evident.

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APPENDIX A

BENEFICIARY AND STAKEHOLDER QUESTIONNAIRE

QUESTIONNAIRE FOR THE FORMULATION OF A BUSINESS PLAN: THE QUESTIONS ARE TO BE ANSWERED BY THE HEAD OF THE HOUSEHOLDS (This questionnaire was used during the formulation of business plans)						
1) PERSONAL INFORMATION						
1.1 Name						
1.2 Surname						
1.3 Gender	Male	Female				
1.4 Marital Status	Married	Divorced	Widow			Cohabitation
1.5 Age						
2) EDUCATION						
2.1 Indicate level of education						
2.1.1 Primary	2.1.2 Secondary	2.1.3 Tertiary	2.1.4 No Education	2.1.5 Other		
3) LEVEL OF SKILLS						
3.1 What skills do you have?						
3.2 Did you receive any form of skills training?						
4) RESIDENTIAL						
4.1 How long have you been living in this area?						
4.2 House Type	4.2.1 Brick	4.2.2 Mud	4.2.3 Other			
4.3 Estimated value of your house						
4.4 Are you prepared to move into a planned settlement?						

5) EMPLOYMENT STATUS					
5.1.1 Employed	5.1.2 Unemployed	5.1.3 Self-employed	5.1.4 Temporary	5.1.5 Pensioner	
5.1.6 If employed, temporary or self-employed state your monthly income					
5.2 Type of Work					
5.2.1 Skilled	5.2.2. Professional	5.2.3 Semi-skilled	5.2.4 Unskilled	5.2.5 Other	
5.3 Indicate work place					
5.4 Do you have savings account?	5.4.1 Yes		5.4.2 No		
5.4.3 If unemployed, indicate household survival strategy /ies					
6) SETTLEMENT					
6.1 What development problems are you experiencing within the settlement?					
6.2 What development opportunities do you think exist within the settlement area?					

6.3 List a minimum of five things that you like about the settlement?
6.4 Where do you conduct your shopping?
6.5 List a minimum of five things you do not like about the settlement?
6.6 What is your desired future settlement? e.g. planned or unplanned settlement?
7 INFRASTRUCTURE
7.1 Do you have access to water, and what type of water service do you get.?
7.2 Do you have access to proper sanitation facilities? What type of facility
7.3 Do you have access to electricity?
7.4 What do you think about local access roads?
7.5 Do you have access to public transport, and what is your view about this issue?
7.6 Do you have access to clinic service, and are you happy with the distance to and from such a service?
7.7 Are you happy with the distance, which your kids travel to school.

7.8 Do you have access to worship?		
7.9 Do you have access to community hall?		
8. ECONOMIC DEVELOPMENT		
8.1 What projects do you think can be done to improve the economic situation within the settlement area?		
9. AGRICULTURE		
9.1 What agricultural products do you think are suitable for the area?		
9.2 Where can you sell or Who do you think would buy your products?		
9.3 Are you engaged in any form of agricultural activity? State nature of the activity.		
10) LIVESTOCK		
CATEGORY	NUMBER	
10.1 Are you in possession of any form of livestock	10.1.1 Cattle	
	10.1.2 Goats	
	10.1.3 Sheep	
	10.1.4 Horse	
	10.1.5 Chickens	
	10.1.6 Other	

11) ACCESS TO IMPLEMENTS	TYPE	NUMBER			
	11.1 Tractor and accessories				
	11.2 Hoe				
	11.3 Spades				
	11.4 folks				
	11.5 Centre Pivots				
	11.6 Wheelbarrow				
12) OTHER FAMILY MEMBERS LIVING WITH YOU					
Names	Age	Standard	Employment	Gender	Income
STAKEHOLDER QUESTIONNAIRE (This questionnaire was used during the interviews with stakeholders)					
1) Name of the interviewee					
1.1 Name of the organization					
1.2 Position held					
2) Involvement in Land Reform					
2.1 How long has your organization been involved in Land Reform?					
2.2 What has been the nature of your involvement thus far?					
2.3 What role is/has your organization playing/ed in the implementation of Land Reform Projects?					

3) Experience Regarding Implementation of Land Reform
3.1 What is your experience regarding implementation and management of the land reform process?
4) Sustainability of Land Reform Projects
4.1 Are the land reform projects implemented in a manner that is sustainable? What is your view about this issue?
4.2 Has your organization been involved in the implementation of a land reform project/s that was/were successful?
4.2.2 If yes! What led to their success (sustainability)
4.2.2 If not! What led to their failure?
5) Recommendations
5.1 What do you think should be done in order to ensure that land reform projects are implemented in a sustainable manner?