

**POST-SETTLEMENT LAND REFORM OBJECTIVES IN
SOUTH AFRICA: TOWARDS A MANAGEMENT MODEL FOR
SUSTAINABLE DEVELOPMENT**

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DECLARATION

I declare that: "***Post-settlement land reform objectives in South Africa: Towards a management model for sustainable development***" is my own work, that all sources used or quoted have been indicated and acknowledged by means of complete references, and that this thesis was not previously submitted by me or any other person for degree purposes at this or any other University.

		30/04/2008
Signature		Date

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ABSTRACT

As one of the mechanisms to achieve its national policy objective of separate development (apartheid), the previous South African Government (up to 1994) reserved specific areas for white people and homelands or so-called townships in the vicinity of industrial centres for black people. This entailed that people were deliberately separated and settled in specific areas according to race and tribal origins. The practical outcome was, for example, that Tswana speaking people had to permanently reside in Bophuthatswana, Xhosa speaking people in the Transkei or the Ciskei, Venda speaking people in Venda and so forth. Black people did not have political rights in white areas and were expected to exercise their rights within the boundaries of their designated homeland. In order to achieve and sustain this categorised separation, people were by law forced to relocate and their land was either utilised for development purposes, or for the resettlement of another ethnic group of people.

During the apartheid years the relocation of people and the expropriation of land were conducted on a significant scale. It is estimated that approximately 3.5 million people lost their land involving millions of hectares. People were in most cases relocated to designated homelands as identified and reserved by the previous Government. Many black people not only lost land but established farmers were unable to utilise and further develop their existing agricultural skills. The reason for this was that they had to resettle in other, and in many instances, urban locations. Over the years the practice of expropriation and relocation gave rise to the current skewed pattern of land ownership where white commercial farmers presently still own approximately two thirds of all arable land.

A well documented consequence of apartheid during the timeframe 1948 to 1994 was neglected service delivery to specifically the black population. In its 1994 election manifesto the African National Congress (ANC) undertook, if elected, to ensure effective service delivery through newly established specialist Government departments to previously disadvantaged individuals and communities. It is against the background of this objective that the national Department of Land Affairs (DLA) was also established and that land reform as a specialist service delivery activity was

institutionalised. In short, land reform in South Africa currently entails a programme for the return of expropriated land to the original owners, ensuring access to land for all, and the provision of post-settlement support to the beneficiaries of that programme.

In this research it is argued that since 1994, Government has been effective in institutionalising formal structures through which land could be returned to its previous owners. Government was furthermore also effective in making land more accessible to formally disadvantaged individuals and communities. There are numerous examples where land was returned to people and where communities were re-settled on land. The contribution of this research centres on the acknowledgement that Government has thus far been ineffective in the provision or facilitation of post-settlement support to the beneficiaries of land reform. In other words, the beneficiaries of land reform are in most instances unable to utilise returned land to its full potential, and in a sustainable way. This entails that poverty and underdevelopment are still at the order of the day after land was returned to the rightful owners. This underutilisation, underdevelopment and continued poverty can be attributed to the absence of an effective Government post-settlement support management model. The research therefore studies the content of the land reform programme. The focus is, however, narrowed down to the shortcomings of the programme with specific reference to the management of post-settlement support since 1994. Through this analysis it was possible to identify relevant elements and propose a management model for more effective provision of post-settlement support. It is envisaged in this study that the return of land to previous owners, ensuring access to land for all, combined with the provision of effective post-settlement support, can make a valuable contribution towards ensuring sustainable development as outcome of land reform in South Africa.

OPSOMMING

GRONDHERVORMING IN SUID-AFRIKA EN DIE OOGMERKE VAN POST-VESTIGING: DIE ONTWERP VAN 'N BESTUURSMODEL VIR VOLHOUBARE ONTWIKKELING

As een van die meganismes om die nasionale beleidsdoelstelling van aparte ontwikkeling (apartheid) te bevorder het die voormalige Suid-Afrikaanse Regering (tot 1994) spesifieke areas gereserveer vir blankes en tuislande en sogenaamde lokasies, naby industriële areas, vir swart mense. Dit beteken dat mense doelbewus in terme van ras of stam geskei is, en gevestig is in spesifieke toegekende areas. Die praktiese uitkoms was byvoorbeeld dat Tswana sprekendes permanent gevestig is in Bophuthatswana, Xhosa sprekendes in die Transkei of die Ciskei, Venda sprekendes in Venda ensovoorts. Politieke regte is ook nie aan swart mense in gevestigde blanke gebiede toegeken nie en kon hul slegs hul politieke regte binne die vasgestelde grense van 'n spesifieke tuisland beoefen het. Ten einde die gekategoriseerde skeiding volhoubaar uit te voer en in stand te hou, is mense ingevolge wetgewing onteien en ook wetlik geforseer om te hervestig. Onteierende grond is gewoonlik gebruik vir diverse ontwikkelingsdoeleindes of die hervestiging van 'n ander etniese groepering.

Tydens die apartheidjare het die hervestiging van mense asook die onteiening van grond derhalwe grootskaals voorgekom. Dit word beraam dat tot 3.5 miljoen mense hul eiendom en miljoene hektaar grond verloor het. In die meeste gevalle is mense hervestig in tuislande soos geïdentifiseer en gereserveer deur die vorige Regering. Talle swart mense het egter nie slegs hul eiendom en miljoene hektaar grond verloor nie, maar gevestigde boere was ook nie instaat daartoe om hulle reeds bestaande landbouvaardighede te gebruik en verder te ontwikkel nie. Die rede vir die voorafgaande is veroorsaak deur die realiteit dat hulle meestal iewers anders moes hervestig en in baie gevalle in stedelike gebiede. Oor die jare heen het die praktyk van onteiening en hervestiging gelei tot die huidige ongebalanseerde patroon van grondeienaarskap waar blanke boere steeds ongeveer tweederdes van alle bewerkbare grond besit.

'n Goed gedokumenteerde gevolg van apartheid gedurende die tydsraamwerk 1948 tot 1994 was onvoldoende dienslewering aan spesifiek die swart bevolking. Die 1994 verkiesingsmanifes van die African National Congress (ANC) onderneem indien verkies word, dat effektiewe dienslewering gelewer sal word deur nuutgestigte spesialis staatsdepartemente aan spesifiek agtergeblewe individue en gemeenskappe. Dit is dan ook teen die agtergrond van hierdie doelstelling dat die nasionale Departement van Grondsake gevestig is en dat grondhervorming as 'n spesialis diensleweringsoogmerk geïnstusionaliseer is. In kort behels grondhervormingsoogmerke in Suid-Afrika tans 'n program om onteiene grond terug te gee aan die oorspronklike eienaars, grond meer toeganklik vir almal te maak en die fasilitering van post-vestigingsondersteuning aan begunstigdes van die program.

In hierdie navorsing word geargumenteer dat die Regering sedert 1994 effektief was in die instusionalisering van formele strukture waardeur grond teruggegee kan word aan oorspronklike eienaars. Die Regering kon vervolgens ook daarin slaag om grond meer toeganklik te maak vir voorheen benadeelde individue en gemeenskappe. Daar is talle voorbeelde waar grond teruggegee is aan voormalige eienaars en waar gemeenskappe hervestig is op toegekende grond.

Die bydrae van hierdie navorsing sentreer rondom die aanname dat die Regering tot dusvêr oneffektief is in die voorsiening en fasilitering van post-vestigingsondersteuning aan begunstigdes van grondhervorming. Met ander woorde die begunstigdes van grondhervorming is in die meeste gevalle nie instaat om die grond wat terug gegee is, op 'n volhoubare wyse te benut nie. Dit beteken dat armoede en onderontwikkeling meestal voortduur na die suksesvolle afhandeling van 'n eis. Hierdie onderbenutting, onderontwikkeling en gevolglike voortgesette armoede word toegeskryf aan die afwesigheid van 'n effektiewe post-vestigingsondersteuningsmodel. Die navorsing fokus dus op die inhoud van die grondhervormingsprogram. Die fokus word egter vernou tot die tekortkominge in die program met spesifieke verwysing na post-vestigingsondersteuning sedert 1994. Deur hierdie analise was dit moontlik om relevante elemente te identifiseer en terselfdertyd voorstelle te maak vir die ideale samestelling van 'n effektiewe post-vestigingsondersteuningsmodel met volhoubare ontwikkeling as oogmerk. In die studie word dit voorsien dat die terug gee van grond aan oorspronklike eienaars, groter toeganklikheid van grond vir almal sowel as

effektiewe post-vestigingsondersteuning 'n waardevolle bydrae kan maak tot volhoubare ontwikkeling as uitkoms van grondhervorming in Suid-Afrika.

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CHAPTER 1

INTRODUCTION

1.1 ORIENTATION AND PROBLEM STATEMENT

In its 1994 election manifesto (the Reconstruction and Development Programme) the ANC undertook, if elected, to ensure that effective land reform takes place in South Africa. A specific emphasis had to be placed on the distribution of land to individuals and communities that lost land, or were denied access to land as a result of the institutionalisation of the previous Government's policy of separate development (South Africa 1994a:20-21).

Since 1994 a substantial degree of land reform has taken place. Ninety three percent of restitution claims have been settled, benefiting 127 3043 individuals, households and communities. In total, over 3.3 million hectares of land was distributed through the redistribution function. In terms of tenure reform, numerous individuals and communities have also been resettled, gained access or right of occupation to land, or received their dispossessed land back (South Africa 2004a:3; South Africa 2007:60-61). Against this background it can be deduced that functional formal structures were established to ensure access to land, extending land ownership, and returning land to the dispossessed.

Government's mandate is, however, not only restricted to the redistribution of land or making land more accessible. The DLA is also responsible for empowering beneficiaries and to create an effective support foundation to ensure that sustainable development takes place, specifically in the rural areas of the country. In practice, sustainable development entails that, to be successful, the quality of life of beneficiaries must improve substantially and acquired land must be utilised to its full commercial potential, after resettlement on claimed land has occurred (Terreblance 2006:3-4). There therefore must be an effective post-settlement support strategy and model in place. In achieving this objective the national land reform programme has thus far, despite isolated successes, been ineffective.

The reality is that the majority of beneficiaries who obtained ownership and access to land in rural areas were, up to now, unable to utilise the land to its full potential

(Mkhabela 2004:7). In most cases the ideal of achieving a situation of sustainable development and improving quality of life, especially in terms of agricultural development, was not realised (Du Toit 2004:1-5). At present many of the beneficiaries of the land reform process in the rural areas, are unskilled and lack the experience and expertise to develop and utilise acquired land appropriately (Sepaela 2006a:14). According to Samayende (2005:1) the current land reform programme has failed to contribute to economic growth in the country, specifically in terms of creating sustainable livelihoods, rural employment and poverty alleviation. Samayende (2005:1) goes further by stating that the failure rate of all post-settlement support projects since 1994 is as high as 90% due to a lack of, amongst others, farm management knowledge, marketing skills as well as adequate access to development credit. There are, according to Du Toit (2004:1, 24, 40), numerous examples of cases in all provinces where general neglect of returned or acquired land, poverty and underdevelopment are still at the order of the day. In other words, it could, according to Sepaela (2006b:14) and Roman (2007:8), be argued that Government was, and still is, ineffective in ensuring that the majority of beneficiaries of land reform in rural areas are empowered in terms of effective utilisation of land to ensure that their quality of life improves in a sustainable way.

In the above regard the main problem of this research revolved around the acknowledgement that Government had since 1994 been ineffective in the provision of sustainable post-settlement support to the beneficiaries of land reform. This is a situation that could be rectified through the institutionalisation of an effective post-settlement support management model. The identification and design of such a management model was also the intended outcome of this research.

1.2 THEORETICAL FRAMEWORK FOR RESEARCH

With the above contextual analysis as background, the primary objective of research was to design an effective post-settlement support management model as a crucial part of the land reform programme. Research therefore concerned the conversion of limited human resource capacity, current enabling support structures as well as financial resources into effective outcome orientated outputs. These outcome orientated outputs were provided in the form of relevant facilities and services in the national, provincial and local spheres of Government. The purpose of this effective

post-settlement support model would be to achieve a situation of sustainable development after land was distributed to beneficiaries of land reform.

Within the South African context Fitzgerald *et al.* (1995:4) are of the opinion that the essence of sustainable development is all about ensuring that people's basic needs are met, that the resource base is conserved, that there is a sustainable population level, that environmental and cross sectoral concerns are integrated into decision making processes and that communities are empowered. In order to achieve the objective of sustainable development through effective post-settlement support, research was structured on a macro, meso and application level. On a macro level research was conducted within the boundaries provided by the main interlinking and reinforcing requirements of sustainable development namely social, environmental and economic development (see figure 1.1).

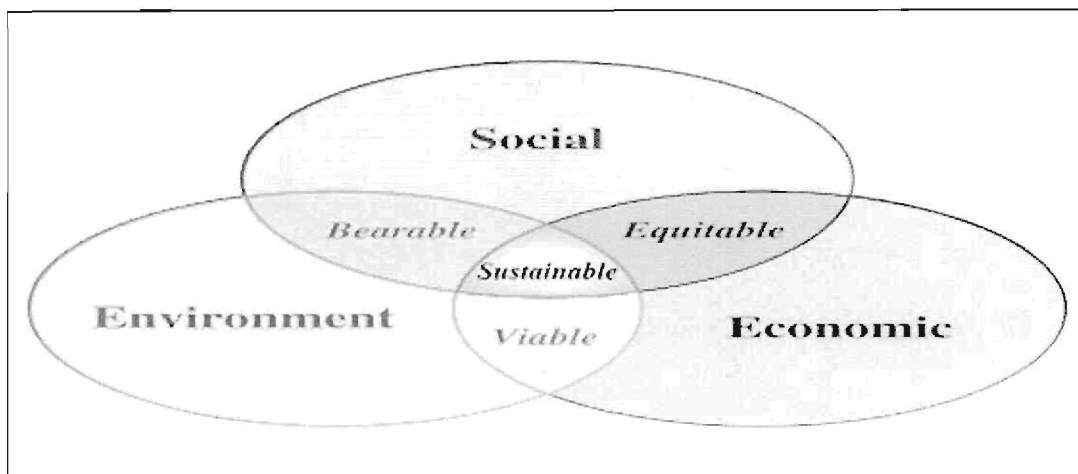


FIGURE 1.1: The requirements for sustainable development

Source: Report on the United Nations Conference on the Environment 2005:11-12

Within the context of sustainable land reform it was assumed that the objectives of sustainable development could only be achieved if the above elements were tended to in a bearable, equitable and viable way. This assumption was also applied to post-settlement support as part of the land reform programme. On the meso and application levels research was therefore also streamlined within the theoretical boundaries provided by the above framework (figure 1.1).

The meso research level particularly concerned the contextual policy framework and contemporary outcomes of post-settlement support. This entailed a descriptive analysis of the legislative and procedural activities that stipulate the objectives of, and guide post-settlement support arrangements. The outcome of the post-settlement support arrangements was therefore deduced within the context of firstly the political transformation process taking place in South Africa and secondly the objectives of the land reform programme. Through the above analysis the strengths and weaknesses in the contemporary post-settlement support arrangements were highlighted.

On the application level research was specifically narrowed down to the envisaged political management of post-settlement support. The emphasis fell on the identification of a post-settlement support management model which complied to the indicated (social, environmental and economic) requirements for sustainable development. The idea was that this management model could be applied to every project where land was distributed to communities or individuals through the prescriptions of the land reform programme. In order to achieve the objectives of sustainable development the ideal role and responsibilities of the relevant stakeholders were highlighted. There had, however, been a specific focus on the post-settlement support responsibilities within the national, provincial and local spheres of Government.

1.3 HYPOTHESIS

Due to the absence of an effective management model for post-settlement support, the South African land reform policy and process were unsuccessful in terms of sustainable development and improving the quality of life of beneficiaries, specifically in rural areas.

The above hypothesis was, for purposes of this research, linked to the following five main causes:

- The majority of beneficiaries were not established farmers and lacked the capacity to utilise technological intensive (farm) land to their full potential;
- Effective support programmes, training, mentorships and technological upliftment were absent;

- Financial support structures, such as preferential loans for beneficiaries and general finance were ineffective;
- A coordinated and sustained post-settlement support effort by Government departments, local authorities, land owners, beneficiaries, non-governmental organisations (NGOs), banks and other private sector institutions were absent; and
- The failure of municipalities to integrate land reform projects into their Integrated Development Plans (IDPs).

Against the above background the research questions were identified.

1.4 RESEARCH QUESTIONS

- What were the requirements for sustainable development as theoretical foundation for this research?
- Which policy framework guided post-settlement support arrangements?
- What were the origins, content, context and projected outcomes of the South African Government's land reform policy and process?
- Which management framework (policy objectives, programmes and projects) steered the post-settlement support process within the various spheres of Government in South Africa?
- Were the aforementioned management framework effective in terms of sustainable development and ensuring the improvement of the quality of the lives of beneficiaries of land reform?
- Which measures should be taken to effectively plan, coordinate and control the post-settlement support management framework in order to improve the quality of life of beneficiaries of the land reform process?

In order to answer the aforementioned research questions the objectives of research were identified.

1.5 RESEARCH OBJECTIVES

The research objectives of the completed studies were:

- To provide a macro theoretical overview on the global perspectives and requirements for sustainable development;
- To identify the contemporary policy framework that guided the post-settlement arrangements;
- To describe and analyse the management framework, key role players, stakeholders and support structures that steered land reform within all spheres of Government in South Africa, and to indicate how far Government has progressed in its objectives;
- To describe and analyse the management framework that steered the process of post-settlement support within the various spheres of Government;
- To analyse two provincial projects in order to identify trends and specific shortcomings in terms of the sustainable development of the post-settlement support process; and
- To recommend a management model for effective post-settlement support towards achieving the objective of sustainable development.

Against the background of the identified research questions and objectives, the methods of research were identified.

1.6 METHODOLOGY

To substantiate and test the hypothesis of this study, research was deductive in nature with distinct qualitative and quantitative features. The multi-faceted layers and dimensions inherent to this research were qualitatively structured through description, interpretation, and verification. The above qualitative findings were strengthened through respondent samples in the form of questionnaire surveys and structured observations. To ensure data triangulation, research was therefore conducted in the following three ways:

- A literature survey;
- Case studies; and
- Semi-structured interviews.

Against the aforementioned background the content of the research methods can be discussed separately.

1.6.1 Literature survey

In recent years ample information has been published locally and abroad on the dynamics and importance of land reform, specifically within the southern African and South African context. In order to provide a perspective on the content and context of land reform in the region, adequate information was therefore accessible. It was also possible to establish the contextual background and foundations for this research.

To provide this background, primary literature such as *Unfinished business: The land crisis in Southern Africa (2003)*, *Unfrozen ground: South Africa's contested spaces (2001)* and *Third world development (2003)* were utilised. To narrow the scope of study down to the southern and South African context, other literature included official publications such as *NEPAD at work: Official action plan (2002)*. The official NEPAD web page (<http://touchtech.biz/nepad/files/home.html>) and other secondary sources obtained on the Internet such as *Land reform and poverty eradication in Africa (2003)* were also consulted. The *Medium-term strategic action plan of the DLA (2003-2007)* and the *Annual report of the Commission for the Restitution of Land Rights (2004 and 2005)* were used to obtain a holistic perspective on the management framework which should steer the implementation of the South African land reform policy.

Specific reference was made to the mechanisms and structures that were put in place to achieve the objective of effective post-settlement support. To achieve this objective a variety of information was obtained in magazines and applicable academic journals. Other official publications that were utilised were legislative documentation such as the *Restitution of Land Rights Act (1994)*, the *White Paper on Land Policy (1997)*, the *Development Facilitation Act (DFA) of 1995*, the *Land Development Objectives (LDOs) (Part of the DFA)* and the guidelines for *Rural Development Strategies (Part of the White Paper for Agricultural Development 1995)*.

In order to guide the methodological structure of research primary sources such as *Introduction to research in public administration (2003)*, *The discovery of grounded theory: strategies for qualitative research (1999)* and *Beskrywende statistiek vir die sosiale wetenskappe(1990)* were also consulted.

1.6.2 Case studies

Although there were definite examples of successful projects, the basis assumption in this research was that the majority of projects were ineffective in terms of achieving post-settlement support outcomes. In order to substantiate the trends and shortcomings of the post-settlement support initiatives and arrangements, the following two projects were used as administrative case studies:

- (a) The Putfontein project in the North West province (settled in 2001);
- (b) The Ellison and Steynberg project in Gauteng (settled in 2002).

The case studies were studied in an analytical way. It was therefore distinctly *descriptive but also analytical in nature*. The scope of the analysis of the individual case studies concerned the following aspects:

- The *status quo*, with specific reference to sustainable development;
- The procedures followed in order to establish the legitimacy of the claim (settle the claim);
- The way that post-settlement support to the beneficiaries of land reform was facilitated within the various spheres of Government; and
- The identification of possible shortcomings and advantages in terms of the facilitation of post-settlement support to the beneficiaries of land reform.

In order to achieve the above objectives, official documentation obtained at the DLA were utilised as primary source of research. This documentation included, for example, official agreements, memorandums, official correspondence and outcome reports. Where possible, field trips were coordinated through the agri-organisations and the DLA. Informal discussions were also conducted where possible with previous and current owners of land. It was presumed that a critical descriptive analysis of these projects concerning the planning, implementation and outcomes would enable the researcher to indicate where the problem areas in the post-settlement phases of

the land reform process were. Specific recommendations were therefore made that could enhance the effectiveness of post-settlement support.

1.6.3 Semi-structured interviews

In order to obtain opinions and perceptions relating to land reform structures and to identify specific shortcomings in the post-settlement support process, semi-structured interviews were utilised. Standardised questionnaires with open-ended and closed questions were used to conduct the interviews.

The reason for the utilisation of questionnaires as a research technique was twofold. Firstly, opinions and perceptions regarding the efficiency of existing land reform structures were obtained. Secondly, the outcomes of the completed case studies were verified and strengthened. Specific trends and shortcomings in the post-settlement support process were therefore again highlighted.

For the purposes of research the magnitude of the target population and geographic distribution was too large to be interviewed within a realistic timeframe. For data collection purposes and to simplify research it was therefore imperative to select a representative sample of the larger target population. In order to make the opinions and perceptions as representative as possible the sample were narrowed down to the following sub populations or strata:

- The post-settlement support coordinators from the seven Regional Land Claims Commissions (RLCCs) (thus representing all the provinces);
- Representatives from the nine agri-organisations that represent land owners (commercial farmers) who lost their land in terms of the land reform process (representing all provinces); and
- Representatives from the eleven largest provincial beneficiary organisations resorting under the Alliance of Land and Agricultural Reform Movement (ALARM). These organisations represented the majority of beneficiaries who have received land in terms of the land reform process.

The outcomes of the questionnaires were processed by the Statistical Services Department of the North-West University (Potchefstroom campus) and are incorporated into the thesis. In total, forty five questionnaires were distributed. Fifteen

questionnaires were distributed to each indicated sub population. Through these interviews the researcher was able to highlight the trends in terms of weaknesses as well as the advantages of the post-settlement support process. Specific recommendations were then made in order to redesign, adapt or streamline the existing post-settlement support management arrangements to become more effective in terms of enhancing sustainable development, specifically in rural areas.

1.6.4 Consultation of databases

The following databases were consulted to ascertain the availability of relevant information to conduct and complete this research:

- The Catalogue of Thesis and Dissertations of South African universities;
- Catalogue of Books: Ferdinand Postma-Library, North-West University (Potchefstroom Campus);
- The NRF: Nexus;
- The Index to South African Periodicals (ISAP);
- EBSCO Academic Search Elite.

Through the consultation of the aforementioned databases it was also established that no other thesis with the same title and content had been undertaken.

1.7 CHAPTER DIVISION

In order to achieve the objectives of research, the chapters of this thesis were structured according to, and translated through the following levels of research:

1.7.1 The macro level of research

Through this level the subject of research was identified and a contextual framework for analysis established. In essence it provided the holistic research framework through which the meso and application levels of research were translated.

Chapter 1: **Introduction.** This chapter concerns a general introduction and explanation of the research theme and problem statement.

Chapter 2: **Macro theoretical perspectives on sustainable development.** The chapter provides a research framework for analysis and concerns an analytical description of the various dimensions of sustainable development.

1.7.2 The meso level of research

A concrete description and analysis of the contemporary ways and means through which the objectives of land reform and post-settlement support are realised were provided. On this level the weaknesses and strengths in terms of land reform and post-settlement support were highlighted.

Chapter 3: **The origin, context and management framework of the land reform programme in South Africa.** The chapter provides a perspective on the enabling structures and functional processes (including post-settlement support), that are utilised by the DLA to achieve Government's land reform objectives.

Chapter 4: **The management framework for post-settlement support as part of the land reform programme.** The chapter is narrowed down to a analysis of the DLA's responsibilities, existing procedures and current outcomes in terms of providing post-settlement support to the beneficiaries of the land reform programme in South Africa.

1.7.3 The application level of research

This level represented the problem solving dimension of this research. On the one hand the actual problems related to post-settlement support were highlighted and verified. Against the above background, research was narrowed down to the identification of a management model for post-settlement support.

Chapter 5: **Achieving the objectives of sustainable development through post-settlement support: Empirical findings.** The focus falls on the contemporary sustainable nature of post-settlement support. The chapter provides a critical analysis of two rural land reform projects (case studies) as well as semi-structured interviews concerning perceptions and opinions regarding the way in which post-settlement support was provided since 1994.

Chapter 6: **A sustainable management model for post-settlement support.**

Based on the outcomes of chapters 1 to 5 of the thesis a management model for post-settlement support is recommended.

1.8 CONCLUSION

As an introduction to the research, chapter 1 stressed the importance of effective land reform as a responsibility and functional activity of the South African Government. As main focus it was indicated that there are definite shortcomings in the Government's provision of post-settlement support to the beneficiaries of the South African land reform process. Due to these shortcomings, beneficiaries especially in rural areas, are still subjected to poverty and underdevelopment and are unable to utilise their acquired land in a sustainable way. This inability to utilise land entails continued poverty and underdevelopment for the beneficiaries of land reform. There is therefore an urgent need to design an effective post-settlement support management model which must benefit the beneficiaries of the land reform programme.

Against the above background the next chapter (2) attempts to establish a theoretical framework through which research can be translated. This framework for analysis is primarily based on the theory of sustainable development and guides research towards the indicated research levels (macro, meso and application). As secondary objective this chapter also provides a holistic overview of the governmental management framework through which service delivery (including land reform and post-settlement support to the beneficiaries of land reform in South Africa) currently takes place.

CHAPTER 2

MACRO THEORETICAL PERSPECTIVES ON SUSTAINABLE DEVELOPMENT

2.1 INTRODUCTION

In order to focus the content of research, the previous chapter stated that the South African land reform programme is making verifiable progress in transferring land to those that lost their property as a result of apartheid legislation (1913-1991). It was, however, also emphasised that the land reform programme is ineffective in terms of providing sustainable post-settlement support to most of the beneficiaries of land reform in South Africa. The reality is that the majority of beneficiaries, especially in rural areas, are subjected to poverty and underdevelopment. There is therefore an urgent need for the institutionalisation of a sustainable management model in order to ensure the effectiveness of post-settlement support to the beneficiaries of land reform in South Africa.

This chapter is divided in a primary-and secondary objective. The primary objective is to identify a relevant theoretical framework through which research on land reform and post-settlement objectives can be translated. The secondary objective revolves around a descriptive analysis of the service delivery management structures of the South African Government. The descriptive analysis of these structures is relevant because it is the mechanisms through which land reform and post-settlement support objectives are being achieved. These service delivery structures must therefore be an integral part of a management model for post-settlement support concerning beneficiaries of land reform.

To realise the aforementioned two aims, research in this chapter is firstly conducted within the boundaries of sustainable development theory. It is within the boundaries of this theoretical framework that a management model for post-settlement support were eventually identified and designed. This entails that it is possible to utilise specific theoretical benchmarks for sustainable development within which the macro meso and application objectives of research can be realised.

In order to structure the chapter in a logical way a holistic overview of the most important international events that led to the establishment of sustainable development as a recognised framework for analysis, is firstly be provided. Against this holistic background it is secondly possible to substantiate a definition and the requirements for sustainable development. Stemming from this definition the chapter is thirdly narrowed down to a descriptive analysis of the internationally recognised theoretical benchmarks (requirements) for sustainable development. These benchmarks serves as theoretical framework through which research is translated in the meso and more specifically the application level of research.

The secondary purpose of this chapter is, as indicated to describe the South African Government's service delivery structures through which, amongst others, land reform policy objectives must be realised. A necessary link between the theoretical framework (sustainable development theory) and the functional service delivery structures of the South African Government is therefore established. Within this context specific reference is made to land reform as a service delivery activity. This secondary objective is achieved through a description of the concrete content of the South African service delivery policy objectives. Within this (South African) context the focus falls specifically on the importance of public policy, the service delivery structures and responsibilities of the various spheres of Government as well as the importance of effective intergovernmental cooperation for service delivery by all Government departments.

This chapter therefore serves as theoretical framework linked with a descriptive analysis of the relevant Government service delivery framework. The outcome of this chapter therefore serves as contextual situation analysis which guides the structure of the rest of the research.

2.2 INTERNATIONAL PERSPECTIVES AND THE MIND SHIFT TO SUSTAINABLE DEVELOPMENT

The end of the Cold War towards the late 1980's signalled the emergence of a mind shift in terms of global thought on what development is, and should be. During the Cold War period developmental thought mainly revolved around the ideological conflict between the United States of America (USA) and the former Soviet Union (the so-called East-West conflict). Almost all Governments shaped their foreign, as

well as their domestic developmental policies according to the ideological boundaries and limitations of this conflict (Broad and Cavanagh 1996:18).

The end of the Cold War meant that the East-West conflict no longer dominated the international developmental agenda. There was therefore a global mind shift to a so-called 'North-South-debate' that was starting to dominate the global agenda (Earth Summit 1992:7-9). According to Barret *et al.* (1992:1), this North-South debate refers to the developmental debate between rich and poor states where the following question emerged:

"How should a situation of international sustainable development be achieved and how can the rich states assist the poor states in overcoming their development problems?"

In essence there was a global mind shift away from ideological development objectives to sustainable development objectives. The Brundtland report of 1987, the 1992 Rio Earth Summit and later on the 2002 World Summit on Sustainable Development in Johannesburg entrenched this mind shift through a variety of negotiation topics, declarations and signed treaties (Baker 2006:6). The following two international agreements between developed and developing states were, according to Barret *et al.* (1992:1), significant in entrenching this global awareness for sustainable development:

- a) The Rio Declaration on the Environment and Development: This declaration established internationally accepted principles for human interaction with the environment;
- b) Agenda 21: This agenda stipulated internationally accepted guidelines for achieving the objective of sustainable development in the 21st century.

The above agreements laid the foundation for attempts to narrow down a functional and generally accepted definition for sustainable development. Most importantly however the agreements culminated in the establishment of internationally recognised principles that must be present if a situation of sustainable development is to be achieved.

2.2.1 Defining sustainable development: Identifying a theoretical framework for research

Sustainable development is a dynamic concept and is characterised by multidimensionalism and a wide variety of definitions and interpretations in different academic disciplines. Elliot (2006:8) suggests that there are more than seventy definitions of sustainable development in circulation. This complexity relates to the reality that sustainable development has no fixed end or outcome. It is more of an ongoing process where needs and strategies change over time. In broad terms sustainable development therefore entails maintaining development over time. The following interpretations are examples of a few relevant definitions for this research that emerged:

According to the 1987 Report of the World Commission on the Environment and Development (WCED) (1987:43) sustainable development contains two basic concepts. Firstly, priority must be given to the world's poor. Secondly it must be realised that there are limitations to state technology, social organisation and the environment's ability to meet present and future needs. Turner (1988:12) is of the opinion that sustainable growth policy must seek to maintain an acceptable rate of growth in per capita real incomes without depleting the national capital asset stock or the national environmental stock. Elliot (2006:238) goes further by stating that sustainable development is all about ensuring a better quality of life for every one. It means a more inclusive society in which the benefits of increased economic prosperity are widely shared, with less pollution and less wasteful use of natural resources. Maaga (2001:6) emphasises that sustainable development is aimed at restoring disrupted relationships between individuals, groups, communities as well as the relationship between society and the resources available to them.

After studying various interpretations and definitions of sustainable development Bigg (2004:7) came to the conclusion that the eradication of poverty remains an underlying theme. To be credible, all initiatives aimed at sustainable development must therefore have poverty reduction as a central objective. Against this background Elliot (2006:13) identifies the following critical objectives of sustainable development:

- Reviving and maintaining growth;
- Changing the quality of growth;
- Meeting essential needs for jobs, food, energy, water and sanitation;
- Ensuring a sustainable level of population;
- Conserving and enhancing the resource base;
- Reorientating technology and managing risk; and
- Merging the environment and economics in decision making.

In order to achieve the objective of eradication of poverty, most definitions therefore encompass, according to Baker (2006:8), the assumption that there are (as briefly indicated in chapter 1) three interdependent and interlinking requirements for sustainable development (social, economic and environmental requirements) (see figure 2.1

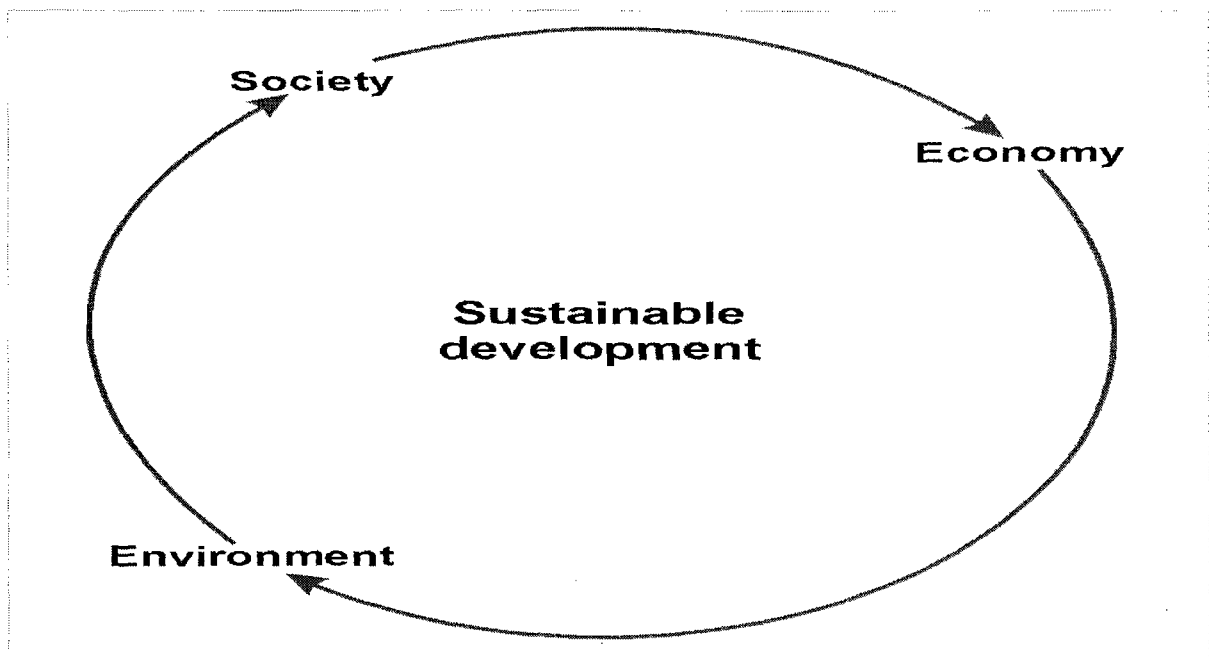


FIGURE 2.1: Sustainable development: Linking the economy, society and the environment

Source: Baker 2006:8

For sustainable development to exist it is believed that social, economic and environmental development must be effectively managed at the same time. Without the one the others cannot exist. Social aspects refer to human mores, values, relationships and institutions. The economic dimension refers to the relevant allocation and distribution of scarce resources. The environmental requirements refer to the contribution of both the economic and social aspects and their effect on the environment and its resources. In terms of the findings of the Report on the United Nations Conference on the Environment (2005:11-12) the requirements for sustainable development must be integrated into decision making processes and development strategies and structures in a viable, bearable and equitable way (also consult figure 1.1).

2.2.2 Achieving the objectives of sustainable development

In essence, all of the illustrated requirements in figures 1.1 and 2.1 must be tended to in order to achieve a situation of sustainable development. The basic premise is that sustainable development cannot exist if one of the above requirements is absent, or not adequately addressed. Each of the above requirements was subdivided into related priority areas for development. For every priority area extensive developmental goals were identified. Furthermore an important outcome of specifically the Rio de Janeiro and Johannesburg summits was the recognition that the development priorities of developed and developing states differ. Northern states are more developed than Southern states. Objectives for sustainable development must therefore be a real reflection of states political, social and economic realities. The key sustainable development priorities for developing states must according to Baker (2006:165) generally revolve around the following aspects:

2.2.2.1 Economic development

- Eradicating poverty;
- Supporting sustainable agricultural and rural development; and
- Ensuring fair wages, health and safety in the work place.

2.2.2.2 Social development

- Overcoming illiteracy and improving access to education;
- Improving the position of women;
- Providing effective sanitation and safe drinking water;
- Making health care accessible and combating disease; and
- Building safe and healthy shelters, especially for slum dwellers.

2.2.2.3 Environmental development

- Upholding sustainable patterns of resource access and use;
- Defending the natural resource base;
- Combating deforestation and soil erosion; and
- Protecting biological diversity.

It was acknowledged that each state is unique in terms of needs and level of development (Bigg 2004:1-3; Ward 2003:3-10). In order to achieve the objective of sustainable development it is up to each state to design policies, implementation strategies and specific projects that are in line with its own uniqueness towards a specific development priority (Anon., 2002:2). It was also emphasised that developing states are responsible for the design and implementation of their own indigenous sustainable development strategies. In relation to the above emphasis, an important element of the New partnership for Africa's Development (NEPAD) is also the realisation that African states must take responsibility for their own development. African states must, according to Hawthorne (2002:26-27) and Wray and Dasnois (2002:1), become so-called "*architects*" of their own sustained upliftment. The role of developed states must furthermore be restricted to advisory involvement or financial support for projects that are aimed at sustainable development. It is against the aforementioned contextual background that service delivery by South African Government departments takes place.

2.3 THE POLICY AND LEGISLATIVE FRAMEWORK FOR SERVICE DELIVERY BY SOUTH AFRICAN GOVERNMENT DEPARTMENTS

For the purposes of this research South Africa is regarded as a developing state subjected to a process of transformation. Developmental service delivery priorities must therefore be structured within the context of current social, political and economic transformation realities in order to eradicate wide spread poverty. Development outputs must also be in line with the previously indicated development priorities for developing states. Within this context this section of the chapter provides a holistic overview of the contemporary enabling constitutional framework and legislative guidelines through which South African Government departments must realise their service delivery responsibilities. Specific reference will be made to the public policy of the land reform programme, the various spheres of Government through which the land reform programme is implemented and effective intergovernmental cooperation as pre-condition for effective land reform.

2.3.1 The importance of pro-active public policy for effective service delivery

In a democratic society, public policy firstly entails the identification and recognition of the needs and aspirations of a society. Secondly, it provides prescriptions and guidelines on how to satisfy the identified needs and aspirations. These needs and aspirations include amongst others, health services, employment, land reform and education (Dunn 1994:7). According to Hanekom (1987:8) public policy concerns the directional intention of a Government in ensuring service delivery for the population of a state. It is therefore all about the political direction in which a Government steers a country and the way in which available resources are to be allocated and utilised by the various organs of the state and in particular the various Government departments.

Within the South African context, public policy originates from the national goals and Government programme of action as stipulated in the Constitution of the Republic of South Africa (Act 108 of 1996). On the implementation side public policy materialises and is the result of the legislative and executive activities in a specific sphere of Government. This combination of legislative formulation procedures and executive implementation actions is regarded as public policy.

On the legislative side chapter three of the South African Constitution stipulates that a pro-active Government land reform programme must be initiated. It is emphasised that land reform must take place in order to rectify the current ownership imbalances and to contribute to poverty reduction specifically for formerly disadvantaged individuals and communities. On the executive side this resulted in the enactment of statutory policy documents such as the White Paper on Land Policy (1997) and the Restitution of Land Rights Act (1994). These statutory documents are the main policy guidelines stipulating how land reform objectives should be achieved through the various service delivery spheres of the South African Government.

2.3.2 The various Government enabling spheres for service delivery

In terms of territorial integrity, South Africa covers a large geographic area. The key objective of Government is to improve service delivery by bringing its institutions closer to the people. To achieve this objective, chapter 3 of the Constitution provides for the division of Government structures into three distinct, interdependent and interrelated spheres (national, provincial and local) through which service delivery objectives such as land reform must be realised (see figure 2.2).

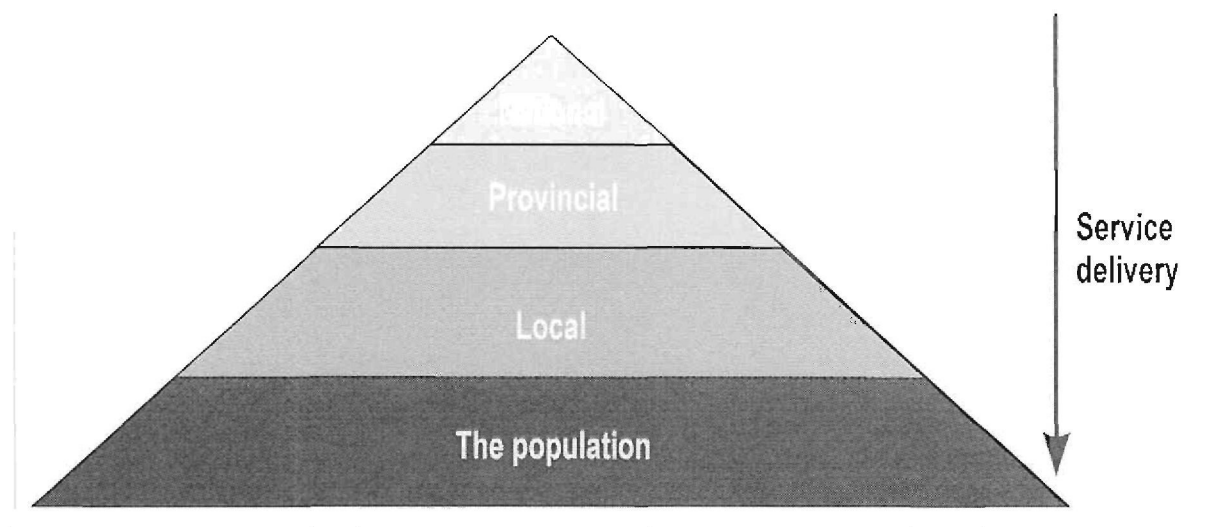


FIGURE 2.2: The various service delivery spheres of Government

Source: Van der Waldt and Du Toit 1999:131

It is through the aforementioned spheres of Government that public policy must be operationalised with the end objective of effective service delivery to the population. In terms of public policy objectives a key feature of this Government structure is that the Constitution also institutionalised (separated) legislative, executive and judicial authorities within these spheres. The various spheres are therefore empowered to formulate (legislative authority) and implement (executive authority) public policy within the boundaries of their respective jurisdictions as stipulated in the Constitution (Venter 2001:171). In terms of land reform the responsibilities of the spheres (as stipulated in chapters 5, 6 and 7 of the Constitution) can be summarised here under.

2.3.2.1 The national sphere of Government

The national sphere is the highest sphere of Government and makes decisions on, and has legislative authority over matters of national interest. It is in this sphere of Government where party political policy is transformed into national public policy. Existing national policies in South Africa can be directly linked to the Constitution.

The main responsibility of the national sphere of Government, according to Venter (2001:171) boils down to the following activities:

- Develop policies that guide service delivery within the other two spheres of Government; and
- Monitor, support and provide advice in order to contribute to the effective implementation of service delivery policies.

Policy decisions that are taken within the provincial and local spheres of Government must always be guided by, and are always subjected to the legislative boundaries established through national policy. Within the national sphere of Government the legislative authority is vested in Parliament and the Executive authority is vested in the President, Cabinet as well as the various national Government departments resorting under cabinet ministers (Cloete 1998:61). In terms of the land reform programme this sphere of Government is responsible for setting policy priorities, to provide implementation guidelines and advice and in the final analysis to monitor and review where necessary specific aspects of the land reform programme.

2.3.2.2 *The provincial sphere of Government*

This sphere of Government has legislative and executive authority over matters of provincial interest. The legislative authority of the provinces is vested in the Premiers and the provincial cabinets. The executive authority is vested in the provincial Government departments resorting under the various provincial cabinet ministers. Within this sphere of Government national public policy is in most cases translated into executive public policy (Venter 2001:172). The powers and functions of this sphere of Government naturally impact on the local sphere of Government. Titus (2001:18-19) is of the opinion that provincial Governments must develop a vision and framework for integrated economic, social and community development through effective growth and development strategies.

This sphere of Government is the main implementation mechanism of the land reform programme. The provincial and regional offices of the DLA and the Commission for the Restitution of Land Rights were firstly mandated to ensure that the transfer of land takes place to deprived communities and secondly to facilitate and coordinate the process of post-settlement support to the beneficiaries of the South African land reform programme (South Africa 2005e:11-46).

2.3.2.3 *The local sphere of Government*

The local sphere of Government is commonly known as the sphere closest to the people. In other words this sphere is responsible for tending to the concrete development needs of communities. The local Government sphere consists of municipalities which deal with developmental issues within their respective designated local areas. The legislative and executive authority of a local authority is vested in its Municipal Council, the executive municipal departments and executive personnel. Legislation approved by a municipality is known as by-laws and applicable to a specific town or city (Venter 2001:201). The total service delivery function of a municipality takes place through the development and implementation of an all inclusive Integrated Development Plan (IDP). In terms of land reform, municipalities are under an obligation to integrate the land needs of a specific town or city or new settlement into the individual IDPs.

2.4 THE IMPORTANCE OF EFFECTIVE INTERGOVERNMENTAL RELATIONS AND COOPERATION FOR SERVICE DELIVERY

The public policy objectives of any democratic Government are to tend to the wellbeing of the population in its entirety. These service delivery outcomes of public policy can be political, social or economic and represent the needs of the population of a society (Venter 2001:23). These needs, amongst others, include housing, land reform, job creation, economic growth, development of infrastructure and crime prevention. Service delivery can only be successful if Government as an institution in a country is structured in an effective and functional way. The reason for this is that any Government consists out of numerous and intertwined service delivery components that are present within the various governmental spheres. These service delivery components include national departments, provincial Governments and departments as well as local authorities and departments. In order to be effective, there should therefore be a total and continued cooperative relationship between the various service delivery components in the various Government spheres (Venter 2001:192). Intergovernmental relations and cooperation can, according to Levy and Tapscott (2001:4), be defined as follows:

“The totality of enabling mechanisms and structures that ensures that communication and co-ordination regarding the implementation of public policy takes place”.

In addition, Venter (2001:191) views intergovernmental cooperation as the conduct of affairs between various public sector institutions. These relations occur between the spheres of Government and across institutions within the same sphere.

In terms of conducting intergovernmental cooperation, all politicians, public managers and other civil servants must work towards, and be guided by the following principles as prescribed in chapter 3 of the Constitution:

- Preserve the national unity and indivisibility of the Republic;
- Secure the wellbeing of the people of the Republic;
- Provide effective, transparent, accountable and coherent Government for the Republic as a whole;

- Be loyal to the Constitution and the people of the Republic;
- Respect the constitutional status, institutions and powers and functions of other spheres of Government;
- Do not assume any power or functions except those conferred on them in terms of the Constitution;
- Exercise powers and perform functions in a manner that does not encroach on the geographical, functional or institutional integrity of Government in another sphere; and
- Cooperate with one another with mutual trust and good faith.

In terms of land reform, this cooperative relationship between and across the various spheres of Government entails that there must be organisation, communication and coordination between the enabling mechanisms within the various spheres of Government (South Africa 1999:9). These elements must be present in order for the land reform programme to be successful in terms of achieving the land reform public policy objectives.

2.5 CONCLUSION

This chapter identified the theory of sustainable development as analytical framework through which the macro, meso and application levels of research were translated. The basic principle is that sustainable development will influence poverty alleviation in a positive way. Sustainable development can only exist if economic, environmental and social needs are simultaneously tended to in a viable, bearable and equitable way. This principle must be applied to every sustainable development project undertaken in developed or developing states or developmental organisations. A second dimension of this chapter was the creation of a link between the theoretical framework (sustainable development) of this research and the existing policy objectives and functional service delivery structures of the South African Government. A specific emphasis was placed on the importance of intergovernmental relations within the different spheres of Government and land reform as a service delivery responsibility.

In the next chapter the origin, content and legislative framework of the South African land reform programme is analytically described. Reference will also be made to progress made in terms of the land reform programme since 1994. Most importantly the chapter also points out the place of post-settlement support in the land reform programme. For the purposes of research a link between land reform and post-settlement support will therefore be established. The chapter serves as a contextual background to chapter 4 where research will specifically be narrowed down to the functional activity of post-settlement support as part of the land reform programme.

CHAPTER 3

THE ORIGIN, CONTENT AND LEGISLATIVE ENABLING FRAMEWORK OF THE SOUTH AFRICAN LAND REFORM PROGRAMME

3.1 INTRODUCTION

The purpose of this chapter is to describe the origin and content of the policy framework and enabling implementation structures of the South African Government and to analyse the nature and extent of it with reference to the land reform programme. This will be done against the background of the identification of the theoretical framework for research and the description of the concrete service delivery structures of the South African Government. In order to achieve the objectives of this chapter, the focus will be on the following aspects:

- The historical rationale behind the current format of the land reform programme;
- The land reform policy objectives;
- Land reform implementation procedures and the cooperation of, and responsibilities between the various spheres of Government; and
- A holistic perspective on the achievements thus far of the DLA in terms of its land reform objectives since 1994. These achievements provide indications on the future format of post-settlement support as part of land reform.

This chapter is relevant for it serves as a contextual situation analysis and background to the following chapter where an in-depth analysis of the functional service delivery activity of post-settlement support will be provided.

3.2 THE HISTORICAL JUSTIFICATION BEHIND THE SOUTH AFRICAN LAND REFORM POLICY AND PROGRAMME: THE DEPRIVATIONAL IMPACT OF APARTHEID

In addition to achieving a situation of sustainable development, as agreed upon at the Earth Summit, a major objective of South Africa's land reform policy is the

eradication of a colonial past. According to De Villiers (2003:45), land in South Africa has since 1913 been used to geographically put the policy of apartheid into practice. This entails that patterns of distribution of land were used to separate people according to racial and tribal origins in designated geographical areas. In short, land was used to empower and disempower people. This practice led to the skewed pattern of land ownership that is a characteristic of the contemporary South African landscape. From a Government perspective this needs to be rectified through more even distribution of land ownership. In terms of Government's land reform policy this objective can, according to Venter (2001:258), be achieved through the following objectives:

- A more equal distribution of land ownership;
- The transfer of land to deprived communities; and
- The empowerment of the beneficiaries of land reform, specifically in rural areas in order to effectively utilise acquired land and to sustain themselves.

It is against this motivational background of the international requirements for sustainable development and Government's vision of rectifying the wrongs of the past that the current land reform programme must be understood and analysed. In order to highlight the contemporary essence and content of the land reform programme, a short historical overview of land utilisation in Africa during pre-colonial times, and in South Africa during the apartheid era, must be provided.

3.2.1 The importance of land in Africa and South Africa during pre-colonial times

During pre-colonial times land was an essential part of life and a basic need of the African people. The different tribes of Africa depended on subsistence farming for their day to day survival and sustainable future (Thomson 2000:6-7). It therefore was important for them to own land and to utilise that land. This entailed that land formed an integral part of people's livelihoods and for centuries provided them with the basic ingredients and survival skills for ensuring sustainable development and prospects for further agricultural development (Moyo 2005:7-8 and Johnson 2001:153-176). In short, land empowered millions of Africans to eradicate poverty and improve their livelihoods (Thomson 2000:7). According to Williams (1994:17), this was also the case in pre-apartheid South Africa.

3.2.2 The impact of apartheid on land ownership and land utilisation

Due to the deprivational nature of the apartheid system, up to 3.5 million South Africans, especially in the rural areas, lost their property through a variety of apartheid land laws. These dispossessions mainly occurred in the timeframe 1913 to 1991 (South Africa 1994a:19-20; Williams 1994:14-18). Legislation that encouraged dispossession included the Black Land Act 27 of 1913 (South Africa 1913), the Development Trust and Land Act 18 of 1936 (South Africa 1936; the Prevention of Illegal Squatting Act 52 of 1951 (South Africa 1951).

The implication was that the Government of the day institutionalised the infrastructure and authority to remove or resettle people at will in order to achieve the then national policy objective of separate development (apartheid) (Toulmin and Quan 2000:248; RDP 1994:19-20). This entails that people were in many instances removed and even forcefully resettled in designated reserves, so called black homelands such as Venda, the Transkei, the Ciskei and Bophuthatswana or townships in the vicinity of white towns and cities (Williams 1994:15-16). These black homelands were in most cases overcrowded, underdeveloped and the quality of rural land was not always suitable for agricultural produce or even basic agricultural subsistence farming. There was also a lack of infrastructural development, as well as domestic and international investments, which aggravated poverty (Lahiff 2003:1-6). In addition the reserves and townships where people were resettled were primarily established to serve as a source of inexpensive labour for nearby white cities and towns (Wongibe 2002:19). As a result of apartheid, legislation and the accompanying exploitative Government actions people were displaced and deprived of their traditional and basic means of survival.

The implication of these dispossessions and resettlements was however not only the loss of property and personal dignity. It also meant that people, especially in the rural areas were deprived of their livelihoods and skills which in many instances were related to subsistence or communal farming (Toulman and Quan 2000:248).

This sequence of events contributed to the continued exploitative entrenchment of unequal access to economic and social resources between blacks and whites. In the process many rural black South Africans were therefore subjected to a chain reaction of continued impoverishment as the regulations of the apartheid system were expanded and entrenched (Williams 1994:19; Xulu and Maharaj 2004:48-49). This

means that these communities and individuals were also deprived of the opportunity to develop their traditional agricultural skills and remain sustainable (South Africa 2004a:5).

3.2.3 The necessity of establishing a pro-active land reform programme in the post apartheid dispensation

Nearly half of South Africa's population of approximately 40 million are still residing in rural areas. It is estimated that 70% of the people residing in these areas are still subjected to poverty and underdevelopment (South Africa 2005b:12). For this reason Government initiated, since 1994 a pro-active land reform programme aimed at ensuring access to land for deprived communities and ensuring sustainable upliftment of their livelihoods (South Africa 2005b:7).

The first step of this pro-active land reform programme was the scrapping of all the existing discriminatory land laws/legislation. In essence this meant that previously disadvantaged individuals and communities in rural South Africa now also have access to land through normal free-market practices. The practical implication is that individuals and communities are now allowed to buy and sell land whenever and wherever they choose to (De Villiers 2003:45). However, due to the aforementioned years of (in many instances forced) removals, impoverishment and developmental neglect, the majority of people currently residing in rural areas were, and still are, unable to acquire land through normal market practices. The reason for this is that they simply lack the financial capability to do so (Xulu and Maharaj 2004:48-49). Furthermore many of them that may have the financial capability to buy land, lack the agricultural expertise and technical expertise to utilise land in a sustainable way. According to May (2000:21-24) the reality is that the majority of the previously disadvantaged individuals and communities are unable to obtain access to land through only the scrapping of discriminatory legislation and opportunities created through normal market practices.

In view of the above it can be deduced that the mere scrapping of the established apartheid land acts and the mechanism of the free market system do not ensure effective land reform. It does therefore not guarantee access to land for the majority of deprived South Africans. Neither did it ensure compensation for land that was lost or land use empowerment for the dispossessed (De Villiers 2003:46). Within

Government circles it was therefore accepted that land reform needed a more radical and pro-active approach.

In recognition of the aforementioned assumptions, section 25 (1-9) of the South African Constitution and also the Provision of Land and Assistance (Act 126 of 1993) (South Africa 1993b) provided the post-apartheid Government with a clear mandate to embark on a pro-active land reform programme with the specific aim of rectifying the wrongs of the past (South Africa 2005b:7-8). This pro-active land reform programme had to be focused on returning land to the dispossessed, enabling landless people to get access to land, providing compensation for the dispossessed where applicable, and to empower beneficiaries to utilise the land in more sustainable ways (South Africa 1994a:20).

3.2.4 Free market principles as the financial foundation of the South African land reform programme

In accordance with the pre-amble of the South African Constitution, the post-apartheid Government's vision entails the establishment of a liberal, democratic and a non-racial, non-oppressive society. According to May (2000:30) this vision prompted Government, to design and adopt a land reform programme mainly based on free market principles as foundation. This free market design entails that the state must mediate through negotiations between victims, beneficiaries and land owners in order to acquire land and transfer that land to deprived individuals or communities. In other words, it was, according to May (2000:30), accepted that the land reform programme must take place through a so-called "*willing-buyer-willing-seller*" principle. According to Hall (2005:2) this free-market approach has the following features:

- Redistribution via the provision of state grant;
- Market transactions mediated by the state; and
- Expropriation to be used selectively and in extreme cases.

The possible reason for this free market approach is that the drafters of the Constitution were influenced by negative experiences elsewhere in Africa. These negative experiences included land grabs, illegal land invasions, lack of agricultural productiveness and the deterioration of the economy (Venter 2001:260). There was also a desire to create and maintain a climate of national stability and in turn become

and remain investor friendly (Adams and Howell 2001:1). In terms of the aforementioned free-market reform approach, land cannot be expropriated without proper consultation with current land owners and other relevant stakeholders. A negotiated and realistic price must also be paid in the event of expropriation.

With reference to its apartheid past, South Africa was until recently (1994) not a fully democratic society with equal opportunities. For this reason and to speed up land reform and also to assist claimants, specific restrictions were however placed on this free market approach (Mbongwa and Thomas 2005:12-13). For example, the South African Constitution states that compensation for current land owners, who are dispossessed in terms of the land reform programme need not necessarily be market related. Subsection 2b of the Constitution states that a court can determine which amount or form of compensation is just and equitable. Furthermore, the minister of the DLA has, as already indicated in terms of amendment 48 of 2003 of the Restitution on Land Rights Act 22 of 1994 (South Africa 1994b), the authority to expropriate land in deadlocked cases without obtaining a court order. This entails that the minister of the DLA has the authority to use his/her discretion in extreme cases and expropriate land in the interest of the claimant but at the same time compensate affected land owners with an agreed upon market related amount.

Against the background of the necessity of a pro-active land reform programme and the adoption of a free market foundation for that programme, Government designed its organisational and implementation structures.

3.3 THE PUBLIC POLICY OBJECTIVES AND IMPLEMENTATION PROCEDURES OF THE LAND REFORM PROGRAMME: THE ROLE OF THE DLA

Probably the main mechanism through which any democratic Government can guide and achieve its constitutional objectives, is through the functional activities of its service delivery departments within the various spheres of Government.

Section 25 (1-9) of the Constitution stipulates that a Government department, in this case the national DLA has, in terms of land reform, a responsibility and a mandate to provide access to land and to extend land rights and ownership in urban and rural South Africa.

Against the background of this constitutional responsibility and mandate the land reform programme of the DLA was, according to De Beer (2001:2), South Africa 2004a:18) and Venter (2001:258) implemented in 1994 with the purpose of achieving the following core objectives:

- Returning land to those who have been dispossessed as a result of apartheid legislation since 1913;
- Ensuring security and access to land for all racial groups; and
- Empowering beneficiaries of the land reform programme in order to ensure sustainable utilisation of land and improving their livelihoods.

With reference to the above objectives the mission of the DLA, as stipulated in its Annual Report (South Africa 2004a:12), reads as follows:

“To provide access to land and to extend rights in land, with particular emphasis on the previously disadvantaged communities, within a well-planned environment.”

Within the legislative boundaries of sections 121-122 of the 1993 interim South African Constitution (Act 200 of 1993) (South Africa 1993a) the term *“disadvantaged communities”* mainly refers to the black population that was denied access to land during the apartheid dispensation. According to Groenewald (2005:6) *“well planned environment”* refers to the importance of an effective land reform programme in its totality.

On the one hand it expresses the need for a well administered and well managed reform programme in the pre-settlement phase of implementation. On the other hand it also refers to the importance of an effective post-settlement support model in order to ensure sustainable utilisation of land after a claim was settled (South Africa 2004a:35; South Africa 2005b:7). It is accepted that the DLA is under a constitutional obligation to assist beneficiaries of land reform in the pre- as well as the post-settlement phases of the process. This must be done to ensure justice and in the short to medium term uplift and sustain the livelihoods of beneficiaries.

Against the aforementioned background it can be deduced that the legislative responsibilities of the DLA, in terms of land reform, relate to the following two issues:

- The effective transfer of land to deprived communities and individuals; and
- Ensuring that acquired land is utilised in a sustainable way.

With the above responsibilities in mind the functional processes through which the DLA achieves its objectives can be identified and briefly analysed.

3.3.1 The functional activities through which the DLA achieves its land reform objectives

In terms of its constitutional mandate the Department has since 1994 embarked, as indicated on three functional activities to achieve its land reform objectives namely restitution, tenure and redistribution (Adams and Howell 2001:5). Through these processes it is envisaged that the land rights of dispossessed people will be restored and that a situation of more balanced ownership and sustained development will be achieved by 2015. With the objectives, vision and mission statements of the Department as background its functional activities can be identified and analysed^{1, 2}.

3.3.1.1 The functional activity of land redistribution

During the apartheid years, 80 percent of the land in South Africa was reserved for white people whilst 13 percent was reserved for black people (Toulman and Quan 2000:247). The legacy of apartheid therefore currently entails a highly unequal racial distribution of land. The main purpose of redistribution is to reverse this unequal racial distribution of land. It is envisaged that 30 percent of all agricultural land be redistributed by 2015.

There are two sources of land earmarked for redistribution. Firstly, Government land held by the DLA, and secondly, private land of which the bulk is currently owned by white commercial farmers (Adams and Howell 2001:2). According to the RDP (South Africa 1994a:21-22) and the White Paper on Land Policy (South Africa 1997a:11) the

¹ The objectives, vision and mission statement of the DLA are stipulated in subsection 3.3 of this chapter.

² In the following section there is a larger emphasis on the restitution function. The reason for this is that post-settlement support is a sub component of restitution.

objective of the process of redistribution will be achieved through firstly acquiring and distributing land through the “willing-buyer-willing-seller principle” (the free market principle), and secondly by redistributing current state owned land to individuals and communities in need (De Beer 2001:68).

3.3.1.2 *The functional activity of tenure reform*

Tenure reform aims to secure land rights or security to people who have been residing and working on land for a specific period of time. It specifically provides security to people residing on state-owned and private land (Claassen 2003:249). In practice the objective of the tenure process is to ensure security of ownership in property and preventing unfair evictions from these properties as well as preventing unfair dismissal from work (De Beer 2001:3). Another important intention of the tenure reform process is to ensure that the relationship between land owners and workers is in accordance with the stipulations of section 7 to 39 of the Bill of Rights of the South African Constitution. Securing land rights in terms of tenure entails the enactment of legislation such as the Labour Tenants Act 3 of 1996, the extension of Security and Tenants Act 62 of 1997 and the Communal Land Rights Bill Nr. 67 (2003) (South Africa 2003a:3).

3.3.1.3 *The functional activity of land restitution*

The term restitution literally means to give something back or to provide remedial options for people dispossessed of something. Land restitution is therefore also redistributive in nature and links up with the functional process of redistribution. In the case of the South African land reform programme, restitution entails returning land to people who were dispossessed during the apartheid dispensation (May *et al.* 2000:3).

Within the South African context, restitution as a mechanism to implement the land reform policy is a complicated and politically sensitive process. The reason for this is that it directly involves the return of land to people who were dispossessed or lost their property as a result of apartheid legislation since 1913 (Saunders 2003:1). The Black Land Act 27 of 1913 (South Africa 1913) was used as a point of departure for it is regarded as the Act that shaped the format of black land ownership in South Africa. In short this Act stipulated that there had to be a separation between areas

where blacks owned property and resided, and areas where whites owned property and resided (Williams 1994:17; De Beer 2001:24). From a Government perspective this was the first Act that served as foundation for the development and institutionalisation of other apartheid legislation during the timeframe 1913 to 1990.

The process of land restitution entails a more radical method of land transfer than redistribution and tenure, for in rural areas it concerns the expropriation of land that belongs to private owners. It is the only functional process where the DLA has the right and authority to expropriate land and where land owners are under an obligation to participate and accept the remuneration offered by Government as laid down by a court of law. In practice Government has therefore the constitutional right to identify land and expropriate it for distribution purposes³. Section 25 (2) of the Constitution provides for the following conditions before Government can expropriate land:

- Land can only be expropriated for a public purpose. Expropriation must therefore be in the interest of the public; and
- Expropriation can only take place if there is just compensation that was agreed upon by all those affected.

Restitution can therefore be regarded as Government's main instrument through which the legacy of apartheid in terms of unequal land distribution can be effectively eradicated through a process of expropriation (Du Toit 2000:76). In order to strengthen this statement, Du Toit (2000:76) furthermore argues that restitution has a unique place in the Government's land reform policy for it specifically addresses the stipulations of section 25 (7) of the Constitution which gives Government the right and authority to expropriate land where it deems necessary. This section specifically refers to the conditions for restitution or redress and reads as follows:

"A person or community dispossessed of property after 19 June 1913 as a result of past racially discriminatory laws or practices is entitled, to the extent provided by an Act of Parliament, either to restitution of that property or to redress".

3. It must however also be stated, as earlier indicated, that this expropriation can only take place through mediation and negotiation between Government, claimants and land owners.

Restitution is therefore a sensitive and complicated issue which involves emotions, traditional values, family history, personal loss, suffering, potential conflict and possible lengthy legislative processes (Binswanger and Deininger 1996:19-20). Restitution should therefore, according to the RDP (South Africa 1994a:19-22; De Villiers 2003:58) be implemented through the following means:

- Restoring the actual title by transferring the land to the claimant's name;
- Providing alternative land;
- Making a financial payment as compensation; and
- A combination of the aforementioned means.

Due to the sensitivity and challenges inherent to the restitution process, section 25 (7) of the Constitution specifically provides for the approval of an Act and the establishment of a specialised commission to manage and steer the restitution process.

3.4 THE ENTRENCHMENT OF THE RESPONSIBILITIES OF THE COMMISSION FOR THE RESTITUTION OF LAND RIGHTS

The reason for the focus on the activities of the Commission for the Restitution of Land Rights is that one of its core functions is the facilitation of post-settlement support to beneficiaries of the land reform programme⁴. The entrenchment of the above Commission can be regarded as a measure to strengthen the DLA's service delivery capability in terms of restitution. The Commission has a total staff component of 390 persons and is the main instrument through which the Department of Land Affairs achieves its restitution objectives whilst simultaneously promoting reconciliation, reconstruction and development in the country (South Africa 2004a:4-5).

In addition to the stipulations and provisions of the Constitution, the establishment of the Commission can be traced back to sections 121 and 122 of the interim South African Constitution of 1993 (Act 200 of 1993) (South Africa 1993a). Hereby Parliament was instructed to put into place a specific act through which victims of

⁴ As indicated this function will be analysed in the next chapter (4).

land dispossessions after 1913 can be compensated. Section 122 of the interim Constitution (Act 200 of 1993) (South Africa 1993a) specifically provided for the establishment of a specialised Commission that must be responsible for developing and steering of the process of restitution of land rights. As outlined by the prescriptions in the interim Constitution (Act 200 of 1993) (South Africa 1993a) the mandate of the Commission entails according to Venter (2001:259), the following specific service delivery responsibilities:

- To investigate the merits of any submitted claim;
- To mediate, negotiate and settle disputes arising from such claims;
- To draw up reports on unsettled claims for submission as evidence to a court of law and to present any other relevant evidence in a court of law in order to settle a claim; and
- To exercise and perform any other powers and functions provided for by the Constitution.

The above mandate and specifications resulted in the Parliamentary enactment of the Restitution of Land Rights Act 22 of 1994 (South Africa 1994b) where comprehensive procedures for restitution were stipulated. Through this Act the Commission for the Restitution of Land Rights as well as a supportive Land Claims Court were established on 1 March 1995 (Venter 2001:259) (see figures 3.1 and 3.2).

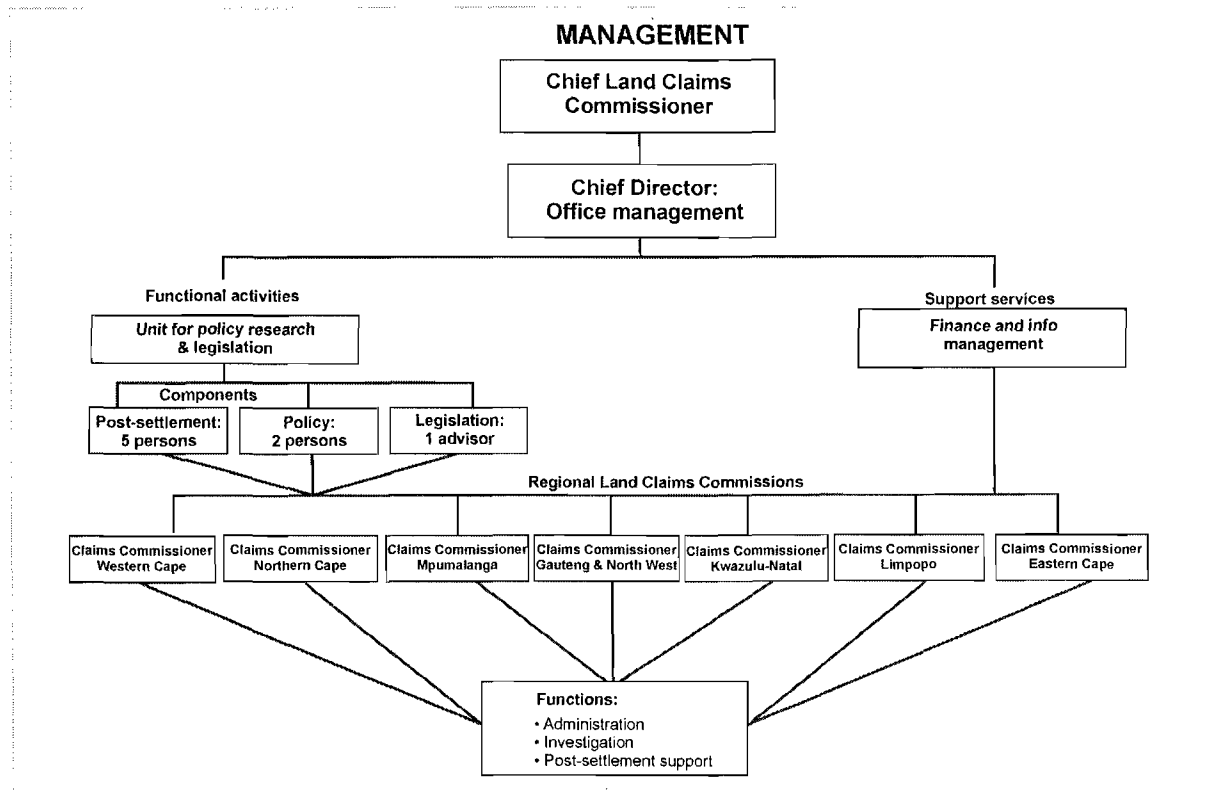


FIGURE 3.1: The organisational structure of the Commission for the Restitution of Land Rights⁵

Source: South Africa 2004a:1-35

With reference to the above figure the policy objectives and the different support structures of the Commission for the Restitution of Land Rights will be described in the following section.

3.5 THE POLICY OBJECTIVES AND GOVERNMENTAL SUPPORT STRUCTURES OF THE COMMISSION FOR THE RESTITUTION OF LAND RIGHTS

In line with the policy objectives of the DLA, the vision of the Commission reads as follows (South Africa 2004a:1):

“To have persons or communities dispossessed of property after June 1913, as a result of past racial discriminatory laws and practices, restored to such property or receive just and equitable redress.”

⁵ The functional activities of the different components of the Commission, with specific reference to post-settlement support, will be broken down and analysed in chapter 4.

The mission objectives of the Commission for the Restitution of Land Rights are stipulated in the Restitution of Land Rights Act (22 of 1994) (South Africa 1994b) and read as follows:

- To promote justice in respect of all victims of dispossession of land rights as the result of racially discriminatory laws and practices;
- To facilitate negotiated settlements, bringing together all stakeholders in matters related to the land claims;
- To promote sustainable use of land through restitution⁶; and
- To foster and nurture a spirit of reconciliation through the restitution process among those who use land and within the nation at large.

In terms of its functional activities the Commission for the Restitution of Land Rights adheres to the following values as stipulated in the Restitution of Land Rights Act (22 of 1994) (South Africa 1994b):

- The promotion of gender equity;
- Just and equitable redress;
- Prioritising the need for land development; and
- Needs based prioritisation and promotion and improvement of service delivery.

The above vision, mission and values sum up the core objectives of the Commission. Against this background the supportive institutions of the Commission will be identified and described below.

3.5.1 The supportive relationship between the DLA and the Commission for the Restitution of Land Rights

As indicated, the Commission for the Restitution of Land Rights is a Government institution established through the enactment of the Restitution of Land Rights Act (no. 22 of 1994) (South Africa 1994b). It was specifically designed to strengthen the delivering capacity of the national DLA. This Commission was established in 1995 to be an autonomous institution with an own identity dealing through its functional

⁶ This is a function that directly links up with the post-settlement support responsibility of the Commission for the Restitution of Land Rights.

activities with the socio-political sensitive issue of land restitution. Although the Commission has an own identity, it, however functions within the legislative boundaries, constitutional mandate and administrative responsibilities of the DLA. According to Mr D. Bestbier (interview 2005) the Commission is only a part of the national DLA in the sense that its administrative and support functions are performed by the personnel of this Department. These functions include the Commissions budget, human resource management, salaries, procurement and all other related administrative functions.

The idea is that the Commission retains a separate identity in terms of the processing of claims. This own identity entails that the national Land Claims Commissioner as well as the Regional Land Claims Commissioners are directly appointed by the national minister of the DLA. In terms of reporting the aforementioned Commissioners (national and provincial) have direct access to the national minister of the DLA. This entails that they work in close collaboration with the aforementioned minister, and are not rigidly subjected to the communication structures of the national DLA. Furthermore the RLCCs are also autonomous for they do not form part of the provincial Government structures. Staff in the RLCCs report directly to their regional (provincial) Land Claims Commissioner who in turn reports directly to the national Land Claims Commissioner (South Africa 1994b).

The reason for this autonomy and own identity is that it was envisaged by Government that the restitution process would be completed within the timeframe 1994 to 2008 (News24 2005b). Hence all appointments of personnel, with the exception of administrative personnel is, according to ms. A. Voster (interview 2005) done on a five year contract basis. In reality these contract appointments are regarded as consultants. These appointed consultants are therefore not incorporated as part of the permanent staff component of the national DLA (South Africa 2004a:29).

3.5.2 The supportive relationship between the Land Claims Court and the Commission

Together with the establishment of the Commission for the Restitution of Land Rights Act (22 of 1994), the Land Claims Court was also established in 1995 (South Africa 1994b). The Land Claims Court performs an independent specialist function. It can

hear disputes arising from those laws which underpin South Africa's land reform programme (Venter 2001:258). The role of the court specifically relates to land reform issues involving the following legislation:

- The Restitution of Land Rights Act 22 of 1994;
- The Land Reform (Labour Tenants) Act 3 of 1996; and
- The Extension of Security of Tenure Act 62 of 1997.

In terms of its operational functions it is important to note that all claims that meet the requirements of the Restitution of the Land Rights Act 22 of 1994 (South Africa 1994b) can be finalised or settled by the Land Claims Commission and the national minister of the national DLA (Shange 2005:13). If a claim can be settled in such a way, it does not have to be referred to the Land Claims Court. The current role of the Land Claims Court is restricted to firstly finalising all claims that cannot be resolved by the Commission through negotiation or mediation between the involved parties (De Beer 2001:51). In such cases the Commission can refer the claim to the Land Claims Court for arbitration. Through the Extension of Security Act 62 of 1997 (South Africa 1997d) the Court can secondly protect labourers against arbitrary eviction. In the final analysis the Court thirdly endorses all settled claims. This relationship between the Commission and the Land Claims Court is illustrated in figure 3.2.

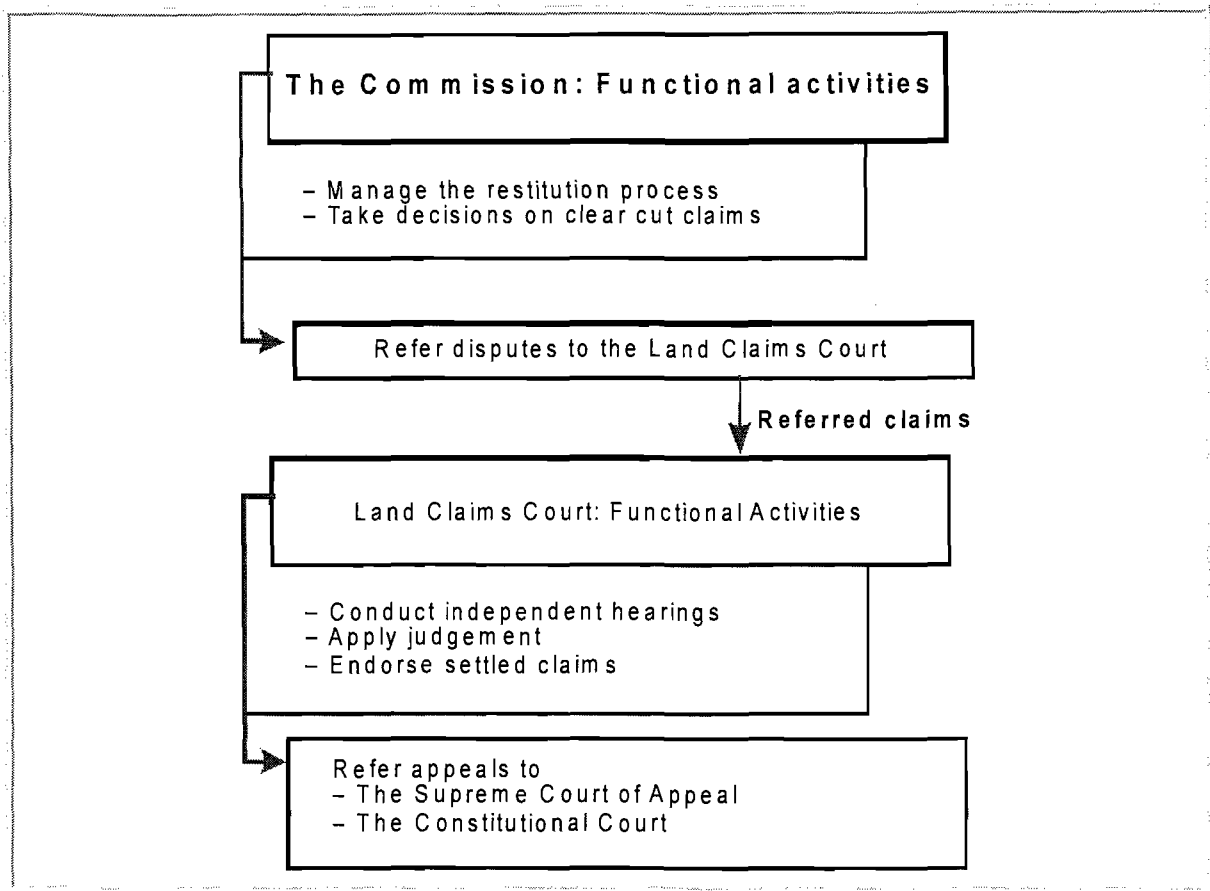


FIGURE 3.2: The relationship between the Commission and the Land Claims Court

Source: The Restitution of Land Rights Act 22 of 1994 (South Africa 1994b)

In terms of its practical functioning the court deals specifically with cases where land was taken away through apartheid legislation. The court has the authority to determine the right to restitution in the case of uncertainty or in the event of a dispute arising. The Land Claims Court has its own rules and is, in terms of the Land Rights Act 22 of 1994 allowed to conduct its proceedings informally. This means that judges can address witnesses directly, rather than through lawyers (South Africa 1994b:47-48). The court has a main office in Randburg but can hold proceedings where it deems necessary. The court has exclusive jurisdiction in terms of determining the legality of a claim relating to the Act under discussion. Specific judgments can be made on restitution and tenure rights. Appeals can be submitted to the Supreme Court of Appeal unless a constitutional issue is involved. In such a case an issue can be referred to the Constitutional Court (South Africa 1994b:86).

3.5.3 The supportive relationship between the national minister of the DLA and the Commission

A significant number of land restitution cases are characterised by deadlocks in terms of negotiation and mediation (Samasuwo 2004:5-8). Cases can also be subjected to lengthy legislative procedures. Within the spirit of rectifying the wrongs of the past the minister of the DLA was given special overriding powers in order to strengthen the service delivery capability of the Commission. Amendment 48 of 2003 of the Restitution of Land Rights Act 22 of 1994 empowers the minister to expropriate land for any land reform programme without obtaining a court order (South Africa 2004b:3). This was done in order to achieve the set objective of completing all restitution claims by December 2008.

3.6 THE FUNCTIONAL ACTIVITIES OF THE COMMISSION FOR THE RESTITUTION OF LAND RIGHTS

The restitution process was designed whilst accepting the reality that the “*wrongs of the past*” must be rectified (Bernstein 2005:10-11). Within the restitution process there is a definite focus on those who were disadvantaged in terms of land ownership during the apartheid era. Restitution therefore takes place in the spirit of assisting claimants in lodging their claims. The function of the Commission is to return land, or compensate individuals or groups who lost their land in terms of apartheid legislation. This must be done through the functional activity of restitution. The basic functional activities of the Commission involve six main phases. Each phase will briefly be described below.

3.6.1 PHASE 1: The pre-expropriation phase

In the first restitution phase the Commission receives a claim and processes it. This phase takes place within the national sphere of Government. It includes the basic screening of the motivation behind the claim, and establishment of the geographic location of the received claim. Hereafter the national Land Claims Commissioner decides to which RLCC a specific claim should be allocated to (South Africa 1994b:14-15). For example, if a specific claim was lodged for a farm in the Vryburg area, that claim would be channelled to the Gauteng and North West RLCC for

processing. If a claim was lodged for a farm in the Kimberley area that claim would be referred to Northern Cape-Free State RLCC for processing (see figure 3.1).

3.6.2 PHASE 2:

The actual screening and categorisation of claims

The second restitution phase can be described as the prioritisation arrangements where responsibilities are categorised. Different claims are listed under a specific region within a specific province and a clear distinction is made between urban and rural claims. After this categorisation process the claim will be submitted to the relevant RLCC for a so-called validation investigation (South Africa 1994b:103; South Africa 2007:8).

3.6.3 PHASE 3:

The claims validation investigation

In terms of section 2 of the Restitution of Land Rights Act this is an important phase of the restitution process where the validity of the claim is established by the assigned RLCC. In broad terms the investigation focuses on the way in which the claimant was dispossessed. A claim is accepted as being legitimate if the claimant/s or descendant/s of the claimant/s were dispossessed after 19 June 1913 in terms of apartheid legislation (South Africa 1994b:10; South Africa 2007:8).

3.6.4 PHASE 4:

The verification investigation

After the validity of a claim has been established, a more detailed investigation that links up with the validation process takes place. The main purpose of this phase is to obtain a watertight mandate in order to commence with the expropriation process. It is the responsibility of the RLCC to ensure that all other outstanding information is obtained. This information includes estimating the current value of the property, objectives of claimants regarding the use and development of land as well as any other information that may strengthen the legitimacy of the claimant's case. The purpose of this phase would be to prepare a detailed report for the attention of the National Land Claims Commissioner. It is then the duty of the National Land Claims Commissioner to submit the report to the national minister of the DLA for approval. The National Land Claims Commissioner serves in an advisory capacity to the

national minister of the DLA in terms of the approval of a claim (South Africa 1994b:112114; South Africa 2007:8-9).

3.6.5 PHASE 5:

The return of the land to the beneficiaries

This phase specifically refers to section 42D of the Restitution of Land Rights Act (South Africa 1994b) where the national minister of the DLA approves a restitution claim. Permission is therefore granted to expropriate land and return it to the claimants or rightful owner/s.

If there is a dispute between, for example, the current landowner and the relevant RLCC, the claim can be referred to the Land Claims Court. The claim can, however, only be referred to the Land Claims Court if the Regional Land Claims Commissioner is of the opinion that the dispute cannot be resolved through mediation or negotiation (South Africa 1994b:32; South Africa 2007:8).

3.6.6 PHASE 6:

The facilitation of post-settlement support

After a specific claim has been approved it is the responsibility of the Commission for the Restitution of Land Rights to ensure that the lives of the beneficiaries of the programme improve substantially. In broad terms the Commission must therefore design a post-settlement model that ensures sustainable development and therefore accommodates the development needs of the beneficial individual or community that has received the land (Terreblanche 2006:3-4; South Africa 2007:8).

3.7 CURRENT PROGRESS IN THE IMPLEMENTATION OF THE RESTITUTION PROCESS

In terms of applications for restitution, 79 696 claims have in total been lodged with the Commission for the Restitution of Land Rights. The Commission has, according to its annual report been able to settle 74 417 urban and rural claims (South Africa 2007:60-61). Many of the settled claims were however urban claims which were relatively simple to settle as in most cases the claimant possessed a valid title deed. The history of a property and its previous and current owners were well documented in the deeds offices or in Government's provincial or national archives. This entails

that there was concrete proof that the claimed land was the property of the claimant before dispossession.

The majority of unsolved claims are rural claims. In many cases there are no title deeds and no direct link between the claimant and the claimed property. A further complicating factor is that one rural claim almost always represents a tribe or communities of hundreds and even thousands of claimants or beneficiaries that lost their land. In contrast to urban claims, rural claims are therefore not “clear-cut” and difficult to settle. The achievements of the Commission divided amongst the provinces (1994-2007) can however be illustrated in table 3.1.

TABLE 3.1: Claims settled by the Commission for the Restitution of Land Rights (1994-2007)

TOTAL NUMBER OF RESTITUTION CLAIMS	79696
CLAIMS SETTLED SINCE 1994	74417
CLAIMS SETTLED (2006-2007)	2772
DIVISION OF SETTLED CLAIMS BETWEEN PROVINCES (1994-2007)	TOTAL
Eastern Cape	16116
Free State	2582
Gauteng	13148
Kwazulu-Natal	14576
Limpopo	2789
Mpumalanga	2429
Northern Cape	3623
North West	3655
Western Cape	15499

Source: South Africa 2007:60

There has been progress and against the background of the above statistics it is estimated that approximately ninety three percent of all submitted restitution claims have been settled. It is projected that the remaining claims could be completed towards the end of 2008 (South Africa 2007:63; Quintal and Stephen 2007:3). There is therefore statistical evidence that the restitution process in terms of the transfer of land is almost completed, and redistribution and tenure reform are (slowly) progressing.

3.7.1 The legislative achievements of the DLA (1994-2007)

Since 1994 the perceived slow pace of return of land to the beneficiaries of land reform, has in many instances been criticised by various stakeholders. These stakeholders include claimants, political opposition parties, agricultural forums and non-governmental organisations (NGOs) (Sepaela 2006a:6). In reaction, and to speed up the land reform process, Government introduced legislation such as the Labour Tenants Act 3 of 1996, the extension of Security and Tenants Act 62 of 1997, the Communal Land Rights Bill Nr. 67 (2003) (Venter 2001:260; Taylor 2000:30). A more pro-active initiative to speed up the process was Government's adoption of amendment 48 of 2003 of the Restitution of Land Rights Act 22 of 1994. This amendment to the Act empowers the minister of the DLA to expropriate land in extreme or complex cases for any land reform programme without obtaining a court order (South Africa 2003a:3).

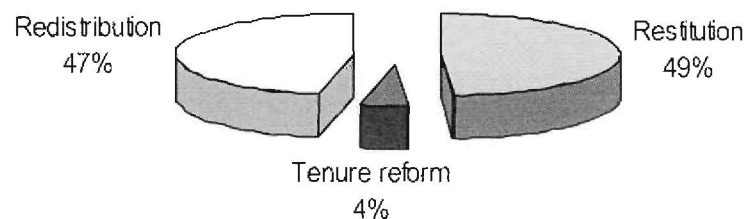
3.7.2 The distribution achievements of the DLA (1994-2007)

Through its three functional activities the DLA hopes to redistribute 30% of all arable land to the designated disadvantaged communities. The majority of this land is currently owned by white commercial farmers (Samasuwo 2004:2). This is an objective that must be reached by 2015 (Van Aardt 2007:18; South Africa 2007:57-58).

In terms of concrete objectives the Department therefore intends to transfer 30% of the approximately 85 million hectares of commercial agricultural land to the disadvantaged communities by 2015 (May *et al.* 2000:4; Sepaela 2006b:6). In total this amounts to the transfer of 25.5 million hectares of land during the aforementioned period.

In terms of actual total delivery the land reform process by the DLA has however been slow (Sepaela 2006b:6; Van Aardt 2007:18). In the period 1994 to May 2007 Government succeeded in transferring only 3.9% or 3.300 000 million hectares of the indicated target to the disadvantaged individuals or communities through its functional activities (Van Aardt 2007:18; Jacobs 2003: 4). The division or transfer of land through the various land reform processes across the different provinces (as recorded between 2004 and 2007) is illustrated in pie chart 3.1.

PIE CHART 3.1: Land reform successes of the DLA



Source: South Africa 2004a:26; South Africa 2007:62

Of the above transfers, 1.9% occurred in the timeframe 1994-2002. An additional 1.9% was transferred in the timeframe 2002 to 2007 (Jacobs 2003:4; South Africa 2007:62). By 2007 a total of only 3.9% of the land distribution objectives of the DLA was therefore achieved.

3.7.3 Popular support for the land reform programme

In the national and provincial 2004 and local 2006 South African elections the ANC obtained an outright majority in most cases (IEC 2004; IEC 2006). It can therefore be deduced that the voters are in general satisfied with Government's overall service delivery initiatives and performance. As a service delivery function, the principle of land reform, forms an integral part of the Government's election promises and policies and enjoys the support of the majority of the population (South Africa 1994a:20-21). The reason for this support is that, as indicated, a certain degree of reform has already taken place since 1994. In terms of actual results, ninety three percent of all restitution claims have been settled benefiting 127 3043 dispossessed or disadvantaged individuals, households and communities. Furthermore, over 3.3

million hectares of land was redistributed through the redistribution function. In terms of tenure reform, numerous individuals and communities have also been resettled, gained access or right of occupation to land, or received their dispossessed land back (South Africa 2004a:3; Anon., 2004:32; South Africa 2007:60-61).

White commercial farmers still own the majority of arable rural land in the country (Cilliers 2000:87; Du Toit 2004:282). It is important to note that the principle of land reform is, according to Mr. W. Auret (interview 2005); Terreblanche (2006:2-3) also supported by the majority of white commercial farmers. This notion of support is confirmed by a Markinor survey (Jack 2004) which indicates that 54% of white farmers are keen to assist beneficiaries of the land reform process in terms of agricultural support and improving their quality of life of beneficiaries.

The aforementioned restitution successes, distribution and tenure progress as well as general support for land reform reflect a foundation for refining the process, with specific reference to post-settlement support (see figure 3.3).

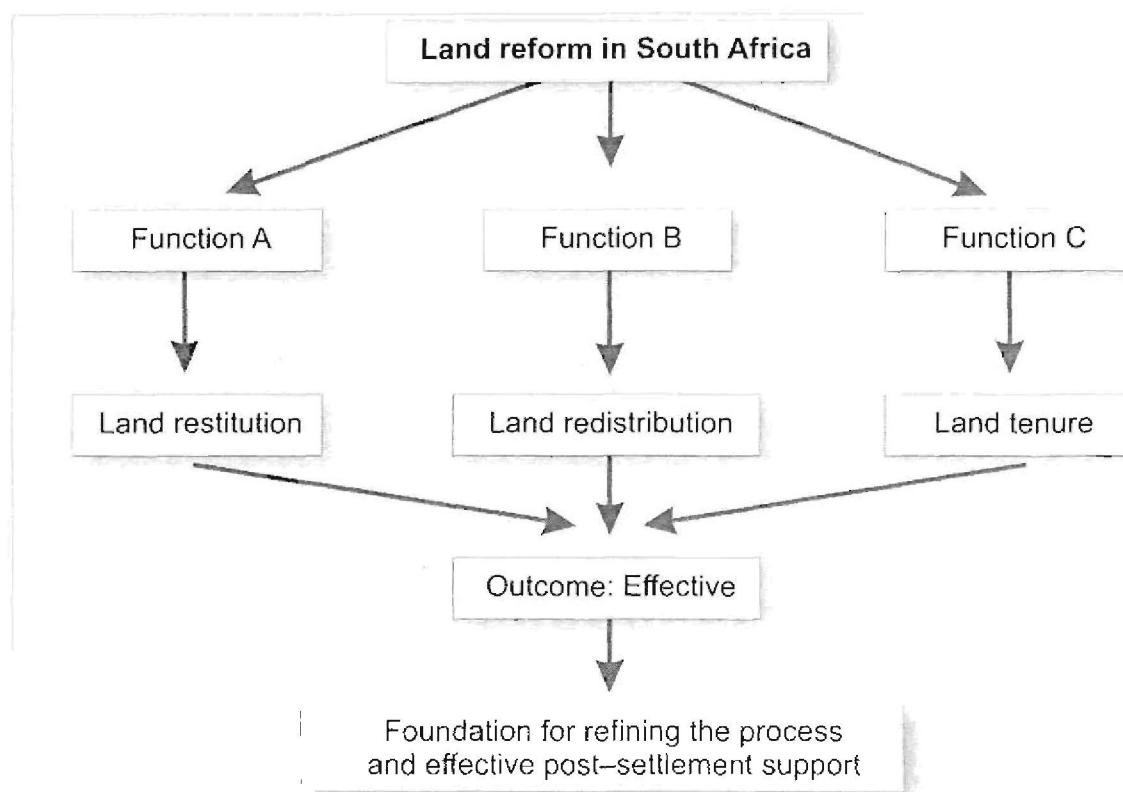


FIGURE 3.3: The functional activities of land reform in South Africa

Source: South Africa 2007:57-61; Researcher's own analysis

From the above figure it can be deduced that formal structures were established to ensure access to land, extending land ownership, and returning land to the dispossessed.

3.7.4 Perceived challenges and shortcomings in the land reform programme

At the national Land Reform Summit held at NASREC (27-31 July 2005) it was recognised that formal structures were established to ensure land reform. Against this background it was acknowledged that a degree of reform has already take place (see figure 3.4).

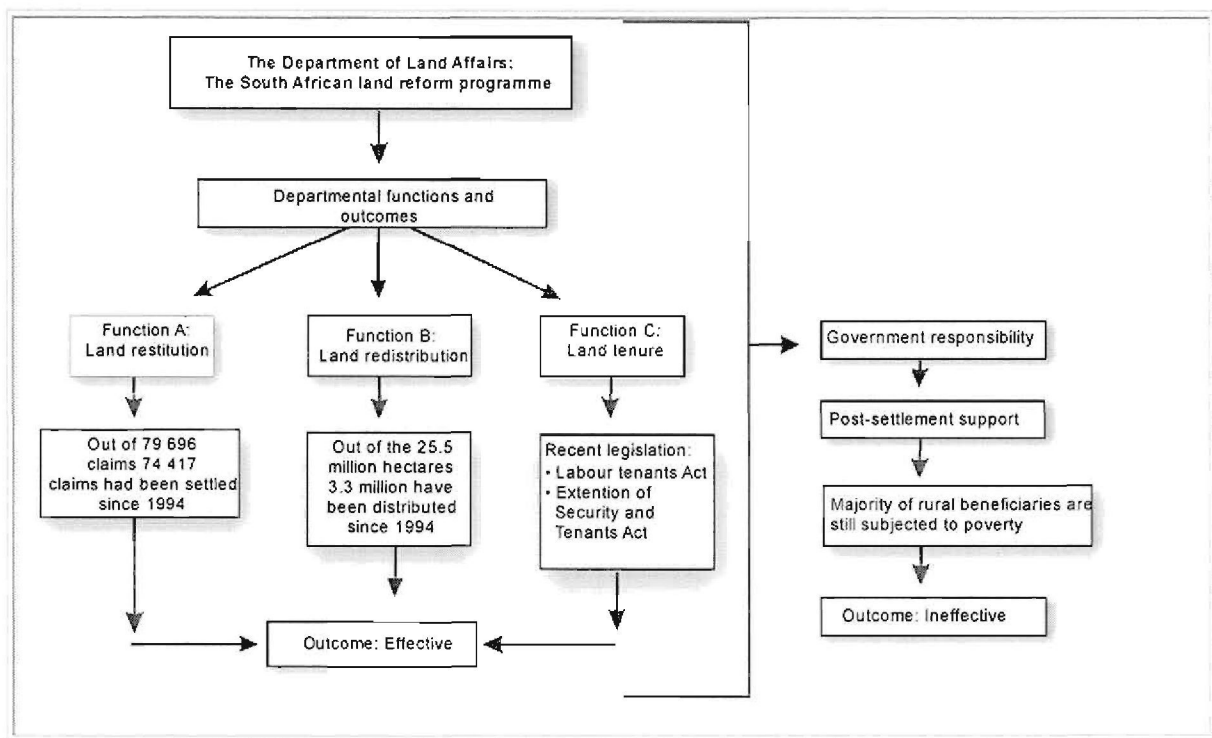


FIGURE 3.4: The effectiveness of departmental functions and responsibilities

Source: South Africa 2007:60; Researcher's own analysis

It was however also acknowledged that land reform was slow and that Government is specifically ineffective in providing post-settlement support to beneficiaries (Sepaela 2006:14). The following challenges and shortcomings inherent to the land reform programme were identified that need to be dealt with as a matter of urgency:

In many instances the slow progress of land transfers can firstly be blamed on Government's over-reliance on the free-market approach or so-called "*willing-buyer-willing-seller*" approach to land reform. In other words, no land owner is forced to sell their property and Government is under an obligation to at least pay a market-related price if land is sold. According to Samasuwo (2004:2) and Samayende (2005:2) this reliance on a market-driven reform process resulted in the over pricing of properties by land owners, lengthy administrative processes as well as time consuming negotiations and in many instances costly legal disputes. According to statistics released by the University of the Western Cape's (UWC) Programme for Land and Agricultural Studies (PLAAS) there are numerous instances where land owners over-inflated prices of their land when offers to purchase were made by Regional Land Claims Commissioners (Sepaela 2006:14). For example, in 2003 in the Hazy View and White River area (Mpumalanga province) Government had to pay R112 million for 12 543 hectares of land. A price which was inflated in terms of property prices in the area at the time (Samasuwo 2004:8; Shange 2005:12-13).

Secondly, the free market approach opened up the market to foreign buyers who were willing to pay more for land than Government. In many instances this lead to a further inflation of prices, for in many instances foreign buyers had more capital than domestic buyers including the DLA. As a result of these price inflations many claimants are being denied the right to even reclaim dispossessed property (Samasuwo 2004:8; Groenewald 2005:6).

A third reason for the slow progress and lack of sustainable development in the post-settlement phase is inadequate Government capacity to implement the land reform functions (Adams and Howell 2000:2). According to Hofstätter (2005:58) this ineffectiveness is, amongst others, caused by a shortage of skilled and experienced staff, a high rate of staff turn-over as well as inadequate provincial budgets to ensure effective and sustainable post-settlement support. In addition Bernstein (2005:10-11) indicates that there is a specific shortage of skills within the provincial Government sphere.

A fourth reason for the slow pace of service delivery is seemingly poor coordination between specialist service delivery institutions responsible for providing post-settlement support (South Africa 2005c:4). Shange (2005:12) and Sepaela (2006a:6) are of the opinion that Government machinery should be streamlined in order to

assume a stronger leading role in accelerating land distribution and tend to post-settlement support needs more effectively.

A fifth prominent challenge for the land reform process is, according to De Beer (2001:51), that more beneficiaries are resettled on undeveloped land without basic services. The chances for improved livelihoods and sustained development are therefore limited. This shortcoming directly points to the absence of an effective post-settlement support management model.

A sixth prominent shortcoming is, according to Mr. D. Theron (interview 2005), the absence of an effective land transfer and post-settlement support data base within the national sphere of Government. As a conclusive outcome of the NASREC national Land Reform Summit the aforementioned challenges need to be dealt with as a matter of importance.

3.8 CONCLUSION

The objective of this chapter was to holistically identify and describe the policy framework and enabling management structures through which the land reform process in South Africa takes place. This was done in order to establish how the DLA achieves its land reform goals. In order to achieve this objective the following issues were identified and analysed:

Firstly, the primary service delivery structures that allow the South African land reform programme to be implemented within the three spheres of Government were highlighted. Secondly, the focus fell on the way land is transferred to individuals and communities as well as ways and means to provide post-settlement support to beneficiaries of the programme. Lastly, the achievements and most prominent challenges currently confronting the land reform programme were highlighted and analysed. This achievement provided an indication on the required future format of specifically post-settlement support.

The above analysis lead to definite conclusions that have an impact on the issue of post-settlement support as a Government responsibility. It was established that the land reform progress in its totality was slow, but that there was definite progress in terms of its outcomes, with specific reference to the transfer of land. As a result of this definite progress, land is being transferred to the previously disadvantaged

communities and individuals at a steady pace. In the majority of these cases beneficiaries are however, unable to utilise received land in a sustainable way. As the process progresses and more land is being transferred to claimants, Government is increasingly being confronted by the post-settlement problems experienced by beneficiaries. In chapter 1 of the thesis it was also indicated that many beneficiaries of land reform, especially in rural areas are unable to uplift and sustain their livelihoods after they have received land. This entails that Government is under a constitutional obligation and under pressure from the beneficiaries to provide post-settlement support. It became clear that the current post-settlement support arrangements is ineffective and needs to be streamlined, adapted or even redesigned.

The next chapter (4) focuses on the effectiveness and sustainable abilities of the land reform policy and programme in terms of reducing poverty and improving the quality of life of beneficiaries after the right to land was restored to them. Specific reference will be made to the criteria (guidelines, programmes and support structures) that are currently being used by the RLCCs to facilitate post-settlement support through the various spheres of Government. In order to strengthen arguments surrounding the dynamics of facilitating post-settlement support the chapter also analyses the outcomes and way in which two post-settlement projects were managed by a RLCC. The manner that these projects were managed, as well as their outcomes will be measured against the set requirements (criteria) for achieving sustainable development as identified in chapters 1 and 2 of the thesis. This will be done in order to highlight the strengths and weaknesses of the post-settlement support initiatives and structures. Chapters 4 and 5 therefore provide concrete indications on the content of a proposed new, adapted or streamlined post-settlement support management model. In turn, this proposed model for post-settlement support to beneficiaries of land reform forms the focal point of the research objective in chapter 6 of the thesis.

CHAPTER 4

THE MANAGEMENT FRAMEWORK FOR POST-SETTLEMENT SUPPORT AS PART OF THE LAND REFORM PROGRAMME

4.1 INTRODUCTION

From a holistic perspective the previous chapter descriptively analysed the policy foundations, content and contextual framework within which the South African land reform programme takes place. The chapter was specifically narrowed down to the public policy objectives of the land reform programme as well as the established implementation framework utilised to realise the above objectives. It was indicated that the specialist function of the DLA is the transfer of land to deprived individuals or communities as well as the facilitation of post-settlement support to those beneficiaries. The objective of post-settlement support is effective poverty reduction through sustainable development.

Against the above background it is the purpose of this chapter to specifically focus on the functional service delivery activity of facilitating post-settlement support to the beneficiaries of land reform. Within the context of post-settlement support the objective of this chapter is to describe and analyse the policy framework, current duties and performance measurement mechanisms of the three South African spheres of Government (national, provincial and local). This analysis is specifically narrowed down to post-settlement support as performed by the various provincial RLCCs resorting under the Commission for the Restitution of Land Rights. In order to achieve the above objectives the chapter will be structured by means of highlighting the following three main themes:

- The policy and legislation that guides the contemporary format of the post-settlement support arrangements;
- The current status and place of post-settlement support as a functional activity within the South African land reform programme; and
- The prescribed constitutional and legislative duties of the various spheres of Government towards achieving post-settlement support objectives.

The identified post-settlement support responsibilities will be translated through the elements/requirements of sustainable development. The elements (requirements) of sustainable development will therefore be used as framework of reference, benchmark and measuring instruments to point out the progress, weaknesses and strengths of the Department's post-settlement planning, implementation and functional support arrangements.

4.2 THE CONTEMPORARY STATUS AND PLACE OF POST-SETTLEMENT SUPPORT IN THE SOUTH AFRICAN LAND REFORM PROGRAMME

This section mainly provides a descriptive analysis of the developmental status and place of post-settlement support within the national land reform programme. Specific reference will be made to defining post-settlement support and analysing the legislative origins and responsibilities of the Commission for the Restitution of Land Rights in terms of facilitating post-settlement support. It therefore provides a contextual background against which the existing responsibilities and ways and means, through which the Commission for the Restitution of Land Rights currently achieves its post-settlement support objectives, can be understood.

4.2.1 The general position of post-settlement support as a part of the land reform programme: Public policy guidelines

In relation to the South African land reform programme, post-settlement support refers specifically to Government's function and responsibility in assisting beneficiaries of the programme after they have received land. This assistance must be planned and provided in a sustainable way. In the post-settlement phase of the land reform process beneficiaries must therefore be empowered to utilise land to such an extent that poverty is reduced and their livelihoods become, and remain sustainable in the medium to long term.

Specific developmental needs still exist especially in rural areas. In many instances there is a need for assistance in terms of, for example, financial support, agricultural trainingship programmes, mentorship programmes and environmental support structures (Bosman 2005:19; Molefe 2004:21).

Post-settlement support is therefore a multi-dimensional process which entails that development assistance must be provided by different organs of state or Government departments to communities or individuals who have acquired or accessed land for either agricultural production or residential purposes (Levin 2000:292; DLA framework on sustainable support (South Africa 2005c:2). The aforementioned definition means that beneficiaries of the various land reform programmes (redistribution, tenure or restitution) must be enabled and empowered to utilise the land in such a way that his/her, or the livelihood of a community and others improve substantially within a given timeframe (Bosman 2005:19). This utilisation involves, for example, housing, sanitation, agricultural development, general infrastructure, food production, employment creation, overall long term sustainable development and all other forms of progress aimed at poverty reduction for deprived individuals and communities of South Africa.

In order to achieve a situation of sustainable development the envisaged outcome of post-settlement support is, as indicated, effective poverty reduction and the economic upliftment of deprived communities or individuals (South Africa 2003a:2). With economic, environmental and social sustainable development in mind the success of post-settlement support must, according to Levin (2000:68-70) and Roodt (2003:258) aim to achieve the following critical benchmarks and guidelines identified by a former minister of the DLA, D. Hanekom, during a ministerial review of the land reform process in 1998:

- a) A successful land claim or project must offer landless people land to live on;
- b) A project must offer land for agricultural uses, for example for cultivation and grazing for cattle;
- c) The project must offer unemployed people without land, sustainable employment opportunities;
- d) A project must offer opportunities for economic empowerment and improvement. For example poultry and dairy farming;
- e) A project must offer security of tenure for people already on the land;

- f) A project must offer scope for expansion and the creation of more employment opportunities, apart from existing jobs;
- g) There must be a business plan in place that portrays a return on Government's investment. In other words the objectives of the project must be realistic and viable;
- h) The project must bring unproductive land in production, thus increasing agricultural output and create job opportunities;
- i) If the project is a large or new human settlement, the following criteria must be met:
 - The land must be suitable for human settlement;
 - There must be approval for resettlement from the local authority; and
 - There must be basic services.
- j) If it is a group, there must be logical coherence within the group;
- k) The beneficiaries must be involved in the planning process and they must be empowered to make the project a success;
- l) There must be broad community support for the project;
- m) There must be a partnership component in the project; and
- n) The needs of the group must be identified and articulated.

The above guidelines are applicable to all projects and can be translated through a combination of a variety of the economic, social and environmental requirements for sustainable development. In her 2005 Budget vote, the then minister of the DLA, T. Didiza (Didiza Budget vote 2005), supported the above guidelines and described post-settlement support to beneficiaries of land reform as one of the critical factors that can contribute to the success or failure of sustainable development prospects for any land reform project where land was transferred. In addition she also emphasised that in order to achieve the objective of post-settlement support there must be effective and pro-active inter- and- extragovernmental cooperation as well as the involvement of other stakeholders such as banks, NGOs and relevant private sector

institutions throughout the process. Post-settlement support must therefore not be viewed as only a Government responsibility.

4.2.2 The importance of post-settlement support in the land reform programme: Public policy guidelines

In terms of its constitutional mandate and legislative obligations, the DLA is responsible for providing post-settlement support to the beneficiaries of the land reform programme. According to Roodt (2003:263) the Department has since 1994, however, been severely criticised by beneficiaries, land owners, other Government departments and various non governmental organisations (NGOs) for allegedly unsupported allocation of land through the different land reform programmes. The Department was therefore criticized for not providing effective post-settlement support as part of the land reform process (Hall 2005:13). The rationale behind this criticism was that the majority of beneficiaries remained subjected to poverty and continued underdevelopment after they have received land through the land reform programme (South Africa 1997a:12). Ms. A. Voster (interview 2005) indicated that there is no integrated national vision or mission for post-settlement support. According to Jacobs (2003:4) a major characteristic of the national land reform programme was the past and contemporary focus on pre-project planning whilst neglecting post-project planning. De Villiers (2003:87); Terreblanche (2006:2-3) also pointed out that the current success of land reform is wrongly being measured mainly in terms of the following criteria or questions being asked:

- *How many claims have been settled since 1994?*
- *How many hectares of land have been transferred to formerly deprived communities since 1994?*
- *How many tenants gained occupational rights or right to ownership of land since 1994?*

The above criteria reflect an oversimplification of the multidimensional and complex nature of land reform, for it neglects the importance of sustainable development through effective post-settlement support to the beneficiaries of land reform. De Villiers (2003:87) was of the opinion that a clear set of criteria must be identified through which "*post restoration*" (post-settlement support) issues could be dealt with and be monitored. Hall (2004:1) went further by indicating that the failure to provide

post transfer support (post-settlement support) to beneficiaries of land reform had the potential to derail land reform as a Government responsibility in South Africa.

Against the background of the above findings it can be deduced that there has thus far been a general focus on the transfer of land and a lesser focus on post-settlement support to the beneficiaries of these transfers (Roman 2007:8). The UWCs PLAAS also perceived the lack of post-settlement support and co-ordination as the most important factor currently hampering the success of the land reform programme (Lahiff and Hall 2004:3). Furthermore Bosman (2005:19) was of the opinion that the mere transfer of land to dispossessed people since 1994 would not necessarily reduce poverty or contribute to sustainable development.

According to Quintal and Stephen (2007:2) transfer (or return) of land needs to go hand in hand with an effective “*support programme*” (post-settlement support), especially in the rural areas where a substantial portion of the population is still subjected to poverty.

In order to address the issue of poverty and underdevelopment in rural areas the Comprehensive Agricultural Support Programme (CASP) (South Africa 2004b:8) initiated by the Department of Agriculture, also identified the following priority areas under which post-settlement support can be classified and conducted in order to achieve a situation of sustainable development:

- Information and knowledge management;
- Technical and advisory assistance and regulatory services;
- Training and capacity building;
- Marketing and business development;
- On-farm and off-farm infrastructure and production inputs; and
- Financial assistance.

With the above analysis as background it is accepted, as already indicated in chapter 1 of the thesis, that the national land reform programme is on the one hand sufficiently-organised, planned and functional in terms of transferring land to previously disadvantaged or dispossessed communities and individuals. On the other hand it is, however, widely acknowledged that the national land reform programme

lacks an effective coordinated post-settlement, management and implementation support structure, a matter that needs to be addressed urgently in order to ensure effective poverty reduction as outcome of sustainable development.

4.2.3 The functional activity of post-settlement support: Public policy guidelines

In terms of its public policy objectives, post-settlement support is an integral part of the Government's land reform responsibility and involves the empowerment of beneficiaries and improvement of their livelihoods (South Africa 1994a:20-21) - a responsibility that is documented in a variety of Government legislation and publications. This responsibility entails promoting sustainable development specifically in rural South Africa, for this is the area where it is needed the most (DLA medium to long term strategic plan) (South Africa 2003a).

Although it is acknowledged that the DLA is responsible for providing post-settlement support, its role is, in terms of section 15 of the Restitution of Land Rights Act 22 of 1994 (South Africa 1994b:36), restricted to the facilitation of the post-settlement support process. This facilitative function can be directly linked to the multi-dimensional nature of post-settlement support. The reason for this is that the majority of beneficiaries of the land reform programme utilises received land for either agricultural or housing purposes (South Africa 2005c:6). Agricultural post-settlement support services depend on the nature of a project. It usually entails planning, agricultural extensions and the provision of labour intensive implements, financial services, access to national and international markets as well as a need for capacity building. Housing requires support in the form of general housing infrastructure such as water supplies, sewage, electricity, roads, hospitals and recreational facilities. These service delivery objectives are the specialist responsibility of other Government departments such as the Department of Water Affairs and Forestry, Housing or Agriculture.

The DLA is therefore not capacitated and does not take responsibility for the physical implementation of the post-settlement support process. The Department's specialist function in terms of post-settlement support to the beneficiaries of land reform is in broad terms to determine which elements are needed to ensure sustainable development after land was transferred to a beneficiary or a group of beneficiaries.

These needs are then delegated to other statutory bodies within the various spheres of Government that are responsible for a specific area of post-settlement support (South Africa 2005c:2-3). The practical implication is that post-settlement support cannot only be the responsibility of the DLA. It is therefore imperative and unavoidable that a variety of Government departments with specialist functions and other statutory bodies with specialised supportive functions be involved in the process of post-settlement support.

In order to ensure involvement there should be effective collaboration, communication, co-ordination and cooperation between different specialist developmental Government departments and institutions. There must for example be pro-active co-operation, communication and planning between the departments of Land Affairs, Housing, Water Affairs and Forestry, and Agriculture for a specific project where an individual or community is in need of a specific form of post-settlement support (South Africa 2005c:7).

The management arrangements for post-settlement support lacks this interdepartmental cooperation, communication and planning (Van Aardt 2007:27). This means that it can be assumed that there are various different departmental post-settlement initiatives in place but that they are not aligned in order to be effective. In support of the above statement Jacobs (2003:26) stated the following:

“Ad hoc arrangements are currently filling the space with limited success without any institution at least assuming responsibility for integrating these efforts. Resources are not effectively mobilised to address the multiple needs of land reform beneficiaries”.

It is against the above background that the challenges of post-settlement support must be viewed and addressed.

4.3 THE PRESCRIBED CONSTITUTIONAL AND LEGISLATIVE MECHANISMS TOWARDS ACHIEVING POST-SETTLEMENT SUPPORT OBJECTIVES

This section provides a descriptive analysis of the legislative mandate of the Commission for the Restitution of Land Rights and the way in which it performs its functional service delivery activity (post-settlement support). Specific reference will be

made to the responsibilities and interaction between the various spheres of Government (national, provincial and local) in order to achieve post-settlement support objectives.

4.3.1 The legislative mandate of the Commission for the Restitution of Land Rights: Government's responsibility for facilitating post-settlement support

From a holistic perspective the specialist function of the Commission for the Restitution of Land Rights, as a statutory body is to design a comprehensive two-fold restitution package. On the one hand this package must ensure that the transfer of land is just, takes place and benefits deprived individuals or communities. On the other hand the Commission must facilitate post-settlement support (South Africa 1994b:36). To "*facilitate*" means that the Commission must initiate and design a post-settlement support plan for every project/case where land was successfully transferred to a beneficiary or community (Lahiff and Hall 2004:3; Jacobs 2003:4). This entails that all relevant responsible stakeholders such as provincial Government departments, local authorities, NGOs, financial institutions and other relevant private institutions must be involved. Post-settlement support therefore requires an integrated planning approach. It is the ideal that this process be finalised before the actual transfer of land occurs.

The Commission's facilitative responsibility for providing post-settlement support can be traced back to section 15 of the Restitution of Land Rights Act (Act 22 of 1994) (South Africa 1994b:36). This section of the Act requires that a feasibility study be conducted on each project by the national Land Claims Commissioner as part of the restitution process. If it is found that a claim is feasible, the minister of the DLA has to issue a feasibility certificate as part of the approval of a claim. Sub-sections 6 and 7 of the above Act in addition stipulate that all matters must be taken into consideration to ensure that the claimed land is suitable for the needs of the claimants if a situation of sustainable development is to be ensured.

4.3.2 The legislative entrenchment of the Commission's responsibilities: Critical guidelines

The legislative entrenchment of post-settlement support as a Government responsibility is linked to the mission and value statements of the Commission for the Restitution of Land Rights as stipulated in The Restitution of Land Rights Act 22 of 1994. In the Act it is indicated that the Commission is responsible for facilitating developmental initiatives and to prioritise the need for land development as part of the restitution process. The Commission is therefore assigned to oversee the process of post-settlement support. As indicated in the previous chapter of this thesis there are post-settlement components within the national and provincial spheres of the Commission. The White Paper on Land Policy (South Africa 1997a:7-10) emphasises the provision of support services, infrastructural development and other development programmes as pre-conditions for effective land reform. This White Paper and the South African Constitution also stipulate the importance of a co-operative partnership between the various spheres of Government where land reform projects are concerned. The current facilitative and cooperative responsibilities of the various organs of the Commission for the Restitution of Land Rights within the various spheres of Government are illustrated in figure 4.1.⁷

⁷ This function is applicable to all land reform projects where land was allocated in terms of the land reform process.

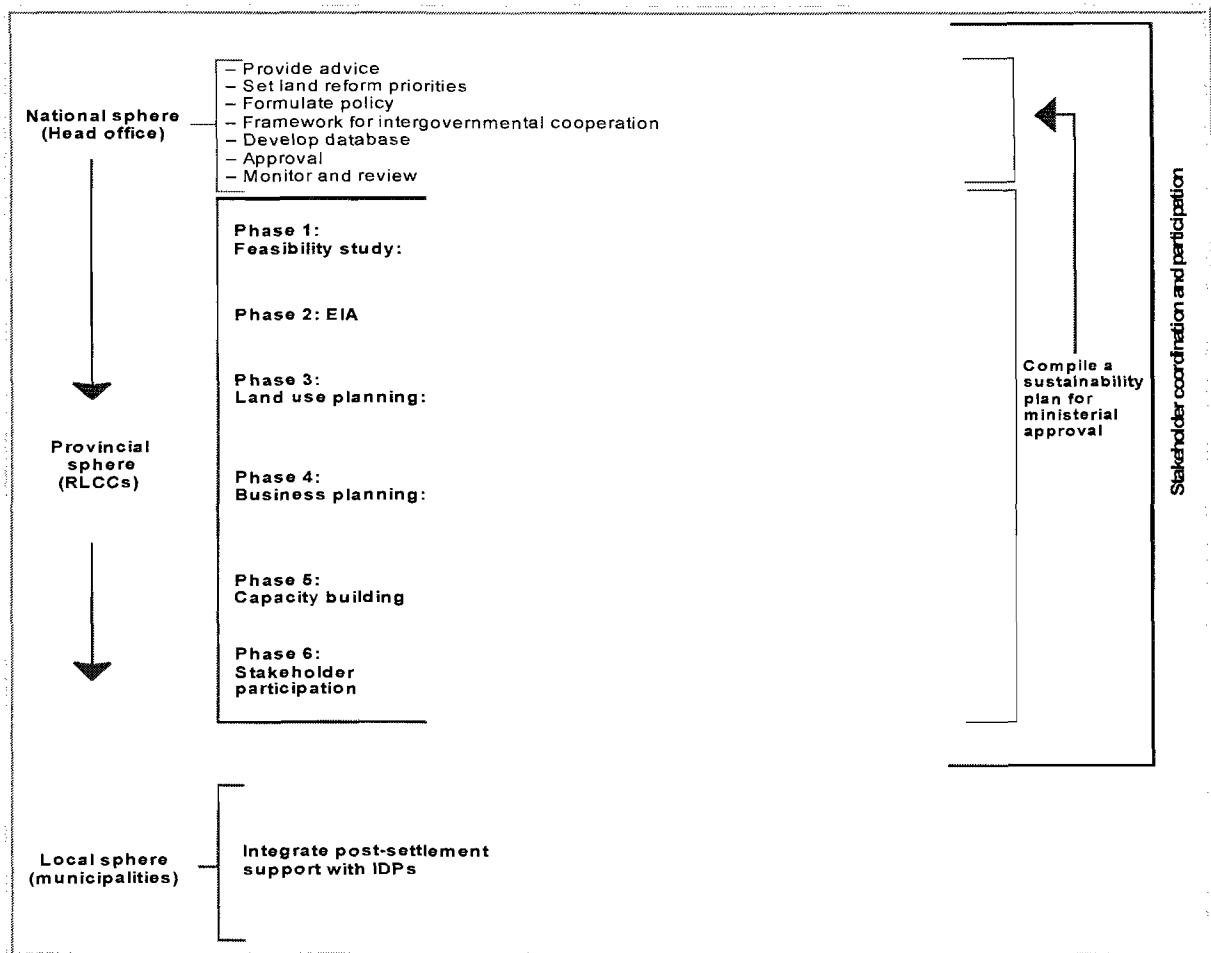


FIGURE 4.1: The post-settlement support responsibilities and activities of the Commission for the Restitution of Land Rights within the various spheres of Government

Source: South Africa 2005c:1-2

Against the background of the above illustration a more detailed analysis can be provided of the rationale behind, and the content of the facilitative post-settlement support responsibilities within the various spheres of Government.

4.3.3 Post-settlement support: Functions and responsibilities within the national sphere of Government

In terms of achieving a situation of sustainable development the national sphere of Government is exclusively responsible for providing public policy guidelines and steering and monitoring governmental functions that affect South Africa as a whole (Venter 2001:21). This is also the case with the Commission for the Restitution of Land Rights' structures within the national sphere of Government.

As already indicated, the Commission has two specialist functions, namely the transfer of land and facilitating the process of post-settlement support for every project related to the national land reform programme. Within the national sphere of Government the Commission has a head office in Pretoria and is headed by a National (Chief) Land Claims Commissioner. This Commissioner coordinates, manages and steers the overall restitution process nationwide. In order to fulfil this administrative responsibilities, the Commissioner is assisted by an office manager who is appointed on Chief Directors level. Mr. B Mpela (interview 2004), indicated that the national Chief Land Claims Commissioner is responsible for receiving all processed and approved claims from the different regional offices. In terms of work done he/she is then accountable to the Director General (DG) of the DLA. The DG then serves as an advisor to the national minister of the DLA that is responsible for the final approval or disapproval of a particular claim. An approved claim is then referred to the Land Claims Court for official endorsement (DLA strategic plan 2003-2007) (South Africa 2003a:23-24).

In terms of the national Land Claims Commissioner's practical service delivery activities, the national office is comprised out of two supportive policy units (see figure 4.2).

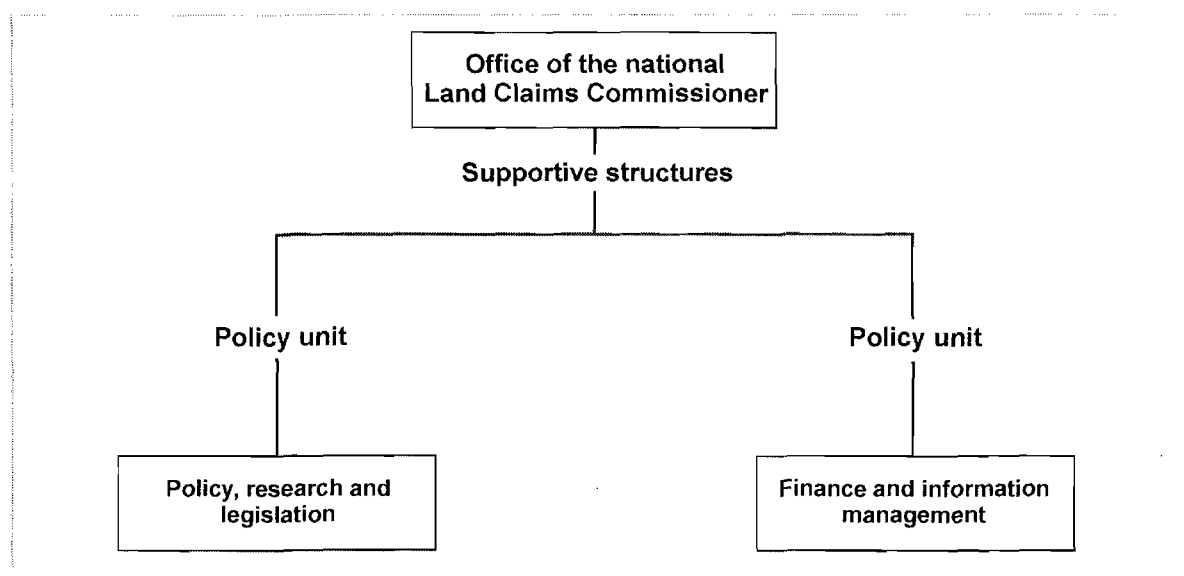


FIGURE 4.2: The organisational structure of the Commission for the Restitution of Land Rights in the national sphere of Government

Source: South Africa 2004a:49

4.3.3.1 *The role and responsibilities of the policy unit: Research and legislation*

According to ms. A. Voster (interview 2005) the national Land Claims Commissioner is supported by the above unit in terms of providing policy and legislative advice to the personnel of the various RLCCs as well as other stakeholders. A further important function of this unit is the national coordination of the post-settlement support function of the Commission for the Restitution of Land Rights. There must be frequent contact between the unit and the Regional Land Claim Commissions. The unit also serves in an advisory capacity in terms of post-settlement support developments, activities and initiatives to the national Land Claims Commissioner.

4.3.3.2 *The role and responsibilities of the policy unit: Finance and information management*

This unit is a fully integrated part of the DLA. Mr D. Bestbier (interview 2005) indicated that the aforementioned unit fulfils the human resource management function of the Commission. It has a support component of approximately fifty personnel and performs the administrative functions of personnel management, budget allocation, procurement and so forth.

4.3.4 *Post-settlement support: Functions and responsibilities within the provincial sphere of Government*

Schedule 4 of the South African Constitution specifies that ensuring sustainable development of all land reform initiatives is a direct responsibility of the provincial sphere of Government. In terms of operational facilitation, the process of land reform is classified as a sectoral-specific priority which together with, for example health, education and energy is the responsibility of the provincial sphere of Government (South Africa 2002a:1). In addition, the White Paper on Land Policy (1997a:14) specifies that the provincial sphere of Government has the responsibility to provide support to beneficiaries of the land reform programme. For the purposes of this research there is therefore an emphasis on the facilitative responsibilities of this sphere of Government. These facilitative responsibilities will be translated through the indicated requirement for sustainable development.

The provincial sphere of Government in South Africa is currently the main instrument through which the land restitution process, including post-settlement support is being planned and steered. As a statutory body the Commission is represented by seven regional offices representing the nine provinces of South Africa (South Africa 2004a:49) (see figure 4.3).

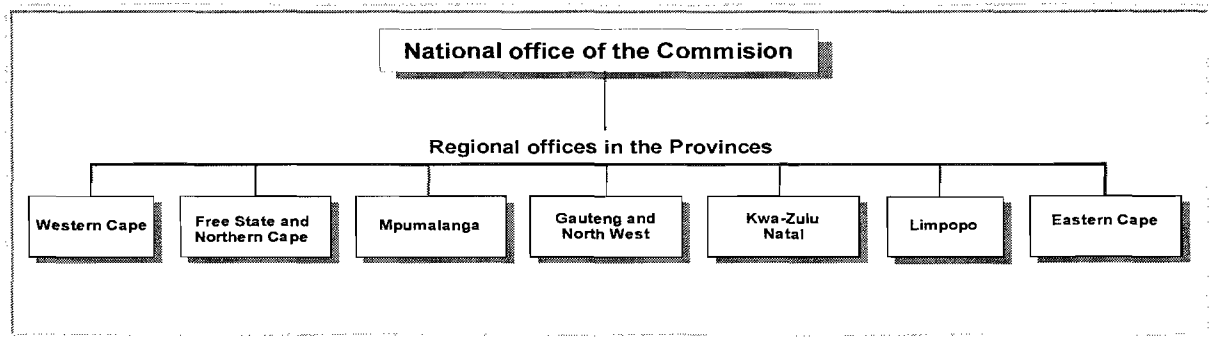


FIGURE 4.3: The post-settlement support structures of the Commission in the provincial sphere of Government (the RLCCs)

Source: South Africa 2004a:28

Every regional office is headed by a Regional Land Claims Commissioner. In terms of the restitution process the main responsibilities of these regional offices are:

- a) Investigating and verifying the merits of claims in a particular province;
- b) Administrating and ensuring the transfer of land to beneficiaries; and
- c) Providing post-settlement support to beneficiaries of the land reform programme.

In each regional office there is a post-settlement support and development planning unit headed by a provincial coordinator. These units are responsible for performing the post-settlement support function that is linked to the uniqueness of each project and the needs of beneficiaries within the different provinces. It is important to understand that the responsibilities of the Commission's post-settlement support units directly relate to section 15 of the Restitution of Land Rights Act 22 of 1994 (South Africa 1994b:36). In this Act it is required of the Commission to perform an all-inclusive feasibility study as part of the restitution process. It is therefore not required of the Commission to take responsibility for the physical implementation of post-settlement support. 'Physical implementation' refers to providing resources and

funding for post-settlement support activities (DLA framework for sustainable support) (South Africa 2005c:1). The specialist function of the Commission and its regional offices (the RLCCs) is to facilitate post-settlement support through a needs analysis and the compilation of a project specific sustainable development plan that will ensure effective medium to long term development. According to a submission to Parliament on 13 October 2004 by PLAAS, a comprehensive post-settlement support plan for every land reform project is required (Lahiff and Hall 2004:3-4). Each regional office currently has to complete a 6-phase post-settlement support cycle on every successful land claim as part of the approval process. After this cycle is completed, a sustainable plan is drafted for approval by the national minister of the DLA (see figure 4.4).

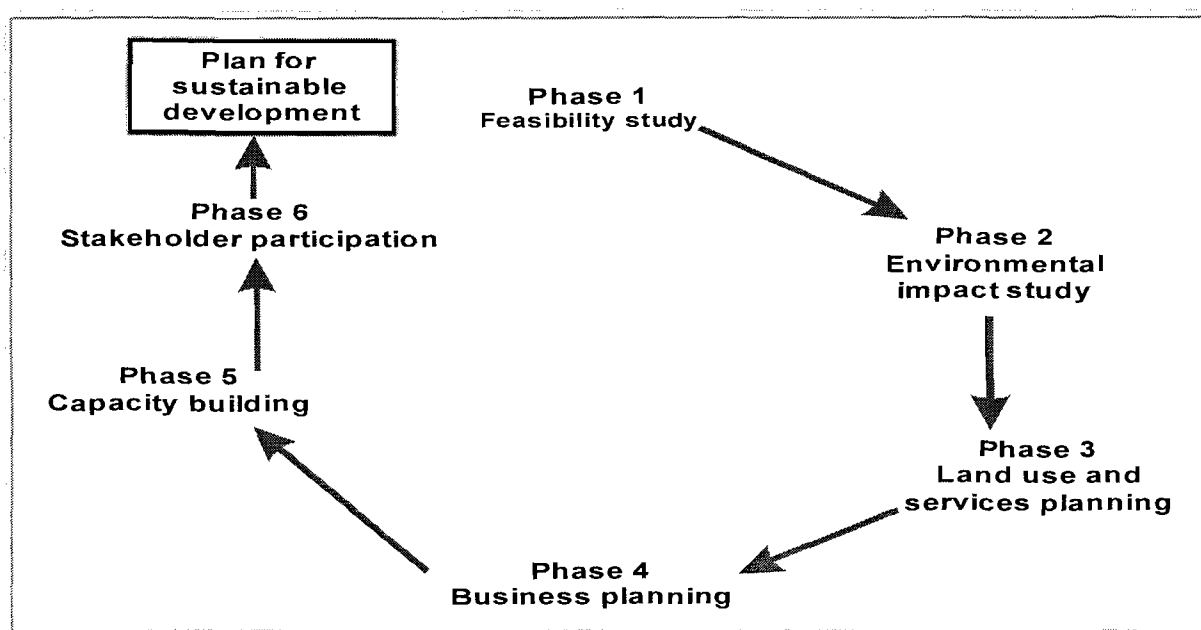


FIGURE 4.4: The post-settlement support management cycle within the provincial sphere of Government

Source: South Africa 2002b:12

The above post-settlement support cycle has a typical duration of up to 24 months. It must however again be emphasised that every project is unique in terms of, for example, number of beneficiaries, land use, location, climate and existing infrastructure. The post-settlement support recommendations made on every project will therefore differ. This basic elements and functional activities in the above management cycle however remain the same for every project. This provincial manage-

ment cycle is important for it prescribes how post-settlement support on every project must be conducted. The end objective of this project cycle is a detailed report to be submitted to the national minister of the DLA. On the basis of this report the minister then has the final authority to approve or reject a post-settlement support package. The prescribed governmental implementation phases for the provision of post-settlement support to the beneficiaries of land reform can be translated through the identified requirements for sustainable development (environmental, economic and social development)⁸:

With reference to the aforementioned illustration (figure 4.4) the ways and means to achieve sustainable development through the contemporary post-settlement support arrangements, will be discussed separately.

4.3.5 Elements of environmental development as objective of post-settlement support

In terms of the environment, sustainable development must aim at conserving and enhancing the earth's natural resource base. The basis assumption is that the environment can only be protected through effective social and economic development (Elliot 2006:13). Environmental, social and economic issues must therefore be merged into all decision making objectives (see figure 4.5)

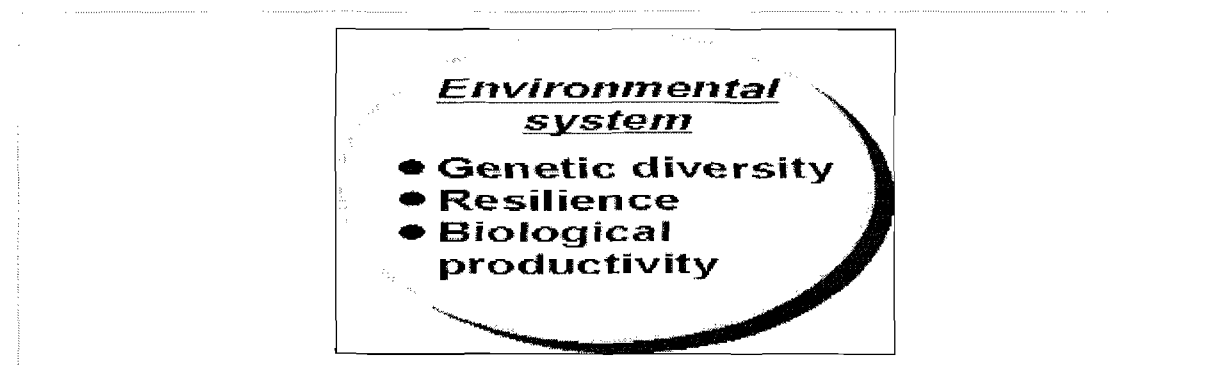


FIGURE 4.5: The elements of environmental development towards sustainable development

Source: Elliot 2006:13

⁸ The requirements for sustainable development are separately discussed. It must however be kept in mind that they interlink. Sustainable development cannot exist if one of these elements are absent.

In terms of post-settlement support the following prescribed elements of developments relate to environmental development:

4.3.5.1 PHASE 1:

Performing a land feasibility study

During this phase land has been allocated to a specific individual or community. The feasibility study has a typical duration of 30 days and entails a detailed report on the desirability and projected practical implications of the transfer of land to an individual or community. Based on the findings of this report, the nature and content of the rest of the post-settlement project cycle can be determined. In terms of sub-section 6 of the Restitution of Land Rights Act 22 of 1994 (South Africa 1994b:36) all matters must be considered in this feasibility study. These matters would typically include the following aspects:

- Compare the current use of land to the land-use intentions of the beneficiaries;
- Establish whether the claimant/s has the capacity to, for example, utilise land productively and as intended;
- Establish whether the beneficiary has the financial resources and agricultural know-how to profit from the land in a sustainable way; and
- If the claimant/s does not have the aforementioned abilities, ways and means must be found to provide effective post-settlement support.

In this phase of the post-settlement project cycle the specific nature of the project is therefore identified. This feasibility study is important for it provides the rationale and foundation for the remainder of the project cycle.

4.3.5.2 PHASE 2:

Performing an environmental impact assessment (EIA)

The EIA report is a detailed situational analysis naturally following the feasibility study. According to Beckhechi and Mercier (2002:11) an environmental impact assessment is a preparatory procedure and tool for evaluating the likely impact that proposed activities such as farming and other forms of rural development will have on a specific portion of land. Such an assessment includes the following aspects of research:

- The impact of a specific activity on human health and safety;
- The impact on the fauna, flora, soil, air, water and the climate;
- The impact on the landscape;
- The impact on historical monuments and other physical structures;
- Effects on cultural heritage; and
- The impact on the socio-economic conditions of a community.

Post-settlement support mainly concerns the way in which land should be utilised after it has been transferred to beneficiaries through the different land reform processes. An environmental impact assessment is from a post-settlement support perspective indispensable for it is a tool for steering the way in which communities should be empowered. For example, a specific portion of land might be more suitable for mining or eco-tourism instead of agricultural produce. Another portion of land might be more suitable for vineyards or cattle farming. Such an assessment therefore should guide the format of suitable developmental activities on a specific portion of land in South Africa (Beckechi and Mercier 2002:3). The other benefits of such an environmental impact assessment are that they ensure compliance with environmental legislative standards and better decision making procedures by involving relevant stakeholders during the activity of post-settlement support.

4.3.6 Elements of economic development as objective of post-settlement support

The primary objective of sustainable development is poverty reduction. In brief terms economic development concerns the effective allocation and distribution of scarce resources (see figure 4.6).

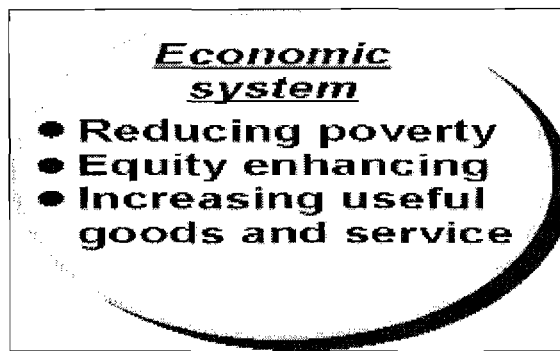


FIGURE 4.6: The elements of economic development towards sustainable development

Source: Elliot 2006:13

Economic development must coincide with economic growth and the responsible utilisation of goods and services. In terms of post-settlement support the following prescribed elements of development relate to the economic dimension of sustainable development:

4.3.6.1 PHASE 3:

Establish firm guidelines for land utilisation

The way in which land must be developed and ultimately be utilised in the whole of South Africa is guided by the Development Facilitation Act 67 of 1995 (DFA) (South Africa 1995b). The main objective of the Act is to overcome the inequalities in terms of land ownership, development and land use established through decades of apartheid planning (Roodt 2003:261). The DFA provides a legal framework for integrated and sustainable land development initiatives by the regional offices of the Commission.

According to Roodt (2003: 261-262) the following principles of the DFA must be used as general guideline and measure instrument for the functional activities of the Commission and its regional offices in terms of providing post-settlement support:

- Facilitate new, and recognise informal settlements;
- Promote efficient and integrated land development through integrating social; economic and physical aspects;

- Encourage environmentally sustainable land development practices;
- Promote beneficiary participation thereby developing their skills and capabilities;
- Promote security of tenure whilst providing for a wide range of alternatives; and
- Ensure that a competent authority coordinates the process in the national, provincial and local spheres of Government.

In other words, the objectives and functional activities of the RLCCs are always in line with the principles stipulated in the DFA.

4.3.6.2 PHASE 4:

Compile a relevant business plan

According to Lane (1998:13) a business plan is a strategic document which assists the entrepreneur to consider all aspects of the business that he/she or they are getting involved with. A good business plan will illustrate detailed research and evidence around all aspects of business and will guide the entrepreneur in terms of time management, personnel management and the way in which financial resources must be utilised. Finch (1997:11) is of the opinion that an effective business plan has the following advantages, which for the purposes of this research can be made applicable to the business plans of South African governmental bodies:

- It stipulates how a department or statutory body intends to provide a specific service and where it is going to take place;
- It analyses and describes the magnitude and content of the service to be rendered;
- It identifies the key role players who are responsible for implementing specific phases of the service; and
- It provides an approximate estimation of cost implications.

Since 1994, and in order to become more efficient and cost effective, the South African Government has adopted an approach based on business principles in order to implement its service delivery activities (Van Zyl 1994:153). This approach materialised in the form of the Reconstruction and Development programme (RDP). The main objective of the RDP is the social and economic upliftment of previously

disadvantaged South Africans (South Africa 1994a:5). All governmental business plans must therefore be in line with the stipulations and business objectives of the RDP. Van der Waldt and Knipe (2001:165) identify the following components that should, in terms of the RDP guidelines, be present during the compilation of a typical project plan:

- a) Specify the purpose of the project;
- b) Identify the beneficiaries of the project;
- c) Describe the ultimate outcomes of the project;
- d) Identify the development or growth path of the project;
- e) Identify the role of the different stakeholders in the implementation of the process;
- f) Provide an accurate estimation of costs;
- g) Ensure community participation during the process of implementation;
- h) Monitor the project; and
- i) Ensure that there is an effective system of communication between the various responsible stakeholders in place.

Within the context of post-settlement support, business plans relating to a specific land claim should be an all-inclusive framework on how the Commission intends to provide post-settlement support. In other words, the business plan of a post-settlement support project must be measured against, and be in line with the guidelines of the RDP.

4.3.7 Elements of social development as objectives of post-settlement support

Social development refers to the way in which human, mores, values and relationships are integrated and utilised in order to achieve the objective of sustainable development (see figure 4.7).



FIGURE 4.7: The elements of social development towards sustainable development

Source: Elliot 2006:13

Social development must therefore ensure that there is adequate participation through institutional development. Furthermore, cultural diversity must be recognized in order to ensure social justice. In terms of post-settlement support the following prescribed elements of development relate to the social dimension of sustainable development:

4.3.7.1 PHASE 5:

Provide proposals for capacity building

A significant number of beneficiaries of the land reform programme does not have the capacity and technical agricultural expertise to utilise especially rural land to its full potential (Lahiff and Hall; 2004:5; Du Toit 2004:1-3; Bosman 2005:19). The need for capacity ranges from access to information to skills development. The question that must be answered in this phase is, according to a submission to Parliament by PLAAS in 2004 (Lahiff and Hall 2004-5), the following:

What must be done, and who should participate in order to ensure that beneficiaries of the land reform programme are empowered to utilise land?

The answer to the above question can be found in the utilisation of existing educational and in-house training infrastructure. As a mechanism of post-settlement support, farmer training is critical for the viability and sustainable effectiveness of agricultural projects. It is the responsibilities of the post-settlement units in the regional offices to, on the one hand, specifically identify the capacity training needs of beneficiaries of every project. On the other hand the post-settlement support units

make specific recommendations on how beneficiaries can be empowered in order to utilise land to its full potential (Molefe 2004:21). Currently the main mechanisms that can be utilised for empowering land reform beneficiaries are the farmer and entrepreneur incubation centres as well as mentorship programmes (Jacobs 2003:14-15).

a) The establishment and utilisation of farmer and entrepreneur incubation centres

Farmer and entrepreneur incubation centres are still in a developmental phase and have been initiated by the national Department of Agriculture to specifically empower upcoming farmers from previously disadvantaged communities (Jacobs 2003:15). These centres are established, or in the process of being established within agricultural colleges or on commercial farms. The centres are specifically established to provide practical or on farm training for the previously disadvantaged who are unable to afford agricultural training provided by Colleges and other educational institutions. Training is the product of a strategic partnership between the provincial departments of Agriculture, Agri-South Africa and the Agricultural Research Commission (ARC). The national Department of Agriculture provides funding to cover the cost of beneficiary training within the provincial sphere of Government.

b) Farmer settlement through mentorship programmes

A mentorship programme entails supervision to beneficiaries of the land reform programme by farmers from neighbouring farms, the previous farmer who owned dispossessed land or other experts from the Department of Agriculture (Jacobs 2003:10,15; Didza Budget vote 2005). The nature of such a mentorship programme will depend on the farming enterprise that the land is suited for or that the beneficiary wants to undertake. The mentorship initiative is verbally supported by all the regional offices of the Commission. The Land Bank also supports this scheme and offers, for example, a discount on debt or a monthly allowance for commercial farmers who act as agricultural mentors as part of post-settlement support (Lahiff and Hall 2004:4).

The regional offices (RLCCs) of the Commission for the Restitution of Land Rights have the option to design a mentorship policy framework. In terms of establishing a mentorship programme for a specific project a regional office of the Commission will typically coordinate activities between the beneficiary, the provincial Department of Agriculture, the local municipality, a commercial farmer or farmers, the Land Bank or relevant NGOs.

4.3.7.2 PHASE 6:

Identify the different governmental stakeholders in the process

It can be argued that post-settlement support is a complex and multi-dimensional process. Although phases 1-5 of the above project cycle render a valuable contribution, the settlement support and development planning units merely perform a facilitative and co-ordinating function. As indicated earlier, the Commission does not have a mandate and is not specialised enough to practically implement post-settlement support requirements such as housing, water, sanitation, training, and so forth.

The practical implementation of post-settlement support depends on the specialist functions of other organs of state, relevant stakeholders and Government departments within all spheres of Government (South Africa 2005c:7). Role-players during the implementation phase include, for example, the beneficiaries of land reform, land owners, the DLA, The Department of Agriculture, relevant local authorities and NGOs such as training institutions and banks. In order to be successful, intra-departmental and integrated planning is of crucial importance (South Africa 2005c:3).

The provincial sphere of Government, in the form of the RLCCs, is responsible for co-ordinating this interdepartmental and integrated planning. This must be done through relevant agreements and settlements (South Africa 2005c:4). Simultaneously the regional offices must also be enabled and empowered to delegate specific post-settlement responsibilities to relevant Government institutions or other role players. This co-ordination and delegation of responsibilities materialise via the practices and principles of effective intergovernmental cooperation as stipulated in the Constitution.

The success of any project depends on the way in which that project is managed. In every case where land was successfully transferred to beneficiaries, post-settlement

support in itself becomes a project. According to Knipe *et al.* (2002:17) effective project management entails the application of knowledge, tools, techniques and skills to project activities in order to meet or exceed stakeholder needs and expectations from a project. Every successful land claim is unique and post-settlement support thereof needs to be managed accordingly. According to Van der Waldt and Knipe (2001:59) a project needs to be managed in terms of the following characteristics:

- The project objectives;
- There must be a realisation that there are certain restrictions in terms of resources;
- The result must be quantifiable; and
- A project needs to bring about change.

During the duration of the project cycle the provincial sphere of Government must ensure that all the phases of the post-settlement support cycle are managed according to the principles of effective project management. Through such an approach the RLCCs will be able to foresee the potential dangers and complexities of the post-settlement support process. It will therefore be possible to plan, organise and control activities to ensure the success of the project.

4.3.8 Post-settlement support: Functions and responsibilities in the local sphere of Government

In terms of the stipulations of the national Government's land development objectives, local authorities are responsible for providing infrastructural services to people who reside within their jurisdiction. The role of the local sphere of Government in terms of post-settlement support is also guided by Section 151 of the South African Constitution. This section stipulates that this sphere of Government consists out of municipalities which are spread over the whole of the territory of the Republic. This is also the sphere of Government closest to the people. Section 153 of the Constitution stipulates that every municipality has the responsibility to structure its administration, budgeting and planning processes in order to tend to the basic needs of the community and to promote social and economic development. It is also expected of municipalities to actively participate in national and provincial Government policy programmes.

4.3.8.1 The importance of integrating post-settlement support initiatives into the integrated development plans (IDPs) of municipalities

The most important mechanism through which municipalities achieve their service delivery objectives is through an integrated development approach initiated by the national Department of Provincial and Local Government and monitored by the provincial authorities. This integrated approach is commonly known as IDPs (Mawson 2002:930). The composition of an IDP is shaped by the following policy guidelines and legislative documentation:

- The White Paper on Local government (1998);
- The Municipal Structures Act (117 of 1998); and
- The Municipal Systems Act (32 of 2000).

An IDP can be described as the structured plan of a municipality that ensures service delivery and the overall improvement of the quality of life of a community (Mawson 2002:932). An IDP is therefore a comprehensive plan which tends to all the sectors of development within a specific community. The idea is that such a development plan must be established for short, medium and long term objectives. The main steps in the design of a municipality's comprehensive IPD are, according to the official website of the national Department of Provincial and Local Government (South Africa 2005e), as follows:

- Make an assessment of the current social, economic and environmental reality in the municipal area;
- Prioritise these needs in order of urgency;
- A determination of the community's needs through close consultation;
- Develop a vision for development in the area;
- Make an audit of available resources, skills and capacities;
- Develop an integrated functional framework to meet the identified needs;
- Formulate strategies to achieve objectives within specific timeframes;
- Implement projects and programmes to achieve objectives; and
- Monitor the situation in order to measure impact and performance.

According to the IDP Guide pack (Mawson 2002:931) local authorities are responsible for sector specific issues only if they bear relevance to a specific municipality. Post-settlement support in a specific region will impact on the service delivery function of a municipality. Although land reform is the responsibility of the provincial sphere of Government, municipalities must accommodate post-settlement support in their integrated planning. The reason for this is that land reform and post-settlement support obviously take place within the territorial boundaries and jurisdiction of different municipalities. The DLA has however achieved (as indicated in chapter 2 of the thesis) only 3.9% of its goals in terms of its objective of transferring 30% of all arable land to formerly disadvantaged communities by the year 2015.

As the land reform in terms of transfer progresses, more and more formerly disadvantaged individuals and communities will become owners or will obtain access to urban and rural land within the boundaries of different municipalities. The majority of these individuals and communities - specifically in the rural areas - does not have the capacity and technical expertise to utilise land to its full potential (Lahiff and Hall 2004:5; Du Toit 2004:1-3; Bosman 2005:19). This implies continued poverty and under-utilisation of land. The implication is that the need for post-settlement support increases as the success rate of the settled claims increases.

Municipalities are therefore coming under increased pressure to assist the beneficiaries of the land reform programme in terms of providing post-settlement support. According to Mawson (2002:931) municipalities face increased challenges in developing sustainable strategies which meet needs and improve the quality of life of local communities. Providing post-settlement support to beneficiaries of the land reform programme is one of these challenges. It is therefore up to municipalities to plan and design ways and means to integrate post-settlement support of land reform projects into their IDPs.

4.3.8.2 Challenges facing municipalities in terms of IDPs

Mawson (2002:931) describes the IDP process in many municipalities as “*half-hearted and unimpressive*”. This tendency can firstly be blamed on inadequate knowledge and understanding of the concept of integrated development planning. Secondly, many municipalities simply do not have the budgets to provide effective service delivery within all sectors of its jurisdiction. A third reason for this lack of

integrated planning is a lack of skilled staff in many municipalities. Mawson (2002:931) is of the opinion that there is a need to sensitise and educate personnel within the municipal structures on the importance and value of an integrated development approach in terms of achieving a situation of sustainable development in all service delivery sections of a municipality, including post-settlement support. Such an approach is likely to promote experimentalism, innovation and can ultimately lead towards more effective systems of planning.

4.4 CONCLUSION

Effective post-settlement support to the beneficiaries of land reform translates into poverty reduction through sustainable development. This chapter established a link between post-settlement support and the objective of sustainable development.

The main focus was to identify and analyse the responsibilities and functional activities of post-settlement support within the various spheres of Government. The chapter was narrowed down to the implementation measures and phases of the Commission for the Restitution of Land Rights its subordinate RLCCs as the designated institution for the facilitation of post-settlement support to beneficiaries of the land reform programme. This research objective was achieved by highlighting, discussing and analysing the following aspects relating to poverty reduction and sustainable development:

- The status and objectives of post-settlement support as part of South Africa's land reform programme;
- The identification of the different implementation phases to achieve the objective of post-settlement support; and
- The legislative post-settlement support responsibilities of the Commission for the Restitution of Land Rights within the various spheres of Government.

It was established that every sphere of Government has a specific function to perform in terms of post-settlement support. It has, however, also been emphasised that the facilitative planning and coordination of the post-settlement support function is the specific responsibility of the regional offices (RLCCs) of the Commission for the Restitution of Land Rights specifically within the provincial sphere of Government.

Therefore an analytical and descriptive emphasis was placed on the responsibilities and functional activities of these regional offices.

The above description and analyses entailed that this chapter identified existing criteria for effective land reform, with specific reference to post-settlement support arrangements. The chapter therefore serves as foundation for the next chapter (5). In doing so, a benchmark was identified against which the facilitation and implementation of the post-settlement support process can be measured.

The main focus of research in the following chapter therefore includes all the spheres of Government but revolves mainly around the post-settlement support implementation phases within the provincial sphere of Government. The way in which the activity of post-settlement support is currently managed will be analysed. This will be done by focusing on the post-settlement support dimension of two specific projects completed within the timeframe 2002-2005. Post-settlement support projects can be defined as individual examples where land was transferred to beneficiaries through the land reform programme. The practical activities and outcomes of post-settlement support initiatives will be compared with the identified responsibilities within the three Government spheres. Through such an approach it will also be possible to establish whether the conduct of post-settlement support was effectively managed within the context of public policy and whether there was adherence to the principle of intergovernmental cooperation. It will therefore be possible to highlight the strengths and weaknesses of post-settlement support and make specific recommendations in order to specify remedial recommendations or to propose an alternative model for achieving the objective of effective post-settlement support being poverty reduction through sustainable development.

CHAPTER 5

ACHIEVING THE OBJECTIVES OF SUSTAINABLE

DEVELOPMENT THROUGH POST-SETTLEMENT SUPPORT:

EMPIRICAL FINDINGS

5.1 INTRODUCTION

The objectives of chapters 1 to 4 were mainly achieved through a thorough literature survey of relevant Government publications, official reports, policy documentation, journals, legislation, books, the media and the post-settlement support guidelines stipulated in for example the relevant budget speeches and comments of previous ministers of the DLA (D. Hanekom, in 1998 and T. Didiza, in 2005). In these chapters the dynamics and challenges currently confronting the land reform programme were identified and critically analysed. In order to confirm and strengthen the findings of the literature research, information sessions, interviews and informal discussions were also conducted with relevant managerial stakeholders within the various spheres of Government. These stakeholders included post-settlement support coordinators representing various RLCCs, senior officials of the DLA and senior representatives from the various relevant agricultural organisations.

Through the findings of the above chapters (1 to 4) the hypothesis of this research was substantiated. In the hypothesis it was assumed that the Commission is, since its inception in 1994 effective in transferring land, but mostly ineffective in facilitating post-settlement support to the beneficiaries of the land reform programme. It was stated that there are currently no formal clear-cut and detailed criteria that serve as benchmark for the provision of post-settlement support by the RLCCs.

Against the background of the above assumption and statement, research was specifically narrowed down to the current format and existing arrangements which serve as guidelines for post-settlement support as a functional activity. In terms of legislation, post-settlement support must be facilitated by the Commission on every land reform project. It has furthermore been stressed and substantiated that the success of land reform depends to a significant degree on effective post-settlement

support. In other words, it is important that the beneficiaries of the land reform programme must be empowered to utilise land in a sustainable way in order to reduce poverty and uplift their livelihoods as well as the livelihoods of others in the medium to long term.

It was emphasised that there is a need for an effective post-settlement support model with clear cut criteria in order to ensure sustainable development after beneficiaries have received land (the post-settlement support phase). The identification of crucial components (elements) of such an effective post-settlement support model is also the main objective of this research.

This chapter (5) concerns the empirical confirmation and verification of the outcomes of specifically chapters 1 and 4 and has the following three specific objectives:

- To analyse two land reform projects in order to establish what went wrong during the facilitation of post-settlement support;
- To identify problematic trends and challenges that arose during the facilitation of post-settlement support; and
- To identify and explore potential ways and means to improve the management of post-settlement support as part of the Commission's responsibilities.

In order to achieve the above objectives a two-fold approach was followed. Firstly, an analysis was conducted on the post-settlement support management, and outcomes of two specific rural restitution projects, as administrative case studies. The first of the case studies took place in the North West province (Putfontein) and the other in the Gauteng province (The Ellison and Steynberg project). In order to further confirm and substantiate the above findings and trends identified in the case studies, semi-structured interviews were secondly conducted with relevant stakeholders.

5.2 THE ANALYTICAL NATURE OF THE ADMINISTRATIVE CASE STUDIES

In order to achieve the objectives of this chapter and to understand the nature of post-settlement support to beneficiaries of land reform the case studies under discussion were conducted in an analytical way. This means that it provide not merely a case description but also a case analysis. It was therefore possible to link

post-settlement support outputs in these two cases with post-settlement support outcomes.

In both case studies beneficiaries successfully claimed land as part of the land reform restitution process, and rights to land have been restored respectively in 2001 and 2002. In the case of Putfontein the claimants are currently residing and utilising that land. In the case of the Ellison and Steynberg project claimants are still to occupy the land pending the outcome of a resettlement plan. At Putfontein the land is however underutilised, neglected and the beneficiaries residing on the property are subjected to poverty and underdevelopment (Moos 2006). In the case of the Ellison and Steynberg project the beneficiaries are, according to Stoltz (2006) also unable to occupy the land due to the absence of an effective resettlement plan. The area remains underdeveloped and is according to De Vries (2005:17); Stoltz (2006) currently being occupied by so-called "*illegal squatters*".

In 2007 the situation in terms of both case studies remained the same. The planning for the facilitation of post-settlement support within the different spheres of Government however occurred during the period 2002 to 2004. It is therefore within this period that the weaknesses within the post-settlement support management model can be found. The majority of utilised publications that related to the facilitation of post-settlement support were therefore published within the aforementioned timeframe (2002-2004), and is also reflected as such in this thesis.

The analysis of the two case studies/projects did not concern an in-depth analysis of all the procedures that were followed in terms of legitimising the claim. It rather concerned a brief overview of the merits of the claim and the outcome of the legitimisation process. The core objective of the case studies was to provide an in-depth analysis on the outcomes of the way in which the post-settlement support cycle was facilitated by the relevant RLCC. The management of these two case studies/projects were structured according to, and measured against the projected outcomes of the post-settlement support management cycle as it occurred within the three spheres of Government (national, provincial and local), as identified and

analysed in chapter 4 of this thesis (see figure 4.1). The emphasis was on the facilitation of post-settlement support within the provincial sphere of Government⁹.

The purpose of the above analysis was mainly to indicate that the post-settlement support process has not as yet benefited the majority of beneficiaries of land reform. The inherent weaknesses of the post-settlement support arrangements were therefore be highlighted. In the final analysis it was indicated that there are specific counter-productive trends and shortcomings in the way in which the post-settlement support process was facilitated. These counter-productive trends and shortcomings need to be rectified.

5.3 THE CONTENT OF THE SEMI-STRUCTURED INTERVIEWS

The semi-structured interviews had the following purposes:

- To confirm the assumptions of the hypothesis of research;
- To substantiate the outcomes of the literature research;
- To verify, from a managerial, land owners and beneficiary perspective, the outcomes of the case studies conducted in the previous section;
- To identify specific trends and shortcomings in terms of the facilitation of post-settlement support to the beneficiaries of the land reform programme.

In order to achieve the above objectives, interviews were conducted with senior managers selected from the following three groups:

- Managers of post-settlement support;
- Land owners who lost their land;
- Beneficiaries who received land.

It is believed that the combination of the literature study, case studies and semi-structured interviews provided a balanced perspective on the structure, progress and shortcomings in terms of managing the facilitating of post-settlement support as part of the land reform programme. These combined outcomes of the above research

⁹ The provincial sphere of Government (The RLCCs) is responsible for the facilitation of post-settlement.

methods served as a foundation for the identification of a sustainable post-settlement support management model in the concluding chapter of the thesis.

5.4 POST-SETTLEMENT SUPPORT FOR THE PUTFONTEIN CLAIM: CONTEXTUAL BACKGROUND

During the period 1960 to 1993 so-called independent homelands for black people formed one of the institutionalised pillars of apartheid. In line with the previous Government's apartheid policy, the Development Trust and Land Act (no.18 of 1936) (South Africa 1936) was specifically designed and approved to develop, expand, arrange and/or rearrange the borders of the so-called black homelands (Bophuthatswana, the Transkei, the Ciskei, Venda etcetera) (Malan and Hattingh 1975:24). In terms of the provisions of this Act the Government of the day was practically empowered to expropriate land at will and to resettle people in designated areas or homelands in order to achieve the objective of separate development (Barry *et al.* 1976:21). There are hundreds of examples where land was dispossessed in terms of this Act. One of these examples was the Batlounge tribe which owned the farm Putfontein in the North West province (South Africa 1995d:702).

5.4.1 The circumstances surrounding the land dispossession of the Batlounge tribe at Putfontein

During the period 1929 to 1977/8 the Batlounge tribe representing approximately 642 households owned, resided and earned a living on the farms Putfontein, Sterkfontein, Omega and Vogelstruisknop (collectively known as Putfontein) between Lichtenburg and Coligny in the North-West province (South Africa 1997c:479). Individual land owners possessed title deeds for different portions of land on Putfontein. The total geographical area owned by the Batlounge tribe amounted to more than 7700 hectares of land (South Africa 2004c:11; Moos 2006). The area was mainly used for residential, a variety of subsistence agricultural activities as well as cattle grazing purposes (Van Eeden 2003:2).

During the period 1977 to 1978, the then South African Government dispossessed the community of the land in terms of the Expropriation Act (no 63 of 1975) (Malan and Hattingh 1976:18). This Act was promulgated in 1975 and served as the implementation legislation (mechanism) to achieve the discussed objectives of the Development Trust and Land Act (no. 18 of 1936) (South Africa 1936). In terms of the provisions of these Acts the members of the community were either remunerated or resettled on other designated farms and residential areas within the boundaries of the former Bophuthatswana Homeland. The Act furthermore provided that either remuneration or resettlement was compulsory and that the tribe had no influence in what should happen to them, or their ancestral property (Van Eeden 2003:4).

5.4.2 The utilisation of the farm (Putfontein) after dispossession

In line with the previous Government's policy objective of separate development, the main purpose of the dispossession of the Batlounge tribe was firstly to resettle the community in the former Bophuthatswana homeland. A second purpose of the dispossession was to explore ways and means to develop the land for technologically intensive agricultural and export purposes.

After the Batlounge tribe was dispossessed, the land under discussion was briefly held in trust (owned) by Government, after which it was sold to individual private buyers (commercial farmers) who represented five households (Van Eeden 2003:7). Over a period of time these private buyers successfully developed the land for technologically intensive agricultural and export purposes. The agricultural activities included profitable maize harvests, peanut production, cattle and sheep farming as well as the production of various dairy products.

According to Du Toit (2004:185) the farm had an annual turnover of R7 000 000 before the claim was lodged by the Batlounge with the national office of the Commission in 1995. The current outset of the area under discussion, with the exception of portions hired by neighbouring farmers, is restricted to subsistence farming by the beneficiaries of the claim (Du Toit 2004:186; Moos 2006).

5.4.3 The lodgement and outcome of the Putfontein claim:

A holistic perspective

The main rationale behind the lodgement of the Putfontein claim was that the community indicated that they unwillingly lost their land in terms of the provisions of apartheid legislation. Against the above background of alleged compulsory dispossession in terms of apartheid legislation the Batlounge tribe lodged a claim through the mediation of a private legal institution (the Legal Resources Centre) with the DLA for their land to be returned to them (South Africa 2004c). In terms of the land reform prescriptions of the Land Restitution Act (no. 108 of 1994) the Putfontein claim was thereafter investigated by the Gauteng and North West RLCC.

Through the RLCC's validation and verification procedures, the claim proved to be legitimate and it was decided that the right to the land must be restored to the claimants. Against the background of this decision the land was bought by Government in terms of the "*willing-buyer- willing-seller principle*" at a market related price. The specific purpose of the purchase was to return their ancestral land to the Batlounge tribe (South Africa 2003b:32).

A post-settlement support plan of action had been facilitated by the RLCC. The purpose of this plan would be to ensure that the claimants were empowered to utilise their land in a sustainable way and in the process uplifting their own livelihoods. The post-settlement support initiatives on the Putfontein claim have proven to be ineffective (Du Preez 2004:17).

Against the background of this overview on the basic outcome of the Putfontein claim, the way in which post-settlement support was handled can be discussed and analysed.

5.5 THE FACILITATION OF POST-SETTLEMENT SUPPORT ON THE PUTFONTEIN CLAIM

In terms of its specialist facilitative function and constitutional responsibility the Commission, through the activities of the Gauteng and North West RLCC, embarked according to the Putfontein feasibility study (South Africa 2003b:1), on two post-settlement support outcomes concerning the Putfontein project, namely:

- The residential resettlement of the Batlounge tribe on the farm Putfontein; and
- Ensuring that the quality of life of the Batlounge beneficiaries of the programme improved in a sustainable way through the revival of subsistence farming and technological based export orientated agricultural activities. In other words facilitating effective post-settlement support.

These two outcomes directly link up with the objective of providing post-settlement support to the beneficiaries of the land reform programme (White Paper on Land Policy) (South Africa 1997a:5). With the achievement of the above two objectives as contextual background the management of the Putfontein claim within the various spheres of Government can be analysed in more detail.

5.6 THE MANAGEMENT OF THE PUTFONTEIN CLAIM WITHIN THE NATIONAL SPHERE OF GOVERNMENT (THE NATIONAL OFFICE OF THE COMMISSION)

As indicated in chapter 3 and the previous section of this chapter, the national office of the Commission does not have a responsibility to implement the facilitation of post-settlement support where claims for land were lodged. The responsibility for the facilitation of post-settlement support remains with the various RLCCs resorting under the structures of the Commission. The national office of the Commission has a processing responsibility. In terms of this processing responsibility the Commission received and administered lodged claims before the cut-of date of 31 December 1998 (South Africa 2004c:34).

In 1995 the Batlounge tribe lodged a formal claim with the national office of the Commission. The motivation behind this claim was to have their ancestral land, of which they were dispossessed during the timeframe 1977 to 1978, returned (South Africa 1997b:481). The national office of the Commission acknowledged receipt of claim and commenced with processing it. The main outcome of this process was the categorisation of the claim according to provincial responsibility in terms of which it was referred to the Gauteng and North West RLCC for further processing.

5.7 THE LEGITIMISATION OF THE PUTFONTEIN CLAIM WITHIN THE PROVINCIAL SPHERE OF GOVERNMENT

In line with its legislative obligations, the aforementioned RLCC took responsibility for the legitimisation investigation, validation and determination of applicable post-settlement support initiatives and measures. The legitimisation investigation was sourced out to a private consultancy firm and it was established that the claim was legitimate and just. There was therefore sufficient evidence for the right of the land to be restored to the Batlounge tribe. A report and recommendations for the return of land and facilitative assistance in terms of post-settlement support was also compiled by the RLCC and referred via the national office of the Commission to the national minister of the DLA.

Outcome permission was granted by the minister for the right of land to be restored and the community to be resettled as soon as possible. Furthermore a plan of action had to be formulated by the Gauteng and North West RLCC for the provision of sustainable post-settlement support (South Africa 2003b:8). In terms of managing the claim, the RLCC was therefore mandated and tasked by the national office of the Commission to ensure that the community was resettled on their disposed land and to facilitate a action plan for agricultural development, in order to ensure that their livelihoods improved in a sustainable way (facilitate post-settlement support) (Moos 2006).

5.8 MANAGING THE FACILITATION OF POST-SETTLEMENT SUPPORT FOR PUTFONTEIN IN THE PROVINCIAL SPHERE OF GOVERNMENT: THE RLCCs

The management of the Putfontein claim can be regarded as effective in terms of the fact that it was effectively processed within the national sphere of Government and legitimised within the provincial Government sphere. As a result the farm was acquired for R21 million and returned to the Batlounge tribe in 2002 (Moos 2006). Furthermore, members of the Batlounge tribe are currently residing on the farm and are successfully engaging in subsistence agricultural activities in order to produce food for their families (South Africa 2003b:32; Moos 2006).

In terms of the intended sustainable utilising of the bulk of the returned land for technological, agricultural and export orientated activities, the project is however

ineffective (Du Toit 2004:185; Moos 2006). The reality is that the land is underutilised and the majority of beneficiaries are unable to utilise the returned land to its full potential. This contributes to the degradation of the soil, continued poverty and an inability to substantially uplift the livelihoods of the Batlounge beneficiaries and others (Moos 2006).

A reason for this underutilisation of the land is that the post-settlement support management cycle as initiated within the provincial sphere of Government was only partially completed in 2003 (South Africa 2003b:32; South Africa 2003c:62). In essence the completed post-settlement support management process consisted out of a feasibility study, an environmental impact assessment, planning for the way in which land should be utilised as well as a business plan that specifically focused on financing the resettlement of the Batlounge tribe. For this reason the way in which post-settlement support was managed in the case of the Putfontein project, specifically within the provincial sphere of Government, can also be described as a partial success. According to Du Preez (2004:2) the process was however inadequate for achieving the objective of long term sustainable development (see figure 5.1).

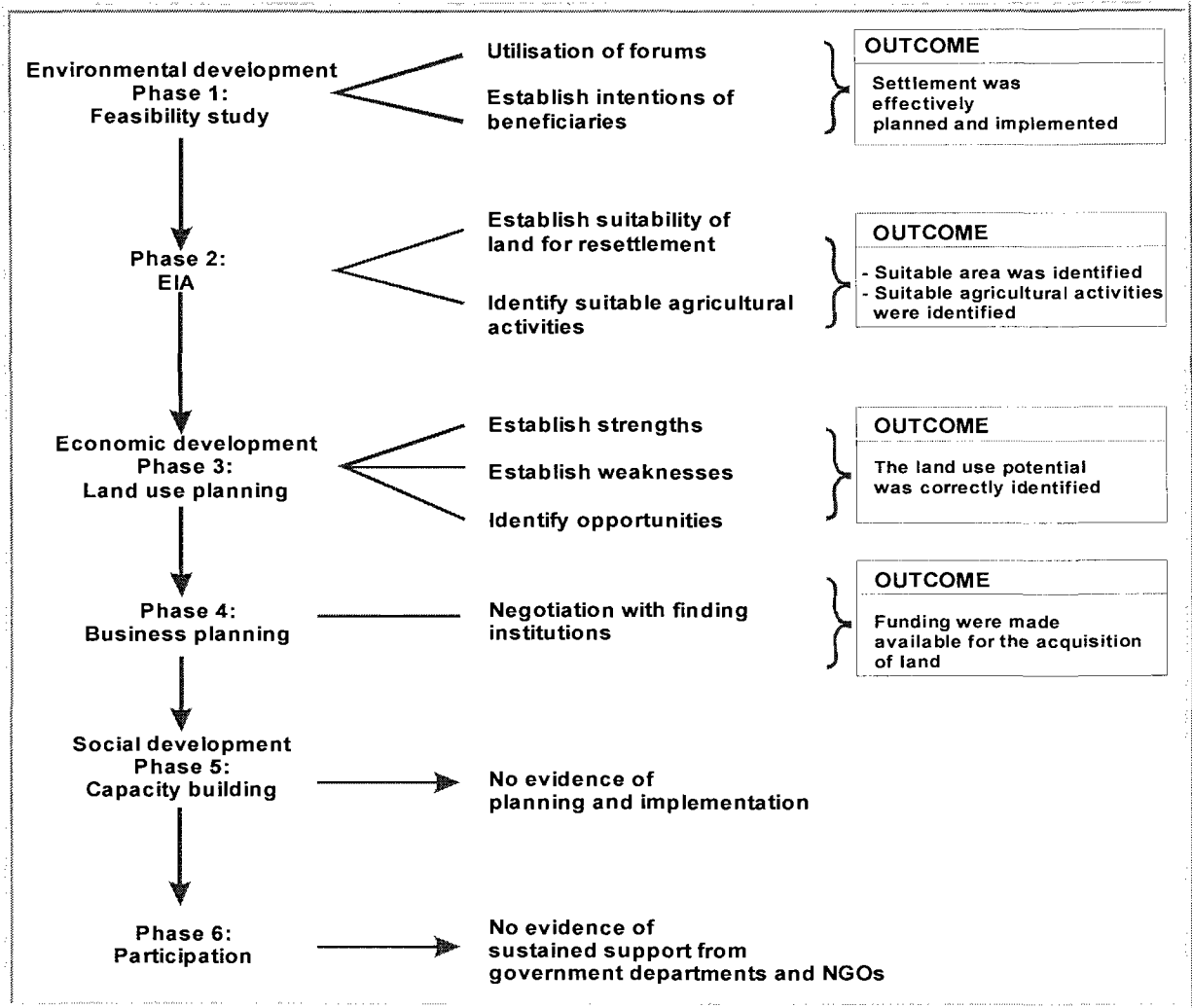


FIGURE 5.1: The facilitation of the Putfontein post-settlement support cycle within the provincial sphere of Government

Source: South Africa 2004c:2-8; Researcher's own analysis

Against the background of the illustration in figure 5.1 the main findings of the way in which post-settlement support in the case of Putfontein was managed, can be understood. It is again important to note that the major shortcoming in the management of the process was that only the first three phases of the post-settlement support project management cycle were completed effectively. Phase 4 (the business plan) was also completed but mainly focused on acquiring portions of land and the resettlement of the Batlounge tribe. The objectives of phases 5 (capacity building) and 6 (stakeholder participation) were not achieved.

The environmental dimension of development was therefore effective. The economic and social dimensions of development were however incomplete. The requirements for sustainable development therefore were not complete and did not interlink. A situation of sustainable development was not achieved. In order to highlight the weaknesses in the management of post-settlement support in the case of Putfontein, the implementation phases can therefore be discussed in the following section.

5.8.1 PHASE 1:

The feasibility study completed on the Putfontein claim (the environmental dimension)

This study was facilitated by the Gauteng and North West RLCC and partially outsourced to private consultancy firms and the legal representatives of the Batlounge tribe. After the Putfontein claim was legitimised and land rights restored the property was registered in the name of the Batlounge Communal Property Association (CPA)¹⁰ which together with the Legal Resources Centre (A consultancy firm) represented the tribe during the lodgement of the claim. Individual plots or portions of land for resettlement were also allocated to individual claimants or households (South Africa 2003b:1-2). In terms of establishing the resettlement (housing) needs of the 642 households of the Batlounge tribe, as well as intended utilisation of land, the Putfontein claim was feasible in the sense that it was characterised by full community participation, a thorough investigation and consensus amongst the stakeholders (Putfontein resettlement plan) (South Africa 2004c:3).

5.8.1.1 *The utilisation of established forums to steer the format of post-settlement support on the Putfontein project*

The technical planning for the resettlement of the Batlounge tribe on their ancestral land fell beyond the capacity and speciality of the Commission for the Restitution of Land Rights. This is the specialist function performed by Town and Regional Planners. The resettlement function was therefore sourced out to a private company namely Urban Dynamics (North-West) Inc (South Africa 2004c:4). In order to effectively resettle the Batlounge tribe on their dispossessed land, the CPA and the

¹⁰ The Communal Property Association Act (28 of 1996) was designed to help any group of people to buy, keep and use land together as a group. The CPA is made up of members who have rights in terms of the land reform programme (Sibanda 2006:5).

affected households were involved and consulted in a series of workshops that were held in the timeframe 1995-2000. These workshops were driven and attended by post-settlement support delegates from the Gauteng and North West Commission for the Restitution of Land Rights as well as Town and Regional Planners from Urban Dynamics (South Africa 2003c:16).

Consensus was also reached on the layout of the project area. In brief it was decided that the community be resettled on the farm Putfontein (part of the Putfontein group) 18 kilometres north-west of the town of Coligny (Du Preez 2004:2). This resettlement comprised approximately 309 hectares on the designated portion of land. In addition each household received a stand of 1042 square meters (South Africa 2004c:4-5).

5.8.1.2 *Establishing the land utilisation intentions of the Putfontein beneficiaries*

Before they were dispossessed the Batlounge tribe made a living out of subsistence agricultural activities aimed at producing food for their families. The CPA representing the Batlounge tribe indicated that the community had ample experience in this form of agricultural self-sustainability. More specifically, it was found that most of the beneficiaries were well established and experienced subsistence farmers and would therefore be able to, at least produce enough food for their families (Pretorius 1996:2; Putfontein feasibility study) (South Africa 2003b:1).

Against the above background the CPA therefore firstly indicated that a portion of the land should be utilised for residential purposes to produce food for families. The intention was therefore clearly expressed that at least a portion of the land should be utilised for subsistence farming. This meant that the residential settlement of the 642 households were to be of a rural/tribal nature.

The minimum norm for RDP housing in South Africa is 35 square meters (South Africa 2003b:4). In the case of Putfontein it was foreseen by studying the intentions of the beneficiaries that crops would be harvested and that there would be livestock kept on the stands, in order for subsistence agricultural activities to take place. Larger than average urban stands were therefore needed to tend to the needs of the resettled community. In order to accommodate these specific needs the agreed upon sizes of the stands for the individual households therefore, as indicated exceeded 100 square meters (South Africa 2003b:4-5). It was furthermore emphasised that

income levels within the settled community are going to be low and that there should be an intensive business plan in place to ensure sustainable development.

Secondly, the CPA also emphasised the importance of producing food for external markets. The intention was expressed to go beyond subsistence farming and to utilise the bulk of remaining arable land (7391 hectares) for technological intensive agricultural activities which could be exported nationally as well as internationally (South Africa 2003b:2-6). It was decided and agreed that the Department of Agriculture must compile a report on the nature of the land in order to establish and indicate which agricultural activities would be feasible in terms of for example quality of soil, climate, existing infrastructure etcetera.

5.8.2 PHASE 2:

The content of the EIA performed on the Putfontein claim (the environmental dimension)

As indicated in the previous chapter, an EIA report on a specific portion of land entails a detailed situational analysis. It can be regarded as a preparatory procedure and tool for evaluating the likely impact of proposed activities such as farming and other forms of rural development on a specific portion of land. In the case of Putfontein the EIA had, according to the Putfontein resettlement plan (South Africa 2004c:2) to identify environmentally sensitive areas with the following two objectives:

- To establish which area would be most suitable for resettlement of 642 households; and
- Which technological intensive agricultural activities could be performed on the land after it was transferred to the Batlounge tribe.

Against this background the implementation procedures and outcomes of these objectives can be discussed in more detail.

5.8.2.1 *Establishing whether Putfontein was suitable for residential resettlement*

In terms of Government's environmental requirements the following assessment had, according to the Putfontein resettlement plan (South Africa 2003b:3), been com-

pleted by Urban Dynamics before the Batlounge tribe was resettled on the farm Putfontein:

- a) A complete resource analysis. This analysis included an ecological profile on aspects such as the geology, soils, vegetation, surface and groundwater as well as cultural heritage sites;
- b) An environmentally sensitive area where resettlement of people was not feasible has been identified; and
- c) The aforementioned environmentally sensitive area was mapped for the purposes of other agricultural project developments.

The above inputs have been taken into account where after it was decided that the 642 households of the Batlounge tribe could be resettled on portion 62-IP on the farm Putfontein in the northern half of the project area (South Africa 2003b:3). This area was chosen for it was, in terms of the EIA the most suitable for residential development combined with subsistence farming. It furthermore provided ample space for future extension of the settlement.

5.8.2.2 Identifying feasible technological intensive agricultural activities to be initiated on Putfontein

After Putfontein was dispossessed (1977-1978) and resold it had been developed as a technological intensive export orientated farm. Up to 1995 the farm produced agricultural products for the local markets as well as for export purposes. According to the feasibility report conducted by the DLA (South Africa 2003b:2-6) technological intensive agricultural activities such as broiler production, piggery production, beef production and crop production were well established on the farm between 1977 and 1995. Since the claim was lodged by the Batlounge community many of these activities fell into disuse pending the outcome of the validation and verification investigations. After dispossession, the farm was therefore used by the private owners for technological intensive agricultural produce. It was assumed that the farm was still suitable for agricultural utilisation, and had the basic infrastructure to be revitalised. It was envisaged that the resettled community would use the existing infrastructure as foundation and resume these agricultural activities in order to become and remain sustainable.

5.8.3 **PHASE 3:**

The extent of land use planning for the Putfontein claim (the economic dimension)

The main purpose of land use would be to become profitable and to achieve the objective of sustained development. A Strengths, Weaknesses, Opportunities and Threats (SWOT) analysis was conducted with specific outcomes. The outcomes of this analysis can, according to the Putfontein feasibility study (South Africa 2003b:6), be summed up as follows:

a) The strengths inherent to the Putfontein project

- Successful and profitable agricultural activities have been taking place on the farm before it was transferred to the Batloung tribe. There was therefore a solid foundation which would enable the tribe to engage in agricultural activities;
- Government made funds available for the purchase of the farm;
- The Department of Agriculture played a role in identifying the training needs of the community; and
- Most of the beneficiaries were already engaged in agricultural activities; this would make it easier for them to achieve many of the objectives of the project.

b) The weaknesses inherent to the Putfontein project

- There were 642 households on the land. This would lessen and even minimize profit sharing;
- Most of the beneficiaries did not have the knowledge and experience to engage in technological intensive agricultural activities. This could impact negatively on the disposable income that the project has to generate; and
- Beneficiaries would have to borrow funds from other financial institutions. There was no guarantee that they would generate enough income to repay a loan.

c) The opportunities inherent to the Putfontein project

- The Department of Agriculture had the capacity to provide in all necessary training needs to beneficiaries;

- As an organ of the DLA, the Land Bank would be in a position to lend funds to the beneficiaries of the programme;
- The land is in close proximity of major markets in the country which must be utilised to sell products; and
- The geographical area was adequate to expand and develop agricultural activities such as ground and water.

d) The threats inherent to the Putfontein project

- Many land claim projects tended to encounter internal conflict of interest among beneficiaries which needed to be resolved through mediation; and
- Theft of produce as well as infrastructural devices such as agricultural implements could have a negative effect on the envisaged return of the project.

It is on the basis of the above SWOT analysis that the potential risks and prospects of the Putfontein project were predicted.

5.8.4 PHASE 4:

**Business planning for the Putfontein claim
(the economic dimension)**

The business planning for the Putfontein project was conducted by the Department of Agriculture (South Africa 2003c:7-8). In terms of concrete outcomes the business planning mainly revolved around financing the acquisition of the land and returning it to the Batlounge tribe. In terms of providing post-settlement support, the business planning can at the most be described as a holistic assessment on what needed to be done for the project to be successful.

The DLA subsidised R3000 for each of the 642 households that benefited from claims. In other words, the total amount that was approved for the resettlement and development of the Batlounge tribe amounted to R1,926 000. This amount was however not entirely utilised for the resettlement of the Batlounge, or development purposes. Half of the amount was used by Government to acquire portions of the farm and resettle beneficiaries. In total R965 067 was used to acquire land (South Africa 2003b:7). The balance of the acquisition amount was earmarked for

development purposes. This concerned planned purchasing of machinery on the farm. No specific indications were, however, provided on which implements had to be acquired for the development of the land. This amount together with loans obtained from for example the Land Bank were to be utilised to kick-start agricultural activities on the farm (South Africa 2003b:7).

In order for the project to be successful it was furthermore recommended that an experienced farm manager be responsible for all the operations on the farm (Du Preez 2005:2). This should ensure the success and effective operationalisation of the project. This effective operationalisation would in turn provide security and enable the community to borrow funds from the Land Bank in order to expand the project and become more profitable.

5.9 MANAGING THE FACILITATION OF POST-SETTLEMENT SUPPORT FOR PUTFONTEIN WITHIN THE LOCAL SPHERE OF GOVERNMENT

In the majority of land reform projects, beneficiaries are, as substantiated in the previous chapters, unable to utilise received land in a sustainable way. As the land reform process gathers momentum and more land are being transferred or returned, Government is increasingly confronted by the post-settlement problems experienced by beneficiaries. These post-settlement support problems boil down to continued poverty, underutilisation of land and an inability to improve their livelihoods.

In the case of the Putfontein project, 642 households were resettled in 2000 within the municipal boundaries of the Lichtenburg district. Local Government is the sphere of Government closest to the people. Section 153 of the Constitution stipulates that every municipality has the responsibility to structure its administration, budgeting and planning processes in order to tend to the basic needs of the community and to promote social and economic development. This can be achieved by integrating land reform needs into their IDPs. In the case of the Putfontein project this has not happened. The Putfontein resettlement plan (South Africa 2004c:1) however indicated that the Putfontein project area falls under the jurisdiction of the Ditsobotla local municipality. It is assumed that the role of the local authorities were restricted to administrative assistance in terms of the validation and verification of the claim. The local authority was able to provide substantiating evidence such as title deeds, proof of dispossession, of compensation for land and relevant historical literature and

official documentation that were kept on record relating to the claim. The local authority also facilitated the legal and administrative procedures for the transfer of land to the beneficiaries (South Africa 2004c:1). No evidence was, however, found that the Putfontein project was integrated in the IDP of the local municipality.

5.10 A SUMMARY OF WEAKNESSES AND SHORTCOMINGS IN THE MANAGEMENT OF POST-SETTLEMENT SUPPORT FOR THE PUTFONTEIN CLAIM

From a holistic perspective it can be concluded that the project was partially effectively managed in terms of planning and providing settlement support. The claim was successfully processed, legitimised and the land rights were restored and returned to the Batlounge tribe in 2002. Members of the tribe are currently also residing on a portion of the farm Putfontein that was planned for residential settlement. Post-settlement support was also partially effective for the settled households were enabled to utilise their acquired portions of land for subsistence farming, mainly to produce food for their families.

Against the background of the above successes it is however also clear that the management of post-settlement support was not ineffectively managed by the RLCC in terms of achieving the following main objectives that can be linked to the economic and social requirements for sustainable development:

- Establishing technological intensive, export orientated agricultural activities on the remainder of the farm. Post-settlement support initiatives mainly focused on land use intentions of the beneficiaries, land use potential and projected outcomes. These initiatives did not result in concrete planning and implementation and procedures;
- The absence of the above concrete outcomes can secondly be attributed to a lack of participatory commitment by the various specialised stakeholders such as other Government departments, municipalities, NGOs and financial institutions;
- No evidence was found of effective training of beneficiaries, mentorship programmes or the provision of sufficient funding for intended development programmes;

- No evidence could be found that the tribe obtained adequate access to financial resources from for example, the Land bank to kick start and maintain proposed agricultural projects; and
- In the final analyses it seems clear that the project was not effectively integrated into the IDP of the local authority.

Against the background of post-settlement support the following section focuses on the second case study. Similar trends in terms of the facilitation of post-settlement support to the beneficiaries of land reform were identified.

5.11 POST-SETTLEMENT SUPPORT FOR THE ELLISON AND STEYNBERG CLAIM: CONTEXTUAL BACKGROUND

One of the main objectives of the apartheid policies and implementation legislation was to geographically separate white and black South Africans. These policies and legislation revolved around establishing black people in designated areas or so-called homelands, where they were also allowed to exercise political rights.

5.11.1 The geographical essence of racial segregation in South Africa during the apartheid dispensation (1965 to 1972)

The homelands were created by the former South African Government according to the racial and tribal origins of the South African population (Barry *et al.* 1976:19). For example, Tswana speaking people would be settled in Bophuthatswana, Venda speaking people would be settled in Venda and Xhosa speaking people would be settled in the Transkei etcetera. In many instances these homelands were however underdeveloped, lacked national and international investment attractiveness and did not have the infrastructure to support large resettled populations in a sustainable way. In addition they were far removed from the industrialised white areas where many black people were employed.

Black people were however also allowed to reside in the vicinity of white cities and towns in so-called locations or townships. They firstly served as a necessary source of inexpensive labour to these white cities and towns and were secondly able to earn money to support themselves or their families in the homelands (Malan and Hattingh 1975:9-10).

In order to effectively regulate the movement of black people in and out of white areas, a strictly controlled so-called pass system was institutionalised. The black population was also not allowed to exercise its political rights in the locations and townships in the vicinity of white areas. Political rights were only to be exercised within the established boundaries of the designated homelands (Malan and Hattingh 1975:17).

5.11.2 The practice of clearing up of “black spots” in order to achieve apartheid policy objectives

The clearing up of “black spots” was one of the prominent mechanisms through which the previous Government was empowered to dispossess people of their land (Malan and Hattingh 1975:23). During the institutionalisation of the apartheid system a substantial number of black people still owned land and resided in areas which were established within the planned boundaries of the designated white areas. These black owned areas were inherited land, ancestral land, or people legally bought the land before the apartheid system was institutionalised since 1913¹¹.

In terms of the legal provisions of the apartheid policy, and in order to further institutionalise the apartheid system, these areas were classified as so-called “black spots”. In more concrete terms they were identified as undesirable portions of land occupied or owned by black people within the planned and reserved white areas. Between 1967 and 1975 Government cleared up 103 100 hectares of “black spots” (Malan and Hattingh 1975:23-24).

Government was therefore legally empowered to expropriate land, remunerate occupants or resettle them in the black homelands, reserves or in townships in the vicinity of white areas (Malan and Hattingh 1975:24). The Ellison and Steynberg project is a typical example of a community that owned and utilised land in a designated white area and as a result was declared a “black spot”. They therefore lost their land as a result of the “black spot” being cleared up by Government in the indicated timeframe.

¹¹ In terms of legitimising the Ellison and Steynberg claim many of the dispossessed land owners were able to provide proof of ownership in the form of title deeds and other official verification documentation.

5.11.3 The circumstances surrounding the land dispossession of the Ellison and Steynberg community (1965-1972)

The previously black owned land on Ellison and Steynberg smallholdings are situated in the vicinity of Bronkhorstspuit in the Gauteng province (currently known as respectively Doornkraal and Onverwacht). The total geographical area owned by the original owners amounted to approximately 432 hectares of land (South Africa 2002c:1).

In 1960 the properties were classified by Government as a so-called “*black spot*” within reserved white areas (Vreugdenburg 2005:99-100; Land Restitution catalogue (South Africa 2002b:30-31). As a consequence of this classification the individually owned portions of land were expropriated between 1965 and 1972 in terms of the provisions of the Development Trust and Land Act of 1936 (South Africa 2002c:1).

In the case of the Putfontein claim a whole tribe (the Batloug) was dispossessed of their ancestral land. After they were dispossessed the Batloug received financial compensation and were resettled by the Government in another area within the boundaries of the Bophuthatswana homeland.

In contrast to the above claim the original owners of the Ellison and Steynberg smallholdings represented 90 to a 100 individual families without a common ancestral background. They were individuals from different tribal origins who inherited, legally bought and earned a living through subsistence farming on specific portions of land (Vreugdenburg 2005:99-100). The agricultural activities practiced on the land were restricted to subsistence cultivation of crops and cattle grazing. Each claimant owned and utilised a portion of land that amounted to between 3 to 7 hectares (South Africa 2002c:1).

Since the owners had no common ancestral background they could therefore not be resettled within the boundaries of a specific homeland, as was the case with the Putfontein claim. Instead the owners only received, according to De Vries (2005:17)¹² financial compensation for their land that varied between R500 and R6000. The

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It is important to note that the original owners of the land are not yet settled on their land pending the outcome of the post-settlement support initiatives. The original owners or the descendants of the original owners are currently residing in various locations in Gauteng and the North West provinces.

dispossessed used their funds to resettle themselves in mostly urban locations throughout the Gauteng and North West provinces (South Africa 2002c:6).

5.11.4 The utilisation of the (Ellison and Steynberg claim) land after the dispossession of the owners

In line with the previous Government's developmental policy objective of separate development, the main purpose of the dispossession of the Ellison and Steynberg land owners was to remove the owners (the so-called "*black spot*") out of the designated white Bronkhorstspuit district. In terms of legislative guidelines the dispossessions were compulsory and the owners were forced to vacate their land (De Vries 2005:17).

No evidence could be found that the land was earmarked for specific developmental purposes other than the clearing up of the so-called "*black spot*" area. After the land was dispossessed it was held in trust by Government. The property was rented to commercial (white) farmers and was up to the time and lodgement of the claim in 1995, mainly utilised for cattle grazing. Due to unsuitable agricultural conditions specifically in terms of soil and climate, the area was never developed for technological intensive agricultural activities.

The area currently remains Government property pending the outcome of ways and means to settle the dispossessed owners on the land in a sustainable way (South Africa 2002c:1; Stoltz 2006:1-3).

5.12 THE LODGEMENT AND FACILITATION OF THE ELLISON AND STEYNBERG CLAIM

The main rationale behind the dispossession of the Ellison and Steynberg land owners was that the area was declared by Government as an undesirable "*black spot*" which had to be cleared up. It is for this reason that the original owners or their descendents lodged a claim with the Commission for the Restitution of Land Rights in 1995. In this claim the claimants requested that their land be returned to them based on the fact that they were dispossessed in terms of the provisions of apartheid legislation. According to the memorandum of a greement between the Government and the Ellison and Steynberg coordinating forum (South Africa 2001:1-2), reasons for the claimant's request for the land to be returned were as follows:

- The community did not receive just and equitable compensation at the time of dispossession;
- The claimants were forced to relocate to urban areas where many of them were further subjected to poverty;
- The land was dispossessed for the area was declared by the then Government, as a so-called “*black spot*”; and
- Many of the claimants are still in the possession of title deeds which proved that the property originally belonged to them.

In terms of the provisions of the Land Restitution Act (no. 108 of 1994) (South Africa 1994b) the claim was investigated by the Commission for the Restitution of Land Rights. Through the Commission’s validation and verification procedures the Ellison and Steynberg claim proved to be legitimate (Land Restitution catalogue) (South Africa 2002b:30-31).

As a result of the above legitimisation an agreement on what must be done was reached on 24 May 2001 between the DLA and the Communities Coordinating Forum. The following outcomes were agreed upon (South Africa 2001:3-4):

- That the rights to the land be restored to the claimants;
- That the individual ownership of the properties be restored;
- That a portion of the land be developed for resettlement purposes whilst the possibility of agricultural development be explored;
- That the area be primarily developed for eco-tourism;
- That a sustainable development plan of action be compiled; and
- That Government will assist the communities in applying for funding to develop the area.

Against the background of these commitments the project cycle that was followed for settling the claim and providing post-settlement support within the national, provincial and local spheres of Government to the beneficiaries of the project, can be analysed.

5.12.1 The management of the Ellison and Steynberg claim in the national sphere of Government

As indicated in the previous chapters the main function of the national office of the Commission is to receive, categorise and distribute claims for processing to the relevant RLCCs. As an integral part of the restitution process, the RLCCs are responsible for the legitimisation investigation of the claim as well as the facilitation of post-settlement support for every project within its provincial jurisdiction. After a claim has been successfully settled the national office must add the claim to a database and is also under an obligation to review and monitor the process and progress as it evolves. This monitoring and reviewing function centres around the way in which communities are resettled on their land, and the way in which land is being utilised in the post-settlement support phase of the process.

In 1995 the original owners or descendants of the original owners of portions of land on the Ellison and Steynberg areas lodged a claim with the Commission for the Restitution of Land Rights. The objective of the claim was to have their land of which they were dispossessed in terms of apartheid legislation, returned to them (Vreugdenburg 2005:99; South Africa 1995d:29). The national office acknowledged receipt of the claim and the claim was referred for processing to the Gauteng and North West RLCC.

5.12.2 The legitimisation of the Ellison and Steynberg claim in the provincial sphere of Government

The RLCC performed a legitimisation investigation on the claim. This processing entailed an investigation that included validation, verification and determination of which post-settlement support initiatives to perform, should the claim be approved.

The function of determining whether the claim was legitimate was sourced out by the regional office to a private consultancy firm (named Dlodla Development). Through this investigation adequate evidence was found to prove that the claim was valid (South Africa 2002c:6). On the basis of this evidence a recommendation was made to the RLCC to initiate rectifying steps in order to compensate or return the land to the claimants (South Africa 2002b:30). The recommendation was studied by the RLCC and as a result the aforementioned memorandum of agreement (South Africa

2001:4) was signed between the DLA and the Ellison and Steynberg Coordinating Forum.

5.12.3 Managing the facilitation of post-settlement support for the Ellison and Steynberg claim in the provincial sphere of Government

The Ellison and Steynberg project was effectively managed in the sense that it was successfully lodged, categorised and found to be legitimate. The rights to their dispossessed land were restored to 114 individuals. Furthermore a memorandum of agreement on what should happen to the land was also signed between Government and the community (South Africa 2002b:23-24; South Africa 2001:5).

In terms of providing post-settlement support the management of the above project was, according to Mr. D. Theron (interview 2005); De Vries (2005:17), however, ineffective for the following reasons:

- Although the resettlement agreement has already been signed in 2001, individual owners have not yet been settled on the land, pending the outcome of a sustainable development plan for the area; and
- For the above reason the land under discussion is currently not being utilised, or is underutilised.

The reason for this ineffectiveness is that the project was, as in the case of Putfontein only completed partially in terms of facilitating post-settlement support to the beneficiaries. The environmental dimension included a feasibility study and an EIA. It was therefore possible to establish what the utilisation suitability of the land was. Business planning was also done but was mainly restricted to government's commitment to assist the beneficiaries to apply for development funding. There was therefore insufficient evidence of effective business planning, measures to strengthen capacity or a coordinated development commitment by the various specialist governmental and other stakeholders. The economic and social dimensions of development were therefore neglected (see figure 5.2).

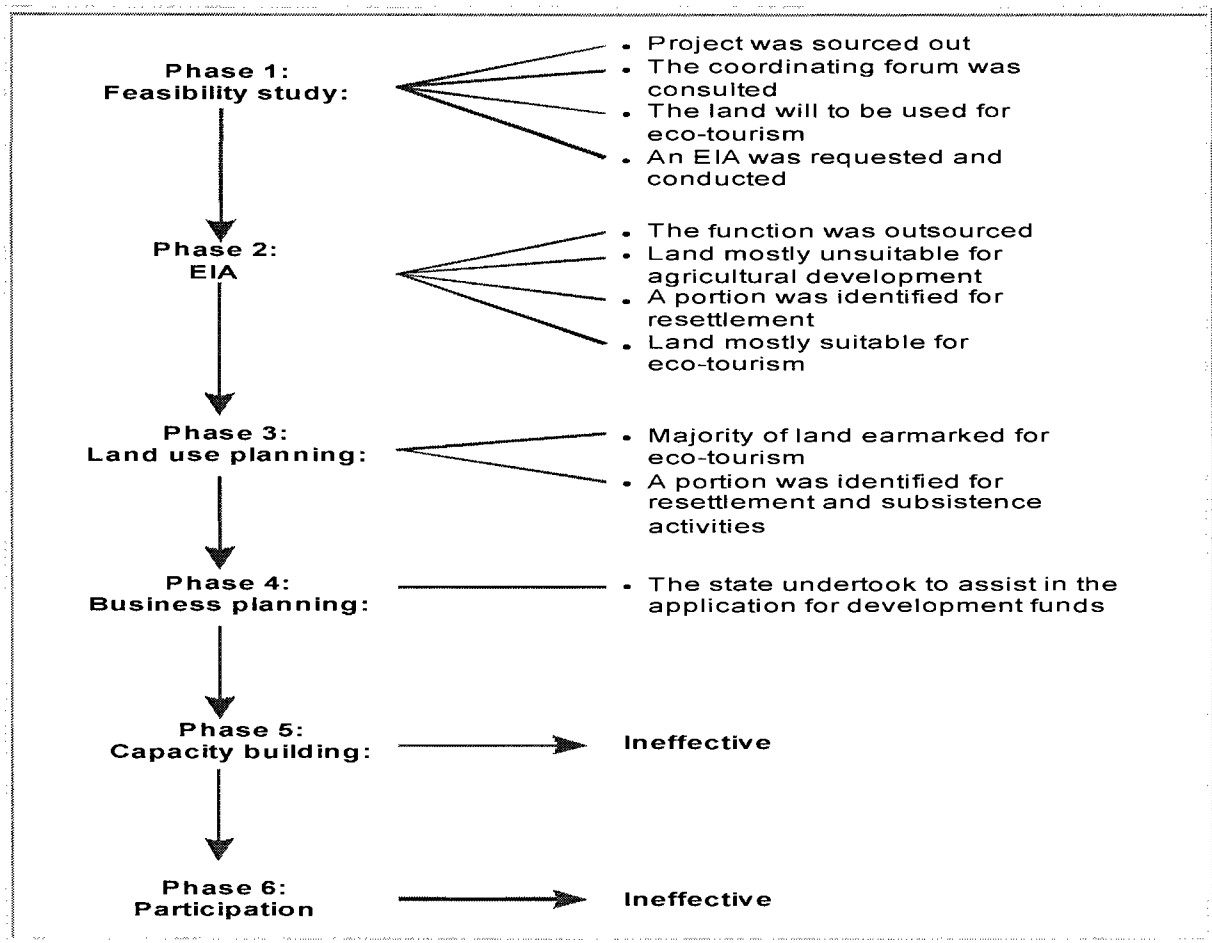


FIGURE 5.2: The management and outcomes of the Ellison and Steynberg post-settlement support cycle in the provincial sphere of Government

Source: South Africa 2002c:6-13; Researcher's own analysis

Against the background of the above illustration the way in which the post-settlement support phases were managed in the Ellison and Steynberg project, can be analysed:

5.12.3.1 PHASE 1:

The feasibility study completed on the Ellison and Steynberg claim (the environmental dimension)

After the above claim was legitimised it was agreed that the land be returned to the owners and be developed for eco-tourism and to a limited degree agricultural as well as resettlement purposes (South Africa 2001:1-2). The agreements surrounding the

settlement of the project were feasible in the sense that they were characterised by a thorough investigation, community participation and consensus between Government and the beneficiaries. The following important events formed part of the feasibility study:

a) The utilisation of established forums to guide post-settlement for the Ellison and Steynberg project

The individual claimants of the Ellison and Steynberg project were represented by the Ellison and Steynberg co-ordinating forum. During the timeframe 1995-2000 a series of workshops were conducted that were attended by the aforementioned forum as well as representatives of the Gauteng and North West RLCC. After these workshops, the memorandum of agreement on what should happen to the land was signed, between the two representative institutions (South Africa 2001:1-4). During these workshops all the legitimate claimants were identified and the size of the portions of land to which they were entitled specified.

b) Establishing the land utilisation intentions of the beneficiaries of the Ellison and Steynberg project

Through the agreement reached between Government and the Ellison and Steynberg co-ordinating forum the land-use intentions of the beneficiaries (claimants) were clearly established. The beneficiaries indicated that their intentions were to utilise the property primarily as a business venture with the focus on eco-tourism. A secondary purpose would be feasible agricultural and resettlement development. The representing Community Forum (South Africa 2002c:6) indicated that the objectives of their land-use intentions were as follows:

- Development of human resources;
- Integrated socio-economic empowerment of communities;
- Promotion of sustainable economic growth;
- Ensure upliftment of people in the rural areas in order to sustain themselves.

The above objectives could be achieved through the following initiatives:

- The construction of a dam to serve as a source of irrigation and as a fishing holiday resort; and
- The development of livestock, poultry and citrus fruit agricultural activities.

Against the above background it was agreed that Dlodla Development also be contracted to explore different land use options and to design a plan of action for business ventures as well as the possibility for resettlement of the community and agricultural developments on the land.

5.12.3.2 PHASE 2:

The EIA performed on the Ellison and Steynberg claim (the environmental dimension)

The EIA was also performed by Dlodla Development. It concerned an assessment of the feasibility and the possible impact of the beneficiaries' intentions with the land. Key to this EIA was the indication provided by beneficiaries that the land should primarily be utilised for business ventures (eco-tourism), agricultural and settlement purposes. The EIA entailed, according to the Dlodla Development report (South Africa 2002c:56), the following areas of investigation:

- An assessment of the natural resources on the farms. This assessment included soil vegetation and climate. The idea was to establish whether the conditions were suitable for agricultural development; and
- The composition and availability of potable water on these farms.

The strategic development options that will be discussed in the next section were mainly guided by the land potential and the utilisation intentions of the beneficiaries.

5.12.3.3 PHASE 3:

Land use planning for the Ellison and Steynberg claim (the economic dimension)

Against the background of the outcomes of the performed EIA and in line with the established land use intentions of the beneficiaries, the investigation focused on the identification of appropriate ways in which the land could be utilised. The following important events formed part of the land use planning phase:

a) Land use planning:

Identification of eco-tourism possibilities on Ellison and Steynberg

As an outcome of the EIA it was established that a tourism facility could be developed on the northern side of the farm. The area would be fenced and ostriches kept in their natural environment. Recreational facilities such as chalets could be developed in the vicinity of a recreational dam to cater for tourists in the area. It was also found that the development of these facilities should commence after the market potential of the venture has been established (South Africa 2002c:4).

It has also been concluded that this venture is firstly dependent on private sector funding and/or investment. Secondly the municipal infrastructure of the venture (such as water, electricity, refuse removal, roads, and sewerage etcetera) is the responsibility of the Eastern Gauteng Services Council (EGSC) (South Africa 2001:1-5).

In terms of the stipulations of the national Government's land development objectives, local authorities are responsible for providing infrastructural services to people who reside within their jurisdiction (Dludla Development report) (South Africa 2002c:91). In other words it is important that the settlement and eco-tourism ventures of the Ellison and Steynberg project be integrated with the IDP of the local authority. The EGSC has agreed to provide bulk services as soon as the individuals are settled and provided that a budget becomes available to provide these services (Nkosi 2000:1).

b) Land use planning:

The feasibility of agricultural development on Ellison and Steynberg

The EIA found that only 172 hectares out of the approximately 432 hectares of land were suitable for extensive technological intensive agricultural activities development. These agricultural activities could mainly be based on cropping and grazing. The condition was that the soil be treated in order to improve its arability. The land also lacked the basic infrastructure to successfully engage in such agricultural activities in the short term (South Africa 2002c:26-27).

c) ***Land use planning:***

Identifying the area for the resettlement of the beneficiaries of the Ellison and Steynberg project

In terms of the EIA, a rural settlement could be developed on the north-western side of the farm. The soils in this area, if left untreated, are not suited for agricultural activities and are rather suited for grazing and eco-tourism. A maximum of 100 families could be settled in this area and a stand of approximately 800 square metres could be allocated to each household. Approximately 10 to 12 hectares of land would be needed for this resettlement initiative (South Africa 2002c:5-6).

5.12.3.4 PHASE 4:

***Business planning for the Ellison and Steynberg claim
(the economic dimension)***

After the Ellison and Steynberg area was dispossessed it was held in trust by Government and rented to commercial farmers for primarily grazing purposes. The area is therefore Government property that can be transferred to the beneficiaries without acquiring it. The beneficiaries do therefore not qualify for a settlement grant.

Against this background the business arrangements put forward by Government could be regarded as broad based recommendations and mainly revolve around assistance in terms of applying for loans for development funding (South Africa 2001:2). The following framework for a business plan was put forward:

- The farms must be used as security for loans and development funding;
- The Land Bank undertook to analyse business plans in terms of feasibility for possible funding;
- It is recommended that eco-tourism becomes the primary source for generating an income;
- Government will explore the possibility of appropriate funding;
- Joint ventures must be promoted between the beneficiaries and potential investors, especially for security of funding; and
- Lastly it was recommended that a legal entity (Trust) be established to manage the land on behalf of the beneficiaries.

As indicated, the above recommendations can merely be regarded as a framework within which a detailed business plan can be drawn up. No evidence was found that a detailed business plan was as yet approved.

5.12.4 Managing the facilitation of post-settlement support for the Ellison and Steynberg claim in the local sphere of Government

In terms of the provisions of the DFA, local authorities are responsible for the provision and supply of bulk infrastructure within a specific area. The portions of land under discussion currently resort under the jurisdiction of the EGSC. It is therefore the responsibility of this local authority to ensure that municipal services are rendered to the beneficiaries.

Although the EGSC recognises and supports the restoration of the land to the beneficiaries, the project has not as yet been integrated into the IDP of the services council. The reason for this inadequate integration is that the EGSC seemingly does not have the institutional and financial capacity to support the project. This notion was confirmed in official correspondence between the executive manager, SS Nkosi (2000) for the Rural Service Department of the EGSC and the Gauteng and North West Regional Land Claims Commissioner in 2000. The recommendations of this correspondence, as put forward by the EGSC to the RLCC on 24 October 2000, can be summarised as follows:

- The council is not in a position to take over the project in terms of supplying bulk infrastructure to the project area due to a lack of adequate funding;
- A recommendation is made that the DLA is to liaise with the Department of Housing to secure funding for the proposed infrastructural and residential development; and
- The DLA should consider transferring funds to the EGSC for the implementation of the Ellison and Steynberg project.

Against the above background the main reason for this lack of integration as part of the IDP is a lack of funding. As a result of this the resettlement process has grounded to a halt. As in the case of Putfontein the role of the local authorities have been restricted to administrative assistance in terms of the validation and legitimisation of the claim.

5.13 A SUMMARY OF THE WEAKNESSES AND SHORTCOMINGS IN THE MANAGEMENT OF POST-SETTLEMENT SUPPORT FOR THE ELLISON AND STEYNBERG CLAIM

The management of the Ellison and Steynberg project can be, as in the case of Putfontein regarded as a partial success. This success relates to the legitimisation of the project and that the rights to the land were restored in 2002 to the claimants by the minister of the DLA (Vreugdenburg 2005:99).

The project is however ineffective, for the beneficiaries have not yet been settled and are therefore unable to utilise the land (De Vries 2005:17). This ineffectiveness can be linked to inadequate facilitation of post-settlement support by Government and all other stakeholders. In terms of the provision of post-settlement support the process is restricted to projected outcomes or what can be done with the land. The following issues were thoroughly investigated and specific proposals were put forward:

- a) Investigation and planning for eco-tourism;
- b) Investigation and the identification of a portion of land where beneficiaries could be resettled; and
- c) Proposals and conditions were put forward for agricultural development.

More specifically, the ineffectiveness of the Ellison and Steynberg project can be attributed to the inadequate facilitation of the business planning, capacity building and stakeholder participation phases of the post-settlement support management cycle. The following more specific economic and social weaknesses in the management of the project can be highlighted:

- Business planning firstly only focused on possible ways in which the land could be utilised and developed. Secondly, Government only made a commitment to assist the beneficiaries in terms of applying for development funding at banks and other financial institutions;
- In terms of capacity building, no evidence of for example mentorship programmes and proposals for training programmes were found;
- The lack of effective business planning and capacity building was linked to a lack of participatory commitment and coordination by the various specialist stakeholders; and
- In the final analysis, adequate proof was also obtained that the project was also not integrated in the IDP of the EGSC. The main reason for this was a lack of funding.

The following section consists of semi-structured interviews relating to the literature study and completed case studies. As a contextual background and frame of reference it is necessary to highlight the strengths and weaknesses identified in the case studies (see table 5.1)

TABLE 5.1: A comparative analysis of the strengths and weaknesses of the two case studies

PUTFONTEIN		ELLISON AND STEYNBERG	
Strengths	Shortcomings	Strengths	Shortcomings
Claim was effectively processed	Post-settlement support process partially completed	Claim was effectively processed	Post-settlement support process partially completed
Legitimacy was established	Agri-organisations were not consulted	Legitimacy was established	Post-settlement support restricted to projected outcomes
CPAs were consulted	Claim not part of a comprehensive data base	CPAs were consulted	Community not yet resettled
Right to land was restored	Lack of monitoring and reviewing the process	Right to land was restored	Squatters occupy the land
The Batlounj was resettled	No technological extensive farming	The EIA was effective	No government assistance in relocating squatters
Beneficiaries engaged in subsistence farming	No training or mentorship programmes	Area suitable for eco-tourism	Land is unsuitable for agri-development
Feasibility objectives were established	Agricultural land under-utilised and neglected	EIA was in line with land-use intentions	No clear-cut plan for sustainable development
EIA was effective	Lack of participatory inter-departmental commitment	Land was also earmarked for resettlement purposes	No mentorship initiatives or training programmes
Suitable technological intensive agricultural activities were identified	Business plan mainly focused on acquisition of Putfontein	Basic framework for business planning was established	Lack of participatory commitment amongst specialist departments
Funding was made available to acquire the land.	Inadequate funding for development	State undertook to assist in applying for development funding	The business plan focuses on possible utilisation of land
Basic infrastructure for profitability exists	No financial assistance was provided		Lack of monitoring and reviewing the process
The farm is in the proximity of major markets	Not effectively integrated in the Ditsobotla IDP		Not effectively integrated in the EGSC IDP

Against the background of the way in which post-settlement support was facilitated in the case studies, the findings of the semi-structured interviews can be analysed. The purpose of this analysis is to verify and strengthen the findings of the literature study and case studies.

5.14 THE RATIONALE BEHIND, AND CONTENT OF THE SEMI-STRUCTURED INTERVIEWS

The main objective of the semi-structured interviews with open-ended and closed questions was to empirically indicate from a managerial, land owner as well as a beneficiary perspective what went wrong during the facilitation of post-settlement support to the majority of land reform projects since 1994. These interviews were conducted, as briefly indicated, with the following three sub populations or strata groups (stakeholders):

- Group A: Post-settlement support coordinators within the RLCCs;
- Group B: Commercial land owners who lost their land in terms of the provisions of the current land reform programme; and
- Group C: Beneficiaries who received land in terms of the provisions of the land reform programme.

The interviews were conducted in such a way that they linked up with, confirmed and verified the findings of the case studies that were descriptively analysed in the previous section.

In order to attain an understanding of the perceptions of the above three groups on the effectiveness of the land reform process, with a specific emphasis on post-settlement support, the selection of interviewees is explained below¹³.

5.14.1 GROUP A:

Post-settlement support coordinators in the RLCCs

Within the management structures of all seven RLCCs there is a functional component that is responsible for the facilitation of post-settlement support for every land reform project that falls within its jurisdiction. The component is headed by a

¹³ In total 15 questionnaires were distributed to the different strata. The representative numbers of the sample are based on the representatives who responded and who were willing to participate.

post-settlement support coordinator (see annexure A). This post-settlement support coordinator manages the post-settlement support process and is usually assisted by a staff component of four people. It is therefore deduced that the post-settlement support coordinator was in a position to provide an accurate reflection regarding the management of post-settlement support within the RLCC. Against this background interviews were conducted with the ten post-settlement support coordinators within the seven RLCCs.

5.14.2 GROUP B:

Land owners resorting under the agri-organisations

The commercial farmers who sold their land to Government are all members of a provincial agricultural forum managed by a chairperson. It was presumed that the commercial farmers and the chairperson would be able to provide an accurate reflection on how post-settlement support was managed by the RLCC after their land was sold (see annexure B). Interviews were conducted with each chairperson of the nine agri-organisations as well as six commercial farmers who sold their land to Government under the provisions of the land reform programme.

5.14.3 GROUP C:

Beneficiaries who received land in terms of the provisions of the land reform programme

In order to probe the beneficiary perspective on land reform and post-settlement, questionnaires were distributed to 11 provincial beneficiary organisations and representatives resorting under the Alliance of Land and Agricultural Reform Movement (ALARM) (see annexure C)¹⁴. It is believed that a senior representative of ALARM as well as representatives from subsidiary organisations would be able to provide an accurate reflection on how post-settlement support was managed specifically by the RLCCs. Interviews were conducted with four representatives from the different beneficiary organisations.

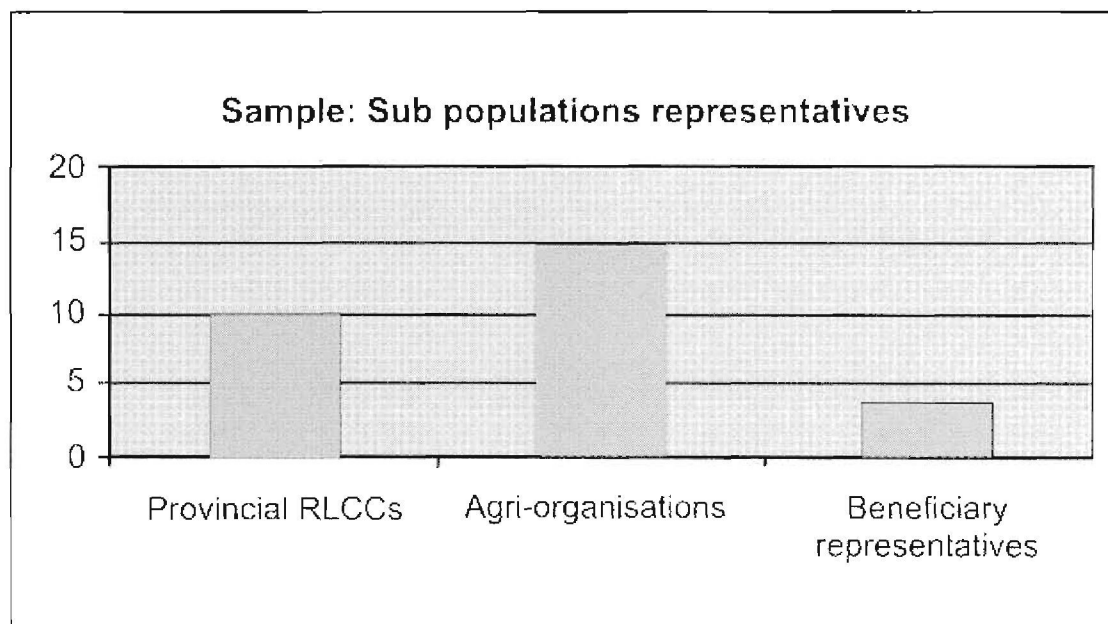
¹⁴ ALARM is a collective of landless people, beneficiaries of land reform, small farmers and previously disadvantaged producer groups.

5.15 THE STRUCTURE OF THE QUESTIONNAIRES

The reason for the utilisation of questionnaires as a research technique was twofold. Firstly, opinions and perceptions regarding the efficiency of existing reform structures were obtained. Secondly, the outcomes of the completed literature study and case studies were verified and strengthened. Specific trends and shortcomings in the post-settlement support process were therefore again highlighted.

Thousands of land reform managers in Government, land owners and beneficiaries were, and are affected by the post-settlement support process. For the purposes of this research the magnitude of the target population and geographic distribution were therefore too large to be interviewed within a realistic timeframe. For data collection purposes and to simplify research it was imperative to select a representative sample of the larger target population. In order to make the opinions and perceptions as representative as possible, the sample was, as indicated, narrowed down to the following sub populations or strata (see graph 5.1):

GRAPH 5.1: The strata (sub populations) representing the empirical sample



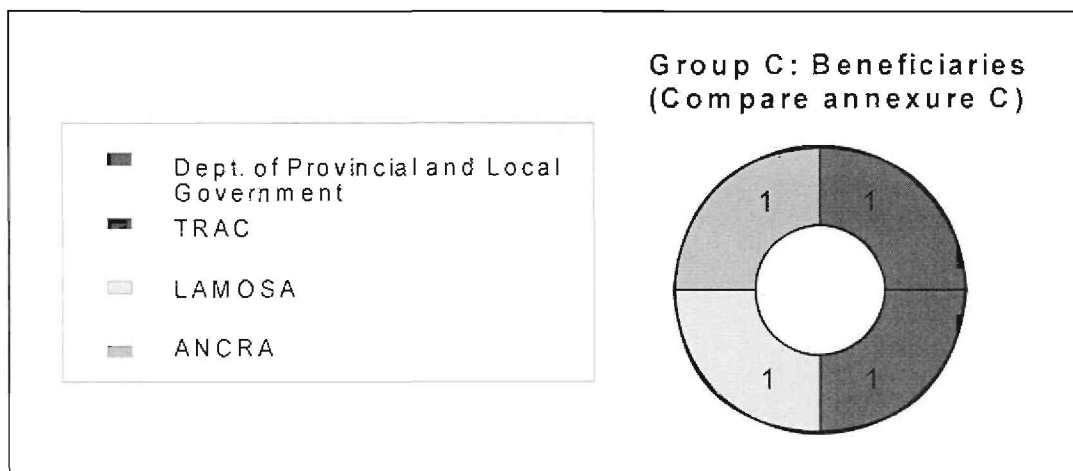
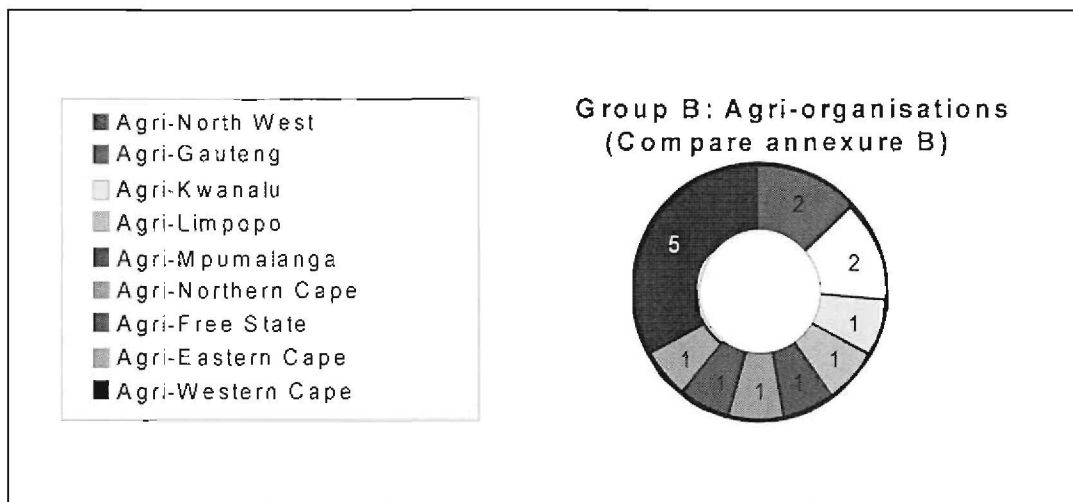
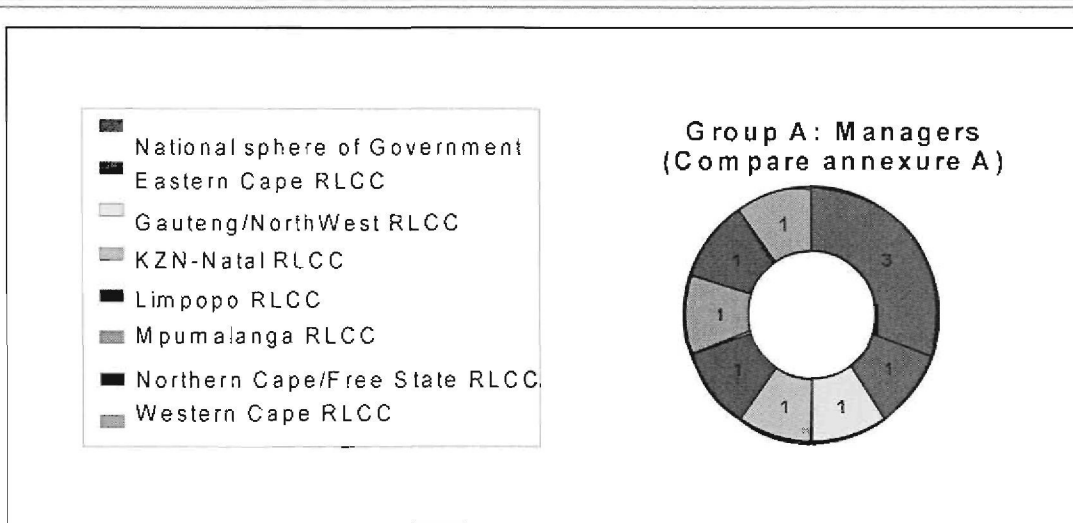
- The post-settlement support coordinators from the seven RLCCs (thus representing all the provinces);
- the nine agri-organisations that represented land owners (commercial farmers) who lost their land in terms of the land reform process (representing all provinces); and
- eleven organisations representing beneficiaries who received land in terms of the land reform process (representing all provinces). The representative beneficiary organisations were identified through consultation with a spokesperson from ALARM and are regarded as representative of the population of beneficiaries in all the provinces.

In total, 45 questionnaires were distributed. Representativity can be summarised as follows:

- Fifteen questionnaires were distributed to the various RLCCs. Ten representatives responded and participated;
- Fifteen questionnaires were distributed to the various agri-organisations. Sixteen representatives, responded and participated; and
- Fifteen questionnaires were distributed to the various beneficiary representatives. Four representatives responded and participated. These participants represented the Department of Provincial and Local Government (DPLG), the Rural Action Committee (TRAC), the Land Access Movement of South Africa (LAMOSA) and the Association for Community and Rural Development (ANCRA).

Therefore 30 out of the total sample population of 45 representatives responded representing 67% of the sample. The accuracy of the outcome of the questionnaire must therefore be measured against the numerical division of responses between the different strata (see pie chart 5.1).

PIE CHART 5.1: The different strata of the sample



In other words, the outcomes of the interviews were based on the answers received from interviewees who were willing to participate. The researcher was able to conduct face-to-face or telephonic interviews. The outcome of the questionnaires completed by the above sub populations as well as the statistical analysis are reflected in annexures A, B and C.

5.16 THE ANALYSIS AND PRESENTATION OF DATA

The questionnaires used to conduct the interviews were standardised with open-ended and closed questions. Through these interviews the researcher was able to identify and highlight the trends, shortcomings as well as the advantages of the land reform and post-settlement support process. Each respondent representing a sub population had to answer similar questions. The questions were however individually structured in such a way that it related to the perspectives of each sub population. The questionnaire was divided and subdivided under the following six main headings:

- Biographical information of interviewees;
- Holistic perceptions regarding the effectiveness of the land reform programme;
- Perceptions regarding the focus of the land reform programme;
- Perceptions regarding the management of post-settlement support in the national sphere of Government (the national office of the Commission for the Restitution of Land Rights);
- Perceptions regarding the management of post-settlement support in the provincial sphere of Government (the RLCCs); and
- Perceptions regarding the management of post-settlement support in the local sphere of Government (municipalities).

Each question related to the interpretation of the central problem issue or sub-issue, identified in the hypothesis of this research. Due to the multidimensional nature of post-settlement support to beneficiaries of land reform, the rationale behind the semi-structured nature of the questions was firstly to focus on a specific issue and to simultaneously allow the interviewees to elaborate on other related issues.

The open ended nature of the questionnaire secondly allowed the researcher to follow up on a standard question with individually tailor made questions to get clarification on a specific issue or to probe an interviewee's reasoning or opinion. In order to provide a structured and logical presentation, the completed questionnaires of the three sub populations were individually analysed. This enabled the researcher to link specific trends and outcomes in terms of opinion and perception to a specific sub population. Against this background a comparative analysis of the questionnaires of the different sub populations was conducted. This entails that it was possible to compare and analyse the responses from the different sub populations. It is believed that this totality of responses provided a balanced perspective of perceptions on the structure and progress of the land reform programme. A specific emphasis was however placed on the shortcomings (weaknesses) of the post-settlement support process as a crucial part of land reform (see annexure D). For this purpose the responses were filtered by posing questions relating to the management of post-settlement support within the different spheres of Government. This in turn enabled the researcher to narrow the outcome of the interviews down to specific problem areas in the post-settlement support process. Specific recommendations could therefore be made in the concluding chapter of this thesis to redesign, adapt or streamline the existing post-settlement support management model. The objective of this redesign, adaptation or streamlining would be to become more effective in enhancing sustainable development through post-settlement support, to beneficiaries of land reform, specifically in rural areas.

5.17 PERSPECTIVES ON THE MANAGEMENT OF POST-SETTLEMENT SUPPORT IN THE VARIOUS SPHERES OF GOVERNMENT: COMBINED ANALYSIS AND STATISTICAL RESULT (COMPARE ANNEXURE D)

This section represents the most pressing post-settlement support issues as perceived by the respondents. Issues were identified as crucial if more than 50% of the total sub populations of respondents emphasised a specific shortcoming during the interviews (Compare the questionnaires and annexure D). Against the above background it is important to note that 86% of the respondents indicated that the land reform is in their opinion primarily focused on the transfer of land to beneficiaries. It was also established that 70% of the respondents indicated that the transfer of land

and post-settlement support is of equal importance. A greater emphasis must therefore be placed on post-settlement support. The shortcomings as perceived by *the different groups of stakeholders can in turn be linked to the absence of specific managerial elements in the contemporary post-settlement support management model as identified by the sub populations.* These weaknesses will be identified and discussed in the next section.

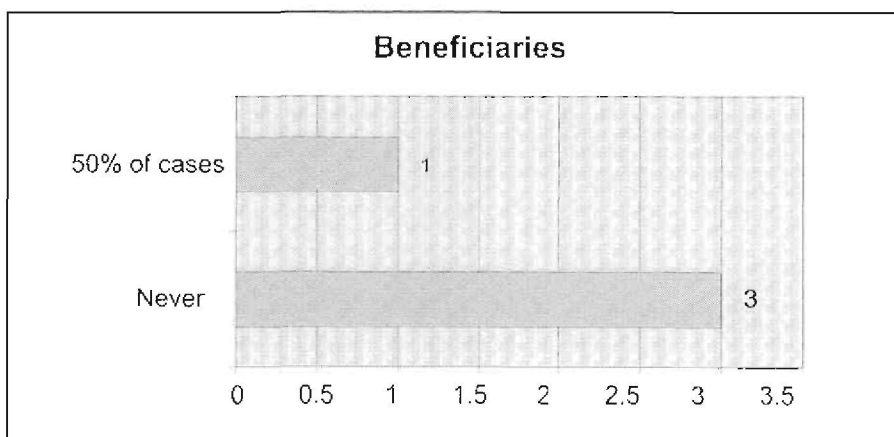
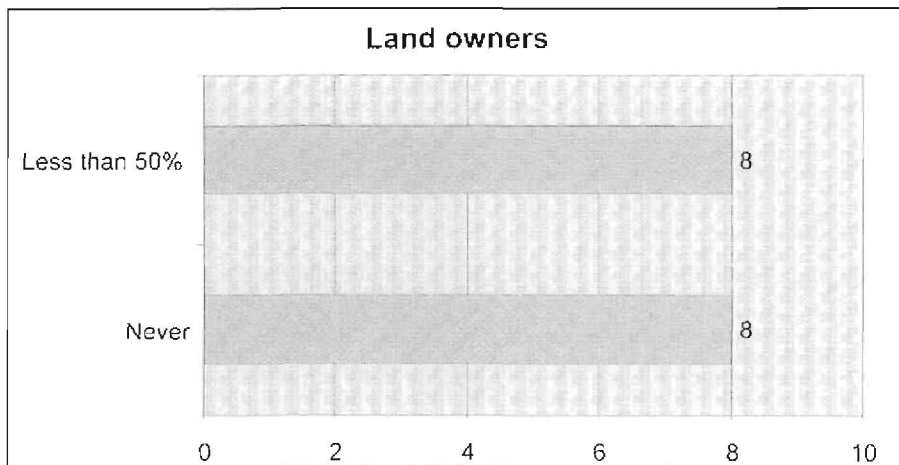
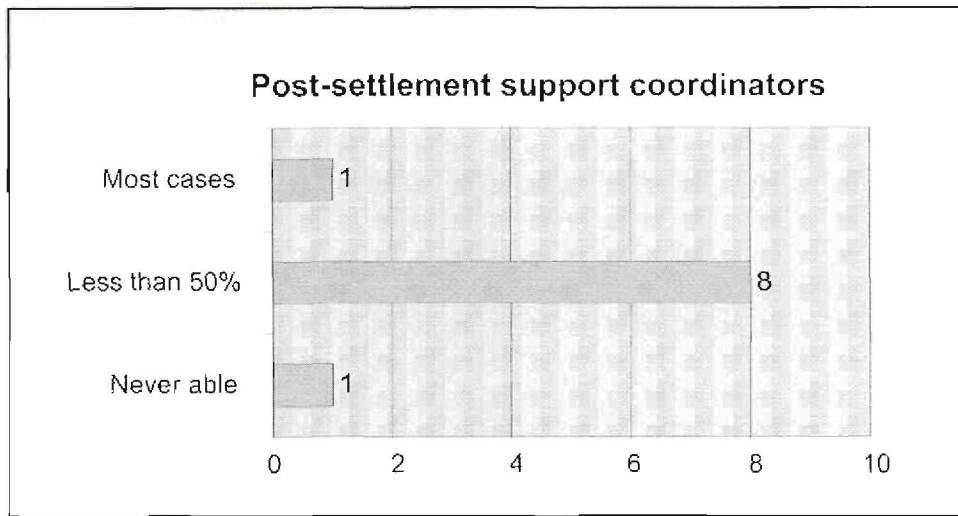
5.17.1 Shortcomings in the management of post-settlement support in the national sphere of Government: Statistical result

According to Venter (2001:21) the national sphere of Government is exclusively responsible for providing public policy guidelines and steering and monitoring governmental functions that affect South Africa as a whole. The following shortcomings were identified by the three groups of respondents:

5.17.1.1 The absence of clear-cut guidelines on how to provide post-settlement support (compare question 4.1.2)

In total 96% of the respondents agreed that the national sphere of Government is never, or seldom able to provide clear-cut guidelines to stakeholders on how to provide post-settlement support (see graph 5.2). The reason for this is that the main focus of the land reform programme is on the transfer of land, with a lesser focus on development in the post transfer phase.

GRAPH 5.2: Perspectives and opinions on guidelines for post-settlement support

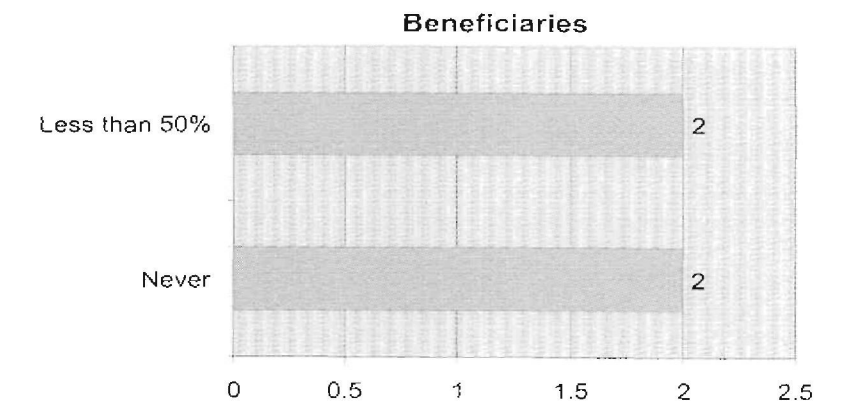
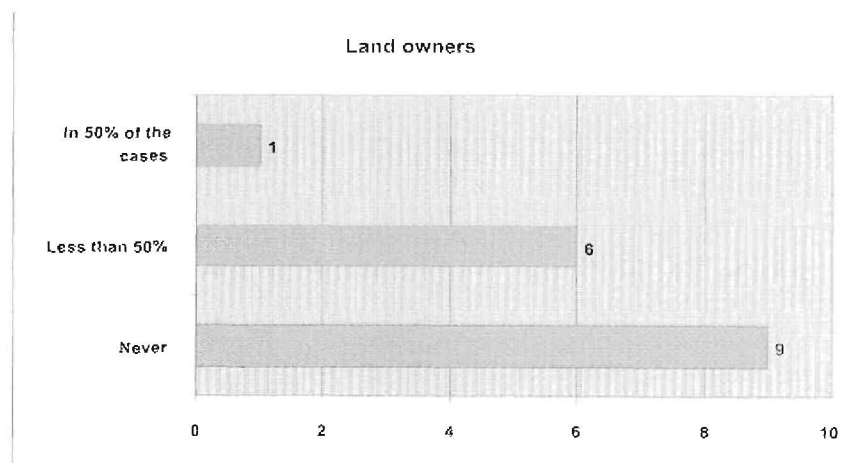
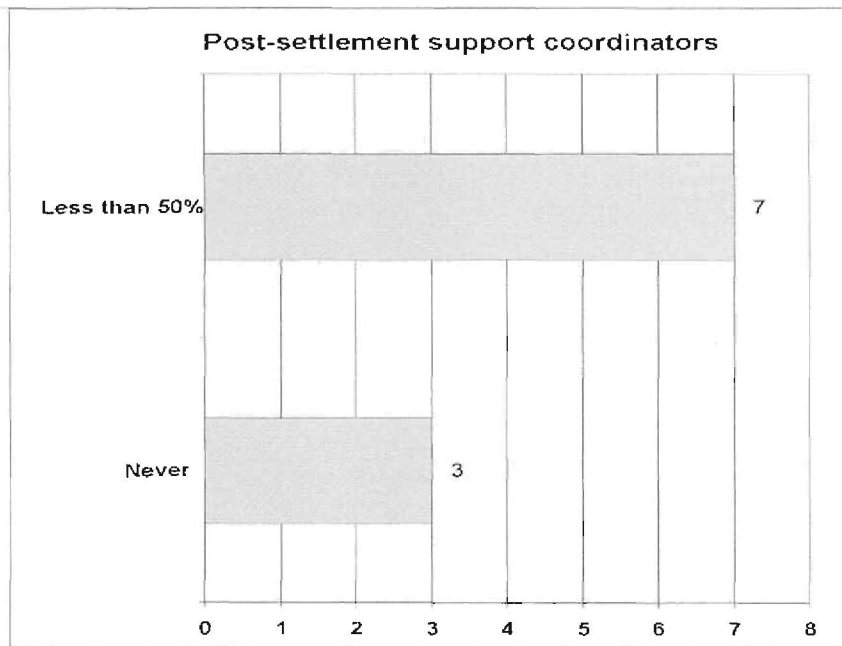


The post-settlement support coordinators indicated that guidelines for post settlement support are provided to the different stakeholders in less than 50% of the cases. The land owners and beneficiaries were in consensus and indicated that there is hardly any evidence of guidelines being provided. Existing successful post-settlement support projects are mostly the result of informal and *ad hoc* arrangements, between for example municipalities, farmers, beneficiaries and other stakeholders. In the case of the Putfontein project, beneficiaries were allowed to resettle on the land but the local authorities were unable to provide developmental support.

5.17.1.2 *The absence of a framework for effective intergovernmental cooperation (compare question 4.1.3)*

Post-settlement support cannot be the responsibility of one Government department alone. A factor that hampers effective post-settlement support is the seemingly lack of coordination and communication between different specialist Government departments and local authorities. 96% of the respondents also agreed that the national sphere of Government is never, or seldom able to provide a framework for effective intergovernmental relations to ensure effective post-settlement support (see graph 5.3).

GRAPH 5.3: Perspectives and opinions on the effectiveness of intergovernmental relations

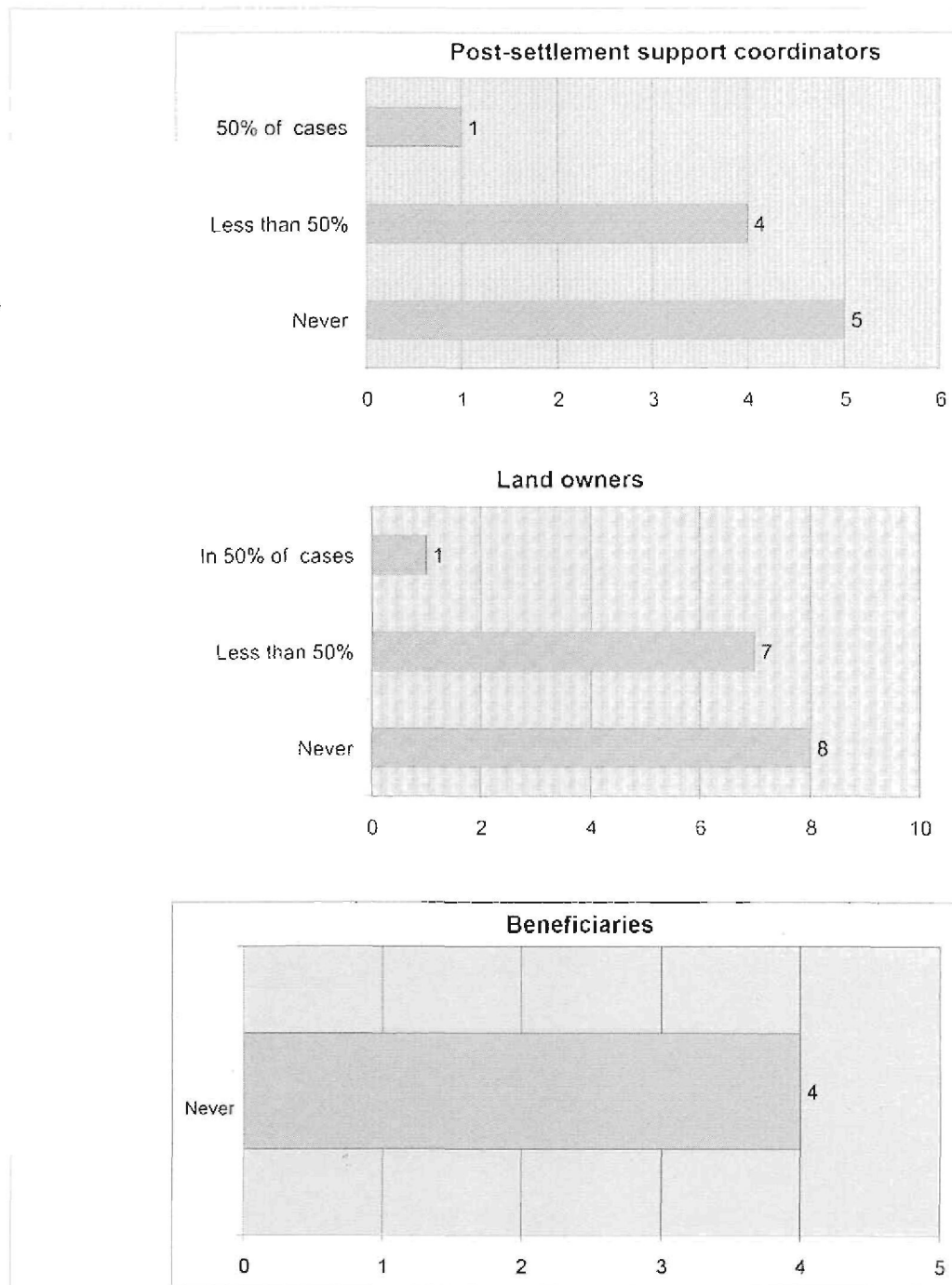


The sub populations agree that this coordination and pro-active involvement of specialist departments are crucial for the success of post-settlement support. In the case of the Ellison and Steynberg project the responsible local authority did not possess the financial resources to effectively provide post-settlement support. It was presumed that responsibility for it remains with the national DLA.

5.17.1.3 *The absence of an effective database for post-settlement support (compare question 4.1.4)*

A main shortcoming in the post-settlement support process is the absence of a land reform and specifically a post-settlement support computerised data base. All the sub populations acknowledged that it is difficult to access a reliable database containing information on post-settlement support progress on specific projects. A comprehensive accessible and user-friendly data base is necessary to ensure the free flow of information regarding developmental progress on specific projects. Ninety three percent of the respondents in the different sub populations indicated that the national sphere of Government never or seldom maintains and update an effective database for post-settlement support (see graph 5.4).

GRAPH 5.4: Perspectives and opinions on the need for a post-settlement support data base

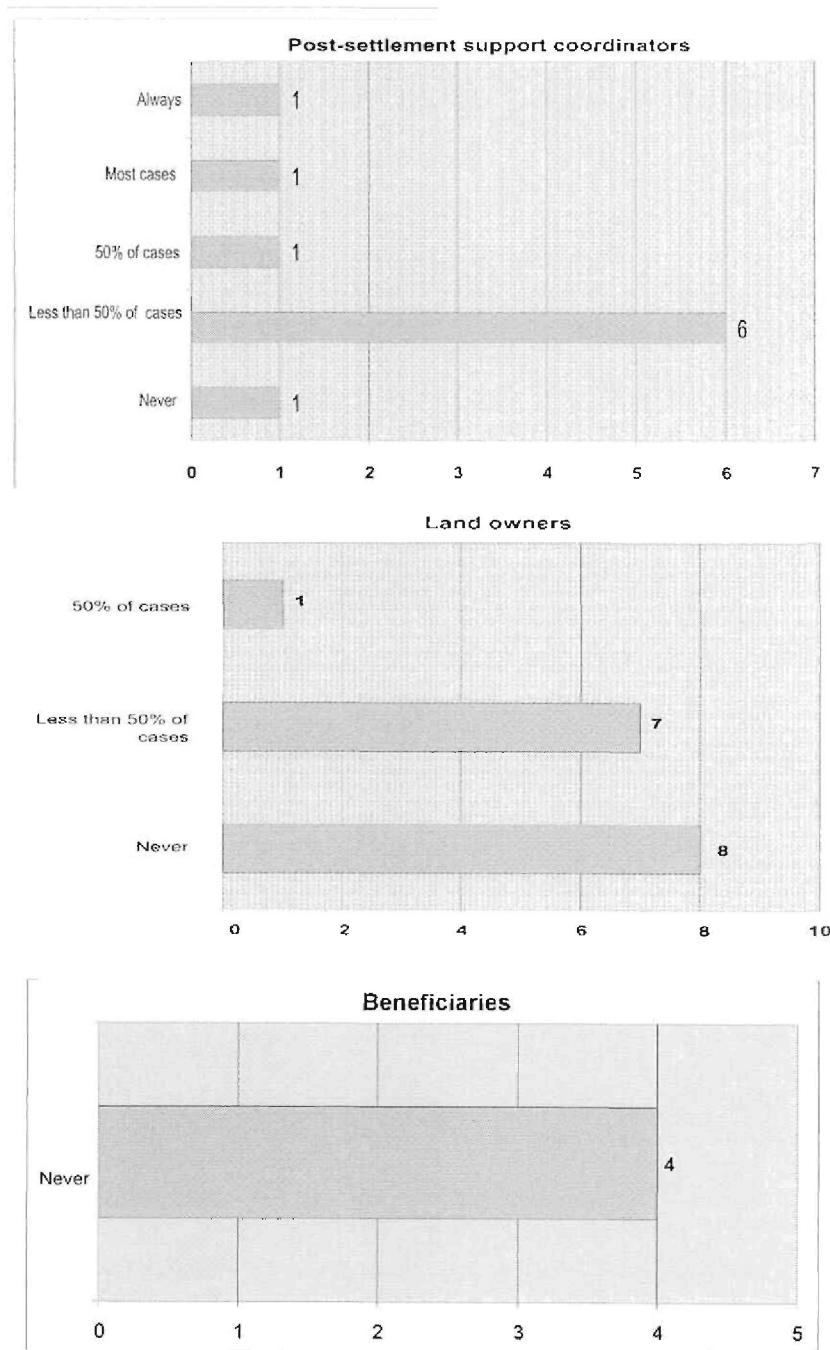


The post-settlement support coordinators indicated that databases are maintained by the directorates tenure, redistribution and restitution of the DLA. The land owners and beneficiaries indicated that they are not aware of any reliable database with relevant and readily accessible post-settlement support information at a central point.

**5.17.1.4 The absence of monitoring and reviewing mechanisms
(compare question 4.1.5)**

All the respondents indicated that Government never or seldom monitors and reviews the progress made on post-settlement support projects (see graph 5.5).

GRAPH 5.5: Perspectives and opinions on monitoring and reviewing mechanisms



The post-settlement support coordinators indicated that progress is monitored in less than 50% of the cases. According to the beneficiaries, monitoring and reviewing never takes place. This tendency can be ascribed to the *ad hoc* nature of post-settlement support. According to the land owners this problem can furthermore be linked to the absence of a coordinated post-settlement support effort between specialist departments and an effective data base. In view of continuous poverty and underdevelopment, it is from a land owners and beneficiary perspective clear that monitoring and reviewing does not take place. The above perception has also been confirmed by the Putfontein project where poverty and underdevelopment remain rampant despite the resettlement of the original owners.

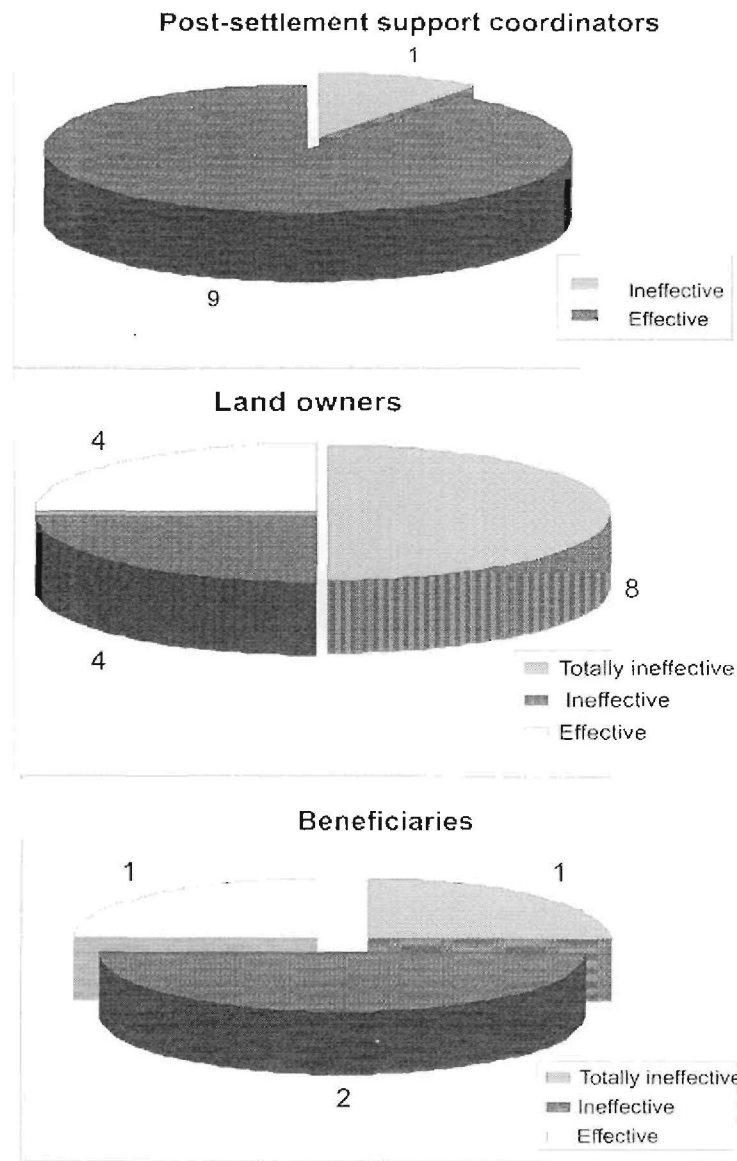
5.17.2 Shortcomings in the management phases of post-settlement support in the provincial sphere of Government: Statistical result

Schedule 4 of the South African Constitution specifies that the operational sustainable nature of all land reform initiatives is a direct responsibility of the provincial sphere of Government. In terms of the implementation phases for post-settlement support the following combined shortcomings as perceived by the different groups of stakeholders were identified:

5.17.2.1 *Inadequate feasibility studies (compare question 5.1.1)*

53% of the respondents indicated that Government is either totally ineffective or ineffective in performing a feasibility study in order to establish what the utilisation suitability of land is (see pie chart 5.2).

PIE CHART 5.2: Perspectives and opinions on the effectiveness of feasibility studies



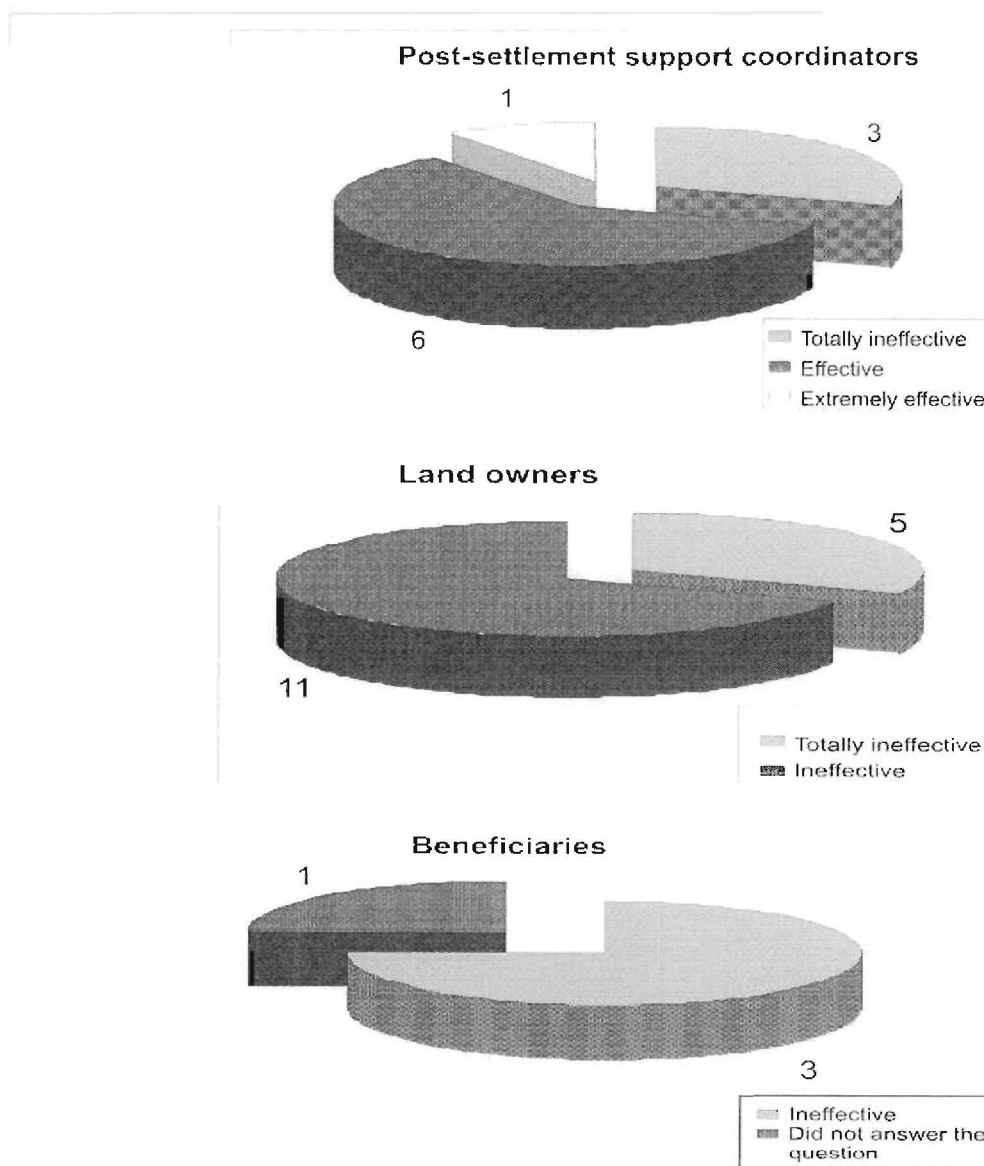
Most post-settlement support coordinators, however, indicated that feasibility studies are effective. This assumption seems to be correct. In most cases such as in the Ellison and Steynberg project and as part of the verification process, the claimants clearly specified that the land would be utilised for farming and tourism purposes. In the case of Puffontein, land was to be utilised for farming and the resettlement of the Batlounge tribe. These feasibility indications usually form a crucial part of resettlement plans. In contrast the majority of land owners indicated that feasibility studies are

totally ineffective due to the continued underdevelopment after land was transferred. The beneficiaries perceive feasibility studies as ineffective or totally ineffective due to continued poverty and consequential degradation of land. In many instances beneficiaries indicated that they were worse off after they had received land.

5.17.2.2 Ineffective land use planning (compare question 5.1.3)

66% of the respondents indicated that Government was totally ineffective (17, 2%) or ineffective (58,6%) in terms of land use planning for projects (see pie chart 5.3).

PIE CHART 5.3: Perspectives and opinions on the effectiveness of land use planning

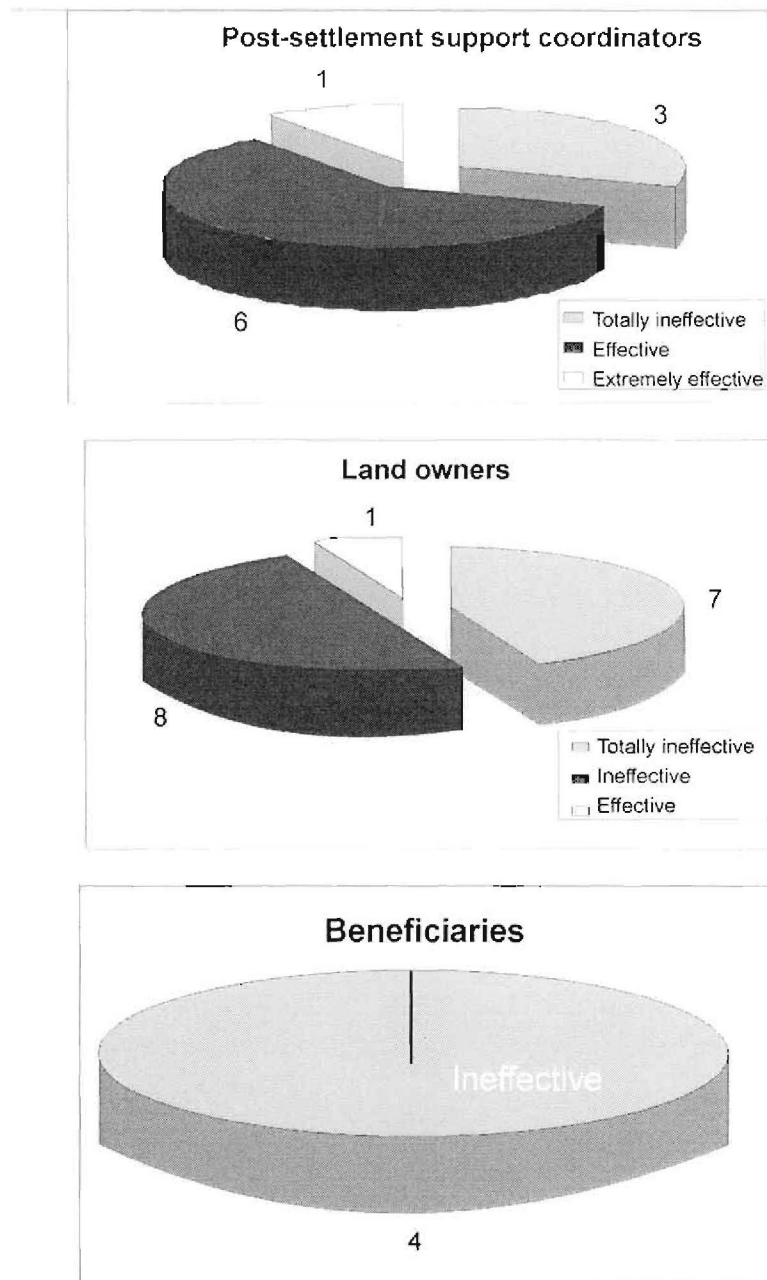


Land use planning is regarded as effective by six of the post-settlement support coordinators. It was indicated that the intended use of land is always measured against the current use of land. The DFA has firm guidelines on how land must be utilised. In the case of Putfontein, the farm was utilised for technological intensive farming before transfer took place. After a SWOT analysis it was decided that technological intensive farming must form an integral part of land use. Land owners found no evidence of effective land use planning, for fertile and economically productive land are often neglected and underutilised after transfer takes place. Beneficiaries perceive land use planning as ineffective for they generally do not receive adequate support to develop land as intended.

**5.17.2.3 Business plans not being properly implemented
(compare question 5.1.4)**

Business planning is of crucial importance to the financial viability of every project. 76% of the respondents indicated that Government was totally ineffective (24,1%) or ineffective (51,7%) in terms of business planning for projects (see pie chart 5.4).

PIE CHART 5.4: Perspectives and opinions on the effectiveness of business planning



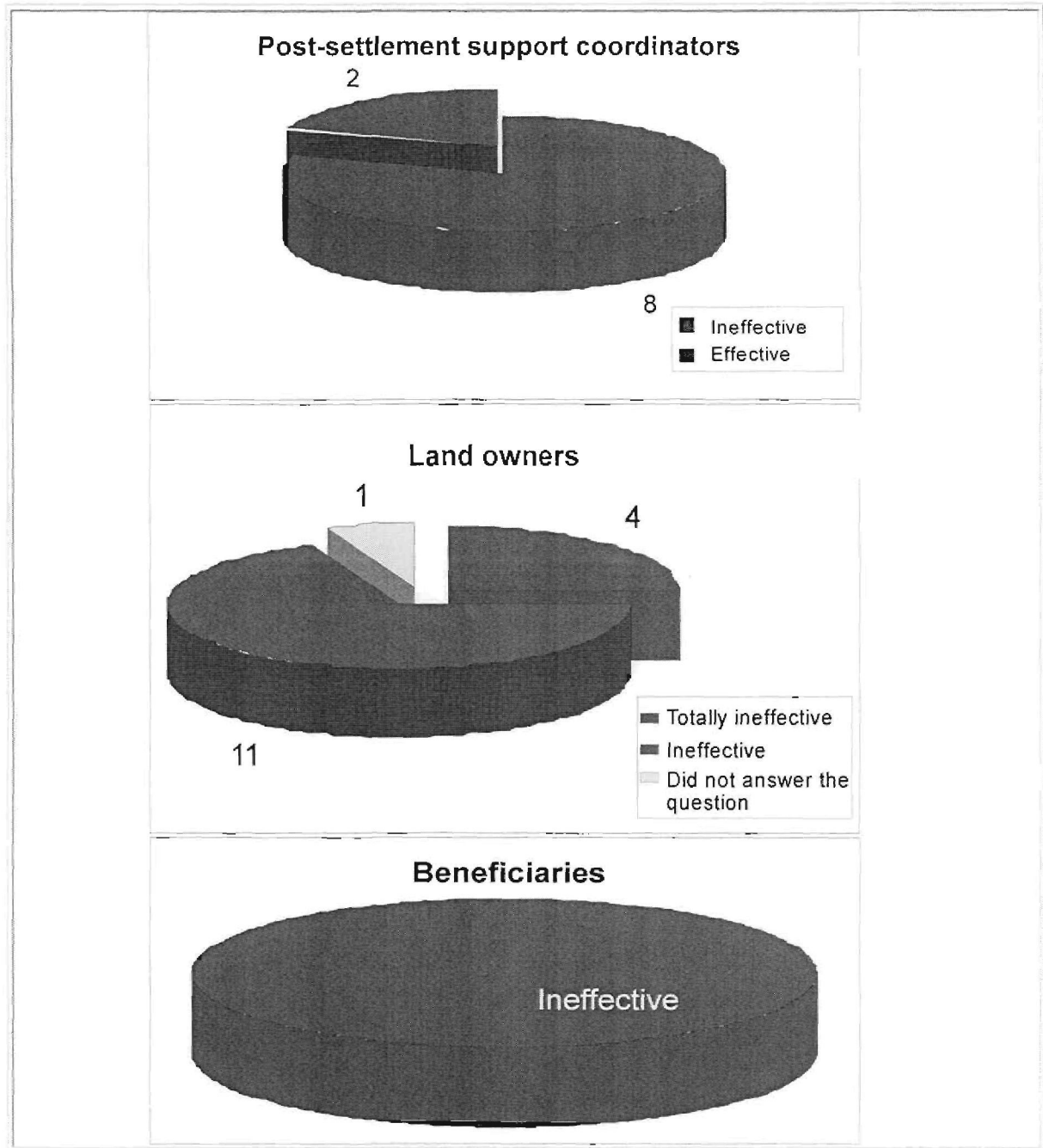
The majority of the post-settlement support coordinators indicated that business plans are always in line with the stipulations of the RDP and are mostly well formulated and planned. According to the land owners there seems to be a discrepancy between business planning and actual outcome of that planning. The majority of land owners therefore views business planning as ineffective. There

always seems to be inadequate funding or preferential arrangements with financial institutions such as the Land Bank. All beneficiaries regard business planning as ineffective due to the fact that in most instances they did not receive any material or financial assistance to develop the land as are usually stipulated in the business plans.

5.17.2.4 *The failure to develop the agricultural capacity and expertise of beneficiaries (compare question 5.1.5)*

93% of the respondents indicated that Government was totally ineffective (13.7%) or ineffective (79,3%) in terms of ensuring that beneficiaries have the capacity to utilise acquired land (see pie chart 5.5).

PIE CHART 5.5: Perspectives and opinions on capacity building

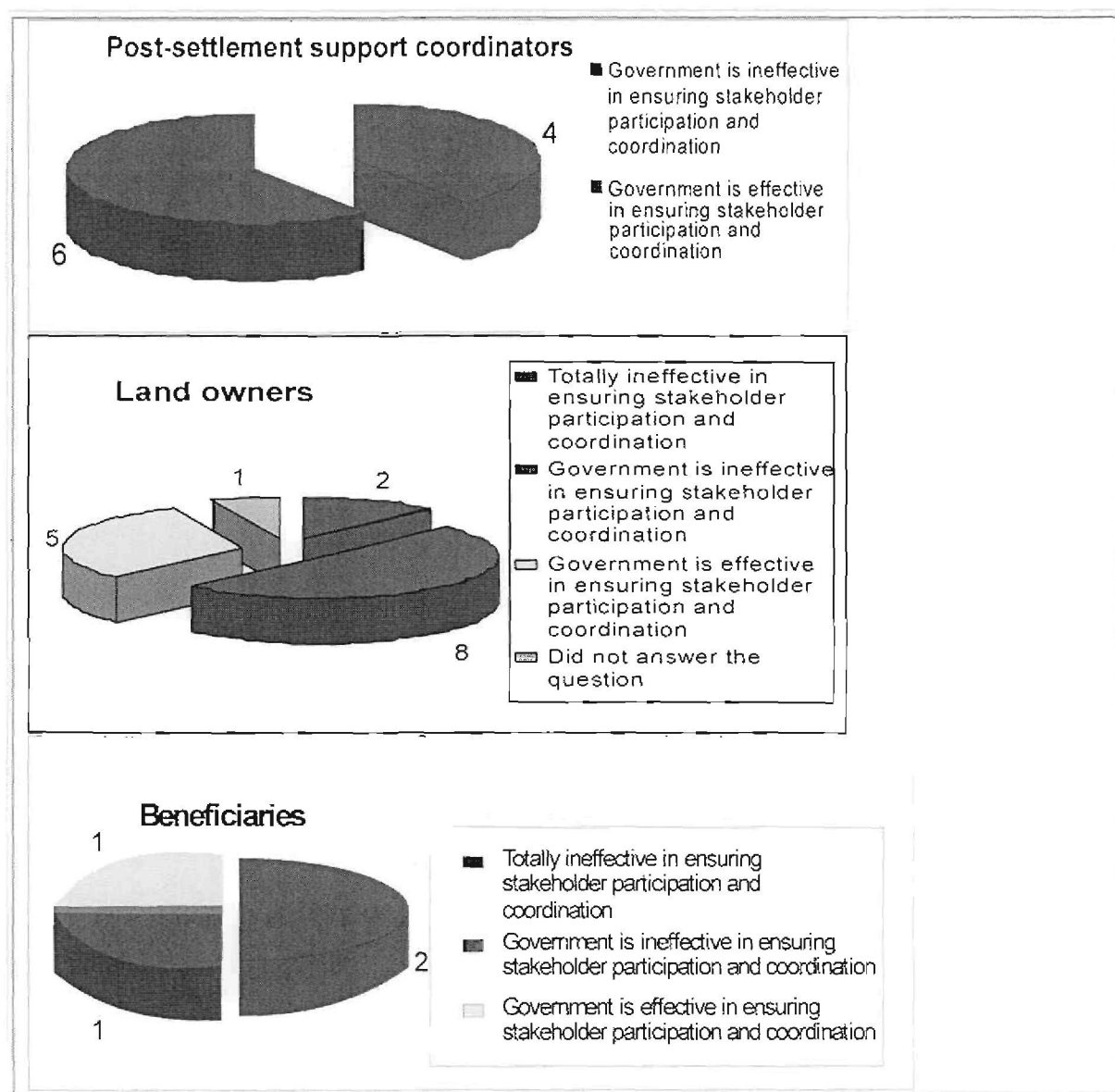


All the sub populations acknowledge that there is a definite lack of capacity amongst the beneficiaries of land reform. The majority of beneficiaries is not established farmers and does not possess the know-how and resources to utilise acquired land. Government's failure to provide capacity is a definite shortcoming in post-settlement support.

5.17.2.5 A lack of pro-active stakeholder participation and coordination
(compare question 5.1.6)

Due to the multidimensionality of post settlement, all sub populations agree that stakeholder participation and coordination is of importance. 59% of the respondents however indicated that Government was totally ineffective (13,7%) or ineffective (44,8%) in terms of ensuring stakeholder participation in, or during the implementation of projects (see pie chart 5.6).

PIE CHART 5.6: Perspectives and opinions on stakeholder participation and coordination



Post-settlement support remains the responsibility of different specialist Government departments. According to the post-settlement support coordinators, the Commission has a facilitative role to fulfil. Other specialists do participate in planning for post-settlement support. These participants are however in many instances unwilling or unable to accept implementation responsibility. The beneficiaries indicated that Government seems to lose interest after land has been transferred as has been illustrated in the Putfontein case. According to the land owners the lack of stakeholder participation can be linked to the lack of capacity, funding and effective intergovernmental relations.

5.17.3 Other factors contributing to the failure of post-settlement support in the provincial sphere of government: Combined statistical result

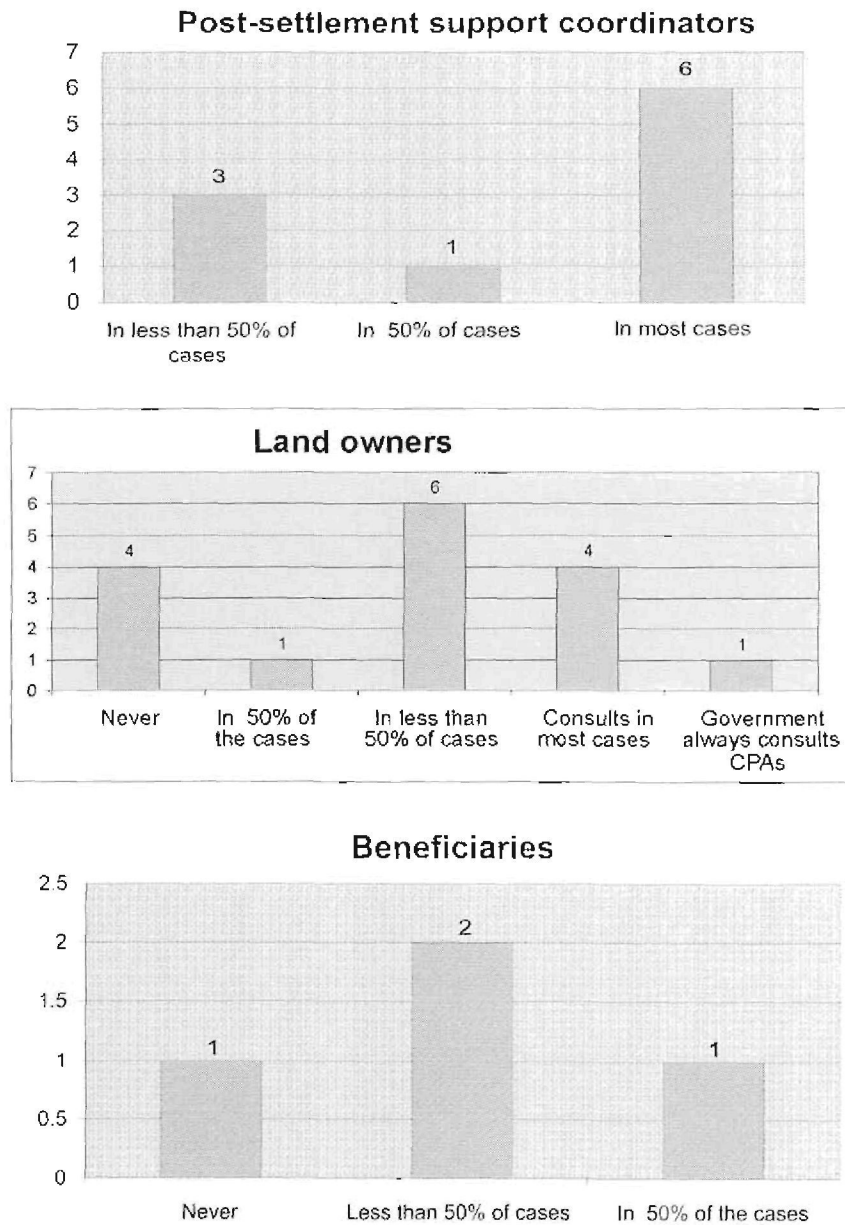
In addition to the questions related to the management of post-settlement support within the provincial sphere of Government, generalised structured questions were also asked. The following issues that hampered the effective operationalisation of post-settlement support were also emphasised by the respondents identified.

5.17.3.1 Inadequate consultation with CPAs (compare question 6.1.1)

53% of the respondents indicated that Government does not interact adequately with CPAs (see graph 5.6). These opinions and perceptions were subdivided as follows:

- 16,6% of the respondents indicated that Government never consults CPAs; and
- 36,6 of the respondents indicated that Government consults with CPAs in less than 50% of the projects.

GRAPH 5.6: Perspectives and opinions on the involvement of CPAs

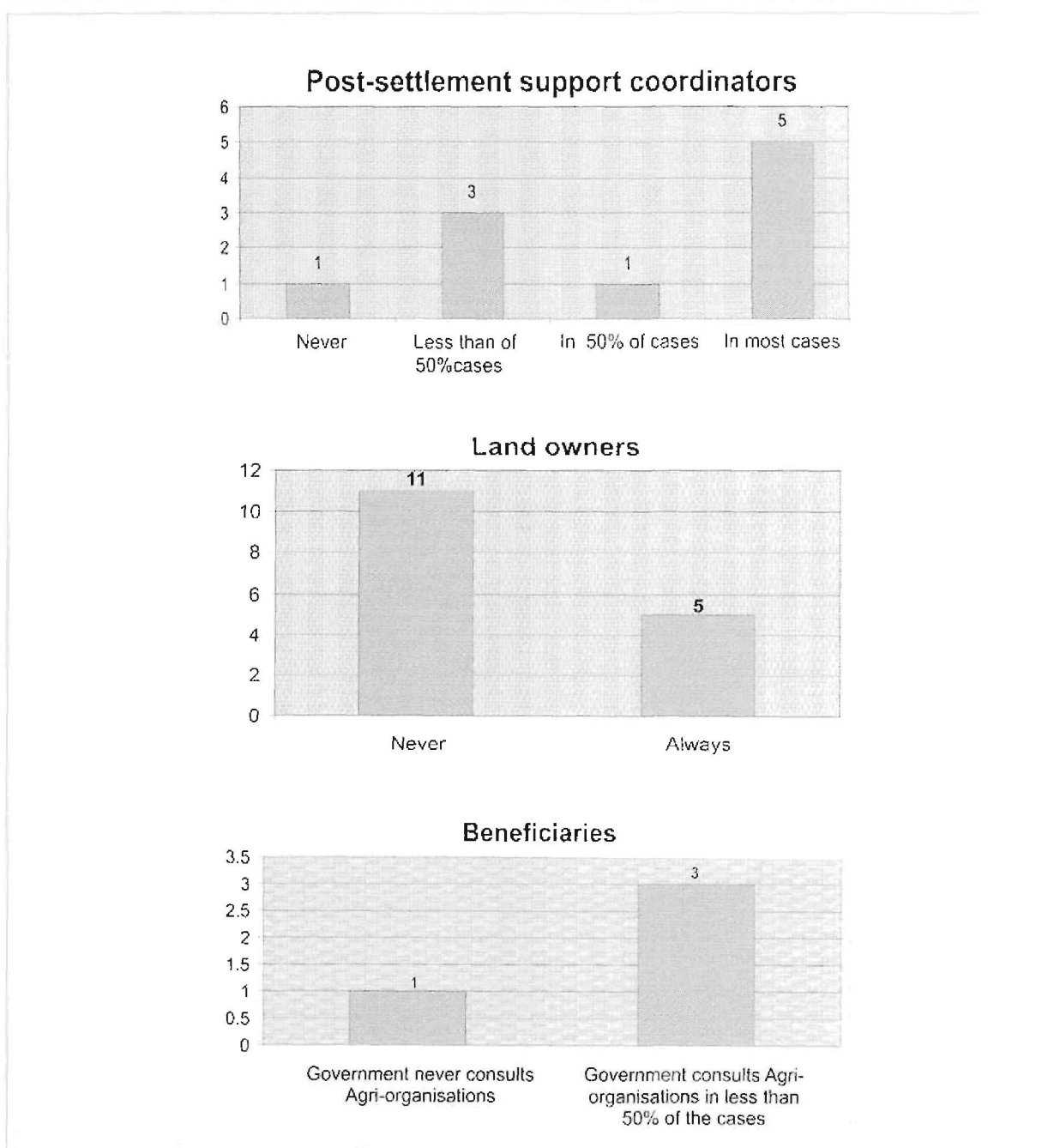


Six post-settlement support coordinators indicated that it was the responsibility of the RLCCs to assist in establishing CPAs. Without CPAs a land reform project would not be successful. There is therefore regular interaction between the RLCCs and CPAs in order to finalise a project. The land owners and beneficiaries acknowledged that CPAs are established but argues that they are not always correctly consulted.

5.17.3.2 Inadequate consultation with agri-organisations
(compare question 6.1.2)

77% of the respondents indicated that consultation with agri-organisations is inadequate (see graph 5.7).

GRAPH 5.7: Perceptions and opinions on the involvement of agri-organisations



These opinions and perceptions were subdivided as follows:

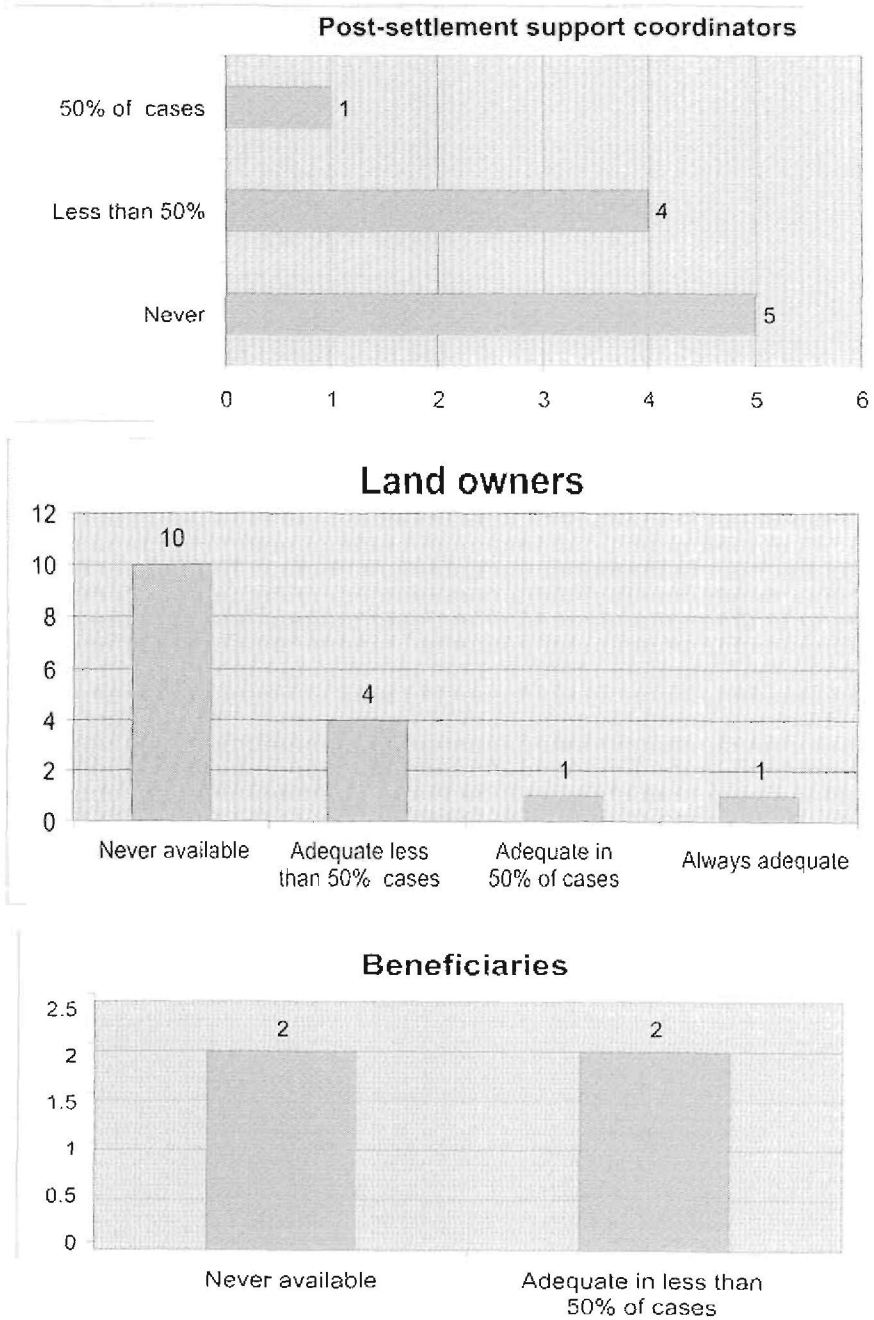
- 26,6% of respondents indicated that Government never consults agri-organisations; and
- 50% of respondents indicated that Government consults with agri-organisations in less than 50% of the projects;

The agri-organisations argue that they are hardly ever consulted in terms of technical planning, advice and establishing ways in which land can be utilised. It is being argued that the potential contribution of the agri-organisations is in many instances overlooked. A typical example would be the Putfontein case where fertile land and infrastructure are being neglected due to a lack of funds and capacity amongst beneficiaries. In this instance agri-organisations would be able to contribute to the development of land through mentorship programmes of technical assistance. The post-settlement coordinators disagree and indicated that agri-organisations are consulted especially during the verification investigation process.

5.17.3.3 A lack of adequate funding to provide effective post-settlement support (compare question 6.4.2)

90% of respondents indicated that funding for post-settlement is mostly inadequate (see graph 5.8)

GRAPH 5.8: Perceptions and opinions on the availability of funding



These opinions and perceptions were subdivided as follows:

- 53% of the respondents indicated that there is never or seldom adequate funding available; and
- 37% argued that there is adequate funding available in less than 50% of the cases.

Some post-settlement support coordinators argued that their available funding is utilised to acquire land at market related prices. Post-settlement support is the responsibility of other specialist Government institutions. In addition, land owners argue that financial institutions are unwilling to provide credit to unskilled beneficiaries with no security. The beneficiaries indicated that Government focuses on funding the transfer of land and not post-settlement support.

In the case of the Ellison and Steynberg project the EGSC was responsible for rendering municipal services to the beneficiaries. The council did not have the financial resources to do so.

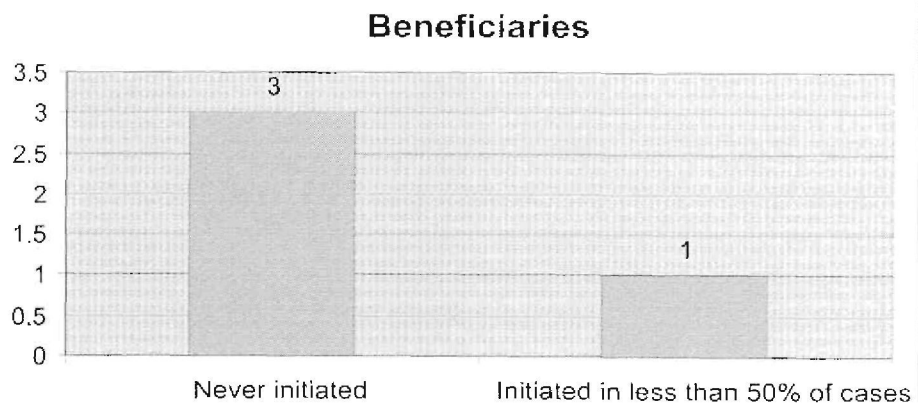
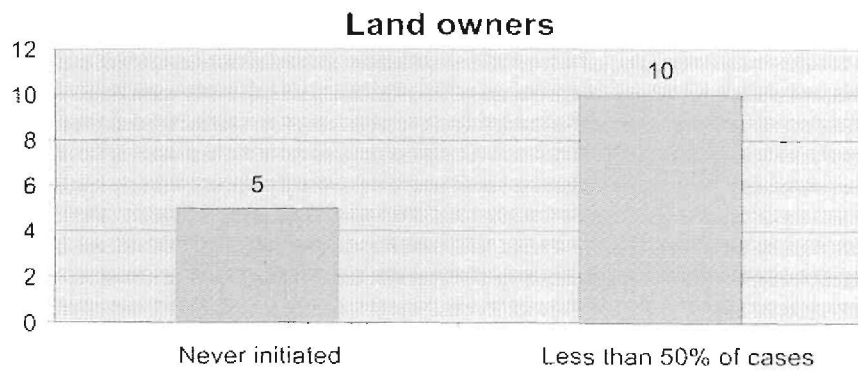
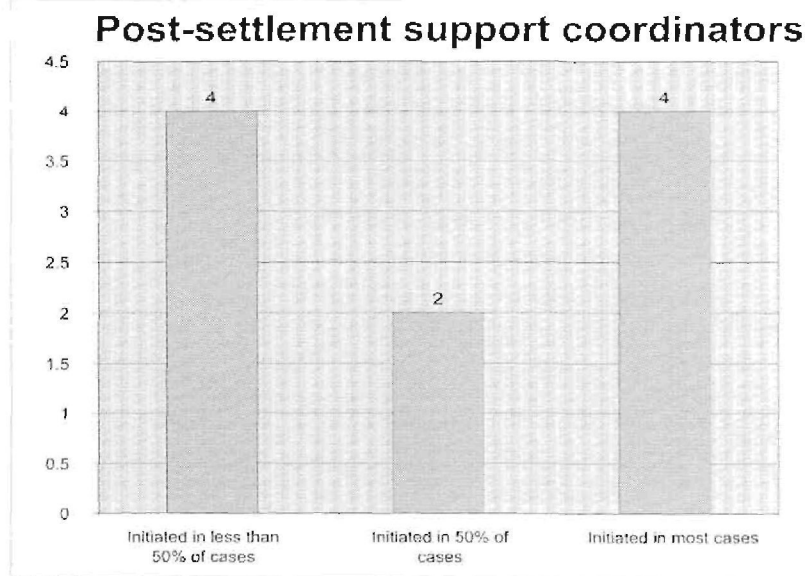
5.17.3.4 A lack of mentorship programmes and access to training facilities (compare question 6.5.1)

Mentorship programmes entail the training and the assistance of beneficiaries by local commercial farmers. This also entails access to agricultural training centres which are established nationwide. The-sub populations expressed the following opinions (see graph 5.9):

80% of the respondents indicated that the mentorship programmes was inadequate. These opinions and perceptions were sub divided as follows:

- 30% of respondents indicated that there are no mentorship programmes; and
- 50% of respondents indicated that mentorship programmes are utilised in less than 50% of the cases.

GRAPH 5.9: Perspectives and opinions on the utilisation of mentorship and training initiatives



Post-settlement support coordinators indicated that mentorship programmes and access to training centres are the exception rather than the rule. Land owners stated that they are seldom or never used as mentors except on an *ad hoc* basis. All the strata (sub populations) agree that mentorship programmes and training centres should be utilised more effectively in order to ensure the sustainable success of projects.

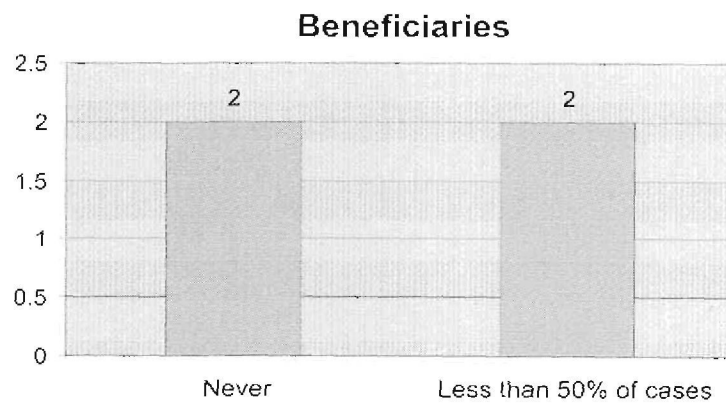
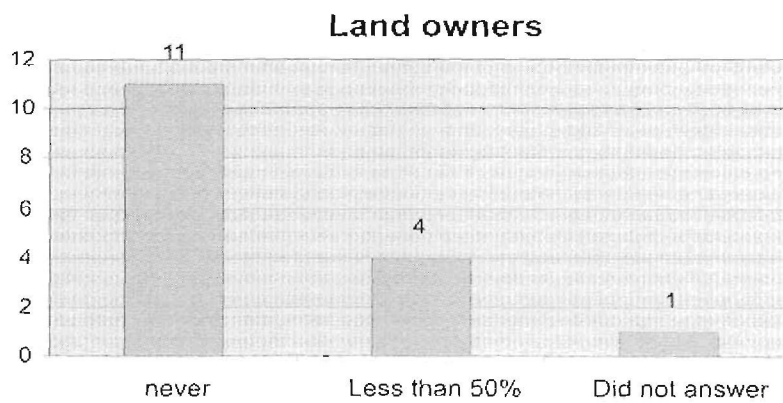
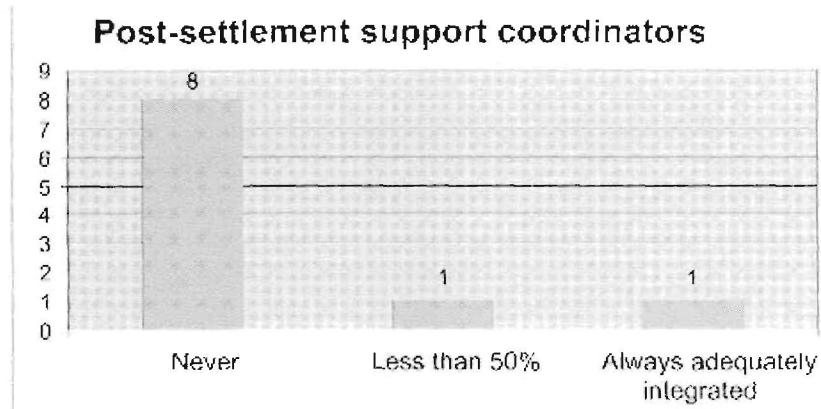
5.18 POST-SETTLEMENT SUPPORT SHORTCOMINGS IN THE LOCAL SPHERE OF GOVERNMENT: INADEQUATE INTEGRATION WITH IDPs¹⁵

In terms of the stipulations of the national Government's land development objectives, local authorities are responsible for providing infrastructural services to people who reside within their jurisdictions. This also relates to beneficiaries of the national land reform programme. The most important mechanism through which municipalities achieve their service delivery objectives such as land reform, health, housing etcetera is through an integrated development approach (IDP) initiated by the national Department of Provincial and Local Government and monitored by the provincial authorities. This integrated approach towards effective planning is commonly known as IDPs. The following combined shortcomings were identified by the three groups of stakeholders (sub populations):

The sub populations assume that municipalities have a key role to play in terms of providing post-settlement support on grassroots level. Every project must therefore be integrated with the IDP of a local authority. All the sub populations (100%) agree that this is usually not the case (see graph 5.10):

¹⁵ Compare question 7.1.1

GRAPH 5.10: Perspectives and opinions on the integration of post-settlement support projects in IDPs



The following opinions were expressed:

- 97% of respondents indicated that post-settlement support projects are inadequately integrated with the IDPs of municipalities. These opinions and perspectives were sub-divided as follows:
- 72,4% of respondents indicated that post-settlement support projects are never integrated into the IDPs of municipalities; and
- 24,1% of respondents indicated that post-settlement support projects are integrated in less than 50% of post-settlement support projects.

In terms of service delivery, local authorities are currently, according to the majority of respondents, under- capacitated. This lack of capacity applies to all sectors of service delivery. It is also envisaged that municipalities should be empowered adequately to provide post-settlement support to communities and individuals who benefited for land reform.

The most challenging shortcomings (findings) in the current post-settlement support arrangements, as highlighted in the interviews, can be summarised and illustrated as follows (see table 5.2):

**TABLE 5.2: Post-settlement support shortcomings on the projects:
A summary of the most important empirical (findings) results
(compare annexure D)**

SHORTCOMINGS AND TRENDS		PERCENTAGE OF CONSENSUS
1.	Inadequate integration in IDPs	100% consensus
2.	No framework for effective intergovernmental relations	100% consensus
3.	The absence of clear-cut guidelines on how to provide post-settlement support	96% consensus
5.	No post-settlement support (computerised) database	93% consensus
6.	Failing to develop agricultural capacity	93% consensus
7.	Insufficient funding for post-settlement support initiatives	90% consensus
8.	Few, or no mentorship programmes or access to training centres	80% consensus
9.	Insufficient consultation with agri-organisations in terms of development planning	77% consensus
10.	Inadequate implementation of business plans	76% consensus
11.	Ineffective land use planning	66% consensus
12.	Lack of effective stakeholder participation	59% consensus
13.	Inadequate consultation with CPAs	53% consensus
14.	Inadequate feasibility studies	53% consensus

The shortcomings cut across the various spheres of Government and were highlighted in terms of priority consensus amongst the sub populations.

5.19 CONCLUSION

The objective of this chapter was mainly to verify and strengthen the outcomes of the literature study achieved in chapters 1 to 4 of the thesis. As a primary outcome this chapter established and proved that post-settlement support as crucial part of the land reform programme is largely ineffective. The ineffectiveness of post-settlement

support can be attributed to a multi-dimensional variety of factors as highlighted in table 5.2.

The above outcome was achieved by analysing two case studies and strengthening and verifying the outcomes of these case studies through posing structured and open-ended questions to a sample of three sub populations of post-settlement support stakeholders. The outcomes of these questions were individually analysed with specific statistical findings as outcome. Finally, these statistical outcomes were compared and as a consequence combined. It was therefore possible to identify trends and the main shortcomings in the current process of post-settlement support. The findings of this chapter therefore served as substantiating evidence and a foundation against which a management model for post-settlement support can be identified in the following chapter.

CHAPTER 6

A SUSTAINABLE MANAGEMENT MODEL FOR POST-SETTLEMENT SUPPORT

6.1 INTRODUCTION

As indicated in chapter 1 of this research the South African Constitution requires of Government to initiate and to implement a pro-active land reform programme in order to “*rectify the wrongs of the past*”. The purpose of this land reform programme should be to return land, to ensure access to land and also to extend land rights and ownership in urban and rural areas to specifically previously disadvantaged and dispossessed individuals and communities. A further responsibility is to ensure that poverty is reduced through sustainable development after land was returned, distributed or made accessible to the beneficiaries of land reform.

Against the background of Government’s constitutional obligations, the DLA has since 1994 embarked on such a pro-active land reform programme. The specific land reform objectives are firstly to ensure that 30% of all agricultural land be transferred to formerly disadvantaged communities and individuals by 2015. Secondly, the Department undertook to facilitate a process of post-settlement support on all land reform projects.

The objective of transferring or returning land to deprived communities and individuals is to be achieved through three parallel functional processes namely land redistribution, tenure reform and land restitution. It is furthermore the responsibility of the Commission for the Restitution of Land Rights through its regional offices (the RLCCs) to facilitate post-settlement support as part of the land reform process.

An important finding of the data triangulation in this research is that the DLA is effective in transferring or returning land to deprived communities. The reason for this assumption is that there are established structures and procedures in place through which land can be returned, transferred or made more accessible to the beneficiaries. It was also indicated that progress has been made in terms of the distribution of land to the beneficiaries of land reform since 1994.

In terms of facilitating post-settlement support it is however clear that the DLA is, despite isolated successes, ineffective in reducing poverty through sustainable development. This ineffectiveness can mostly be attributed to the absence of an effective post-settlement support management model. These ineffective post-settlement support arrangements are linked to the following causal conditions:

- In most cases beneficiaries have the right to land but are not established farmers. They therefore lack the capacity to utilise technological intensive (farms) land to its full potential;
- There is a definite absence of effective support programmes, training, mentorships and technological upliftment;
- There are inadequate financial support structures such as preferential loans for beneficiaries and general finance;
- There is an absence of a coordinated and sustained post-settlement support effort by responsible Government departments, local authorities, non-governmental organisations (NGOs), banks and other relevant private sector institutions; and
- Municipalities are unable to effectively integrate the majority of land reform projects into their IDPs.

Chapters 1 to 4 of the thesis substantiated the main outcome of the hypothesis of this research in which it was stated that post-settlement support in the majority of land reform projects, up till now, have been ineffective. It was stated that this ineffectiveness could be linked to the absence of an effective post-settlement support management model. Chapter 5 of the thesis provided an illustrative confirmation of the above hypothesis by analysing the way in which two post-settlement support projects were conducted in two different provinces. These projects were discussed and measured against the existing criteria for post-settlement support as initiated by the Commission for the Restitution of Land Rights. It was possible to identify the strong points as well as the weaknesses in the post-settlement support process that was followed in both projects. In order to strengthen the findings of research, the outcomes of the case studies were verified and confirmed through semi-structured interviews with the post-settlement support coordinators within the RLCCs, land owners and beneficiaries of the land reform programme (sub populations).

Against the background of the above outcomes, it is the purpose of this chapter (6) to firstly provide a detailed overview on what the objectives of this research were and to explain how they were achieved. Secondly, the chapter will be narrowed down to the identification and description of a management model that can enhance the effectiveness of post-settlement support. This model could be utilised by the RLCCs and all relevant stakeholders to reduce poverty through achieving the objectives of sustainable development.

6.2 THE RESEARCH QUESTIONS ADDRESSED IN THE THESIS

The following research questions were identified:

- What are the requirements for sustainable development as theoretical foundation for research?
- Which policy framework guides post-settlement support arrangements?
- What are the origins, content, context and projected outcomes of the South African Government's land reform policy and process?
- Which management framework (policy objectives, programmes and projects) steers the post-settlement support process within the various spheres of Government in South Africa?
- Is the aforementioned management framework effective in terms of sustainable development and ensuring the improvement of the quality of the lives of beneficiaries of land reform?
- Which measures should be taken to effectively plan, coordinate and control the post-settlement support management framework in order to improve the quality of life of beneficiaries of the land reform process?

The above questions were systematically analysed and answered through chapters 2 to 5 of this research. The outcomes of these chapters were aligned with the research objectives as identified in the first chapter.

6.3 THE REALISATION OF THE RESEARCH OBJECTIVES

The objectives of this study were realised by structuring research on a macro, meso and application level. This was done by focusing each chapter on the following specific objectives, as stipulated in the first chapter:

Chapter 1 served as a contextual background and concerned an explanation and motivation for research. It was stated that Government is successful in terms of transferring land to deprived individuals and communities but unsuccessful in facilitating post-settlement support to beneficiaries. Against this background the aforementioned specific questions that guided the flow of the rest of the research, were identified.

Chapter 2 established the theoretical foundation and framework for research. The chapter was divided into two theoretical themes namely the interlinking requirements for sustainable development and the service delivery structures of the South African Government.

Chapter 3 established a link between land reform and post-settlement support to the beneficiaries of land reform. It concerned a perspective on the enabling structures and functional processes that are utilised by the DLA to achieve all aspects of Government's land reform programme (including post-settlement support). This chapter served as a contextual background to the subsequent chapter where post-settlement support as a functional activity was analysed.

Chapter 4 was specifically narrowed down to the status and content of post-settlement support to the beneficiaries of land reform as a functional activity and service delivery responsibility of the DLA. Emphasis was placed on the management structures of the Commission for the Restitution of Land Rights which are responsible for the facilitation of post-settlement support to the beneficiaries of land reform. The focus of the chapter therefore revolved around a critical analysis of the Commission's constitutional responsibility, existing procedures and functional processes for facilitating post-settlement support to beneficiaries of land reform.

Chapter 5 focused on sustainable development as a projected outcome of the post-settlement support process in order to reduce poverty. The chapter provided a critical analysis of two rural land reform projects on grassroots level, as well as semi-

structured interviews with open-ended questionnaires concerning the way in which post-settlement support has generally been provided since 1994. The focus fell on planning, implementation, support and the outcome of the projects. In broad terms the implementation procedures of the two case studies (land reform projects) were measured against the implementation requirements and objectives of post-settlement support as identified and described in chapter 4. It was possible to establish and indicate where the weaknesses in the management of the contemporary process are. Against this background the current process was therefore reviewed and specific recommendations can be made in this chapter (6).

6.4 IDENTIFYING FUNCTIONAL STRUCTURES FOR MANAGING POST-SETTLEMENT SUPPORT

As an outcome of research it has been established that the service delivery function of facilitating post-settlement support is the responsibility of the Commission for the Restitution of Land Rights. The Commission is structured in such a way that it has a national office and representative offices in all the provinces (the RLCCs). It is therefore clear that the Commission established national and provincial management land reform structures and responsibilities. In chapter 4 of the thesis it has been substantiated that the core responsibility of facilitating post-settlement support lies with the different RLCCs. It however also became clear that post-settlement support cannot be effective without the concrete cooperation and inputs of the local sphere of Government (municipalities). The Commission does, however, not have representative offices in the local Government sphere. Therefore the revised management model will be chronologically discussed as it could occur within the various spheres of Government. The following section is a summary of the responsibilities and strong points and weaknesses of the post-settlement support process, within the various spheres of Government.

6.4.1 The management of post-settlement support in the national sphere of Government

Venter (2001:21) emphasises that the national sphere of Government does not have an implementation responsibility but is exclusively responsible for providing public policy guidelines and steering and monitoring governmental functions that affect South Africa as a whole. The national sphere of Government is therefore mandated

to ensure that public policies and legislation as formulated by the legislative authority are implemented through the provincial and local spheres of Government. This responsibility can be realised by identifying the strong points of the post-settlement support process and working towards rectifying the weaknesses in the same process. These strong points and weaknesses can also be utilised as a checklist during planning for post-settlement support (see table 6.1).

TABLE 6.1: The managerial strong points and weaknesses of post-settlement support in the national sphere of Government

MANAGERIAL RESPONSIBILITIES: STRONG POINTS	EFFECTIVE MANAGERIAL OBJECTIVES
Formulate post-settlement support policy	Adequate post-settlement support policy guidance has been promulgated and legislation has been approved since 1994. Government can utilise these <i>guidelines to ensure that a pro-active land reform programme and post-settlement support can be initiated, implemented and maintained.</i>
Set land reform priorities	Post-settlement support priorities are adequately stipulated in policy documents such as the Constitution, the RDP and the White Paper on Land Policy.
Approval of post-settlement support arrangement	Adequate approval structures are in place. All post-settlement support arrangements are currently approved on ministerial level.
Provide policy advice to RLCCs	Due to the fact that the above systems are in place, the national office of the Commission is able and in a position to provide legislative and policy advice relating to post-settlement support.
MANAGERIAL RESPONSIBILITIES: WEAKNESSES	INEFFECTIVE MANAGERIAL OBJECTIVES
Develop a database for post-settlement support	There are no effective data bases and progress can therefore not be monitored. A comprehensive national data base of all post-settlement support projects must be developed, updated and maintained within the national sphere of Government
Monitor and review the process	Due to the absence of an effective data base and ineffective intergovernmental cooperation, post-settlement support progress cannot be monitored and reviewed in a satisfactory way. This problem can be rectified by developing a database and ensuring effective intergovernmental relations.

Against the aforementioned background the responsibilities, strong points and weaknesses within the provincial sphere of Government can be discussed.

6.4.2 The management of post-settlement support in the provincial sphere of Government

As indicated the provincial sphere of Government is currently the main instrument through which post-settlement support is planned and steered (facilitated).

As a statutory body the Commission is represented by seven regional offices representing the nine provinces of South Africa (South Africa 1994b:89). The weaknesses and strengths of the different managerial phases of post-settlement support are summed up in table 6.2.

TABLE 6.2: The managerial phases of post-settlement support in the provincial sphere of Government: Weaknesses and strengths

MANAGERIAL RESPONSIBILITIES	MANAGERIAL OBJECTIVES
Phase 1: Performing a Feasibility study	<p>STRONG POINTS</p> <ul style="list-style-type: none"> • There is adequate consultation with representative forums and it is usually known what beneficiaries intend to do with the land. • EIAs are always outsourced to specialist institutions and are usually an accurate reflection of land use suitability. <p>SHORTCOMINGS</p> <ul style="list-style-type: none"> • In many instances Government is unable to align the land use intentions of beneficiaries with the outcome of the EIA, a matter that needs to be addressed.
Phase 2: Performing an EIA	<p>STRONG POINTS</p> <ul style="list-style-type: none"> • There are adequate private institutions that are able to perform the EIAs. • As indicated, EIAs are usually an accurate reflection of land use suitability. <p>SHORTCOMINGS</p> <ul style="list-style-type: none"> • In many instances the outcomes of the EIAs are not being adhered to and land is utilised for unsuitable purposes. This can lead to the degradation of soil.
Phase 3: Land use planning	<p>STRONG POINTS</p> <ul style="list-style-type: none"> • Government is in most cases able to assist in the establishment of a CPA and are therefore enabled to establish what the land needs of the beneficiaries are. • This function is outsourced and is usually an accurate reflection of how land should be utilised. <p>SHORTCOMINGS</p> <ul style="list-style-type: none"> • Due to a lack of adequate funding it is seldom possible to provide beneficiaries with the necessary infrastructure to utilise land optimally. • In many instances land is only utilised for settlement purposes or subsistence farming. • Government is unable to effectively manage conflict amongst beneficiaries in terms of ownership of how land should be utilised.
Phase 4: Business planning	<p>SHORTCOMINGS</p> <ul style="list-style-type: none"> • In most cases funds are inadequate to effectively plan for post-settlement support. • Banks and other funding institutions are not always keen to participate. • A lack of effective intergovernmental cooperation in terms of business planning. • Job creation is usually not a priority during business planning. • The private sector is only involved to a limited degree.
Phase 5: Capacity Building	<p>STRONG POINTS</p> <ul style="list-style-type: none"> • There are agricultural training centres established at various educational institutions. • Many commercial farmers are willing to act as mentors or to provide assistance in terms of post-settlement support. • Mentorship assistance is taking place on an <i>ad hoc</i> basis. <p>SHORTCOMINGS</p> <ul style="list-style-type: none"> • Beneficiaries in need are rarely sent to available training centres. • Relations with mentors and mentorship programmes have not been developed. • In many instances departmental capacity is inadequate. • Lack of funding to achieve the above objectives.
Phase 6: Ensuring stakeholder participation	<p>STRONG POINTS</p> <ul style="list-style-type: none"> • The RLCCs are in frequent contact with other Government departments (for example agriculture) as well as municipalities in designated areas. <p>SHORTCOMINGS</p> <ul style="list-style-type: none"> • There is no coordinated effort and commitment by all stakeholders to ensure the success of post-settlement support. • The above tendency can be ascribed to a lack of operational funding.

Against the aforementioned background the responsibilities, strengths and weaknesses within the local sphere of Government can be discussed.

6.4.3 The management of post-settlement support in the local sphere of Government

The local sphere of Government is the sphere closest to the people. This entails that municipalities, in contrast to the national and provincial spheres perform their service delivery activities on grassroots level. The mechanism through which municipalities achieve their service delivery objectives is through an integrated development approach commonly known as IDPs. An IDP (as indicated) is a comprehensive plan which tends to all the sectors of development within a specific community. The idea is that such a development plan must be established for short, medium and long term objectives. It is therefore up to municipalities to ensure that all the needs of a community including the post-settlement support needs of the beneficiaries of the land reform programme within their jurisdiction are integrated into their IDPs. The weaknesses and shortcomings of post-settlement support within the local sphere of Government are summarised in table 6.3 here under.

TABLE 6.3: The managerial strong points and weaknesses in the local sphere of Government: The role of municipalities

MANAGERIAL RESPONSIBILITIES	STRONG POINTS
<p>Integrate post-settlement support needs into IDPs of municipalities</p>	<ul style="list-style-type: none"> • Adequate post-settlement support policy guidelines have been promulgated and legislation has been approved since 1994. Local authorities can utilise these guidelines to ensure that post-settlement support needs are integrated into their IDPs. • <i>Ad hoc</i> contact already exists between the RLCCs and target municipalities. <p>WEAKNESSESS</p> <ul style="list-style-type: none"> • In most cases municipalities do not integrate post-settlement support responsibilities into their IDPs. • In many instances municipalities do not have the skills to integrate post-settlement support into IDPs. • Lack of funding.

The objective of data triangulation of this research was methodologically achieved through a literature study, analysing case studies and semi-structured interviews. The literature study substantiated the main hypothesis of research in which it was stated that the land reform programme is ineffective in ensuring sustainable development through the provision of post-settlement support to the beneficiaries of land reform. The case studies narrowed the focus of research down and established that post-settlement support is in most instances ineffectively managed within the various spheres of Government. This entails that it was possible to highlight the strong points and the weaknesses within every sphere of Government. The semi-structured interviews verified and strengthened the findings of the literature study and case studies.

In terms of the weaknesses of the post-settlement support process holistic similarities between the research methods were highlighted as outcome of the data triangulation in the thesis. These similarities were identified and described in tables 6.1, 6.2 and 6.3, and are summarised in the following section.

From a holistic perspective the national sphere of Government is firstly ineffective in establishing effective frameworks for intergovernmental relations. Secondly this sphere of Government is also ineffective in establishing and updating a post-settlement support data base. The provincial sphere of Government is ineffective in facilitating post-settlement support on every land reform project. In many instances the phases of post-settlement support are not completed, or only partially completed. Specific problem areas are ineffective business planning, ineffective capacity building and a lack of stakeholder participation and coordination. Within the local sphere of Government municipalities are mostly ineffective in integrating post-settlement support initiatives into their IDPs.

It is the aforementioned weaknesses within all the spheres of Government that hamper the prospects of sustainable development through effective post-settlement support. Against this background a comprehensive management model that provides solutions on how to eradicate these weaknesses and achieve a situation of sustainable development is proposed. This management model contains all the elements of the post-settlement support process (identified strong points and weaknesses). For the purposes of this thesis a specific emphasis is however placed

on eradicating the weaknesses that were identified through data triangulation (the literature study, case studies and the semi-structured interviews).

6.5 PROPOSED ELEMENTS OF A MANAGEMENT MODEL FOR POST-SETTLEMENT SUPPORT

It was indicated that the objective of post-settlement support is poverty reduction through sustainable development. It was furthermore substantiated that sustainable development can only be achieved if specific interlinking requirements are met in a viable, equitable and bearable way. These interlinking requirements are the environmental, social and economic dimensions of development. If one of these requirements is absent or inadequately addressed, sustainable development cannot exist. Through the utilised methods of research of this study it was established and verified that the requirements for sustainable development are in most cases not met, or only partially met. In concrete terms this entails that there is no interlinking interaction between the abovementioned requirements. An effective management model must ensure that the above requirements are tended to on every project where land was returned to individuals or communities (beneficiaries of land reform). The revised and alternative management model is based on the basic premises that the requirements for sustainable development are met, and that every sphere of Government has specific managerial responsibilities to fulfil. This can ensure poverty reduction through sustainable development (see figure 6.1).

The post-settlement support management responsibilities of the various spheres of Government can firstly only be performed on condition that there exists an effective intergovernmental relationship between different Government spheres on the vertical and horizontal levels. Government spheres must therefore be able to effectively interlink. Secondly it is important that adequate funds are made available in order to ensure the effectiveness of post-settlement support. It is accepted that the operational functions identified in the proposed management model for post-settlement support be used as a checklist by all relevant stakeholders during the implementation of every project where land was transferred to beneficiaries. This could ensure the success of post-settlement support (see figure 6.1).

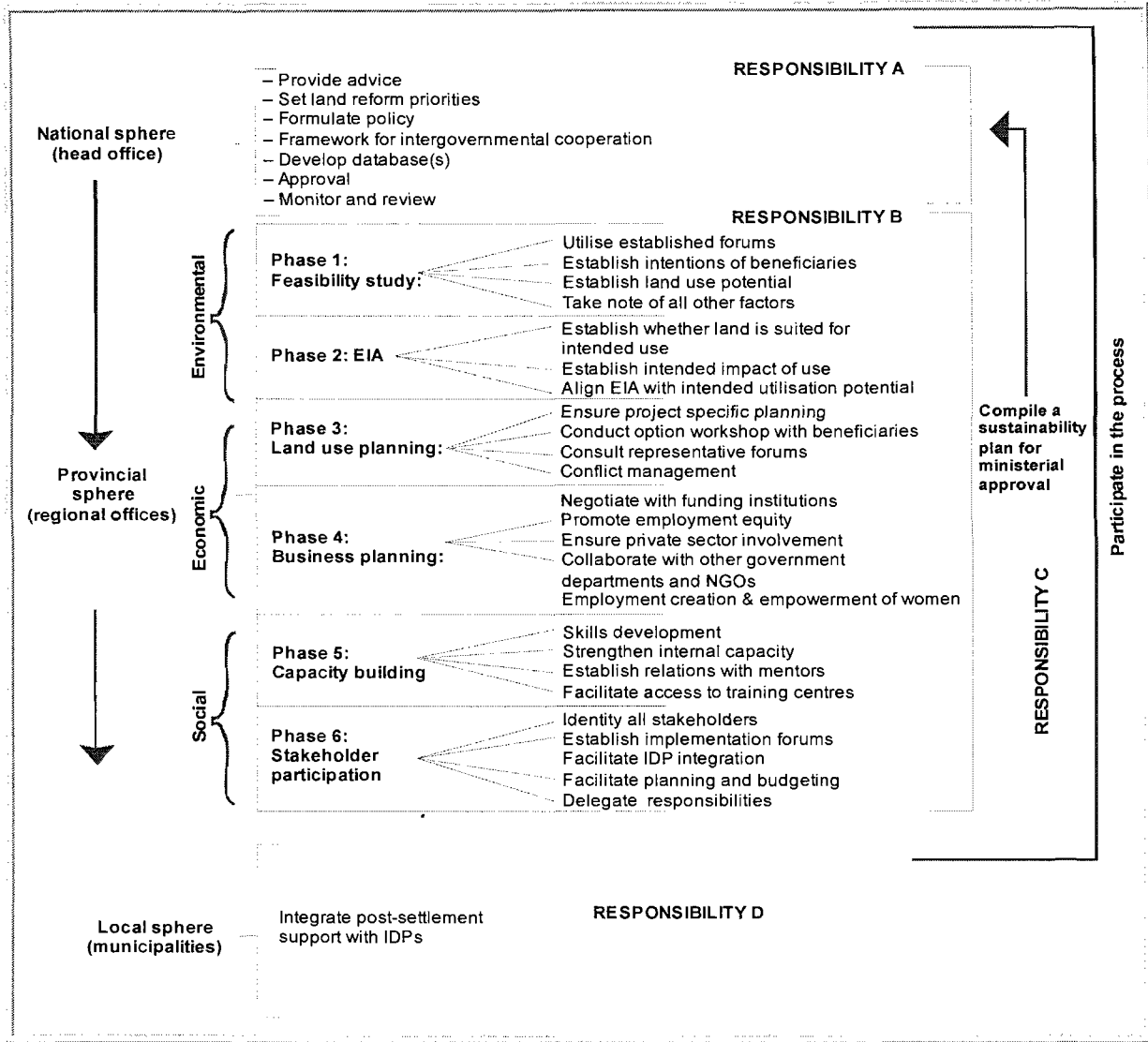


FIGURE 6.1: A management model and checklist for effective post-settlement support on land reform projects

Source: South Africa 2005c:1-4; Researcher's own analysis

It is envisaged that planning for post-settlement support commences immediately after it was established that an individual or community has a rightful claim to a portion of land. In contrast to the current *status quo*, beneficiaries should only be resettled on the land after planning for post-settlement support has been completed. Planning for post-settlement support must therefore ideally be completed within a timeframe of between six months to a year. Against the above background the interlinking role of the spheres of Government and roll-out of the management model

towards achieving the objective of sustainable development through effective post-settlement support, can be illustrated and discussed.

6.6 THE INTERLINKING ROLE OF THE DIFFERENT SPHERES OF GOVERNMENT TOWARDS EFFECTIVE POST-SETTLEMENT SUPPORT

In terms of the Constitution (South Africa 1996a:25) the different spheres of Government are distinctive, interdependent and interrelated. In order to achieve the objective of effective post-settlement support it is therefore imperative that the different spheres of Government interlink and cooperate on all applicable functional levels. This must be achieved through effective intergovernmental relations. Hattingh (1988:23) views intergovernmental relations as "*mutual relations between governmental bodies*". The legislative framework for these relations is embodied in the Constitution and occur on a vertical and horizontal level. Van der Waldt *et al.* (2002:106) describe intergovernmental relations as the regulations controlling orderly relations between individuals in power, Government institutions as well as Governments within the various spheres. The different spheres of Government must firstly interlink on a vertical level. This entails effective communication and cooperation between the national and provincial spheres of Government, as well as communication and cooperation between the provincial and local spheres of Government. Secondly the different spheres of Government must interlink on a horizontal level. This entails effective communication between different national Government departments, between provincial Governments and between local authorities. Effective vertical and horizontal Government relations can according to Van Niekerk (2002:106) only be achieved through the following forms of interaction:

- Effective intergovernmental relations: Relations between governmental bodies of the state;
- Effective intragovernmental relations: Relations within Government bodies; and
- Extragovernmental relations: Relations between Government bodies and the community.

According to the Constitution (South Africa 1996a:25-26) interlinking and cooperation between the various spheres of Government must take place in mutual trust and good faith and must have the following characteristics:

- Fostering friendly relations;
- Assisting and supporting each other;
- Informing one another of, and consulting one another on matters of common interest;
- Adhering to agreed principles;
- Avoiding legal proceedings against one another.

In terms of achieving the objective of effective post-settlement support the envisaged interlinking functional responsibilities between the various spheres of Government are illustrated in figure 6.2.

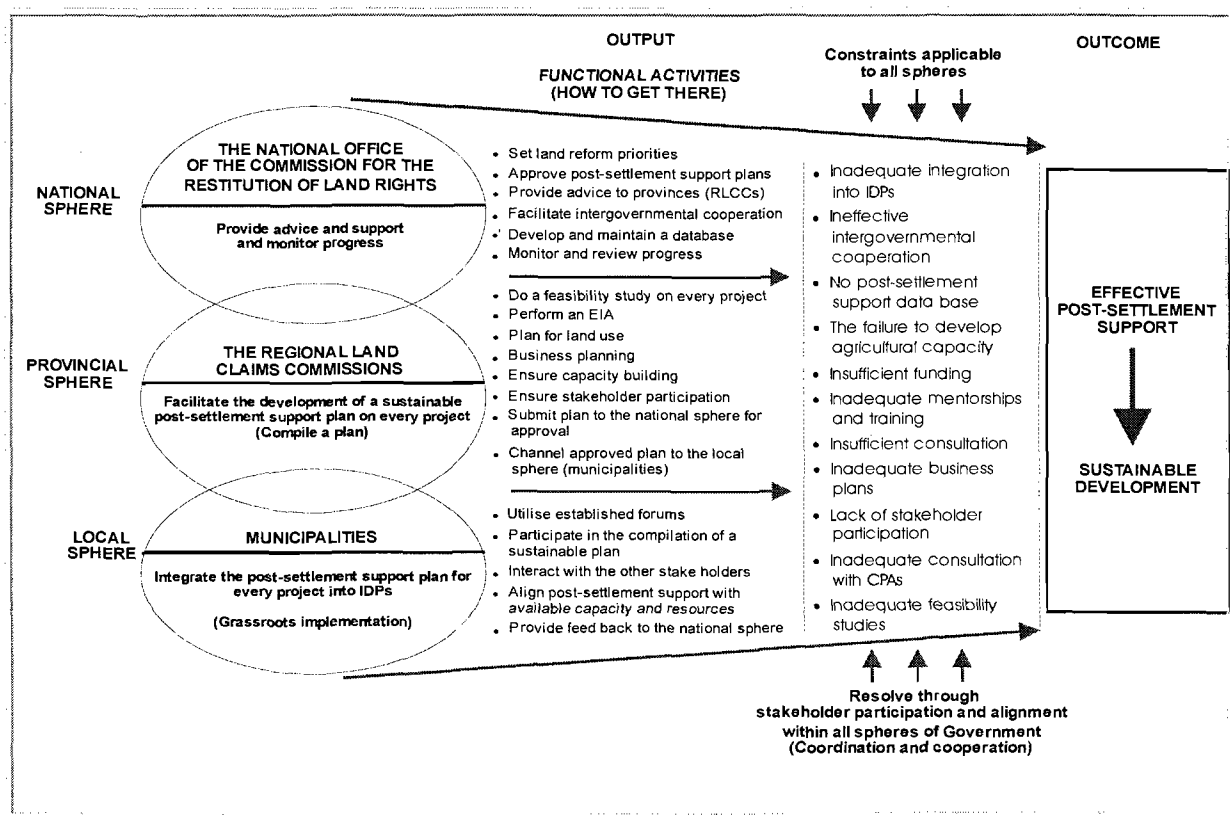


FIGURE 6.2: The interlinking responsibilities of the various spheres of Government towards effective post-settlement support

Source: Researcher's own analysis

Against the above background and in order to achieve the objective of effective post-settlement support, the aforementioned envisaged interlinking responsibilities of the various spheres of Government can be illustrated and discussed in some detail (compare figures 6.1 and 6.2). These responsibilities must be steered and structured in such a way that the constraints of post-settlement support, as illustrated in figure 6.2, are addressed within every sphere of Government.

6.6.1 Responsibility A:

The role of the national sphere of Government

To ensure poverty reduction through sustainable development the national sphere of Government is exclusively responsible for providing public policy guidelines and steering and monitoring governmental functions applicable to post-settlement support. This is the responsibility of the national office of the Commission for the Restitution of Land Rights.

It is important that the Commission performs a holistic managerial, monitoring and approval role. This role primarily boils down to ensuring that the service delivery activity of post-settlement support takes place according to the policy guidelines and legislative prescriptions of, for example the Constitution, the Restitution of Land Rights Act, the White Paper on Land Policy, the RDP and other official guidelines. The national office of the Commission must furthermore be empowered to serve in an advisory capacity and must ensure that all projects are constantly monitored and reviewed. It is important that an effective framework for intergovernmental cooperation between the different specialised national services delivery departments is established and maintained. Through effective intergovernmental cooperation departments could also adequately plan and make funds available to perform their specialist function in the post-settlement support process. This entails that an effective link must be established between the national sphere of Government (the national office of the Commission) and the provincial sphere of Government (the RLCCs). This can be achieved through the institutionalisation and utilisation of the following mechanisms:

- Set land reform priorities: Currently these priorities are clearly stipulated in a variety of official Government publications. There is however a focus on land transfers and not post-settlement support. In the semi-structured interviews it was highlighted that land transfers and post-settlement support should be of equal importance. Clear-cut post-settlement support guidelines should also be established and communicated to the provincial sphere of Government;
- Approve facilitative plans for sustainable development. The plans for sustainable development are compiled by the RLCCs. These plans are currently approved in the national sphere of Government. There is therefore already an established link between the provincial and national spheres of Government;
- Provide advice: Establish an effective communication network in order to provide guidelines to the RLCCs on how to provide post-settlement support. In the case studies and semi-structured interviews it was indicated that these structures are inadequate. This communication network can be established through for example an effective computerised post-settlement support data base;
- Provide an effective framework for intergovernmental relations through the establishment or utilisation of for example existing forums. In the case studies it was indicated that the horizontal and vertical dimensions of intergovernmental relations are ineffective. In terms of post-settlement support the DLA has a facilitative function and requires implementation support from other Government departments;
- Develop and update a post-settlement support database. In the case studies and semi-structured interviews it was established that no accessible post-settlement support data exists. In order to monitor progress and make advisory recommendations to individual RLCCs such a data base must be established; and
- Monitor and review progress on all post-settlement support projects. This objective can be achieved if an updated database is established through regular interaction with the RLCCs within the provincial sphere of Government.

Finally the minister of the DLA must have the authority to recommend that post-settlement support needs are integrated into the IDPs of applicable municipalities.

6.6.2 Responsibility B and C:

The role of the provincial sphere of Government

The provincial sphere of Government (RLCCs) remains responsible for the facilitation of the process of post-settlement support on every project. This facilitation translates into the compilation of a sustainable (project specific) plan for post-settlement support. The compilation of this plan takes place in six phases (see figures 6.1 and 6.2). Each phase should be completed separately, in chronological order and should not take longer than two months to finalise. The success of every phase is based on the foundation of effective intergovernmental coordination. If a RLCC lacks the human skills and capacity to complete a specific phase that phase can be outsourced to an organisation that has proven specialist skills. It must be the responsibility of the selected organisation to complete the applicable phase and frequent progress reports must be submitted to the post-settlement support coordinator. After the phase has been completed it must be studied by the applicable post-settlement support coordinator. The post-settlement support coordinator must analyse the outcomes of the report and must have the authority to make rectifying recommendations if necessary. After all six phases have been completed in a satisfactory way a combined and detailed post-settlement support sustainable development plan must be compiled, and submitted to the national sphere of Government for approval. The advisory role of the Commission and submission of this sustainable post-settlement support plan by the relevant RLCC translate into the implementation link between the national and provincial spheres of Government. In terms of facilitating a sustainable post-settlement support plan, the link between the provincial and local spheres of Government can be established through the implementation of the following phases:

6.6.2.1 *PHASE 1: Complete a feasibility study*

During this phase land rights have already been restored to a specific individual or community. The feasibility study entails a detailed report on the practical implications of the transfer of land to a individual, community and on the land itself. Based on the findings of this report, the nature and content of the rest of the post-settlement project

cycle can be determined. During the feasibility study the following aspects must be taken into consideration:

- Utilise existing forums to establish what the intentions of the beneficiaries with the land are. These intentions can thereafter be compared with the current use of land;
- Study the EIA performed on the land. It would therefore be possible to establish whether the intended use of land is achievable; and
- Take all other factors into consideration which might have an impact on the feasibility of the intended utilisation of the land.

In the case studies and the semi-structured interviews it was established that the feasibility studies on most projects are in many instances effective but can be refined.

6.6.2.2 PHASE 2: Perform an EIA

An EIA is the preparatory procedure and tool for evaluating the likely impact proposed activities such as farming and other forms of rural development will have on a specific portion of land. During the EIA the following aspects must be taken into consideration:

- If necessary, source out the EIA to environmental impact assessment experts. In both the case studies the EIAs were successfully sourced out to environmental impact assessment experts. The semi-structured interviews pointed out that the majority of the EIAs performed on projects are effective;
- Establish whether the land is suitable for the intended use. It would therefore be possible to make specific recommendations on how the land could be utilised and how to meet the needs of the beneficiaries; and
- Indicate what the impact of the intended use of the land would be.

In the case studies and the semi-structured interviews it was established that the feasibility studies on most projects are effective.

6.6.2.3 PHASE 3: Plan for land use

This phase involves ways and means through which land must be developed and ultimately be utilised after it was returned to beneficiaries of land reform. The main

outcome must be to overcome inequalities in terms of land, ownership, development and land use established through decades of apartheid planning. Land use planning must be specifically aligned with the needs of the aforementioned beneficiaries. The following measures can be taken to ensure the effectiveness of planning:

- Ensure project specific planning relating the needs of specific communities or individuals and land utilisation potential;
- Conduct option workshops with beneficiaries of land reform to establish what their needs are, and how they can be assisted; and
- Assist in the establishment of CPAs for every project. This will reduce the risk of conflict or misunderstandings amongst beneficiaries. It will also contribute to improved communication between the Government spheres and the beneficiaries of land reform.

In the case of Putfontein the SWOT analysis performed, established that technologically intensive farming must form part of the land use objectives. The land is currently mainly used for residential purposes and subsistence farming. The semi-structured interviews also confirmed that land is often neglected and underutilised after transfer took place.

6.6.2.4 PHASE 4: Business planning

As indicated in chapter 4 of the thesis, Finch (1997:11) is of the opinion that an effective business plan has the following advantages, which for the purposes of land reform can be made applicable to project specific post-settlement support initiatives:

- It stipulates how a department or statutory body intends to provide a specific service and where it is going to take place;
- It analyses and describes the magnitude and content of the service to be rendered;
- It identifies the key role players who are responsible for implementing specific phases of the service; and
- It provides an approximate estimation of cost implications.

Every land reform project is unique in terms of the needs of the beneficiaries and land utilisation possibilities. The following measures must be taken into consideration during business planning and funding for specific initiatives:

- Involve funding institutions such as the Land Bank and other potential sponsors or donors;
- Ensure employment equity and the empowerment of women as part of business planning;
- Promote and secure private sector involvement through for example public/private partnerships; and
- Collaborate with other Government departments and NGOs in order to establish ways and means to implement and fund viable development initiatives.

In both case studies conducted in this thesis, business planning was ineffective for it was mainly restricted to the acquisition of land. During the semi-structured interviews it was also established that the majority of respondents views business planning for land reform projects as ineffective.

6.6.2.5 PHASE 5: Capacity building

In the research it was found that a significant number of beneficiaries of land reform do not have the capacity and technical (agricultural) expertise to utilise especially rural land to its full potential. Land usually remains neglected after it was transferred to the beneficiaries of land reform. The need for capacity ranges from access to information to lack of technologically intensive farming skills. Building the capacity of beneficiaries to utilise returned or transferred land is an important part of post-settlement support. The following measures should be tended to as part of post-settlement support:

- Ensure that the skills of beneficiaries are developed and aligned with the land use potential;
- Facilitate access to training centres such as the farmer incubation centres;
- Explore the option of mentorships by using the knowledge and experience of established farmers to assist and guide beneficiaries; and

- Ensure that the capacity of beneficiaries is strengthened and maintained in a sustainable way.

In the case studies it was clearly illustrated that there was a definite lack of support programmes, mentorships and technological upliftment initiatives. This led to the neglect and further deterioration of the land. This notion was verified and strengthened during the semi-structured interviews.

6.6.2.6 PHASE 6: *Ensure stakeholder participation*

In the research it was substantiated that post-settlement support needs can mainly be divided into agricultural or housing needs. Agricultural post-settlement support usually entails initiatives such as planning, agricultural extensions and the provision of labour intensive implements, financial services, access to national and international markets as well as a need for capacity building. Housing requires support in the form of general housing infrastructure such as water supplies, sewerage, electricity, roads, hospitals and recreational facilities. These service delivery objectives are the specialist responsibility of other Government departments such as the Department of Water Affairs & Forestry, Housing and Agriculture. This requires a coordinated post-settlement support effort. During the compilation of a plan for sustainable development the following measures should be taken into consideration in order to provide post-settlement support:

- Identify all the relevant stakeholders such as Government departments, local authorities, NGOs and other relevant private sector institutions;
- Utilise established forums to coordinate the post-settlement support effort;
- Establish new forums if necessary;
- Facilitate IDP integration. It is extremely important to establish and maintain contact with relevant local authorities; and
- Facilitate planning and budgeting in consultation with the applicable stakeholders; and
- Create a platform to delegate responsibilities.

A key shortcoming in both case studies was the absence of a coordinated and sustained post-settlement support effort by applicable Government departments, local authorities, NGOs and other private sector institutions.

6.6.3 Responsibility D:

The role of the local sphere of Government

The local sphere of Government is the sphere closest to the beneficiaries of land reform. In terms of the stipulations of the national Government's land development objectives, local authorities are responsible for providing infrastructural services to people who reside within their jurisdiction. It is therefore of utmost importance that the post-settlement support needs of beneficiaries are also integrated into the IDPs of municipalities. An IDP (as indicated) is a comprehensive plan which tends to all the sectors of development within a specific community. The idea is that such a development plan must be established for short, medium and long term objectives. There must therefore be frequent contact and cooperation between the managers of the post-settlement support process and the applicable municipal managers. Municipal managers must at all times be aware of the progress regarding the planning for each post-settlement support project within the provincial sphere of Government. When a post-settlement sustainable development plan has been approved by the national minister, municipalities would have been enabled to plan ahead in ensuring integration with their IDPs. The majority of respondents in the semi-structured interviews indicated that post-settlement support projects are in most cases inadequately integrated in the IDPs of municipalities due to a lack of funding and capacity.

In order to integrate post-settlement support planning into IDPs and maintain the link with the provincial and national spheres of Government the following measures should be taken into consideration:

- Attend and utilise the forums established by the national office of the Commission or RLCCs;
- Participate actively in the compilation of a plan for sustainable development for every project within the jurisdiction of an applicable municipality;
- Align post-settlement support with the social, economic and environmental realities of the applicable municipal area;

- Determine what the needs of beneficiaries are through close consultation and collaboration with the RLCCs;
- Propose a vision for development for every project;
- Make an audit of available resources, funds, skills and capacities;
- Prioritise needs of beneficiaries of land reform in order of urgency;
- Develop the capacity and integrated functional framework to meet the needs of land reform beneficiaries;
- Formulate strategies to achieve set post-settlement support objectives within specific but realistic timeframe;
- Implement projects and programmes to achieve objectives; and
- Monitor the progress made on each project in order to measure the impact and progress.

Each sphere of Government has specific responsibilities to fulfil in terms of the provision of post-settlement support to beneficiaries of land reform. The interlinking relationship between the different spheres of Government can in conclusion, be summarised as follows:

The national sphere (The national office of the Commission) has an advisory, supportive and monitoring role to fulfil. This role provides guidelines to the provincial sphere of Government (RLCCs) to facilitate the development of a sustainable plan for post-settlement support for every project. This sustainable post-settlement support plan is developed in consultation with all relevant stakeholders. These stakeholders include other Government departments, local authorities, NGOs and private sector institutions. This post-settlement support plan is submitted to the national sphere of Government for approval. After approval the plan is submitted via the provincial office of the Commission (RLCC) to the relevant municipality in order to be integrated into the IDP as soon as possible.

6.7 CONCLUSION

Since the 1994 election the South African Government has embarked on a pro-active transformation process from an old (apartheid) to a new (fully democratic) dispensation. At the core of this transformation process was improved service

delivery to especially formerly disadvantaged individuals and communities. These services include for example land reform, health, education, job creation, housing, access to water, basic infrastructure etcetera. Although all inclusive democratic elections took place, the transformation from the “old” to the “new” dispensation has not been completed. In other words it can be argued that the political transformation has been achieved but that transformation in terms of service delivery is still incomplete. For example, despite significant progress in all areas of service delivery many formerly disadvantaged people after 13 years still do not have adequate access to health services, clean drinking water, sanitation, education and housing. In short, many individuals and communities in urban and rural areas are still subjected to poverty and underdevelopment as a result of the incompleteness of the transformation process.

In this research it has been argued that Government effectively established formalised ways and means to ensure that land can be transferred to formerly disadvantaged individuals and communities. This process of transfer has been slow, but notable progress has been made during the past eleven years. This entails that a substantial number of formerly disadvantaged individuals, communities and households obtained access to land or received their dispossessed land back through the Government land reform programme.

However, in terms of assisting beneficiaries of the transfer process in utilising land to its optimal potential, Government has thus far been extremely ineffective. In other words Government has been ineffective in establishing formal ways and means to provide post-settlement support to the beneficiaries of the land reform programme. This ineffectiveness can be ascribed to the multidimensionality and complexity of post-settlement support which in turn can be linked to the following post-settlement support challenges:

- The majority of beneficiaries were, and are not established commercial farmers and lack the capacity to utilise technological intensive (farms) land to its full potential;
- The absence of an effective support programme, training, mentorships and technological upliftment;

- Ineffective financial support structures such as preferential loans for beneficiaries and general finance;
- The absence of a coordinated and sustained post-settlement support effort by Government departments, local authorities, non-governmental organisations (NGOs), banks and other private sector institutions; and
- The failure of municipalities to integrate land reform projects into their IDPs.

It has been suggested that there is a need for an effective post-settlement support management model to overcome the above challenges and ensure a situation of sustainable development. The proposed post-settlement support management model has materialised through a literature research, case studies as well as empirical findings through semi-structured interviews. The findings of the literature research, case studies as well as the semi-structured interviews were strengthened through statistical processing. In short it is suggested that there should be a clear cut division of post-settlement support responsibilities between the various spheres of Government (national, provincial and local). Every Government sphere therefore has specific interlinking responsibilities which must take place on a horizontal and vertical level.

According to Huntington (1984:168-169) and Riggs (1964:168-169) instability in a state that is subjected to transformation from a traditional to a modern dispensation is a common phenomenon. This instability can amongst others be attributed to rising aspirations of the masses as well as the resulting inability of Government institutions, specifically Government departments, to satisfy the needs of the population within a reasonable space of time. If instability continues for a prolonged period it can jeopardise the transformation process or even lead to failure. South Africa is typically such a society in transformation. South Africa is currently transforming from an apartheid dispensation (traditional) to a fully democratic dispensation (modern). In many instances Government has however been slow or ineffective in terms of providing specific services such as the delivery of land and the provision of post-settlement support to the beneficiaries of land reform (Brown and Mde 2006:3). With reference to land reform it was substantiated in this research that the citizens provided Government with a mandate to deliver land and to provide post-settlement support within the short to medium term. This study illustrated that post-settlement

support to beneficiaries of land reform has thus far been ineffective. It can be argued that this lack of effective post-settlement support can in the medium to long term destabilise the transformation process. This research therefore centred on the design of a management model for post-settlement support as an important service delivery function that can contribute to the success of transformation in South Africa.

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ANNEXURE A:

INTERVIEWS WITH THE POST-SETTLEMENT SUPPORT

COORDINATORS, A MANAGERIAL PERSPECTIVE

1. BIOGRAPHICAL INFORMATION OF INTERVIEWEE:

1.1 Name of your Regional Land Claims Commission (RLCC):

1	2	3	4	5	6	7
Eastern Cape	Gauteng and North West	Kwazulu-Natal	Limpopo	Mpumalanga	Northern Cape	Western Cape

1.2 How long do you work for the RLCC in your current position:

Less than 5 years	1
Between 5 and 10 years	2
Between 11 and 20 years	3
More than 20 years	4

2. HOLISTIC PERCEPTIONS REGARDING EFFECTIVENESS OF THE LAND REFORM PROGRAMME

2.1 How effective do you regard the Department of Land Affairs' land reform programme in terms of the following aspects:

Rate the effectiveness of the land reform programme as far as the following criteria are concerned:

2.1.1. Policy framework and guidelines

Totally ineffective	Ineffective	Effective	Extremely effective
1	2	3	4

2.1.2 Legislative implementation prescriptions

Totally ineffective	Ineffective	Effective	Extremely effective
1	2	3	4

2.1.3 Land transfers to deprived individuals and communities

Totally ineffective	Ineffective	Effective	Extremely effective
1	2	3	4

2.1.4 Achieving and maintaining a situation of sustainable development after land has been transferred

Totally ineffective	Ineffective	Effective	Extremely effective
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1	2	3	4
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3. PERCEPTIONS REGARDING THE FOCUS OF THE LAND REFORM PROGRAMME

3.1 In your opinion, which of the following aspects currently receives priority in terms of the land reform programme:

3.1.1 The priority areas of the land reform programme

The transfer of land	1
The provision of post-settlement support	2
Both are equally important	3

3.2 Do you believe that there should be a greater emphasis on the transfer of land or provision of post-settlement support to the beneficiaries of the land reform programme?

3.2.1 The suggested emphasis of the land reform programme

The transfer of land	1
The provision of post-settlement support	2
Both are equally important	3

4. PERCEPTIONS REGARDING THE MANAGEMENT OF POST-SETTLEMENT SUPPORT IN THE NATIONAL SPHERE OF GOVERNMENT

4.1 Do you think that the national office of the Commission for the Restitution of Land Rights is successful in performing the following functions?

4.1.1 Delegating post-settlement support responsibilities to the correct RLCC

Never	1
Less than 50% of the cases	2
50% of the cases	3
In most cases	4
Always	5

4.1.2 Provide clear-cut policy guidelines on how to provide post-settlement support

Never	1
Less than 50% of the cases	2
50% of the cases	3
In most cases	4
Always	5

4.1.3 Providing a framework for effective intergovernmental cooperation

Never	1
Less than 50% of the cases	2
50% of the cases	3
In most cases	4
Always	5

4.1.4 Maintaining a national post-settlement support database

Never	1
Less than 50% of the cases	2
50% of the cases	3
In most cases	4
Always	5

4.1.5 Constantly monitoring and reviewing the progress made specifically in terms of post-settlement support to individual claims.

Never	1
Less than 50% of the cases	2
50% of the cases	3
In most cases	4
Always	5

5. PERCEPTIONS REGARDING THE MANAGEMENT OF POST-SETTLEMENT SUPPORT IN THE PROVINCIAL SPHERE OF GOVERNMENT

5.1 How effective is the RLCC, in your opinion in managing and ensuring post-settlement support to the beneficiaries?

Rate the effectiveness of post-settlement support as far as the following managerial implementation phases are concerned:

5.1.1 Feasibility Study

Totally ineffective	Ineffective	Effective	Extremely effective
1	2	3	4

5.1.2 Environmental impact assessments (EIA)

Totally ineffective	Ineffective	Effective	Extremely effective
1	2	3	4

5.1.3 Land use planning

Totally ineffective	Ineffective	Effective	Extremely effective
1	2	3	4

5.1.4 Business planning

Totally ineffective	Ineffective	Effective	Extremely effective
1	2	3	4

5.1.5 Capacity building

Totally ineffective	Ineffective	Effective	Extremely effective
1	2	3	4

5.1.6 Stakeholder participation and coordination

Totally ineffective	Ineffective	Effective	Extremely effective
1	2	3	4

Against the background of the above perception answer the following structured questions relating to the facilitation of post-settlement support in the provincial sphere of Government.

6. THE EFFECTIVENESS OF POST-SETTLEMENT SUPPORT WITHIN THE PROVINCIAL GOVERNMENT SPHERE: STRUCTURED QUESTIONS

6.1 How frequent does the RLCC conduct workshops with Communal Property Associations (CPA's) and the Agri-forums in order to establish what the feasibility of land use intentions and land use potential are.

6.1.1 Consultation with CPA's

Never	1
Once a year	2
Two times a year	3
More than two times a year	4

6.1.2 Consultation with Agri-forums

Never	1
Once a year	2
Two times a year	3
More than two times a year	4

6.2 Does the RLCC perform an effective EIA on every successful land claim to establish what the environmental impact of the intended land use would be? Are the EIA's in line with the land use intentions of the beneficiaries?

6.2.1 How frequent are EIA's performed on projects?

Never	1
Less than 50% of the cases	2
50% of the cases	3
More than 50% of the cases	4
Always	5

6.2.2 Does the establishment of the environmental impact of land use intentions form an integral part of the EIA's?

Never	1
Less than 50% of the cases	2
50% of the cases	3
More than 50% of the cases	4
Always	5

6.3 Does the RLCC view every land reform project as unique in terms of land use planning and can project specific planning be ensured during the provision of post-settlement support?

Never	1
Less than 50% of the cases	2
50% of the cases	3
More than 50% of the cases	4
Always	5

6.3.1 The uniqueness of every project

Never	1
Less than 50% of the cases	2
50% of the cases	3
More than 50% of the cases	4
Always	5

6.3.2 Ensuring project specific planning

Never	1
Less than 50% of the cases	2
50% of the cases	3
More than 50% of the cases	4
Always	5

6.3.3 Are the RLCC involved in conflict resolution amongst beneficiaries?

Never	1
Less than 50% of the cases	2
50% of the cases	3
More than 50% of the cases	4
Always	5

6.4 To what extent does the RLCC involve specialist institutions, ensure funding and job creation as part of project specific **Business planning?**

6.4.1 The involvement of relevant institutions

		Yes	No
6.4.1.1	Private sector	1	2
6.4.1.2	Agricultural forums	1	2
6.4.1.3	Funding institutions	1	2
6.4.1.4	Legal representatives	1	2
6.4.1.5	Steering committees	1	2
6.4.1.6	Other Government departments	1	2

6.4.2 Are there adequate funding available to ensure effective post-settlement support?

Never	1
Less than 50% of the cases	2
50% of the cases	3
More than 50% of the cases	4
Always	5

6.4.3 Is job creation a priority during Business planning?

Never	1
Less than 50% of the cases	2
50% of the cases	3
More than 50% of the cases	4
Always	5

6.5 To what extent does the RLCC ensure skills development (such as mentorship and training programmes) as a way of building the land utilisation capacity of beneficiaries?

6.5.1 Mentorship programmers

Never	1
Less than 50% of the cases	2
50% of the cases	3
More than 50% of the cases	4
Always	5

6.5.2 Ensure access to agricultural training centers

Never	1
Less than 50% of the cases	2
50% of the cases	3
More than 50% of the cases	4
Always	5

6.6 Does the RLCC ensure effective **stakeholder coordination** and **participation** (such as Local Government (municipalities) and other specialist government Departments) during the facilitation of post-settlement support?

6.6.1 Involving municipalities

Never	1
Less than 50% of the cases	2
50% of the cases	3
More than 50% of the cases	4
Always	5

6.6.2 Involving other specialist Government Departments

Never	1
Less than 50% of the cases	2
50% of the cases	3
More than 50% of the cases	4
Always	5

7. PERCEPTION REGARDING THE MANAGEMENT OF POST-SETTLEMENT SUPPORT IN THE LOCAL SPHERE OF GOVERNMENT

Against the background of the above perceptions answer the following structured question relating to the provision of post-settlement support in the Local sphere of Government.

7.1 Are you of the opinion that post-settlement support initiatives are adequately integrated within the IDP's of most municipalities?

7.1.1 Frequency of adequate integration

Never	1
Less than 50% of the cases	2
50% of the cases	3
More than 50% of the cases	4
Always	5

7.1.2 Frequency of inadequate integration

Never	1
Less than 50% of the cases	2
50% of the cases	3
More than 50% of the cases	4
Always	5

DESCRIPTIVE STATISTICS: A MANAGERIAL PERSPECTIVE

GROUP A

The FREQ Procedure

Cumulative Cumulative

Q11	Frequency	Percent	Frequency	Percent
1	3	30.00	3	30.00
2	2	20.00	5	50.00
3	1	10.00	6	60.00
4	1	10.00	7	70.00
5	1	10.00	8	80.00
6	1	10.00	9	90.00
7	1	10.00	10	100.00

Cumulative Cumulative

Q12	Frequency	Percent	Frequency	Percent
1	6	60.00	6	60.00
2	3	30.00	9	90.00
3	1	10.00	10	100.00

Cumulative Cumulative

Q211	Frequency	Percent	Frequency	Percent
3	10	100.00	10	100.00

Cumulative Cumulative

Q212	Frequency	Percent	Frequency	Percent
2	1	10.00	1	10.00

3	9	90.00	10	100.00
Cumulative		Cumulative		
Q213	Frequency	Percent	Frequency	Percent
2	2	20.00	2	20.00
3	8	80.00	10	100.00

Cumulative		Cumulative		
Q214	Frequency	Percent	Frequency	Percent
1	1	10.00	1	10.00
2	5	50.00	6	60.00
3	4	40.00	10	100.00

The FREQ Procedure

Cumulative		Cumulative		
Q311	Frequency	Percent	Frequency	Percent
1	9	90.00	9	90.00
3	1	10.00	10	100.00

Cumulative		Cumulative		
Q321	Frequency	Percent	Frequency	Percent
2	4	40.00	4	40.00
3	6	60.00	10	100.00

Cumulative		Cumulative		
Q411	Frequency	Percent	Frequency	Percent
2	4	40.00	4	40.00
3	1	10.00	5	50.00
4	2	20.00	7	70.00
5	3	30.00	10	100.00

Cumulative		Cumulative		
Q412	Frequency	Percent	Frequency	Percent
1	1	10.00	1	10.00
2	8	80.00	9	90.00
4	1	10.00	10	100.00

Cumulative		Cumulative		
Q413	Frequency	Percent	Frequency	Percent
1	3	30.00	3	30.00
2	7	70.00	10	100.00

Cumulative		Cumulative		
Q414	Frequency	Percent	Frequency	Percent
1	5	50.00	5	50.00
2	4	40.00	9	90.00

3 1 10.00 10 100.00

The FREQ Procedure

Cumulative Cumulative

Q415 Frequency Percent Frequency Percent

1	1	10.00	1	10.00
2	6	60.00	7	70.00
3	1	10.00	8	80.00
4	1	10.00	9	90.00
5	1	10.00	10	100.00

Cumulative Cumulative

Q511 Frequency Percent Frequency Percent

2	1	10.00	1	10.00
3	9	90.00	10	100.00

Cumulative Cumulative

Q512 Frequency Percent Frequency Percent

2	1	10.00	1	10.00
3	9	90.00	10	100.00

Cumulative Cumulative

Q513 Frequency Percent Frequency Percent

2	3	30.00	3	30.00
3	6	60.00	9	90.00
4	1	10.00	10	100.00

Cumulative Cumulative

Q514 Frequency Percent Frequency Percent

2	3	33.33	3	33.33
3	5	55.56	8	88.89
4	1	11.11	9	100.00

Frequency Missing = 1

Cumulative Cumulative

Q515 Frequency Percent Frequency Percent

2	8	80.00	8	80.00
3	2	20.00	10	100.00

The FREQ Procedure

Cumulative Cumulative

Q516 Frequency Percent Frequency Percent

2	4	40.00	4	40.00
3	6	60.00	10	100.00

Cumulative		Cumulative		
Q611	Frequency	Percent	Frequency	Percent
2	3	30.00	3	30.00
3	1	10.00	4	40.00
4	6	60.00	10	100.00

Cumulative		Cumulative		
Q612	Frequency	Percent	Frequency	Percent
1	1	10.00	1	10.00
2	3	30.00	4	40.00
3	1	10.00	5	50.00
4	5	50.00	10	100.00

Cumulative		Cumulative		
Q621	Frequency	Percent	Frequency	Percent
2	2	20.00	2	20.00
3	2	20.00	4	40.00
4	4	40.00	8	80.00
5	2	20.00	10	100.00

Cumulative		Cumulative		
Q622	Frequency	Percent	Frequency	Percent
2	2	20.00	2	20.00
4	3	30.00	5	50.00
5	5	50.00	10	100.00

Frequency Missing = 10

The FREQ Procedure

Cumulative		Cumulative		
Q631	Frequency	Percent	Frequency	Percent
1	3	30.00	3	30.00
2	1	10.00	4	40.00
3	1	10.00	5	50.00
4	1	10.00	6	60.00
5	4	40.00	10	100.00

Cumulative		Cumulative		
Q632	Frequency	Percent	Frequency	Percent
1	1	11.11	1	11.11
2	1	11.11	2	22.22
4	1	11.11	3	33.33
5	6	66.67	9	100.00

Frequency Missing = 1

Cumulative		Cumulative		
Q633	Frequency	Percent	Frequency	Percent
1	2	20.00	2	20.00

2	1	10.00	3	30.00
3	2	20.00	5	50.00
4	2	20.00	7	70.00
5	3	30.00	10	100.00

Cumulative		Cumulative		
Q6411	Frequency	Percent	Frequency	Percent
1	9	90.00	9	90.00
2	1	10.00	10	100.00

Cumulative		Cumulative		
Q6412	Frequency	Percent	Frequency	Percent
1	8	80.00	8	80.00
2	2	20.00	10	100.00

Cumulative		Cumulative		
Q6413	Frequency	Percent	Frequency	Percent
1	10	100.00	10	100.00

The FREQ Procedure

Cumulative		Cumulative		
Q6414	Frequency	Percent	Frequency	Percent
1	9	90.00	9	90.00
2	1	10.00	10	100.00

Cumulative		Cumulative		
Q6415	Frequency	Percent	Frequency	Percent
1	10	100.00	10	100.00

Cumulative		Cumulative		
Q6416	Frequency	Percent	Frequency	Percent
1	10	100.00	10	100.00

Cumulative		Cumulative		
Q642	Frequency	Percent	Frequency	Percent
1	5	40.00	4	40.00
2	4	50.00	9	90.00
3	1	10.00	10	100.00

Cumulative		Cumulative		
Q643	Frequency	Percent	Frequency	Percent
2	4	40.00	4	40.00
3	1	10.00	5	50.00
4	1	10.00	6	60.00
5	4	40.00	10	100.00

Cumulative Cumulative

Q651	Frequency	Percent	Frequency	Percent
2	4	40.00	4	40.00
3	2	20.00	6	60.00
4	4	40.00	10	100.00

	Cumulative Frequency	Cumulative Percent	Frequency	Percent
Q652	2	20.00	2	20.00
1	5	50.00	7	70.00
2	3	30.00	10	100.00
4				

The FREQ Procedure

	Cumulative Frequency	Cumulative Percent	Frequency	Percent
Q661	1	10.00	1	10.00
2	1	10.00	2	20.00
3	3	30.00	5	50.00
4	5	50.00	10	100.00
5				

	Cumulative Frequency	Cumulative Percent	Frequency	Percent
Q662	1	10.00	1	10.00
2	1	10.00	2	20.00
3	3	30.00	5	50.00
4	5	50.00	10	100.00
5				

	Cumulative Frequency	Cumulative Percent	Frequency	Percent
Q711	8	80.00	8	80.00
1	9	90.00	9	90.00
2	10	100.00	10	100.00
3				

	Cumulative Frequency	Cumulative Percent	Frequency	Percent
Q712	2	20.00	2	20.00
2	4	40.00	4	40.00
4	6	60.00	10	100.00
5				

ANNEXURE B:

INTERVIEWS WITH THE POST-SETTLEMENT SUPPORT

COORDINATORS, A LAND OWNERS PERSPECTIVE

Take note: Please mark all relevant answers with an X.

1. **BIOGRAPHICAL INFORMATION OF INTERVIEWEE:**

1.2 Name of your representative organisation:

1	2	3	4	5	6	7	8	9
Agri-North-West	Agri-Gauteng	Kwanalu	Agri-Limpopo	Agri-Mpumalanga	Agri-Northern Cape	Agri-Western Cape	Agri-Free State	Agri-Eastern Cape

1.2 How long have you been affiliated to the Agri-Forum:

Less than 5 years	1
Between 5 and 10 years	2
Between 11 and 20 years	3
More than 20 years	4

2. **A HOLISTIC PERCEPTION REGARDING EFFECTIVENESS OF THE LAND REFORM PROGRAMME**

2.2 How effective do you regard the Department of Land Affairs' land reform programme in terms of the following aspects:

Rate the effectiveness of the land reform programme as far as the following criteria are concerned:

2.1.2 Policy framework and guidelines

Totally ineffective	Ineffective	Effective	Extremely effective
1	2	3	4

2.1.2 Legislative implementation prescriptions

Totally ineffective	Ineffective	Effective	Extremely effective
1	2	3	4

2.1.5 Land transfers to deprived individuals and communities between 1994 and 2005

Totally ineffective	Ineffective	Effective	Extremely effective
1	2	3	4

2.1.6 Achieving and maintaining a situation of sustainable development after land has been transferred to communities or individuals.

Totally ineffective	Ineffective	Effective	Extremely effective
1	2	3	4

3. PERCEPTIONS REGARDING THE FOCUS OF THE LAND REFORM PROGRAMME

3.1 In your opinion, which of the following aspects currently receives priority in terms of the land reform programme:

3.1.1 The priority areas of the land reform programme

The transfer of land	1
The provision of post-settlement support	2
Both are equally important	3

3.3 Do you believe that there should be a greater emphasis on the transfer of land or provision of post-settlement support to the beneficiaries of the land reform programme?

3.2.1 The suggested emphasis of the land reform programme

The transfer of land	1
The provision of post-settlement support	2
Both are equally important	3

4. PERCEPTIONS REGARDING THE MANAGEMENT OF POST-SETTLEMENT SUPPORT IN THE NATIONAL SPHERE OF GOVERNMENT

4.1 Do you think that the national office of the Commission for the Restitution of Land Rights is successful in performing the following functions?

4.1.1 Delegating post-settlement support responsibilities to the correct Regional Land Claims Commissions (RLCC)

Never	1
Less than 50% of the cases	2
50% of the cases	3
In most cases	4
Always	5

4.1.2 Provide the RLCCs with clear-cut implementation guidelines on how to facilitate post-settlement support to individuals and communities

Never	1
Less than 50% of the cases	2
50% of the cases	3
In most cases	4
Always	5

4.1.3 Providing a framework for effective intergovernmental cooperation in order to achieve the objectives of post-settlement support

Never	1
Less than 50% of the cases	2
50% of the cases	3
In most cases	4
Always	5

4.1.4 Maintaining a national post-settlement support database

Never	1
Less than 50% of the cases	2
50% of the cases	3
In most cases	4
Always	5

4.1.5 Constantly monitoring and reviewing the progress made specifically in terms of post-settlement support to individual claims.

Never	1
Less than 50% of the cases	2
50% of the cases	3
In most cases	4
Always	5

5. PERCEPTIONS REGARDING THE MANAGEMENT OF POST-SETTLEMENT SUPPORT IN THE PROVINCIAL SPHERE OF GOVERNMENT

5.1 How effective is the RLCC, in your opinion in managing and ensuring post-settlement support to the beneficiaries?

Rate the effectiveness of post-settlement support as far as the following managerial implementation phases are concerned:

5.1.1 Feasibility Study

Totally ineffective	Ineffective	Effective	Extremely effective
1	2	4	4

5.1.2 Environmental impact assessments (EIA)

Totally ineffective	Ineffective	Effective	Extremely effective
1	2	3	4

5.1.3 Land use Planning

Totally ineffective	Ineffective	Effective	Extremely effective
1	2	3	4

5.1.4 Business planning

Totally ineffective	Ineffective	Effective	Extremely effective
1	2	3	4

5.1.5 Capacity building

Totally ineffective	Ineffective	Effective	Extremely effective
1	2	3	4

5.1.6 Stakeholder participation and coordination

Totally ineffective	Ineffective	Effective	Extremely effective
1	2	3	4

Against the background of the above perception answer the following structured questions relating to the facilitation of post-settlement support by the RLCCs.

6. THE EFFECTIVENESS OF POST-SETTLEMENT SUPPORT WITHIN THE PROVINCIAL GOVERNMENT SPHERE: STRUCTURED QUESTIONS

6.1 In your opinion, how frequent does the RLCC conduct workshops with Communal Property Associations (CPA's) and the Agri-forums in order to establish what the feasibility of land use intentions and land use potential are.

6.1.1 Consultation with CPAs

Never	1
Less than 50% of the cases	2
50% of the cases	3
In most cases	4
Always	5

6.1.2 Consultation with Agri-forums

Never	1
Less than 50% of the cases	2
50% of the cases	3
In most cases	4
Always	5

6.2 In your opinion, does the RLCC perform an effective EIA on every successful land claim to establish what the environmental impact of the intended land use would be?

6.2.1 How frequent are Environmental Impact Assessments (EIA) performed on projects?

Never	1
Less than 50% of the cases	2
50% of the cases	3
In most cases	4
Always	5

6.2.2 Do you think that the establishment of the environmental impact of land use intentions form an integral part of the EIA's?

Never	1
Less than 50% of the cases	2
50% of the cases	3
In most cases	4
Always	5

6.3 Do you think that the RLCCs views every land reform project as unique in terms of land use planning and can project specific planning be ensured during the provision of post-settlement support?

6.3.1 The uniqueness of every project as perceived by the RLCC

Never	1
Less than 50% of the cases	2
50% of the cases	3
In most cases	4
Always	5

6.3.2 Ensuring project specific planning in terms of the utilisation suitability of land

Never	1
Less than 50% of the cases	2
50% of the cases	3
In most cases	4
Always	5

6.3.3 Are the RLCC, in your opinion involved in conflict resolution amongst beneficiaries?

Never	1
Less than 50% of the cases	2
50% of the cases	3
In most cases	4
Always	5

6.4 To what extent does the RLCC involve specialist institutions, ensure funding and job creation as part of project specific business planning?

6.4.1 The involvement of relevant institutions

		Yes	No
6.4.1.1	Private sector	1	2
6.4.1.2	Agricultural forums	1	2
6.4.1.3	Funding institutions	1	2
6.4.1.4	Legal representatives	1	2
6.4.1.5	Steering committees	1	2
6.4.1.6	Other Government Departments	1	2

6.4.2 Are you of the opinion that there are adequate funding available to ensure effective post-settlement support?

Never	1
Less than 50% of the cases	2
50% of the cases	3
In most cases	4
Always	5

6.4.3 Is job creation a priority during business planning of projects?

Never	1
Less than 50% of the cases	2
50% of the cases	3
In most cases	4
Always	5

6.5 To what extent does the RLCC ensure skills development of beneficiaries (such as mentorship and training programmes) as a way of building the land utilisation capacity of beneficiaries?

Bladsy 211

Bladsy 212

Bladsy 213

Bladsy 214

	Cumulative		Cumulative	
Q514	Frequency	Percent	Frequency	Percent
1	7	43.75	7	43.75
2	8	50.00	15	93.75
3	1	6.25	16	100.00

The FREQ Procedure

	Cumulative		Cumulative	
Q515	Frequency	Percent	Frequency	Percent
1	4	26.67	4	26.67
2	11	73.33	15	100.00

Frequency Missing = 1

	Cumulative		Cumulative	
Q516	Frequency	Percent	Frequency	Percent
1	2	13.33	2	13.33
2	8	53.33	10	66.67
3	5	33.33	15	100.00

Frequency Missing = 1

	Cumulative		Cumulative	
Q611	Frequency	Percent	Frequency	Percent
1	4	25.00	4	25.00
2	6	37.50	10	62.50
3	1	6.25	11	68.75
4	4	25.00	15	93.75
5	1	6.25	16	100.00

	Cumulative		Cumulative	
Q612	Frequency	Percent	Frequency	Percent
1	6	37.50	6	37.50
2	9	56.25	15	93.75
4	1	6.25	16	100.00

	Cumulative		Cumulative	
Q621	Frequency	Percent	Frequency	Percent
1	5	31.25	5	31.25
2	5	31.25	10	62.50
3	1	6.25	11	68.75
4	3	18.75	14	87.50
5	2	12.50	16	100.00

The FREQ Procedure

		Cumulative		Cumulative	
Q622	Frequency	Percent	Frequency	Percent	
1	5	31.25	5	31.25	
2	3	18.75	8	50.00	
3	1	6.25	9	56.25	
4	3	18.75	12	75.00	
5	4	25.00	16	100.00	

		Cumulative		Cumulative	
Q62	Frequency	Percent	Frequency	Percent	

Frequency Missing = 16

		Cumulative		Cumulative	
Q631	Frequency	Percent	Frequency	Percent	
1	5	31.25	5	31.25	
2	6	37.50	11	68.75	
4	2	12.50	13	81.25	
5	3	18.75	16	100.00	

		Cumulative		Cumulative	
Q632	Frequency	Percent	Frequency	Percent	
1	5	31.25	5	31.25	
2	6	37.50	11	68.75	
3	1	6.25	12	75.00	
4	1	6.25	13	81.25	
5	3	18.75	16	100.00	

		Cumulative		Cumulative	
Q633	Frequency	Percent	Frequency	Percent	
1	6	37.50	6	37.50	
2	8	50.00	14	87.50	
3	1	6.25	15	93.75	
4	1	6.25	16	100.00	

The FREQ Procedure

		Cumulative		Cumulative	
Q6411	Frequency	Percent	Frequency	Percent	
1	5	31.25	5	31.25	
2	11	68.75	16	100.00	

		Cumulative	Cumulative	
Q6412	Frequency	Percent	Frequency	Percent
1	5	31.25	5	31.25
2	11	68.75	16	100.00

		Cumulative	Cumulative	
Q6413	Frequency	Percent	Frequency	Percent
1	11	68.75	11	68.75
2	5	31.25	16	100.00

		Cumulative	Cumulative	
Q6414	Frequency	Percent	Frequency	Percent
1	8	50.00	8	50.00
2	8	50.00	16	100.00

		Cumulative	Cumulative	
Q6415	Frequency	Percent	Frequency	Percent
1	4	26.67	4	26.67
2	11	73.33	15	100.00

Frequency Missing = 1

		Cumulative	Cumulative	
Q6416	Frequency	Percent	Frequency	Percent
1	11	68.75	11	68.75
2	5	31.25	16	100.00

The FREQ Procedure

		Cumulative	Cumulative	
Q642	Frequency	Percent	Frequency	Percent
1	10	62.50	10	62.50
2	4	25.00	14	87.50
3	1	6.25	15	93.75
4	1	6.25	16	100.00

		Cumulative	Cumulative	
Q643	Frequency	Percent	Frequency	Percent
1	6	37.50	6	37.50
2	7	43.75	13	81.25
3	3	18.75	16	100.00

	Cumulative Q651	Cumulative Frequency	Cumulative Percent	Cumulative Frequency	Cumulative Percent
1	6	37.50	6	37.50	
2	10	62.50	16	100.00	

	Cumulative Q652	Cumulative Frequency	Cumulative Percent	Cumulative Frequency	Cumulative Percent
1	7	43.75	7	43.75	
2	9	56.25	16	100.00	

	Cumulative Q661	Cumulative Frequency	Cumulative Percent	Cumulative Frequency	Cumulative Percent
1	5	33.33	5	33.33	
2	8	53.33	13	86.67	
3	1	6.67	14	93.33	
4	1	6.67	15	100.00	

Frequency Missing = 1

	Cumulative Q662	Cumulative Frequency	Cumulative Percent	Cumulative Frequency	Cumulative Percent
2	11	68.75	11	68.75	
4	2	12.50	13	81.25	
5	3	18.75	16	100.00	

The FREQ Procedure

	Cumulative Q711	Cumulative Frequency	Cumulative Percent	Cumulative Frequency	Cumulative Percent
1	11	73.33	11	73.33	
2	4	26.67	15	100.00	

Frequency Missing = 1

	Cumulative Q712	Cumulative Frequency	Cumulative Percent	Cumulative Frequency	Cumulative Percent
1	1	6.67	1	6.67	
2	1	6.67	2	13.33	
4	6	40.00	8	53.33	
5	7	46.67	15	100.00	

Frequency Missing = 121

ANNEXURE C:

INTERVIEWS WITH THE POST-SETTLEMENT SUPPORT

COORDINATORS, A BENEFICIARY PERSPECTIVE

1. BIOGRAPHICAL INFORMATION OF INTERVIEWEE:

1.1 Name of the beneficiary organisation that you are representing:

1	2	3	4	5	6	7
Eastern Cape	Gauteng and North West	Kwazulu-Natal	Limpopo	Mpumalanga	Northern Cape	Western Cape

1.2 How long have you been working for the above beneficiary organisation?

Less than 5 years	1
Between 5 and 10 years	2
Between 11 and 20 years	3
More than 20 years	4

2. HOLISTIC PERCEPTIONS REGARDING EFFECTIVENESS OF THE LAND REFORM PROGRAMME

2.1 How effective do you regard the Department of Land Affairs' land reform programme in terms of the following aspects:

Rate the effectiveness of the land reform programme as far as the following criteria are concerned:

2.1.1 Policy framework and guidelines

Totally ineffective	Ineffective	Effective	Extremely effective
1	2	3	4

2.1.2 Legislative implementation prescriptions

Totally ineffective	Ineffective	Effective	Extremely effective
1	2	3	4

2.1.3 Land transfers to deprived individuals and communities

Totally ineffective	Ineffective	Effective	Extremely effective
1	2	3	4

2.1.4 Achieving and maintaining a situation of sustainable development after land has been transferred

Totally ineffective	Ineffective	Effective	Extremely effective
1	2	3	4

3. PERCEPTIONS REGARDING THE FOCUS OF THE LAND REFORM PROGRAMME

3.1 In your opinion, which of the following aspects currently receives priority in terms of the land reform programme:

Never	1
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3.1.1 The priority areas of the land Reform Programme

The transfer of land	1
The provision of post-settlement support	2
Both are equally important	3

3.1.2 Do you believe that there should be a greater emphasis on the transfer of land or provision of post-settlement support to the beneficiaries of the land Reform Programme?

3.1.3 The suggested emphasis of the land reform programme

The transfer of land	1
The provision of post-settlement support	2
Both are equally important	3

4. PERCEPTIONS REGARDING THE MANAGEMENT OF POST-SETTLEMENT SUPPORT IN THE NATIONAL SPHERE OF GOVERNMENT

4.1 Do you think that the national office of the Commission for the Restitution of Land Rights is successful in performing the following functions?

4.2 Delegating post-settlement support responsibilities to the correct RLCC

Never	1
Less than 50% of the cases	2
50% of the cases	3
In most cases	4
Always	5

4.1.2 Provide clear-cut policy guidelines on how to provide post-settlement support

Never	1
Less than 50% of the cases	2
50% of the cases	3
In most cases	4
Always	5

4.1.3 Providing a framework for effective intergovernmental cooperation

Never	1
Less than 50% of the cases	2
50% of the cases	3
In most cases	4
Always	5

4.1.4 Maintaining a national post-settlement support database

Never	1
Less than 50% of the cases	2
50% of the cases	3
In most cases	4
Always	5

4.1.5 Constantly monitoring and reviewing the progress made specifically in terms of post-settlement support to individual claims.

Never	1
Less than 50% of the cases	2
50% of the cases	3
In most cases	4
Always	5

5. PERCEPTIONS REGARDING THE MANAGEMENT OF POST-SETTLEMENT SUPPORT IN THE PROVINCIAL SPHERE OF GOVERNMENT

5.1 How effective is the RLCC, in your opinion in managing and ensuring post-settlement support to the beneficiaries?

Rate the effectiveness of post-settlement support as far as the following managerial implementation phases are concerned:

5.1.1 Feasibility Study

Totally ineffective	Ineffective	Effective	Extremely effective
1	2	4	5

5.1.2 Environmental impact assessments (EIA)

Totally ineffective	Ineffective	Effective	Extremely effective
1	2	4	5

5.1.3 Land use planning

Totally ineffective	Ineffective	Effective	Extremely effective
1	2	4	5

5.1.4 Business planning

Totally ineffective	Ineffective	Effective	Extremely effective
1	2	4	5

5.1.5 Capacity building

Totally ineffective	Ineffective	Effective	Extremely effective
1	2	4	5

5.1.6 Stakeholder participation and coordination

Totally ineffective	Ineffective	Effective	Extremely effective
1	2	4	5

Against the background of the above perception answer the following structured questions relating to the facilitation of post-settlement support in the provincial sphere of Government.

6. THE EFFECTIVENESS OF POST-SETTLEMENT SUPPORT WITHIN THE PROVINCIAL GOVERNMENT SPHERE: STRUCTURED QUESTIONS

6.1 How frequent does the RLCC conduct workshops with Communal Property Associations (CPA's) and the Agri-forums in order to establish what the feasibility of land use intentions and land use potential are.

6.1.1 Consultation with CPA's

Never	1
Less than 50% of the cases	2
50% of the cases	3
In most cases	4

Always	5
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6.1.2 Consultation with Agri-forums

Never	1
Less than 50% of the cases	2
50% of the cases	3
In most cases	4
Always	5

6.2 Does the RLCC perform an effective EIA on every successful land claim to establish what the environmental impact of the intended land use would be? Are the EIA's in line with the land use intentions of the beneficiaries?

6.2.1 How frequent are EIA's performed on projects?

Never	1
Less than 50% of the cases	2
50% of the cases	3
In most cases	4
Always	5

6.2.2 Does the establishment of the environmental impact of land use intentions form an integral part of the EIA's?

Never	1
Less than 50% of the cases	2
50% of the cases	3
In most cases	4
Always	5

6.3. Does the RLCC view every land reform project as unique in terms of land use planning and can project specific planning be ensured during the provision of post-settlement support?

Never	1
Less than 50% of the cases	2
50% of the cases	3
In most cases	4
Always	5

6.3.1 The uniqueness of every project

Never	1
Less than 50% of the cases	2
50% of the cases	3
In most cases	4
Always	5

6.3.2 Ensuring project specific planning

Never	1
Less than 50% of the cases	2
50% of the cases	3
In most cases	4

Always	5
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6.3.3 Are the RLCC involved in conflict resolution amongst beneficiaries?

Never	1
Less than 50% of the cases	2
50% of the cases	3
More than 50% of the cases	4
Always	5

6.4 To what extent does the RLCC involve specialist institutions, ensure funding and job creation as part of project specific business planning?

6.4.1 The involvement of relevant institutions

		Yes	No
6.4.1.1	Private sector	1	2
6.4.1.2	Agricultural forums	1	2
6.4.1.3	Funding institutions	1	2
6.4.1.4	Legal representatives	1	2
6.4.1.5	Steering committees	1	2
6.4.1.6	Other Government Departments	1	2

6.4.2 Are there adequate funding available to ensure effective post-settlement support?

Never	1
Less than 50% of the cases	2
50% of the cases	3
More than 50% of the cases	4
Always	5

6.4.3 Is job creation a priority during business planning?

Never	1
Less than 50% of the cases	2
50% of the cases	3
More than 50% of the cases	4
Always	5

6.5 To what extent does the RLCC ensure skills development (such as mentorship and training programmes) as a way of building the land utilisation capacity of beneficiaries?

6.5.1 Mentorship programmes

Never	1
Less than 50% of the cases	2
50% of the cases	3
More than 50% of the cases	4
Always	5

6.5.2 Ensure access to agricultural training centers

Never	1
Less than 50% of the cases	2
50% of the cases	3
More than 50% of the cases	4
Always	5

6.6 Does the RLCC ensure effective stakeholder coordination and participation (such as Local Government (municipalities) and other specialist Government Departments) during the facilitation of post-settlement support?

6.6.1 Involving municipalities

Never	1
Less than 50% of the cases	2
50% of the cases	3
More than 50% of the cases	4
Always	5

6.6.2 Involving other specialist Government Departments

Never	1
Less than 50% of the cases	2
50% of the cases	3
More than 50% of the cases	4
Always	5

7. PERCEPTION REGARDING THE MANAGEMENT OF POST-SETTLEMENT SUPPORT IN THE LOCAL SPHERE OF GOVERNMENT

Against the background of the above perceptions answer the following structured question relating to the provision of post-settlement support in the Local sphere of Government.

7.1 Are you of the opinion that post-settlement support initiatives are adequately integrated within the IDP's of most municipalities?

7.1.1 Frequency of adequate integration

Never	1
Less than 50% of the cases	2
50% of the cases	3
More than 50% of the cases	4
Always	5

7.1.2 Frequency of inadequate integration

Never	1
Less than 50% of the cases	2
50% of the cases	3
More than 50% of the cases	4
Always	5

DESCRIPTIVE STATISTICS FROM A BENEFICIARY PERSPECTIVE

The FREQ Procedure

Cumulative Cumulative
Q11 Frequency Percent Frequency Percent

1	1	100.00	1	100.00
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Frequency Missing = 3

Cumulative Cumulative
Q12 Frequency Percent Frequency Percent

1	1	33.33	1	33.33
2	2	66.67	3	100.00

Frequency Missing = 1

Cumulative Cumulative
Q211 Frequency Percent Frequency Percent

2	1	25.00	1	25.00
3	3	75.00	4	100.00

Cumulative Cumulative
Q212 Frequency Percent Frequency Percent

2	1	25.00	1	25.00
3	3	75.00	4	100.00

Cumulative Cumulative
Q213 Frequency Percent Frequency Percent

2	3	75.00	3	75.00
3	1	25.00	4	100.00

Cumulative Cumulative
Q214 Frequency Percent Frequency Percent

1	3	75.00	3	75.00
2	1	25.00	4	100.00

Cumulative Cumulative
Q311 Frequency Percent Frequency Percent

1	3	75.00	3	75.00
3	1	25.00	4	100.00

The FREQ Procedure

Cumulative Cumulative
Q321 Frequency Percent Frequency Percent

2	1	25.00	1	25.00
3	3	75.00	4	100.00

Cumulative Cumulative
Q411 Frequency Percent Frequency Percent

1	1	25.00	1	25.00
2	1	25.00	2	50.00
4	1	25.00	3	75.00
5	1	25.00	4	100.00

Cumulative Cumulative
Q412 Frequency Percent Frequency Percent

1	3	75.00	3	75.00
2	1	25.00	4	100.00

Cumulative Cumulative
Q413 Frequency Percent Frequency Percent

1	2	50.00	2	50.00
2	2	50.00	4	100.00

Cumulative Q414	Cumulative Frequency	Cumulative Percent	Frequency	Percent
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1	4	100.00	4	100.00
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Cumulative Q415	Cumulative Frequency	Cumulative Percent	Frequency	Percent
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1	4	100.00	4	100.00
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Cumulative Q511	Cumulative Frequency	Cumulative Percent	Frequency	Percent
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1	1	25.00	1	25.00
2	2	50.00	3	75.00
4	1	25.00	4	100.00

The FREQ Procedure

Cumulative Q512	Cumulative Frequency	Cumulative Percent	Frequency	Percent
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1	2	50.00	2	50.00
4	2	50.00	4	100.00

Cumulative Q513	Cumulative Frequency	Cumulative Percent	Frequency	Percent
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2	3	100.00	3	100.00
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Frequency Missing = 1

Cumulative Q514	Cumulative Frequency	Cumulative Percent	Frequency	Percent
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2	4	100.00	4	100.00
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Cumulative Q515	Cumulative Frequency	Cumulative Percent	Frequency	Percent
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2	4	100.00	4	100.00
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Cumulative Q516	Cumulative Frequency	Cumulative Percent	Frequency	Percent
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1	2	50.00	2	50.00
2	1	25.00	3	75.00
4	1	25.00	4	100.00

Cumulative Q611	Cumulative Frequency	Cumulative Percent	Frequency	Percent
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1	1	25.00	1	25.00
2	2	50.00	3	75.00
3	1	25.00	4	100.00

Cumulative Q612	Cumulative Frequency	Cumulative Percent	Frequency	Percent
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1	1	25.00	1	25.00
2	3	75.00	4	100.00

The FREQ Procedure

Cumulative Q621	Cumulative Frequency	Cumulative Percent	Frequency	Percent
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1	2	50.00	2	50.00
2	1	25.00	3	75.00
5	1	25.00	4	100.00

Cumulative Q622	Cumulative Frequency	Cumulative Percent	Frequency	Percent
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1	1	25.00	1	25.00
2	1	25.00	2	50.00
4	1	25.00	3	75.00
5	1	25.00	4	100.00

Cumulative		Cumulative		
Q62	Frequency	Percent	Frequency	Percent
1	1	25.00	1	25.00
2	2	50.00	3	75.00
5	1	25.00	4	100.00

Cumulative		Cumulative		
Q631	Frequency	Percent	Frequency	Percent
1	1	25.00	1	25.00
2	2	50.00	3	75.00
4	1	25.00	4	100.00

Cumulative		Cumulative		
Q632	Frequency	Percent	Frequency	Percent
1	1	25.00	1	25.00
2	2	50.00	3	75.00
3	1	25.00	4	100.00

Cumulative		Cumulative		
Q633	Frequency	Percent	Frequency	Percent
1	1	33.33	1	33.33
3	2	66.67	3	100.00

Frequency Missing = 1

The FREQ Procedure

Cumulative		Cumulative		
Q6411	Frequency	Percent	Frequency	Percent
2	4	100.00	4	100.00

Cumulative		Cumulative		
Q6412	Frequency	Percent	Frequency	Percent
1	1	25.00	1	25.00
2	3	75.00	4	100.00

Cumulative		Cumulative		
Q6413	Frequency	Percent	Frequency	Percent
1	2	50.00	2	50.00
2	2	50.00	4	100.00

Cumulative		Cumulative		
Q6414	Frequency	Percent	Frequency	Percent
1	2	50.00	2	50.00
2	2	50.00	4	100.00

Cumulative		Cumulative		
Q6415	Frequency	Percent	Frequency	Percent
1	3	75.00	3	75.00
2	1	25.00	4	100.00

Cumulative		Cumulative		
Q6416	Frequency	Percent	Frequency	Percent
1	2	50.00	2	50.00
2	2	50.00	4	100.00

Cumulative		Cumulative		
Q642	Frequency	Percent	Frequency	Percent
1	2	50.00	2	50.00
2	2	50.00	4	100.00

The FREQ Procedure

	Cumulative Q643	Frequency	Cumulative Percent	Frequency	Percent
1	1	25.00	1	25.00	
2	1	25.00	2	50.00	
3	1	25.00	3	75.00	
4	1	25.00	4	100.00	

	Cumulative Q651	Frequency	Cumulative Percent	Frequency	Percent
1	3	75.00	3	75.00	
2	1	25.00	4	100.00	

	Cumulative Q652	Frequency	Cumulative Percent	Frequency	Percent
1	3	75.00	3	75.00	
2	1	25.00	4	100.00	

	Cumulative Q661	Frequency	Cumulative Percent	Frequency	Percent
2	3	75.00	3	75.00	
4	1	25.00	4	100.00	

	Cumulative Q662	Frequency	Cumulative Percent	Frequency	Percent
2	3	75.00	3	75.00	
4	1	25.00	4	100.00	

	Cumulative Q711	Frequency	Cumulative Percent	Frequency	Percent
1	2	50.00	2	50.00	
2	2	50.00	4	100.00	

	Cumulative Q712	Frequency	Cumulative Percent	Frequency	Percent
2	2	50.00	2	50.00	
5	2	50.00	4	100.00	

ANNEXURE D:

COMBINED ANALYSIS AND STATISTICAL RESULT

The FREQ Procedure

Q211	Cumulative Frequency	Cumulative Percent	Frequency	Percent
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1	2	6.67	2	6.67
2	8	26.67	10	33.33
3	20	66.67	30	100.00

Q212	Cumulative Frequency	Cumulative Percent	Frequency	Percent
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2	11	36.67	11	36.67
3	19	63.33	30	100.00

Q213	Cumulative Frequency	Cumulative Percent	Frequency	Percent
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1	4	13.79	4	13.79
2	13	44.83	17	58.62
3	12	41.38	29	100.00

Frequency Missing = 1

Q214	Cumulative Frequency	Cumulative Percent	Frequency	Percent
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1	16	53.33	16	53.33
2	10	33.33	26	86.67
3	4	13.33	30	100.00

Q311	Cumulative Frequency	Cumulative Percent	Frequency	Percent
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1	25	86.21	25	86.21
3	4	13.79	29	100.00

Frequency Missing = 1

Q321	Cumulative Frequency	Cumulative Percent	Frequency	Percent
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2	9	30.00	9	30.00
3	21	70.00	30	100.00

COMBINED ANALYSIS

The FREQ Procedure

Q411	Cumulative Frequency	Cumulative Percent	Frequency	Percent
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1	4	13.33	4	13.33
2	13	43.33	17	56.67
3	2	6.67	19	63.33
4	5	16.67	24	80.00
5	6	20.00	30	100.00

Q412	Cumulative Frequency	Cumulative Percent	Frequency	Percent
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1	12	40.00	12	40.00
2	17	56.67	29	96.67
4	1	3.33	30	100.00

Q413	Cumulative Frequency	Cumulative Percent	Frequency	Percent
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1	14	46.67	14	46.67
2	15	50.00	29	96.67

3 1 3.33 30 100.00

Cumulative Q414	Frequency	Cumulative Percent	Frequency	Percent
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1	17	56.67	17	56.67
2	11	36.67	28	93.33
3	2	6.67	30	100.00

Cumulative Q415	Frequency	Cumulative Percent	Frequency	Percent
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1	13	43.33	13	43.33
2	13	43.33	26	86.67
3	2	6.67	28	93.33
4	1	3.33	29	96.67
5	1	3.33	30	100.00

Cumulative Q511	Frequency	Cumulative Percent	Frequency	Percent
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1	9	30.00	9	30.00
2	7	23.33	16	53.33
3	9	30.00	25	83.33
4	5	16.67	30	100.00

COMBINED ANALYSIS

The FREQ Procedure

Cumulative Q512	Frequency	Cumulative Percent	Frequency	Percent
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1	9	30.00	9	30.00
2	5	16.67	14	46.67
3	14	46.67	28	93.33
4	2	6.67	30	100.00

Cumulative Q513	Frequency	Cumulative Percent	Frequency	Percent
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1	5	17.24	5	17.24
2	17	58.62	22	75.86
3	6	20.69	28	96.55
4	1	3.45	29	100.00

Frequency Missing = 1

Cumulative Q514	Frequency	Cumulative Percent	Frequency	Percent
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1	7	24.14	7	24.14
2	15	51.72	22	75.86
3	6	20.69	28	96.55
4	1	3.45	29	100.00

Frequency Missing = 1

Cumulative Q515	Frequency	Cumulative Percent	Frequency	Percent
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1	4	13.79	4	13.79
2	23	79.31	27	93.10
3	2	6.90	29	100.00

Frequency Missing = 1

Cumulative Q516	Frequency	Cumulative Percent	Frequency	Percent
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1	4	13.79	4	13.79
2	13	44.83	17	58.62
3	11	37.93	28	96.55
4	1	3.45	29	100.00

COMBINED ANALYSIS

The FREQ Procedure

Cumulative Cumulative

Q611	Frequency	Percent	Frequency	Percent
1	5	16.67	5	16.67
2	11	36.67	16	53.33
3	3	10.00	19	63.33
4	10	33.33	29	96.67
5	1	3.33	30	100.00

Cumulative Cumulative

Q612	Frequency	Percent	Frequency	Percent
1	8	26.67	8	26.67
2	15	50.00	23	76.67
3	1	3.33	24	80.00
4	6	20.00	30	100.00

Cumulative Cumulative

Q621	Frequency	Percent	Frequency	Percent
1	7	23.33	7	23.33
2	8	26.67	15	50.00
3	3	10.00	18	60.00
4	7	23.33	25	83.33
5	5	16.67	30	100.00

Cumulative Cumulative

Q622	Frequency	Percent	Frequency	Percent
1	6	20.00	6	20.00
2	6	20.00	12	40.00
3	1	3.33	13	43.33
4	7	23.33	20	66.67
5	10	33.33	30	100.00

Cumulative Cumulative

Q62	Frequency	Percent	Frequency	Percent
1	1	25.00	1	25.00
2	2	50.00	3	75.00
5	1	25.00	4	100.00

Frequency Missing = 26

COMBINED ANALYSIS

The FREQ Procedure

Cumulative Cumulative

Q631	Frequency	Percent	Frequency	Percent
1	9	30.00	9	30.00
2	9	30.00	18	60.00
3	1	3.33	19	63.33
4	4	13.33	23	76.67
5	7	23.33	30	100.00

Cumulative Cumulative

Q632	Frequency	Percent	Frequency	Percent
1	7	24.14	7	24.14
2	9	31.03	16	55.17
3	2	6.90	18	62.07
4	2	6.90	20	68.97
5	9	31.03	29	100.00

Frequency Missing = 1

Cumulative Cumulative

Q633	Frequency	Percent	Frequency	Percent
1	9	31.03	9	31.03
2	9	31.03	18	62.07
3	5	17.24	23	79.31
4	3	10.34	26	89.66
5	3	10.34	29	100.00

Frequency Missing = 1

	Cumulative Q6411	Frequency	Cumulative Percent	Frequency	Percent
1	14	46.67	14	46.67	
2	16	53.33	30	100.00	

	Cumulative Q6412	Frequency	Cumulative Percent	Frequency	Percent
1	14	46.67	14	46.67	
2	16	53.33	30	100.00	

COMBINED ANALYSIS

The FREQ Procedure

	Cumulative Q6413	Frequency	Cumulative Percent	Frequency	Percent
1	23	76.67	23	76.67	
2	7	23.33	30	100.00	

	Cumulative Q6414	Frequency	Cumulative Percent	Frequency	Percent
1	19	63.33	19	63.33	
2	11	36.67	30	100.00	

	Cumulative Q6415	Frequency	Cumulative Percent	Frequency	Percent
1	17	58.62	17	58.62	
2	12	41.38	29	100.00	

Frequency Missing = 1

	Cumulative Q6416	Frequency	Cumulative Percent	Frequency	Percent
1	23	76.67	23	76.67	
2	7	23.33	30	100.00	

	Cumulative Q642	Frequency	Cumulative Percent	Frequency	Percent
1	16	53.33	16	53.33	
2	11	36.67	27	90.00	
3	1	3.33	28	93.33	
4	1	3.33	29	96.67	
5	1	3.33	30	100.00	

	Cumulative Q643	Frequency	Cumulative Percent	Frequency	Percent
1	7	23.33	7	23.33	
2	12	40.00	19	63.33	
3	5	16.67	24	80.00	
4	2	6.67	26	86.67	
5	4	13.33	30	100.00	

COMBINED ANALYSIS

The FREQ Procedure

	Cumulative Q651	Frequency	Cumulative Percent	Frequency	Percent
1	9	30.00	9	30.00	
2	15	50.00	24	80.00	
3	2	6.67	26	86.67	
4	4	13.33	30	100.00	

	Cumulative Frequency	Cumulative Percent	Cumulative Frequency	Cumulative Percent
1	12	40.00	12	40.00
2	15	50.00	27	90.00
4	3	10.00	30	100.00

	Cumulative Frequency	Cumulative Percent	Cumulative Frequency	Cumulative Percent
1	5	17.24	5	17.24
2	12	41.38	17	58.62
3	2	6.90	19	65.52
4	5	17.24	24	82.76
5	5	17.24	29	100.00

Frequency Missing = 1

	Cumulative Frequency	Cumulative Percent	Cumulative Frequency	Cumulative Percent
2	15	50.00	15	50.00
3	1	3.33	16	53.33
4	6	20.00	22	73.33
5	8	26.67	30	100.00

	Cumulative Frequency	Cumulative Percent	Cumulative Frequency	Cumulative Percent
1	21	72.41	21	72.41
2	7	24.14	28	96.55
3	1	3.45	29	100.00

Frequency Missing = 1

COMBINED ANALYSIS

The FREQ Procedure

	Cumulative Frequency	Cumulative Percent	Cumulative Frequency	Cumulative Percent
1	1	3.45	1	3.45
2	5	17.24	6	20.69
4	8	27.59	14	48.28
5	15	51.72	29	100.00

Frequency Missing = 1

COMBINED STATISTICAL OUTCOME

The MEANS Procedure

Variable	N	Mean	Std Dev	Minimum	Maximum
Q211	30	2.6000000	0.6214555	1.0000000	3.0000000
Q212	30	2.6333333	0.4901325	2.0000000	3.0000000
Q213	29	2.2758621	0.7018624	1.0000000	3.0000000
Q214	30	1.6000000	0.7239737	1.0000000	3.0000000
Q311	29	1.2758621	0.7018624	1.0000000	3.0000000
Q321	30	2.7000000	0.4660916	2.0000000	3.0000000
Q411	30	2.8666667	1.4076964	1.0000000	5.0000000
Q412	30	1.6666667	0.6608946	1.0000000	4.0000000
Q413	30	1.5666667	0.5683208	1.0000000	3.0000000
Q414	30	1.5000000	0.6297235	1.0000000	3.0000000
Q415	30	1.8000000	0.9613209	1.0000000	5.0000000
Q511	30	2.3333333	1.0933445	1.0000000	4.0000000
Q512	30	2.3000000	0.9878573	1.0000000	4.0000000
Q513	29	2.1034483	0.7243138	1.0000000	4.0000000
Q514	29	2.0344828	0.7784031	1.0000000	4.0000000
Q515	29	1.9310345	0.4575583	1.0000000	3.0000000
Q516	29	2.3103448	0.7608007	1.0000000	4.0000000
Q611	30	2.7000000	1.2077337	1.0000000	5.0000000
Q612	30	2.1666667	1.0531835	1.0000000	4.0000000
Q621	30	2.8333333	1.4641305	1.0000000	5.0000000
Q622	30	3.3000000	1.6006464	1.0000000	5.0000000
Q62	4	2.5000000	1.7320508	1.0000000	5.0000000
Q631	30	2.7000000	1.6006464	1.0000000	5.0000000
Q632	29	2.8965517	1.6332445	1.0000000	5.0000000
Q633	29	2.3793103	1.3205462	1.0000000	5.0000000

Q642	30	1.6666667	0.9589266	1.0000000	5.0000000
Q643	30	2.4666667	1.3060425	1.0000000	5.0000000
Q651	30	2.0333333	0.9643055	1.0000000	4.0000000
Q652	30	1.8000000	0.8866831	1.0000000	4.0000000
Q661	29	2.7586207	1.4054784	1.0000000	5.0000000
Q662	30	3.2333333	1.3308886	2.0000000	5.0000000
Q711	29	1.3103448	0.5413903	1.0000000	3.0000000
Q712	29	4.0689655	1.2516000	1.0000000	5.0000000