

**THE EVALUATION FRAMEWORK FOR LAND RESTITUTION PROGRAMME IN THE
NORTHERN CAPE PROVINCE**

By

Lebogang Donald Moremedi

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Declaration

I declare that the contents of this thesis are entirely my work, except for the specific and acknowledged references to the published work of others made in the text.

To the best of my knowledge and certainty, it contains neither material previously published by another person nor material to which a substantial extent has been accepted for the award of any other degree of the University.

Candidate: Lebogang Donald Moremedi

Signed at.....this.....day of.....2016

Supervisor: Professor N. Schutte

Signed at.....this.....day of.....2016

Abstract

Since the proclamation of the Restitution of Land Rights Act 22 of 1994, limited progress has been made in realising its main goals, specifically the aim: “To restore land and other restitution measures to people dispossessed by racially discriminatory legislation and price, in such a way as the provide support to the vital process of reconciliation, reconstruction and development.”

The present study identified that the South Africa’s Land Restitution Programme lacks an appropriate evaluation framework. The absence of such a framework has led to government being unable to ensure that the implementation of the Land Restitution Programme takes into consideration competing interests, the number of claims registered and yet to be registered, the window period for lodging claims, the institutions required to carry out restitution, and the procedure to be followed, as well as the capacity of the government to carry out its reform mandate. The above was established using the Northern Cape as a case study.

The literature review gives an overview of literature relating to the topic of the study, which was used to create the structure of the study. The challenge was to appreciate the complexity of evaluating a programme such as the Land Restitution. The method of analysis was a grounded theory approach within the social constructivist paradigm, which is most suited where there is an absence of theory underpinning a research area. The data collection methods included, among others, focus group discussions and in-depth, semi-structured interviews. The research revealed that the Land Restitution Programme requires evaluation, which would entail the participation of several role-players working in concerted efforts to achieve enhanced levels of access and delivery of the objectives of the legislation speaking to restitution. The critical roles of government staff and stakeholders or communities affected by the programme are outlined. The proposed Evaluation Framework for the Land Restitution Programme may be useful in addressing the impediments to the successful implementation of the Programme. The Evaluation Framework for Land Restitution Programme was formulated as a direct output from the data collected and analysed during the course of this study.

Dedications

This work is dedicated, first and foremost, to my parents Lekgetho “Morapedi” Joseph Moremedi and Kemang “Nene” Victoria Moremedi (both deceased), who played a key role in my long journey in pursuit of academic excellence. Dad would always remind me that my option would be to pursue a career as an auto-electrician if I did not feel like continuing my school work. Mum, on the other hand, said my next option should be to consider being a singer; however, she never ‘spare the rod’ when I exhibited trends of going off-track. Thank you, Mum and Dad, I will ever miss you both.

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List of Abbreviations

AG	Auditor-General
ANC	African National Congress
APP	Annual Performance Plan
CALS	Centre for Applied Legal Studies
CBA	cost-benefit analysis
CBA	community-based organisation
CRLR	Commission of Restitution of Land Rights
LCC	Land Claims Court
CPA	Community Property Association
CRLR	Commission of Restitution of Land Rights
CODESA	Convention for a Democratic South Africa
CoHGSTA	Department of Cooperative Governance, Human Settlements and Traditional Affairs
CORA	Chilean Land Reform Agency
CRLR	Commission on Restitution of Land Rights
DRDLR	Department of Rural Development and Land Reform
DARDLR	Department of Agriculture, Rural Development and Land Reform
DPME	Department of Performance Monitoring and Evaluation
DPSA	Department of Public Service and Administration
GWM&E	Government Wide Monitoring & Evaluation System
LRC	Legal Resources Centre
M&E	monitoring and evaluation
MFMA	Municipal Finance Management Act of 2003
NEPF	National Evaluation Policy Framework
NGOs	non-governmental organisations
NLC	National Land Committee
NP	National Party
NPM	New Public Management
OPSC	Office of the Public Service Commission
PFMA	Public Finance Management Act of 1999

PMDS	Performance Management and Development System
RDP	Reconstruction and Development Programme
RLCC	Regional Land Claims Commissioners
SAHRC	South African Human Rights Council
SAMDI	South African Management Development Institute
SMART	specific, measurable, achievable, relevant, and time-bound
SWOT	strengths, weaknesses, opportunities, and trends
TBVC	Transkei, Bophuthatswana, Venda, and Ciskei

Chapter 1: INTRODUCTION AND ORIENTATION OF THE STUDY

1.1 Introduction

The study aimed to develop an evaluation framework for the Land Restitution Programme of South Africa with specific reference to the Restitution Policy, using the Northern Cape Province as a case study. Since 1994, when South African achieved democracy, there has been an apparent confidence in policy systems to transform, among others, land ownership patterns. O'Sullivan (2011:7-8) stated that "the restitution programme is seen as the most successful of the tripartite land reform programme with restitution complete in officially registered urban claims although there are many, more complex, rural claims outstanding. Furthermore, a major criticism of the policy approach by the South African government is the continued exclusion of the voices of the poor from policy formulation and implementation process; that those who are most affected by policy are the most excluded."

The relevant piece of legislation, the Restitution of Land Rights Act 22 of 1994, may have yielded some restoration through land claims. However, some of the historical groupings in South Africa, such as the Khomani San, may be an example of claimants who were failed by the process. According to Tolsi (2012:2), the Minister of Agriculture, Ms. Tina Joemat-Pettersen, reported that "an extra R2.3-billion was pumped into the restitution programme to deal partially with the backlogs. The decision was considered to be a significant victory for the Khoi-San communities that have been gaining socio-political momentum since 2009 United Nations declaration that they were the aboriginal inhabitants of Southern Africa." Moreover, in his State of the Nation Address of 14 February 2013, President Jacob Zuma stated that "there are proposed amendments to the Restitution of Land Rights Act, 22 of 1994 to provide for the re-opening of the lodgement of restitution claims, by people who missed the deadline of 31 December 1998. The President further emphasised that what is to be explored are exceptions to the June 1913 cut-off date, to accommodate claims by the descendants of the Khoi and San as well as heritage sites and historical landmarks" (Mail & Guardian: 2013 <http://mg.co.za/article/2013-02-14-sona-zumas-speech-reveals-nothing-new/>). The evaluation of the Land Restitution Programme could be useful in identifying its

shortcomings that led to the amendment or review of the Restitution Legislation, which is of fundamental interest of the study.

The time frame for restitution in the White Paper on Land Policy was 18 years in total. A period of three years from 1 May 1995 was set aside for eligible claimants to lodge their claims, later extended to a final deadline of 31 December 1998 (Hall 2003:2-3). Public policy process may be generally complex in a sense that it is taking place in a rapidly changing environment characterised by uncertainty, and may need to consider conflicting interests. Thus, those responsible for developing, implementing, evaluating, and reviewing public policies should consider the involvement of many complementing and competing interests in their endeavour to achieve the set policy objectives within a given time frame. The rationale for such a comprehensive involvement of different actors is to identify all ill-defined problem areas and situations that may not be understood by all affected parties.

Given the unforeseen consequences of the Land Restitution Programme, much emphasis seems to have been placed on short-term results, rather than on objectives and actions that produced tangible results while minimising the risk of unintended implications. Action should have been deferred until a full understanding of the situation had been gained, recognising the nature, extent, and magnitude of uncertainty. In addressing persistent problems in the execution of the Land Restitution Programme, a programme or policy evaluation framework may yield positive results by putting into place measures to counter or address outstanding claims and continued dissatisfaction of communities and/or individuals affected by the Restitution Programme.

This introduction presented an introduction to the study, focusing on the Land Reform Policy and its Restitution Programme, which have had intended and unintended consequences for many communities. The remainder of this chapter provides the background to the study, and identify the problem statement, a preliminary theoretical review, specific objectives, the research questions, the research design, the methods of research, the significance of the study, its scope, definitions of the concepts, as well as the organisation of the study.

1.2 Background to the Study

De Villiers (1999:8) explains the scenario of apartheid land ownership in South Africa as one where “the control of land was the backbone of grand apartheid with white domination having a grave consequence with regards to land ownership, especially for Africans. The settlement segregation and the deliberate repression of land rights may be evident in how black people were forcibly removed by the apartheid government where many Black people lost land tenure rights to the minority of white people.” The peoples’ newly elected democratic government of South Africa in 1994 marked the end of a regime that once segregated access to land based on race. The primary legislation of the land, the Constitution of the Republic of South Africa, mandates the government to ensure equitable land distribution among South Africans, thereby tasking government with addressing the injustices and consequences of the 1913 Natives Land Act (later renamed the Bantustan Land Act and thereafter the *Black Land Act*, as it is referred to hereafter).

After the 1994 elections, the newly elected African National Congress (ANC) formulated the Land Reform Policy based on three principles: land restitution, land tenure reform, and land redistribution. The commitment by the South African government was to institute a wide range of programmes to ensure that previously disadvantaged ethnic groups gained access to land. An attempt to introduce legislation that facilitated the process was the White Paper on South African Land Policy (April 1997), which was an outcome of a public consultation process. It set the vision and implementation strategy for South Africa’s Land Reform Policy, dealing with both urban and rural environments, to redress the injustices of apartheid, foster national reconciliation and stability, strengthen economic growth, improve household welfare, and alleviate poverty (White Paper on South African Land Policy 1997).

The Restitution of Land Rights Act 22 of 1994 was the first policy created by the African National Congress (ANC) government that affirmed the right to restitution and defined the process by which those who were deemed eligible could lodge their claims. The time frame for restitution set out in the 1997 White Paper was 18 years in total, from 1995. Initially, three years were allowed for claims to be lodged, which was later extended to 31 December 1998. Five years were envisaged for the settlement of claims, and a further

ten years for the implementation of all court orders and settlement agreements (Walker et al. 2010:21-22).

Kondlo (2011:927) states that “many communities lost land as a result of betterment policies and somehow feel ‘robbed’ by the restitution policy. Firstly, the cut-off date for the lodgment of claims (31 December 1998), as well as the date before which the claim cannot be made (19 June 1913) are a source of frustration among many communities who failed to lodge within the timeframes and also have claims dating back before the period prescribed in the Act.”

According to Department of Rural Development and Land Reform (DRDLR) (2014:1), the Restitution of Land Rights Amendment Bill (hereafter referred to as the *Restitution Bill*), which extended the date for lodging claims to 31 December 2018, was passed by the National Assembly on 25 February 2014. The Restitution Bill, as an amendment to the Restitution of Land Rights Act (1994), also provides for restitution claims regarding land lost due to a wider spectrum of policies, including the betterment planning and homeland consolidation policies. The bill criminalizes lodging fraudulent claims, simplifies the process of appointment of judges to the Land Claims Court, and amends provisions aimed at promoting the effective implementation of the act.

It was estimated that 397 000 valid claims would be lodged in the extended period, which would cost between R129 billion to R179 billion to settle over the next 15 years. The deficiency of the strategies to evaluate, among others, the time frame, budget, human resources, and budget, of the Land Restitution Programme could have been the reason why government set uninformed target dates for the completion of the Restitution Programme and had to revisit the implementation of the Programme (Mail & Guardian 2014).

The decision on a timeframe to implement a policy should be informed by all policy processes required, as this would lead to a more realistic time frame. The manner in which the implementation of the Land Restitution Programme unfolded, specifically considering the loss and hardship of the many dispossessed communities and those who

were unable to lodge their claims before the 1998 cut-off date, raised suspicions regarding whether the government and the affected communities or claimants were aware of and properly understood the implications of the Restitution Programme's processes.

“Two institutions [were] established by the Restitution of Land Rights Act, 22 of 1994 to drive the process of land restitution: the Commission on Restitution of Land Rights (CRLR) and a Land Claims Court (LCC). The CRLR, established in 1995, was tasked with driving the process: assisting claimants, investigating the validity of claims, and preparing them for settlement or adjudication. Post-settlement support for claimants who got back their land was, initially, the responsibility of the Department of Land Affairs” (Walker et al. 2010:21). The CRLR was placed under the authority of a National Chief Land Claims Commissioner, with regional Land Claims Commissioners responsible for its work in provinces. The LCC was established in 1996 as a specialist court to approve claims, grant restitution orders, and adjudicate disputes on the basis of the investigations presented to it. Appeals against its judgements can be made to the Supreme Court of Appeal or, in specific circumstances, the Constitutional Court. The institution established to drive the process, the CRLR, has been under political pressure to pass the work of finalising outstanding claims and agreements to other state institutions and then close (Walker et al. 2010:22).

In Government's pursuit of implementing its Land Reform Policy through the Restitution Programme, affected communities and claimants would have relied on government providing the necessary human and capital resources. However, government not knowing the number of claims that were lodged but delayed by the process, or the number of claimants who did not come forth in time, is worrisome. In addition, the incorporation of the CRLR into the Department of Agriculture and Land Reform, as well as the recent passing of the Land Restitution Amendment Bill, demonstrates that there are many dynamics that affect the Land Restitution Programme that have not necessarily been evaluated.

Sokupa (2009:2) states that the rapid increase in the number of claims settled could also be as a result of the following three factors:

- i. firstly, the completion of the institutional and policy development process;
- ii. secondly, the administrative changes made before and after the 1998 Restitution Legislation Review; and
- iii. thirdly, the emphasis on settling smaller, simpler urban claims primarily through financial compensation.

This demonstrates that the implementation period for the Restitution Programme may have been too short, hence the rush to meet the target date and settle claims that were lodged in time. The Restitution Programme may have put unnecessary pressure on those responsible for land reform to conclude its operations, without considering possible rural claims that were rejected as a result of cut-off date(s). Evaluating the implementation of the Land Reform Policy's Restitution Programme could benefit both policy- and decision-makers by identifying shortcomings.

For the purpose of evaluating the objectives and achievement of the Land Restitution Programme, it is critical to consider to evaluate whether it has yielded the intended results or not. Should the results be unsatisfactory, the reasons and the degree thereof should be determined. According to Starling (1986:260-261), policy evaluation is a systematic examination of a policy, to provide information on the full range of its short- and long-term effects on citizens, to determine the extent of the policy's success. Cloete et al. (2006:248) state that a policy evaluation process is normally undertaken for one or more of the following reasons:

- i. to measure progress towards the achievement of the policy's objectives;
- ii. to learn from the lessons of the programmes of a policy for future policy review, redesign, or implementation strategies;
- iii. to test the feasibility of assumptions, principles, the model, and theory underpinning strategy;
- iv. to ensure political and financial accountability;
- v. to better advocate a cause; and
- vi. for public relations purposes.

Curtain (2000:35-36) postulates that, during the policy evaluation process, the following criteria should be met:

- i. learning from experience;
- ii. determining objectives or societal goals that require a long-term perspective;
- iii. giving end-users ample opportunity to participate in a variety of ways;
- iv. focusing on outcomes by identifying how the policy will deliver the desired changes; and

Considering the perception that there were many deficiencies in the implementation of the Land Restitution Programme, it is important to evaluate what led to these deficiencies. An evaluation framework for the Land Restitution Programme could be used to obtain feedback on the effectiveness of policies and programmes, should inform decision-making around restitution.

1.3 Problem Statement

South Africa's Land Restitution Programme has deficiency of an appropriate evaluation framework. The deficiency of such an evaluation framework may have led to government's inability to ensure that the implementation of the Restitution Programme takes into consideration all competing interests, including the number of claims registered and unregistered, the window period, the institutions required, and the procedure to be followed, so that the government may carry out its land reform mandate. The Constitution of the Republic of South Africa, Section 25 (7), describes the Restitution Programme as a rights-based programme in that eligible claimants have the right to restoration of, or compensation for, land of which they were dispossessed after 19 June 1913.

Restitution was not done in the way envisaged by the Commission on the Restitution of Land Rights. The shifting deadlines for the settlement of all claims have been unrealistic, and early closure of the Commission probably further delayed the process (Kleinbooi 2008:3). According to Sokupa (2009:2), "the majority of rural residents were not prioritized, hence high numbers of rural claims have still not been settled." Kondlo

(2011:929) argues that “the dilemma of the Restitution of Land Rights Act 22 of 1994 is that it is not informed by solid research based on community participation. It becomes important to ask whether the recent passing of the Restitution of Land Rights Amendment Bill, which extends the cut-off date for lodging claims for restitution to 31 December 2018 without evaluation of the restitution policy will yield the desired results”.

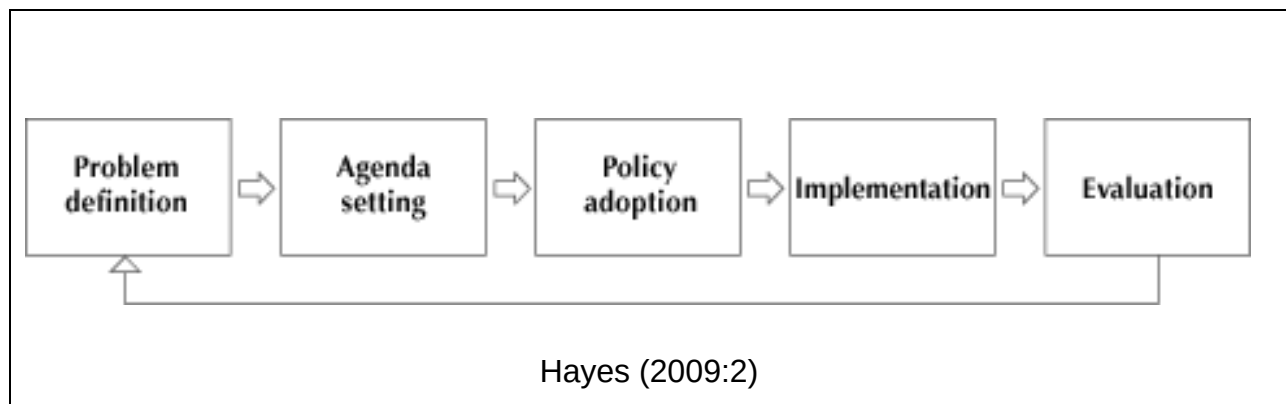
For almost ten years since the inception of the restitution programme, many rural land claims remained unresolved, and the requirement that all land claims had to be lodged with the Land Claims Court was seen as a major contributing factor. From 1997 to the end of 2003, the Restitution Programme was reviewed several times, with a particular focus on significant amendments to legislation, which gave the Minister under whom the Land Claims Commission resorted the power to settle claims through negotiation, rather than an obligatory judicial process (Kepe 2012:396). There was political intervention by the Minister responsible for the Restitution Programme in support of the two institutions established by the Restitution of Land Rights Act 22 of 1994 to drive the implementation of the Restitution Programme. These institutions are the CRLR and the LCC, which have been inundated with applications, and face the tedious process of finalising the claims. However, this intervention would have made more sense if it were informed by scientific findings on why such an intervention was necessary.

According to Theodoulou and Kofinis (2004:168-169), “ideally, each policy includes a design of how a public problem will be resolved. This design will define, in varying detail, the goal(s) of the policy, the set of policy instruments to be used, the agency responsible for implementation, possible timetables, and the target population.” While it must be acknowledged that the land restitution process in South Africa went through significant changes, many of the strategies may have had minimal impact. This is evidenced by the general dissatisfaction with the process, as reported by media, and other platforms of communication claiming that there is a large number of claims, and that many complaints by communities and/or individuals affected by the land restitution programme have not been resolved.

The extent to which a policy or programme evaluation framework could highlight such short-comings and contribute towards the success of the Land Restitution Programme is considerable. Challenges and problems could be identified and addressed or eliminated through a policy evaluation process before policy-makers reach a conclusion to shelve or re-open the restitution process. It is therefore critical that policy-makers make use of a public policy evaluation process to guide implementation decisions.

Policy evaluation is the final stage of the policy process, whereby information is fed back into the first step of the process, until the last step of the policy in an endeavour to establish policy or programme success and failures. Figure 1 provides an illustration of the discrete stages of the policy process (Hayes 2009:2).

Figure 1: Public Policy Process



Hayes (2009:2-3) explains the public policy process as follows:

1. **Problem definition:** Problems identified and defined, issues are raised, and the gatekeepers filter out those that will be given attention by either the executive or the legislative authority (Hayes 2009:2). Possible solutions to the problems relating to Land Restitution Programme should be identified at this stage.
2. **Agenda-setting:** During this stage, efforts are made to raise the profile of the problem and possible solutions among the public and decision-makers (Hayes 2009:2). At this

stage, communication between the public and the decision-makers becomes critical, to ensure that both understand the policy's objectives.

3. **Policy adoption:** The policy recommendation is chosen among the alternatives, including the no-action option. This is usually accomplished by gaining the support of a majority (Hayes 2009:2). At this stage, policymakers adopt a new policy or amend an existing one.
4. **Implementation:** The authorised policy is administered and enforced by an agency of government (Hayes 2009:3). During this phase, critical decisions are made, which will ultimately determine the effectiveness of the policy, such as the human resources and capital investment required.
5. **Evaluation:** The impact of the policy is assessed. Defined goals are used to measure the effectiveness of the policy and its components. Side-effects must also be discovered and assessed. The findings of evaluation may be that no change, minor modification, a complete overhaul, or even (but rarely) termination is required. Policy evaluation is also useful in identifying if there were any unintended outcomes. The feedback provided by evaluation is injected back into the agenda-setting stage, thus closing the loop of the cycle (Hayes 2009:3). The policy life cycle continues until an effective policy has been created and successfully implemented. This can normally happen through an evaluation of a programme which has been used to implement a specific policy or legislation.

Wollmann (2003b:4) describes evaluation as “a phase of the policy cycle which refers to the reporting of such information back into the policy-making process.” The end results of the policy process may allow for alterations to the policy, but such alterations can only occur as a result of activities in each stage of the policy cycle. Different strategies are often required to create one policy alteration. In the case of the study, given the problems confronting the Land Restitution Programme, programme evaluation results need to inform the broader policy process of restitution for programme development and implementation. An evaluation framework may be the best option to inform decision-makers about the performance of the Land Restitution Programme and address shortcomings.

1.4 Preliminary Theoretical Review

According to Cloete (2009:297), “until 2005, only individual staff performance evaluations were institutionalized which were regularly and systematically carried out in the South African government. Policy programme monitoring and evaluation, however, were not undertaken, managed and coordinated systematically in the South African Public Service. These activities were undertaken sporadically by line function departments for purposes of their annual departmental reports.” The presidency (2007b) argued that the Government-wide Monitoring & Evaluation (GWM&E) system should not be associated with the start of monitoring and evaluation activities in the public sector. The initiative should be viewed as a milestone, in that it draws together the different role players in an effort to standardise the way in which monitoring and evaluation is practised in government. Prior to the GWM&E initiative, various initiatives were introduced by national departments to track their performance. The biggest critique of these reforms was the fact that they lacked integration with other spheres of government. Cloete (2009:297) stated that “the GWM&ES in its current form is, therefore, nothing more than an emerging Monitoring & Evaluation (M&E) framework based on a collection of disparate documents published by different departments, each from its own line function perspective.”

Evaluation looks at the long-term perspective, is more definitive, and is based mostly on in-depth analysis. The Public Service Commission currently undertakes three-year cycles of monitoring and evaluation of the public service, using the basic values and principles of Section 195 of the Constitution of the Republic of South Africa. Besides the fact that the three-year cycle is time-consuming, it does not provide a complete picture of performance (Luthuli 2007:172-173). The process could be viewed as merely serving the reporting demands of government by collating service delivery information from various departments.

According to Mouton (2010:101), “one of the National Departments that became involved in monitoring and evaluation quite earlier on is the Department of Land Affairs. An extensive Geographical Information System was set up to assist with project monitoring. Policy evaluation activities were undertaken to ‘zoom in’ on specific projects and were referred to as diagnostic studies. Two examples of these studies conducted in the

2003/2004 year include an investigation into the challenges faced by Labour tenants and Land owners who acquired land through the land reform programme, as well as an evaluation of the restitution process where methodologies included desktop research, interviews and discussions with relevant officials.” Evaluations are mostly conducted in relation to planned performance, and use techniques such as surveys and case studies. The aim is generally to establish whether the objectives have been achieved, and to identify sources of problems and decide how these can be corrected (Luthuli 2007:173). Some of the performance information that government collected through desktop research, surveys, and case studies could be valuable in formulating a policy evaluation framework. However, the manner in which this evaluation process was conducted should be critically assessed, i.e. the tools used, methodologies, and strategies.

Evaluating the performance of public policy is considered fundamental in fostering accountability and good governance and improving programme effectiveness. Efforts to build and sustain effective evaluation systems face challenges of institutional design, political dynamics, limited technical skills, and resistance to change. Innovative practices of other developing nations may provide important lessons. Many governments evaluate public policies and have designed centralised evaluation systems for national development plans and programmes. The intention is to increase both the supply of and the demand for credible evidence to inform decision-making regarding public policies (United Nations Development Programme 2011:8). Authentic and empowering implementation of the Restitution Programme may only occur once policy-makers are confident that all those affected by the Programme, from inception to completion, can share in the decision-making process and change pre-determined objectives of the policy.

Latib and Goldman (2012:157) state that is of the view that in the past there has been no national evaluation system, and while evaluations have been conducted, each department has used its own approach, and there has been no central repository of evaluations across government. In practice, the focus over the past decade has been on monitoring, rather than evaluation. In 2011, the Department of Performance Monitoring and Evaluation (DPME), having decided to establish a national evaluation system, sought

to learn from other countries with established evaluation systems, including Mexico, Colombia, and Australia. Following study tours to these countries in 2011, the National Evaluation Policy Framework (NEPF) was drafted and approved in November 2011. The focus of the NEPF is to enhance the use of evaluation in government in order to enhance government's performance through policies, plans, programmes, and projects. The aim of the NEPF is to establish a common perspective on evaluation, introduce an institutional framework for evaluation, and promote the use of evaluation results.

The South African government implemented the Land Restitution Programme with the intention of redressing historical land ownership patterns and compensating those who were affected by disposessions. Institutions, programmes, human resources, and other capacities were put into place to ensure the success of the Land Restitution Programme. To evaluate the achievement of the objectives of the Policy and/or Programme, government needs to put in place an evaluation framework for assessing the Restitution Programme, specifically the pace at which backlogs in claims settlement are addressed, to determine required changes.

According to Karuiki (2013:34), the limitations of the Land Restitution Programme are explicitly acknowledged in the 2011 Green Paper on Land Reform, which names “a problematic restitution model and its support system” as one of the primary challenges hindering South Africa's land and agrarian reform. The 1997 White Paper on South African Land Policy, which was published three years after the passing of the 1994 Restitution Act, mandated that progress achieved by the Restitution Programme be “evaluated periodically, to review time frames and eliminate any delays which may occur.”

The NEPF (V11:2011) defines *evaluation* as “the systematic collection and objective analysis evidence on public policies, programmes, projection, functions and organizations to assess issues such as relevance, performance (efficiency and effectiveness), value for money, impact and sustainability, and recommend way forward.” Putting this definition of evaluation into perspective, Latib and Goldman (2012:157) state that the NEPF

furthermore outlines the different types of evaluation to be conducted, which are discussed in detail in Chapter 3:

- 1.4.1 diagnostic evaluation: identifying the root cause of problems and potential options to address these;
- 1.4.2 design evaluation: a short programme design evaluation by monitoring and evaluation units within departments, to ensure that designs are robust — ideally before implementation starts;
- 1.4.3 implementation evaluation: measuring an intervention's progress, and determining how it can be strengthened;
- 1.4.4 impact evaluation: identifying the impact of interventions and how these can be reinforced;
- 1.4.5 economic evaluation: determining the cost-effectiveness (or cost–benefit) of interventions; and
- 1.4.6 evaluation synthesis: identifying lessons learnt across a number of evaluations.

In accordance with the National Evaluation Plan (2012:19) of the presidency, the DRDLR, in collaboration with the DPME conducted an impact evaluation of the Restitution Programme, with a focus on social and economic change as a result of the Programme since its inception. The study has unpacked the possible findings, with the intention of positively critiquing these. In this regard, Latib and Goldman (2012:157) state that, “because the policy framework is relatively new, Department of Performance, Monitoring and Evaluation is developing guidelines, standards, competencies and training to support capacity in government. The main focus is now on the development and implementation of a National Evaluation Plan with the principal evaluations for the government to be proposed by sector departments and approved by Cabinet with the target of 8 evaluations in 2012/13, 15 in 2013/14 and 20 in 2014/15.”

Given that the NEPF's outlines of different types of evaluations to be conducted by the government as per the proposals by sector departments is relatively new, it is crucial to put in place an effective policy evaluation framework. While significant progress may have been made regarding the adoption of the NEPF, evaluation of Land Reform Policy's

Restitution Programme remains a challenge for government. Therefore, there is a need to look at how all types of evaluations mentioned in the NEPF may enhance implementation of the Restitution Programme, specifically, in the study, in the Northern Cape.

1.5 Aim and Objective of the Study

The aim and objectives of the study are as follow:

1.5.1 Aim of the Study

The aim of the study is to develop an evaluation framework for the Restitution of Land Rights Legislation as executed through the Restitution Programme, with the Northern Cape as a case study.

1.5.2 Objectives of the Study

The objectives of the study are:

1. Establish whether a policy evaluation framework for the Restitution of Land Rights Legislation is in place, with specific reference to the Restitution Programme as implemented in the Northern Cape;
2. Ascertain which programmatic and institutional components are deficient and adversely affecting evaluation of the Restitution Programme;
3. Assess the role that is currently played and should be played by internal stakeholders, non-government actors, and communities in the evaluation Land Restitution Programme;
4. Develop a programme evaluation framework for the Land Restitution Programme; and
5. Assess the lessons learnt from the case of the Northern Cape for future evaluations.

1.5.3 Research Questions

The study was be guided by the following research questions:

1. Is there a Land Restitution Programme evaluation framework in place?
2. Which programmatic and institutional components are deficient and adversely affecting evaluation of the Restitution Programme?
3. What role is currently played and should be played by internal stakeholders, non-governmental actors and communities in the evaluation of Land Restitution Programme?
4. Has progress been made towards the achievement of the objectives of the Restitution Programme in the Northern Cape? and
5. What are the lessons learnt from the case of the Northern Cape for future evaluations?

1.6 Significance of the Study and Contribution to the Current Body of Knowledge

The importance of the study is that it will:

- give meaning to the evaluation of the implementation of the Land Restitution Programme;
- demonstrate the importance of policy evaluation framework, with specific reference to the case of the Northern Cape;
- identify impediments faced by government in meeting its land reform objectives;
- demonstrate what led to government taking the decision to re-open the restitution process;
- identify policy evaluation strategies;
- identify policy evaluation models;
- develop a Land Restitution Programme evaluation framework;
- demonstrate the lessons learnt from the implementation of the Land Reform Policy's Restitution Programme for future policy and programme development, evaluation, review, redesign, and implementation;
- Give an overview of the role played and the role that should be played by non-governmental actors and communities on the implementation of such a policy.

- Improve decision-making and increase knowledge on the efficacy of strategies with regard to the Restitution Programme.

1.7 Operational Definition of Concepts

The following key concepts are used throughout the study, and are briefly defined.

1.7.1 Public Policy

According to Kilpatrick (2011:1) “the public policy can be defined as a system of laws, regulatory measures, courses of action, and funding priorities promulgated by a government entity or its representatives”. Policies are established ways of doing things and public policies are those that are adopted to address problems, thus it is expressed in the body of laws, regulations, decisions, and actions of government (Birkland 2011).

1.7.2 Policy-making Process:

Public policy-making is a process of deciding what is and is not a problem, choosing which problems to solve, and deciding on solutions. In the process, problems are identified and defined by various interested actors and groups. Solutions are achieved through mutual adjustment and adaptation of interests (Coplin and O’Leary 1998: 1). It is a series or a pattern of related decisions to which many circumstances and personal, group, and organisational influences have contributed. The policy-making process involves many sub-processes, often extending over a considerable period of time. The aims or purposes underlying a policy are usually identifiable at a relatively early stage in the process, but these may change over time and, in some cases, may be defined only retrospectively (Cloete et al. 2006:15).

Public participation, policy evaluation, implementation, and review are part of the policy-making process, and are reviewed below.

1.7.3 Public Policy Implementation

The policy implementation process is a social action designed to effect change — a marginal solution to an observed problem — in the government (Kiviniemi 1986). Implementation is hierarchical, with influences flowing downward through the hierarchical levels, via a chain of delegation, to the service delivery level (Robichau & Lynn 2009).

1.7.4 Evaluation

According to the presidency (2007b), “evaluation is a time-bound and periodic exercise that seeks to provide credible and useful information to answer specific questions to guide decision making by staff, managers and policy makers. Evaluations may assess relevance, efficiency, effectiveness, impact and sustainability. Impact evaluations examine whether underlying theories and assumptions were valid, what worked, what did not and why. Evaluation can also be used to extract crosscutting lessons from operating unit experiences and determining the need for modifications to strategic results frameworks.”

Evaluation can provide a base of evidence on how policies and programmes can be implemented in terms public resource allocation, assist in making informed decisions, and identify how challenges should be addressed and successes replicated.

1.7.5 Policy Evaluation

Policy evaluation is a systematic process for assessing the outcomes of public policies. Evaluation uses social science research methods, including qualitative and quantitative techniques, to examine the effects of policies (Rossi 2004:1). According to Howlette and Ramesh (2003:87), policy evaluation is the stage of the policy process at which it is determined how a public policy has actually fared in action. It cannot be assumed without any evidence that a certain measure is a solution to a problem without evaluating a policy. A proper evaluation process needs to be undertaken to understand how government is performing in achieving its policy objectives. Policy evaluation results are critical in feeding back into the policy process, in order to adjust the policy to a changing environment.

1.7.6 Policy Evaluation Framework

According to the National Evaluation Plan (2012:1), the NEPF “seeks to set out an approach in establishing a National Evaluation System for which sought to address the problem that evaluation is applied sporadically and not informing planning, policymaking and budgeting sufficiently. It offers an opportunity to improve government’s effectiveness, efficiency, impact and sustainability measures.”

The National Evaluation Plan (2012:1-2) states that the NEPF and the National Evaluation System seek to:

- provide an institutionalised system across government, linking planning and budget;
- provide a common language and conceptual base for evaluation in government;
- indicate clear roles and responsibilities related to evaluation;
- ensure that the utilisation of evaluation findings improve performance;
- improve policy or programme performance by providing feedback to managers;
- improve accountability for public spending and the difference it is making;
- improve decision-making and increase knowledge of what works and what does not work with regard to a public policy, plan, programme, or project.

A policy evaluation framework can be said to be a set of management processes, standards, strategies, and plans that enables an institution to implement its decisions and discharge its functions from an informed point of view. It entails a circular process, whereby feedback from evaluation influences the organisation’s decision-making, service delivery, and policy- and programme implementation.

1.7.8 Restitution of Land

According to the Law Teacher (2003-2012:1), “the law of restitution means the return of property to the owner or person entitled to possession. If one person has been unjustifiably received either property or money from another, he has an obligation to restore it to the rightful owner in order that he should not be unjustly enriched, or retain an unjustified advantage.”

The Restitution Act, promulgated on 2 December 1994 by the South African government, served to restore land confiscated from communities and people who previously owned

it. Past racially discriminatory laws disenfranchised certain groups by depriving these people of the land to which they were entitled. The Bill of Rights on the Constitution of the Republic of South Africa, with its emphasis on democratic, libertarian principles, guarantees "equitable redress for such dispossession," and immunity from and protection against unwarranted deprivation of land" (Land Rights Act 22 of 1994).

The underlying principle of the Restitution Programme as part of the Land Reform Policy has two legs of tenure and redistribution, with restitution aimed at addressing the legacy of landlessness by restoring land to those who were forcefully removed from their land of origin.

The White Paper on South African Land Policy (1997:12) describes Land Redistribution Programme as the one which seeks to provide the poor with land for residential and productive purposes in order to improve their livelihoods. The government provides a single, yet flexible, redistribution mechanism which can embrace the wide variety of land needs of eligible applicants. Land redistribution is intended to assist the urban and rural poor, farm workers, labour tenants, as well as emergent farmers.

The Upgrading of Land Tenure Rights Act 112 of 1991 states that the Land tenure right means any leasehold, deed of grant, quitrent or any other right to the occupation of land created by or under any law and, in relation to tribal land, includes any right to the occupation of such land under the indigenous law or customs of the tribe in question.

Given the many problems that may be facing the Land Restitution Programme since its inception, government has also focused on the implementation of land redistribution programme and tenure reform described above with the envisioned outcomes of an expanded, more inclusive and well-capacitated land reform programme. Therefore, the study considered, among others, to evaluate the administrative, fiscal, legal and socio-economic feasibility of the Land Restitution Programme, well as its inter and intra-departmental relations with other programmes and stakeholders.

1.7.9 Public Participation

Bekker (1996:41) defines public participation as "an activity undertaken by one or more individuals previously excluded from the decision-making process in conjunction with one or other individuals who were previously the sole protagonists in that process." Warburton

(1997:7) views public participation as “essentially having to do with involving the people affected by decisions in making, implementation and monitoring of such decisions. This is a concern for human development and an increase in people’s sense of control over issues which affect their lives. In essence, it breaks people’s isolation and lays the groundwork for them not only to have a more substantial influence on development, but also a greater independence and control over their lives.”

Public participation, therefore, is an interaction between citizens and the authorities on a proposed action, the sharing of power, and reaching consensus with citizens in order to shape a final decision.

1.8 METHODOLOGY FOR THE RESEARCH

1.8.1 Literature Review

Mouton (2001:86) identifies a literature review as, “either as a study on its own, which some people prefer to call a ‘literature study,’ or as the first phase of an empirical study.” A document study is the first phase of the present empirical study. The literature review included consulting various sources of information, such as books, reference materials, journal articles, newspapers, magazines, reports, internet sites, theses, and dissertations relating to the topic. Data collected from these sources is validated, consolidated, and integrated. It is important to understand and explain, using evidence from the data and literature, the phenomenon under study. The study critically looked at the efforts and ways by which government, research institutions, the private sector, and civic organisation attempted to facilitate implementation of the Restitution Programme.

1.8.2 Qualitative Research

The study is qualitative in nature, and a grounded theory approach is the method of analysis. Henning, Van Rensburg, and Smit (2004:3) state that qualitative studies focus on questioning the nature of a phenomenon, with the purpose of describing and understanding it from the participants’ point of view. Leedy (1997:104) defines “a

qualitative study as an enquiry process for understanding a human or a social problem by building a complex, holistic picture, formed with words, reporting detailed views of informants, and conducted in a natural setting.” Hoflund (2013:472) makes the observation that “a qualitative approach also allows one to describe the naturally unfolding program processes, impacts and provides a certain richness in the research such as the participants’ thoughts, opinions, and experiences are captured in their own words that one may not be able to get through the use of another. That is, a qualitative approach allows one to ‘lift the veils’ surrounding an area of study.”

1.8.3 Research Approach

Goduka (2012:130) is of the view that the presence of ontological, epistemological, axiological, methodological, and rhetorical philosophical assumptions with which researchers approach their research is widely accepted by various authors. A consideration of these philosophical assumptions is therefore a central feature of any discussion about the nature of scientific research as these elements give shape and definition to the conduct of an inquiry.

According to Hall et al. (2013:18) although there is an ongoing discussion in the research community, the most commonly cited paradigms are positivism, post-positivism, critical theory and constructivism, as described by Guba and Lincoln (1994). Differences between the assumptions of (different paradigms reflect differences in philosophical ideals, and have a significant effect on the process and interpretation of research. Appreciating the paradigm used by researcher can be said to an important aspect of interpreting a study. Grounded theory studies are said to be situated in various paradigms, including positivist, post-positivist and constructionist. It is therefore critical for the study to give a brief overview of these paradigm modifications focusing on the positivist, post-positivist and constructionist. The method of study was therefore be a grounded theory, with an approach on social constructionist. This is because the researcher need to appreciate the complexity of evaluating a complex programme such as the Land Restitution. The reason for the use of social constructivist paradigm is that

is widely used as a philosophical assumption most suited where there is an absence of theory underpinning a research area.

1.8.4 Case Study

A case study research assumes that examining the context and other complex conditions related to the case(s) being studied are integral to understanding the case(s). An empirical inquiry about a contemporary phenomenon (e.g., a “case”), set within its real-world context—especially when the boundaries between phenomenon and context are not clearly evident (Yin 2003: 18). Case study method is commonly used in conducting evaluations (Yin 2003:45). The study is using the Northern Cape as its case study to evaluate the Land Restitution Programme.

1.8.5 Population

Keeves (1988:102) states that “the researcher must be clear about the population to be studied and the nature of the units composing that population if the findings are to have the intended generality, the intended or target population should be defined.” The target population is the entire group in which a researcher is interested (Easton and McColl 2008:1). According to Davis (2011:382), “the population is the total set of persons of interest in a study.

There are two types of populations: an accessible population (from which a study participant are selected) and a theoretical population (the entire universe of persons a researcher wants to study). In the study, the theoretical population was everybody who could be affected by the Land Reform Policy’s programme of Land Restitution, which includes, among others, the Northern Cape Provincial Department of Agriculture, Rural Development and Land Reform (DARDLR), the National Department of Land Reform and Rural Development (DLRRD), the Commission of Restitution of Land Rights (CRLR), and the Land Claims Court (LCC). In addition, this include 19 restitution areas or communities affected by restitution, as reported by the Department of Rural Development, Agriculture and Land Reform in its culminative statistics for 1995–2009, which reported 169 unsettled

claims to date. Some of these areas are listed in Table 1, below.

Table 1. Department of Agriculture, Rural Development, and Land Reform in its culminative statistics of 1995-2009

No :	Restitution area	Number of household beneficiaries
1	Riemvasmaak Benede-Oranje	172
2	Kono	2 000
3	Groenwater	500
4	Skeifontein	500
5	Ronaldsvlei	300
6	Mier	1 000
7	Khomani San	600
8	Schmidtsdrift I	2 000
9	Schmidtsdrift II	250
10	Majeng	2 100
11	Thagadiipelang/Hartswater	400
12	Bucklands	350
13	Malay Camp	200
14	Kimberley	100
15	Dikgweng	237
16	Grootvlakfontein Khuis	180
17	Smouswane	350
18	Barkley West	200
19	AA Martin	5
	Total number of households	11 444

1.8.6 Sampling

The key to qualitative research and, in particular, executing grounded theory is to generate enough data to allow patterns, concepts, categories, properties, and dimensions of the given phenomena to emerge. Therefore, it is essential to obtain an appropriate sample size to generate sufficient data (Thompson 2011:46). Seaberg (1988:240) defines a sample as a small portion of the total set of objects, persons, events, organisations, units, and case records that, together, form the population. Casley and Kumar (1988:76) argue that the purpose of sampling is to customize resources that are needed to collect and analyse stabilized data. Instead of using information from all members of the population, one collects it from only a part of the population; this part is taken as representative of the whole. The study therefore selected a sample which is part of the identified population from the communities affected by the Land Restitution Programme, as well as government entities dealing with such a programme in the Northern Cape. For the purpose of having a controllable study and avoid the researcher being all over the ground with the study, the study has requested only one representative from each identified community and government entity.

1.8.7 Theoretical sampling

Theoretical sampling is the course of data collection for generating theory, whereby the researcher and the analyst jointly collect, code, and analyse the data and decide what data to collect next and where to find these, in order to develop the theory as it emerges. This process of data collection is controlled by the emerging theory, whether substantive or formal (Fernandez 2005:53). Theoretical sampling is a key element of the method and the single most important contributor to the 'fit' of a theory. Without theoretical sampling and the constant comparison and assessment of the contribution achieved by new slices of data, it will be impossible to establish how saturated the theory is. In fact, theoretical sampling is the most important assurance that a theory 'works,' i.e. explains 'what is actually going on.' This data-collection process continues until theoretical saturation is

reached (Glaser & Strauss, 1967:61), which indicates that the substantive theory has been satisfactorily developed (Urquhart, Lehmann and Myers 2010:371).

Theoretical sampling begins during the data collection phase of a study, and involves searching the transcripts for emerging categories that characterise the narrative and seem significant. Theoretical sampling is said to be the process of data collection for generating theory whereby the analyst jointly collects, codes, and analyses data and decides what data to collect next and where to find them, in order to develop theory as it emerges. This process of data collection is controlled by the emerging theory, whether substantive or formal (Glaser 1978).

Theoretical sampling's primary function is to provide the researcher with the opportunity to discover properties of the core variable under study by collecting new data to check, fill out, and extend conceptual categories. Theoretical sampling and constant comparison are cyclical processes that are fluid and flexible, but, at the same time, ensure that the analysis is planned and well-grounded in the data, rather than haphazard, which can lead the analyst down unproductive paths and away from the focus of study (Lawrance and Tar 2013:36).

Sampling in grounded theory is directed by the evolving research, and is an ongoing part of data collection and analysis, both of which, in turn, direct the researcher in further sampling (Burden and Rood 2007:14). The researcher has deliberately collect data from the sample to generate theory. The purpose of sampling on the study was to generate theory by following the grounded theory data analysis process of coding till theoretical saturation. The process of analysing data in grounded theory is called *coding*, either open, axial, or selective which are discussed later on the chapter.

Purposive sampling is a method of non-probability sampling. Researchers rely on their experience, ingenuity, and/or previous research experience and findings to deliberately obtain units of analysis in such a way that the sample they obtain may be regarded as being representative of the relevant population (Huysamen 1994:44). Purposive sampling is based entirely on the judgment of the researcher, in that the sample is composed of participants who represent the characteristics of the population (Singleton

et al. 1988:153). Purposive sampling is defined by Guarto and Barrios (2006:277) as “a nonprobability sampling technique which researchers use when they want to recruit study participants from specific, predefined groups.” Due to the experience and daily involvement of the managers responsible for implementation of the Restitution Programme in the Northern Cape, the present researcher believes that their views will provide a comprehensive picture of the state of the implementation of the Restitution Programme in the Northern Cape. Therefore, the study utilised purposive sampling to select participants from the relevant institutions, which are:

- a) National Department of Land Reform and Rural Development;
- b) Provincial Department of Agriculture, Land Reform and Rural Development in the Northern Cape;
- c) the Regional Land Claims Commission; and
- d) the Land Claims Court.

From each of the above mentioned government entities, one (1) official/manager responsible for the Land Restitution Programme has participated in sampling. This is because the focus or interest of the study is on how each government entity relate to Land Restitution Programme. Suffice to say only one experienced or knowledgeable official responsible for the management or administration of Land Restitution Programme in each mentioned government entity was relevant for the sample of the study.

Systematic random sampling was used in the present study to gather participants for the focus groups. According to Fox and Bayat (2007:56), “Systematic random sampling is a method that is often applied because of its simplicity which involves drawing a particular number from a list of items arranged in sequence on some predetermined basis and requires less time and costs.” Systematic random sampling was an additional type of sampling employed in the research. It allowed the researcher to conduct sampling in a specified or predetermined sequence in communities in the Northern Cape affected by the Restitution Programme. Data have been collected from the following community representatives from the following communities:

- e) Metsimatala;
- f) Dikeying;
- g) KhoiSan;
- h) Majeng; and
- i) Pniel – (Barkley West).

1.8.8 Data Collection Methods

1.8.8.1 Focus Groups

At the simplest level, a focus group is an informal discussion among a group of selected individuals about a particular topic. A focus group, as a research method, 'involved more than one participant per data collection session' (Wilkinson 2004: 271). As such, the focus group method is sometimes referred to as a focus group interview, a group interview, or a group depth interview. Broadly speaking, focus groups are 'collective conversations', which can be small or large (Kamberelis & Dimitriadis 2008: 375). Focus groups are group discussions which are arranged to examine a specific set of topics. The group is focused because 'it involves some kind of collective activity' (Kitzinger 2005: 56). The primary aim of a focus group is to describe and understand meanings and interpretations of a select group of people to gain an understanding of a specific issue from the perspective of the participants of the group (Liamputtong 2009). Methodologically, focus group interviews involve a group of 6–8 people who come from similar social and cultural backgrounds or who have similar experiences or concerns. They gather together to discuss a specific issue with the help of a moderator in a particular setting where participants feel comfortable enough to engage in a dynamic discussion for one or two hours. Focus groups do not aim to reach consensus on the discussed issues. Rather, focus groups 'encourage a range of responses which provide a greater understanding of the attitudes, behavior, opinions or perceptions of participants on the research issues' (Hennink 2007: 6).

For the purpose of the study, focus groups were used because they provided the researcher with insights into how people think and provide a deeper understanding of restitution areas as a phenomena being studied. It was the believe of the researcher that focus groups are group interviews that gave the researcher the ability to capture deeper information more economically than individual interviews from the said communities being brought together under one roof as a focus group. One (1) community figure from the communities of Dikeying, Metsimatala, Majeng, Pniel, and KhoiSan, was represented on the focus group interviews. This means that focus group discussions had one member per the identified community.

1.8.8.2 Interviews

According to Thompson (2011:45), “interviews are one of the most frequently used method of data collection and grounded theory has emerged as one of the most commonly used methodological frameworks.” Interviewing is one of the data collection techniques that was used to collect data in the study. Greenfield (2002:209) stated that “the purpose of interviewing is to find out what is in and on someone else’s mind. Interviews are conducted to find out from people being interviewed those things that the researcher cannot directly observe.”

Holstein and Gubrium (1997:105) state that “interviewing provides a way of generating empirical data about the social world by asking people to talk about their lives. Because of this interaction the researcher is able to explain to the respondents questions that they do not understand.” The study prioritised the use of semi-structured interviews, with the intention of collecting more data that can be useful to the study in an interactive manner.

In-depth, semi-structured interviews, according to Kozak (2011:1), is “a type of interview which researchers use to elicit information in order to achieve a holistic understanding of the interviewee’s point of view or situation; it can also be used to explore interesting areas for further investigation.” Since grounded theory as a methodology requires the researcher to re-visit the studied area until the information that is provided becomes repetitive, unstructured interviews were more suitable to the study.

Interview guides, according to Drapper and Swift (2010:7), are compiled according to “the degree to which questions will formally be worded and defined before the interview [and] depends upon the level of structure that has been chosen as most appropriate. If semi-structured interviews have been selected, the questions will not be predefined, but an interview guide is still required which will include how introductions will be made, how the interview will be opened and closed, as well as prompts or probes to elicit information more fully on certain issues.” Since the researcher will be using grounded theory, the researcher will use statements, instead of questions, for discussions which will serve as interview guides to direct the flow and the manner in which interviews will be conducted. According to Age (2011:1600), “data collection in grounded theory methodology begins with a sociological perspective of a general problem area, rather than a preconceived conceptual framework. The researcher thus starts with an attitude of openness, which seeks to ensure that the emerging of concepts never fails.” For this reason, the researcher has used the contextual background of the study which relate to the scope of work of the government entities sampled and communities partaking on focus group discussions.

1.8.8.3 Storage of Data

Both digital and paper-based approaches to holding and processing qualitative research data bring with them their own storage and security problems that need to be taken care of by the researchers. It is important that the holes in the storage and security of data patched (Aldridge & Medina 2008:4). According to Aldridge & Medina (2008:4-8) addressing such holes in storing and securing of data (where data are held, in what forms, by whom, on which devices, and over what period) is addressed by the following guidelines:

- Passwords to protect access to files, computers and devices are useful, and should be employed. However the protection offered by many password features is flimsy, and can be relatively easily by-passed;
- Use encryption software to provide secure places to hold data on desktop and laptop computers, and on portable storage media such as memory sticks;

- Consider storing data online using an anonymous password protected webpage.
- Make back-ups of work carried out on encrypted computer disks to portable encrypted media (e.g. memory stick), and store this separately to the computer where original work is carried out;
- Simply deleting files from a computer's hard disk does not remove them permanently;
- Minimise paper printouts of data; and
- Anonymise interviews and fieldwork notes as early as possible into the data collection process.

Storage of data relating to these research would be taken seriously from the outset to ensure that valuable qualitative data resources are kept safe during the research process and beyond if data is to be formally archived. That researcher has used both digital and non-digital aspects of storage. Qualitative data usually include transcribed interview, field notes, and observations, and they may also include audio recordings and video recordings or photos. These data was increasingly created in a digital format to be prepared for longer term storage using best practice procedures such as those possibly provided by information, communication technology practitioners.

1.8.9 Method of Analysis

According to Andrews, Higgins, Andrews, and Lalor (2012:2) "Grounded theory is a research methodology primarily associated with qualitative research. When using grounded theory, the researcher does not focus on testing hypotheses taken from existing theoretical frameworks, but rather develops a new theory from data collected in the field." The grounded theory method offers a rigorous, orderly guide for theory development. Although structured and systematic, it is designed to allow the researcher to be free of the structure of more forced methodologies. Its real strength lies in its open-ended approach to discovery. The four techniques that lie at the heart of the classic grounded theory method are: coding (open and theoretical), constant comparative analysis,

theoretical sampling and theoretical saturation Andrews, Higgins, Andrews, and Lalor (2012:3). The research thus used the grounded theory research method to collect or develop data from the Northern Cape. Such data was analysed to develop theory.

Grounded theory as a methodology discovers, develops, and provisionally verifies findings through systematic collection and analysis of data pertaining to a particular phenomenon. It is invaluable when conducting empirical research. It is attractive to researchers using qualitative techniques for the first time, as it offers well sign-posted procedures. Using this method, conceptual properties and categories may be 'discovered' or generated from the qualitative data by following a number of guidelines and procedures. Grounded theory is iterative, requiring a steady movement between concept and data, as well as comparative, requiring a constant comparison across types of evidence to control the conceptual level and scope of the emerging theory (Lawrence and Tar 2013:30).

Lawrence and Tar (2013:32) state that "data analysis in grounded theory involves specific procedures which, when applied appropriately and with vigilance will result in theory that is rigorous and well-grounded in the data. These procedures should be thought of as rules of thumb, rather than hard or fixed rules." The process of analysing data in grounded theory is called *coding*, either open, axial, or selective. The researcher have manually coded the data collected from sampling by analyzing each slice of data as per the guidance of the grounded theory coding process. The following coding grounded theory process have been used to analyse data that have been gathered from the field. The researcher have used these rules of coding to develop data that have produced theory.

1.8.9.1 Open Coding

The process of open coding permeates the whole research process: "incidents are compared to incidents and then concepts to more incidents," to generate more conceptual properties. Finally, concepts are compared to concepts, with a view to integrate the theory (Age 2011:1600). Lawrence and Tar (2013:31) state that open coding is the analytic process through which concepts in the data are identified and their properties and dimensions are discovered. This part of analysis pertains specifically to the naming

and categorising of phenomena through close examination of the data. Open coding have been an initial stage of data analysis for the study, where raw data is analysed to identify incidents and concepts by examining data. This means that a very raw data relating to the evaluation of land restitution programme in the Northern Cape been identified and arranged in an orderly manner.

1.8.9.2 Axial Coding

Axial coding is the process of relating categories to their subcategories, linking a category at the level of properties and dimensions. A coding paradigm involving conditions, actions and interactions, and consequences. The focus of axial coding is to create a model that details the specific conditions that give rise to a phenomenon's occurrence (Brown, Stevens, Troiano and Schneider 2002:5). According to Lawrance and Tar (2013:31), "axial coding involves re-building the data (fractured through open coding) in new ways by establishing relationships between categories and their subcategories. It is termed axial/ because coding occurs around the axis of a category, linking categories at the level of properties and dimensions. Therefore, the axial codes typically represent categories that describe the open codes, and the researcher thus continue to code and compare the concept to more incidents". Axial coding is a second stage of data analysis in grounded theory where by the researcher have linked the developed categories and/or subcategories from data developed from open coding. Relating categories to subcategories of data has happen after the second slice of data have been collected from sampling. The researcher have of course continued to collect data beyond axial coding.

1.8.9.3 Selective Coding

Selective coding is not very different from axial coding, but takes place at a higher, more abstract level of analysis. Selective coding entails the process of selecting the core categories, systematically relating them to other categories, validating those relationships, and filling in categories that need further refinement and development. These steps are not necessarily taken in linear sequence, nor are they distinct in actual practice (Burden and Rood 2007:15-16). Age (2011:1601) states that, by continuing this procedure of constant comparison, the researcher establishes a 'core category,' which is

a category that holds all the categories together. When the core category has emerged, the researcher undertakes the process of selective coding, whereby the inbound data are compared to the core category in a more exact routine than the one used to initially establish the initial categories. In this course of 'selective coding,' only variables related to the core category which is evaluation of Land Restitution Programme are considered. At this stage, the researcher has continued to compare and select data to establish core categories from the codes which were developed from axial coding stage. At this stage, the researcher started the dropping of irrelevant data and only considered the relevant data relating to the topic of the study.

1.8.9.4 Theoretical Saturation

Andrews et al. (2012:7) state that of the seminal literature on grounded theory do not prescribe a sample size or limits on the number of participants or data sources. The aim is sampling for saturation and completeness, which results in an ideational sample, as opposed to a representative sample. Therefore, the criterion of theoretical saturation guides the researcher on when to stop sampling.

Lawrance and Tar (2013:33), on the other hand, state that "two analytic processes contribute to raising categories to conceptual categories — constant comparison, which is central in generating grounded theory, and theoretical sampling (Glaser and Strauss 1967). Both of these processes are achieved through a process Glaser (1978) called theoretical sampling and selective sampling of the literature. Essentially, the researcher needs to confront the conceptual categories with more data, in order to define them carefully, delineate their properties, explicate their causes, and demonstrate the conditions under which they operate, and spell out their consequences.

According to Thomson (2011:50), "constant comparison is central to the data analysis in generating grounded theory. Saturation normally occurs while data is still being collected. Although saturation might occur a large amount of data has been collected, it is good to practice to test the level of saturation by collecting a bit more data. Additional data collection acts as a form of validation of the patterns, concepts, categories, properties, and dimensions that the researcher has developed from the previous data collected".

Finally, after a period of data collection, a point is reached where no new data result from additional data collection (Mertens 1998). According to Seldén (2005:124), this is the point of saturation where one keeps on collecting data until one receives only already known statements. Only through high-quality data are meaningful and valid results developed, so it is essential that the researcher ensure that saturation occurs by comparatively analysing data until there are no new or varying developments from new data collected. Theoretical saturation occurred while data was collected from the identified government entities and communities. This means that the subject of evaluation of Land Restitution Programme was engaged through sampling until sources of information were exhausted by non-emergence of new relevant information flowing from the data being collected.

1.8 Scope of the Study

The DLRRD and the DARDLR are responsible for execution of the Land Reform policy, and responsibility for executing the Restitution Programme rests with the CRLR and the LCC, with the latter being tasked with resolving restitution disputes. The study explored the implications the deficiency of the evaluation framework of the Land Restitution Programme, using the Northern Cape Province as a case study, with a focus on community leaders, and the government institutions implementing the Programme.

The study also collected data from five communities affected by the Restitution Programme, specifically their leadership (chief, headman, or community leader).

While the study focused only on the Northern Cape, the results of the study may be generalizable to other provinces. In addition, the study critically examined information and data relating to the programme and practices related to restitution since 1994, as well as recent or current information and developments in this regard, including, among others, the extension of restitution of land rights beyond the inception of the 1913 Land Act per the 2014 Amendment Bill.

It was the aim of the study to enrich the outcome of the evaluation of the Land Restitution Programme in the Northern Cape by extending the collection of data to expert or active

individuals and institutions, such as academics, non-governmental organisations, and community structures dealing with land restitution issues.

1.10 Organisation of the Study

- **Chapter 1: Introduction to and Orientation of the study:** This chapter introduced the study and outlined the problem that was to be studied. The chapter provides a brief background to the study, the problem statement, a preliminary theoretical review, the aim and objectives, operational definitions of the concepts to be used in the study, the research design and methodology, the significance of the study, and the scope of the study. This chapter concludes with a description of the organisation of the study and a brief conclusion.
- **Chapter 2: Literature Review on Evaluation and Land Restitution Programme:** This chapter provides a review of the literature on different theories related to evaluation frameworks and developments related to the Land Restitution Programme.
- **Chapter 3: Research Design and Methodology:** This chapter discusses the choice of research design and the methodology employed in data collection. The grounded theory methodological framework, including interviews, and document analysis, data collection and analysis are discussed in detail.
- **Chapter 4: Data Presentation and Analysis:** This chapter presents the data collected from the focus group discussions and semi-structured interviews which serves as interview guide and purposively selected government officials involved in the Restitution Programme. The data collected is presented by means of tables and graphs, and analysed qualitatively.
- **Chapter 5: Mechanism for Evaluation of the Land Restitution Programme: A Discussion:** This chapter discusses the key findings obtained from the analyses presented in Chapter 4. Existing weaknesses in the current implementation of the Land Reform Policy's Restitution Programme implementation are outlined, together with the factors needed to enhance the implementation process.

- **Chapter 6: Conclusions, Implications and Recommendations:** This chapter summarises the main arguments and outline the resultant recommendations. It will conclude with a description of this research's contribution to the body of knowledge and recommendations for further research.

1.11 Summary

The chapter provided an introduction of and a brief background to the study on an evaluation framework for the Land Restitution Programme. The discussion on the background focused on the legislative framework within which the Restitution Programme takes place, including the White Paper on South African Land Policy (April 1997), which was the outcome of a process of formulating public policy. The Restitution of Land Rights Act (22 of 1994) and the Constitution of the Republic of South Africa, Section 25 (7) were highlighted. These describe the Restitution Programme as rights-based, in that eligible claimant have the right to restoration of, or compensation for, land of which they were forcefully dispossessed after 19 June 1913. Furthermore, a few shortcomings of the Land Restitution Programme were indicated.

The study provide a framework for conducting policy and/or programme evaluation. The aim and objectives of the study were outlined as being to develop a framework for evaluation of the Land Restitution Programme, with specific reference to the Northern Cape Province. The next chapter focuses on a theoretical overview on evaluation of public policies and programmes, as well as the Land Restitution Programme.

Chapter 2: LITERATURE REVIEW ON EVALUATION AND LAND RESTITUTION PROGRAMME

2.1 Introduction

South Africa went through a major review of policies in 1995 and 1996. This so-called 'White Paper Era' was followed by a phase of particular emphasis on service delivery (1997 to 2003), with a renewed focus on implementation by President Thabo Mbeki (Brynard 2005:3). Policies are generally delivered through programme implementation. The question that remains is how one evaluates a policy and its programme(s) to ensure successful execution and delivery. As policies are implemented, there should be ongoing evaluation. Policy implementation requires a coherent strategy with ongoing assessment and performance management mechanisms.

The promulgation of the Restitution of Land Rights Act (No. 22 of 1994) was lauded by many. Its goal was to offer a solution to people who had lost their land as a result of the racially discriminatory practice of forced removals. These removals entailed individuals being relocated to Bantustans or Transkei, Bophuthatswana, Venda, and Ciskei (TBVC), the so-called homelands under traditional leadership. After the 1994 elections, the government strived to redress the legacy of land dispossession resulting from colonialism and apartheid, among others, through a restitution process and, lately, the Amendment Bill published in Government Gazette No. 36826 of 13 September 2013 (Centre for Law and Society 2013:1).

This chapter gives an overview of literature relating to the topic of the study that created a framework on which the study was based. It was challenging to analyse the complexity of evaluating policies and restitution, due to limited scholarly articles on the subject matter.

2.2.1 Policy and Programme Evaluation

Since the focus of literature review of the present study is on evaluation, it is critical to provide an overview of the term.

Wall (1994:1) states that “evaluation is a purposeful, systematic, and careful collection and analysis of information used for the purpose of documenting the effectiveness and impact of programs, establishing accountability and identifying areas needing change and improvement.” In support, Trochim (2010:1) postulates that “Evaluation is the systematic assessment of the worth or merit of some object... Evaluation is the systematic acquisition and assessment of information to provide useful feedback about some object.” From the above, it is clear that evaluation has as purpose determining the outcomes of activity undertaken to achieve certain objectives. Findings resulting from evaluation can be used as lessons to implement projects, programmes, and policies efficiently and effectively in future.

Rutman and Mowbray (1983) argue that policy evaluation is “the use of scientific methods to measure the implementation and outcomes of policies for decision-making process.” While Chelimsky (1989) describes policy evaluation as “the application of systematic research methods to the assessment of its design, implementation, and effectiveness.” Milakovich and Gordon (2001) define policy evaluation as “systematic measures and comparisons which provide specific information on program results to senior officials for use in policy or management decisions.” Cloete (2009:295) states that policy evaluation is “the systematic judgment or assessment of policy programmes. It can include a systematic evaluation of resources, organizational processes to convert such resources into policy outputs or products, and the extent to which these policy programmes have the intended results in the form of outputs, outcomes or impacts, measured against envisaged goals and objectives.”

It can therefore be argued that policy evaluation fundamentally and deliberately employs ambiguous words such as 'object,' which could refer to a programme, policy, activity, etc. Scholars in the field of policy evaluation defend researching policy evaluation by

emphasizing that it is a scientific evaluation that involves collecting and sifting through data and making judgments about the validity of the information and inferences derived from it. Fundamentally, evaluation is to study the performance of a policy by way of collecting and sifting through data to give meaning to intended policy objectives.

At various times, policymakers, funding organizations, planners, program managers, taxpayers, or program clientele need to distinguish worthwhile programs from ineffective ones and launch new programs or revise existing ones so as to achieve certain desirable results. According to Rossi (2003:3) to do so, they must obtain answers to questions such as the following:

- What are the nature and scope of the problem? Where is it located, whom does it affect, how many are affected, and how does the problem affect them?
- What is it about the problem or its effects that justifies new, expanded, or modified social programs?
- What feasible interventions are likely to significantly ameliorate the problem?
- What are the appropriate target populations for intervention?
- Is a particular intervention reaching its target population?
- Is the intervention being implemented well? Are the intended services being provided?
- Is the intervention effective in attaining the desired goals or benefits?
- Is the program cost reasonable in relation to its effectiveness and benefits?

To respond to the said questions, evaluation of any programme or intervention may be vital to determine whether it works, to help refine programme delivery, and to provide evidence for continuing support of the programme. As a result, evaluation may not only provide feedback on the effectiveness of a programme but will also help to determine whether the programme is appropriate for the target population, whether there are any problems with its implementation and support, and whether there are any ongoing concerns that need to be resolved as the programme is implemented.

2.2.2 Challenges of Policy & Programme Evaluations

Evaluation covers a spectrum of areas and institutions and, within these, a wide range of issues and priorities with regard to policies, programmes, projects, targeted interventions, and initiatives. Evaluation is concerned with standards of accountability, transparency, relevance, public interest, representativity, and human resource practices, to name a few.

According to Madzivhandila, Griffith, and Fleming (2004:12), “the theory of evaluation is built on a dual foundation of accountability (accounting for actions and resources) and social inquiry (a concern for employing a systematic and justifiable set of methods).” An evaluation is a process of collecting information, making value judgments, and then using these in decision-making, which leads to action.

Evaluation investigates three components: the process, the product, and its use (Demarteau 2002). Due to a dearth of studies on the topic of evaluation, it is critical to devise mechanisms to improve evaluation in order to enhance policies, legislation, and programme decision-making, creating “the capacity or power of persons or things to produce effects on others by intangible or direct means” (Kirkhart 2000:5). In most instances, the government implements policies using programmes. Therefore, the evaluation of such programmes could be a means of evaluating policy performance.

Winbush and Watson (2000:303) state that “programmes are one means of achieving policy goals and programme evaluation contributes to policy evaluation. Hence, an evaluation of policies can be operationalized as the assessment of programmes. The need to link policies with organizational programmes and targeted interventions or projects is a perennial one.” Measuring the impact of programmes is complicated by the questions of causality and attribution, and the impact can be immediate or delayed, anticipated or unanticipated (Bhola 2000:162). The evaluation efforts may also cover a spectrum of areas and cover a wide range of issues and priorities.

Policy evaluation is faced by a series of challenges that makes it difficult to formulate effective evaluation frameworks (Sawin 2000:232). These may be some of the reasons

why many policies are not evaluated, or why governments are reluctant to evaluate policies. It is important to uncover some of the underlying reasons why this is a common occurrence, and whether it can be attributed to a government's inability or neglect to evaluate its policies. The following are different scholarly arguments on the underlying challenges of evaluation:

- i. The field of evaluation is fractionated; the practice is not unified (Sawin 2000:232). In this regard, Winbush and Watson (2000:303), Greene et al. (2001:181), Demateau (2002:455), the Tavistock Institute (2003:14), and Weiss (2005:1) argue that evaluation having varied roots has resulted in a diversity of complex theoretical models and different perspectives on what constitutes evaluation and what needs to be valued.
- ii. There is no generally accepted definition of the term *evaluation* (Shadish 1994:348-351). This is due to the lack of a theoretical base to provide a generalised frame of reference (Levin-Rozalis 2000:416).
- iii. The field of policy evaluation has no accepted core or centre (Sechrest 1994:361) or unifying theory (Scriven 1994:378-380; Shadish 1998:9).
- iv. There are arguments and ideological divides between policy evaluation practitioners (Sechrest 1994:226; Greene et al. 2001:181).
- v. Evaluation is a relatively new discipline (Cook 2006:420); therefore, there is little experience, knowledge, and understanding of the practice.
- vi. There is confusion about the purpose of evaluation (Scriven 1994:379) and its use (Christie 2007:8).

These challenges indicate that policy evaluation is a dynamic terrain. Evaluation of public policies and programmes can be extremely complex, as these serve a multiple of objectives and exist within complex and uncertain socio-political environments. Evaluation is a complex process with multiple actors and processes in the collection of data on the actual achievement of the policy objectives.

2.2.3 Critical Policy Evaluation

Once a policy has been implemented, proponents and opponents begin to consider its consequences, which could include restrictions on individual or organisational behaviour. Either through formal means, such as data analysis, or through informal means, such as citizen reaction, evaluating a policy reveals its success or failure, or the need for modification. If a problem is observed, the process begins again (Cockrel 1997:1). The process that is being referred to here is the public policy process which seeks to explain the manner in which public policy is formed, implemented and evaluated. The comprehensive model of policy process will normally entail the distinctive phases of problem identification, identification of policy options, selection and implementation, as well as evaluation.

Public policy entails the expenditure of limited public resources. Therefore, the public has a right to expect that government officials will be accountable for the validity, efficiency, and effectiveness of public policies. Policy evaluation is, therefore, a critical stage in the process. Consequences, both intended and unintended, must be determined and made known to the public.

Harrel et al. (2010:2) argue that “asking questions about policy evaluation helps determine which type of evaluation should be pursued because the design of any evaluation begins by defining evaluation findings, what they need to know, and when.” It is therefore important to critically question the use of evaluation use and its purpose by considering the following issues:

- i. Is evaluation only about drawing conclusions regarding the merit or worth of a policy or a programme (Sawin 2000:232)?
- ii. Are evaluative conclusions more important than learning (Sawin 2000:232)?
- iii. What should the focus of evaluation be (Chacon-Mascoso 2002)?
- iv. Should evaluators consider formative (ex-ante) or summative (ex-post) evaluations more meaningful than the other (Wholey 1996)?
- v. Should an external or internal evaluator be used (Ray 2006; Yang and Sheng 2006)?

- vi. Is participatory evaluation a different field and the best way to evaluate (Patton, 1994:313)?
- vii. Is empowerment evaluation a different field and the best way to evaluate (Miller and Campbell 2007:297)?
- viii. Is responsive evaluation a different field and the best way to evaluate (Abma, 2006:31)?
- ix. To what extent should evaluation be driven by theory (Van der Knaap 2004:16)?

Those affected by policies are increasingly asking evaluation questions about their purpose and outcomes. It is for this reason that evaluation may be a suitable way of addressing the concerns citizens. Democracy necessitates that there be on-going engagement between government and citizens as part of accountability. Policymakers require monitoring and evaluation (M&E) for purposes of policy review, amongst others, which may require a multi-pronged approach (Naido 2015). Such a multi-pronged approach should endeavour to address the questions listed above, using a policy evaluation framework. The most notable evidence that evaluation is valuable relates to accountability, transparency, and efficiency. Policies and programmes should be reviewed based on evaluation evidence, which is a fairly new field pursued by the South African government.

2.2.4 Historical Overview of M&E in the South African Public Sector

According to African Monitoring and Evaluation (2012:7), the key issue with the configuration of systems was summarised by Robert Picciotto (2009) questions: “What happens when you possess low demand and high supply? It is said that this is when monitoring takes over evaluation and monitoring masquerades as evaluation.” In other words, when monitoring is the dominant part of a government’s M&E system, it indicates that there is weak demand from decision-makers for evidence. Government must not assume that, when it is conducting monitoring, it is also performing evaluation. Further, attention to one should not dominate the other.

It was anticipated that the Public Service Commission (PSC) would standardise the manner in which M&E is conducted throughout government, to allow information to be extracted from all spheres of government (PSC, 2008a). The PSC's mandate is contemplated in Chapter 10 of the Constitution of the Republic of South Africa, which outlines the following core values and principles governing public administration:

- a) A high standard of professional ethics must be promoted and maintained.
- b) Efficient, economical, and effective use of resources must be promoted.
- c) Public administration must be development-oriented.
- d) Services must be provided impartially, fairly, equitably, and without bias.
- e) People's needs have to be responded to, and the public must be encouraged to participate in policy-making processes.
- f) Public administration must be accountable.
- g) Transparency must be fostered by providing the public with timely, accessible, and accurate information.
- h) Good human resource management and career-development practices to maximise human potential must be cultivated.
- i) Public administration must be broadly representative of the South African people, with employment and personnel management practices based on ability, objectivity, fairness, and the need to redress the imbalances of the past, to achieve broad representation.

If a government tends to focus more on monitoring instead of evaluation, monitoring may need to be dealt with separately from evaluation. Alternatively, measures or guidelines need to be put in place to ensure that when monitoring and evaluation are performed in parallel, neither should be favoured over the other.

Because M&E are two very broad subjects, they may require dedicated human and capital resources to execute. The following institutions were mandated by the Constitution to put into place to drive M&E in the South African government.

2.2.4.1 The Presidency

Section 85 of the Constitution requires that the president, together with Cabinet members, should, among other things, exercise executive authority through the development and implementation of national policy and the co-ordination of the functions of state departments and administrations. The Constitution requires that all three spheres of government (local, provincial and national government) work together and participate in development programmes to redress poverty, underdevelopment, and the marginalisation of people and communities. The highest office of the land, the presidency, plays a crucial role in the co-ordination, monitoring, and communication of government policies and programmes, and in accelerating integrated service delivery.

The presidency is tasked with evaluating the implementation of government strategy, including its impact as measured against desired outcomes (Presidency 2007a). Therefore, the M&E function of government in South Africa is driven by the presidency, according to Constitutional requirements. The presidency should put in place principles and measures for the co-ordination, monitoring, and evaluation of policies and programmes for all government entities. This may include an evaluation framework for policy evaluation.

Some of the reflections of the lessons learned from other countries by the presidency in establishing the Government-wide Monitoring and Evaluation System (GWM&ES) include the following (IEG 2010):

- Political leadership is crucial. Joint leadership by National Treasury, Statistics SA, and the presidency, as well as other agencies, will ensure the longevity of the GWM&ES. Political buy-in can be crucial in obtaining the commitment of public entities to evaluate whether public policies are effective or not. Political leaders as

representatives of the citizens need instil in the public a confidence in government systems, which is achieved by, among others, putting in place M&E systems and communicating the results.

- Incentives should be provided for carrying out effective M&E, ideally at the departmental and individual level, using performance agreements that provide the baseline for operations. This will enable government to assess the intended achievement of its programmes and policies at regular intervals.
- The integration of M&E across all levels of government remains one of the biggest challenges. M&E should be embedded in all functions, from planning and budgeting to in-year reporting and auditing.
- Many countries have overemphasised monitoring, and South Africa has followed suit. With monitoring systems in place, the next step is to enhance data quality in order to conduct meaningful evaluations. With M&E being two broad fields, separation of the two in practice may prevent bias towards one.
- Linked to the limited focus on data collection, the construction of baselines has fallen by the wayside. However, there is renewed interest in the importance of building national data repositories of baseline data for comparative use in M&E.
- The implementation of an M&E system requires a variety of skills, such as those required for social and economic research, statistics, data management, and project management. As the custodian of M&E, the South Africa presidency requires financial and human capacity to avoid misrepresentation of the facts.
- Change management is crucial in ensuring civil servants maintain a positive attitude towards M&E. Instead of viewing this function with suspicion and as a policing system, officials should be encouraged to use the data and findings in a critical manner to improve practices. Findings emanating from M&E should inform government officials when crafting programmes for the implementation of policies.
- Ownership of the M&E system at all levels is necessary to ensure proper application. Ministries have realised that M&E is not just an accountability mechanism, but can add significant value to managerial decisions. This means that M&E must be championed by the most senior management of public institutions, who must ensure that it finds expression throughout the institutions that they manage.

2.2.4.2 National Treasury

The Treasury's role in the GWM&ES is to ensure that information input, activities, outputs, and outcomes are aligned with planning, budgeting, implementation management, and accountability reporting, to promote economy, efficiency, effectiveness, and equity, as well as transparency and expenditure control (Presidency 2007a).

The National Treasury's mandate is informed by Sections 215 and 216 of the Constitution, as well as other legislation, such as the Public Finance Management Act (PFMA) of 1999 and the Municipal Finance Management Act (MFMA) of 2003. Sections 215 and 216 of the Constitution specify National Treasury's role as (National Treasury 2007a):

- developing standards that may be required to facilitate the implementation of the Finance Management and Process Improvement (FMPI) initiative;
- developing standards for accountability reporting, including strategic plans, corporate plans, annual performance plans, budgets, in-year reports, and annual reports;
- developing core sets of performance information in collaboration with sector departments, to ensure that consistent information is produced to measure service delivery across provinces and municipalities; and
- developing guidelines on the use of performance data.

The above role played by Treasury in its implementation of M&E is significant in ensuring that policies and programmes implemented by the government make economic sense. It has to assess the economic viability of implementing policies and programmes by considering the required expenditure. This process takes into consideration annual performance plans and service delivery indicators for each expenditure programme in nine provinces. Provincial departments may report individually or as sectors (e.g., health, social development, education, transport, agriculture, public works, arts and culture and sport, local government, and housing) on their performance against the set performance objectives. The practice is that performance targets are reported to provincial treasuries, which then forward the information to the National Treasury, where this information is collated and analysed.

2.2.4.3 Statistics South Africa

The mandate of Statistics South Africa (Stats SA) is stipulated in, among others, the Statistics Act (No. 6 of 1999), the proceedings of the 2002 Cabinet lekgotla, and in the State of the Nation Addresses of 2004 and 2005. Section 14.6 (a), (b), and (c) of the Statistics Act makes provision for the Statistician-General to advise an organ of state on the application of quality criteria and standards. Section 14.7 (a) and (b) confer upon the Statistician-General the power to designate statistics produced by other organs of the state as official statistics. Clauses (a) and (b) of Section 14.8 authorise the Statistician-General to comment on the quality of national statistics produced by another organ of the state and to publish such statistics (Presidency 2007a).

A lack of reliable statistics can derail the planning and M&E functions of government, and is therefore a core component of the GWM&ES initiative (PSC, 2008a). Stats SA collects and analyses key economic and socio-economic data on, for instance, the GDP and inflation, and conducts the national census and annual household and health surveys. A distinction is made between national statistics and official statistics. National statistics are generated in the public domain using surveys, registers, and administrative data sets from the tripartite government, NGOs, the private sector, and research institutions, but have not yet been certified as official. Official statistics have been certified by Stats SA, and are reviewed periodically by the Statistician-General (The Presidency 2007a).

It is important that policymakers are informed by accurate statistics. Accurate statistics can then be used to evaluate the achievement of the objectives of such policies. Statistics can also indicate a need for a policy and/or programme. It can therefore be argued that statistics are critical to the drafting of policies and evaluation of programme outcomes, in order for government to deliver on its electoral and constitutional mandates.

2.2.4.4 Department of Public Service Administration

The mandate of the Department of Public Service Administration (DPSA) is contained in the Public Service Act. The DPSA is responsible for public service transformation to increase public service effectiveness and improve governance. It acts as the custodian

of public management frameworks, performance- and knowledge management, and service delivery improvement. It co-chairs the Governance and Administration Cluster and the GWM&ES Working Group (The Presidency 2007a).

The DPSA's approach to performance management is: firstly, to increasingly delegate managerial responsibility to departments and within departments and, secondly, to decentralise all human resource management to the departments, within the confines of the NPEF. The measurement of the implementation of the Batho Pele (People First) initiative falls within the scope of the DPSA. The Performance Management and Development System (PMDS) requires the incorporation of Batho Pele principles into work plans and performance agreements (PSC 2008b).

The DPSA is tasked with monitoring and evaluating the internal organisation of government in relation to the implementation of legislative and constitutional mandates, and ensures optimal delivery. This M&E is aimed at improving implementation of policies and programmes, as well as the delivery of services.

These activities are informed by, among others, the White Paper on the Transformation of Public Service Delivery of 1997, which sets out eight transformation priorities, amongst which is the transformation of service delivery in order to meet the basic needs of all South African citizens. The White Paper on the Transformation of Public Service Delivery of 1997 addresses the following:

1. Consultation: Citizens should be consulted about the level and quality of the public services they receive and, wherever possible, should be given a choice about the services that are offered.
2. Service standards: Citizens should be informed about the level and quality of public services they will receive, so that they know what to expect.
3. Access: All citizens ought to have equal access to the services to which they are entitled.
4. Courtesy: Citizens should be treated with courtesy and consideration.
5. Information: Citizens should be given full, accurate information about the public services they are entitled to receive.

6. Openness and transparency: Citizens should be informed of how national and provincial departments are run, how much these cost, and who is in charge.
7. Redress: If the pledged standard of service is not delivered, citizens should be offered an apology, a full explanation, and a speedy and effective remedy. When complaints are lodged, citizens should receive a sympathetic, positive response.
8. Value for money: Public services should be provided economically and efficiently, in order to give citizens the best possible value for money.

2.2.4.5 Department of Co-operative Governance, Human Settlements and Traditional Affairs and Provincial Departments of Local Government

The Department of Cooperative Governance, Human Settlements and Traditional Affairs (CoHGSTA), formerly the Provincial Department of Local and Provincial Government (DPLG), derives its mandate from the Constitution, Chapters 3 and 7, as well as other legislation, such as the Municipal Structures Act of 1998 and the Municipal Systems Act of 2000. Its core function is to develop national policies and legislation with regard to provinces and local government, to monitor their implementation, and to provide support in the fulfilment of these according to the Constitutional mandate (The Presidency 2007a).

CoHGSTA is tasked with developing an integrated monitoring, reporting, and evaluation system for local government, while simultaneously ensuring that implementation of the GWM&ES system is supported (National Treasury, 2007a). This function is performed by the M&E unit of CoHGSTA (established in 2006), the Urban Renewal Programme, Free Basic Services, Municipal Systems, and capacity-building of branches (The Presidency 2009b).

Municipalities have to deal with the eradication of backlog in the delivery of basic services such as water, sanitation, land for settlement and housing, as well as the transformation of apartheid spatial planning. CoHGSTA has the primary responsibility at the national government level for the oversight of municipal performance and for providing support. CoHGSTA is also expected to support the improvement of municipal governance, performance, and accountability through support and monitoring of local government.

2.2.4.6 Public Administration Leadership and Management Academy

According to the Presidency (2007a), the mandate of The Public Administration Leadership and Management Academy (PALAMA), previously the South African Management Development Institute (SAMDI), is informed by the Public Service Act, 1994, Chapter II, Section 4 (2), which states that the PALAMA:

- a) will offer training or initiate such training to be provided or conduct such examinations or tests or initiate such examinations or tests to be conducted as the Head of South African Management and Development Institute.
- b) may issue diplomas or certificates or cause diplomas or certificates to be issued to persons who have passed such examinations. PALAMA will play an important capacity building role in rolling out the GWM&ES framework.

The PALAMA as a government training agency that focuses on educating government employees in the M&E of government policies and programmes. Part of its mandate is to formulate the M&E training curriculum, highlighting the link between strategic management and performance management. The PALAMA also conducts quantitative and qualitative research on focus areas of government owned entities. This can therefore mean that PALAMA is one government academic institution that can initiate scientific research on programme evaluation or formulate a framework for programme evaluation.

2.2.4.7 Public Service Commission

The PSC derives its mandate from Sections 195 and 196 of the Constitution (1996). It has been tasked with investigating, monitoring, and evaluating the administration of the public service. This mandate includes the evaluation of accomplishments or lack thereof of government policies and programmes. The PSC is duty-bound to promote measures that ensure effective and efficient performance in the public service, and to promote, throughout the public service, the values and principles of public administration set out in the Constitution. These principles include, inter alia, professional ethics; efficient,

economical, and effective use of resources; impartial, fair, and equitable service provision; transparency; and accountability (The Presidency, 2007a).

When decision-makers want to use evidence from M&E systems to assist them in making choices, a demand for M&E is generated. An important consideration regarding demand is that it should be endogenous, not exogenous, to the system in which it is operating. Put another way, demand needs to be grown internally, as opposed to being enforced from another structure that operates according to rules and incentives outside of the system (African Government Monitoring and Evaluation 2012:7). Julie (2009:101) states that the PSC is the first driver of M&E in South Africa. It was established in the Constitution of 1996 to “investigate, monitor and evaluate” public administration without “fear, favour or prejudice.” Accountable to Parliament, the PSC falls outside the responsibility of the Executive. As a result, it is perceived as independent and impartial, and has the latitude to engage across the socio-economic and political spectrum, which it does with ease.

The PSC has extensive powers, bestowed by the Constitution. The PSC has put in place a clearly defined M&E programme that has gained support. The PSC is not viewed as a political structure, but as one that serves the country as a whole, as it reports directly to parliament.

2.2.4.8 Auditor-General

The annual reports of government departments need to include, among other things, audited financial statements and statements of programme performance. Section 20(1) (c) of the Public Audit Act (25 of 2004) requires that the Auditor-General (AG) express an opinion or conclusion on “reported information of the auditee against pre-determined objectives.” Similar provisions exist regarding the Municipal Systems Act of 2000 and the Municipal Finance Management Act of 2003 at the local level (The Presidency 2007a). In essence, the AG verifies that financial and non-financial information contained in annual reports adequately reflect the status of service delivery (The Presidency 2009b).

According to the PSC (2008a), the office of the AG focuses primarily on financial and compliance auditing by:

- auditing the accounts and financial statements of three spheres of government (local, provincial and national government), as well as other government institutions or accounting entities;
- conducting performance audits to ensure that the three E's of economy, efficiency, and effectiveness have been adhered to;
- auditing and expressing an opinion on the quality of performance indicators in departmental strategic plans and the *Estimates of National Expenditure* (PSC, 2008a).

The Public Audit Act of 2004 requires that the AG express an opinion on the reported information on the performance of those audited against predetermined objectives. It is the role of the AG to ensure that departments, through their management information systems, policies, and procedures, meet the statutory requirements of the Public Finance Management Act of 1999, including the requirements of the Framework for Managing Programme Performance Information.

2.2.4.9 Provincial Offices of the Premier

According to The Presidency: Policy framework for the Government-Wide Monitoring and Evaluation System (2007a), Section 125 (1) vests the executive authority over a province in the premier, who, together with the Provincial Executive Council, should exercise this authority through the development and implementation of provincial policy and national policies, and co-ordinate the functions of provincial departments. The premier is the political head of the provincial government, and is responsible for the implementation of Chapter 3 of the Constitution Republic of South Africa, which relates to co-operative governance. The premier plays a critical leadership role in the development and implementation of provincial growth and development plans.

The Provincial Government Programmes of Action with their cluster targets are also overseen by the premier (The Presidency 2008). Municipal planning is done using the Integrated Development Planning (IDP) process. This five-stage process commences

with a situational assessment at municipal level, followed by the development of appropriate strategies and subsequently programmes to address problems. The fourth stage entails the integration of all strategies, and is followed by the fifth stage — obtaining approval from the council (The Presidency 2008).

In provinces, roles and responsibilities for the roll-out and operation of an M&E system are identified and defined by office of the premier. This includes putting into place an M&E strategy for the province linked to the provincial growth and development strategy. This provincial growth and development strategies are supported by annual operational plans for M&E systems of provincial departments and sectors. Office of the premier has a mandate to develop the indicator frameworks to track progress against provincial plans and strategies. This entails that data sources for these indicators being identified and information systems being put in place to yield up-to-date, credible information.

2.3 Historical Overview of Land Dispossession in South Africa

The Constitution of the Republic of South Africa, Section 25 (7), limits land restitution to dispossessions that occurred after 19 June 1913 and as a result of racially discriminatory laws or practices. The Restitution of Land Rights Act 22 of 1994 is the principal legislative tool governing the land restitution process, and carries the same stipulation. The Restitution of Land Rights Act precludes pre-1913 land dispossessions. Various reasons are cited for this date, with the most obvious being that the cut-off date is when the infamous Black Land Act came into effect. However, government has extended the cut-off date, in order to consider those who were dispossessed before 1913.

Dispossession of land in South Africa dates back to colonial times, which fall outside the scope of the Natives or Black Land Act 27 Of 1913, which is considered a legal instrument of dispossession.

The first act of forced relocation in South Africa occurred when, in 1652, Jan van Riebeeck informed Khoi communities that they could no longer live west of the Salt and Liesbeek rivers. From then on, military conquest and colonial settlement became the methods of

dispossession, with legislation and trickery always playing a part. This is illustrated by the aggressive annexation during the 1800s (Levin 1996). Therefore, the process of dispossession started when the first white settlers arrived at the Cape in 1652, and continued for approximately three centuries (Levin 1996).

In 1860, a tax policy was introduced to force Africans into wage labour by heavily taxing independent African tenants on farmland (Bundy 1979). This was followed by the 1884 Native Location Act in the Cape Colony and the 1887 Squatter Laws in the then Transvaal. In 1891, the Free State prohibited Indian ownership and occupation of land. Indians were also prohibited from crossing provincial boundaries. In protest to this prohibition, Gandhi and a group of 2 700 protestors marched from Natal to the Transvaal (Paton 1957). In 1894, the Glen Grey Act was introduced in the Cape Colony, to increase the supply of and control over African labour. Migrants from 'reserve' areas provided labour, laying the foundation for separate development and the apartheid policies that were to follow. Legislation was increasingly used as a method of dispossession. As the white agricultural sector grew in the mid-1800s, so did the demand for African labour. Land ownership and occupation by non-white people were also prohibited by legislation.

The 1904 Masters and Servants Ordinance deprived black tenants of legal protection by defining them as servants instead of wage labourers. The Ordinance, therefore, established the legal basis for the process of forced removal and eviction of labour tenants and farm workers. With the creation of the Union of South Africa in 1910 and the coming to power of the South African Party ushered in a new era of vigorous and focussed government policies to inhibit the growth of the African peasantry (Bundy 1979:242).

The 1913 Black Land Act came into operation on June 19, less than two months after the first reading on April 25, 1913. The Act prohibited land purchases by Africans outside of the scheduled reserves, making these the only places where Africans could legally occupy land. The Act also outlawed sharecropping and 'squatting.' The Act effectively dispossessed millions of South Africans, and immediately reduced Africans' access to land by excluding over one-and-a-half million hectares of white-owned land rented by

Africans, as well as half a million hectares owned and occupied by Africans at the time (Klug 1996:391).

The 1913 Black Land Act was part of a bigger policy framework that included (among other measures) the Mines and Works Act of 1911 and the Native Labour Regulation Act of 1911 — both aimed at facilitating cheap labour to white enterprises (Wickens 1981). Intrinsic to the bigger policy framework was the ideology that Africans should be allowed in white areas only as servants, and never as owners or independent producers (Claassens 1991). Legislation was the primary tool used to achieve territorial segregation, and included penalties and punishments for contraventions.

The 1913 Black Land Act carried similar provisions, but was more severe. It provided for scheduled areas where only black persons could reside, and precluded them from residing on land outside the scheduled areas. As many as three million black people had to leave their ancestral lands to settle on low-quality land in the scheduled areas (Terreblanche 2002). Apart from being restricted to the scheduled areas, black people also lost the right to purchase land in these areas, with the result that they acquired inferior and weak land rights even in the areas to which they were restricted. The Act was what Bundy (1990) describes as an effort to destroy independent forms of tenure and to create and sustain a perpetual state of dependent tenancy.

In 1924, the Pact Government came to power, and set out to eliminate independent African access to land and to create a uniform system of black administration throughout South Africa. The then Minister of Native Affairs, J. B. M. Hertzog, introduced the Black Administration Act 38 of 1927, which became one of the principle methods of forced removals. The power to forcibly remove African communities was contained in Section 5(1) (b) of the Act (Marcus 1990). Hertzog also introduced the Native Trust and Land Act of 1936. This Act expanded the total reserve area to 6.21 million hectares, approximately 13% of the national land area (Marcus 1990). The process of dispossession culminated in apartheid with its labyrinth of laws relating to land and the forced removal of approximately 3.5 million people. Budlender and Latsky (1996:278) argue that the host

of land-related laws that emerged during this period “cannot and did not arise from a single flash of misguided brilliance. Rather, it was the result of generations of legal tinkering, of piecemeal and painstaking technical embellishments of structures created, on the one hand, in the service of the grand apartheid plan and on the contrary, in response to ideological, developmental and economic realities from time to time and from area to area.”

In 1936, the South African Development and Trust Land Act 18 of 1936 was promulgated, stipulating areas created exclusively for black occupation. Black people lost the right to own, rent, or share-crop land outside the designated areas. This Act eventually saw the allocation of a mere 13% of the country to black people, even though they comprised 80% of the population (Surplus Peoples’ Project 1983). The Act was followed by developments such as the Group Areas Act 41 of 1950 and, later, the Promotion of Bantu Self-Government Act 46 of 1959, which made provision for the four independent national states of Transkei, Bophuthatswana, Venda, and Ciskei and the six self-governing territories of Kwa-Ndebele, Qwa-Qwa, ka-Ngwane, Kwa-Zulu, Gazankulu, and Lebowa. The Group Areas Act created residential and business areas based on racial grouping within urban areas. Non-whites were excluded from living in the most developed areas, and were forcibly removed. The Promotion of Bantu Self-Governing Act divided black South Africans into distinct ethnic groups, and transformed reserves into independent homelands. It also banned parliamentary representation by black South Africans (Surplus Peoples’ Project 1983).

While the majority of forced removal victims were African, 600 000 non-Africans were forcibly removed under the Group Areas Act. Black-spot clearance, homelands consolidation, the abolition of labour tenancy, urban township relocation, influx control, and betterment planning were all apartheid measures to forcibly remove people. Between 1960 and 1982, approximately 1 200 000 people were forcibly removed from farms, a further 600 000 through black-spot and bantustan consolidation policies, 700 000 through urban relocation, some 900 000 under the Group Areas Act, and 150 000 for other reasons (South African Council of Churches 1984). In this regard, “The force has been

both structural — coercion is built into the web of discriminatory and oppressive laws and institutions restricting black freedom of movement and access to land — and specific to the particular instances of relocation. Sometimes the violence with which people are moved is direct — police and guns, bulldozers demolished houses and arrests. Sometimes the violence was less overt — intimidation, rumour, co-option of community leaders, the pressure of shops and schools being closed and building restrictions imposed in areas due for removal” (Surplus Peoples’ Project 1983).

The Group Areas Act divided South Africa into African, Coloured, Asian and white areas, and stipulated that each group has exclusive occupation rights within those areas. Indian, Chinese, and Malay groups were created as subdivisions of the Coloured category on March 30, 1951. This separation extended to all levels of society: residential, social, educational, commercial, recreational, and industrial. The ratio of whites owning more than 80% of the land was maintained.

The Group Areas Act had particular significance in the lives of Indian and Coloured communities. The Group Areas Act 41 of 1950 imposed government control over all inter-racial changes in ownership and occupation of property not already governed by the Native Trust and Land Act 18 of 1936; subsequently renamed the Bantu Trust and Land Act 1936 and the Development Trust and Land Act 1936) (primarily affecting Africans), and created the state machinery to enforce this legislation (South African Council of Churches 1984). As such, the Group Areas Act, in conjunction with the Population Registration Act 30 of 1950 (which classified all people into one of four racial categories), became the primary instrument of forced removal and dispossession of Indian and Coloured communities. The Act led to the destruction of places like Cator Manor (Durban), South End (Port Elizabeth), District Six (Cape Town), Fordsburg, Vrededorp, Pageview, and Sophiatown (Johannesburg), and to the creation of places like Lenasia, Eldorado Park, Chatsworth, and Mitchell’s Plain (South African Council of Churches 1984).

Related legislation that gave the National Party (NP) government the power to continue its policies of forced removal included, among others, the Natives Resettlement Act of 1954, the Natives (Urban Areas) Amendment Act of 1955, and the Group Areas Amendment Act of 1956 (Report of the Technical Committee on Enquiry into the Group

Areas Act, 1966). Coming into power in 1948, the National Party (NP) argued that the South African population is composed of ten different nations. The Bantu Homelands Citizenship Act of 1970 stipulated that Africans could no longer be South African citizens, but were citizens of their respective homelands (whether they were born there or not). The Bantu Homelands Constitution Act gave the NP government the power to grant independence to any homeland. The Transkei became independent in 1976, Bophuthatswana in 1977, Venda in 1979, and Ciskei in 1981. Bantustan consolidation played an important part in the process of dispossession. The homelands consisted of broken tracks of land, and the NP government tried to group these tracks together, relocating people to where they were 'required.' Further forced removals and relocations took place when the Borders of Particular States Extension Act (1986) came into force, stipulating that land of "white South Africa" be added to the bantustans. The redrawing of boundaries led to the forced removal of large numbers of people, without consultation and often with fierce resistance (Levin 1996). As a result of these policies, the population of the bantustans increased from 4.5 million to 11 million between 1960 and 1980 (Turner and Ibsen 2000).

Largely as a result of the homeland policies and consequent overcrowding, rural poverty reached epidemic proportions by the 1940s, and urbanisation rates increased significantly. Rural-to-urban migration was probably also encouraged by the temporary relaxation of the pass laws during World War II. The state enacted a series of measures, such as the Native Trust and Land Act of 1936, the Control and Improvement of Livestock in Native Areas Proclamation (as part of betterment planning), and the Rehabilitation Scheme, which "aimed to stabilise the economic deterioration of the reserves to ensure their feasibility for a enduring class of migrant labourers" (Drew 1996:58).

The Surplus Peoples' Project estimates that, between 1960 and 1983, 7.5 million people were forcibly removed. These included the bulk of the citizens affected by influx control, those relocated as a result of betterment planning, those who were moved more than once, and those who were removed after 1982. Excluding those relocated as a result of betterment planning, farm workers constituted the largest single category of removals, followed by removals under the Group Areas Act and removals through urban relocation policies. Black-spot clearance was one of the most notorious and violent methods of

forced removal. Black spots were areas owned or occupied by Africans that fell outside the territories designated by the 1913 and 1936 Black Land Acts. An estimated 614 000 people were forcibly removed from black spots between 1960 and 1982. Informal settlement removals accounted for a further 112 000 people; infrastructural removals accounted for a further 23 500 people, and strategic and political removals accounted for 50 000 people (Surplus Peoples' Project 1983).

Since the mid-1970s, one of the most commonly used legal mechanisms for forcibly removing communities was the Prevention of Illegal Squatting Act 52 of 1951. Two types of removal powers were contained in the Act: criminal provisions and administrative procedures. The key criminal provisions are in Section 1, which stated that, "Save under the authority of any law, or in the course of his duty as an employee of the government or of any local authority, no person (a) shall enter upon or into without lawful reason, or stay on or in any land or building without the consent of the rightfull owner or lawful occupier of such land or build whether such land is enclosed or not" (O'Reagan 1990:162). Section 5 of the Act gave magistrates administrative powers to order the removal of persons from land and the demolition of any structures in circumstances where the magistrate felt that the health and safety of the public would be endangered if such removal did not take place. The Act was amended in 1988, despite widespread opposition to further forced removals. Some features of the amended Act included the granting of powers to local authorities and landowners to demolish buildings (O'Reagan 1990:167). What is particular about South Africa is the protracted nature of the process and its culmination in apartheid. Following its ascendancy to power in 1948, the NP government embarked upon a process of systematic aggression against squatting and labour tenancy. Related legislation included the Prevention of Illegal Squatting Act and the 1964 Bantu Laws Amendment Act. The NP government also encouraged evictions carried out by farmers and Bantu Administration officials. This aggression, although devastating, failed to eliminate labour tenancy altogether. In the 1950s, labour tenancy arrangements continued in the Transvaal Highveld (Williams 1996). In 1998, it was estimated that there were some 40 000 labour tenants in Mpumalanga and 1.2 million in KwaZulu-Natal (Mngxitama 1998).

The process of dispossession was not uncontested. At times, the protests were fierce and extensive. The ANC and the South African Communist Party (SACP) both had links to (and an interest in) rural resistance. The establishment of the ANC in 1912 coincided with the promulgation of the 1913 Black Land Act. The South African Communist Party's 1924 draft programme called for the expropriation and redistribution of large landholdings amongst the landless rural population (Drew 1996:50).

In the 1980s, the NP government officially adopted a 'softer' policy on removals, speaking of 'voluntary' removals as opposed to the forced removals of the 1960s and 1970s. This approach amounted to persuading people to move by means that progressed rapidly from discussion to withdrawal of health services, demolition of schools, withholding pensions, and, finally, surrounding the village with armed police in the dead of night. In 1985, the NP government announced that the policy of forced removals had been suspended. One year later, with the declaration of a state of emergency, the suspension was lifted, and forced removals took place again in places such as Langa and Crossroads (Classens 1990:31).

The NP government adopted the White Paper on Land Reform in 1991, which aimed to increase access to land rights for the entire population, upgrade the quality and security of title, and to utilise land as a resource available to all. Three key pieces of legislation were passed to fulfil the latter objectives. The Abolition of Racially Based Land Measures Act 108 of 1991 was intended to deracialise the land control system. It repealed various pieces of primary legislation on which the policy of spatial separation of different racial groupings in South Africa was based. It either wholly or partially repealed the racially based land laws. The Upgrading of Land Tenure Rights Act 112 1991 was intended to elevate informal land rights and permits to occupy into full ownership, and the Less Formal Township Establishment Act 113 of 1991 aided the creation of townships by black South Africans for their exclusive use. The Act made it possible for tribal authorities to establish a township and to dispose of land after permission was granted by provincial authorities (Terreblanche 1991).

Land reform was a major objective of the ANC when it came into power in 1994. The White Paper on the Reconstruction and Development Programme (RDP), initiated in September 1994, set out the principles guiding land reform. These principles culminated

in the Department of Land Affairs issuing the 1997 White Paper on South African Land Policy, which stipulated land redistribution, land restitution, and land tenure reform as the three elements of the Land Reform Programme. After much debate a clause addressing property was included in the Constitution. Both the Interim Constitution of 1993 and the Constitution of 1996 of the RSA, included provision for land reform, while restitution was included the 1996 Constitution.

The policy framework document adopted by the new government set the cut-off date for restitution claims at 1913. The purpose of land restitution, according to the White Paper on South African Land Policy, is to restore land and to provide further restitution remedies to people dispossessed by racially discriminatory laws and practices. The restoration of land provides support to the overarching national process of reconstruction, reconciliation, and development. Walker describes the master narrative underpinning the South African land reform process as being composed of two themes, namely “the trauma of the deep dislocating loss of land in the past and the promise of restorative justice through the return of that land in the future” (Walker 2008:34).

The doctrine of aboriginal title was rendered redundant by the Restitution of Land Rights Act, at least to the extent that the Act makes it unnecessary for the courts to invent a legal basis for restitution claims. However, the fact that the Act imposes a limit in the form of a cut-off date, at face value, precludes some historically based land claims in South Africa. Thus, this formal limit must be considered in light of the deliberate democratic processes from which it arose. Early South African history is steeped in land dispossessions (Bundy 1990). The San and KhoiKhoi were the first people to be dispossessed of their traditional land, and, after that, numerous wars were fought over land control. The arrival of European settlers saw the continuance of land-based conflicts (Terreblanche 2002). Colonial powers declared land traditionally occupied and controlled by various indigenous groups as ‘Crown land’ and later as ‘state land.’ In so doing, pre-existing traditional forms of land ownership were either not recognised or destroyed within the settlers’ legal system.

Segregation based on race became entrenched in South Africa long before the NP came into power in 1948. This segregation had a direct link to the manner in which occupation of, access to, and rights on land were regulated (Terreblanche 2002).

2.3.1 The Land Reform Policy

Land Reform through restitution was one of the elements of the Constitution negotiated between the ANC and the NP in the early 1990s. The ANC's Constitutional Committee understood constitutionalism as a way to enshrine rights and to direct state activity towards the achievement of the popular aspirations that infused the struggle against apartheid (Everingham and Jannecke 2005:548). Acts related to restitution became legislation with a Constitutional mandate, and may therefore not in practice contradict or conflict with the Constitution.

The momentum of community campaigns frustrated the apartheid government's attempt to pre-empt future claims by repealing the 1913 and 1936 Black Land Acts in 1991 and establishing an Advisory Commission on Land Allocation with the purpose of settling all claims before the political transition to democratic rule could be completed. Claimant communities organised unified fronts during this period of political and legal flux, until an interim Constitution took effect in 1993. The outcome of the above work by government and communities reflected both the general contours of the political conflict over the property clause and the limited alternatives available to the parties, from recognition of existing property rights, on the one hand, to the recognition of land claims, on the other (Everingham and Jannecke 2005:548).

In 1992 and 1993, the ANC's land policy documents argued for the development of a court-based restitution process that would compensate those who were forcibly removed. The 1992 policy paper suggested that court decisions should be based on five criteria, namely land use and productive potential, traditional and long-standing occupation of a piece of land, birthright and legal title deeds, dispossession under apartheid legislation, and the need for land (African National Congress 1992). The court was expected to serve

as a mediator between parties affected by land dispossession, which was an emotional and political issue. If this issue were not handled correctly, it would affect the country's economic growth and stability. On the other hand, the court was expected to ensure that the implementation of the Restitution Programme was in line with constitutional prescripts.

A small ANC working group started to develop the Land Restitution Programme (one of the three pillars of the Land Reform Policy) in 1993. This culminated in the Restitution of Land Rights Act 22 of 1994, which, together with the Constitution, formed the basis of the Restitution Programme. The Restitution of Land Rights Act was one of the first pieces of legislation to be passed by the ANC government, probably because the restitution process was politically expedient and widely perceived as legitimate (African National Congress 1992).

Apart from the ANC, there were primarily two groups influencing the development and nature of the Land Restitution Programme, which is a technical, legal, court-based procedure essentially separate from the other two pillars of the Land Reform Policy. World Bank representatives played a key role in early policy development (ANC 1992). At the 1993 World Bank Land and Poverty Conference (LAPC) in Swaziland, World Bank representatives suggested the creation of a separate judicial process that would address issues of justice as opposed to issues of equity (redistribution and tenure reform) (Binswanger and Deininger 1996). This would have necessitated capacity in the judiciary.

The World Bank representatives argued that a judicial process with cut-off dates, similar to the court procedure used in Chile under Allende, could be used to "settle claims to specific plots of land of groups evicted from their land under apartheid" (Binswanger and Deininger 1996). The use of the Chilean example was peculiar, since the land reform programmes in Chile under both Frei and Allende were slow and ineffective, partly because of complex litigation procedures that forced the Chilean Land Reform Agency to spend large amounts of its limited resources on lengthy and complicated court cases (Brown 1989). The omission of historians from the group of South African researchers commissioned by the World Bank ensured that the policy discussions were not located in

the protracted history of dispossession, which contributed to a more technical (i.e. the 1913 cut-off date) rather than a social justice approach (Williams, Ewert, Hamann & Vink 2001). Perhaps the slow pace of restitution by the ANC government could be attributed to the following of Chile's restitution model without a strategy to rectify the problems experienced by Chile.

According to Brown, Erasmus, Kingwill, Murray, and Roodt (1998), a second influential group in the pre-1994 land reform debates was local non-governmental organisation (NGO) activists from the National Land Committee (NLC) and its affiliates, the Legal Resources Centre (LRC) and the Centre for Applied Legal Studies (CALS). "The NLC and its affiliates were responsible not only for successful lobbying for the Restitution Act, but also for nominating most of the Regional Land Claims Commissioners (RLCC) and the Chief Land Claims Commissioner (CLCC). Most of these NGOs had been involved in resisting forced removals during apartheid and brought this mind-set to the policy debates (Brown et al. 1998). The legalistic nature of the restitution programme was a reflection of the fact that many of the NGO activists involved in the policy formulation process had a legal background. This 'hybrid of pressures' led to the introduction of a restitution programme that distinguishes South Africa from other Southern African land reform programmes, where historic rights were put aside in favour of more simple land redistribution (Cliffe 2000).

According to Baulman (2013) community organisations across South Africa expressed dismay and frustration with the extent to which the government's new Land Reform Policy and draft legislation will undermine their rights in terms of the land reform process and access to land. If implemented, these laws would further entrench rural poverty and inequality among people on communal lands, land reform claimants, farm workers, and mining-affected communities. According to Hall (2003:33), "restitution has not been adequately monitored. Monitoring and evaluation information on the Restitution programme is characterised by a lack of detail, including a lack of disaggregated data and baseline information. There is, at present, no national project list from which such data can be regularly and reliably extracted. Because no system exists to monitor

projects in the post-transfer phase, little or nothing is known about the contribution of restitution to the livelihoods of claimants.”

Participants at the National Land Workshop held on 3-4 October 2013, hosted by the Centre for Law and Society, the Institute for Poverty, Land and Agrarian Studies, and Tshintsha Amakhaya, formulated a strategy to respond to several bills and policies that government was seeking to finalise ahead of the 2014 election (Weinberg 2013:1). The proper consultation had not preceded any of the new bills, and the turnaround time for submissions on the relevant bills was extremely short (Pointer and Cousins 2013). This meant that government had neglected monitoring, evaluation, as well as consultation of communities and/or individuals affected by restitution in setting up restitution timeframes and cut-off dates. The provincial hearings conducted, and several workshops prior to that, addressed rural people in general, and not specifically those claimants who were waiting for their claims to be resolved. They are the parties who stand to lose the most due to the new bill if the procedures proposed above are not introduced prior to Parliament passing the bill (Cousins et al. 2013:10).

Questions about the link between the state, the Land Restitution Programme, and land claimants need to be answered. Firstly, this will illustrate whether the government has a consistent policy evaluation framework that it uses in achieving its visions of the goals and objectives of the Land Reform Policy and its programmes. Secondly, the extent to which the review of restitution of land legislation and related policy statements convey the role that the state should, or wants to, play in correcting the past relating land restitution should be investigated. Thirdly, this analysis should also assist in portraying a picture of what informs the policy review actions of government about the local realities and dynamics of land restitution.

2.3.2 The Question of 1913 Cut-Off Date

Land dispossession of Blacks by colonists in South Africa took place over several centuries, beginning with the arrival of the Dutch settlers in 1652. However, the more systematic and decisive land dispossession resulted from the passing of the Natives Land

Act (Act 27) of 1913, in which ownership rights of blacks were restricted to only seven percent of the country's land (Walker et al. 2010). Despite a new legislation, the Black Land Act of 1936, which increased the land reserved for blacks to 13 percent, the 1913 Land Act served as a platform in which numerous racially based state land rights policies were anchored. For example, the 1913 Land Act served as a basis for the establishment of reserves, otherwise known as Bantustans or homelands, which were designed by colonial and apartheid governments to serve as territories in which Blacks could self-govern (Kepe 2012:393-394). This is why restitution legislation initially set 1913 as the cut-off date.

The land claims adjudication adopted a rights enquiry paradigm between 1994 and 1996. An assessment was made on the rights of individuals, groups, and communities. Conflicting land claims denoted 'complex situations' of 'overlapping claims.' Claims to property rights before the 1913 Natives' Land Act were prohibited. Derek Hanekom, Minister of Agriculture and Land Affairs during the administration of President Nelson Mandela (1994–99), believed that land restitution should focus on communities with legitimate claims, to avoid mass occupation and confiscation of white-owned land. Government could then justify its actions as based on the significance of birthplaces and gravesites to older generations and the promise of a better life for younger members of a community who lived in informal urban settlements (Everingham and Jannecke 2005:548).

The purpose of the Land Restitution Programme is to promote reconciliation and serve justice by restoring land (or paying compensation) to persons or communities dispossessed of their land rights after 19 June 1913 (White Paper on Land Reform 1997). Although the 1997 White Paper states that claims for land lost before 1913 may, in some cases, be accommodated by the minister in "terms of preferential status" in the Redistribution or Tenure Reform Programmes, the cut-off date probably excluded the vast majority of affected land in South Africa. Indigenous South Africans had already lost most of their land by the time the 1913 Black Land Act came into effect. According to the Mail & Guardian (2002), NGOs and affected communities have consistently challenged and

questioned the applicability of the 1913 cut-off date. In July 2002, COSATU, in a press statement, stated that it would push for the amendment of the Restitution of Land Rights Act 22 of 1994 to accommodate those who lost land before 1913.

The further one goes back in history, the greater land issues become. The whole of the Western Cape and the Karoo was once the territory of South Africa's 'first nations,' the San and the Khoi. Internationally, laws no longer regard nomadism as a barrier to restitution of indigenous rights to land. The debate now revolves around who is entitled to claim restitution, which clans or tribes can lay claim to which particular territories, and who can trace their direct descent from Khoi or San communities of the 17th, 18th, and even the 19th century (Legassick 2013:4).

In taking the debate forward, if the cut-off date were to be made earlier than 1913, would it fair to concentrate on the Khoi and San at the expense of other ethnic groups? What about the dispossession of the Xhosas of the Zuurveld and most of the Ciskei that occurred from 1812 to the 1850s? What about the dispossession of the Basotho of the lands of the Eastern Free State? Such considerations could lead to double claims and counter claims. At face value, the new process can give long overdue political recognition to dispossessed communities hamstrung by the initial closing of the lodging process of 1998 (Legassick 2013:4).

In the decision on a cut-off date, which could open a Pandora's box, the focus should be on the central task — rectification of past injustices and securing a future marked by fair and sustainable land redistribution in South Africa through co-operation. Considerations should include food sovereignty and the localisation of control over food production and distribution. The aim should be meeting the needs of the poor and the landless, not competing for traditional jurisdictions (Legassick 2013:4).

Land restitution programmes based on aboriginal title have not been particularly successful. According to Markiewicz (1993) it was only in 1992, for example, that the Australian High Court overturned a 204-yearold precedent that Australia was a vast empty land when the first white settlers arrived in 1788, and recognised Aboriginal land rights for the first time. Consequently, the 1994 Native Title Act was passed, stipulating that if

indigenous Australians could “prove continuous and traditional occupation of a piece of land, they could claim it.” Since then, only two claims have been settled. According to Court (1998), the Wik community in Northern Queensland was granted permanent title to over 110 000 hectares in December 1997, and the Dunghutti in New South Wales received financial compensation. However, in July 1998, the Australian Upper House passed a bill reducing Aborigines rights to claim access to certain categories of land. In the case of South Africa, the question is whether the government knows how many cases would be brought by aboriginals before setting 2018 as a cut-off date for application.

Evaluation of the complexities of what to expect is important for the allocation of time and resources to the Restitution Programme. Article 27 of the 1917 Constitution of Mexico provides another example. The article contained legislation for the restitution of “ancient land which had been unjustly and illegally alienated from the Mexican people” during Spanish colonisation in the 16th century. Given the legalistic nature of the Mexican restitution programme at the time, the article required that applicants provide ‘proper titles’ for the land claimed. Since colonial land transfers were semi-legal, many claimants lacked such title. Consequently, the restitution process was extremely limited (Markiewicz 1993).

To date, there has only been one South African claim based on aboriginal title. The Richtersveld community, near the Namibian border, instituted an action in the Land Claims Court against the state and the diamond company Alexkor, based on aboriginal title. The community claimed 84 964 hectares on which their ancestors had lived. Legal representatives of the government and Alexkor argued that the Land Claims Court was competent to inquire into aboriginal title (Mail & Guardian 2000). The judge in the case agreed, and ruled that the court did not have the jurisdiction over the matter, and recommended that the Minister of Land Affairs provide alternative relief for the community (Mail & Guardian 2001). The community finally obtained legal title to their land in mid-2002, through the Redistribution (and not the Restitution) Programme. The Richtersveld community then took their case to the Supreme Court of Appeals, which ruled in February 2003 that the Richtersveld community never lost their ownership rights to the land after the British annexation of the area in 1847. The court stated that, in the 1920s, the South

African government had ignored the right of the community to the land around Alexander Bay (where alluvial diamonds were discovered). The court ruled that the Richtersveld community was entitled to the mineral and mining rights for the land. A solution will have to be negotiated between Alexkor and the community. The community's case against the Transhex diamond mine (40 000 hectares along the Orange River) remains a highly contested issue (The Star 2003).

Whilst the proposed amendments to Restitution of Land Rights Act 22 of 1994 will provide for the re-opening of lodging of restitution claims by people who missed the 31 December 1998 deadline, the bill does not address pre-1913 claims, although the memorandum to it says that a separate process is underway in this regard. Opening up the restitution process to pre-1913 claims would require a Constitutional amendment.

Some white farm owners have resisted the restitution process, while there have been continuing calls from other quarters for more frequent use of the expropriation powers that the legislation confers upon the Minister. The most prominent such case, in 2001, concerned the farm Boomplaats, in Mpumalanga, where an expropriation notice was issued, but subsequently withdrawn. Negotiations were restarted, and a sale ultimately agreed. Meanwhile, other white farmers are lodging restitution claims for their land that was expropriated by the apartheid government for homeland expansion. They claim, and the Commission denies, that the slow treatment of their cases constitutes discrimination (Turner et al. 2002:8).

2.3.3 Government Opening Engagement regarding the 1913 Cut-off Date

The Interim Constitution of 1993 made provision for land restitution for individuals and communities dispossessed of land, and parliament was tasked with governing the restitution of land rights. This was the basis for the Restitution of Land Rights Act 22 of 1994. This Act stipulates that a person (or a direct descendant of such a person) who was dispossessed of a right in the land after 19 June 1913, under an abolished racially discriminatory law, may qualify as a claimant for the restitution of land rights (Interim Constitution of the RSA 1993).

In the Constitution of the Republic of South Africa, it indicates that the cut-off date for such claims is 19 June 1913 and such cut-off date is a compromise (Green Paper on South African Land Policy 1996). It was an attempt at finding the balance between the rights of those dispossessed and the rights of the current occupiers (Van der Walt 2005). The Green Paper acknowledged that certain restitution claims will fall outside of the Restitution of Land Rights Act, because of the cut-off date's limitation to dispossessions that occurred after 19 June 1913. A commitment was made to, in such cases, provide alternative forms of relief, although these alternatives are not explained. The Green Paper on South African Land Policy (1996) stated that the restitution process as set out in the Constitution would be unworkable if it applied to all historic land claims, concluding that, in South Africa, ancestral land claims would be problematic, as the legal and political complexities associated with such claims would be too difficult to solve (Dube 2009:1).

The 1997 White Paper of South Africa on Land Policy justified the exclusion of pre-1913 land claims on the basis that most historic claims are, by their nature, based on tribal affiliation, and that such claims would “serve to awaken and/or prolong destructive ethnic and racial politics.” Moreover, the demographics of ethnically defined communities have changed over the years, with populations growing to more than eight times that of the past. There would also be a risk of overlapping claims in instances where land was occupied in succession by various ethnic groups.

The 2005 Land Summit (www.land.pwv.gov.za/Land_Summit) discussed the possibility of revising the cut-off date to either 1652 or 1820, when the Dutch and English settlers respectively arrived. This was dismissed by the then Minister of Agriculture and Land Affairs, Thoko Didiza, on the grounds that this would lead to “counter plans over counter plans.” She added that all issues pertaining to land needs were addressed by the Redistribution Programme, as well as land tenure legislation.

Carey Miller and Pope (2000:315) describe the limitation of restitution claims to post-1913 dispossession as a critical aspect of the restitution process. They summed up the reasoning of the White Paper's insistence on the cut-off date as follows: firstly, aboriginal title should not be included in the South African restitution process, as South Africa differs demographically from the countries in which it has been applied successfully. Secondly,

aboriginal title is unsuitable in land claims, as there had been a shift in the ownership paradigm from that of long ago, and some land settled on by European settlers was *terra nullius* (nobody's land). Finally, it was felt that making the cut-off date earlier may result in ethnic conflicts.

Carey Miller and Pope (2000:315) regard the cut-off date as valuable in the land restitution process, because it ensures that potential claimants can be identified with sufficient certainty. They added that it is essential to balance primary concerns such as restitution with maintaining public confidence in the land market. Since forced removals were a phenomenon of the 20th century, the cut-off date is appropriate. They suggested that this limitation could have a positive influence on the economy, and is in line with the objectives of the White Paper on South African Land Policy (1997).

Patterson (2003) described the cut-off date as a realistic compromise, adding that the Land Claims Court cannot be reasonably expected to deal with 350 years' land dispossessions. Walker (2007) describes the cut-off date as pragmatic, yet not unprincipled, adding that the history of pre-1913 dispossessions is too dense to fall in line with community-level redress as envisaged in the post-1994 Restitution Programme. Walker (2007) further opines that the poverty and underdevelopment brought about by colonial land dispossessions could be alleviated through alternative development strategies, although she does not describe the alternative strategies in any detail. Visser and Roux (1997) note that the 1913 cut-off date is a compromised feature of the Land Reform Policy. They state that this compromise is due to the realisation that the foundations of apartheid were laid long before the NP came into power in 1948. This, in effect, precludes the inclusion of pre-1913 colonial era dispossessions from the Restitution Programme. They argue that pre-1913 claims would be too complicated to solve, given the massive population of migrations involved, the absence of written records, and the passage of time. Also, the ANC was particularly concerned that pre-1913 claims would be used by the Inkatha Freedom Party (IFP) to lay a claim, based on ethnicity, to the entire province of KwaZulu-Natal.

Roux (1998) states that, even though land dispossessions took place before 1913, the bulk of the country's usable land was occupied by European settlers during the 19th century. The cut-off date is a testimony to the delicate balance of power evident at the Convention for a Democratic South Africa (CODESA) talks. Dube (2009) acknowledges the arbitrariness of the cut-off date, but suggests that it would be theoretically possible for communities dispossessed of land before 1913 to claim restitution on the basis of the doctrine of aboriginal title. He further suggests that there may be some tactical advantage in using this doctrine in support of a general claim for state assistance.

Budlender, Latsky, and Roux (1998) note the compromise reached by political parties in the drafting of the property clause in the interim Constitution. As an indicator of the significance of land, they note that, of all the wrongs caused by apartheid and racial discrimination, it is only the dispossession of land rights which the interim Constitution specifically directed the legislature to rectify. Bennett and Powell (2005) point out that the Restitution of Land Rights Act is of limited effect, in that the restitution mechanism is primarily aimed at redressing the wrongs of apartheid, of which land deprivation is the most immediate injustice.

Van der Waltd (2005) states that "the apparently broad consensus about the wisdom of the 1913 cut-off date does not completely exclude the relevance of the doctrine of aboriginal title from the scope of the South African restitution process." Bennett and Powell (2005) postulate that some aboriginal title restitution claims can be legitimate in South African law. Reilly (2000) similarly opines that international law jurisprudence provides enough reason for South African law to recognise the applicability of aboriginal title claims. Dube (2009) labels the cut-off date as irrational in light of the remedial justice philosophy that informs the Restitution Programme in South Africa, and adds that, where land dispossessions that occurred before 1913 are clearly identifiable, it is theoretically unsound to foreclose it by an arbitrary limitation of time provision.

What happens after the restitution deadline? According to Hall (2003:340), the presidential deadline applies to the settlement of claims, but has also been understood to mean the date when the CRLR will be disbanded. Already, it is clear that the deadline will not be met. Among those claims that are settled, many are only partially settled and

will need to be revisited, while implementation of settlement agreements can be expected to take years. Other, more complex, claims may be addressed through protracted court processes, during which claimants will require the support of the CRLR. For these reasons, the CRLR should continue to exist well beyond the 2005 deadline. It must also face the challenge of handing over some of its functions, particularly in the area of post-transfer support, to other institutions.

In April 2013, the Department of Rural Development and Land Reform held a national consultative workshop with the Khoi-San people in Kimberley. The president announced, during his State of the Nation Address in February 2013, that the government has decided to re-open the lodging of land claims, and would explore exclusions to the 1913 cut-off date for heritage sites, historical land marks, and for descendants of the Khoi and the San (Department of Rural Development and Land Reform 2013).

The Minister of Rural Development and Land Reform, Hon. G. Nkwinti (April 2013) emphasised that, for the Khoi and San communities, these developments presented greater opportunities, because the first window of opportunity restricted them to urban areas. It was clear to the president and the government that national cohesion would be superficial if the Khoi and San communities continued to occupy the periphery, while their fellow South Africans occupied the centre stage in nation-building and national reconciliation (Department of Rural Development and Land Reform 2013). However, according to Legassick (2013:3), the Minister warned correctly that this decision would “require massive preparatory work – including oral historical research, which has commenced in earnest.”

The dialogue took place against the back-drop of the centennial anniversary of the Black Land Act. The DRDLR was working very hard to ensure that all legislative amendments and policy processes relating to the re-opening of the lodging of claims and the codification of the exceptions to the 1913 cut-off date were ready for a presidential promulgation on the 19th of June of that year (DRDLR 2013). Participants at the National Land Workshop on 3-4 October 2013, hosted by the Centre for Law and Society, the Institute for Poverty, Land and Agrarian Studies, and Tshintsha Amakhaya, pointed out that the new Amendment Bill came at a time when 20 000 existing land claims had not

yet been finalised, and, while the Bill intended to reopen the restitution process for new claims, it does not make clear how existing claims will be dealt with while processing new claims (Pointer and Cousins 2014).

Community members fear that reopening the restitution process could both delay the finalisation of existing claims and lead to counterclaims on the same piece of land, including counterclaims by traditional leaders who believe communal land ownership should vest in them. In light of recent policy statements by the DRDLR, there is a strong possibility that the formation of communal property associations on communal land will be discouraged. Some workshop participants indicated that many traditional leaders were already abusing their powers, and the possibility that government might hand land over to traditional leaders, instead of communities, was a strongly-voiced concern (Pointer and Cousins 2014).

On the other hand, Cousins et al. (2013:8-9) are of the view that the Bill does not address pre-1913 claims at all, although the memorandum to it says that a separate process is underway to look into this. In political pronouncements, this has been linked specifically to the demands of the Khoi-San people, but there could likely be no justification for an ethnically selective re-opening. There seems no clear middle ground: either the process of claims prior to 1913 is a blanket reopening to all people, or it is not. Opening the restitution process to pre-1913 claims would require an amendment to Section 25(7) of the Constitution.

In view of the above, it can be fair to say that the Land Reform Policy's Restitution Programme needs to be evaluated, given the complex task of resolving rural community claims, negotiating settlement agreements that are acceptable to the claimants and the state, implementing these agreements, as well as extending the cut-off date to those dispossessed before 1913. According to Cousin et al. (2013), "Resolving the existing claims may likely take at least a many more years than anticipated, and probably more to implement all the settlement agreements and court orders. It is important to consider not merely the number of claims but the number of people who have been waiting and spending time, money and effort in the claims process and still have not received restitution for the unjust dispossession." Evaluation of the Land Restitution Programme

should therefore clarify the many uncertainties that may exist in achieving the objectives of the Restitution within the allocated time frame.

2.3.4 The Restitution of Land Rights Amendment Bill

Researchers (Cousins, Hall, Isaacs and Paradza 2013) for the Institute for Poverty, Land, and Agrarian Studies made the following input towards the Amendment Bill, published on 19 October 2013. Cousins et al. (2013:3) provide a summary of the most relevant statistics regarding land restitution in South Africa, with data that show that the Restitution Programme has very far to go in addressing the existing claims, which would likely take at least another two decades to complete. Among others, there exist the following issues:

- 9 149 outstanding claims (Cousins et al. 2013:3);
- among the outstanding claims are 7 226 claims not yet gazetted, and a further 1 507 gazetted claims not yet settled (Cousins et al. 2013:3);
- 20 582 claims are 'settled' but not finalized (Cousins et al. 2013:3); and
- among the claims that are settled but not finalized, there are 8 008 claims that are partially settled and 12 594 settled claims that have not yet been implemented (Cousins et al. 2013:3).
- There are demands for the re-opening of the claims process by those who are eligible under the Act, but who did not lodge claims before the deadline of 31 December 1998. However, there is no indication of the scale of such demands, nor any evidence that the Commission of Restitution of Land Rights or the Department of Rural Development and Land Reform has conducted any research to assess this (Cousins et al. 2013:4).
- The re-opening cannot be separated from the challenges facing the Commission in carrying out its existing mandate. Claim forms have been lost, claimants have been frustrated with delays spanning years, claimants have died waiting for restitution, and delays have contributed to complex and conflictual relationships within and between communities, the Commission, other state authorities, landowners, and other affected parties. The frustrations and anger expressed by claimants at consultation meetings should be heard by representatives in parliament as an indictment of the systems and

capabilities of the Commission, and a warning of the implications of a massive expansion in the restitution process (Cousins et al. 2013:4).

Regarding institutional capacity and budgetary constraints and projections of requirements, reopening the claims process means massively expanding, not only the claims of the people against the state, but also the capacity of the state to respond to the claims (Cousins et al. 2013:4).

- Parliament should require of the Commission to provide a comprehensive strategic and operational plan in the coming medium-term expenditure framework, demonstrating how it will be able to upscale its capabilities to the levels required Cousins et al. (2013:4).
- As a ballpark estimate, if the Commission is correct that about 379 000 new claims might be lodged, this would require at least a six-fold increase in its capital and current budgets; this would be commensurate with the increase in the number of claims anticipated, and allow the Commission to address these at a similar rate as the claims addressed between 1998 and 2013. To avoid new claims being processed as slowly as the existing claims have been will require substantial increases in resources. To halve the amount of time it takes to process a claim would require a 12-fold increase in capacity, which could be considered the same as requiring an annual budget in the ballpark area of R36 billion per year (in 2013's rand value) over the coming few decades (Cousins et al. (2013:4).

The Amendment Bill's cut-off date of 1913 has been identified as the historical point that signifies the break between historical injustices that have to be restored and those that cannot be restored through the Land Restitution Programme within a given time frames. In summing up the above academic reactions to the proposed amend bill, it may be said that the bill is too ambitious. Scholars view the cut-off date's exclusion of claims for pre-1913 dispossessions as fair, pragmatic, and logical.

The majority of political and academic commentators seem to accept that it is the result of a pragmatic decision that allows the majority of apartheid dispossessions to be rectified, albeit at the cost of other, equally racially determined pre-apartheid

dispossessions. This academic opinion seems to have been shaped by pragmatic considerations emerging from the deals that were struck during the multi-party negotiations leading to the development of the 1993 Interim Constitution, which finally brought about the 1996 Constitution and many other pieces of legislation relating to land reform. However, the government's view of restitution is that the cut-off date is unfair, and that obvious pre-1913 dispossessions should be rectified, despite the deadline.

This academic view and especially the statistics demonstrate the nature of dealing with restitution and not being sure what exists or what to expect in practice. Evaluation of the Land Restitution Programme may assist in finding the balance between what has been achieved so far and what out to be achieved through restitution of land rights in considering the rights of those dispossessed and the rights of the current occupiers. It is for this reason that the Act recognises the legitimacy of restitution claims for unjust land dispossessions that took place before the democratic turnaround of 1994. These historical dispossessions and injustices cannot be restored using the Land Restitution Programme only. An evaluation of Land Restitution Programme should be able to give a proper account of state of restitution, both in numbers of claims and pieces of land to be declared restitution areas.

2.3.5 International Review

On the one hand, Canada and Australia, both of which have also in recent times restored land seized under colonialism to their indigenous populations, do not have a statutory limit on the date of dispossession. In fact, neither of these countries has promulgated comprehensive restitution legislation. Instead, their courts have formulated the doctrine of aboriginal title as a means to restore colonial land dispossessions (Bundy 1996). It is important to consider the land restitution model(s) as demonstrated by countries that have explored the aboriginal restitution programme if it is to be explored by South Africa. This is because different patterns and many forms of dispossession have taken place before and after 1913 in South Africa, ranging from the use of legislation, administration, courts, and threats, to violence.

Many actions depriving people of the property before 1913 were illegal at the time, and are morally repugnant from today's perspective. The question is whether, in opening consideration of dispossessions before 1913, there be no cut-off date at all, or whether any deontological (rights-based) defence of the cut-off date would fail, though it is far from clear where such an argument would end up if the date were removed.

Critics have pointed to the arbitrary nature of the date, and have argued that aboriginal title (used in Australia, Canada, New Zealand, and certain West African countries) should be used to address pre-1913 claims (Mail & Guardian 2000). On the other hand, according to the White Paper on Land Reform (1997), the government used to argue that it is not possible to address the pre-1913 claims through a judicial process such as aboriginal title claim in South Africa, for the following reasons:

- a) Most historical claims are justified on the basis of membership of a tribal kingdom or chiefdom. The entertainment of such claims could renew or prolong ethnic and racial politics.
- b) The members of ethnically defined communities and chiefdoms and their present descendants have increased more than eight times, and are scattered.
- c) Large parts of South Africa could be subject to overlapping and competing claims where pieces of land have been occupied in succession by, for example, San, Khoi, Xhosa, Mfengu, Trekkers, and the British.

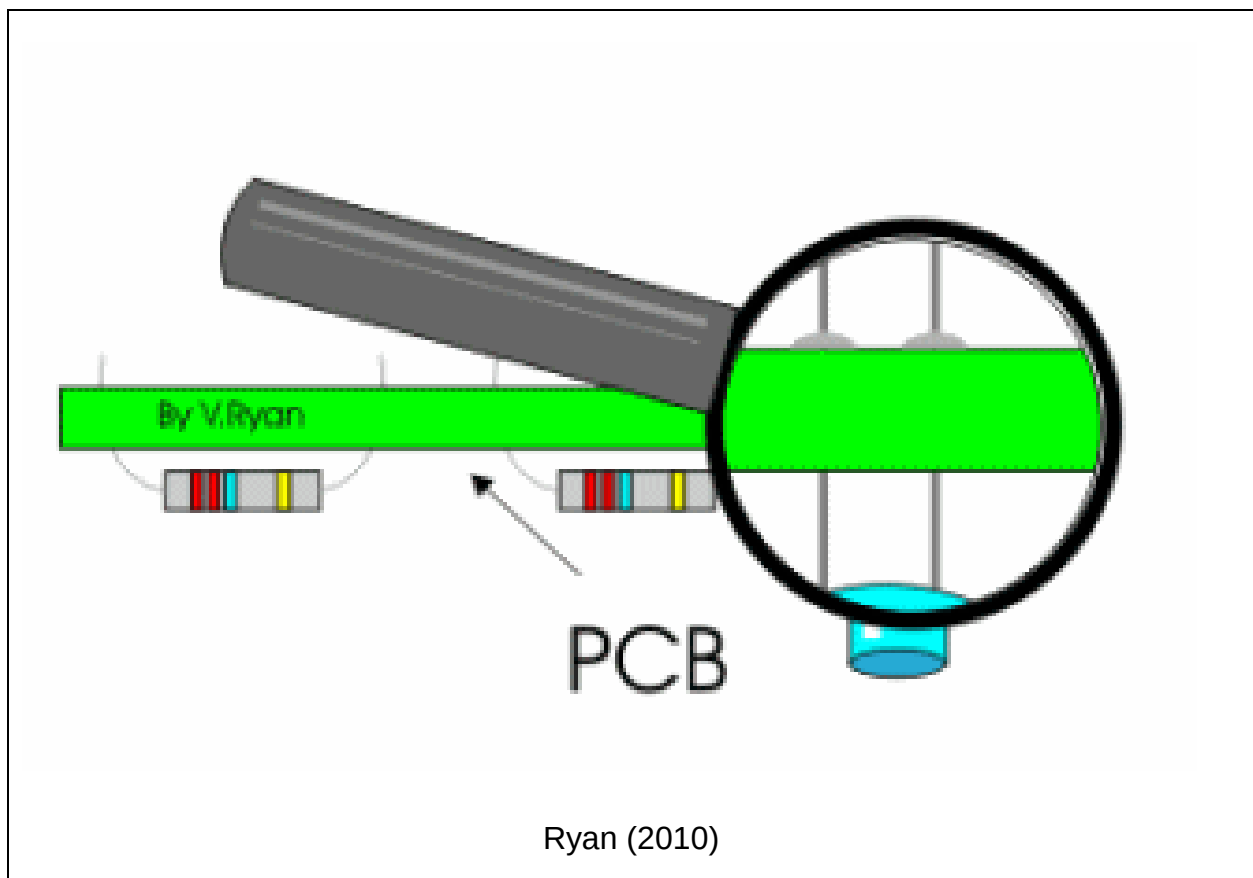
This means that opening restitution claims for aboriginals and/or claims for those dispossessed of their land before 1913 Land Act may also bring some challenges that the government must be prepared to address. Other than the challenges mentioned above, the government may also have to guard against criminals who may want to defraud the state and mislead vulnerable, desperate claiming communities. The government should also prevent the possibility of traditional leaders claiming land meant for an entire rural community as belonging to the royal family. If this is not prevented, it would disenfranchise rural communities and, instead, empower chiefs, who may ban communal property associations from owning redistributed land.

2.4 The Policy Evaluation Environment

Policy evaluations are a set of activities analysing the effects of public policies to improve human and social conditions in a given society. These activities are directed at collecting, analysing, interpreting, and communicating information about the effectiveness of public policies (Rossi, Lipsey, & Freeman, 2004). In South Africa, in the past, there has been no national evaluation system, and, while evaluations have been conducted, each department has used its own approach. In addition, there has been no central repository of evaluation data across government departments. In practice, the focus over the past decade has been on monitoring, rather than evaluation (Engela & Ajam 2010:33). As a result, expectations may be growing that the government will develop national evaluation systems. While the demand for evaluation often originates from international partners, the national political process may be the ultimate factor shaping evaluation systems. In South Africa, it is clear from GWM&ES practices that the legal framework for evaluation stems from the Constitutional mandate and legislation, whose practices may have resulted in the need for an independent policy evaluation.

Ryan (2010:1) utilises the analysis indicated by Figure 2, which is a microscopic diagram, to demonstrate that policy-makers need to evaluate the environment in which policies are implemented, to test whether these are effective, and how the design of the policies can be corrected or improved.

Figure 2: Policy Evaluation Microscope



An important aspect of policy evaluation is continuous feedback. In practice, this depends on the framework, focus, and type of policy evaluation process that has been put in place. Assessments need to take place on a periodic basis, to measure the extent to which the objectives have been met through implementation of programmes aligned with the policy. The achievement of policy objectives may be evaluated using evaluation tools, a strategy, criteria, a model, or a framework.

2.4.1 A Policy Evaluation Framework

Arseven and Arseven (2014:418) state that the policy evaluation process is “a process in which qualitative study methods can be used in an efficient manner. A qualitative inquiry is defined as a study method which prioritizes studying and understanding social phenomena within their environment and which tries to present the inside of events or phenomena in their own natural environment in a realistic and holistic manner.” In other

words, policy evaluation is a process during which it is attempted to understand how the policy is processed in the intended environment.

Ile, Eresia-Ike, and Allen-Ile (2012:94) define a framework as essentially a skeleton or structure of the planned intervention. In programmes or projects, a framework is an outline of the ideas or concepts that underpin it. A framework is a graphic depiction or picture of the critical components of the programme/project and how elements are systematically interlinked from the beginning to the end, which is useful for the following reasons.

- A framework maps project / programme elements in a way that presents a clear picture of resources, methods, and results;
- it helps relevant persons to stay on track by focusing on planning and implementing activities that directly contribute to the intended results; and
- it enables effective monitoring and evaluation by highlighting key projects/programme components and subsequent intended objectives, making it easier to assess performance.

A programme evaluation framework is a structure outlining parameters for evaluating the success of intervention(s) based on a policy. A programme evaluation framework, therefore, acts as a catalyst in the implementation of a policy, from start to end, with the aim of improving performance. It is an approach to delivering policy performance information that may be used to address concerns and loopholes identified throughout the policy implementation process.

According to Upfold and Turner (2014:1), ideally, a programme should be evaluated at each stage of development. All types of evaluations frameworks require data (information) to answer the evaluation questions. There is a variety of evaluation frameworks, and selecting an evaluation framework depends on several factors, such as the type of evaluation to be conducted, the evaluation questions, and the amount of human and fiscal resources required. Upfold and Turner (2014:2) list, among others, the following types of evaluation:

- diagnostic evaluation: identifying the root cause of problems and potential options to address these;
- design evaluation: a short assessment by M&E units within departments to ensure that designs are robust, ideally before implementation starts;
- implementation evaluation: measuring an intervention's progress and determining how it can be strengthened;
- impact evaluation: identifying the impact of interventions and how they can be strengthened;
- economic evaluation: assessing the cost-effectiveness or cost-benefit of interventions; and
- evaluation synthesis: drawing lessons from more than one evaluation.

Considering the perception that there were many deficiencies in the implementation of the Land Restitution Programme, it is important to evaluate what led to these deficiencies. An evaluation framework for the Land Restitution Programme could be used to obtain feedback on the effectiveness of policies and programmes, will inform decision-making around restitution. The types of evaluation should be critically applied on the feasibility of the re-opening of the 1998 deadline for the lodgement of land claims by government for various persons and communities who were excluded from the restitution programme.

According to Eller et al. (2013:10), "evaluation work tends to focus on answering questions related to the success or failure of specific programs in specific organizations. The purpose of the work not necessarily to make a contribution to general knowledge about a management strategy or policy. Instead, the intent is to decide whether a specific program did or did not work." When drafting a national evaluation policy framework, it is advisable to learn from other countries' practices and to consider different views of scholars. According to Latib and Goldman (2012:157), the focus of such a framework is enhancing the use of evaluation in government and positively impacting government performance. The types of evaluation listed above are discussed hereunder.

2.4.1.1 Design Evaluation

The design of evaluation research determines the accuracy and reliability of the findings, which will determine whether these can be used to improve the programme. Design evaluation is used to analyse the theory of change and inner logic and consistency of the programme, either before a programme starts or during implementation, to establish whether the theory of change is effective. This is a quick process, and uses only secondary information, and is therefore advisable for all new programmes. Design evaluation also assesses the quality of indicators and the assumptions (The Presidency 2011a).

Design evaluation of programmes is a function of the evaluation system; the evaluation consists of assessment, process evaluation (inter-evaluation), and post-evaluation. Design evaluation consists of three processes of:

Assessment establishes the significance of and reasons for introducing policies and programmes, and contributes to decision-making on the investment of financial resources.

Process evaluation evaluates the level of achievement — whether or not the policies and/or programmes are executed as planned, and whether or not the expected outcomes are being delivered, or whether or not the conditions to produce these are present.

Post-evaluation measures whether or not the purposes and objectives of the policies or programmes have been achieved (Sekita and Kato 2002:34). It determines which parts of a programme are effective and which ones need adjustment, or whether some participants respond to certain methods or conditions differently from others.

Most evaluations of the policies and programmes currently conducted in South Africa are mere assessments. Evaluations are rarely executed to the point of post-evaluation via process evaluation. For this reason, there is a tendency to overuse assessment; proper evaluation cannot be performed, because post-evaluation is not related to assessment (Sekita and Kato 2002:34).

2.4.1.2 Implementation Evaluation

This evaluation aims determine whether an intervention's operational mechanisms support achievement of the objectives, and, if not, the reasons for the failure. Implementation evaluation looks at activities, outputs, and outcomes, the use of resources, and causal links. It builds on existing monitoring systems, and is applied during programme operation to improve the efficiency and efficacy of processes. It also assesses the quality of the indicators and assumptions. This can be rapid, primarily using secondary data, or in-depth, through extensive field work (The Presidency 2011a).

Parsons (1995:547) and Rist (1998:158-159) postulate that “successful policy implementation involves the translation of policy intent into policy action. While the failure to craft a thoughtful policy involving the choice of appropriate instruments can reasonably predict that the policy will not have the intended effects, so also can the failure to appropriately implement the policy ensure that the intended effects do not occur. Intention without execution leads nowhere.” This implies that proper evaluation is crucial to the effective implementation of a policy. Failure to put measures in place to evaluate the manner in which the policy has been implemented may compromise the policy's intended outcomes.

Policy implementation could be affected by changes in the economic, social and natural environments. Additional factors that may influence implementation include feasibility, institutional settings, political legitimacy, social acceptability, and flexibility in dealing with uncertainty (Jordan et al. 2011:546).

Rather than only focusing on outcomes, implementation evaluation also inputs, activities, processes, and structures of policies.

2.4.1.3 Impact Evaluation

Impact evaluation seeks to measure changes in outcomes and the well-being of the target population that are attributable to an explicit interpolation. Its purpose is to inform senior officials on the extent to which intervention should be continued or not, and if any

modifications are needed. This kind of evaluation is implemented on a case-by-case basis (The Presidency 2011a).

Patton (2002) states that the simplest form of impact evaluation is what is sometimes called *goals-based evaluation*, whereby policy-makers establish whether an anticipated outcome or goal has been accomplished. The process entails defining an anticipated outcome at the outset of a policy initiative and checking at an agreed future time, after implementation of the policy, whether this outcome has or has not been achieved and to what extent. Assessing the expected results of a policy is an important part of an impact evaluation, but so too is the investigation of unexpected results.

In 2014, the International Initiative for Impact Evaluation (3ie) called for an impact evaluation of the Restitution Programme by the DRDLR (<http://www.dla.gov.za>). This evaluation was identified by DPME as part of the South African National Evaluation Plan for 2014–15. The DRDLR is responsible for maintaining records of, validating, and processing all claims. Currently, over 4 000 claims are still outstanding. Successful claimants either have the land returned to them or receive equivalent financial compensation. In some cases, financial support is given to those acquiring land, to facilitate productive use thereof (3ie 2014).

A true impact evaluation is one designed to answer so-called ‘counterfactual questions’: How would individuals who participated in the programme have fared in the absence of the programme? Moreover, if those who were not involved in the programme had been incorporated, what would have been the outcome? Impact evaluation, therefore, requires establishing a valid comparison group of individuals who were not in the programme, but on whom the programme would have had a similar impact, had they participated. The identification of this comparison group is critical to any impact evaluation (Jha et al. 2010:278).

An implementation evaluation of the Land Restitution Programme was to be conducted as part of South Africa’s National Evaluation Plan for 2013–14. The aim of the impact

evaluation was to identify intermediary variables in the causal chain, such as correct administration of restitution funds and the use of assets by claimants (3ie 2014). Government will evaluate the difference or change for those affected or who have benefited from the Land Restitution Programme. The DRDLR is said to conducted an implementation evaluation during the 2013–14 financial year, before conducting an impact evaluation for the 2014–15 financial year.

2.4.1.4 Economic Evaluation

The Presidency (2011a) defines economic evaluation as considering whether the costs of a policy or programme have been outweighed by the benefits. Types of economic evaluation include:

- cost-effectiveness analysis, which evaluates the costs of implementing and delivering the policy, and relates this amount to the total outcome generated, to produce a cost per unit of outcome estimate (e.g., cost per additional individual placed in employment); and
- cost–benefit analysis (CBA), which goes further in placing a monetary value on the changes in outcomes (e.g., the value of placing an additional individual in employment).

It may also be necessary to conduct an economic evaluation to demonstrate value for money and identify possible cost savings for government by investing in prevention. The economic evaluation addresses the question of whether one intervention represents a better use of resources than another. Economic evaluation is based on the comparison of alternatives regarding their costs and consequences (Drummond 1997:28). The eighth principle of Value for Money from the Pele Principles of the Transformation of Public Service Delivery (1997) is that the public service should be provided economically and efficiently, to give citizens the best possible value for money. This requirement forces public organisations implementing policies and programmes to do so efficiently and effectively, and to consider quantity, quality, and time frame, so that those affected by the policy get the best possible value for money.

Drummond (1997:30) states that “a common element of all forms of economic evaluation is that they involve measuring costs. Costs usually comprise, at least in part, the programme direct costs — the resources that are used to run the programme (e.g. equipment, staff, consumables). However, in principle, other costs may also be relevant such as those incurred by patients, carers and the wider community. Furthermore, there are ‘downstream’ costs and cost savings that may enter into consideration e.g. a programme may result in reduced hospitalisations and these savings in resources may be deemed relevant. The type of costs selected depends on the perspective taken in the evaluation and the nature of the resource allocation problem being addressed.”

In summary, economic evaluation analyses the cost-effectiveness of policy. It is used to identify the most cost-effective option for achieving the set objectives of a policy using a criterion that is not measurable in monetary terms. In other words, the objectives of policy are set, options for achieving these are identified, and the most cost-effective option is identified.

2.4.2.5 Formative Evaluation

According to Suvedi and Morford (2003:2), a formative evaluation is conducted during the life of a programme, to identify its strengths or weaknesses and enhance its quality and effectiveness. Formative evaluation is vital at the initial stage of the policy-making process, to appraise the feasibility of the choice of a policy or programme. Policy development consists of a range of systematic activities aimed at developing a policy, including problem identification, problem structuring, prioritisation, policy objective-setting, options analysis and assessment, resource availability and utilisation, implementation, and the evaluation of results. This includes identifying the potential costs, benefits, constraints, and the potential impacts that different policies may have on an existing policy issue, to decide on the course of action to take (Cloete 2009: 296).

Feasibility studies may have a dedicated focus on the feasibility of the objectives of a proposed project or programme in different sectors, e.g., political, institutional, social, economic, and technological. They are undertaken using statistical and other trend projection techniques, e.g., modelling, scenario-building, and cost–benefit analyses. This

evaluation then has a formative influence on the policy process (Cloete 2009:296-297). Greater application of formative evaluation to policies has the potential to lead to more effective policy processes and improved understanding of the factors influencing a programme.

Formative evaluations are carried out to provide information to guide programme improvement. Rather than measuring the change in outcomes, this evaluation examines whether the programme was carried out as planned. This involves creating a list of indicators that need to be measured, depending on the aims of the programme. The results will help to identify the strengths and weaknesses of the programme, and where improvements may be made (Rossi et al. 2004:3).

Formative evaluation determines whether the information disseminated as part of the implementation of policy, e.g., through adverts, adequately address the issue at hand. For example, in a media campaign designed to disseminate information on the Restitution Programme, a formative evaluation may ask questions such as: Have the campaign products (posters, billboards, and radio- and television advertisements) been pre-tested? How often were the advertisements aired? How many people saw them? Were the target groups or audiences reached? Formative evaluation therefore seeks to assess and correct, if necessary, the format of carrying out a programme.

2.4.1.6 An Evaluation Synthesis

Synthesising evaluations means fusing the outcomes of a variety of evaluations to generalise findings across government policies and programmes, e.g., for a particular sector, or a cross-cutting issue such as human capacities and financial resources (The Presidency 2011a). According to Steiner (2009), “evaluation synthesis solves the conflict between the thesis and antithesis by reconciling their common truths and forming a new proposition. It involves the ability to put together the parts you analyzed with other information to create something original. You reach out for data or ideas derived from a variety of sources.”

Synthesis involves the ability to put together the parts of a policy analysed with other information, to create something original. Those analysing policies utilise data or ideas derived from a variety of sources regarding all stakeholders, including those affected by the policy. In short, a synthesis solves the conflict between two conflicting policies by reconciling their common features and forming a new common opinion or ground between the two.

Grooshans and Chelimsky (1992:6-7) state that “an evaluation synthesis is a systematic procedure for organizing findings from several different evaluation studies. It enables the evaluator to gather results from different evaluation reports, performed by various people at different places and at different times, and to ask several questions about this group of reports. Some of the questions are broad; others are quite specific and narrow. An evaluation synthesis can answer several different kinds of questions about overall program effectiveness, about specific versions of the program that are working especially well or especially poorly, and about how to organize future evaluation studies to provide even more useful information about a program.”

For the purpose of the present study, *evaluation* is defined as the ability to judge the value of material for a given purpose, based on criteria, which may be internal (organisation/government) or external (stakeholders), coupled with the ability to put parts together that are judged or analysed to form a new whole. This may involve the formulation of a unique policy proposal, a plan of operations (implementation plan), and a set of concrete relations (possible outcomes) by bringing different policy reports together.

The South African government uses a synthesis of evaluations for all departments and entities to consider when engaging in public policy evaluation. The next section of the study will further discuss policy evaluation focus areas, types, and models. As policy problems may not be universal, policy evaluation may not be limited to fixed criteria or frameworks. It is therefore critical to explore other policy evaluation instruments, to strengthen the framework.

2.4.1.7 Diagnostic Evaluation

This is preparatory research (also called *ex-ante evaluation*) to ascertain the current situation, prior to an intervention, to inform intervention design. It identifies what is already known about the issues at hand, the problems and opportunities to be addressed, causes and consequences, including those that the intervention is unlikely to deliver, and the likely effectiveness of different policy options. This enables the formulation of the theory of change before the intervention is designed (The Presidency 2011 a). Diagnostic evaluation is the cornerstone of subsequent evaluation activities by ensuring that all necessary information is available and that the system is adequate to provide the data needed to evaluate a policy.

Ex-ante policy evaluation implies the assessment of policy instruments before they are chosen, designed, and implemented. This practice aims to inform policymakers of the possible consequences of various policy instruments before these are adopted. Ex-ante evaluation measures include environmental impact assessment, strategic environmental assessment, and regulatory impact assessment (Matt, Givoni, Epstein and Feitelson 2013:9). This contributes to successful policy evaluation process, as it quantifies the effectiveness of a proposed policy.

Cansino, Lopez-Melendo, Pablo-Romero, and Sa´nchez-Braza (2013:40) state that “taxpayers and policymakers are interested in the proper management of public funds, particularly interested in knowing the effectiveness of programs that are financed with public funds. Diagnostic evaluation is a quantitative approach to estimate the effectiveness of such programs financed by public funds.”

Considering the perception that there were many deficiencies in the implementation of the Land Restitution Programme, *ex-ante* type of evaluation is used to assess what led to these deficiencies. An *ex-ante* evaluation of the Land Restitution Programme is used to obtain feedback on the effectiveness of the programmes, which will inform decision-making around restitution. The *ex-ante* focused on the feasibility of the re-opening of the 1998 deadline for the lodgement of land claims by various persons and communities who were excluded from the restitution programme. The use of *ex-ante* evaluation of Land Restitution Programme is to ensure that a programme makes sense, is logical and justified, and that the proposed priorities, objectives, measures, and allocation of

resources are appropriate in responding to the needs identified. An *ex-ante* evaluation assesses if the needs assessment is comprehensive and balanced, whether the objectives are in line with the needs identified, and whether the strategy, activities, and resource allocation proposed for the programme are likely to achieve their objectives. The results are used to make recommendations to improve the Land Restitution Programme.

Some of the reason why the *ex-ante* evaluation is used on the study is to pay attention to the following matters which are in the contemporary and pertinent to the Land Restitution Programme:

1. The re-open the lodgement of restitution claims is emphasised as the most important need communities excluded through the cut-off dates, this involves enabling eligible persons and groups who did not submit claims by the cut-off date of 31 December 1998 to lodge claims for a period of five years.
2. Improve the planning and administrative processes of the Land Restitution Programme to ensure a more effective implementation of the programme and avoid the costly and cumbersome delays that have characterised implementation of the Restitution of Land Rights Act, 22 of 1994. This include, among others, taking into account the how to deal, first with those unresolved claims lodged by 31 December 1998. This should be followed by those unlawfully excluded and finally those excluded due to the 1998 cut-off date. How the CRLR also relates to other government and non-governmental entities to fast track its planning and administrative process is also key for an improved Land Restitution Programme.
3. Improve support provided to restitution beneficiaries with the aim of improved beneficiary support programme that will advance rural development objectives of Land Restitution Programme beneficiaries. This is envisioned to occur through a capacitated Land Restitution Programme in which the CRLR is supported through a higher staffed human resource capacities and interrelationships with other government entities.

2.4.2 Policy Evaluation Foci

Since resources for evaluation are always limited, a series of decision criteria need to be put in place to determine the best evaluation focus at any point in time. Such criteria are based on the application and focus of the evaluation. Levin (2001:63) states that “there is no “right” evaluation focus for a program — the focus will differ with each evaluation situation. When selecting measures for evaluation, program staff and stakeholders may choose to focus on some or all components of the program, from program inputs to the most long-term intended results.” For example, stakeholders may decide that the primary purpose of their evaluation is to understand how their human and financial resources complement each other. Another example is the need to evaluate a programme that has been in existence for a few years, which may include establishing changes in knowledge, attitudes, or behaviours.

An evaluation focus is informed by a series of decision criteria to help determine the best evaluation focus at any point in time. Evaluation categories include determining who will use the results and what information will be most useful to them, as well as how much time and resources are available for the evaluation. Focusing the evaluation can be based on the assumption that the complete policy may not require evaluation. The correct evaluation of the programme depends on the following questions: Who is asking the questions? What will be done with the data? According to Ile, Eke, and Ille (2012:44-45), different evaluation foci can be selected from the range of policy evaluation categories. These are discussed below.

2.4.2.1 Linear or Single-focus Policy Evaluation

Conducting linear evaluation is cost-effective, as it saves time and resources through its focus on a single objective of a policy. The designers of the evaluation need to decide on which elements the focus will fall. This decision is simpler if there is clear brief from the leadership or the originators on the evaluation study (Ile et al. 2012:44). The target for evaluation must be clear, and, where possible, this must be decided by decision-makers.

2.4.2.2 Multi-focus/Comprehensive Policy Evaluation

This evaluative study focuses on a particular service, but is comprehensive in terms of considering the various elements related to that particular service, such as the processes that may impact the provision and delivery of the service (Ile et al. 2012:44). Hills (2004:2) explains a multi-focus evaluation as a method that brings together a variety of research approaches, usually incorporating the considerable use of qualitative data and process indicators.

A multi-focus evaluation aims to cover a wide variety of issues related to a policy, and may be necessary in instances where a single-focus policy evaluation may not provide a comprehensive understanding of strategic problems.

2.4.2.3 Self-/Internal Evaluation

An evaluative exercise can be conducted internally or by external bodies (Ile et al. 2012:44). While the borders between internal and external evaluations are increasingly overlapping as different types of assessments are being applied concurrently, the following serves as delineation of the concepts.

Depending on the scope, design, and purpose of the programme evaluations, a range of staff and researchers could be utilised. For process-oriented, day-to-day evaluation, internal programme staff could collect and monitor information on various programme features, and then collaborate with managers in analysing and interpreting the data. This type of evaluation is conducted on a routine basis to review objective aspects of a programme (Carr and Molly 2004:2). Information may be collated on a monthly and quarterly basis, which is then combined in the annual evaluation.

Programme evaluations can be conducted through a self-evaluation, also called an *in-house evaluation* or *internal evaluation*, as it is located within the organisation. The alternative is an external evaluation, which is located outside an organisation. The earliest evaluation activities were external (Horelli & Roininen 2000).

In self-evaluation by organisations, one or more persons assess the performance of an entity for whose activities they are fully or partially responsible. It is a quality review undertaken within an institution for its own ends, with or without the involvement of external peers. However, the involvement of outside evaluators implies an external

evaluation openly (Hur 2013:45). Internal evaluations means that one programme internally in an organization evaluates another programme.

Internal evaluation, or self-evaluation, can be divided into two categories: pure evaluations and consulted evaluations. Pure internal evaluations are based on the evaluators' design of and criteria for assessment. Consulted internal evaluations occur when external consultants assist the evaluators in designing, constructing, and choosing the assessment criteria for the evaluation. Internal organisational members or evaluators often participate in the evaluation process in order provide support (Hur 2013:44-45).

This means that external experts can either voluntarily or contracted to evaluate a given programme. The end results of the programme being evaluated can thus be used by internal or external parties.

2.4.2.4 External Evaluations

External evaluations are always conducted by an outsider who has as little as possible to do with the ones being evaluated. External evaluations can be divided into pure external evaluations and co-ordinated external evaluations. **Pure external evaluations** are controlled by the commissioning body to the extent that the objects of evaluation cannot influence the evaluation. In the strictest case, the objects are not even aware of being evaluated. This type of evaluation is, however, relatively rare. A pure external evaluation is performed by an external body that conducts a study on a policy without influencing the outcome of the evaluation. An example of such an evaluation would be the Land Restitution Programme being evaluated by experts and academic institutions, who would give an objective view, and may publish their findings independent of government openly (Hur 2013:45). .

A co-ordinated external evaluation is somewhat closer to internal evaluation, since the objects of evaluation are aware of the assessment criteria and the progress of the evaluation process. Part of the evaluation material may even be collected by those being evaluated. For example, evaluatees can collect and disseminate data on their activities for the evaluators, who will then reach conclusions based on the assessment criteria and performance standards. External evaluators define the criteria of assessment and the purpose of the evaluation, and the evaluators and evaluatees may interact openly (Hur

2013:45). In this evaluation, the same bodies are invited to work in collaboration with government to evaluate the policy. This body will normally share their findings with government before these are made public.

2.4.2.5 Thematic Evaluation

Thematic evaluation is the assessment of a range of developmental interventions that address a specific priority issue, e.g., poverty alleviation. This evaluation normally cuts across countries, regions, or sectors (Ile et al. 2012:44). Thematic evaluations focus on the analysis of a selected part of the policy, and is cross-sectional and/or comparative in nature. Thematic evaluations may be conducted on a specified element of a measure within a single programme or may include several programmes implemented in a given country or region, or it may consist of a comparative analysis of programmes implemented in different countries or regions. Thematic evaluations are often performed as case studies, as they enable a detailed and in-depth analysis of a chosen issue (Korporowicz 1997:6), and may be replicable.

2.4.2.6 Ongoing or Process Performance Evaluation

The focus of this evaluation is on an implemented policy or programme. Progress must be monitored to maintain the direction and time frame, and considers the capital required, the progress towards attaining the objectives of the programme, and the quality and quantity of outputs. Monitoring of the policy implementation schedule is done using project management techniques. The fundamental focus of this type of evaluation is the effectiveness, efficiency, and levels of public participation in the implementation process (Cloete 2009:297). Process evaluation yields information on programme implementation, which is important in interpreting programme outcomes to inform future efforts. Greater application of process evaluation to programmes such as the Restitution Programme in the future has the potential to lead to properly designed and more efficient programmes and improved understanding of the factors influencing the outcomes.

Process evaluation further requires auditing of the programme, to ensure it is following legal and ethical guidelines, and to identifying defects in the procedural design or the implementation of the programme. Evaluators typically provide this feedback to programme personnel, who apply it in making formative decisions (i.e. modifications or improvements). The results of this evaluation inform fluid policy processes. As evaluation data are collected and conveyed to the policymakers, implementation adjustments can be made, which could be minor changes, fundamental shifts, reconceptualization, or abandonment of the policy.

2.4.2.7 Sectorial or Integrated Evaluation

According to Ile et al. (2012:44), this evaluation could target only one sector's policy (e.g., agriculture), or be an integrated assessment of several sectors' policies simultaneously (e.g., South Africa's *Towards a Ten Year Review* of 1994–2004). In the case of restitution in South Africa, this kind of evaluation may target rural development and/or land reform. This is because restitution will either be used for the purpose of rural development, land redistribution and/or agrarian reform. In the case of restitution, as much as the responsible government entities has the responsibility of redistributing land through restitution, other departments have the responsibility of aiding development in these areas. Examples of development include water, housing, sanitation, clinics, schools, transport, etc., which may not be necessarily the responsibility of the government department dealing with restitution. Therefore, if evaluation of all these needs in a restitution area needs to take place, an integrated evaluation may be the solution.

2.4.2.8 Joint Evaluation

Ile (2012:44-45) describes this as an evaluation in which different agencies and/or partners participate. It could aid co-ordination and leverage resources, if managed well. As evaluation is expensive and time-consuming, entities implementing similar programmes may integrate their resources and conduct a joint evaluation. There are various degrees of 'jointness,' depending on the extent to which individual partners co-operate in the evaluation process, merge their evaluation resources, and combine their reporting. The decision on whether to conduct an evaluation singly or jointly should be

taken on a case-by-case basis and with careful consideration of the value added and benefits and costs involved. Joint evaluations are particularly appropriate when evaluating a co-financed programme against the budget. It is also useful in evaluations of a sector, or on a national level, as well as in multilateral or regional assessments, or when issues that are too sensitive or controversial for one agency to assess alone are involved.

Joint evaluation increases accountability and transparency, and also aids learning from programme evaluation. Joint evaluations also provide a space from which knowledge, resources, and tools can be shared among peer entities and long-term co-operative relationships between entities can be built. Those involved in a joint evaluation also need to be willing to compromise to ensure the success of the collaborative effort.

2.4.2.9 Summative Evaluation

Summative evaluation is conducted at the end of a programme, to help decision-makers decide a programme's future (Suvedi and Morford 2003:2). The evaluation is done to assess either the progress made towards achieving the objectives, or to assess the results. These results include any positive or negative changes to the *status quo* before the policy was implemented, if any. After changes have been identified, it is important to determine what caused those changes, as they may not necessarily have been caused by the policy. They may have been brought about as a result of other policies or developments outside the control of the policymakers.

Summative evaluation, therefore, focuses on short-term end outputs, as well as on the medium-term sectoral outcomes or long-term inter-sectoral impacts or changes that the product brought about (Cloete 2009:297). Summative evaluation can take place during the policy implementation stage, but is most often undertaken once a policy has been implemented. It is outcome-focused, more than process-focussed.

2.4.2.10 Multi-Phase & Single-Phase Evaluation

Programmes can be evaluated by focusing on one phase of a programme at a time, in an effort to perform an in-depth evaluation. In the **multi-phase evaluation**, all the phases of a policy are evaluated together (Ile et al. 2012:45). As multi-phase evaluation covers

many phases, the findings may not provide a comprehensive understanding of the problems.

A **single-phase evaluation** focuses on a single element or phase of a programme. This means that the target elements or phase of evaluation must be clear, and, where possible, must be informed by decision-makers. Due to its focus on one area, this type of evaluation may be more cost-effective.

2.4.2.11 End-User Service Evaluation

End-user service evaluation focuses on the receivers of a service, focusing on policy-related services (Ile et al. 2012:45). The White Paper on the Transformation of Public Service (1997) stipulates the Batho Pele principle of providing good customer service to the end-users of government services. This valuation may be appropriate for assessing customer satisfaction with the public service regarding restitution.

2.4.2.12 Independent Evaluation

Ile et al. (2012:45) describe this as an evaluation carried out by entities and persons free from the control of those responsible for the design and implementation of the intervention or policy. Its strength is its objectivity, as it is free from political and organisational pressures; however, it can be sabotaged if there is limited autonomy and access to required documentation. Schreyer (2010:30) states that, with independent evaluation, a lack of mutual interaction between the ordering entity and the contractors will guarantee the independence of evaluation activities.

Employing independent evaluation is often considered too expensive, and may be deliberately slowed down to increase costs. Independence of the evaluation team is a more complex issue, and it depends on many more factors than a simple limitation on contact with a customer. The best guarantee of the independence is a scientific and professional approach used by the evaluation team. Even so, the bodies deciding on evaluation and those who manage the project should remember that many factors may threaten the necessary independence of the team conducting the evaluation (United Nations *Delivery as One* Summary Report 2012:13). Enhancing the independence of the

evaluators will increase the credibility of the evaluation results. However, irrespective of the efforts, the question may remain if the evaluators were truly independent, as they may be subject to many influences.

According to the United Nation's (UN's) *Delivery as One* Summary Report (2012:14), the fundamental factors determining to what extent evaluation/evaluators are independent include, among other, the following:

- Interpretation of data collected during the evaluation survey often depends on the evaluators' knowledge and understanding of the rules and mechanisms that govern a given domain.
- Evaluators are paid.
- Evaluation of socio-economic development issues never takes place in a politically neutral environment.

Given the nature and posture of the study which focuses on two types of samples, the one being officials working with the Land Restitution Programme of government and the other being communities affected or benefiting from the restitution programme, the study is therefore using the independent evaluation focus. The independent evaluation focus sets the evaluator to be free and independent from influences of factors affecting the studies samples. Therefore, the evaluation process is conducted professionally by exercising research ethics in executing the evaluation process, and results depends on the evaluation team's professionalism and experience. As the researcher conducts evaluation at various levels/stages of the Land Restitution Programme, there is a particular need to pay attention to the principles of independence, impartiality, professional and ethical standards of government business and academia.

2.5. Approaches to Evaluation

Ballart (1998) argues that "there is diversity in the ways of approaching evaluation tasks in response to diverse evaluation demands and situations. There is also diversity in the activities conducted under the rubric of evaluation as a result of the different professional standing of evaluators and the variety of tools they may use according to their substantive

field of training.” The main theoretical debate relating to evaluation research today seems to be focused on epistemological differences, i.e. whether the debtor is committed to the experimental or the social-constructivist paradigm. These theoretical differences transfer into different approaches to the practical application of the theory. Older methods of evaluation are experimental and quasi-experimental, using an unbiased, external evaluator who considers primarily quantitative data. A more modern approach is recognising that the evaluator is an actor in the process, which puts more emphasis on stakeholder consultation (Radaelli and Dente 1996).

2.5.1 Social Impact Evaluation

According to Diener (2005) different approaches of programme evaluations on social impacts have to do, among others, with the quality of life, the function of well-being, access to resources, job opportunities, and equity issues. The concept of quality of life refers to the extent to which a person’s life is desirable, often related to external factors such as income or environment (Diener, 2005). However, the measurement of quality of life is not always based solely on objective measurements such as GDP, life expectancy, and education. Pukeliene and Starkauskiene (2011) differentiate between individual quality of life and societal quality of life. Individual quality of life is explicit and considers how well individuals live, while societal quality of life is implicit and relates to the stability of a society.

The perception of well-being is subjective. Wellbeing can be understood as how people feel and operate on a personal and societal level, coupled with self-evaluation of a person’s life (Michaelson et al. 2012). Community wellbeing is defined by Forjaz et al. (2011: 734) as “satisfaction with the local place of residence taking into account the attachment to it, the social and physical environment, and the services and facilities.” Hall et al. (2010) define societal well-being as the sum of human well-being, together with the condition of the ecosystem, which provides the necessary resources and ecosystem services to maintain well-being. Thus, there is clearly an interrelation between the notions of quality of life and well-being. Nevertheless, impact evaluation can be useful in assessing the well-being and quality of life of a society.

2.5.2 Cost–Benefit Analysis Evaluation

This is one of the original forms of evaluation carried out by economists, who translated costs and benefits to monetary values and based their decision on the result. There are many variant forms of the core analysis concept, including *cost-effectiveness*, *cost utility*, and *cost feasibility*. The main problem with this type of evaluation is that not all costs and benefits can be quantified in monetary terms. Those that cannot be converted are then considered trivial (Levin 1983:98).

Unfortunately, many intangible benefits, such as the advantages of building a well-educated society, may not be readily visible for many years to come, and some intangible benefits are impossible to quantify, such as quality of life. Policy evaluators must constantly be aware that the costs and benefits of any evaluation may not accurately, if at all, represent the real impact of a given policy or programme. Instead, a cost–benefit analysis should be employed as one of several methods to determine the efficacy and efficiency of government action (Wall 1994:2).

2.5.3 Fourth-generation Evaluations

Laughlin and Broadbent (1996:98) suggest that there have been the following three ‘generations’ of evaluation approaches:

- Measurement generation: The evaluator was the unbiased technical expert who administered the appropriate test, pronounced the result, and interpreted its meaning
- Description generation: The evaluator takes an active part in describing the strengths and weakness of a particular programme using SWOT (strengths, weakness, opportunities, and threats) analyses. Strengths and weaknesses may be internal to the organisation, e.g., human and financial resources. Opportunities and threats may be external, e.g., stakeholders. The generation of evaluation assists in assessing the changing environment and responding proactively.
- Judgement generation: The evaluator not only describes but also made judgements regarding the merit or worth of the programme. The findings of the SWOT analysis are rated in accordance with their weight or value.

Guba and Lincoln (1996:75) believe that all three generations evaluation suffered from the following problems:

- managerialism (bias towards the evaluation sponsor);
- failure to accommodate value pluralism (it is assumed that all stakeholders identify with or subscribe to a common objective); and
- bias towards quantitative analysis of a quasi-scientific nature.

Institutions adopting any of the three generations of evaluation approaches should guard against falling into the same traps, as these will likely compromise the findings of the evaluation.

2.5.4 Cluster Evaluation

Worthen and Schmitz (1997:45) state that cluster evaluation approach emerged as a response to the need to evaluate large-scale initiatives that span multiple project sites and respond to multiple evaluation needs. This type of evaluation strategy has also been labelled *devolved*, *decentralised*, and *horizontal evaluation*. Individual, site-specific evaluations are linked to an over-arching cross-site evaluation a cluster of programmes. The basic element needed for a successful cluster evaluation is collaboration — working together across all sites as a team of evaluators with a common goal and learning from everyone's collective experiences to obtain answers to the questions. Cluster evaluation approach can be conducted through networking sessions and/or conferences, during which information is shared and analysed by all the affected parties. Policies and programmes are critically evaluated and learning becomes part of the evaluation.

2.5.5 Goal-free Evaluation

Goal-free evaluations. Peled and Spiro (1998:27) explain that the concept of a goal-free evaluation was first presented by Scriven (1972), who argued that evaluators focusing on the stated goals of the programme may ignore other important positive and negative effects of the programme. Although theoretically attractive, the concept of goal-free evaluations has not been widely empirically tested. Goal-free evaluation approach identifies unintended positive and negative side-effects and other context-specific

information. As a supplement to a traditional evaluation, it is adaptable to changes in needs, because it does not necessarily target a specific goal.

2.5.6 Goal-based Evaluation

Goal-based' evaluations, also known as goal focused assess if the programme interventions brought about the achievement of the programme's declared goals or objectives. The concept of *goal-free evaluations* arose out of debate about whether or not the achievement of goals was the most appropriate main criterion for evaluation. Spiro and Peled (1998:28) argue in favour of goal-focused evaluations, presenting it as a method that is able to accommodate the complexity typical of social programmes. Goal-focused evaluation attempts to overcome the problems associated with goal-setting and differing perceptions of goals through evaluators engaging in an ongoing dialogue with the stakeholders about the relationship between declared and operative goals, in light of the programme's operations and outcomes. Declared goals are the stated goals of the policy, whereas operative goals are those that are pursued (by the organisation/programme).

The study is using a goal-focused approach to the evaluation of Land Restitution Programme in the Northern Cape because one of the most crucial goal of the study is to establish if there is to establish M&E systems by government to achieving its intended policy objectives. A goal-focused evaluation approach enables an evaluator to acknowledge the relationship that exists between stakeholders affected by the policy decisions to achieve its operative goals. It is a comprehensive evaluation of a programme's effectiveness, which supporters of this method argue is often best achieved by identifying goals and possible gaps between them, thus enabling policy stakeholders to refocus programme goals and re-channel resources. This shall entail developing goals for the evaluation framework of the Land Restitution Programme which are Specific, Measurable, Achievable, Relevant and Timebound (SMART). In addition, this entails the design of participatory mechanisms for all relevant stakeholders and their structures to provide input regarding programme implementation and impact. While the specific responsibilities for, and frequency of monitoring and reporting will be elaborated upon at

a later stage, it is crucial that the M&E system for Land Restitution Programme becomes goal focused.

2.6 Planning an Evaluation

According to the Department of Planning and Community Development (2008:4), “planning evaluation is a process, that should be approached in a systemic way, being conscious that making some decisions entails specific consequences. For example, stating that the primary evaluation aim is to improve the process of programme/project management, programmes automatically decide that the evaluation process itself has to be relatively rapid, so that provide suitable information in time allowing to use this information so as to introduce desirable changes.” Planning an evaluation is a process to develop a strategy to address shortcomings of a policy by identifying the required actions to achieve the policy objectives.

If data collection and analysis are too arduous and time-consuming, the information gleaned may be out of date and/or provided too late to remedy the situation. Being aware of certain restrictions as far as the access to data is concerned (e.g., the absence of suitable documents) enables modification of the aims so that these can be accomplished during evaluation (Department of Planning and Community Development 2008:4). The aim of planning an evaluation is to identify a desirable future and to prepare a course of action to achieve the policy’s goals. In the course of evaluation planning, a clear outline of how the evaluation will be carried out has to be crafted.

Centers for Disease Control and Preventions (2011:1) states that an evaluation plan is a written document that describes how the programme will be monitored and evaluated, as well as how the evaluation’s results will be used in decision-making to improve the programme. The evaluation plan clarifies the ‘*What*,’ the ‘*How*,’ and the ‘*Why it matters*’ of a programme.

- The ‘*What*’ is a description of the programme and how its activities are linked with the intended effects. It serves to clarify the programme’s purpose and anticipated outcomes.

- The '*How*' addresses the process for implementing of a programme, and provides information on whether the programme is operating with fidelity to the programme's design. Along with short-term outcome information, the activity clarifies if changes should be made during implementation.
- The '*Why it matters*' provides the rationale for a programme and the impact it has on the recipients. Being able to demonstrate that a programme has made a difference is critical to the sustainability of a programme.

An evaluation plan is a 'roadmap' that clarifies the steps needed to assess the processes and outcomes of a policy. An effective evaluation plan is more than a column of indicators added to a programme's work plan. It is a dynamic tool or a living document that should be updated on an ongoing basis to reflect programme and/or policy changes and priorities over time. The evaluation plan should serve as a bridge between evaluation and programme planning by highlighting programme goals, clarifying measurable policy objectives, and linking programme activities with intended outcomes.

According to Rossi et al. (2004), the evaluation process consists of several stages, the implementation of which guarantees the quality and utility of evaluation. The following operations connected with the proper preparation of the evaluation are crucial: defining its aims and scope, as well as adopting a methodology of inference and assessment. Rossi (1999) describes the stages of an evaluation process as follows:

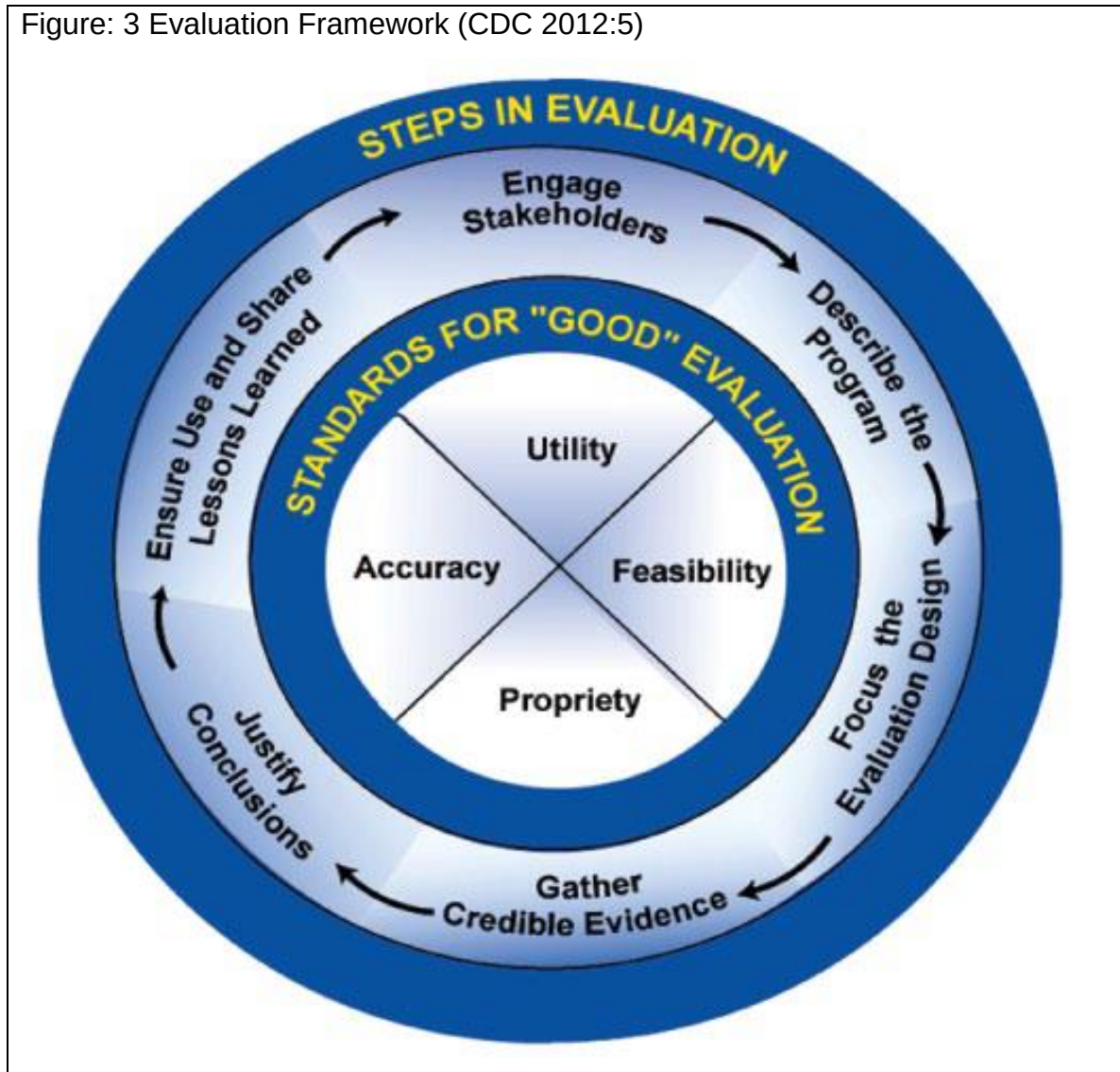
- Planning evaluation — during which the needs and the initial scope of evaluation are analysed, taking into consideration available time and financial standing of the orderers;
- Designing evaluation — during which expectations of the evaluation are specified;
- Data collection and analysis — during which research is done and gathered data are analysed;
- Reporting — during which the evaluation results are presented in the form of a report and submitted for discussion and consultation. This may be restricted to the institution ordering the survey or may engage other parties, including persons involved in implementing the evaluated programme; and

- Using evaluation results — information presented in the evaluation report is used to make decisions with the aim of refining the evaluated project.

Regardless of the type, focus or approach to evaluation, there are several logical steps that should be taken when designing or planning a programme evaluation. These include establishing project goals and objectives, selecting the monitoring design, selecting the monitoring framework or parameters, implementing the programme, and finally, analysing reporting the results of the evaluation.

According to Milstein and Watterhall (2013:17-20), the following are policy evaluation standards that can be applied in developing an evaluation design and throughout the course of its implementation. These standards are guiding principles, not rigid rules to be followed in all situations.

Figure: 3 Evaluation Framework (CDC 2012:5)



The aim of adhering to evaluation standards is to enhance the quality of evaluations by guarding against potential mistakes or errors in practice. The evaluation standards are grouped into four important attributes: utility, feasibility, propriety, and accuracy, as indicated in the inner circle in Figure 5.

2.6.1 Utility Standards

Vendung (2001:12) states that the utility of an evaluation should be understood as its use to the ordering party. The range of data the ordering party expects is usually presented in standard terms of reference and specified in the contract.

According to Milstein and Watterhall (2013:17) and the UNEG (2005:5), utility standards are used ascertain if the evaluation is truly useful, in that it answers the questions of the end-users. These utility standards are:

1. Stakeholder identification: Stakeholders are people who are to become involved in (or will be affected by) the evaluation process, to ensure that their expectations are met. This is important for establishing the resources needed to evaluate the policy, such as human and financial resources, as well as non-monetary resources.
2. Evaluator credibility: The people conducting an evaluation should be trustworthy and competent, so that the evaluation will be accepted as credible. The impartiality and fairness of those conducting the evaluation make evaluation results acceptable, and not as biased or favouring some elements or people under evaluation.
3. Information scope and selection: Information collected should address pertinent questions about the programme. It is critical that evaluators collect comprehensive information about the policy under evaluation, in order to credibly address a wide spectrum of questions and concerns.
4. Values identification: The perspectives, procedures, and rationale used to interpret the findings should be carefully described, so that the basis for judgments about merit and value are clear.
5. Report clarity: Evaluation reports should clearly describe the programme, including its context, purposes, procedures, and the findings of the evaluation. Evaluation findings must be clear and simple, so that those provided with the outcome of the evaluation have no difficulty in interpreting or understanding it.
6. Report timeliness and dissemination: Significant mid-course findings and evaluation reports should be shared with the intended users, so that these can be used in a timely fashion to answer questions and make recommendations.
7. Evaluation impact: Evaluations should be planned, conducted, and reported in ways that encourage stakeholders to use the findings.

2.6.2 Feasibility Standards

According to Vendung (2001:12), when determining the feasibility of an evaluation, the following should be taken into consideration: time frames and financial restrictions, as well as the scope and thoroughness of the analyses. Another crucial issue influencing the feasibility of an evaluation is the accessibility of information and persons who could provide such information. Feasibility standards ensure that the evaluation makes sense, and that the steps that are planned are both viable and pragmatic. The feasibility standards are outlined by Milstein and Watterhall (2013:18) and the UNEG (2005:6) as follows:

1. Practical procedures: The evaluation procedures should be practical, to keep disruption of everyday activities to a minimum, while obtaining the required information. The procedures to be followed must be practical for the environment in which the evaluation will take place, to minimize disruptions and ensure that the evaluation is concluded on time.
2. Political viability: The evaluation should be planned and conducted with anticipation of the different positions or interests of various groups. This should help in obtaining their co-operation, minimising possible attempts by these groups to curtail evaluation operations or misuse the results. Evaluation may occur in an environment of pressure and opposed interest groups; it is therefore important to gain the co-operation of all stakeholders.
3. Cost-effectiveness: The evaluation should be cost effective and produce enough valuable information that the resources used can be justified as value for money.

2.6.3 Ethics Standards

Ethics, in this case refers to the way the data are gathered and used, as well as to the evaluator's independence (Vendung: 2001:12). UNEG (2005 6-7) and Milstein and Watterhall (2013:18-19) state that propriety standards ensure that the evaluation is ethical and conducted with regard for the rights and interests of those involved. They offer the following eight propriety standards:

1. Service orientation: Evaluations should be designed to help organisations effectively serve the needs of all of the targeted participants. This means that evaluation should assist the organisation in reaching its target groups, customers, or stakeholders who have been unreachable due to circumstances.
2. Formal agreements: The responsibilities entailed by an evaluation (what is to be done, how, by whom, and when) should be agreed to in writing, so that those involved are obligated to follow all conditions of the agreement. Lines of operations must be clear, so that all stakeholders know what must happen, how it must be done, and when should it be completed.
3. Rights of human subjects: Evaluation should be designed and conducted with respect for and protection of the rights and welfare of all participants in the study.
4. Human interactions: Evaluators should respect basic human dignity and worth when working with other people in an evaluation, so that participants do not feel threatened or harmed. An evaluation should not encroach on the jurisdiction of those under evaluation, offend or violate their rights, or threaten their operations.
5. Complete and fair assessment: Evaluation should be comprehensive and impartial in its examination, recording both strengths and weaknesses of the programme being evaluated. This allows strengths to be built upon and problem areas to be addressed. Using the findings of the evaluation, organisations should be able to respond to strengths, weakness, opportunities, and threats.
6. Disclosure of findings: Evaluators should ensure that all the evaluation findings, along with the limitations of the evaluation, are accessible to everyone affected by the evaluation, and any others with a legal right to receive the results.
7. Conflict of interests: Conflicts of interests should be dealt with openly, honestly, and prior to commencement of the evaluation, so that these do not compromise the evaluation processes and results
8. Fiscal responsibility: The evaluators' use of resources should reflect sound accounting procedures and otherwise be prudent and ethically responsible, so that expenditures are accounted for and appropriate, as well as cost-effective.

2.6.4 Accuracy Standards

Vendung (2001:12) states that, to enhance the accuracy of research, it should be conducted according to the rules regarding data collection and analysis. This aim is to ensure credibility of the results obtained. Milstein and Watterhall (2013:19-20) and UNEG (2005:8) are of the view that accuracy standards ensure that the evaluation findings are considered correct. They propose the following 12 accuracy standards:

1. Programme documentation: The programme should be described and documented clearly and accurately, so that what is being evaluated is clearly identified. Simple and accurate record-keeping of evaluation results or findings ensures that those who are evaluated will understand the findings of the evaluation.
2. Context analysis: The setting/perspective within which the programme exists should be thoroughly examined, so that likely influences on the programme can be identified.
3. Described purposes and procedures: The purposes and procedures of the evaluation should be monitored and described in enough detail that they can be identified and assessed. This will assist in maintaining focus on the aim, vision, mission, and objective of the evaluation.
4. Defensible information sources: The sources of information used in a programme evaluation should be described in enough detail that the adequacy of the information can be assessed. Reliable sources of information make the evaluation findings credible.
5. Valid information: The data gathering procedures should be chosen or developed and then implemented in such a way that the interpretation arrived at is valid. This means that information has to be gathered from reliable sources, and that such information needs to be interpreted in a manner that validates the findings.
6. Systematic Information: The information gathered through an evaluation should be systematically reviewed, and any errors should be corrected.
7. Analysis of quantitative information: Quantitative information is data collected through surveys through questionnaires consisting of closed-ended questions. Scientific methods of analysing quantitative data give meaning to the data. Examples of such data attendance records and the costs of events.

8. Analysis of qualitative information: Qualitative information is descriptive information gathered through, e.g., interviews and focus groups. In an evaluation, the information should be appropriately and systematically analysed, which will give it meaning. Qualitative information is obtained through open-ended exploratory questions that elicit stories and perceptions.
9. Justified conclusions: The conclusions reached in an evaluation should be explicitly justified, so that stakeholders can understand the worth thereof.
10. Impartial reporting: Reporting procedures should guard against distortion caused by personal feelings and biases of people involved in the evaluation, so that evaluation reports fairly reflect the evaluation findings. Evaluation findings that are seen as biased in favour of certain people involved in the evaluation process may lead to rejection of the findings.
11. Meta-evaluation: The evaluation itself should be evaluated against standards, so that it is appropriately guided and, on completion, stakeholders can closely examine its strengths and weaknesses. The aim of a meta-evaluation is to assure that the evaluation meets professional standards. A meta-evaluation is a process of defining, obtaining, and applying descriptive information and judgments according to criteria. These criteria include the evaluation's utility, feasibility, propriety, accuracy, accountability, its systematic nature, competent execution, integrity, respectfulness, and social responsibility, and reporting its strengths and weaknesses.

2.7 Criteria for Evaluation

Criteria for evaluation is defined by Rogers, Hacsí, Petrosino, and Huebner (2000) as “measures established to evaluate the degree to which alternative solutions, proposals, or individuals are able to meet expectations or objectives through direct comparisons of their strengths, weaknesses and trade-offs.”

The following sections provide an overview of evaluation criteria for policy and programme evaluation.

2.7.1 Evaluation Object

The parameters or scope of an evaluation have to be set, and adherence thereto should be ensured. The first step in this process is to define the object to be evaluated (Weiss 1997:21). In the case of complex or long projects, it may be necessary to separate an area from the whole programme/project, and to focus on evaluating only the chosen area. In making the choice of the area of evaluation, stakeholders' viewpoints have to be taken into account, as focusing on the most crucial issues will serve as the basis for formulating key questions that contribute to the next stage — designing the evaluation (Witkin & Altschuld 1995:14). In this case, the object of evaluation will be the Land Restitution Programme in the Northern Cape, with the focus on government institution dealing with the programme and communities affected by the programme.

2.7.1 Key (Evaluation) Questions

Key questions, the answers to which are provided after the evaluation has been carried out, are formulated in general but straightforward manner. These are usually not the questions that will be directly posed to persons included in the evaluation; rather, they are the overall questions to be answered by the research. These answers will constitute the background to the evaluation report. There is seldom sufficient time, money, and personnel to seek answers to all questions that emanate from a project. Defining priorities and selecting issues of interest usually become the subject of negotiations between stakeholders and evaluators (Witkin & Altschuld 1995:16).

Once the evaluation object has been decided and the evaluation logic of the programme has been clarified, the evaluation framework can be put into place. This includes identifying the questions to guide the evaluation and the information required to answer these questions. The key evaluation questions may include what happened during the course of programme implementation, compared to what should have happened.

2.7.2 Evaluation Criteria

Evaluation criteria determine standards according to which a given project will be evaluated. These criteria are directly connected to key questions, and should be

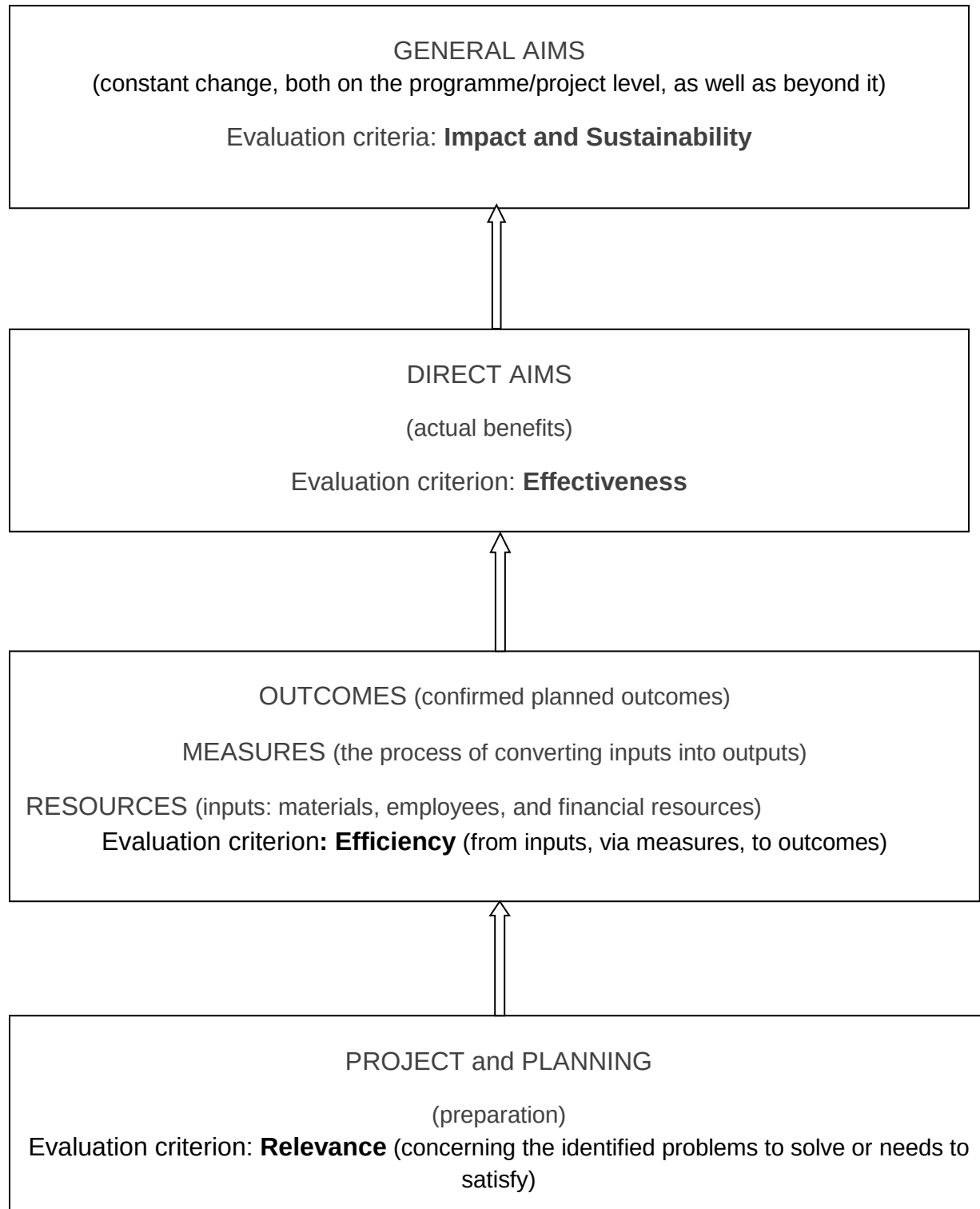
formulated clearly and precisely. Criteria create a value system to which evaluators refer at every stage of the research (Weiss 1997:21), setting a benchmark against which policy evaluation is measured. Evaluation criteria can assist in identifying minimum requirements that are essential to the successful completion of the programme evaluation.

Munger (2000: 16) identifies the following most frequently applied criteria:

- Relevance — this criterion serves to assess to what extent the programme objectives correspond to problems identified and/or the beneficiaries' needs.
- Efficiency — enables assessing whether the programme is economical; that is, it examines relations between inputs (financial, human, administrative, and temporal) and obtained outputs and effects.
- Effectiveness — is the degree to which objectives stated at the planning stage have been achieved.
- Impact — is the relation between the project's aims and effects, i.e. the extent to which the benefits gained by target beneficiaries had an impact on a wider group of people in a given sector, region, or country.
- Sustainability — refers to whether the positive effects of a given programme can be maintained once external financing is withheld. It refers to a durability of the given project's effects on the development of sector, region, or country in middle- and long term.

An important aspect of evaluation is adjudicating how well the actual evaluation was conducted. Figure 6 is a diagram of the above mentioned criteria, as postulated by Munger (2000:16).

Figure 4: Evaluation of Key Elements of a Logical Framework of Policy and Project Evaluation



Methods of gathering information are selected according to territory, target groups, chances of implementation, and factors particular to the issues to be studied. The evaluator, as a social researcher, is obliged to adhere to strict methodological requirements in order to ensure the relevance and reliability of the data collected and, ultimately, the results (Witkin & Altschuld 1995:16).

At the stage of planning an evaluation, the manner in which information will be gathered should be specified, e.g., interviews, observations, or existing sources (databases, documents). In selecting the research sample, it should be considered who will be able to supply exhaustive information on issues covered by the evaluation (Weiss 1997:23).

Once the aim and objectives of an evaluation have been formulated, evaluation criteria can be established. Thereafter, the analysis of data should be conducted in a way that will yield answers to the key evaluation questions. Once the evaluation has been completed the results will have to be reported.

2.7.4 Determining the report format

The final step in planning an evaluation is to determine the report format, as well as to whom and when the report (including reports scheduled for delivery during the evaluation) will be submitted. The format of the report has to be negotiated with the institution ordering the evaluation. The approximate length of the report should be determined (Witkin & Altschuld 1995:17). Programme evaluation reports are used for a variety of reasons, including limited use of the evaluation results and the way in which results are reported.

2.8 Summary

This chapter provided an overview of evaluation, based on the extant literature, including the history of monitoring and evaluation in the public sector, as well as its evolution, which brought about the evaluation framework of the presidency. The chapter also outlined different scholars' views on an effective policy and programme evaluation framework, including guidelines and standards for evaluation. The following chapter will focus on the research methodology and design of the present study.

CHAPTER 3: RESEARCH DESIGN AND METHODOLOGY

3.1 Introduction

This chapter provides an outline of the study, and discusses and justifies the methodology chosen for data collection. The interviews, focus groups, and document analysis techniques employed for data analysis using grounded theory are discussed in detail.

3.2 Qualitative Research Method

A qualitative research method was utilised for the present study.

Qualitative research is defined Strauss and Corbin (1990: 17) as “any research that produces findings not arrived at using statistical procedures or other means of quantification. According to Denzin and Lincoln (1994), qualitative research focuses on interpretation of phenomena in their natural settings to make sense in terms of the meanings people bring to these settings. Qualitative research involves collecting information about personal experiences, introspection, life story, interviews, observations, historical, interactions and visual text that represent significant moments and meaning in peoples' lives.

Patton (2002) defines qualitative research as attempting to understand the unique interactions in a particular situation. The purpose of understanding is not necessarily to predict what might occur, but rather to understand the characteristics of the situation and the meaning brought by participants and what is happening to them at the moment.

This means that qualitative research begins by accepting that there are many different ways of understanding and of making sense of the world. However, quantitative research is not about attempting to predict what may happen in the future; the aim is to understand people in their own settings. Qualitative research seeks answers to a question in a systematic way, and involves the collection of evidence. The researcher may produce

findings that were not determined in advance, and the findings may be applicable beyond the immediate boundaries of the study.

Urquhart (2010:359) argues that “the methodological thrust of grounded theory is toward the development of theory, without any particular commitment to specific kinds of data, lines of research, or theoretical interests Rather it is a style of doing qualitative analysis that includes a number of distinct features and the use of a coding paradigm to ensure conceptual development and density.” According to Brailas (2014:1), said it is “an inductive method of theory development. To make theoretical sense of so much diversity in data, the analyst is forced to develop ideas on a level of generality higher in conceptual abstraction than the qualitative material being analysed.” This means that theory is grounded in data and developed through the research process. Grounded theory presents a set of techniques, addressing, inter alia, the processes of sampling and data analysis, which enable the researcher to develop theories from their empirical findings.

3.3 RESEARCH APPROACH

According to Shah and Corley (2006:1822-1823), all science is based on paradigmatic thinking involving distinct assumptions on the nature of reality (ontology), how we can come to know that reality (epistemology), and how we can systematically access what can be known about that reality (methodology). Issues in studying the social world has long been the topic of debate. Many of these issues relate to ontology. “Within social research key ontological questions concern; whether or not social reality exists independently of human conceptions and interpretations; whether there is a common, shared, social reality or just multiple context-specific realities; and whether or not social behaviour is governed by ‘laws’ that can be seen as immutable or generalizable” (Snape & Spencer 2003:20).

There are three distinct positions on whether there is a captive social reality and how this reality is constructed. These are realism, materialism, and idealism. Realism is the belief that there is an external reality, which exists independent of people’s beliefs or perceptions. Materialists agree that there is a real world, but hold that only material

features, such as economic relations or physical features of that world hold reality. Values, beliefs or experiences are 'epiphenomena' (features that arrive from but do not shape the material world). This belief makes materialism the most difficult position to sustain in qualitative research, because qualitative research focuses on meanings and interpretation. Idealism, in contrast, asserts that reality is only knowable through the human mind and through socially constructed meanings. These meanings and representations may be shared (collective) (Snape & Spencer 2003).

Another key issue requiring consideration concerns the rules and principles that enable us decide on whether and how social phenomena can be known and how this acquired knowledge can be demonstrated (Mason 2002). A position is determined by asking the following questions (Sarantakos 2005):

- i) *How do we know what we know?*
- ii) *In what way should reality be made known to us?*
- iii) *What kind of knowledge is the research looking for?*

Epistemology is defined by Saunders et al. (2007: 597) as "a branch of philosophy that studies the nature of knowledge and what constitutes acceptable knowledge in a field of study." Crotty (1998) identifies three main epistemological stances namely:

- **objectivism** — which holds that meaning, and therefore meaningful reality, exists apart from the operation of any consciousness;
- **subjectivism** — which holds that meaning does not emerge from an interplay between subject and object, but is imposed on the object by the subject (the object does not make any contribution to the generation of the meaning).
- **constructionism** — which rejects the objectivist standpoint, instead espousing that truth or meaning come into existence in and out of our engagement with the realities in our world, or that meaning is not discovered but constructed.

3.3.1 Positivism and Empiricism

According to Age (2011:1603), positivist researchers propose conjectures that are then subjected to attempts to refute them. They argue that scientific progress occurs by a process of empirical falsification or refutation as theories are tested and discarded, to be replaced with new theories that have greater universality, precision, and explanatory power than the preceding formulations.

According to Snape and Spencer (2003), although social researchers understand positivism in many different ways, beliefs and practices associated with positivism usually include the following:

- The approaches of the natural sciences are suitable for the study of social phenomena.
- Only those phenomena that are observable can be counted as knowledge.
- Knowledge develops inductively through the accumulation of facts.
- The researcher constructs hypotheses deductively from scientific theories, to be tested empirically (the scientific method).
- Observations are the final arbiter in theoretical disagreements.
- Facts and values are discrete, enabling an objective enquiry.

3.3.2 Post-positivism

Post-positivism challenges the traditional notion of the absolute truth of knowledge, and recognises that social scientists cannot be 'positive' about the claims of knowledge when studying the behaviour and actions of humans. One of the most common forms of post-positivism is a philosophy called *critical realism*. The post-positivist critical realist recognises that all observation is fallible and has errors, and that all theory is revisable. In other words, the critical realist is critical of the ability to know reality with certainty. The

post-positivist critical realist believes that the goal is to establish the reality, even though that goal can never be achieved (Goduka 2012:128).

Tolhurst (2012:23) states that post-positivists have a critical realist ontology. They claim that although a true reality exists, we can never fully understand it. They also use a modified dualist/objectivist epistemology. According to the post-positivist view, perfect objectivity will never be fully obtained, but it is possible to discover knowledge of the world that it is separate from our minds. Research methods are modified in the positivist approach: prediction and control remain important, but research is conducted in more realistic settings, and there is an increased use of qualitative methods. The emphasis is on disproving rather than verifying a hypothesis by using a version of triangulation, where data are collected from different sources. This means that in post-positivist research, all observations are imperfect, and there can be error in the theory, which is revisable.

3.3.3 Interpretivist (Anti-positivism)

This school of thought holds that individuals create their own, subjective realities; thus, the knower and the knowledge are interrelated and interdependent. This epistemological viewpoint rests on the basic assumption that it is not possible to separate the outside world from an individual's ideas and perceptions of that world (Depoy & Gitlin 1994).

3.3.4 Constructivism

The constructivist paradigm has a relativist ontology, in which reality is believed to have multiple constructions. Knowledge is highly contextualised by political, historical, cultural, and other influences. Reality is assumed to be local and specific. It is the product of human intellect, and changes as the individual constructor evolves. The epistemological position of constructivism is transactional and subjectivist; the researcher and the focus of the enquiry are linked. Findings are created through the interaction between the enquirer and the focus of the study, and occur in the natural world. This perspective

implies that humans do not discover knowledge so much as they make or construct it. These constructions are then interpreted (Shah and Corley 2006:1823).

According to Goduka (2012:127), in the social world, individuals and groups make sense of situations based upon their individual experience, memories and expectations. Meaning is therefore constructed and constantly re-constructed through experience over time, resulting in varied interpretations. It is these multiple interpretations that create a social reality in which people act. In this paradigm, it is important to discover and understand these meanings and the contextual factors that influence, determine, and affect the interpretations reached by different individuals.

This means that construction of reality refers to the theory that the way people present themselves to other people is shaped partly by their interactions with others, as well as by their life experiences. For example, how people relate to their place of origin being a restitution may affect how they present themselves, how they perceive others, and how others perceive them. This paradigm is also key in observing policy makers and programme of the Land Restitution Programme.

Grounded theory can thus be summarized as an approach used to developing emergent theories of social action through the identification of analytical categories and relationships between them (Ritchie & Lewis 2003). According to Glaser (1992), a well-constructed theory will meet four criteria: fit, work, relevance, and modifiability.

- Fit: If a grounded theory is carefully induced from the substantive area, its categories and their properties will fit the realities of the participants under study.
- Work: If a grounded theory works, it will explain the major variations in behaviour in the area.
- Relevance: If the grounded theory fits and works, it has achieved relevance.
- Modifiability: The theory should be readily modifiable when new data present variations in emergent properties and categories.

Boghossian (1991:1) speaks of “Social Constructionism that it is something that it is something which its dependence is on contingent aspects of our social selves. It is to say: This thing could not have existed had we not built it; and we need not have built it at all, at least not in its present form. Had we been a different kind of society, had we had different needs, values, or interests, we might well have built a different kind of thing, or built this one differently. The inevitable contrast is with a naturally existing object, something that exists independently of us and which we did not have a hand in shaping”. The philosophical view of the study will be, in the main, the social constructionist one where the outcome of the study is informed by existing realities through the eyes and views of the study participants. How people will define everyday situations depends on their respective backgrounds and experiences, which are the interests of the study.

3.4 RESEARCH DESIGN

A research design embodies the approach that the researcher took in answering the research question(s) and meeting the research objective(s) of the study.

A research design is defined as a procedural plan that is adopted by the researcher to answer questions validly, objectively, accurately and economically. Through a research design, a researcher decides and articulates the study design to be used, how the respondents will be selected, how information will be collected from the respondents, how the information collected will be analysed, and, finally, how the findings will be communicated (Kumar 2011). The present research was a qualitative research study, and grounded theory was used to formulate The Evaluation Framework for the Land Reform Policy of South Africa, with specific reference to implementation of the Restitution Programme, using the case of the Northern Cape.

A number of qualitative research methods are available to researchers. These are:

- Generic qualitative method: The generic qualitative method does not possess a supervisory set of philosophic assumptions in the form of one of the established qualitative methodologies (Denzin & Lincoln 1994). This means that the generic

qualitative method can mean the general use the techniques of ethnography, the case study method, grounded theory, and the techniques of action research, but does not claim that it is either an ethnography, case study, or action research.

- Ethnography: An ethnography focuses on a community (Denzin & Lincoln 1994), with the aim of collecting and analysing data on cultural groups.
- Phenomenology: Phenomenology describes the structures of experience as they present themselves to consciousness, without recourse to theory, deduction, or assumptions from other disciplines (Creswell 2003). Phenomenological studies examine human experiences through the descriptions provided by the people involved. These experiences are called 'lived experiences.' The goal of phenomenological studies is to describe the meaning that experiences hold for each subject. This type of research is used to examine areas in which there is little knowledge (Donalek, 2004).
- Historical: Historical research is a systematic collection and objective evaluation of data related to past occurrences to test hypotheses concerning causes, effects, or trends of these events that may help to explain present events and anticipate future events (Merriam (1999).
- Action research: Action research is an inquiry into the context of focused efforts to improve the quality of practice, and is typically designed and conducted by practitioners who analyse the data to improve their own practice (Patton 1996).
- Case study: A case study attempts to shed light on a phenomenon by studying, in-depth, a single case as an example of the phenomenon. The case can be a person, an event, a group, or an institution (Merriam 1999). A case study may be quantitative or qualitative, depending on the purpose of the study and the design chosen by the researcher. For a case study to be considered a qualitative study, the researcher must be interested in the meaning of experiences to the subjects themselves, rather

than in generalising results to other groups of people. Case studies are not used to test hypotheses, but hypotheses may be generated from case studies (Younger, 1985). The present study used the case study approach. The reason for the use of case study is that they are widely used because they offer insights that might not be achieved with other approaches. Case study of the Northern Cape on the evaluation of Land Restitution Programme is viewed as a useful tool for exploratory purposes as little is known around the subject matter.

3.5 ANALYSIS

3.5.1 Grounded Theory

Grounded theory is a method which is concerned with the development of theory from data. When collecting data to be analysed using grounded theory, the data collection primarily consists of participant observation through interviews, and data are recorded in handwritten notes and tape recordings. Data collection and data analysis occur simultaneously. A process called constant comparison is used, in which data are repetitively matched to data that have already been collected. Relevant concepts are identified and assigned codes. These codes are constantly revised as new clarifications emerge from the data. The researcher keeps an open mind, and uses an intuitive process in interpreting data. The codes developed frequently are gerunds (words ending in “ing”) like soothing, placating, and asserting (Williams and Irurita 2005).

Grounded theory is an inductive enquiry with the aim of generating new theory and new understandings, and requires researchers to identify the research problem from the research participants’ perspectives (Elliot and Higgins 2012:1). According to McCallin (2003:203), grounded theory is “an interpretative research methodology that is useful to generate research-based knowledge about the behavioural patterns that shape social processes as people interact together in groups. Grounded theory is based on the belief that as individuals within groups define situations with the self and others, common patterns of behaviour emerge.”

The study is using theory as an approach that enables the researcher to meet two major criteria for good scientific inductive theory, namely parsimony and scope. It reports as

much variation in behaviour in the action scene with as few categories and properties as possible. The researcher should immerse him/herself into the data, while conceptually transcending it using a conceptual model that explains the variation in whatever behaviour is occurring.

3.6 RESEARCH SETTING AND ENTRÉE

Letters requesting permission to conduct research in the Regional Department of Land Reform and Rural Development; the Provincial Department of Rural Development, Agriculture and Land Reform; the Land Claims Court, the Commission on Restitution of Land Rights were prepared and submitted to the relevant Heads of Department. A response granting the researcher permission led to the commencement of sampling. The researcher also wrote letters to the relevant community leaders of Metsimatala, Dikeying, Pniel, KhoiSan, and Majeng to request their participation in the study as a Focus Group.

3.6.1 Target Population

It is said that the first stage or step in compiling a social science research study is to decide who will be in the study group and who is the larger group that this study group seeks to represents. How the study group is decided upon and the extent to which the study group is representative of a larger group of people is an issue of sampling (Lune 2010:81). Using a sample, a study tries to understand a larger population by studying a subset of that population. According to Trochim and Donnelly (2007), “the population is the complete set of persons of interest in a study.” There are two types of populations: accessible and theoretical. An accessible or study population is the population from which a study’s participant can be selected. On the other hand, a theoretical population is the entire universe of persons a researcher wants to study.”

For the purposes of the present study, everybody affected by the study constituted the theoretical population, consisting of, among others, the Northern Cape Department of Agriculture, Land Reform and Rural Development; the Department of Land Reform and

Rural Development, the Commission of Restitution of Land Rights, the Land Claims Court, and the 19 areas affected by Land Reform, as reported by the Department of Rural Development, Agriculture and Land Reform in its culminating statistics of 1995-2009.

3.7 SAMPLING

According to Trochim (2006), the first step in deciding how to analyse the data is to define a unit of analysis: the Who or the What of the study. Long (2004) states that a unit of analysis is the most basic element of a scientific research project. That is, it is the subject (the who or what) of study about which an analyst may generalize. In the social sciences, countries, international alliances, schools, communities, interest groups, and voters are often the units of analysis in studies of economic development, war, teaching strategies, social capital, policy outcomes, and vote choice. According to Lune, Pumar and Koppel (2010:81) “sampling has three key components: are (1) defining your study population; (2) defining a subject of that population that is a representative of it; and (3) getting the cases.”

Sampling is a procedure employed to extract a part of the survey population to be studied. Sampling enables the researcher to study a relatively small part of the target population and yet obtain data that are representative of the whole (Sarantakos 2005). In the vast majority of studies, it is simply not possible to collect data from every member of a particular population. Quantitative research aims to yield empirically generalisable results (i.e. tell us something about the characteristics of a population at large). The aim to collect data from a sample drawn from the population that is both statistically representative and is large enough to minimise sampling error (Trochim 2006). This is normally achieved via some form of probability sampling, whereby potential participants are selected at random from the population of interest. By contrast, most qualitative research aims to be theoretically generalisable rather than empirically generalisable (Draper 2004), and therefore does not require large or statistically representative samples.

Qualitative research mostly uses some type of purposive sampling to recruit relatively small numbers of participants. As the name suggests, purposive sampling requires that

people are deliberately selected with an explicit purpose in mind, namely to address the research aim and because they are rich sources of data on the topic under study (Marshall, 1996). Participants could be selected due to their personal characteristics (e.g., gender, socio-economic status, nutritional status), their experience of a specific event, their behaviour, or their attitudes and beliefs. The present researcher chose experts in the phenomenon who were able to provide the meaningful data, as recommended by Corbin and Strauss (1998) and Glaser and Strauss (1967). The researcher purposely requested or identified experienced community leaders and managers as experts of restitution in their own space of location or operation to form part of sampling for the study.

The sampling process was guided by the on-going theory development. Theoretical sampling originated from grounded theory, and sampling should be continued until no new data or properties relating to the construct(s) of interest emerge, referred to as theoretical saturation (Glaser 1992). The type of sampling applied in the present research purposive (also called *judgmental*) sampling. As Saunders et al. (2007:230) explain, “purposive or judgemental sampling enables you to use your judgement to select cases that will best enable you to answer your research question(s) and to meet your objectives.”

Strauss and Corbin (1990) define theoretical sampling as sampling based on concepts that have proven theoretical relevance to the evolving theory. Glaser (1992) defines theoretical sampling as the process of data collection for generating theory, whereby the analyst jointly collects, codes, and analyses the data and decides what data to collect next and where to find it, to develop the theory as it emerges. According to Glaser (1992), theoretical sampling according to the emergent theory controls the process of data collection. The general process of theoretical sampling is to elicit codes from raw data from the onset of data collection, through constant comparative analysis as the data flow in.

This form of sampling does not take place at a single point in the inquiry process, but is a recurrent feature at various times. The researcher must ask what settings, events, people, etc. would be worthwhile investigating next in order to develop aspects of the

emerging theory. Theoretical sampling is guided by, and helps to generate, the 'theoretical sensitivity' that is necessary in grounded theory. According to Strauss and Corbin (1998:203) "theoretical sampling is cumulative." Each interview provides the researcher a selection of data on which s/he can build. Iterative analysis of the collected interviews carried out through the data collection process allow the researcher to visualise the emerging patterns, categories, and dimensions (Kwortnik 2003). Iterative analysis is process whereby a researcher moves back and forth through the data in order to find, compare, and verify the patterns, concepts, categories, properties and dimensions of the phenomena (Kwortnik 2003). The focus of the researcher in theoretical sampling is on theory development from data collected sampling. There is no amount of interviews or focus group discussion that is limiting the researcher to stop sampling, but theory development continue until there exist no data from sampling that can further develop theory.

3.7.1 PARTICIPANTS

The following community representatives participated in the focus group discussions on behalf of their communities due to their knowledge on the topic under study, which was acceptable to the present researcher.

- Dikeyeing: Chairperson of a Communal Property Association;
- Pniel: Chairperson of a Communal Property Association;
- Majeng: Chairperson of a Communal Property Association;
- Metsimatala: Chief of the Community
- KhoiSan: A Researcher and a Communal Property Association Member

On the side of government entities, data was collected from the Commission on Restitution of Land Rights: Pre-Settlement Support Directorate as represented by the Manager (Deputy Director) of the Programme. The Provincial Department of Rural Development, Agriculture and Land Reform as represented by the Manager (Deputy Director) for Post-Settlement Support Directorate.

The National Department of Land Reform and Rural Development, which have a regional presence in the Northern Cape Province; and the Land Claims Court, could not allow themselves or accepted to participate in sampling requests, despite desperate and numerous follow-ups.

3.7.2 Data sources

The primary data sources for the study were interviews from individuals who are representatives of communities affected by the Land Reform Policy as applied in the Northern Cape through the Land Restitution Programme, and government officials implementing the Land Restitution Programme. The study has also been enriched by the data collected from interviewing experts from a research institution, non-governmental organisations or community-based structures dealing with land matters affecting communities, with the focus on restitution.

The study also used secondary sources such as government policy documents and legislation related to the GWM&ES framework, the NPEF, the Land Reform Policy, the Restitution Programme. Papers and presentations on policy evaluation and restitution programmes were also be perused. Documents such as minutes of meetings, meeting agendas, inter-office memoranda, financial records, annual reports, and evaluation or assessment reports also served as sources of data. In addition, the present researcher referred to newspaper articles, journals, academic books, and scholarly articles. The Institute for Poverty, Land, and Agrarian Studies has done a number of studies in the field, which were also a source of information. The present researcher interviewed an adequate number of officials and communities so that a clear picture of the patterns, concepts, categories, properties, and dimensions of the Restitution Programme emerged. Officials and affected communities were interviewed until the data gathered became repetitive and no new data emerged.

3.8 DATA COLLECTION METHODS

Qualitative researchers use participant interviews, and then transcribe these to create tangible data sets (Mills and Birks 2014:37). The present study used the fieldwork methods of participant observations, conversational interviews, and the collection of documents. The interviews were audio-recorded. The researcher included relevant documents as data alongside the field notes from observations and the transcripts of the interviews.

During the interviews and focus group sessions, the researcher guided the conversation in a certain direction, and let the conversation evolve and progress (Merriam 1998). The researcher conducted semi-structured interviews with the participants from the relevant government departments. The flow of the conversation between the researcher and participants was guided by a discussion topic, some points to cover and follow-up questions for clarity.

In the present study, the data collection took place over a period of five months. Data collection and analysis took place in alternating sequences. This can also be described as an iterative cycle of induction and deduction, consisting of a collection of data and constant comparison of results and new findings to guide further data collection (Miles and Huberman 1994). The identification of variables does not take place before data collection, but, is part of the data collection process. Consequently, the variables or concepts were initiated by the interviewees and further developed and conceptualised by the researcher (Strauss and Corbin 1998).

3.8.1 Data Collection Protocol

A data collection protocol is defined by Eller et al. (2013:140) as a well-defined set of procedures for gathering evidence and rules for what evidence is appropriate to be included (or excluded) for the purpose of completing the study. A second principle for the researcher is to follow the use of a variety of sources and methods in gathering the data

with the focus on documents, records, and other data sources (administrative documents, formal policy or strategy documents, memoranda, newspaper articles, press release etc.).

3.8.2 Interviews

Interviews can be unstructured, semi-structured, or structured.

The degree to which questions will be formally worded and defined before the interview depends on upon the level of structure that has been chosen as most appropriate. If unstructured interviews have been selected, the questions will not be predefined, but an interview guide is still required (Lofland & Lofland 1995). This should include how introductions will be made, how the interview will be opened and closed, as well as prompts or probes to elicit information more fully on certain issues (e.g., ‘Can you tell me more about that?’) and bring an interview back to the topic of interest if the participant significantly digresses (Robson 2002).

For semi-structured or structured interviews in which questions are predefined, the design and wording of questions are vital to operationalise the key concepts in the research question. The project included discussions on agenda items such as an evaluation framework, scope, and focus, as well as restitution targets, and community or non-state actors in programme evaluation.

According to Robson (1993:228), “interviews are the most widely used technique of data collection in qualitative research, which is perhaps unsurprising considering they are defined simply as “a kind of conversation; a conversation with a purpose.”

In terms of structure, at one end of the continuum, there are in-depth unstructured interviews, where the researcher introduces a theme or topic and then lets the interviewee develop his or her ideas. Although the researcher may guide the interview at certain points (e.g., to raise key topics of interest or to probe the participant to explain something in more depth), their main role is to listen. This kind of interview allows the experiences, meanings, values and priorities of participants to emerge with minimal interference on the

part of the researcher. At the other end of the continuum, there are fully structured interviews comprising predefined questions administered in a pre-set order, often with a selection of predefined answers for the participant to choose from. As the name suggests, semi-structured interviews fall in between these two extremes. As with structured interviews, the interviewer has a clear list of issues to be addressed and questions to be answered, but the question structure, phrasing, and placement are flexible, and the interviewer is also free to probe responses (Patton 2002).

Interviews can be conducted on a one-to-one or group basis. Although focus groups have become popular in recent years, it is important to note that they are more than group interviews; the purpose is to utilise group dynamics to access people's own vocabulary and concerns, group norms, and knowledge, as well as the way in which these are generated in everyday life (Kitzinger 1995). Interviews can be administered in various ways such as face-to-face, over the telephone and even online. Face-to-face encounters aid the process of establishing rapport and capturing the body language of participants, while the impersonal nature of telephonic and online interviews may facilitate access to participants in distant geographical locations or who struggle to reveal feelings and experiences (Evans et al. 2007; Whitehead 2007).

All interviews are interwoven with issues relating to ethics and the balance of power between the researcher and the researched (Hewitt 2007). Significant power imbalance into the interview may raise difficulties for participants in how free they feel to be open and/or critical. When conducting interviews, the safety and autonomy of both the researched and the researcher are paramount.

3.8.3 Semi-Structured Interviews

Semi-structured interviews were conducted in the present study, as these had the potential to generate rich and detailed accounts of the respondents' experiences. These were recorded using an audio recorder. The recordings were replayed on a computer with additional speakers, to assist in the transcription.

3.8.4 Focus Groups

According to Lichtman (2014:294), “a focus group is an organised discussion. What is critical about the group involvement is that there is group interaction. What distinguishes focus group interviewing from qualitative interviewing with a single individual is that the group interaction may trigger thoughts and ideas among participants that do not emerge during an individual interview.” The present researcher conducted focus group interviews to gather data from communities affected by the Land Restitution Programme. Obtaining information from communities that had received their land back through the Restitution Programme was considered of vital importance in assessing the uniformity on the implementation of policy from the community’s point of view. The researcher also wanted to get their input on government may deal with the backlog of claims within its defined time frame.

The focus group received a presentation on the background of the study, necessary to clarify the purpose of the study. All members of the focus groups signed an attendance register at the beginning of each discussion. Given the sensitive nature of land restitution with social aspects that are associated with many communities affected by restitution, the use of purposive sampling is one of the most appropriate techniques. Some of the factors that may adversely affect focus group discussions are identified by Sarantakos (2005) as:

- domination of the debate by some participants, which may affect the direction and outcome of the discussion;
- some members may not participate in the discussion;
- being in a group may make some participants hide their real opinions, especially in instances where the views can impact their personal lives or careers;
- group members may have reasons to offer a collective front and deceive the leaders; and
- the findings may not be representative.

The present researcher took special care to prevent the occurrence of these factors during the focus group discussions. Every participant in the focus group was given an opportunity to make an input on the agenda item. Instead of allowing participants to voluntarily lift or pick their hands up in response to an agenda item, each participant was given a chance to highlight how they dealt with matter from their community's point of view.

3.8.5 Texts and Documents

According to Huysamen (1994:187), document analysis starts with abstracting from each document elements the researcher considers to be important or relevant, and then grouping together these findings. Bailey (1994:294) states that that documents such as minutes of meetings, meeting agendas, inter-office memoranda, financial records and annual reports are official documents and they can serve as a source of data collection for research purposes.

Kiecolt and Nothan (1985:10) state that documents are considered secondary data. The focus is on the already existing data relevant to the subject under investigation and will not yield new information.

The researcher could also collect data from participants via solicited texts, such as diaries, or from unsolicited texts, such as newspaper articles, research outputs, minutes of meetings, letters, and reports. They can be analysed for content and the 'correctness' of that content (Basu & Hogard 2008).

According to De Vos et al. (2002:325), document study is useful where people are inaccessible for an interview. In the present study written inputs on by participants and communities on the review of Restitution Legislation provided insight into the status of community participation in the Land Restitution Programme. In the present study, documents such as the Restitution Legislation review inputs, assessment and evaluation strategies, and guidelines were analysed, with a view to determine whether the Land Restitution Programme takes into cognisance the participation of communities affected by the legislation. According to Platt (1981:32-33), some of the problems in a document

study are: a lack of contextual meaning, the authenticity of the document and its contents, and the availability of the documents. For example, official documents such as annual reports of the DARDLR and CRLR or a report on the evaluation of Land Restitution Programme may have been written in a positive tone, with the intent to influence the perceptions of the public.

3.9 DATA ANALYSIS

The present study used grounded theory as the method of analysis. In grounded theory, data collection, observation, coding and categorising of the data, and developing of theories tend to happen simultaneously. Each of these processes serve to confirm findings (Schwartz & Jacobs 1979). In grounded theory, because the theory develops from the data as it is collected, the process of analysis takes place the first time data is collected, and continues until the research study is completed. Once sufficient data have been collected and analysed, the researcher progresses to the next stage, the building of theory. According to Mavetera and Kroeze (2009:16-17) "coding is a process of analyzing data. In open coding, this may be "a sentence, a line from a transcript, a physical action ... or a combination of" such elements. In data analysis, it is important to differentiate between terms used by the respondents and the technical terms that the researcher associates with the phenomena. This is said that it will reduce the bias that could be introduced into the analysis by the researcher's preconceptions.

Data analysis in grounded theory is a three-step coding process (Strauss & Corbin 1990; Glaser 1992). The researcher conducts this process in an iterative manner, aimed at increasing the reliability of the analysis of large bodies of unstructured research data. These three steps of coding are open coding, axial coding, and selective coding (Kock 2002). The coding process is viewed, not as a discrete stage, as it is in other research methodologies, but rather a continuous aspect of the analytic nature of grounded theory.

Content analysis: This type of analysis is used to determine the presence of certain words or concepts within texts or sets of texts. Researchers quantify and analyse the presence,

meanings, and relationships of such words and concepts, then make inferences about the messages within the texts, the writer(s), the audience, and even the culture and time of which these are a part (Patton 1996). The use of content analysis by the researcher is to denote what is contained in a message. It can be seen as a method where the content of the message forms the basis for drawing inferences and conclusions about the content.

Grounded theory is characterised by concurrent data collection and analysis. This means that each data collection event is followed by analysis of the data that is generated or collected (Mills and Birks 2014:113). Coding is, therefore, the first step data analysis. The quality of a coding scheme influences the eventual quality of data analysis (Seale 2006:114). According to Hakim (2000:35), the qualitative data analysis technique plays an important part in policy research and evaluation studies. It is frequently used in disciplines where the emphasis is on description and explanation, rather than on predictions. Its strength is determined by the validity of the data obtained, whether individuals were interviewed in sufficient detail for the results to be taken as true, correct, and complete, and the credibility of reports of views and experiences.

3.9.1 Analytical Memos

Memos are written records of a researcher's thoughts during the process of conducting a study. As such, analytical memos vary in topic, strength, coherence, theoretical content and usefulness to the finished product. According to Saldana (2013:42), "The purpose of analytical memo writing are to document and reflect on your coding process and code choices; how the process of inquiry is taking shape; and the emergent patterns, categories and sub-categories, themes, and concepts in your data — all possibly leading toward theory.

When using grounded theory, memo-writing ongoing activity when using grounded theory; memos are generated from the very early stages of planning a study until its completion. Memos, in time, lead to the emergence of grounded theory findings.

While a descriptive coding scheme is developed, the researcher writes memos, which describe the analytical properties of the developing code. Since this is done while coding, the memos and the coding mutually affect each other. Memos are concerned with the logical relationships among the coding categories. The aim is not only to describe the process, but also to explain it (Schwartz and Jacobs 1979). Memoing is a tool for recording reflective notes about what the researcher is learning from the data, which will provide insight into the type of questions and data that still require exploration. The present kept a notebook in which all the emergent theories, and their relationships were noted.

Multiple memos were written, and these were filed using a system of categories to index the memos. These categories helped to organise the developing of theory and integrate ideas into coherent parameters and general explanations. Furthermore, the categories toadied the reworking of the memos in the light of the developing issues that needed corroboration. The categorised memos constituted a catalogue of ideas, sorted according to various subject headings (see Auerbach & Silverstein 2003), which helped the researcher to decide what to include or exclude in subsequent data collection.

The memos allowed the researcher to ‘think theoretically,’ with the theory emerging naturally out of observed data in a series of occasions. As recommended by Strauss and Corbin (1990), the present researcher used the following types of memo-taking:

- **coded notes**, which are memos containing the actual products of the three types of coding — conceptual labels, paradigm features, and indications of process;
- **theoretical notes**, which are notes on sensitising and summarising with reference to theory. These were the products of inductive thinking about relevant and potentially relevant categories, sub-categories, themes, properties, and relationships.
- **operational notes**, which contain directions for the researcher regarding sampling, questions, possible comparisons;
- **diagrams**, which provided visual representations of relationships between concepts; and

- **logical diagrams**, which were visual representations of the researcher's analytic thinking, showing the evolution of the logical relationships between categories and their subcategories.

The memos were consulted to establish links between categories and setting up the initial theoretical framework. Details of how initial codes were developed into focused codes and, finally, abstract categories are discussed in the next section. Memoing was particularly useful for keeping a note of thoughts, without the pressures of having to determine immediately how ideas will fit within the overall research findings and performing analyses, allowing the researcher the freedom to jot down ideas so that these could be sorted, categorised, or discarded at a later point in time. To retain an overview of the data, the present researcher continually wrote memos, and sorted and weigh up the results. In ordering the interim results, it became clear which concepts were important and therefore require deeper analysis, and which results could be discarded and not pursued in greater depth.

3.9.2 Coding in Grounded Theory

A code in qualitative inquiry is a word or short phrase that symbolically assigns a summative, salient, essence-capturing, and/or evocative attribute to a portion of language-based or visual data. The data can consist of, among others, interview transcripts, participant observation field notes, or literature. The portion of data to be coded during the first cycle coding process can range in a magnitude from a single word to a full paragraph to an entire page of text to a stream of moving images. In the second cycle of the coding process, the portions coded can be the exact same units, longer passages of text, analytic memos about the data, and even a reconfiguration of codes developed thus far (Saldana 2013:3).

Coding is the organisation of raw data into conceptual categories. Each code is a category into which a piece of data are placed. Codes are tags or labels for assigning units of meaning to the descriptive or inferential information compiled during a study. (Miles and Huberman 1994:56). The data collected from both the semi-structured

interviews and the focus group discussions had to be broken down into distinct units of meaning, which were labelled as general concepts, a process referred to as *coding*. Put simply; coding refers to the categorising of segments of data with short names that simultaneously summarise and account for each piece of data (Charmaz 2006; Goulding 2002).

The concepts were initially clustered into descriptive categories, after which they were re-evaluated for any interrelationships and, through a series of further analytical steps, were gradually subsumed into higher-order categories or one underlying core category, which suggested an emergent theory (Goulding 2002:74-75). The coding paradigm adopted and utilised in the present study conformed with the Straussian approach to grounded theory, whose coding procedure mainly revolves around one category at a time; that is, the category forms the 'axis' around which further coding and category-building can be done, which eventually became the core category. The types of coding utilised in this study were the open (initial) coding, axial coding, and selective coding.

3.9.2.1 Open Coding

Open coding was used to build concepts from the written and unwritten data, to open up the text and expose the meaning, ideas and thoughts it contained.

Neuman (2011:511) is of the view that "you perform open coding during the first pass through recently collected data. You locate themes and assign initial codes in your first attempt to condense the mass of data into categories. As you slowly read field notes, historical sources, or other data, you look for critical terms, central people, key events, or themes. Next, you write a preliminary concept or label at the edge of a note card or computer record and highlight it with a different colour or in some other distinctive way. You want to remain open to creating themes and to changing these initial codes in subsequent analysis."

The present researcher, as a first step, examined single short textual passages (line by line). Subsequently, larger paragraphs or even whole texts were coded. As

recommended by Strauss and Corbin (1990), to avoid simple paraphrasing, the following 'theory-generating' questions were asked:

- *What?* What is the phenomenon that is being investigated and to what extent is it occurring?
- *Who?* Who are the stakeholders involved? What roles do they play? How do they interact?
- *How?* What are the key characteristics of the phenomenon that should be attended to (or not attended to)?
- *When?* How long? Where? How much? How strongly?
- *Why?* What reasons are given or may be deduced?
- *For what reason?* With what intention, and for what purpose?
- *By what means?* What methods, tactics, and strategies were used to achieve the goal?

Goulding (2002) states that, after the open coding process has been completed, the researcher should move to a more abstract level that focuses on theory development rather than general descriptions. This process is referred to as *axial coding*.

3.9.2.2 Axial Coding

According to Lichtman (2014:330), during this stage, "the researcher should have developed a large number of codes, of which some of them will be redundant, and the researcher will need to collapse them and rename the codes. The researcher will need to choose whatever works best." This step serves to refine and differentiate concepts that are already available, and lends them the status of categories. One category is located at the centre, and a network of relationships is developed around it. Typically, axial coding is used in the middle and later stages of analysis. In the same way as open coding, axial coding can be applied to very short textual segments (in the sense of a detailed analysis), to larger extracts, or the entire text (Connell & Lowe, 1997).

Of particular importance in formulating theory is the identification of relationships between the axial categories and the concepts that are related to them in terms of their formal and

content aspects. The axial category is developed in its temporal and spatial relationships, in relationships of cause and effect, in means–ends relationships, and regarding argumentative and motivational connections. The hypothetical relationships in axial coding must be repeatedly checked in a deductive procedure, using new data. To explain the relationships between categories that relate to partial aspects of social action, Strauss's coding paradigm proved to be of value in the present study (Strauss and Corbin 1990:98).

Goulding (2002:78) describes this process as the “appreciation of concepts regarding their dynamic interrelationships, which should ultimately form the basis for the construction of the theory.” The key objective of axial coding is to sort, synthesize, and organise large amounts of data and reassemble them in new ways (after open coding). Axial coding relates categories to subcategories, specifies the properties and dimensions of a category and reassembles the data that were fractured during initial coding to give coherence to the emerging analysis or form the basis for the construction or development of theory (Charmaz 2006; Goulding 2002).

In the present study, the researcher employed the following questions in the selection of axial categories:

- What is it that my data seeks to talk about?
- Within the data, what are the actions and interactions?

Causes or causal conditions that contributed to the incidence or development of the phenomenon were determined. It was important to clarify the properties of the cause, distinguishing between subjective views, for example, an interviewee's perspective, and the view of the researcher. Causes are normally only valid for a particular set of conditions (conditions that promote or restrict the possibility of action or interaction), which was an important consideration in determining the importance of these in the formulation of action-related theory. Under contextual conditions were included time, place, and duration. Furthermore, as part of intervening conditions, the present researcher considered the social, political and cultural environment and the individual biography (see Locke 2001).

According to (Locke 2001), actions and interactions have two properties.

- They are processes and have a sequence, and it is, therefore, appropriate to enquire about sequences and temporal course of action.
- They are goal-oriented and are often performed for particular and specifiable reasons, one of which reason may refer to (interactional) strategies or tactics.

Strauss and Corbin (1990:104) are of the view that that goal-oriented should not be confused with (conscious) intention. Actions and interactions lead to particular consequences. As recommended by Strauss (1987:57) care was exercised in applying the coding paradigm to linguistic peculiarities in the data. The present researcher regarded keywords such as 'because,' 'since', or 'owing to' as indicators of causal conditions. Furthermore, the present researcher used an overview of theoretical framing concepts, called *coding families*. The C-family (causes, contexts, consequences, conditions, etc.) corresponds to the coding paradigm described above.

3.9.2.3 Selective Coding

In this phase, the researcher considers coding lists, summarising memos and representations of networks. The main phenomenon is described as the core category (Bohm 2004:273). When using grounded theory, it is recommended that the researcher repeatedly asks, during the course of the investigation, which phenomena are central, and formulate appropriate theory memos (Bohm 2004:273). Selective coding is the scanning of all the data and previous codes, looking for cases that illustrate themes and making comparisons after most or all data collection has been completed. Selective coding should begin after concepts have been well developed, and several core generalisations or ideas have been identified. During selective coding, major themes or concepts ultimately guide the research process. Specific themes identified earlier are reorganised and elaborated (Neuman 2011:514).

Lynham (2002) emphasises that if some well-worked-out axial categories are available, the researcher may assume that the essential aspects of the central phenomenon have

been captured. Otherwise, it is necessary to return to earlier phases in the research process and there exist the following two possibilities:

- The axial categories have the dominant phenomenon and is, therefore, suitable as the core category. The candidate for the core category is characterized by its formal relationships with all the other important categories, and occupies a central position in the network of terms.
- It often proves to be sensible to give a central location to a phenomenon to which more than a single axial category relates. In such cases it is necessary to detach oneself from the axial categories and to formulate a new category, which comes about using summarising or reformulating one of the existing categories.

Bohn (2004: 274) is of the view that frequently investigators experience difficulties in sticking to the central proposition of the investigation because of a “surfeit of important details.” It is at this point that the researcher asks what ‘story’ the data tell. In this regard, the present researcher asked the questions recommended by Bohn (2004:274):

- What is the issue here?
- What have I learned from the investigation?
- What is central? What relationships exist?

The main story revolves around a core category, unfolds this in a concise way, and shows relationships with other important categories. After determining the core category, the present researcher related its properties, dimensions, and relevant categories, systematically and in a schematically oriented manner of the coding paradigm, to the core category. Once the relationships between the main categories had been formulated, their particular properties and dimensions were compared to identify regularities and patterns (Lynham 2002).

3.9.2.4 Core Categories and Theory Development

Glaser and Strauss (1967:190) summarise this process as follows: “When the discovery and generation of theory is the goal of a survey analysis, “crude” or “general duty” indices suffice to indicate the concepts of the theory and to establish general relationships between them, which in turn become the basis for suggesting hypotheses for the emerging theory”. Emergent categories require rigorous refinement through constant comparison, which will indicate whether there is a need to collect more data in the field. If there is such a need, the data collection strategy at this stage should be specifically focused on the emergent category and its properties through a process referred to as *theoretical sampling* (Charmaz 2006). Data collection ceases when no new properties or dimensions emerge — referred to as *theoretical saturation* (Holton 2007). Teddie and Tashakkori (2009:183) characterise saturation as “a term used to describe the point when you have heard the range of ideas and aren’t getting new information.”

Given the inductive nature of theory generation, is the present researcher understood that theoretical sampling, including the point at which sampling will cease, would be controlled throughout the study by the emerging theory. Sampling was discontinued once a point of saturation had been reached. Categories and their properties were considered sufficiently dense, and data collection no longer generated new leads (Breckenridge et al. 2009). In the present study, the process of coding and abstraction of the data finally led to the development of a higher order or core category, which, with justification, formed the basis of the emergent theory. The core category integrated the relevant data to offer an explanation for the phenomenon under investigation (Goulding 2002).

For the novice grounded theorist, the initial concern about where to start is often accompanied by a similar concern regarding the decision to stop data collection. Table 2, below, shows the process undertaken by the researcher to analyse data using grounded theory techniques.

Table 2: Research Process

Process	Activity	Tools	Aim
Step 1	Analyse data relating to the unit of analysis to conceptualise categories	Open coding	Develop concepts and categories relating to policy evaluation in restitution
Step 2	Theoretical sampling	Literal and theoretical replication across cases (go to Step 3 until theoretical saturation is achieved)	Confirm, extend, and refine theoretical framework by analysing the rest of the sample
Step 3	Analyse data relating to the other samples to conceptualise categories	Open coding	Develop concepts and categories relating to information
Step 4	Explore relationships between concepts and categories from all units of analysis	Axial coding Selective coding	Develop connections between a category and its sub-categories Integrate categories to build theoretical framework
Step 5	Attain theoretical saturation	Recognise when no new codes emerge	End process once saturation has become evident

The researcher was able to identify concepts and formulate additional agenda items and follow the interviewee more sensitively (Corbin & Strauss 2008:58). In the present study, this could, in most cases, only be done between the data collection cycles, because the interviews and focus groups sessions had to be set up immediately after analysis of the interview data. This was done to follow focus group discussions and interview responses promptly and attentively. This was considered appropriate, as Corbin and Strauss (2008: 58) state that, “Though alternating data collection with analysis would be ideal there is also the reality of sometimes having to collect data without being able to immediately begin the analysis... Sometimes several interviews come all at once.”

3.10 ETHICAL CONSIDERATIONS

In any research study, the ethical norms governing the conduct of professionals in the social sciences field must be upheld.

As recommended by Resnik (2011), the present researcher adhered to the following ethics principles:

- **Honesty and confidentiality:** On the sampling request communicate to the communities and government entities, honesty and confidentiality of information obtained was guaranteed to the participants. This was done with integrity of keeping the promise by actioning the agreement with study participants throughout the study as per the consent forms. The researcher presented the research topic to the participants, and assured them of the confidentiality of their responses, emphasising that the tapes would be used for the study purposes only.
- **Objectivity:** The researcher remained objective throughout the study by avoiding biasness in the study's design, data analysis, data interpretation for an objective study outcome.
- **Carefulness:** The researcher avoided careless errors and negligence, kept meticulous records of research activities, such as data collection, research design, and correspondence.
- **Openness:** The researcher has been open in sharing data, results, ideas, tools, and resources, and being open to criticism and new ideas that will enrich the study. Respondents were requested to participate, respond, and ask for clarity without fear or hesitation.
- **Respect for intellectual property:** The researcher honoured the patents, copyrights, and other forms of intellectual property, including acknowledging them as sources of references.

3.11 STRATEGIES TO ENSURE QUALITY

3.11.1 Data Verification

Verification of data is the process of checking, confirming, making sure, and being certain. In qualitative research, verification refers to the mechanisms used during the process of research to incrementally contribute to ensuring reliability and validity and, thus, the rigour of a study (Creswell 1997). In the present study, these mechanisms were woven into every step of the inquiry, to construct a quality product by identifying and correcting errors before they were built into developing the model and subverted the analysis.

If the guidelines for qualitative inquiry are followed, the analysis is self-correcting (Kvale 1989). Qualitative research is iterative rather than linear. The present researcher moved back and forth between design and implementation, to ensure congruence among question formulation, literature, recruitment, data collection strategies, and analysis. Data were systematically checked, focus was maintained, and the fit of data and the conceptual work of analysis and interpretation were constantly monitored and confirmed.

The present researcher followed the guidelines of Morse (1997) to ensure the reliability and validity of the data:

- Methodological coherence is a congruence between the research question and the components of the methodology applied. Due to the interdependent nature of qualitative research, the present researcher ensured that the question matches the method, which matched the data and the analytic procedures.
- An appropriate sample was ensured through the use of participants who best represented the population or had knowledge of the research topic. This ensured efficient and effective saturation of categories, with optimal quality data and minimum dross.
- Collecting and analysing the data concurrently clarified what is known and what the researcher needed to know. This iterative interaction between data and analysis underpins a study's reliability and validity (Morse 1997).
- The fourth aspect was thinking theoretically. Concepts emerging from data were confirmed in new data; this gave rise to new ideas that, in turn, were verified in data

already collected. Thinking theoretically required macro-micro perspectives, inching forward without making cognitive leaps, constantly checking and rechecking, and building a solid foundation.

- Lastly, in developing theory, the present researcher moved with deliberation between a micro perspective of the data and a macro conceptual/theoretical understanding (Morse 1997). In this way, the theory was developed through two mechanisms: (1) as an outcome of the research process, rather than being adopted as a framework to move the analysis along; and (2) as a template for comparison and further development of the theory. The researcher bore in mind that valid theories are well-developed and informed, and are comprehensive, logical, parsimonious, and consistent (Glaser 1978; Morse 1997).

These guidelines were used to contribute to the reliability and validity to the study, thus ensuring rigour.

3.11.2 Assessing and Demonstrating Quality and Rigour

Without rigor, research is worthless, becomes fiction, and loses its utility. Hence, a great deal of attention is applied to reliability and validity in all research methods. Challenges to rigor in qualitative inquiry interestingly paralleled the blossoming of statistical packages and the development of computing systems in quantitative research Leininger (1994).

Guba and Lincoln (1981) state that, while all research must display truth value, applicability, consistency, and neutrality in order to be considered worthwhile, the nature of knowledge within the rationalistic (or quantitative) paradigm is different from the knowledge in naturalistic (qualitative) paradigm. Each paradigm requires paradigm-specific criteria for addressing rigour (the term most often used in the rationalistic paradigm) or trustworthiness (for qualitative rigour.)

They note that, within the rationalistic paradigm, the criteria to reach the goal of rigour are internal validity, external validity, reliability, and objectivity. They further proposed that the standards for the qualitative paradigm to ensure trustworthiness are credibility, fittingness, audibility, and confirmability (Guba & Lincoln 1981). These criteria were

refined to credibility, transferability, dependability, and confirmability (Lincoln & Guba 1985). In the present study, the researcher followed the recommended strategies to attain trustworthiness. The researcher had a discussion with interviewees and focus group members about their undesirable encounters as a way of peer debriefing. This was coupled with prolonged engagement and persistent observation, audit trails, and member checks. The researcher remained responsive and adaptive to changing circumstances, showing professional immediacy, sensitivity, and the ability to clarify and summarise discussions with the interviewees and the focus group.

3.12 Summary

This chapter described the methodology employed in this study. The study was a qualitative research study, using a case study research design. A social constructionist strategy of enquiry was followed, employing grounded theory as the method of analysis.

The researcher first analysed the detailed raw data, including recorded and transcribed interviews, observations, participatory experiences, and field notes. Thereafter, the data were coded and classified as they related to the domain of inquiry and the research questions. Lastly, data were scrutinized to discover saturation of ideas and recurrent patterns of similar and different meanings

This chapter further described the method of data collection employed, the type of data collected, and the data analysis techniques. Data were sources through a literature review, focus group discussions, and semi-structured interviews, and the rationale behind their selection was explained. The next chapter reports on the data collected and provides a preliminary interpretation.

CHAPTER 4: RESULTS

4.1. INTRODUCTION

The primary data were gathered through a series of in-depth interviews with senior government officials from two government institutions dealing with restitution matters in the Northern Cape. Furthermore, focus group discussion sessions were held with representatives of five affected communities. The researcher began data analysis on the first day of the research study, and continued with regular coding and analysis of all data until the end of the study.

4.2 Coding Results

The present researcher used grounded theory techniques to derive inductively at a framework that demonstrates fit between the data and 'reality.' Grounded theory techniques (Glaser & Strauss 1967; Glaser 1978; Strauss 1987; Strauss & Corbin 1990) formed the basis of the content analysis of the raw data.

This chapter presents the field data collected from the focus group discussions and interviews with purposively selected government officials involved in the Restitution programme. Open and axial coding were used to conceptualise the data through fragmentation, to allow the emergence of core categories, from which the various phenomena were identified.

The interviews were semi-structured and the researcher asked open-ended questions derived from previous studies, the research questions, and literature on policy evaluation studies. The duration of the interviews was between 45 minutes to an hour. In the each cycle, both the government officials were interviewed, and focus group sessions were held with the representative from the affected communities. The interview agenda items were constantly adapted, due to the results of the previous analyses. Triangulation was applied to relate agenda items, observation results, and interview data of the different samples.

4.2.1 Results of Open Coding of DARDLR

The starting point of the open coding was the interviews conducted in July 2015. The interviews also marked the beginning of the qualitative research on government officials. The interviews were guided by agenda items aimed at investigating whether the Land Restitution Programme was evaluated, specifically:

- their understanding of programme evaluation;
- the existence of a programme evaluation framework;
- dedicated personnel in the department to evaluate the Land Reform Policy's Restitution Programme;
- evaluation of the Land Reform Policy's Restitution Programme regarding re-opening and/or extensions of restitution claims;
- role players in the evaluation;
- knowledge of people about Land Reform Policy and/or the Land Restitution Programme;
- relationship between the Department and government institutions implementing the Land Restitution Programme;
- types of programme evaluation framework(s), approaches and focus;
- amendment of the Restitution Legislation and a platform for involvement of the affected communities;
- role players in community engagement and amendment of the Restitution Legislation;
- the Commission's annual targets;
- role of surveys and/or dialogues;
- knowledge of staff dealing with restitution;

- whether time allocated to lodge claims is sufficient; and
- the spoken languages of the affected communities.

4.2.1.1. Results of Analysis of data obtained from the manager of the DARDRL

The research data was collected from the Post Settlement Support Directorate, represented by the Manager (Deputy Director) of the Programme. The programme is responsible for the overall development of settled communities, including those benefitting from restitution programme. The duration of this project was five months. The project included discussions on agenda items such as evaluation framework, restitution targets, and community or non-state actors in policy and programme evaluation. The data collection, coding, and analysis process were more or less iterative. The agenda items were open-ended, which guided respondents to participate, respond, and ask for clarity without fear or hesitation. An official (Programme Manager) from the Directorate of Post-Settlement Support participated in each interview, which had a typical duration of 45 minutes to an hour. The contents of the discussion were recorded and the researcher took field notes.

The data collection protocol for interviews with official from the DARDRL is provided in Table 3, below.

Table 3: Data Collection Protocol — DARDRL Official

Data sources	Details
Semi-structured interviews	Interviews with the manager (written notes and recordings)
Observations	Manager's characteristics, skills, human resources or staff capacities
Agenda items	Policy evaluation, evaluation framework, evaluation focus, and evaluation approaches

The interviews were coded descriptively, as guided by Lewins, Taylor, and Gibbs (2005), which made it easier to explain the phenomenon. The following table shows the results of the four interviews with officials from the DARDLR of in terms of the number of concepts (“Themes”) and the number of references to these in the interviews (“References”).

Table 4: Interview Sources related to the Concepts - DARDLR

Name	Themes	References
Interview: DARDLR – June 2015	45	27
Interview: DARDLR – July 2015	78	19
Interview: DARDLR – September 2015	38	17
Interview: DARDLR – October 2015	50	14

The present researcher marked what was of interest in the interview transcripts, to reduce and then shape the material into a form that could be shared or displayed. Reducing the data is a first step, where after it is analysed and interpreted (Saldana 2013:121). The present researcher developed profiles of individual participants and their reflections on the agenda items, and then grouped them into categories that made sense. The researcher marked individual passages, grouped these categories, and then studied the categories for thematic connections within and among them.

In the open coding of the interviews with the DARDLR interviews, the following 45 themes were identified. Duplicates had already been eliminated using comparative analysis and reduced to the themes, shown in Table 5.

Table 5: Themes, Sources, and Number of References - DARDLR

Themes	Source	References
Relevant experience	Interview: DARDLR – June 2015	1
Commission has capacity constraints	Interview: DARDLR – June 2015	1
Claims need to be attended to urgently, or they may fall beyond the set time frame	Interview: DARDLR – July 2015 Interview: DARDLR – September 2015	2

Community disputes in restored areas are normally referred to the Executive Authority for remedial action	Interview: DARDLR – June 2015 Interview: DARDLR – July 2015	2
No dedicated personnel focusing on researching land restitution matters	Interview: DARDLR – September 2015	1
Systematic intervention into the gaps and challenges	Interview: DARDLR – June 2015 Interview: DARDLR – October 2015	2
Conduct review and improve on good work	Interview: DARDLR – June 2015 Interview: DARDLR – October 2015	2
Targets broken down into quarters and evaluated	Interview DARDLR – June 2015 Interview: DARDLR – July 2015	2
Uncertain on the needed time to complete restitution	Interview: DARDLR – July 2015 Interview: DARDLR – September 2015	2
Five-year period is an endeavour to manage the process	Interview: DARDLR – July 2015 Interview: DARDLR – September 2015	2
Quarterly reviews	Interview: DARDLR – June 2015 Interview: DARDLR – September 2015	2
Targets are linked to the budget	Interview: DARDLR – September 2015	1
Availability of budget determines the outcomes	Interview: DARDLR – September 2015	1
Evaluation is a constant process	Interview: DARDLR – June 2015 Interview: DARDLR – October 2015	2
No consistent evaluation of policies	Interview: DARDLR – June 2015 Interview: DARDLR – July 2015 Interview: DARDLR – October 2015	3
Accommodate lessons learnt from community engagements	Interview: DARDLR – June 2015 Interview: DARDLR – October 2015	2
Khoisan Summit was a form of evaluation	Interview: DARDLR – June 2015 Interview: DARDLR – July 2015 Interview: DARDLR – September 2015 Interview: DARDLR – October 2015	4
Analysis of work done and identification of gaps	Interview: DARDLR – July 2015 Interview: DARDLR – October 2015	2
Restitution evaluation will be needed after five years	Interview: DARDLR – July 2015	1

Until 2019, the process will tell what needs to happen next	Interview: DARDLR – September 2015	1
After five years, an evaluation will have to be conducted	Interview: DARDLR – September 2015	1
No policy evaluation framework in place	Interview: DARDLR – June 2015 Interview: DARDLR – July 2015	2
Restitution is a complex field	Interview: DARDLR – June 2015	1
Cannot be addressed and closed in 5-10 years	Interview: DARDLR – June 2015 Interview: DARDLR – July 2015 Interview: DARDLR – October 2015	3
Government needs to evaluate systems before committing to a time frame for restitution	Interview: DARDLR – September 2015 Interview: DARDLR – October 2015	2
Targets do not correspond with time frame	Interview: DARDLR – June 2015 Interview: DARDLR – July 2015 Interview: DARDLR – October 2015	3
Minister acknowledged challenges and failures in Land Reform Policy	Interview: DARDLR – June 2015	1
Need for action and research-oriented legislative process/policy review process	Interview: DARDLR – June 2015 Interview: DARDLR – September 2015 Interview: DARDLR – October 2015	3
Engage communities to seek support	Interview: DARDLR – June 2015	1
Consultation on proposed amendment is fundamental	Interview: DARDLR – June 2015	1
Communication with various strata – NGOs, CPAs and general public	Interview: DARDLR – June 2015 Interview: DARDLR – July 2015	2
Structured approach when engaging communities	Interview: DARDLR – June 2015 Interview: DARDLR – July 2015	2
CPAs are our entry point	Interview: DARDLR – June 2015 Interview: DARDLR – July 2015 Interview: DARDLR – September 2015	3
CPAs mobilise and facilitate the community on our behalf	Interview: DARDLR – June 2015 Interview DARDLR – July 2015	4

	Interview: DARDLR – September 2015 Interview: DARDLR – October 2015	
Capacitation of CPA through governance training manual	DARDLR – September 2015	4
Restitution land claims mobile offices	Interview: DARDLR – June 2015 Interview: DARDLR – July 2015 Interview: DARDLR – September 2015	3
Service three Provinces of NC, WC, & FS	Interview: DARDLR – June 2015 Interview: DARDLR – July 2015 Interview: DARDLR – September 2015 Interview: DARDLR – October 2015	4
Five years to open and settle claim	Interview: DARDLR – June 2015 Interview: DARDLR – October 2015	2
The political office always intervenes and mediates	DARDLR – July 2015	1
We do not to deal with the lodging of claims	Interview: DARDLR – June 2015	1

In the light of the agenda items raised, concepts were identified that relate to:

- Evaluation (“systematic intervention into the gaps and challenges” (DARDLR – June 2015));
- The tasks they perform to do this evaluation (“Targets are broken down into quarters and evaluated” (DARDLR – June 2015));
- The limitations they are facing in applying and/or not applying evaluation systems (“No policy evaluation framework in place” (DARDLR – June 2015; DARDLR – July 2015));
- Structured approach when engaging communities (“Restitution land claims mobile offices” (DARDLR – September 2015)); or
- Need for action and research-oriented legislative process/policy review process (“Government needs to evaluate systems before committing to a time frame for restitution.” (DARDLR – October 2015)).

4.2.1.2 Results from Axial Coding of DARDLR

In the axial coding phase, the interviews were analysed again, taking into account previous memos, managers' characteristics (skills, scope of work in relation to the Restitution Programme and evaluation), the frequency with which the Department uses the different communication and evaluation tools, and how often the Department meets with communities to undertake evaluation of restitution projects. The goal was to organise the concepts into recurring themes and to identify stable categories covering as much of the data as possible. Each category was linked to associated concepts. Some of the results (like the identification of properties and the dimensions of the categories) presented in this section had already occurred in the open coding phase. They were refined during the axial coding, and are described in this section to avoid recurrences.

4.2.1.3 Categories and Properties of DARDLR

According to Corbin and Strauss (2008), categories are much broader in scope than concepts. They represent a group of similar or related concepts and emerge during the process of analysis. While comparing the different data elements and coding them, the researcher identified additional properties and concepts as part of a category. In the axial coding process, the 78 concepts were grouped into six main categories: (1) Management, (2) Planning, (3) Evaluation, (4) Policy engagement/development, (5) Community development/Facilitation, (6) Work arrangement, and (7) Intergovernmental/interdepartmental relations.

These main categories' the concepts/properties and dimensions are listed below. These concepts and sub-categories relate to the main categories that helped to answer questions, the *Who?*, *Where?*, *Why?*, *When?*, and *How?* of the specific category.

Table 6: Concepts and Properties of the Category *Management*

Category	Concept/Property
Management	Relevant experience
Management	Commission has capacity constraints
Management	Claims need to be attended to urgently, or they may fall beyond the set time frame

Management	Community disputes for restored areas are normally referred to the Executive Authority for remedial action
Management	No dedicated personnel focusing on researching land restitution matters

Table 7: Concepts and Properties of the Category *Planning*

Category	Concept/Property
Planning	Systematic intervention for the gaps and challenges
Planning	Conduct review and improve on good work
Planning	Targets broken down into quarters and evaluated
Planning	Conduct review and improve on good work
Planning	Uncertain on the needed time to complete restitution
Planning	Five-year period is an endeavour to manage the process
Planning	Targets are linked to the budget
Planning	Availability of budget determine the outcomes

Table 8: Concepts and Properties of the Category *Evaluation*

Category	Concept/Property
Evaluation	Evaluation is a constant process
Evaluation	Quarterly reviews
Evaluation	No consistent evaluation of policies
Evaluation	Accommodate lessons learnt
Evaluation	KhoiSan Summit was a form of evaluation
Evaluation	Analysis of work done and identification of gaps
Evaluation	Requisite intervention, which is an annual event
Evaluation	Until 2019, the process would tell what needs to happen next
Evaluation	After five years, an evaluation will have to be conducted
Evaluation	Cannot be addressed and closed in 5-10 years
Evaluation	Government evaluates systems before committing to time frame for restitution
Evaluation	Target do not correspond with time frame

Table 9: Concepts and Properties of the Category *Policy engagement/development*

Category	Concept/Property
Policy engagement/development	No policy evaluation framework
Policy engagement/development	Restitution is a complex field
Policy engagement/development	Gather sufficient claims
Policy engagement/development	Minister acknowledge challenges and failures of Land Reform Policy
Policy engagement/development	Need for action and research-oriented legislative process/policy review process
Policy engagement/development	Engage communities to seek support
Policy engagement/development	Consultation on proposed amendment is fundamental
Policy engagement/development	Communication with various strata – NGOs, CPAs, and general public
Policy engagement/development	Minister acknowledge challenges and failures of Land Reform Policy

Table 10: Concepts and Properties of the Category *Community development/facilitation*

Category	Concept/Property
Community development/facilitation	Structured approach when engaging communities
Community development/facilitation	CPAs are our entry point
Community development/facilitation	We do not come and meet the community alone
Community development/facilitation	CPAs mobilises and facilitates the community on our behalf
Community development/facilitation	Capacitation of CPAs through governance training manual

Table 11: Concepts and Properties of the Category *Work arrangement and intergovernmental/interdepartmental relations*

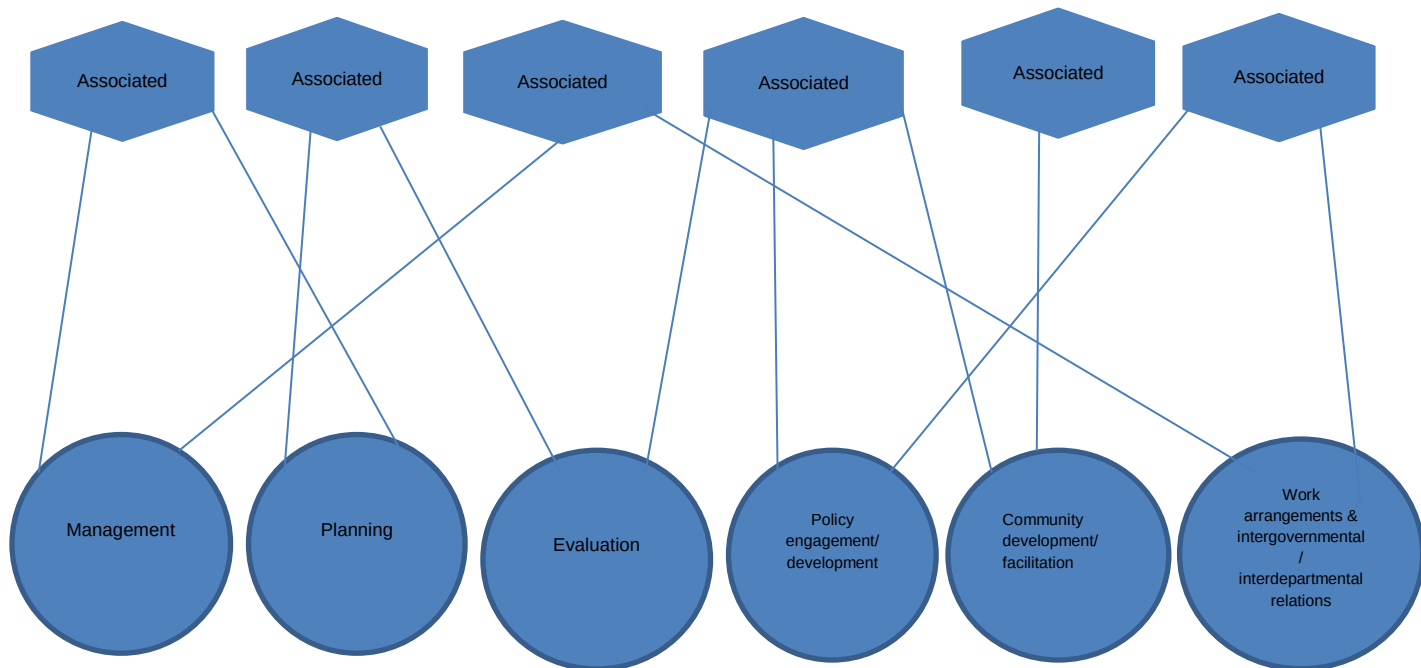
Category	Concept/Property
Work arrangement and intergovernmental/interdepartmental relations	Restitution land claims mobile offices
Work arrangement and intergovernmental/interdepartmental relations	Service three provinces of NC, WC, & FS

Work arrangement and intergovernmental/ interdepartmental relations	Duration of 5 years to open and settle claim
Work arrangement and intergovernmental/ interdepartmental relations	The political office always intervenes and mediates
Work arrangement and intergovernmental/ interdepartmental relations	We do not to deal with the lodging of the claims

4.2.1.4 Relationships of DARDLR

During the data analysis phase, a few relationships were identified. In the following section, the relationships between the different categories and concepts are demonstrated. These are early hints that help one to understand and explain the data, as well as assist in building theory in the selective coding after all data have been collected and analysed. The relationships and drawings are a way of memorizing thoughts about the data, as recommended by Corbin and Strauss (2008). The relationships (R) refer to the institution (DARDLR) and the year (2015). They are numbered separately for each additional data slice.

Figure: 5 Relationships based on the analysis of the DARDLR



R – DARDLR – 2015: **Management** issues such as the lack of dedicated personnel focusing on researching land restitution matters lead to poor; **Planning**, which results in uncertainty in the needed time to complete restitution.

The above relationship is underpinned by the admission of DARDLR that there are no dedicated personnel focusing on researching land restitution matters. One example of such an admission was that research is needed to avoid overlapping claims and how it should be used to benefit the whole re-opening process of claims (DARDLR – August 2015).

R – DARDLR – 2015: As a key stakeholder to the CRLR, there is acknowledgement by Senior **Management** that the Commission has capacity constraints, which are exacerbated by **Work arrangements and intergovernmental/interdepartmental relations**. The land claims mobile offices have to service three Provinces (NC, WC, and FS).

The above relationship shows how limited resources may affect the required service for the province. This means that communities may expect to receive such services either at certain intervals when such resources are available, or once off, or on an ad hoc basis.

R – DARDLR – 2015: During **Planning**, targets are allocated to quarters and evaluated. For **Evaluation** purposes, there is no consistent evaluation of policies.

The above relationship shows that the concentration of planning is on achieving the set annual targets by evaluating their achievement on a quarterly and/or annual basis. There is, however, an admission that policies are not necessarily or consistently evaluated. This is confirmed by the admission of the Official of the DARDLR that they do not evaluate policies consistently, but rather do the monitoring and evaluation of their services/targets on a quarterly basis to comply with the Government Programme of Action or Planning and Reporting Cycle (DARDLR – July 2015).

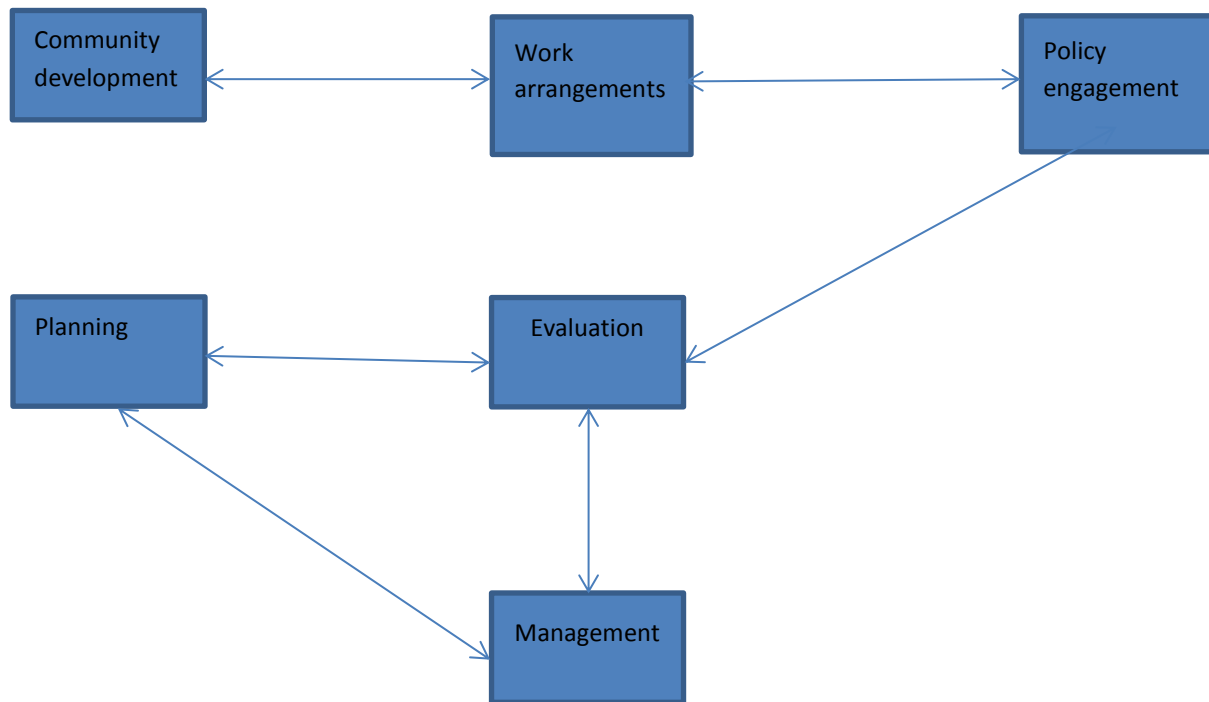
R – DARDLR – 2015: The KhoiSan Summit was a form of **Evaluation**, and there is a structured approach when engaging communities for **Policy development**.

The above relationship shows that, as part of re-opening of the lodgement of claims and the amendment of the Restitution of Land Rights Act, the government used the KhoiSan Summit as an evaluation platform. The relationship below demonstrates that the Department makes use of organised community formations such as community property associations (CPAs) in engaging on policy development. Given the varied capacities of CPAs, they need to be capacitated in dealing with legislative matters.

R – DARDLR – 2015: Consultation on proposed amendments are fundamental when dealing with **Policy engagement/development**. CPAs mobilise and facilitate the community on behalf of the Department. For **Community development**, the Department often capacitates CPAs through a governance training manual.

Communities need to be capacitated to partake in crucial programmes such as policy-making processes. The capacitation of communities benefiting from restitution or those who have been given land back is crucial, in that they may advise the government on restitution processes or legislative obstacles stifling restitution in the province. The following diagram is a demonstration of the influence of evaluation on the Land Restitution Programme by DARDLR.

Figure 6: Diagram on the Influence of *Evaluation* on the Land Restitution Programme of the DARDLR



After the analysis of the data from the four interviews with the DARDLR, 45 concepts were identified and grouped into six main categories. The relationships show that the lack of policy evaluation systems, among other constraints, influences the ability of the Department to gauge whether or not it is achieving its set policy objectives. Communities are involved to a limited extent in capacity-building programmes for community structures such as CPAs. However, the Department could not demonstrate the active participation of these organised formations in the dialogues and amendment of the Act.

4.2.1.5 Results of Analysis of data obtained from the manager of the CRLR

The research data was collected from the Commission on Restitution of Land Rights (CRLR), Pre-Settlement Support Directorate as represented by the Manager (Deputy Director) of the Programme. The programme is responsible for provision land acquisition and strategic institutional partnerships, provide land acquisition and recapitalisation & development services at regional and district level. The duration of this project was five months. The project included discussions on agenda items such as evaluation framework, scope and, focus, as well as restitution targets, and community or non-state actors in policy and programme evaluation.

Table 12: Data Collection Protocol - CRLR

Data sources	Details
Semi-structured interviews	Interviews with the manager, written notes, and recordings
Observations	Manager's characteristics, skills, as well as his human resources or staff capacities
Agenda items	Responded to by the manager regarding the use of policy evaluation, an evaluation framework, an evaluation focus, and evaluation approaches

4.2.1.6 Results of Open Coding of CRLR

The following table shows the results of the four transcribed interviews with the CRLR in terms of the number of concepts ("themes") and the number of references in the interviews ("References").

Table 13: Interview Sources related to the Concepts - CRLR

Name	Themes	References
Interview: CRLR – June 2015	45	16
Interview: CRLR – July 2015	78	45
Interview: CRLR – September 2015	51	42
Interview: CRLR – October 2015	59	56

In the open coding of the interview with CRLR, the following 45 themes were identified. Through the use of comparative analysis, duplicates had already been eliminated and reduced to the themes, presented in Table 13, below.

Table 14: Themes, Sources and Number of References - CRLR

Themes	Source	References
Relevant experience	Interview: CRLR – June 2015	1
Official for monitoring and evaluation at Provincial Shared Service Centre	Interview: CRLR – June 2015 Interview: CRLR – October 2015	2
Staff turnover of experienced personnel and/or trained experienced researchers	Interview: CRLR – June 2015 Interview: CRLR – July 2015	2
Constant retraining of staff recruitment of staff, as it is time-consuming to produce capacity	Interview: CRLR – June 2015 Interview: CRLR – September 2015 Interview: CRLR – October 2015	3
Language barrier and problems of non-proficiency in local languages	Interview: CRLR – June 2015 Interview: CRLR – July 2015	2
Simplify means of communication	Interview: CRLR – July 2015 Interview: CRLR – October 2015	2
Do not have time for anything other than chasing our targets	Interview: CRLR – July 2015 Interview: CRLR – October 2015	2
Over-stretched staff	Interview: CRLR – July 2015 Interview: CRLR – September 2015 Interview: CRLR – October 2015	3
Packaging research of land claims	Interview: CRLR – July 2015	1
Not evaluation, but annual assessment	Interview: CRLR – June 2015 Interview: CRLR – October 2015	2

Very unpredictable, in that time is not adequate for restitution	Interview: CRLR – September 2015 Interview: CRLR – October 2015	2
Another cut-off as a target and not leaving it open-ended is key	Interview: CRLR – September 2015 Interview: CRLR – October 2015	2
Focus on outstanding or old claims, then deal with new claims	Interview: CRLR – July 2015 Interview: CRLR – September 2015	2
Complying with government planning and reporting cycle	Interview: CRLR – July 2015 Interview: CRLR – October 2015	2
Planning, reporting, and budgeting	Interview: CRLR – July 2015 Interview: CRLR – October 2015	2
Dynamic approach is needed for settling claims and taking stock of lessons learnt	Interview: CRLR – July 2015 Interview: CRLR – October 2015	2
It is very difficult to measure the impact of restitution today, even if you evaluate	Interview: CRLR – September 2015 Interview: CRLR – October 2015	2
You cannot measure restitution implementation because the restitution programme was completely flawed	Interview: CRLR – July 2015 Interview: CRLR – September 2015 Interview: CRLR – October 2015	3
People or claimants did not respond	Interview: CRLR – September 2015 Interview: CRLR – October 2015	2
Claimants did not come forward to claim	Interview: CRLR – September 2015 Interview: CRLR – October 2015	2
Did not receive the message	Interview: CRLR – September 2015 Interview: CRLR – October 2015	2
Did not have faith in the process	Interview: CRLR – September 2015 Interview: CRLR – October 2015	2
Legally speaking, no further claims will be accepted beyond July 2019	Interview: CRLR – July 2015 Interview: CRLR – September 2015	2

In principle, no claims should be lodged or accepted after that date	Interview: CRLR – July 2015 Interview: CRLR – September 2015 Interview: CRLR – October 2015	3
Time and again, before they extend or even amend the Act, they must evaluate the programme or legislation	Interview: CRLR – September 2015 Interview: CRLR – October 2015	2
It must be evaluated beyond 2019	Interview: CRLR – September 2015 Interview: CRLR – October 2015	2
Community involvement is not rigorous and not well structured	Interview: CRLR – June 2015 Interview: CRLR – July 2015 Interview: CRLR – October 2015	3
Unstructured, because it takes place during Portfolio Committee oversights	Interview: CRLR – June 2015 Interview: CRLR – July 2015 Interview: CRLR – October 2015	3
No point of integration into policy for communities	Interview: CRLR – July 2015 Interview: CRLR – September 2015 Interview: CRLR – October 2015	3
One re-opening in 2014, and others were extensions	Interview: CRLR – June 2015 Interview: CRLR – October 2015	2
Not covered through publicity and less than expected	Interview: CRLR – July 2015 Interview: CRLR – September 2015 Interview: CRLR – October 2015	2
Information sessions with communities on Restitution Act	Interview: CRLR – July 2015 Interview: CRLR – October 2015	2
Communities informed about a free process	Interview: CRLR – July 2015 Interview: CRLR – October 2015	2
Land claims mobile offices	Interview: CRLR – July 2015 Interview: CRLR – September 2015 Interview: CRLR – October 2015	3
Target remote areas	Interview: CRLR – July 2015 Interview: CRLR – September 2015 Interview: CRLR – October 2015	3
Claimants have to wait where they are we will come to where they are located	Interview: CRLR – July 2015 Interview: CRLR – October 2015	2

Engaging academics on the subject matter because they do research on restitution	Interview: CRLR – July 2015	1
Media engagement, e.g., sessions on e.tv	Interview: CRLR – July 2015 Interview: CRLR – October 2015	2
Engage farmers' unions, academics, NGOs, claimants, politicians, etc.	Interview: CRLR – July 2015	1
No enough time to develop and put into place policy framework	Interview: CRLR – July 2015 Interview: CRLR – September 2015 Interview: CRLR – October 2015	3
Reference meetings with the Khoi and San people are still going on	Interview: CRLR – July 2015 Interview: CRLR – October 2015	2
They were given assignments and were supposed to report back	Interview: CRLR – July 2015 Interview: CRLR – September 2015 Interview: CRLR – October 2015	3
Premise of Restitution Act was a political response to the land question	Interview: CRLR – June 2015 Interview: CRLR – July 2015 Interview: CRLR – October 2015	3
What went wrong is that there was more of a top-down approach instead of a bottom-up approach	Interview: CRLR – June 2015 Interview: CRLR – July 2015 Interview: CRLR – October 2015	3
Evaluation of what was to be dealt with in relation to restitution would have been helpful	Interview: CRLR – September 2015 Interview: CRLR – October 2015	2
Had two sessions with the house of traditional leadership	Interview: CRLR – September 2015	1
Officials in the Department in various provinces were not happy about re-opening	Interview: CRLR – July 2015 Interview: CRLR – September 2015	2
No proper consultation internally so that we could better advise the government	Interview: CRLR – September 2015 Interview: CRLR – October 2015	2

The process was driven more from the top	Interview: CRLR – September 2015 Interview: CRLR – October 2015	2
Process was handled more politically, without administrative advice	Interview: CRLR – July 2015 Interview: CRLR – September 2015 Interview: CRLR – October 2015	3
Many people were left out of the restitution process, but re-opening was not a viable option	Interview: CRLR – July 2015 Interview: CRLR – October 2015	2
It will be a fundamental mistake to reduce the target	Interview: CRLR – July 2015 Interview: CRLR – September 2015 Interview: CRLR – October 2015	3
Communicate through print and electronic media (promotional material)	Interview: CRLR – September 2015 Interview: CRLR – October 2015	2
Interfacing with communities through face-to-face interaction	Interview: CRLR – September 2015 Interview: CRLR – October 2015	2
Land claims mobile offices to arrive in October until December	Interview: CRLR – July 2015 Interview: CRLR – September 2015 Interview: CRLR – October 2015	3
Work with the municipalities in mobilisation	Interview: CRLR – July 2015 Interview: CRLR – September 2015	2
Lodgement will be electronic	Interview: CRLR – September 2015 Interview: CRLR – October 2015	2
Capacity-building programmes are not implemented full scale, as restitution projects are not well capacitated	Interview: CRLR – June 2015 Interview: CRLR – July 2015 Interview: CRLR – September 2015	3
Engagements used to happen with the Land Claims Court	Interview: CRLR – September 2015 Interview: CRLR – October 2015	2
NAFU, TAU and other entities are mainly concerned about how restitution will negatively impact their space	Interview: CRLR – September 2015	1
We have no fixed link with municipalities	Interview: CRLR – July 2015 Interview: CRLR – September 2015	2

Slow in finalisation of claims	Interview: CRLR – June 2015 Interview: CRLR – July 2015 Interview: CRLR – October 2015	3
Lodgement of claims beyond cut-off date	Interview: CRLR – June 2015 Interview: CRLR – October 2015	2
Provincial figure of 3 000 claims by 1998	Interview: CRLR – June 2015 Interview: CRLR – October 2015	2
1 500 claims within a year of re-opening, which is a significant increase	Interview: CRLR – June 2015	1
Assess how best we can conduct and operationalise our programmes	Interview: CRLR – July 2015 Interview: CRLR – October 2015	2
Five-year extension period is not sufficient	Interview: CRLR – July 2015 Interview: CRLR – September 2015 Interview: CRLR – October 2015	3
We would not necessarily see a significant number of claims being processed within the given period	Interview: CRLR – July 2015 Interview: CRLR – September 2015 Interview: CRLR – October 2015	3
For commission to be able to work on a claim, it is necessary for us to wait until we are certain	Interview: CRLR – July 2015 Interview: CRLR – September 2015 Interview: CRLR – October 2015	3
Necessary for us to wait until we are confident that we have received enough claims	Interview: CRLR – July 2015 Interview: CRLR – September 2015 Interview: CRLR – October 2015	3
When we do research, it should not be for a single claim, but for a number of claims	Interview: CRLR – July 2015 Interview: CRLR – September 2015 Interview: CRLR – October 2015	3

4.2.1.7 Results of Axial Coding of CRLR

In the axial coding phase, the interviews were analysed again, taking into account previous memos, managers' characteristics (skills, the scope of work according to the Restitution Programme, and evaluation), the frequency with which the Department uses the different communication and evaluation tools, and how often the Department meet face-to-face with communities. The goal was to organise the concepts into recurring themes and to identify stable categories, covering as much of the data as possible. Each category was linked to associated concepts. Some of the results (like the identification of properties and the dimensions of the categories) presented in this section had already occurred in the open coding phase. They were refined during the axial coding, and are described in this section to avoid recurrences.

4.2.1.8 Categories and Properties of CRLR

While comparing the different data elements and coding them, the researcher identifies additional properties and concepts as part of a category. In the axial coding process, the 78 concepts have been grouped into Six (6) main categories: Management, Planning, Evaluation, Policy Engagement / Development, Community Development / Facilitation, Work Arrangement and Intergovernmental / Interdepartmental relations.

For these main categories, the concepts/properties are listed below.

These concepts and sub-categories relate to main categories that help to answer questions such as who, where, why, when, and how about the specific category.

Table 15: Concepts, Properties, and Dimensions of the Category *Management*

Category	Concept/Property
Management	Relevant experience
Management	Official for monitoring and evaluation at provincial Shared Service Centre
Management	Staff turnover of trained, experienced researchers
Management	Constant retraining of staff and recruitment of staff; it is time-consuming to produce capacity
Management	Language barriers and problems of non-proficiency in local languages

Management	Simplify means of communication
Management	Do not have time for anything other than chasing our targets
Management	Over-stretched staff

Table 16: Concepts, Properties, and Dimensions of the Category *Planning*

Category	Concept/Property
Planning	Packaging research of land claims
Planning	Not evaluation, but annual assessment
Planning	Very Unpredictable in that time is inadequate for restitution
Planning	Another cut-off as a target, and not leave it open-ended
Planning	Focus on outstanding or old claims, then deal with new claims

Table 17: Concepts, Properties, and Dimensions of the Category *Evaluation*

Category	Concept/Property
Evaluation	Complying with government planning and reporting cycle
Evaluation	Planning, reporting, and budgeting
Evaluation	Dynamic approach is needed; for instance, after settling a claim, we should be going back to a drawing board to take stock of lessons learnt
Evaluation	It is very difficult to measure the impact of restitution today, even if you evaluate
Evaluation	You cannot measure that because the restitution programme was completely flawed
Evaluation	People or claimants did not respond
Evaluation	Claimants did not come forward to claim
Evaluation	Did not receive the message
Evaluation	Did not have faith in the process
Evaluation	Legally speaking, no further claims will be accepted beyond July 2019
Evaluation	In principle, no claims should be lodged or accepted after that date
Evaluation	It must be evaluated beyond 2019

Table 18: Concepts, Properties, and Dimensions of the Category *Policy engagement/development*

Category	Concept/Property
Policy engagement/development	Community involvement not rigorous and not well structured
Policy engagement/development	Unstructured, because it takes place during Portfolio Committee oversights
Policy engagement/development	No point of integration into policy for communities
Policy engagement/development	One re-opening in 2014 and others were extensions
Policy engagement/development	Not covered through publicity and less than expected
Policy engagement/development	Information sessions with communities on Restitution Act
Policy engagement/development	Communities informed about a free process
Policy engagement/development	Land claims mobile offices doing rounds
Policy engagement/development	Target remote areas
Policy engagement/development	Claimants to wait where they are, we will come to where they are located
Policy engagement/development	Engaging academics on the subject matter, because they do research in restitutions
Policy engagement/development	Sessions on e.tv
Policy engagement/development	Engage farmers' unions, academics, NGOs, claimants, politicians, etc.
Policy engagement/development	No enough time to develop and put into place policy framework
Policy engagement/development	Reference meetings with the Khoi and San people are still going on
Policy engagement/development	They were given assignments and were supposed to report back
Policy engagement/development	Premise of Restitution Act was a political response to the land question
Policy engagement/development	What went wrong was that was more of a top-down approach instead of a bottom-up approach
Policy engagement/development	Evaluation of what was to be dealt with about restitution would have been helpful
Policy engagement/development	Had two sessions with the house of traditional leadership

Policy engagement/development	Officials in the Department in various provinces were not happy about re-opening
Policy engagement/development	Was not proper consultation internally so that we can better advise the government
Policy engagement/development	The process was driven more from the top
Policy engagement/development	The process was handled more politically, without administrative advice
Policy engagement/development	Many people were left out in the restitution process, but re-opening was not a viable option
Policy engagement/development	It will be a fundamental mistake to reduce the target
Policy engagement/development	Communication through print and electronic media (promotional material)
Policy engagement/development	Five-year extension period is not sufficient

Table 19: Concepts, Properties, and Dimensions of the Category *Community development/facilitation*

Category	Concept/Property
Community development/facilitation	Interfacing with communities through face-to-face interaction
Community development/facilitation	Land claim mobile offices to arrive in October to December 2015
Community development/facilitation	Capacity-building programmes are not implemented full scale, as restitution projects are not well capacitated

Table 20: Concepts, Properties, and Dimensions of the Category *Work arrangements and intergovernmental/interdepartmental relations*

Category	Concept/Property
Work arrangements and intergovernmental/interdepartmental relations	Collaborate with the municipalities in mobilisation

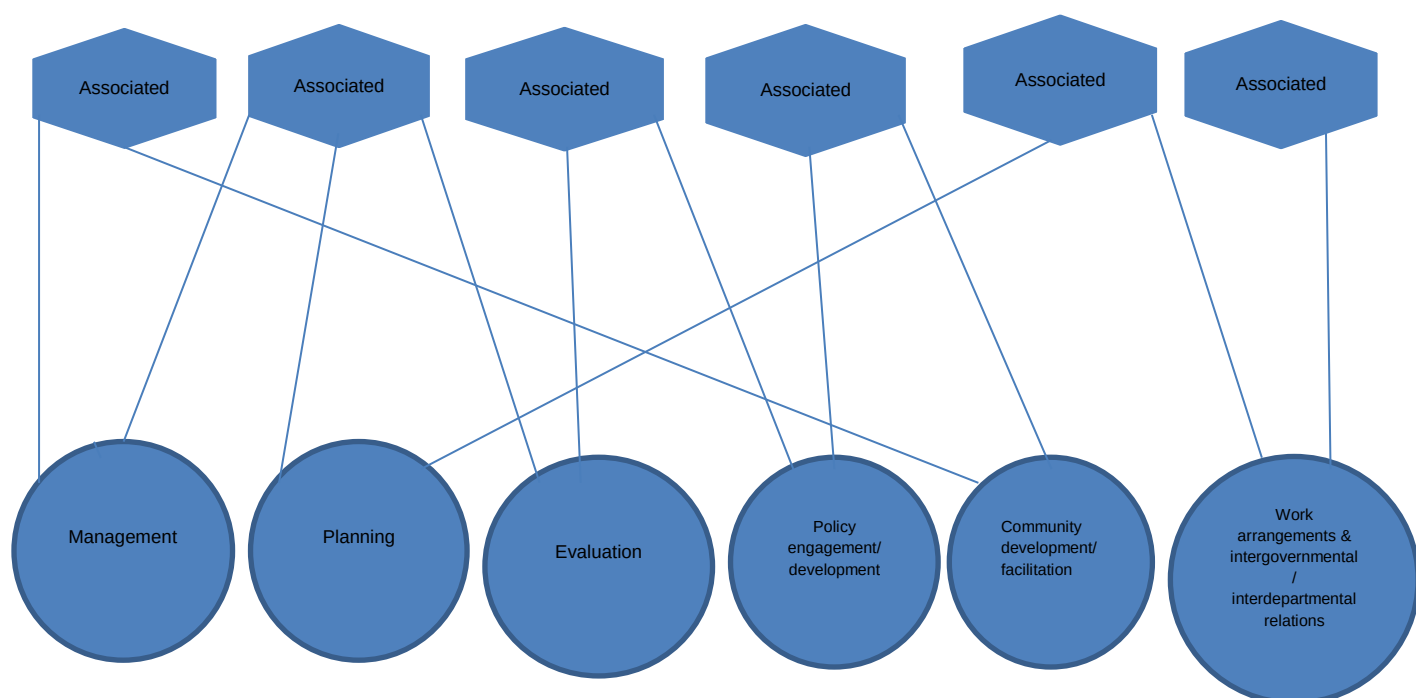
Work arrangements and intergovernmental/interdepartmental relations	Lodgement will be electronic
Work arrangements and intergovernmental/interdepartmental relations	Engagements with the Land Claims court used to happen
Work arrangements and intergovernmental/interdepartmental relations	NAFU, TAU, and other entities are mainly concerned about how restitution will impact their space negatively or positively
Work arrangements and intergovernmental/interdepartmental relations	We have no fixed link with municipalities
Work arrangements and intergovernmental/interdepartmental relations	Slow in finalisation of claims
Work arrangements and intergovernmental/interdepartmental relations	Lodgement of claims beyond cut-off date
Work arrangements and intergovernmental/interdepartmental relations	Provincial figure of 3 000 claims by 1998
Work arrangements and intergovernmental/interdepartmental relations	1 500 within a year of re-opening, which is a significant increase
Work arrangements and intergovernmental/interdepartmental relations	Point of reference to increase claims beyond the cut-off
Work arrangements and intergovernmental/interdepartmental relations	A process whereby we verify claims
Work arrangements and intergovernmental/interdepartmental relations	Assess how we can best conduct and operationalise our programmes
Work arrangements and intergovernmental/interdepartmental relations	We would not necessarily see a significant number of claims being processed within the given period

Work arrangements and intergovernmental/interdepartmental relations	Slow in finalisation of claims
Work arrangements and intergovernmental/interdepartmental relations	Lodgement of claims beyond cut-off date
Work arrangements and intergovernmental/interdepartmental relations	Working on a claim, it is necessary for us to wait until we are certain
Work arrangements and intergovernmental/interdepartmental relations	Necessary for us to wait until we are certain that we have received enough claims
Work arrangement and intergovernmental/interdepartmental relations	This will assist us on the basis that, when we do research, we do not do it for a single claim, but we do it for a number of claims

4.2.1.9 Relationships of CRLR

During the phase of the analysis of the data obtained from the CRLR, a number of relationships were identified. In the following section, relationships between the different categories and concepts are demonstrated. The relationships (R) refer to the institution (CRLR) and the year (2015). They are numbered separately for each additional data slice.

Figure 7: Relationships based on the analysis of the data obtained from the CRLR



R – CRLR – 2015: **Management's** focus is on chasing targets, more than anything else, and this affects **Planning**, as there can never be adequate time to complete restitution.

This relationship is an observation by the staff of the CRLR. The stated relationship is substantiated up by the following quotation:

“It is very unpredictable, in that no time can be adequate, and there are several reasons why people do not lodge claims. In the past, people did not believe or have faith in the programme, but, lately, the problem is that there are unreachable areas or people who may not be able to get through to lodge claims. The reason for five years is that there should be another cut-off, and not leave it open-ended, so that we can start to work on those claims” (CRLR August 2015).

R – CRLR – 2015: As part of its **Planning**, CRLR normally conducts the annual assessment, and, according to their official, this is not necessarily an evaluation. It is assumed that the primary aim of **Evaluation** is to comply with government planning and the reporting cycle.

The relationship demonstrates that the CRLR uses the basic performance assessment of the GWM&ES, which is aimed at meeting the government planning and reporting cycle requirements. There are no evaluation systems dedicated to restitution legislation and/or programmes.

R – CRLR – 2015: **Evaluation** is critical to establish reasons why people or claimants did not respond to the call for claims. **Policy engagement/development** was not rigorous or well-structured. That would have ensured that communities got involved in the amendment of the Restitution of Land Rights Act.

This relationship relates to the fact that government cannot pre-empt or assume reasons why it cannot achieve its restitution objectives within the set time. However, there may be known and unknown reasons related to the internal and external environment inhibiting the delivery of the objectives of restitution.

R – CRLR – 2015: **Community engagement in Policy development** is key, as views and thoughts of the public would have been solicited, because many people were left out during the restitution process, but re-opening was not a viable option.

The stated relationship is substantiated by the following quotation:

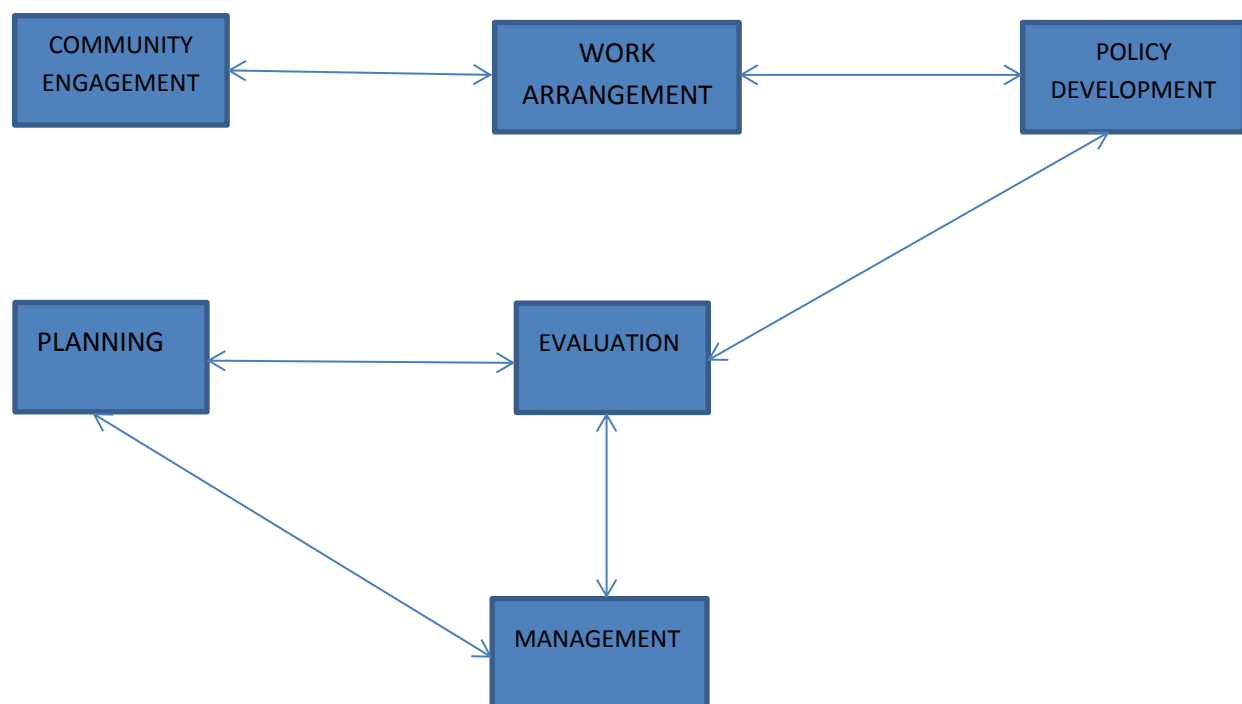
“Interfacing with communities through face-to-face interaction” (CRLR September 2015). This relationship could mean that, instead of simply re-opening restitution applications, conducting an evaluation of the state of evaluation could be beneficial to the programme. This evaluation should include soliciting views from affected communities.

R – CRLR – 2015: In **Engaging communities**, capacity-building programmes were not implemented full-scale, which would have allowed community structures such as CPAs to participate with full knowledge and clarity on the amendment of the Act. Over-stretched staff, which is a **Management** issue, led to the Commission’s inability to attend to responsibilities relating to communities.

The stated relationship is substantiated by the following quotation:

“The major obstacle is that we have high staff turnover and a lot of trained experienced researchers have left for greener pastures after skills were imparted to them. Constantly, we are re-training staff and recruiting more staff, but it is not easy, as [it] takes a while before you can produce a fully capacitated staff member or researcher” (CRLR August 2015).

Figure 8: Diagram of the Influence of Evaluation on the Land Reform Policy at the CRLR



After the analysis of the data from fourth (4th) CRLR data cycle, 74 concepts were identified and grouped into six main categories. The relationships show the influence of a lack of evaluation in planning and policy development by management. The fragmented work relations, exacerbated by capacity constraints of the Commission, led to the Commission’s inability to involve communities in policy engagements, capacity-building of CPAs, and the chasing of targets of the Commission. Further, the internal staff of the CRLR expressed disappointment in the failure to consult their political principals and the unilateral handling of the re-opening of claims and the amendment of the Act without

proper internal advice. This demonstrates that there was a need for an evaluation report that would have guided the political principals' in their encounters with internal staff of CRLR about restitution.

4.2.1.10 Focus Group: Communities of Majeng, Dikeing, Metsimatala, KhomaniSan, and Pniel

Having developed an understanding of the problem and collected data from officials, it was critical to also collect data from communities affected by the Land Reform Policy's Restitution Programme. Five community representatives, from Majeng, Dikeing, Metsimatala, KhomaniSan, and Pniel, constituted the focus group.

Table: 21: Data Collection Protocol - Focus Group

Data sources	Details
Semi-structured interviews	Interviews with the communities, written notes, and recording
Observations	Focus group characteristics, skills, human resources or staff capacities
Agenda items	Community involvement in Land Reform Policy process, the role of community structures in restitution matters, the involvement of communities in the evaluation process of the Land Reform Policy.

4.2.1.11 Results of Open Coding of the Focus Group

The starting point of the open coding was the focus group session conducted in July 2015. The focus group session also marked the beginning of the qualitative research on affected communities. The interviews were guided by a number of agenda items aimed at investigating the engagement and involvement of communities with regard to the Land Reform Policy. These were:

- forceful removal from land of origin;

- information on the Land Restitution Programme provided by government and laying a claim;
- The time it took to be given land since the initial lodging of the claim;
- perceptions regarding being settled back on their land;
- individuals or committees who dealt with the restitution applications;
- communication with and from the Department responsible for land restitution;
- medium of communication;
- language of communication;
- their role in the amendment of the Act;
- purpose of the KhoiSan dialogue; and
- the role of communities in the KhoiSan dialogue.

The interviews were coded descriptively, as proposed by Lewins, Taylor, and Gibbs (2005), as this made it easier to explain the phenomenon. The following table shows how the four transcribed interviews from the focus group relate to the number of concepts (“themes”) and the number of references in the interviews (“References”).

Table 22: Interview Sources related to the Concepts – Focus Group

Name	Themes	References
Focus group: Communities – June 2015	92	54
Focus group: Communities – July 2015	34	43
Focus group: Communities – September 2015	53	26

In the open coding of the data obtained from the focus group, 92 themes were identified. Due to the comparative analysis, duplicates had already been eliminated and reduced to themes, shown in Table 21, below.

The focus group session lasted, on average, two hours. Every group member was given a chance to express an opinion on each agenda item, which was audiotaped with permission of the participant. Participants were first requested to outline their background in relation to the agenda items, where after they were engaged.

All the comments in Setswana were translated into English.

Table 23: Themes, Sources, and Number of References – Focus Group

Themes	Source	References
Resistance against forceful removal	Focus group: Communities – June 2015	1
Removed through Group Areas Act	Focus group: Communities – June 2015	1
Periodical forceful removals	Focus group: Communities – June 2015	1
Displaced into three areas	Focus group: Communities – June 2015 Focus group: Communities – July 2015	2
Most of us were pushed beyond the borders of Botswana and Namibia	Focus group: Communities – June 2015 Focus Group: Communities – July 2015 Focus Group: Communities – September 2015	3
Wonder if government will consider those outside the country	Focus group: Communities – June 2015 Focus Group: Communities – July 2015 Focus Group: Communities – September 2015	3
Not given alternative land to settle on after dispossession	Focus group: Communities – June 2015	1
Informed by the ANC and ANCRA about restitution	Focus group: Communities – June 2015 Focus Group: Communities – September 2015	2
A woman in the National Assembly brought information to the community	Focus group: Communities – June 2015 Focus group: Communities – July 2015	2
Law firm assisted us in filling an application	Focus group: Communities – June 2015 Focus Group: Communities – July 2015	2
Information-sharing during an NUM congress	Focus group: Communities – June 2015 Focus Group: Communities – July 2015	2
Our application for restitution dragged for 9 – 10 years	Focus group: Communities – June 2015 Focus Group: Communities – September 2015	2

Application took 6 – 7 years	Focus group: Communities – June 2015 Focus group: Communities – September 2015	2
We have not claimed; we are only now busy claiming restitution	Focus group: Communities – June 2015 Focus Group: Communities – July 2015 Focus Group: Communities – September 2015	3
Communities in South Africa that have already claimed say it takes forever to be given their land back	Focus group: Communities – June 2015 Focus group: Communities – July 2015 Focus group: Communities – September 2015	3
We went as far as Bethlehem and Potchefstroom for our land map in application for restitution	Focus group: Communities – June 2015 Focus group: Communities – July 2015	2
Government must put into place robust communication and mobilisation mechanisms focusing on restitution	Focus group: Communities – June 2015 Focus group: Communities – July 2015 Focus group: Communities – September 2015	3
A lot depends on the activism of the claimants	Focus group: Communities – June 2015 Focus group: Communities – July 2015	2
Communication is non-existent, because we do not hear from the Department of Land Reform	Focus group: Communities – June 2015	1
We normally phone for enquiries but receive no response	Focus group: Communities – June 2015	1
Come to Kimberley and spend a day or two with the Commission in trying to deal with our issues	Focus group: Communities – June 2015 Focus group: Communities – July 2015	2
Face-to-face communication is better than any other medium of communication	Focus group: Communities – June 2015 Focus group: Communities – July 2015 Focus group: Communities – September 2015	3
Language used is English and the interpreter for KhoiSan community or translated into local vernacular	Focus group: Communities – June 2015 Focus group: Communities – July 2015	2

Government must try to communicate to our level, even if they must use an interpreter	Focus group: Communities – June 2015 Focus group: Communities – July 2015	2
Were not part of Khoisan dialogues with government	Focus group: Communities – June 2015 Focus group: Communities – July 2015 Focus group: Communities – September 2015	3
KhoiSan CPA has been directly involved, and we have received some workshops on the amendment of the Act	Focus group: Communities – June 2015 Focus group: Communities – July 2015 Focus group: Communities – September 2015	3
We were invited when they first started with the amendment of the White Paper on the Restitution of Land Rights Act in 2014	Focus group: Communities – June 2015 Focus group: Communities – July 2015	2
Heard about the dialogue on the news	Focus group: Communities – June 2015 Focus group: Communities – July 2015	2
We were not part of the Khoisan dialogue because we were never invited	Focus group: Communities – June 2015 Focus group: Communities – July 2015	2
Traditional leadership and CPA are part of the ministerial reference group	Focus group: Communities – June 2015	1
We were involved during the first phase or cycle of the Khoisan dialogues	Focus group: Communities – June 2015 Focus group: Communities – July 2015	2
Department got me out because of the development issues that I raised	Focus group: Communities – June 2015	1
We need a collective approach to restitution through indabas or dialogue	Focus group: Communities – June 2015 Focus group: Communities – September 2015	2
There is a need for responsive communication with communities	Focus group: Communities – June 2015 Focus group: Communities – July 2015 Focus group: Communities – September 2015	3

Interact with claimants or organised formations	Focus group: Communities – June 2015 Focus group: Communities – July 2015	2
Inconsistency in communication	Focus group: Communities – June 2015 Focus group: Communities – July 2015 Focus Group: Communities – September 2015	3
We are told there will be a follow-up Khoisan dialogue	Focus group: Communities – June 2015 Focus group: Communities – July 2015 Focus group: Communities – September 2015	3
There is no consultation schedule or plan on Khoisan dialogue	Focus group: Communities – June 2015 Focus group: Communities – September 2015	2
Community development is not funded	Focus group: Communities – June 2015 Focus group: Communities – July 2015	2
CPA capacity and development initiative	Focus group: Communities – June 2015 Focus group: Communities – July 2015	2
We are working with the Centre for Rural Legal Studies in getting our land back	Focus group: Communities – June 2015 Focus group: Communities – July 2015 Focus group: Communities – September 2015	3
Established committee of 10 working with ANCRA to apply for our land	Focus group: Communities – June 2015	1
Interim CPA Committee ensured final processing of the land claim	Focus group: Communities – June 2015 Focus group: Communities – July 2015	2
Organised grouping such as traditional leadership worked on our claim	Focus group: Communities – June 2015 Focus group: Communities – July 2015	2
Only come when we call them to come and facilitate the CPA general meetings	Focus group: Communities – July 2015 Focus group: Communities – September 2015	2
No communication from the Department of Rural Development and Land Affairs with restitution communities	Focus group: Communities – June 2015 Focus group: Communities – July 2015	2
No capacity-building programmes for CPA	Focus group: Communities – June 2015 Focus group: Communities – July 2015 Focus group: Communities – September 2015	3

Department of Agriculture is the one who assisted us with fencing and a few poverty-alleviation projects	Focus group: Communities – June 2015 Focus group: Communities – July 2015	2
Government overlooked the development of restitution areas	Focus group: Communities – June 2015 Focus group: Communities – July 2015 Focus group: Communities – September 2015	3
Should receive land that has been cared for; restitution is not taken serious	Focus group: Communities – July 2015	1
Communication is more open with ANCRA than with government	Focus group: Communities – July 2015 Focus group: Communities – September 2015	2
Never received any letter or call, and they do not bother to respond to our enquiries	Focus group: Communities – June 2015 Focus group: Communities – July 2015 Focus group: Communities – September 2015	3
Government must open or establish local restitution office	Focus group: Communities – September 2015	1
Accessibility of government offices dealing with restitution	Focus group: Communities – July 2015 Focus group: Communities – September 2015	2
CPAs are fragmented because there are no development initiatives or capacity-building programmes	Focus group: Communities – June 2015 Focus group: Communities – July 2015 Focus group: Communities – September 2015	3
Broken relations between the community and the Department of Rural Development	Focus group: Communities – June 2015 Focus group: Communities – July 2015	2
Sound relations between CPA and traditional leadership	Focus group: Communities – June 2015 Focus group: Communities – July 2015	2
Collaborative planning or engagement on restitution between government and us is needed	Focus group: Communities – June 2015 Focus group: Communities – July 2015 Focus group: Communities – September 2015	3

The sampling was done through interviews by tabling agenda items that were discussed by the group. The face-to-face focus group meeting was quite a convenient tool to arrange the next steps for the group and to handle misunderstandings. Face-to-face meeting with the focus group were the most effective way to prevent misconceptions and to accomplish a fair coverage of focus group's views. The focus group was especially useful in the engagement of all agenda items because all group members were also able to share experiences.

4.2.1.12 Results of Axial Coding of the Focus Group

In total, 60 concepts were identified and grouped into five categories: *Experience of removal*, *Information on restitution*, *Policy engagements*, *Community Development*, and *Stakeholder relations*.

Table 24: Concepts and Properties of the Category *Experience of removal*

Category	Concept/Property
Experience of removal	Resistance against forceful removal
Experience of removal	Removed through Group Areas Act
Experience of removal	Periodical forceful removals
Experience of removal	Displaced into three areas
Experience of removal	Most of us were pushed beyond the borders of Botswana and Namibia
Experience of removal	Not given alternative land to settle on after dispossession

Table 25: Concepts and Properties of the Category *Information on restitution*

Category	Concept/Property
Information on restitution	Informed by the ANC and worked with ANCRA
Information on restitution	A woman in the National Assembly brought information to community
Information on restitution	Law firm assisted us in filling out an application
Information on restitution	Information-sharing during an NUM congress
Information on restitution	Our application for restitution dragged for 9 – 10 years
Information on restitution	Our application took 6 – 7 years

Information on restitution	We have not received our land back yet, but we are only busy now claiming restitution
Information on restitution	Communities in South Africa who have already claimed say it takes forever to be given their land back
Information on restitution	Went as far as Bethlehem and Potchefstroom for land map

Table 26: Concepts and Properties of the Category *Policy engagement*

Category	Concept/Property
Policy engagement	Government must put into place robust communication and mobilisation mechanisms focusing on restitution
Policy engagement	A lot depends on the activism of the claimants
Policy engagement	Communication is non-existent because we are not given feedback
Policy engagement	People phone through for enquiries but never get response
Policy engagement	Come to Kimberley and spend a day or two with the Commission in trying to deal with our issues
Policy engagement	Face-to-face communication is better than any other medium of communication
Policy engagement	Language used is English, and make use of interpreter for KhoiSan community
Policy engagement	Government must try to communicate on our level
Policy engagement	We weren't part of Khoisan dialogues
Policy engagement	KhoiSan CPA has been directly involved, and we have received some workshops on the amendment of the Act
Policy engagement	We were invited when they first started with the amendment of the White Paper on the Restitution of Land Rights Act in 2014
Policy engagement	Heard about the dialogue on the news
Policy engagement	We were not part of the Khoisan dialogue because we were never invited
Policy engagement	Traditional leadership and CPA is part of the Ministerial reference group
Policy engagement	We were involved during the first phase or cycle of the Khoisan dialogues
Policy engagement	Department got me out because of the issues that I raised
Policy engagement	Collective approach to restitution through indabas or dialogue
Policy engagement	Responsive communication with communities

Policy engagement	Interact with claimants or organised formations
Policy engagement	Inconsistency in communication
Policy engagement	Khoisan dialogue follow-up

Table 27: Concepts and Properties of the Category *Community development*

Category	Concept/Property
Community development	Community development not funded
Community development	CPA capacity and development initiatives
Community development	Denied access to development initiatives

Table 28: Concepts and Properties of the Category *Stakeholder relations*

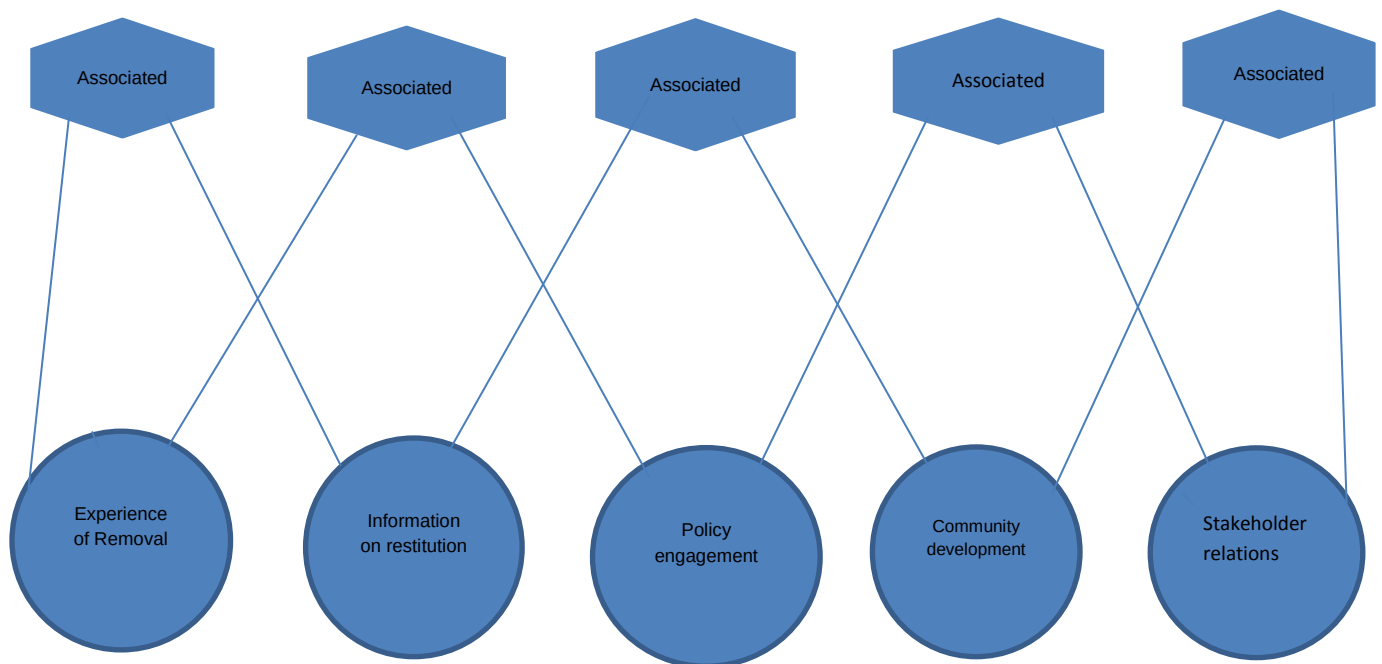
Category	Concept/Property
Stakeholder relations	Working with NGO called Centre for Rural Legal Studies
Stakeholder relations	Established committee of 10 working with ANCRA
Stakeholder relations	Interim CPA Committee ensured final processing of the land claim
Stakeholder relations	Committee of 10 people
Stakeholder relations	Organised grouping such as traditional leadership
Stakeholder relations	Only come when we call them to come and facilitate the CPA general meetings
Stakeholder relations	No communication from the Department of Rural Development and Land Affairs
Stakeholder relations	Department of Agriculture is the one who assisted us with fencing and a few poverty alleviation projects
Stakeholder relations	Government overlooked the development of restitution areas
Stakeholder relations	Redistribution receive land that has been cared for unlike restitution is not taken serious
Stakeholder relations	Communication is more open with ANCRA than with government
Stakeholder relations	Never received any letter or call, and they do not bother to respond to our enquiries
Stakeholder relations	Government must open or establish local restitution office
Stakeholder relations	Accessibility of government offices dealing with restitution
Stakeholder relations	CPAs are fragmented because there are no development initiatives or capacity-building programmes
Stakeholder relations	Broken relations between the community and the Department of Rural Development

Stakeholder relations	Sound relations between CPA and traditional leadership
Stakeholder relations	Collaborative planning or engagement on restitution between government and us is needed

4.2.1.13 Relationships of Focus Group

During this phase of the analysis of the data obtained from the focus group sessions, a number of relationships were identified. The following section Below, R refers to the relationship. The relationships are numbered separately for each additional data slice demonstrates the relationships between the different categories and concepts. Below, *R* refers to the relationship. The relationships are numbered separately for each additional data slice.

Figure 9: Relationships based on the analysis of the data obtained through the focus group sessions



R – FOCUS GROUP – 2015: **Experience of forceful removal** forms part of the historical background research by the government when claimants apply for restitution. Most of these communities have difficulty accessing **Information on restitution**, specifically how to apply for land restitution.

This relationship demonstrates how critical information is when communities apply for restitution of land, which is mostly used by government researchers for an individual or community's land restitution claim. Communities are forced to gather such information themselves and apply for a restitution claim, which is then undertaken by the CRLR. Forceful removals dispersed many of these communities, who now find this process difficult. The stated relationship is substantiated by the following quotation:

"...displaced into three areas. Most of us were pushed beyond the borders of Botswana and Namibia. We were not given an alternative land to settle after dispossession" (Focus group – August 2015).

R – FOCUS GROUP – 2015: **Policy engagement** seems to have happened with only one community who took part in the focus group sessions — the KhoiSan community, and **Stakeholder relations** between these communities and the government seem to have occurred on an ad hoc basis. Stakeholder Relations cannot happen like an event, it is supposed to be a relationship.

The stated relationship is substantiated by the following quotations:

"The government must put into place robust communication and mobilisation strategy for restitution" (Focus group – July 2015). "Collaborative planning or engagement on restitution between government and us is needed" (Focus group – September 2015).

R – FOCUS GROUP – 2015: Communities seem to have suffered a set-back due to a lack of **Community development** and capacity-building initiatives to enable them to participate in a **Policy Engagement** process.

Given the number of challenges that these communities have raised that they had to endure in attempting to get their land back, one cannot take it for granted that they fully understand or are interested parties in the claim re-opening process and restitution

legislation amendment. Perhaps they should have been capacitated through information on the claim process and the Land Restitution Legislation so that they participate meaningfully in the process.

The stated relationship is substantiated by the following quotations:

“Community development is not funded” (Focus group August 2015).

“Face-to-face communication is better than any medium of communication” (Focus group – August 2015).

“CPAs are fragmented because there are no development initiatives and capacity-building programmes” (Focus group – September 2015).

R – FOCUS GROUP – 2015: **Stakeholder relations** between communities and NGOs seem to be stronger than with government departments, but may differ between stakeholders. This may have had an unfavorable effect on the part of communities contributing to the restitution **Policy-engagement** process, as they were not directly involved.

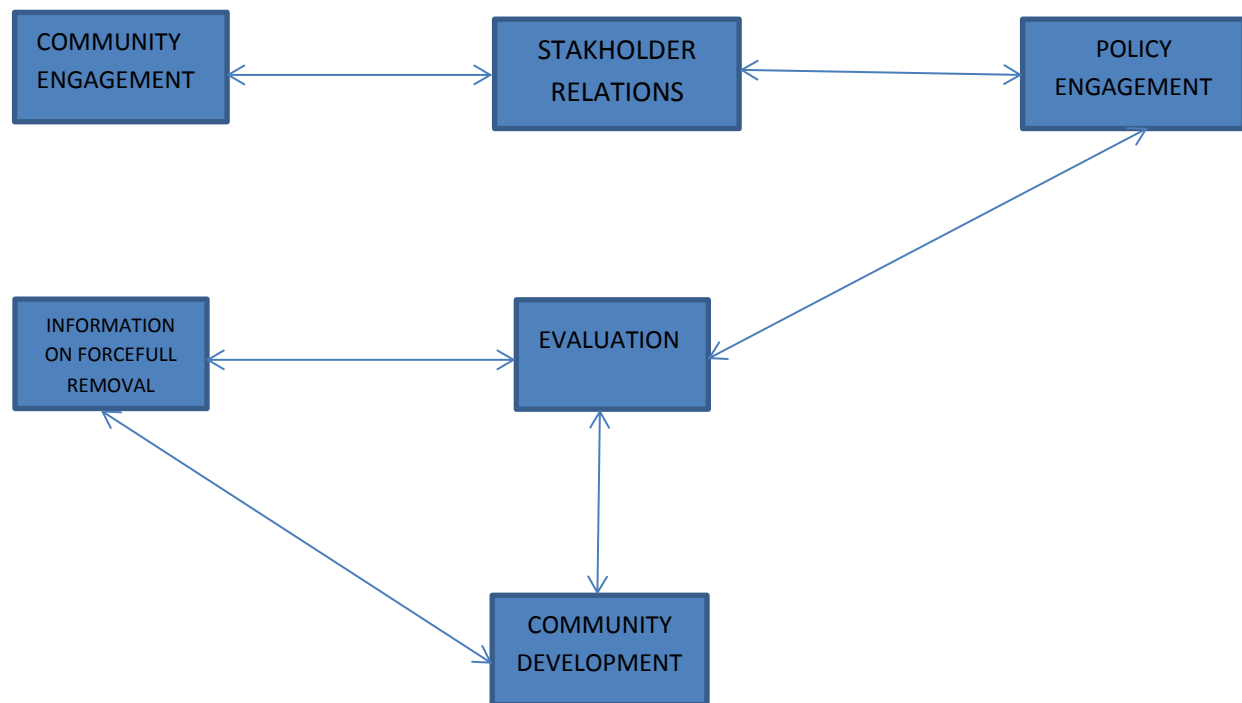
The stated relationship is supported by the following quotations:

“...never received any letter or call, and they do not bother to respond to our enquiries” (Focus group – July 2015).

“...broken relations between the community and the Regional Department of Rural Development and Land Reform” (Focus group – August 2015).

“...sound relations between CPA and traditional leadership” (Focus group – August 2015).

Figure 10: Diagram on the Influence of *Evaluation* of the Land Reform Policy at the *Community Level*



Through the analysis of the data obtained from three focus group sessions, 56 concepts were identified and grouped into five 5 main categories. The relationships show the importance of evaluation in programme- and policy development. Given that most of the communities' structures, such as CPAs, are non-profit organisations, their staff may be volunteers. Such organisations generally do not to attract skilled individuals. It is critical that these organisations be capacitated in various areas, including legislation on land matters, to enable them to partake in development initiatives related to restitution.

During the focus group sessions, most of the affected communities were keen to raise their frustrations about the lack of development and non-responsiveness of government to their enquiries. Only one member of the focus group indicated that that community had taken part in the KhoiSan dialogue. This relationship indicates that there may be sources of information or historical memories that government may be losing by not ensuring that these communities form part of the developments around restitution.

4.3 Selective Coding in the Research Study

4.3.1 Theoretical Saturation and Development of Theory

In total, about 170 concepts were identified and coded in the different open coding cycles in this research. During the coding, many references pointed to already existing concepts and relationships. The last data gathering and analysis added little; therefore, the categories, concepts, properties, and relationships were sufficiently developed.

In the following section, the present researcher provides quotations from the interviews and focus groups to establish a chain of evidence, as is recommended by Urquhart (2007).

4.3.2 Summarised Main Categories for Government Departments

In the axial coding process, the codes were grouped into four main categories: *Management*, *Planning*, *Evaluation*, *Policy engagement/development*, *Community development*, and *Work arrangements/intergovernmental relations*. The concepts/properties of main categories were organised and assigned appropriate dimensions. The following tables provide a summary of the categories, sub-categories, concepts/properties, and dimensions identified in the different data-collection and analysis cycles.

Table 29: Summarised Category *Management* and Sub-category *Decision-making*

Category	Concept/Property
Management	Profile of the officials
Management	Capacity constraints
Management	Time frame
Management	Dispute resolution
Management	Limited research personnel capacities
Management	Lack of monitoring and evaluation personnel
Management	High turnover of experienced researchers
Management	Language barrier
Management	Simplify means of communication

Management	Chasing targets
Management	Over-stretched staff
Management/Decision-making	Claims time frame
Management/Decision-making	Planning
Management/Decision-making	Deadlines
Management/Decision-making	Centralised decision-making
Management/Decision-making	Non-involvement of provinces
Management/Decision-making	Knowledge exchange
Management/Decision-making	Information exchange
Management/Decision-making	Problem-solving
Management/Decision-making	Deliverables

Table 30: Summarised Category *Planning* and Sub-category *Planning structure*

Category	Concept/Property
Planning	Systematic intervention
Planning	Gaps and challenges
Planning	Packaging research of land claims
Planning	Conduct review and improve on good work
Planning	Annual assessment
Planning	Targets broken down into quarters and evaluated
Planning	No time is adequate for restitution
Planning	Another cut-off as a target; do not leave it open-ended
Planning	Uncertain on the needed time to complete restitution
Planning	Focus on outstanding claims
Planning	Deal with new claims
Planning	Five-year period is an attempt to manage the land restitution claim process
Planning	Targets are linked to the budget
Planning	Availability of budget determine the outcomes
Planning/Planning structure	Time frame
Planning/Planning structure	Time management
Planning/Planning structure	Consistency with policies
Planning/Planning structure	Time-consuming
Planning/Planning structure	Capacity production
Planning/Planning structure	Compliance

Planning/Planning structure	Measure impact
Planning/Planning implementation	Target remote areas
Planning/Planning implementation	Unstructured portfolio committee meetings
Planning/Planning implementation	Non-integration
Planning/Planning implementation	Develop policy framework
Planning/Planning implementation	Top-down approach
Planning/Planning implementation	Bottom-up approach
Planning/Planning implementation	Report back
Planning/Planning implementation	Plan evaluation
Planning/Planning implementation	Evaluation complexity
Planning/Planning implementation	Tracking of targets
Planning/Planning implementation	Work break-down structure

Table 31: Summarised Category *Evaluation* and Sub-category *Evaluation systems*

Category	Concept/Property
Evaluation	Constant process
Evaluation	Compliance
Evaluation	Government planning- and reporting cycle
Evaluation	Planning, reporting, and budgeting
Evaluation	Quarterly reviews
Evaluation	No consistent evaluation of policies
Evaluation	Dynamic approach
Evaluation	Drawing board
Evaluation	Take stock
Evaluation	Lessons learnt
Evaluation	Hard to measure
Evaluation	Impact of restitution
Evaluation	Summit was a form of evaluation
Evaluation	Restitution programme was completely flawed
Evaluation	Analysis of work done

Evaluation	Identification of gaps
Evaluation	Requisite intervention
Evaluation	Evaluated beyond 2019
Evaluation	Conduct evaluation after five years
Evaluation	Cannot be addressed and closed in 5-10 years
Evaluation	Evaluate systems before committing to time frame
Evaluation	Targets do not correspond with time frame
Evaluation	Non-responsive
Evaluation	Miscommunication
Evaluation/Practices	Deficiency of policy evaluation framework
Evaluation/Practices	Action- and research-oriented review process
Evaluation/Practices	Annual assessment
Evaluation/Practices	Assignment
Evaluation/Practices	Report back
Evaluation/Practices	Problem identification
Evaluation/Practices	Wait for certainty
Evaluation/Practices	Lack of internal consultation
Evaluation/Practices	Government would have erred to reduce targets
Evaluation/Practices	Claims after cut-off date
Evaluation/Practices	Assess operationalisation of policies
Evaluation/Practices	Extension period not sufficient

Table 32: Summarised *Category Policy engagement/development* and Sub-category *Policy process*

Category	Concept/Property
Policy engagement/development	No policy framework
Policy engagement/development	Complexities of restitution
Policy engagement/development	Gather sufficient claims
Policy engagement/development	Challenges and failures of land Reform Policy
Policy engagement/development	Action- and research-oriented legislative policy review process
Policy engagement/development	Community engagement
Policy engagement/development	Public consultation
Policy engagement/development	Communication channels

Policy engagement/development	Community involvement not rigorous
Policy engagement/development	Community involvement not well structured
Policy engagement/development	Unstructured portfolio committee oversight
Policy engagement/development	Lack of integration in policy development
Policy engagement/development	Claims re-opening
Policy engagement/development	Claims extension
Policy engagement/development	Less publicity
Policy engagement/development	Target remote areas
Policy engagement/development	Engaging academics
Policy engagement/development	Time constraints in policy development
Policy engagement/development	Reference meetings
Policy engagement/development	Assignments and report back
Policy engagement/development	Political response
Policy engagement/development	Top-down approach
Policy engagement/development	Bottom-up approach
Policy engagement/development	Absence of internal administrative input
Policy engagement/development	Re-opening is a blunder
Policy engagement/development	Print and electronic media
Policy engagement/Policy process	Five-year duration
Policy engagement/Policy process	Language barrier
Policy engagement/Policy process	Claimants' responsibilities
Policy engagement/Policy process	Trustworthiness of the process

Table 33: Summarised Category *Community development/facilitation* and Sub-category *Engagement*

Category	Concept/Property
Community development	Structured community engagement process
Community development	Mobilisation and facilitation
Community development	CPA capacity-building
Community development	Face-to-face interaction
Community development	Lack of capacity-building programmes
Community development	Lessons learned from community engagements
Community development/Engagement	Community support

Community development/Engagement	Community consultation
Community development/Engagement	Community engagement
Community development/Engagement	CPA engagement
Community development/Engagement	Legislative barriers/obstacles

Table 34: Summarised Category *Work arrangements and intergovernmental/interdepartmental relations* and Sub-category *Initiative*

Category	Concept/Property
Work arrangements & intergovernmental relations	Mobilisation of communities through local municipalities
Work arrangements & intergovernmental relations	Mobile Office will service the NC, WC, & FS
Work arrangements & intergovernmental relations	Working in silos
Work arrangements & intergovernmental relations	Farmers' associations
Work arrangements & intergovernmental relations	No fixed relations
Work arrangements & intergovernmental relations/Initiatives	Traditional authorities
Work arrangements & intergovernmental relations/Initiatives	KhoiSan
Work arrangements & intergovernmental relations/Initiatives	Research team
Work arrangements & intergovernmental relations/Initiatives	Assignment
Work arrangements & intergovernmental relations/Initiatives	Community-based structures
Work arrangements & intergovernmental relations/Initiatives	Academics
Work arrangements & intergovernmental relations/Initiatives	Land Claims Court
Work arrangements & intergovernmental relations/Initiatives	Lack of engagement

4.3.3 Summarised Main Categories for the Focus Groups

In the axial coding process, the codes for the focus groups were grouped into five main categories: *Experience of forceful removals*, *Information on restitution*, *Policy engagement*, *Community development*, and *Stakeholder relations*. The following tables summarize the categories, sub-categories, concepts/properties, and dimensions identified in the different data-collection and analysis cycles.

Table 35: Summarised Category *Experience of forceful removals* and Sub-category *Consequences*

Category	Concept/Property
Experience of forceful removals	Forceful removal
Experience of forceful removals	Resist removals
Experience of forceful removals	Dispossession legislation
Experience of forceful removals	Periodic forceful removals
Experience of forceful removals	Dislocations of communities
Experience of forceful removals	Pushed beyond the borders
Experience of forceful removals/Consequences	Diaspora
Experience of forceful removals/Consequences	Aboriginal people of South Africa
Experience of forceful removals/Consequences	Ruthless act
Experience of forceful removals/Consequences	Destruction of livelihoods

Table 36: Summarised Category *Information on restitution* and Sub-category *Communication strategy*

Category	Concept/Property
Information on restitution	Information dissemination
Information on restitution	Non-Governmental Organisations
Information on restitution	Land reform activists
Information on restitution	Advocacy sessions
Information on restitution	Political engagements
Information on restitution	KhoiSan dialogue
Information on restitution/Communication strategy	Robust communication strategy
Information on restitution/Communication strategy	Exclusion of CPA
Information on restitution/Communication strategy	Exclusion of traditional leadership
Information on restitution/Communication strategy	Communication breakdown
Information on restitution/Communication strategy	Community dialogues
Information on restitution/Communication strategy	Responsive communication
Information on restitution/Communication strategy	Face-to-face interaction
Information on restitution/Communication strategy	Written communication
Information on restitution/Communication strategy	Electronic communication

Information on restitution/Communication strategy	Localisation of restitution

Table 37: Summarised Category *Policy engagement* and Sub-category *Policy engagement challenges*

Category	Concept/Property
Policy engagement	Robust communication strategy
Policy engagement	Mobilisation mechanisms
Policy engagement	Claimants activism
Policy engagement	Community demands
Policy engagement	Absence of communication
Policy engagement	Telephonic enquiries
Policy engagement	Written enquiries
Policy engagement	Face-to-face communication
Policy engagement	Language barrier
Policy engagement	Excluded from KhoiSan dialogue
Policy engagement	Delays on feedback
Policy engagement	Ministerial reference group
Policy engagement	First consultation session
Policy engagement	Collective approach to community engagements
Policy engagement	Responsive communication
Policy engagement	Inconsistency in communication
Policy engagement	Khoisan dialogue follow-up
Policy engagement/challenges	Simplify communication
Policy engagement/challenges	Direct involvement of KhoiSan groups
Policy engagement/challenges	Isolation from participation
Policy engagement/challenges	Involvement of traditional leadership
Policy engagement/challenges	Lack of empowerment initiatives
Policy engagement/challenges	Lack of information
Policy engagement/challenges	Working in silos
Policy engagement/challenges	Collaborative planning

Table 38: Summarised Category *Community development* and Sub-category *Tools*

Category	Concept/Property
Community development	Lack of community development funding
Community development	CPA capacity and development initiatives
Community development	Denied access to initiatives
Community development/Tools	Limited access to information
Community development/Tools	CPA training manual
Community development/Tools	Co-operative establishment for communities
Community development/Tools	Self-sustainable communities
Community development/tools	Sustainable livelihoods

Table 39: Summarised Category *Stakeholder relations* and Sub-category *Strategies*

Category	Concept/Property
Stakeholder relations	Academic institutions
Stakeholder relations	Non-Governmental Organizations
Stakeholder relations	Traditional leadership
Stakeholder relations	CPA general meetings facilitation
Stakeholder relations	Lack of communication
Stakeholder relations	Reluctance towards restitution
Stakeholder relations	Localise restitution offices
Stakeholder relations	Access to restitution offices
Stakeholder relations	Fragmented CPA structures
Stakeholder relations	Broken relations with government stakeholders
Stakeholder relations	Sound relations between CPAs and traditional leadership
Stakeholder relations	Collaborative planning
Stakeholder relations/Strategies	Research respondents
Stakeholder relations/Strategies	Advocacy sessions
Stakeholder relations/Strategies	Red tape and bureaucracy

Several issues (core categories) emerged from the interviews regarding the evaluation of the Land Restitution Programme in the Northern Cape. These are discussed in the next section.

4.3.4 Emergent Categories

The following sections provide verbatim quotations from the interviews that describe and underpin the emergent theory.

Issue no. 1: Lack of Skilled Personnel

There was general agreement among the interviewees that there exists a great need for skilled research- and evaluation personnel. Several reasons were cited for this problem.

1 Lack of Skilled Personnel

Skilled research personnel may accelerate research on lodged claims. Statements to this effect included:

“...internally in relation to staff capacities, I must say we are thinly over-stretched, because our area of staff or capacity focus as a Department is of limited skills out there. You recruit people today and train them, within a short space of time they leave the Department and venture into greener pastures. As we speak, if you check correctly, the staff that we used to have four to five years back has changed tremendously, either qualitatively or quantitatively. However, we are still in the mode of recruiting qualified people on the Department to fill gaps on some programmes” (CRLR – June 2015).

“...the Commission has a capacity constraint, but the MEC has decided that the department can assist the National Department of Rural Development and Land Reform, because as we have enough staff to enhance the programme of the Land Claims Commission” (DARDLR – July 2015).

“We have no dedicated personnel focusing on researching land restitution matters. We are one department with the Commission of Land Restitution and therefore complement each other. If at all there’s a need for researched work from the Commission, there can always be an official way of accessing such reports” (DARDLR – September 2015).

2 Limited Skilled Evaluation Personnel

Personnel focusing on evaluation would be useful in developing or implementing an evaluation framework to determine the alignment of progress with provincial plans and strategies of restitution.

“...there is an official, but not within Restitution Commission. The official is located in the Provincial Shared Service Centre, the sister branch of the Commission. It is a Chief Directorate, appointed for monitoring and evaluation. That person co-ordinates the performance of the province regarding service delivery, and we report to them on our performance. It is only the performance report, but not the evaluation of the policy or programme” (CRLR – July 2015).

“...we developed annual performance plan and developed Operational Plan for us to implement and get evaluated on our performance by the legislature and portfolio committee on Agriculture on a quarterly basis. Internally, there are programmes like the Chief Directorate of Monitoring and Evaluation which evaluates our performance” (DARDLR – June 2015).

The CRLR depends on the DRDLR for evaluation. The DRDLR has in place monitoring and evaluation personnel focussing on linking plans for the Provincial Growth and Development Strategy (PGDS), supported by annual performance plans for monitoring and evaluation system of provincial departments and sectors.

It was suggested by the CRLR that there is a need for skilled evaluation personnel who will obtain data according to restitution indicators and targets. Information systems need to be put in place to yield up-to-date and credible information.

Issue no. 2: The complexities of Policy- and Programme Evaluation

The complex nature of policy- and programme evaluation by the Commission was also cited as a major cause of inconsistencies in the policy review process. The fact that decision-making and policy development are devoid of evaluation makes it challenging to evaluate the Restitution Programme effectively. Several complexities were identified:

1 Policy Framework

The interviewees aired the concern of a lack of a policy framework for the operationalisation of restitution. *“...we used to have policy discussions, a process whereby we verify the manner in which we assess how best we can conduct and operationalize our programmes, and that is no longer happening. Policy discussions had to do, among other things, with the settlement of claims, verification of claims, structure financial compensation, how can we package land restoration. At the end of the day, those discussions are adopted as operational policies which have been put into place through policy discussions. These policy discussions are informed, among other things, by what we pick up on the ground. As we deal with beneficiaries or communities, they raise issues with us, and us, as a department, we consider and we can utilize for the benefit of the department. It can also happen as we process land claims, conduct research on a claim and/or packaging land restoration, we pick up matters and agree through policy discussion what is the best possible way of doing it”* (CRLR – July 2015).

“...the problem that we have as the department is that there is not enough time to develop and put into place such policy framework which will have a long-term effect on the programme. We are bogged down in work to achieve our targets. We do not have time for anything other than chasing our targets” (CRLR – July 2015).

A further observation (CRLR – July 2015) alluded to the deficiency of policy framework to develop, implement, and evaluate policies, and then provide feedback to the CRLR and related stakeholders on operationalisation and evaluation the Restitution Programme in the province.

2 Policy- and Programme Evaluation

Policy evaluation was highlighted as one leg of the policy process to which the Commission has paid little attention. Interviewees identified the need to keep track of the achievements of policy objectives by putting into place policy evaluation systems that would be useful in evaluating the Restitution Programme. Supporting statements included the following:

“...policy have to be evaluated from time to time, but concerning restitution, there has been an admission that, as government, we have not been accommodative to policy evaluation, and as a result, there have been many extensions and an amendment since the Act was promulgated, except recently, where there has been re-opening, which were preceded by engagements” (DARDLR July 2015).

“...however, a dynamic approach is needed, for instance, after settling a claim, we should be going back to a drawing board to take stock of lessons learnt, but there’s no time, because our main focus is on achieving our targets” (CRLR – July 2015).

It is imperative to maintain a focus on policy evaluation in an evolving context in which government develops new areas of priorities and focus. Sustained attention to resolving delivery challenges and impediments experienced in restitution is required.

Issue no. 3: Policy Evaluation Mandate

The NEPF requires evaluation to improve the impact of government programmes, while at the same time increasing transparency and accountability. While some departments are undertaking evaluations, there is no standardised approach to ensure that all programmes are evaluated periodically. The NEPF emphasises the importance of evaluation in policy-making and management, and links evaluation to planning and budgeting processes.

The views on the policy evaluation mandate emanated from the informants whose prime role in the Commission was to ensure that government policies are implemented and adhered to:

“...I do not think systematically there has been that type of intervention or evaluation, other than the Department relying on researchers to assist the Department with the identified gaps and challenges. Regarding APP [annual performance planning], we conduct a review and improve on the good work that we have been doing, or fill the gaps that have been there. Restitution is a complex, and can never say it can be addressed over five year or ten years period. My understanding is that the government may evaluate

whether people have been sufficient lodgement and challenges have been addressed, and may see, later on, re-opening, in that not all people have come forward or claimed. Therefore, it can be an open and close case. It is a complex situation, in that restitution may not be able to be addressed with a particular time frame” (DARDLR July 2015).

The government departments are expected (notwithstanding their existent challenges) to be innovative and devise strategies that will enable them to evaluate their policies in meeting their objectives and mandates.

Issue no. 4: Robust Communication and a Community Outreach Strategy

The viability and effectiveness of communicating, including reaching out to remote and rural communities, as well as the affected individuals also features as a critical factor. The rural nature and the vastness of the Province, let alone coverage of the remote and rural areas through indigenous languages or conventional means of communication, are duties currently not easily tenable on a fulltime basis, thus impeding the government from willingly venturing into these areas without hiccups. Statements made to this effect included:

1 Community Outreach

Methods of gathering information should be selected with regard to territory, target groups, and possibility of implementation. Supporting statements included the following:

“...community dialogues are referred to as reference groups, which normally takes place between the Minister and claimants” (CRLR – October 2015).

“...we take a structured approach when engaging communities, whereby mostly CPAs are our entry point as statutory bodies with responsibility to hold land on behalf of communities or beneficiaries. We take it as given that they are duly representatives of

communities, and therefore engage them on behalf of communities” (DARDLR – September 2015).

“...mobile offices will arrive in October Month to December of this year [2015]. We have already drafted a schedule on when and where will it be operating. The 10th October 2015 it will be a launch of this mobile office in Carnarvon, and spend a week in the said area, and later move to other areas throughout the province” (CRLR – September 2015).

“...we intend covering the whole province. Although there will be times when we’ll be in town settings, from such areas, we’ll, of course, be moving to the countryside and in the periphery” (CRLR – September 2015).

A slightly different view was put forward by a CRLR interviewee, who argued that viability and relevance of social dialogues are hampered by the level of commitment of and participation by both government and the communities. Supporting statements included the following:

“...there’s community involvement through dialogues, though it is not that rigorous and well-structured” (CRLR – October 2015).

“...it is a new development where reference groups were established by the Minister, but it was mainly for the San and the Khoi people, who were consulted and engaged about how they were affected by land dispossession. How the Act can be amended to benefit them, because it is said that they are the aboriginal people of the country and dispossessed before 1913 Act, of which the Restitution Act excluded them before. However, there were also other engagements with Minister Gugile Nkwinti, where he will invite claimants including legal entities or representatives from claimants to share ideas on what he would like to see happening” (CRLR – October 2015).

There was unanimity amongst the informants on the aspect of community engagement. It is not a consistent programme pursued by the government. They also indicated that the prevailing types of dialogues are a new phenomenon. To mitigate this, they proposed co-operation with municipalities and the CPAs.

2 Communication Strategy

The viability and effectiveness of communicating, including reaching out to remote and rural communities, featured as a critical factor. The rural nature and the vastness of the province makes communication difficult. Supporting statements included the following:

“...we used both print and electronic media. We used the opportunity of launching the consultation of the Restitution of Land Rights Bill in a community hall in Kimberley, followed by the second one in Hartswater and the surrounding areas. Third was in Upington. The fourth one was De Aar and Carnarvon. Then there was another one in John Taolo Gaetsewe in the Kuruman area. Through all these consultation processes, we took promotional material such as posters and flyers on the Amendment of the Restitution of Land Rights Act. We relied more on interfacing with communities through face-to-face interaction as we also left information with some them” (CRLR – September 2015).

“...we plan to work with the municipalities at both the district and local level. They will disseminate the relevant information through councillors to communities and relevant structures. Given the sensitivity of the nature of restitution and some experiences, where people used to turn themselves into consultants and defraud claimants and communities, we do not have a standing or fixed link between local communities and district municipalities, because we prefer working directly with communities. In other words, we'll be working with municipalities to mobilise communities and claimants in some localities” (CRLR – September 2015).

There is, however, an implied acknowledgement by the government that the issue of establishing a workable, viable, and sustainable communication strategy for the Land Reform Policy is complex and requires concerted efforts by all stakeholders to devise a workable initiative.

Issue no. 5: Community Engagement

Community engagement may shift the focus from the individual to the collective, with the associated implications for inclusiveness, ensuring that consideration is given to the

diversity that exists within any community. The consensus amongst the majority of the respondents, as inferred from the various statements, was that there is no effective community engagement between them regarding restitution matters.

“...we take a structured approach when engaging communities, whereby most CPAs are our entry point as statutory bodies with responsibility to hold land on behalf of communities or beneficiaries. We take it as given that they are duly representatives of communities and therefore engage them on behalf of communities” (DARDLR – September 2015).

“...to start with, the Department of Land Reform and Rural Development, even if you write to them, they do not bother to respond. How will they write for development purposes back to us as a community? Whenever we write to them and make a follow-up with the Department of Land Reform and Rural Development, they play to have never received your letter, which is demoralising” (Focus group – June 2015).

“...we do not have any communication with the Land Claims Commission and the Department of Land Reform and Rural Development. The Provincial Department of Agriculture, Rural Development, and Land Reform do sometimes come and facilitate AGMs of the CPA” (Focus group – June 2015).

“...many people phone through for enquiries but get lost in the line by being sent from pillar to post. However, mostly, we come to Kimberley and spend a day or two with the Commission in trying to deal with our issues, and travel back when we’re done, instead wasting time and money on writing and phoning without reaching the relevant people. Sometimes, we also hear about the Commission’s meetings in the surrounding and neighbouring areas. Then we go and meet the Commission. Face-to-face communication is better than any medium of communication” (Focus group – July 2015).

Policy development or evaluation would require that those affected by the policy be engaged, which is a planned process with the specific purpose of working with the identified groups of people, whether they are connected by geographical location, special interest, or affiliation. The communities that have been affected by and explored

restitution indicated that communication between them and government was not effective at all.

Feedback from those affected is important in a policy review or evaluation process. . Such engagements may include focus groups, public meetings, citizen surveys, steering committee meetings, and citizen team meetings. The respondents provided the following opinions in this regard:

“...government has ones called us to a conference in Kimberley, which they said they were doing a consultation with all affected parties on restitution, of which they promised to come back to us. They have never called us back like they promised or feedback on the process that they said they were dealing with on obtaining opinions from us on the Restitution Act” (Focus group – September 2015).

“...we were never part of the consultation on KhoiSan restitution of land rights act amendment review process” (Focus group – September 2015).

“...we are an integral part of the process, but we are still awaiting at other follow-up consultation process with our communities to unfold” (Focus group – September 2015).

Community engagement processes should actively involve citizens who are representative of affected communities in a very dynamic manner and cover a wide scope of topics. Communities should establish a workable, sustainable community involvement mechanism for the restitution process.

4.4 Summary

This chapter presented the data collected through the various methods, in line with the grounded theory approach. Several key issues emerged after the data were subjected to a rigorous process of constant comparison, which identified areas of similarity and difference. The data also revealed the points of variance between the opinions of the government officials and communities' representatives. The communities tended to base their arguments on their daily experiences and the overall adverse nature of their current environment. The government officials, on the other hand, tended to demand more

innovation from the provincial administration as the implementers of policies. This underscores the need for a policy evaluation framework that addresses issues in the implementation of the Restitution Programme.

In summary: The phenomena identified are:

- Phenomenon 1. Skilled personnel capacities;
- Phenomenon 2. Policy- and programme evaluation;
- Phenomenon 3. Policy evaluation mandate;
- Phenomenon 4. Robust communication and community outreach strategy; and
- Phenomenon 5. Community engagement.

These are discussed and analysed in detail in the subsequent chapter.

5 MECHANISMS FOR EVALUATION OF THE LAND REFORM POLICY: A DISCUSSION

5.1 Introduction

Effective policy evaluation yields information on the worth of policies and their programmes, and informs the allocation of resources. The rationale of evaluation is that it provides evidence on which to base decisions about maintaining, institutionalising, and expanding successful programmes and modifying or abandoning unsuccessful ones (Jones 1984:201-202).

This section discusses and analyses the key findings of the research presented in the preceding chapter. The inherent weaknesses of the Land Reform Policy as executed through the Restitution Programme are outlined, and the factors needed to enhance the overall viability of implementation process from a community perspective are discussed. The variously identified categories are integrated, enabling the eventual formulation and development of theoretical propositions for evaluation of restitution in the Northern Cape.

While the government has addressed some of the historical injustices by providing redress to victims of dispossession, serious limitations have characterised the Restitution Programme, including the slow pace of processing and settling claims; the subordination of land restitution to property rights; the majority of claims have been settled through monetary compensation; inadequate provision of post-settlement support and inability to link with broader development initiatives; problems experienced by CPAs; institutional deficiencies, including understaffing and high staff turnover rates; lack of a delegated authority, leading to tension between the CRLR and the DLRRD and an overall lack of institutional capacity; and exclusion of significant numbers of people and communities.

The following the phenomena were identified in the preceding chapter:

1. Skilled personnel capacities;
2. Policy- and programme evaluation;

3. The policy evaluation mandate;
4. Robust communication and community outreach strategy; and
5. Community engagement.

Each of these is analysed in more detail in the subsequent sections of this chapter, with particular emphasis on their impact on the evaluation of the Restitution Programme.

5.2 Phenomenon 1: Skilled Personnel Capacities

The complex nature of the Restitution Programme stood out as an issue that needs adequate skilled personnel. A staff shortage, due to turnover, may have slowed down implementation of the Restitution Programme.

“The major obstacle is that we have high staff turnover, and a lot of trained experienced researchers have left for greener pastures after skills were imparted to them. Constantly, we are re-training staff and recruiting more staff, but it is not easy, as takes a while before you can produce a fully capacitated staff member or researcher” (CRLR August 2015).

“...the Commission has a capacity constraint, but the MEC has decided that the Department can assist the National Department of Rural Development and Land Reform, because, as we have enough staff to enhance the programme of the Land Claims Commission” (DARDLR – July 2015).

Each of these issues requires effective and efficient staff and adequate resources. As demonstrated, institutional constraints in the form of high staff turnovers, understaffing and a lack of funds, together with a lack of delegated authorities and co-ordination amongst LCCs, the CRLR, the DLRRD, DARDLR and other relevant government departments may all be responsible for long delays in settling claims. During this time, land prices increased drastically, a vast amount of money was spent on court cases, and funds were squandered on unco-ordinated restitution with very little post-settlement support, which brought few or no benefits to the lives of beneficiaries.

As Hall (2010:32) notes:

Contrary to expectations, money to buy back land has not proven to be the main impediment to speeding up restitution. From 2005 the budget allocation from central government has grown sharply, but the Commission's inability to spend this budget — including under-expenditure of about R1 billion ... in 2006/07 — led to a reduced allocation at precisely the time that it was gearing up to finalize claims and requesting more funds from National Treasury. Under-spending is in large part the product of institutional weaknesses in the Commission: while the capital funds for buying land, paying out grants and compensating claimants have risen sharply, the proportion of the budget dedicated to staffing has shrunk over time. Added to this has been a reluctance to expand the Commission in the face of its impending closure.

The staffing constraints pose overwhelming administrative challenges to the CRLR. With the deadline for submission of claims set at 2020, filling of the increasing numbers of vacant posts within the Restitution Programme now may prove to be too late to compensate for time lost.

5.3 Phenomenon 2: Policy- and Programme Evaluation

An effective evaluation system is critical if the Restitution Programme is to be implemented in accordance with demands and expectations. One of the major weaknesses of the current Land Reform Policy has been its failure to adequately monitor and evaluate the Land Restitution Programme's projects. The diagram of the influence of evaluation on the Land Restitution Programme of the DARDLR (Page 228: Figure 12) demonstrates that "The relationships show that the lack of programme evaluation systems influences the ability of the Department to gauge whether it is achieving its policy objectives or not. The lack of or limited research staff in the CRLR is among other constraints leading to the CRLR inability to evaluate its Land Restitution Programme. Communities are involved to a limited extent with capacity building programmes for community structures such as CPA's. The government could not also demonstrate the active participation of these organised formations into the dialogues and the actual amendment of the land restitution legislation."

Although the CRLR Monitoring and Evaluation Directorate located at the DRDLR was expanded to include restitution programme in the early 2000s, the national database of information on the Restitution Programme still lacks sufficient detail on crucial information such as disaggregated statistics regarding the nature and exact numbers of pre- and post-1998 claims; how claims were resolved, and the length of time that elapsed between their submission and settlement; baseline data on successful claimants; and numbers of beneficiaries and amounts of land, financial compensation, and other forms of redress provided per province. Furthermore, no national M&E system with which to monitor and report on the provision of post-settlement assistance. These factors are serious encumbrances to the availability of information required for an evaluation of the Restitution Programme.

Researchers and analysts in the academic sector have raised numerous concerns similar to those of NGOs: inadequate evaluation of the current Restitution Programme, including the anticipated impact thereof, restricted financial feasibility, and productivity conditionalities placed on land restoration, lack of attention to institutional improvements necessary to carry out reforms, insufficient time allowed for consultation regarding the Restitution of Land Rights Amendment Bill of 2013, and the absence of alignment of the Restitution Programme with other national objectives (Kariuki 2013:70).

5.4 Phenomenon 3: The Policy Evaluation Mandate

The main goal of restitution, as stated in the 1997 White Paper of Land Reform, is to “restore land and other restitution measures to people dispossessed by racially discriminatory legislation and price, in such a way as to provide support to the vital process of reconciliation, reconstruction and development.”

The limitations of the Restitution Programme are explicitly acknowledged by the 2011 Green Paper on Land Reform, which names “*a problematic restitution model and its support system*” as one of the primary challenges hindering South Africa’s Land Reform Policy. The 1997 White Paper on Land Reform, which was published a mere three years after the 1994 Restitution Act was passed, mandated that progress achieved by the

programme be “*evaluated periodically, to review time frames and develop any delays which may occur.*” As the past years of implementation of restitution have revealed, not least through the postponements of deadlines of five years by government and ten years for the finalisation of claims and adjudication and implementation of all court orders, the Restitution Programme requires comprehensive review and reform.

The interview participants strongly indicated that the Restitution Programme has not been evaluated periodically per the legislative mandate. This has also been the case where decisions were made to amend the programme by re-opening lodgement of claims. These were not informed by a specific evaluation outcome.

5.5 Phenomenon 4: Robust Communication and Community Outreach Strategy

The success of the Restitution Programme may have been further compromised by inadequate communication to raise awareness of the restitution process amongst the general public. Perhaps, in the early years of the programme, too much time and month spent on establishing institutional infrastructure and addressing the innumerable capacity constraints of the CRLR, rather than addressing the low submission of restitution applications.

Specifically in the Northern Cape, the programme was managed by regional offices servicing the Northern Cape and Free State, before CRLR provincial offices were established. This wide jurisdiction may further have hampered communication.

The focus group participants felt that government needs to put into place a robust communication and mobilisation strategy for restitution, while the Commission participants indicated that they communicated with various strata — NGOs, CPAs, and the general public — through print- and electronic media. This communication includes face-to-face meetings to spread awareness of the Programme and encourage eligible citizens to submit claims. One of the Outreach Campaign by CRLR included dialogues, radio and television broadcasts, newspaper advertisements, extensive distribution of

pamphlets, posters, T-shirts and hats, taxi-rank promotions, and workshops to assist claimants with questions.

These participants also revealed that the Commission was relying on the mobile restitution offices being made available to service the three provinces of the Northern Cape, Free State, and Western Cape. It remains to be seen whether these one mobile office which is expected to service the three province will be an adequate conduit for educating the public of the right to file an application for restitution.

While the “Stake Your Claim” campaign attempted to spread awareness of the programme and encouraged eligible citizens to submit claims, the three years allotted for lodging claims was inadequate to allow proper education of the public in this regard. A study reported that, as late as 2006, a significant number of people remained unaware of the Programme. Thus, the institutional weaknesses characterising the initial years of the Programme, the failure of communication strategies to reach a majority of those who were alienated from their land post-1913, and the relatively short timeframe allotted for submission of claims resulted in a widespread lack of awareness of the constitutionally mandated right to restitution (Kariuki 2013:13).

One CRLR participant remarked: “We would not necessarily see a significant number of claims being processed within the given period, despite an increase in the number of claims since re-opening. Sufficient claims must be gathered before working on a single claim which will assist in research doing claims. Instead of working on a single claim, rather work some claims.” On the other hand, the DARDLR participant stated that “claims need to be attended to urgently, or they may fall beyond the set time frame.”

The CRLR participant further asserted that “it is very dodgy in that no time can be adequate, and there are several reasons why people do not lodge claims. In the past, people did not believe or had faith in the programme, but lately, the problem is that there are unreachable areas or people who may not be able to get through to lodge claims. The reason for five years is that there should be another cut-off and not leave it open-ended, so that we can start to work on those claims” (CRLR August 2015).

While the respondent of the CRLR (July 2015; September 2015; and October 2015) indicated that the five (5) year extension period is not sufficient as there was a large increase in claims since the re-opening of land restitution claims, the study has find that this means that the extended period for lodging claims and the 2014 re-opening may still be inadequate to ensure that sufficient numbers of eligible citizens are made aware of their right to restitution. The focus group asserted that the communication strategies aimed at creating awareness of the restitution process failed to reach many dispossessed South Africans, most notably in rural areas, where “*Many people do not know that the Land Restitution Act has been amended.*” This was corroborated by the fact that four of the participants were not aware of applications to the Restitution Programme having been reopened. In this regard, Kariuki (2013:49) notes that, “Possibly the single most significant finding is the pervasive lack of awareness regarding land reform among blacks... The most concerning aspect of this is in respect of land restitution; wherein the study found that a large proportion of households who had experienced land dispossession since 1913 did not have sufficient knowledge of agrarian reform to engage with the claims process, which closed in 1998.”

This issue alone provides justification for a Land Reform Policy evaluation framework to inform government on communication strategies to reach the majority of those individuals and communities who were unable to lodge restitution claims by the 31 December 1998 cut-off date.

5.6 Phenomenon 5: Community Engagement

Regarding the extension of the lodgement period, the official from the CRLR stated that they were not consulted. Concerns were raised by the official that people were no longer interested in the land, but preferred financial compensation. This participant felt that financial compensation should not have been an option. According to CRLR (July 2015) “Having been exposed to this type of work and my experience in the Department, many people were left out in the restitution process, but re-opening was not a viable option. So, government should have considered a need assessment of claimants and/or communities before re-opening.”

Another concern is that CRLR did not engage internal staff regarding the re-opening of claims or amendment of the Restitution Programme, despite the fact that they could have provided invaluable information.

Land restitution is an important and very sensitive matter in South Africa, and it affects a wide range of stakeholders. The interests of these stakeholders vary, sometimes to a point of conflict. Engagement of stakeholders, both internal and external, is therefore a key aspect of evaluation. If stakeholders are not identified and consulted, they may object to various elements during the implementation of policies and programmes. For this reason, the Restitution Programme should ensure that the legitimate interests of a range of stakeholders are properly and appropriately considered.

Community engagement requires openness and consideration of the reasons why certain people are being consulted, how they will be consulted, and how much influence they will have. Communication is essential, and those consulted need to be provided with comprehensive, balanced, and accurate information.

While a participant from the KhoiSan community indicated that they had been part of the dialogues leading to the amendment of the Land Restitution Programme, the other participants stated that they had not been part of the process. This illustrates that community engagement should be given particular prominence in policy and programme evaluation, in order to address the exclusion of deprived areas and ensure that additional resources are directed to assisting these.

The respondents all advocated a community engagement process that consists of government (political principals and officials), CPAs, the relevant local authorities, and the general public.

5.7 The Interrelationships

The interrelationships identified in Chapter Four (4) embodied the grounded theory approach of moving an “analytical story in a theoretical direction” (Charmaz 2006:63). These relationships are illustrated in Figure 10, below.

The first interrelationship is between ***Lack of skilled personnel*** in the government institutions responsible for the Restitution Programme and the deficiency of ***Programme evaluation*** of the Restitution Programme. The DARDLR and CRLR participants indicated that they have limited personnel responsible for research and M&E. They rely on the regional department of the DRDLR for these services, which is not viable, due to the regional department’s own capacity limits. These limited capacities resulted in the lack of evaluation of the Restitution Programme.

The second interrelationship is between executions of the ***Policy evaluation mandate*** of the Restitution Programme through the adoption of ***the Policy and/or programme evaluation*** framework. The overwhelming proposition was that, before the amendment of the Act and re-opening of claims, the government should have conducted an evaluation of the Restitution Programme, so that the amendment of the Act and re-opening claims could have been informed by appropriate and comprehensive inputs from all interested and affected parties.

The last key interrelationship is between ***Communication and community outreach and Community engagement***. It was the participants’ opinion that the communication- and community engagement practices were inadequate to reach all affected stakeholders. These stakeholders require information and have to be engaged by government.

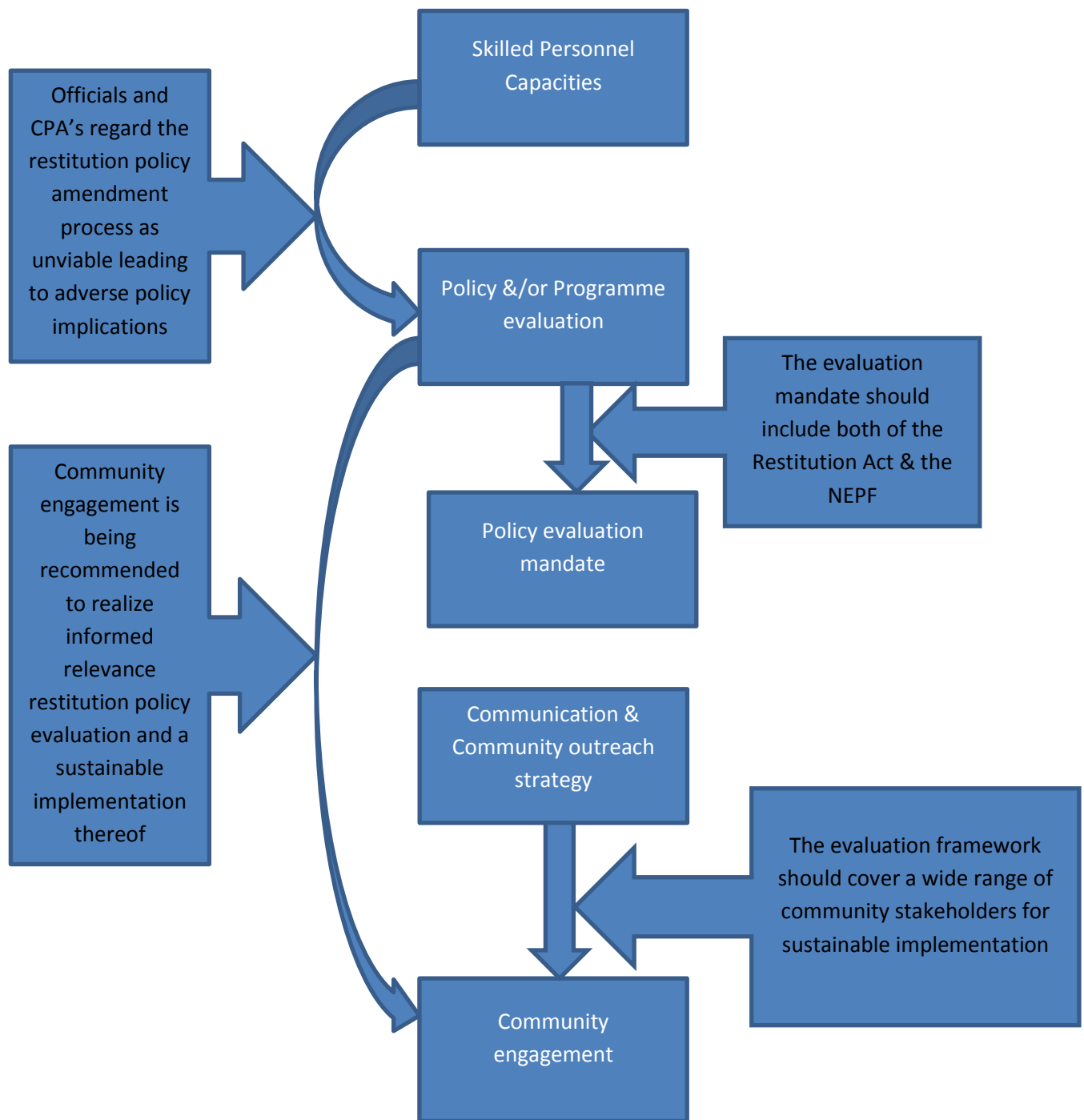


Figure 11: The Interrelationships amongst the identified phenomena (by the author)

5.8 An Evaluation Framework for Land Restitution Programme

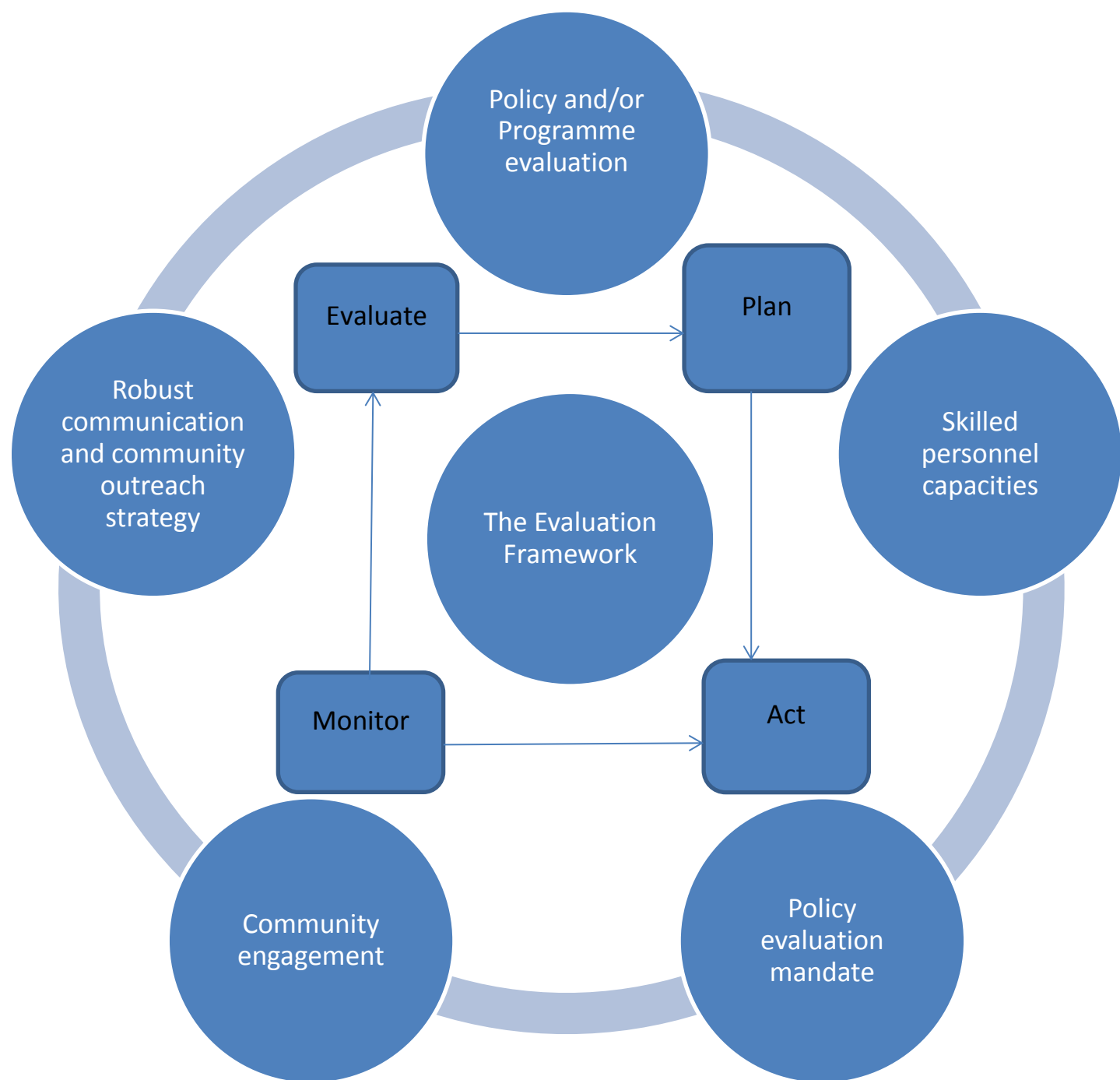
The development of evaluation framework that could address the current lack of evaluation of the Land Restitution Legislation, as executed through the Land Restitution Programme, using the Northern Cape as a case study, was the aim of the present study. This framework is aimed at addressing the numerous impediments to the success of the Land Restitution Programme, and was formulated as a direct output from the data collected and analysed during this study.

This Land Restitution Evaluation Framework includes the prominent role of community engagement through participation. Another key feature is the monitoring of the results of projects. The respondents indicated that, after being settled in their restitution areas, there is no monitoring by the government of their progress and development. The input of these communities can assist the government in evaluating the success of the Land Restitution Programme.

Other key features of the framework include:

- its level of inclusiveness, in that all the relevant stakeholders are included and play a key role, which, if satisfied, will help to ensure widespread acceptability amongst the affected communities;
- it can possibly be adapted for evaluation of related policies and/or programmes; and
- it will help to reduce ill-informed decision-making in policy amendments and programme development.

Figure 12: The Evaluation Framework for the Land Restitution Program



The proposed framework for program evaluation addresses the existent phenomena and shortcomings in the evaluation of the Land Reform Policy in terms of the Land Restitution Programme, which was formulated on the strength of the case of the Northern Cape. As explained by Glaser and Strauss (1967) substantive theory was developed for a substantive or empirical area of sociological enquiry. The substantive theory used to design the framework was the result “comparative analysis between or among groups within the same substantive area” (Glaser and Strauss 1967:33).

5.8 Summary

This chapter reviewed and discussed the key findings that emerged from the data analysis. The study found that evaluation of the Land Restitution Programme requires the active participation of several players working in a partnership to achieve enhanced levels of access to and delivery of restitution. The critical roles of the internal staff and the stakeholders and communities affected by the Land Restitution Programme were described. The government will have to facilitate appropriate evaluations that are informed by an inclusive network of all stakeholders.

Another important aspect is the legislative mandate that requires evaluation of the outcomes of the Land Restitution Programme on a periodic basis. The findings strongly suggest that the Land Reform Policy and its Restitution Programme require a thorough and appropriate evaluation, in order to optimise achievement of the aims of the Land Reform Policy.

Summary of the main arguments, conclusions, implications and the resultant recommendations will be outlined in detail in the subsequent chapter.

6 CONCLUSIONS, IMPLICATIONS, AND RECOMMENDATIONS

6.1 Introduction

The previous section presented the analysis of the core categories of the main conclusions of this study that culminated in the development of the proposed Land Restitution Programme Evaluation Framework. This section summarises the main arguments and outlines the resultant recommendations. Theoretical propositions with regard to the evaluation of the Land Restitution Programme are also provided, as this research made use of grounded theory, which enabled the present researcher to generate theoretical insights from the qualitative data (Charmaz 2006; Goulding 2002). The chapter concludes with a description of this research's contribution to the body of knowledge and recommendations for further research.

6.2 Contribution to the Body of Knowledge

The study set out to address an existent deficiency in the knowledge of evaluation of the Land Reform Policy's Restitution Programme in the case of the Northern Cape, in order to remedy the shortcomings. The present study found that an evaluation of the Restitution Programme is unavoidable if its scope is to be expanded to render it a more inclusive programme. Such an evaluation will provide the most effective solutions for the numerous challenges and limitations faced by the current Restitution Programme.

The potential socio-economic and geo-political benefits that the results of an evaluation will inform will mitigate the potential risks and costs of maintaining the status quo. Furthermore, a proper evaluation will fulfil the legislative mandate that requires periodical evaluation of policies, as well as strategies to implement the constitutional imperative of providing redress to persons and communities who historically lost their land rights as a result of racially discriminatory laws and practices.

The proposed framework, apart from enhancing policy and programme re-orientation, implementation, efficiency and viability, may also serve to remedy the limitations of the current Land Restitution Programme, specifically its exclusive nature, issues surrounding

the re-opening of lodgement of claims, the window period, and reaching affected communities and interested parties.

The study, therefore, contributes to the body of knowledge on policy and programme evaluation by providing the Policy Evaluation Framework for the Land Reform Policy of South Africa.

6.3 Implications for Government

The research has revealed several shortcomings in the overall re-orientation, implementation, efficiency, and viability of the Land Restitution Programme in the Northern Cape. The following are the key implications for government emanating from the findings.

Enhancing current the GEM&ES for ascertaining the effectiveness of the Land Restitution Programme will aid achieving the intended objectives. This requires the development and monitoring of indicators that are specific, measurable, achievable, relevant and timebound (SMART), as well as the design of participatory mechanisms for all relevant community stakeholders and their structures to provide input regarding programme implementation and impact.

M&E (including reporting) will have to include the following:

- I. provincial data on the amount and details of claims submitted during the extended five-year lodgement period (e.g., the pieces of land and time of dispossession, whether the land in question is subject to other claims, and the category of persons lodging the claim);
- II. restitution awarded to successful claimants (including amounts paid, size of the land returned and details of the redress provided);
- III. number of claims rejected, together with substantiating reasons (as well as whether they were referred to other land reform programmes);

- IV. baseline information for successful beneficiaries before receiving restitution, so that the impact of the various forms of redress can be properly evaluated;
- V. the length of time it takes to resolve new and existing claims, together with the institutional requirements for their successful settlement (e.g., number of staff and departments involved, administrative costs, and whether dispute resolution was needed);
- VI. the establishment and operations of legal entities representing groups who receive restitution, their compliance with democratic procedures of land allocation (or other forms of redress awarded), and support provided to them by government;
- VII. the provision of post-settlement support to successful claimants (together with associated challenges that arose and how these were addressed); and
- VIII. Information on land restitution court cases, their outcomes, and associated costs.

Using the proposed Evaluation Framework to improve the Land Restitution Programme, together with improved administrative capacity, has the potential to drastically enhance the outcomes of the Land Restitution Programme. It would make it more inclusive, extending restitution to all constitutionally entitled persons and communities, including those in remote rural communities.

In addition, regular evaluation using the proposed Policy Evaluation Framework will enable government to monitor the Land Restitution Programme's processes more closely and intervene timeously when necessary.

As frequently highlighted in the available literature, the tremendously costly nature of restitution is largely attributable to numerous remediable factors. These include the lack of sufficient institutional infrastructure to execute well-planned and co-ordinated land restoration and development projects within the Land Restitution Programme. Each of these factors can be evaluated using the proposed Land Restitution Evaluation Framework, which will inform appropriate remedial actions.

6.4 Achievement of the Research Objectives

The aim of the study was to develop an evaluation framework for the Restitution of Land Rights Legislation as executed through the Restitution Programme, with the Northern Cape as a case study.

Objectives of the Study were:

1. Establish whether a policy evaluation framework for the Restitution of Land Rights Legislation is in place, with specific reference to the Restitution Programme as implemented in the Northern Cape;
2. Ascertain which programmatic and institutional components are deficient and adversely affecting evaluation of the Restitution Programme;
3. Assess the role that is currently played and should be played by internal stakeholders, non-government actors, and communities in the evaluation Land Restitution Programme;
4. Develop a programme evaluation framework for the Land Restitution Programme; and
5. Assess the lessons learnt from the case of the Northern Cape for future evaluations.

Achievement of the research objectives are discussed below.

i) Research Objective 1

The literature indicates that the Restitution Programme is deficient of an efficient evaluation framework. This was confirmed by the field data, with participants being unanimous in their opinion that the lack of a programme evaluation systems influences the ability of the government to gauge whether or not it is achieving the objectives of the

Land Restitution Programme (Phenomenon 1). The lack of or limited research staff is a constraint (Phenomenon 2).

Therefore, Research Objective 1 was achieved.

ii) Research Objective 2

The findings indicate that the current Restitution Programme has several shortcomings in terms of policy-, legal, institutional, and regulatory aspects. These were detailed in Sections 5.3 and 5.4.

Therefore, Research Objective 2 was achieved.

iii) Research Objective 3

The present study found that internal stakeholders, non-government actors, and affected communities play a minimal role in the evaluation and redesign of the Restitution Programme's evaluation, which leads to a loss of invaluable useful information (Phenomenon 4).

iv) Research Objective 4

Develop a programme evaluation framework for the Land Restitution Programme (Section 5.8 and Figure 12).

v) Objective 5

Valuable lessons were learnt from the examination of the case of the Northern Cape in terms of the implementation of the Land Reform Policy's implementation through the Restitution Programme. These were discussed in (Section 5.2; 5.6; 5.5 and 5.7)

Therefore, Research Objective 5 has been achieved.

6.5 The Research Questions Revisited

The questions posed in this research were:

1. Is there a Land Restitution Programme evaluation framework in place?
2. Which programmatic and institutional components are deficient and adversely affecting evaluation of the Restitution Programme?
3. What role is currently played and should be played by internal stakeholders, non-governmental actors and communities in the evaluation of Land Restitution Programme?
4. Has progress been made towards the achievement of the objectives of the Restitution Programme in the Northern Cape? and
5. What are the lessons learnt from the case of the Northern Cape for future evaluations?

6.6 Theoretical Propositions for the evaluation of restitution policy

The theoretical propositions regarding the Evaluation Framework for the Land Reform Policy's Restitution Programme in the Northern Cape are as follows:

- I. The Land Restitution Programme requires specially formulated mechanisms that address the many related geo-political and socio-economic factors, as well as incorporate all the interested and affected stakeholders, to be effective.
- II. An evaluation framework is imperative to enhance programme delivery and to detect unplanned outcomes.
- III. The Land Restitution Programme will only be viable once the appropriate human and financial resources have been allocated, which should be determined through evaluation.

The propositions stated are within the domain of substantive theory, as the study was based on a single area of inquiry.

6.7 Generalisability

The research process employed a grounded theory approach to the study of the principal units of analysis, which comprised government departments responsible for the Land Restitution Programme and the communities affected by the implementation of said programme. The rationale for this approach was that the findings from this study would be more compelling and generalizable. The findings of the present study could be generalised to other provinces, as the Land Reform Policy's Restitution Programme has been similarly implemented throughout the country.

6.8 Validity and Reliability

This study was pursued within the social constructionist paradigm, where reality is derived from people's experiences (both shared and singular) and their point of view on the phenomena under investigation. The researcher collected data on the experiences of the selected informants through the focus group discussions and semi-structured interviews. Gaining deeper insights into the research problem required close interaction with those affected by the Land Reform Policy and those responsible for implementing the Land Restitution Programme. Analysis of the data was undertaken using a coding process, which entailed breaking down the data into distinct units of meaning and reassembling it through comparison into cumulative categories or groupings that were closely linked by meaning.

The methodology employed to collect the data ensured precision and the analysis process was reported unambiguously and transparently.

6.9 Limitations of the Study

The study is subject to certain limitations. The researcher had intended to collect data from the Department of Rural Development and Land Reform, the Northern Cape's provincial Department of Agriculture, Rural Development and Land Reform (DARDLR), the Regional Commission on Restitution of Land Rights (RCRLR), and the Land Claims Court. However, only the provincial DARDLR in the Northern Cape and the regional CRRLR granted the researcher the permission to conduct research in their respective departments.

Another limitation of the study is due to the vastness of the Northern Cape. The researcher was limited to meaningful interaction with only five communities, and further had to contend with limited availability of the participants, due to their personal schedules, which affected the frequency of the focus group sessions.

Furthermore, a lack of the necessary time and resources inhibited the researcher from conducting a longitudinal study to determine changes in the circumstances and problems over time.

6.10 Recommendations for Future Research

The following are recommended as areas for further research in other substantive areas arising from the findings of this study:

This study focused on examining the state of the Land Restitution Programme by establishing what led to it not having been completed as envisaged by government, in order to establish the value of an evaluation framework. There are many arenas where the primary purpose of the Land Reform Policy and its programmes has not been fulfilled, which could be remedied using an evaluation framework. This provides a wide scope for future research.

Specific aspects of the Land Restitution Programme that could be studied include:

- evaluating and improving its delivery to indigenous communities; and

- A study of the community and institutional mechanisms required for monitoring and evaluating the Land Restitution Programme.

Furthermore, views on both the advantages and disadvantages of the claims process and the existing restitution legislation could be solicited.

A longitudinal study could investigate changes over time in the provinces' geo-political and socio-economic landscape as a result of the Land Restitution Programme.

6.11 Final Remarks

The findings of this study may prove invaluable in solving the problems associated with the evaluation of the Land Reform Policy and its Restitution Programme. To this end, the present researcher provided a Programme Evaluation Framework that could be applied in other provinces and arenas, aiding government in fulfilling its Constitutional mandate regarding redress through land reform.

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42 Porpoise Str

Homelite

Kimberley

8301

28 April 2015

The Community Leader: Kgosi Seboko

Dikeying Community

REQUEST FOR THE DIKEYING COMMUNITY TO FORM PART OF THE FOCUS GROUP STUDY

This letter serves to request the Head of Community to avail himself or send a representative to form part of a focus group study. I'm a registered student of PhD in Public Management with the Faculty of Commerce and Administration at the North West University – Mafikeng Campus. The purpose of this focus group is to fulfil the research requirement for my studies. The area of my research is "An Evaluation Framework for the Land Restitution Policy in South Africa, the Case of the Northern Cape Province". All focus group sessions will take place in Kimberley and logistics of the dates, time, venue and travelling arrangements will be communicated to you in due course should permission be granted. Kindly be assured that the researcher will observe all ethical measures of research such as the confidentiality of information obtained from the Dikeying Community leader.

Hope to hear from you soon.

Yours faithfully

.....

Mr. Lebogang Olyn

42 Porpoise Str

Homelite

Kimberley

8301

28 April 2015

The Community Leader: Kgosi Marotobolo

Metsimatala Community

REQUEST FOR THE METSIMATALA COMMUNITY TO FORM PART OF THE FOCUS GROUP STUDY

This letter serves to request the Head of Community to avail himself or send a representative to form part of a focus group study. I'm a registered student of PhD in Public Management with the Faculty of Commerce and Administration at the North West University – Mafikeng Campus. The purpose of this focus group is to fulfil the research requirement for my studies. The area of my research is "An Evaluation Framework for the Land Restitution Policy in South Africa, the Case of the Northern Cape Province". All focus group sessions will take place in Kimberley and logistics of the dates, time, venue and travelling arrangements will be communicated to you in due course should permission be granted. Kindly be assured that the researcher will observe all ethical measures of research such as the confidentiality of information obtained from the Metsimatala Community leader.

Hope to hear from you soon.

Yours faithfully

.....

Mr. Lebogang Olyn

42 Porpoise Str

Homelite

Kimberley

8301

28 April 2015

The Community Property Association Chairperson: Mr. Lobelo

Majeng Community

REQUEST FOR THE MAJENG COMMUNITY TO FORM PART OF THE FOCUS GROUP STUDY

This letter serves to request the CPA Chairperson to avail himself or send a representative to form part of a focus group study. I'm a registered student of PhD in Public Management with the Faculty of Commerce and Administration at the North West University – Mafikeng Campus. The purpose of this focus group is to fulfil the research requirement for my studies. The area of my research is "An Evaluation Framework for the Land Restitution Policy in South Africa, the Case of the Northern Cape Province". All focus group sessions will take place in Kimberley and logistics of the dates, time, venue and travelling arrangements will be communicated to you in due course should permission be granted. Kindly be assured that the researcher will observe all ethical measures of research such as the confidentiality of information obtained from the Majeng Community leader.

Hope to hear from you soon.

Yours faithfully

.....

Mr. Lebogang Olyn

42 Porpoise Str

Homelite

Kimberley

8301

28 April 2015

The Community Leader: Terence Fife

Khomani San Community Member and a Researcher

REQUEST FOR THE DIKEYING COMMUNITY TO FORM PART OF THE FOCUS GROUP STUDY

This letter serves to request the Head of Community to avail himself or send a representative to form part of a focus group study. I'm a registered student of PhD in Public Management with the Faculty of Commerce and Administration at the North West University – Mafikeng Campus. The purpose of this focus group is to fulfil the research requirement for my studies. The area of my research is "An Evaluation Framework for the Land Restitution Policy in South Africa, the Case of the Northern Cape Province". All focus group sessions will take place in Kimberley and logistics of the dates, time, venue and travelling arrangements will be communicated to you in due course should permission be granted. Kindly be assured that the researcher will observe all ethical measures of research such as the confidentiality of information obtained from the Khoi San Community leader.

Hope to hear from you soon.

Yours faithfully

.....

Mr. Lebogang Olyn

42 Porpoise Str

Homelite

Kimberley

8301

28 April 2015

The Community Property Association Chairperson: Mr. Korrie Solomons

Pniel Community

REQUEST FOR THE DIKEYING COMMUNITY TO FORM PART OF THE FOCUS GROUP STUDY

This letter serves to request the Head of Community to avail himself or send a representative to form part of a focus group study. I'm a registered student of PhD in Public Management with the Faculty of Commerce and Administration at the North West University – Mafikeng Campus. The purpose of this focus group is to fulfil the research requirement for my studies. The area of my research is "An Evaluation Framework for the Land Restitution Policy in South Africa, the Case of the Northern Cape Province". All focus group sessions will take place in Kimberley and logistics of the dates, time, venue and travelling arrangements will be communicated to you in due course should permission be granted. Kindly be assured that the researcher will observe all ethical measures of research such as the confidentiality of information obtained from the Pniel Community leader.

Hope to hear from you soon.

Yours faithfully

.....

Mr. Lebogang Olyn



OFFICE OF THE REGIONAL LAND CLAIMS COMMISSIONER: NORTHERN CAPE

Hyesco Arcade, 4-8 Old Main Road, Kimberley, 8300 | PO Box 2458, Kimberley, 8300

Tel: (053) 807 5700 | Fax: (053) 831 6501

Mr Lebogang Moremedi
42 Porpoise Street
Homelite
KIMBERLEY
8301

**REQUEST TO CONDUCT SAMPLING IN THE LAND CLAIMS COMMISSION: LAND
RESTITUTION SUPPORT IN THE NORTHERN CAPE**

This letter serves as confirmation to grant you permission on your request to conduct sampling in the Office of the Regional Land Claims Commissioner: Northern Cape.

Kindly be assured that you will receive the necessary cooperation and support from the Official(s) responsible for Restitution Programme from the Land Claims Commission in providing you with the required information to your sampling.

Please note, however, that permission relates to sampling and data gathering and not on sharing of findings with other third parties other than the commissioning university. If after conclusion of your study, a need arises to publish the findings or share them with a third party, then further permission from the relevant authorities should be sought in that regard.

Wishing you well in your education endeavors and hope you will enjoy working with us.

Kind regards,

Ms M Du Toit
CHIEF DIRECTOR
LAND RESTITUTION SUPPORT
RLCC: NORTHERN CAPE

Date: 17/02/2017



**agriculture, land reform
& rural development**

Department:
agriculture, land reform & rural development
NORTHERN CAPE PROVINCE
REPUBLIC OF SOUTH AFRICA

Directorate: Rural Development and Farmer Settlement

7 Elliot Street, Kimberley, Northern Cape, South Africa, 8300, Tel: (053) 839 7807,

Fax: (053) 8397869 E-mail: jbonokwane@ncpg.gov.za, web: www.agrinc.gov.za

Our Reference:

Enquiries L Moselane

Your Reference:

5-7 Elliot Street

Kimberley

8301

15 June 2015

Att: Mr. Lebogang Olyn

PhD Student

North West University

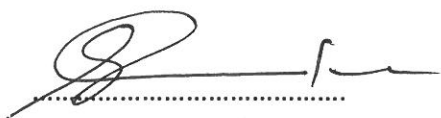
**RE: REQUEST TO CONDUCT SAMPLING IN THE DEPARTMENT OF AGRICULTURE, LAND REFORM &
RURAL DEVELOPMENT**

This letter serves as confirmation to grant you permission to your request to conduct sampling in the Northern Cape Provincial Department of Agriculture, Land Reform & Rural Development.

Kindly be assured that you will receive the necessary cooperation and support from the relevant Official responsible for Land Holding Institution (Restitution Programme). The Department will provide you with the necessary responses and information to assist you in your samples.

Wishing you well in your study and hope you will enjoy working with us.

Yours faithfully

A handwritten signature in black ink, consisting of a large, stylized 'J' followed by a horizontal line and a small flourish at the end. The signature is written over a dotted line.

Mr. Jomo Bonokwane

Director Rural Development and Farmer Settlement

**INFORMATION ON OFFICIALS AT THE DEPARTMENT OF RURAL
DEVELOPMENT & LAND REFORM
PROVINCIAL SHARED SERVICE CENTRE: NORTHERN CAPE**

SECTION A: BIOGRAPHICAL DATA									
What type of Organization are you working for?									
How many employees are working in your organisation?									
Gender	Male	Female							
Home Language	Afrikaans	English	Sepedi	Sesotho	Setswana	isiSwati			
	Tshivenda	isiZulu	isiNdebele	isiXhosa	isiTsonga				
Ethnicity	African	Coloured	Indian	White	Other				
Please state your age in years									
Highest level of Education/ Qualifications		Year 12/Matric	Certificate	Diploma	Advanced Diploma	Bachelor's Degree	Master's Degree	Doctorate	
Please Specify Professional Qualifications / Registration at Professional Boards									
What is your job level?			Senior Management	Middle Management	Lower Management	Supervisory	Operational		
What is your job title?									
How many years have you been working (years of work experience)?									
How many years have you been working in your current job?									
How many years have you been working in your current organisation									
How many years of experience do you have in the field of land restitution?									
Source of income?					Formal Employment	Self-Employment	Casual Employment		
SECTION B: INVOLVEMENT ON POLICY EVALUATION FRAMEWORK									
Do you know what policy evaluation framework is?						Yes	No	Not sure	comment
Does your institution have an approved policy evaluation framework in place?									
Does your institution always have a budget for policy evaluation?									
Is there a dedicated personnel for policy evaluation in your institution?									
Has your institution ever conducted an evaluation of its restitution policy / programme?									
If the answer is yes in 1.13 above, what type of evaluation was conducted?									

Are you satisfied with evaluation of restitution in your institution?					
Do you know who are the possible role players in the implementation of evaluation framework by your institution?					
Do you have any role to play in the implementation of evaluation of restitution in your institution?					
Based on your experience, is there proper engage between the Land Claims Court and the Department of Agriculture, Land Reform and Rural Development?					
Would you say the types of evaluation conducted on restitution are effective enough to solicit information relevant information?					
Which type of evaluation was ever conducted or implemented by the institution?	Diagnostic evaluation				
	Design evaluation				
	Implementation evaluation				
	Impact evaluation				
	Economic evaluation				
	Diagnostic evaluation				
	Others, specify				
Are you satisfied with type of evaluation conducted so far on restitution?					
Would you recommend further evaluation or other types of evaluation to be conducted on restitution?					
SECTION C: INVOLVEMENT ON THE RESTITUTIO POLICY					
Are you directly involved with the restitution projects to the communities?		Yes	No	Not sure	comment
How do communities get involved in the restitution process? Select the meeting content or type of involvement from the following:	Advocacy or information sessions				
	Community dialogues sessions on restitutions				
	Restitution claim enquiry				
	Restitution claim lodging process				
	Restitution project evaluation process				
	Restitution project mentoring process				
	Restitution beneficiaries capacity building process				
In which of the following stage(s) of restitution policy process do you involve communities	Policy making process				
	Policy evaluation process				
	Policy review process				
Who from the communities are normally involved in the restitution policy making process?	Community as a whole				
	Individual beneficiaries				
	Community leaders				

	Organised groupings				
	Academics				
	No involvement				
What informs the institutions restitution targets?					
Number of claims lodged					
Demand by excluded communities					
Outcomes of surveys					
Outcomes of dialogues					
Enquiries					
Section D: ATTITUDES TOWARDS THE IMPLEMENTATION POLICY EVALUATION FRAMEWORK Key: SD = strongly disagree, D = disagree, U = undecided, A = agree, SA = strongly agree					
Administrators and/or Managers dealing with Restitution are knowledgeable to lead the implementation of a (any) type of evaluation for restitution policy.	SD	D	U	A	SA
Administrators and/or Managers dealing with Restitution are knowledgeable to lead the implementation of evaluation framework for restitution policy.					
The duration it takes to open for restitution claims is sufficient.					
The institution's mechanism of informing the public about restitution is satisfactory.					
The language used to inform the public about restitution covers languages spoken in the Province.					
The language used to inform the public about restitution is simple, straight forward and understandable by the local communities.					
Community engagement happens according to a certain type evaluation or dedicated evaluation framework,					
Restitution policy implementation is informed by the public demand for land.					
Restitution policy review is informed by the restitution policy evaluation outcome(s).					
The use current communication mechanisms are enough to get all role players involved in the restitution process.					
SECTION D: KNOWLEDGE OF LEGISLATION AND OTHER GUIDING DOCUMENTS RELATING TO POLICY EVALUATION					
Which of the following relates to policy evaluation:		Yes	No		
	Government Wide Monitoring & Evaluation Policy Framework				
	Good Practice Guide for Monitoring and Evaluation (M&E) within Premiers' Offices				
	The South African Statistical Quality Assessment Framework (SASQAF)				
	The national evaluation policy framework				

	Framework for Managing Programme Performance Information (FMPI)				
	Others, please specify				
	Yes	No	Comment		
Do you have copies or are you in possession legislative documents mentioned above					
Do you understand the legislation and guidelines informing policy evaluation					
Do you consider the institutions restitution evaluation process to be in compliance with the above mentioned legislation and guiding documents					
SECTION E: SUPPORTING SSSYEMS FOR THE IMPLEMENTATION OF EVALUATION FRAMEWORK					
	Yes	No	Not Sure	Comment	
Does your institution have a policy evaluation framework in place to guide those involved in processing restitution claims and other role players responsible for implementing restitution policy					
	1-2	3-4	Not Sure	Comment	
If yes! For how long has the framework mentioned above been operational?					
	Yes	No	Not Sure	Comment	
Do you consider the framework to be valuable in providing guidance for improving the implementation of restitution policy?					
	Yes	No	Not Sure	Comment	
Does the institution have a specific written type(s) of policy evaluation in support of the policy evaluation framework?					
	1-2	3-4	Not Sure	Comment	
If yes! For how long has the type of evaluation mentioned above been conducted?					
	Yes	No	Not Sure	Comment	
Are those dealing with the restitution policy being inducted or trained on restitution policy evaluation?					
	Ones	Twice	More	Comment	
If yes! How often does the induction or training takes place in a year?					

	Ones	Twice	More	Comment
If yes! How often does it happen in a year?				
	Good	Very Good	Excellent	Comment
As a manager responsible for restitution, how do you rate your knowledge regarding the evaluation of policy?				

INFORMATION ON OFFICIALS AT THE COMMISSION FOR RESTITUTION OF LAND CLAIMS

SECTION A: BIOGRAPHICAL DATA								
What type of Organization are you working for?								
How many employees are working in your organisation?								
Gender	Male	Female						
Home Language	Afrikaans	English	Sepedi	Sesotho	Setswana	isiSwati		
	Tshivenda	isiZulu	isiNdebele	isiXhosa	isiTsonga			
Ethnicity	African	Coloured	Indian	White	Other			
Please state your age in years								
Highest level of Education/ Qualifications	Year 12/Matric	Certificate	Diploma	Advanced Diploma	Bachelor's Degree	Master's Degree	Doctorate	
Please Specify Professional Qualifications / Registration at Professional Boards								
What is your job level?		Senior Management	Middle Management	Lower Management	Supervisory	Operational		
What is your job title?								
How many years have you been working (years of work experience)?								
How many years have you been working in your current job?								
How many years have you been working in your current organisation								
How many years of experience do you have in the field of land restitution?								
Source of income?				Formal Employment	Self-Employment	Casual Employment		
SECTION B: INVOLVEMENT ON POLICY EVALUATION FRAMEWORK								
Do you know what policy evaluation framework is?					Yes	No	Not sure	comment
Does your institution have an approved policy evaluation framework in place?								
Does your institution always have a budget for policy evaluation?								
Is there a dedicated personnel for policy evaluation in your institution?								
Has your institution ever conducted an evaluation of its restitution policy / programme?								
If the answer is yes in 1.13 above, what type of evaluation was conducted?								
Are you satisfied with evaluation of restitution in your institution?								

Do you know who are the possible role players in the implementation of evaluation framework by your institution?					
Do you have any role to play in the implementation of evaluation of restitution in your institution?					
Based on your experience, is there proper engage between the Land Claims Court and the Department of Agriculture, Land Reform and Rural Development?					
Would you say the types of evaluation conducted on restitution are effective enough to solicit information relevant information?					
Which type of evaluation was ever conducted or implemented by the institution?	Diagnostic evaluation				
	Design evaluation				
	Implementation evaluation				
	Impact evaluation				
	Economic evaluation				
	Diagnostic evaluation				
	Others, specify				
Are you satisfied with type of evaluation conducted so far on restitution?					
Would you recommend further evaluation or other types of evaluation to be conducted on restitution?					
SECTION C: INVOLVEMENT ON THE RESTITUTIO POLICY					
Are you directly involved with the restitution projects to the communities?		Yes	No	Not sure	comment
How do communities get involved in the restitution process? Select the meeting content or type of involvement from the following:	Advocacy or information sessions				
	Community dialogues sessions on restitutions				
	Restitution claim enquiry				
	Restitution claim lodging process				
	Restitution project evaluation process				
	Restitution project mentoring process				
	Restitution beneficiaries capacity building process				
In which of the following stage(s) of restitution policy process do you involve communities	Policy making process				
	Policy evaluation process				
	Policy review process				
Who from the communities are normally involved in the restitution policy making process?	Community as a whole				
	Individual beneficiaries				
	Community leaders				
	Organised groupings				

	Academics				
	No involvement				
What informs the institutions restitution targets?					
Number of claims lodged					
Demand by excluded communities					
Outcomes of surveys					
Outcomes of dialogues					
Enquiries					
Section D: ATTITUDES TOWARDS THE IMPLEMENTATION POLICY EVALUATION FRAMEWORK Key: SD = strongly disagree, D = disagree, U = undecided, A = agree, SA = strongly agree					
Administrators and/or Managers dealing with Restitution are knowledgeable to lead the implementation of a (any) type of evaluation for restitution policy.	SD	D	U	A	SA
Administrators and/or Managers dealing with Restitution are knowledgeable to lead the implementation of evaluation framework for restitution policy.					
The duration it takes to open for restitution claims is sufficient.					
The institution's mechanism of informing the public about restitution is satisfactory.					
The language used to inform the public about restitution covers languages spoken in the Province.					
The language used to inform the public about restitution is simple, straight forward and understandable by the local communities.					
Community engagement happens according to a certain type evaluation or dedicated evaluation framework,					
Restitution policy implementation is informed by the public demand for land.					
Restitution policy review is informed by the restitution policy evaluation outcome(s).					
The use current communication mechanisms are enough to get all role players involved in the restitution process.					
SECTION D: KNOWLEDGE OF LEGISLATION AND OTHER GUIDING DOCUMENTS RELATING TO POLICY EVALUATION					
Which of the following relates to policy evaluation:		Yes	No		
	Government Wide Monitoring & Evaluation Policy Framework				
	Good Practice Guide for Monitoring and Evaluation (M&E) within Premiers' Offices				
	The South African Statistical Quality Assessment Framework (SASQAF)				
	The national evaluation policy framework				
	Framework for Managing Programme Performance Information (FMPI)				

	Others, please specify			
	Yes	No	Comment	
Do you have copies or are you in possession legislative documents mentioned above				
Do you understand the legislation and guidelines informing policy evaluation				
Do you consider the institutions restitution evaluation process to be in compliance with the above mentioned legislation and guiding documents				
SECTION E: SUPPORTING SSSYEMS FOR THE IMPLEMENTATION OF EVALUATION FRAMEWORK				
	Yes	No	Not Sure	Comment
Does your institution have a policy evaluation framework in place to guide those involved in processing restitution claims and other role players responsible for implementing restitution policy				
	1-2	3-4	Not Sure	Comment
If yes! For how long has the framework mentioned above been operational?				
	Yes	No	Not Sure	Comment
Do you consider the framework to be valuable in providing guidance for improving the implementation of restitution policy?				
	Yes	No	Not Sure	Comment
Does the institution have a specific written type(s) of policy evaluation in support of the policy evaluation framework?				
	1-2	3-4	Not Sure	Comment
If yes! For how long has the type of evaluation mentioned above been conducted?				
	Yes	No	Not Sure	Comment
Are those dealing with the restitution policy being inducted or trained on restitution policy evaluation?				
	Ones	Twice	More	Comment
If yes! How often does the induction or training takes place in a year?				
	Ones	Twice	More	Comment

If yes! How often does it happen in a year?				
	Good	Very Good	Excellent	Comment
As a manager responsible for restitution, how do you rate your knowledge regarding the evaluation of policy?				

30 June 2015, Department of Agriculture, Rural Development, and Land Reform

Memo for Interview 1

AGENDA ITEMS

- 1 Introductions
- 2 Brief Overview of the Study
- 3 Understanding of policy evaluation
- 4 policy evaluation framework
- 5 Dedicated personnel in the department to evaluate the restitution policy
- 6 Evaluation of Restitution Policy or Programme implemented for re-opening and/or extensions
- 7 Role players in evaluating the performance
- 8 Active role players on evaluation
- 9 Knowledge of people about Restitution
- 10 Relationship between the department and the land claims court
- 11 Different types or models of evaluation
- 12 Amendment of the act and at stage of involving the communities
- 13 Role Players in Community Engagement
- 14 Driver of Departmental Target per year
- 15 Role of surveys and/or dialogues on targets
- 16 Knowledge of Staff dealing with restitution
- 17 Duration takes to open lodgement of claims is sufficient
- 18 Language used relates to the spoken languages locally

1 Introductions

Clement Modise Programme Manager. I have some years in the NGO: ANKRA, an affiliate of land commission, based in Kuruman where I had worked for four years before the organisation closed, though non-existent now I have been working on this programme in the Department for three years.

2 Brief Overview of the Study

This is a study on an evaluation framework for the land restitution policy in South Africa, the case of the Northern Cape Province. It can be said that since 1994 democratic South African dispensation, there has been an apparent vested confidence on policy systems to transform, among others, the land ownership patterns. O’Sullivan (2011:7-8) states that “the restitution programme is seen as the most successful of the tripartite land reform programme with restitution complete in officially registered urban claims although there are many, more complex, rural claims outstanding. Furthermore, a major criticism of the policy approach by the South African government is the continued exclusion of the voices of the poor from policy formulation and implementation process; that those who are most affected by the policy are the most excluded”.

The Restitution of Land Rights Act, 22 of 1994 may have yielded some restoration of some land claims. However, some of the historically well-known groupings in South Africa such as the Khomani San may be claimants of restitution that are still crying foul of the process. According to Tolsi (2012:2), the Minister of Agriculture Ms. Tina Joemat-Pettersen reported that “an extra R2.3-billion was pumped into the restitution programme to deal partially with the backlogs. The decision will be considered a significant victory for the Khoi-San communities that have been gaining socio-political momentum since 2009 United Nations declaration that they were the aboriginal inhabitants of Southern Africa”. Moreover, in his State of the Nation Address of 14 February 2013, President Jacob Zuma states that “there are proposed amendments to the Restitution of Land Rights Act, 22 of 1994 to provide for the re-opening of the lodgement of restitution claims, by people who missed the deadline of

31 December 1998. The President further emphasised that what is to be explored are exceptions to the June 1913 cut-off date to accommodate claims by the descendants of the Khoi and San as well as heritage sites and historical landmarks” (South African Government Information). The evaluation of restitution policy framework can be useful in identifying the shortcomings of the restitution policy which led to the re-opening or review of the restitution policy, which is of fundamental interest for the study.

The Diamond Field Advertiser (2012:8) reported that the Grootkop family who was evicted from their land in 1959 by the apartheid government, went to the Claims Court by 27 March 2011 to claim their land and were told that the claims were closed as from 31 December 1998”. The timeframe for restitution in the White Paper on land policy was 18 years in total. A period of three years from 1 May 1995 was set aside for eligible claimants to lodge their claims, later extended to a final deadline of 31 December 1998 (Hall 2003:2-3). Public policy process can be viewed as generally complex which occurs in a rapidly changing and turbulent environment characterized by uncertainty, and may involve mutual or conflicting interests. Thus, those responsible for crafting, implementing, evaluating and/or reviewing public policies must consider the involvement of many complementing and competing interests in an endeavor to achieve the set policy objectives within a given time frame. The rationale for such a comprehensive involvement of different actors is the facilitation of finding of all ill-defined problem areas and situations that usually may not well be understood by all affected parties.

3 Understanding of policy evaluation

Policy have to be evaluated from time to time but concerning restitution, there has been an admission that as government we have not been accommodative to policy evaluation, and as a result, there have been many extensions and an amendment since the Act was promulgated except recently where there has been re-opening which were preceded by engagements, .for example, there was a Khoisan dialogue in 2013 and land summit held last year September. Let me indicate that land restitution is a national competency. Therefore, rests with the Minister and Provinces are the implementers. The Department’s mandate was extended to include rural

development and land reform but more in support of what the national department does. It is called post-settlement support is what the province does in support of the national government.

The Khoisan dialogue and summit were the engagement where the department was involved in, which emanated from the reopening of lodgement of claims from now until 2019. There are developments into amending the restitution act to accommodate or also as part of the lessons learnt in terms of what had transpired, whether it was sufficient and to address other questions that resulted in land holding institution v/s traditional authority v/s municipalities land what are their roles or how they need to synergise their relations. Regarding the review, there are lessons learned though not captured recently. On the aspect of evaluation, the aspect of the two summits is part of the government evaluation of the policy because of the realisation of the fact that there were people who were excluded or amendment of the initial act or the exclusion of the Khoisan.

Four policy evaluation framework

There is no framework or parameters set as to how to evaluate the programme or policy

5 Dedicated personnel in the department to evaluate the restitution policy?

We developed Annual Performance Plan (APP) and developed Operational Plan for us to implement and get evaluated on our performance by the legislature and portfolio committee on Agriculture on a quarterly basis. Internally there are programmes like the Chief Directorate of Monitoring and Evaluation, which evaluates our performance.

6 Evaluation of Restitution Policy or Programme implemented for re-opening and/or extensions

I do not think systematically there has been that type of intervention or evaluation other than the department relying on researchers to assist the department with the identified gaps and challenges. Regarding APP, we conduct a review and improve on the good work that we have been doing or fill the gaps that have been there. Restitution is a complex and can never say it can be addressed over five year or 10

years period. My understanding is that the government may evaluate whether people have been sufficient lodgement and challenges have been addressed and may see later on re-opening in that not all people have come forward or claimed. Therefore, it can be an open and close case. It is a complex situation in that restitution may not be able to be addressed with a particular time frame. If you remember we had a target of 30% in 2014 but we are less than 30% that was targeted in that we are at 4% and issues to be looked at is the constitution constraint which talks to property clauses with limitations as we have received lot of calls from societal institutions saying the policy implemented in compensation of restitution is limiting with *willing buyer will seller* who has limited the department in terms of restoring land to communities that have been robbed of their land during the era of colonisation. There has been preferred options where people opted to take financial restitution instead of land ownership and the government fails to achieve targeted number because communities are given an option to get financial compensation instead of restoration. In the new lodgement, the policy makes provision for ceremonial right and can't remove people currently living in a particular piece of land where people are currently resident therefore people will be given ceremonial right thereon of the fact that they have been disposed of their original land. i.e. Kuruman where the Chiefs are saying the whole land of Kuruman belongs to them. I also know example of Pretoria where some communities are claiming the whole of. The policy makes provision that the government will have priorities development in areas where rather such claimants are currently located or living.

7 Role players in evaluating the performance

- Performance and Evaluation Unit
- Chief Directorate Agriculture Development Services
- Directorate Rural Development and Reform
- Directorate Farmer Settlement
- Service Delivery Forum
- Portfolio Committee of Agric, Land Reform, and Environmental Affairs

- Executives: Imbizos called oversight or EXCO, National Council of Provinces and Portfolio Committee on Agriculture, Land Reform and Environmental Affairs oversight.

8 Active role players on evaluation

Yes, we do it of service delivery forums where the department takes stock of problems / challenges and map the process forward. Annexure E is monitoring tool that indicates what we need to do to reach the desired outcome for communities so constantly annually evaluate and monitoring. We have to ensure that communities benefit from the transformation undertaken by the government.

9 Knowledge of people about Restitution

We only give support as this resides with the land claims commission. However the MEC has indicated in the last management process that we need to work together and rely on the commission to come back to us, and the commissions have a capacity constraint, but the MEC has decided that the department can assist land reform as we have enough staff to enhance the programme of the Commission. The national office has mobile lodgement unit which is used by the three provinces of NC, WC, and FS, which have joined to facilitate and fast track the programme since April 2015.

10 The relationship between the department and the land claims court?

We assist where there is a need, in that the department is implementing the policy as this is a separate institution, therefore, don't have a direct relationship with the court but assist the communities where the debt has available resources to either access or to bring the matter before the court. We are closest to communities in that they only know the Department of Agriculture, therefore, come to us and get referred to the relevant person. Disputes also are rushed to the MEC office.

11 Different types or models of evaluation

Department of rural development could be of assistance hereof. The acknowledgement on the challenges / gaps that have been there and unfortunate

cant refer you to a particular report, but there have been reflections on those gaps and challenges, as you would have heard the utterance from the Minister from time to time on challenges and failures concerning land reform and policies as it is.

12 Amendment of the act and at stage of involving the communities

Legislative process / policy review would be as a result of action or reaction through challenges brought through functionaries such as engagements by the communities through challenges experienced by the communities. Therefore, the process of law amendments does involve communities. Even through proposed amendment they would be taken through the general process and seek support or add views to proposed amendment. The fundamental issue of amendment is consultation therefore there can't be amendment without consultation, I mean recently there have been consultations with communities in roodepoort, greenpoint and douglas to raise awareness in land issues

13 Role Players in Community Engagement

Your audience would differ depending on the communication of the meeting and various states, viz NGOs and community property associations and the general public.

14 Driver of Departmental Target per year

Target are informed by historical nature of the situation. Its part of government policy to restore the land to the previous owners, therefore, research was conducted extensively. Community elders were engaged widely. The information comes from researchers. It starts from 1913 land act, and there was consultation with various communities and farmers were involved too. Target informed by the history of our country which emanates from extensive research.

15 Role of surveys and/or dialogues on targets

It concerns posting settlement. The lodgement, therefore, is the mandate of the department of rural development and land reform and the ruling party. There were

extensive political interactions hence the need to reopen the lodgement. Our intervention in the province is that we have a record of about 30 communities as there would be family claims and those opted for financial compensation. We looked at what we had on record (30) and addressed the challenges that settlement and engagement communities to get post-settlement support. We continuously update our data as the claims get settled by rural development then engage communities to provide post-settlement support.

16 Knowledge of Staff dealing with restitution

Strongly agree

17 Duration takes to open lodgement of claims is sufficient

Yes five years is set aside

17. Language used relates to the spoken languages locally

Yes there is citizens manual on language, therefore, would say the language is relevant to the communities including the Khoisan

AGENDA ITEMS FOR THE DEPARTMENT OF AGRICULTURE: 2ND INTERVIEWS

Memo 06 July 2015

Agenda

- Evaluation is time to time event
- Khoisan Summit
- Involvement of the Researchers
- Five years not enough in meeting restitution needs
- Effectiveness community structures
- Dispute resolution
- Restitution claims go via the land claims court

Evaluation is time to time event

In line with our with our case, we set targets annually for projects that we want to get involved with. Therefore, we necessitate planning a session on work was done and gaps that are there as well as requisites intervention should be, which is an annual event. Ones that has been done, each official draws targets broken down into quarters, provide support to CPA's, 20 broken down into quarters by dividing it into 5, meaning 5 per quarter. Internally both at Directorate level we report on quarterly activities on what has been achieved and on the possible gaps. We then report to the Chief Directorate for the overall performance of the Directorate. After that, we are assessed at the Chief Directorate level by the Programme Monitoring and Evaluation on how we have contributed to the broader performance of the Department.

Khoisan Summit

Khoisan summit had some outcomes by providing a platform to different Khoisan groups and communities which are spread around the Province and the Country to be under one roof and talk to government and separate entities about their needs. The intended outcome was to formalize and streamline communication to the government. It was also recognition by government that it was one of the communities or groups that were neglected or never considered for claims when the cut-off date for the initial date was made. A working group emerged to work with the Minister and Presidency on the amendment of the Act and the extension for the lodgment of claims for the period of five years ending in the year 2019.

Involvement of the Researchers

Research is not in our terrain; it is the responsibility of the Commission because they have researchers in the Commission

Five years not enough in meeting restitution needs

I am not proposing anything, but land is a burning issue whereby it is a small cake that has to be shared and which is not necessarily enough to divide or give to everybody who needs or claim for land restitution. Hence giving financial compensation is one option or buy alternative land which is also failing because you will find in many cases that such pieces of land that you may be identifying to buy for the given community is being claimed by a certain trust, individuals or communities as theirs or identified for township establishment. The intention is to balance the scale by having some restoration or closure on matters or in balancing the scale because if it is not managed properly, it can get out of hand like in any other countries. To what extent would restitution go in terms of time one can never be sure. So five-year target or period is an endeavor by the government to manage the process so that after five years we sit and assess how far have we gone in achieving our set target so that we can balance the equation. The government, therefore, needs to evaluate restitution programme to check

to what extent it is achieving its restitution objectives. Even with the current lodgment we do the check out regarding the claims which one need to be attended to urgently or at times they may fall beyond the set time frame to be resolved.

Effectiveness of community structures

With community structures like CPA's depends on those that you are working with, there's no uniformity. Through this programme, CPA are supposed to be voluntary organisations, but you will find that are people who are employed or unemployed. Inherently community issues come to play in most instances which affects the functionality of CPA's. Because of the lack of support to the CPA's by the government, CPA's end up not having programmes and becomes dysfunctional or disintegrate because of the lack of a role that people need to play. The government does not support people and this affect CPA in rolling out its programmes, how to develop and work the land. CPA only become functional when the government brings programmes to them, meaning people have lost touch with government themselves as communities or running their community programmes / projects in developing their land.

Dispute resolution

Depending on the nature of the dispute by the individual or communities, disputes are normally referred to the Executive Authority or the external mediator. The Parties at times goes the legal route of interdicting each other over a dispute for land. The political office always intervenes and mediate in providing leadership by resolving the conflict between the communities.

Restitution claims go via the land claims court

I am not aware of the restitution land claims matters that have been referred to the land claims court, but mostly disputes are referred to the regional Department of Land

Reform and Rural Development. It is only in the new legislation that the land claim will be referred to the Land Claims Court.

INTERVIEW WITH THE DEPARTMENT OF AGRICULTURE, LAND REFORM, AND RURAL DEVELOPMENT

Memo for Interview 3

22September 2015

1. Set targets annually
2. Number of outcomes
3. Providing a platform to different Khoisan groups and communities
4. Research capacities to support land restitution process
5. Advise claimants or communities to take compensation or land when claiming for restitution
6. Extent or time will government spend on restitution
7. Uniformity in dealing with settlement support
8. Community engagement
9. Proper capacity building for CPA's
10. Disputes by communities
11. Land claims matters that are referred to claims court as a mediator

1. Set targets annually

Ones we have populated our annual performance plan (APP) and the targets have been set; we conduct what we call quarterly reviews and a unit called Programme, Performance, Monitoring and Evaluation (PPME) will evaluate on whatever we have achieved as targets which have been broken down into quarters. This means each

programme have to account on the set targets per annum, if such targets have not been achieved, what are the remedial action. Where there's under achievements, such targets may become accumulative over the following quarter. Other than quarterly reviews, we also have what is called service delivery forums chaired by the Head of Department where we evaluate the overall performance of the Department which gives us an opportunity to evaluate not only our work as a programme but the achievement of the set overall targets of the Department. All in all, this will necessitate planning session on work was done, and gaps identified, requisite intervention which is an annual event, targets broken down into quarters, report on quarterly activities on what has been achieved and possible gaps

2. Number of outcomes

For now, we are told we must spend prudently which is smart. The set targets are linked to the budget. Therefore, the availability of funds tends also to determine the outcomes. The need can be significant, but we just have to deliver within the limited availability of resources. Targets are also set progressively to increase the number of outcomes annually. Meaning, targets are increased annually and therefore the outcomes will also increase annually.

3. Providing a platform to different Khoisan groups and communities

The land claims were and are still an open process. We have two KhoiSan communities in the Province, one being at Platfontein and the other one at Kgalagadi in the Kalahari. The one in Platfontein there has been a move to integrate them into the broader nearby communities like Galeshewe after being settled in Platfontein some few years ago. The same applies to the ones in Kgalagadi, we are directly involved in the task team with the administrator that has been appointed to look at the regularization of their land holding institution (CPA), the task team also look at ensuring that the land that they claim or that they will be given what will it be utilized for. This is a continuous intervention of creating a platform for the Khoisan communities to engage in a dialogue of claiming their land back. However, due to internal community conflict, this is not a smooth sailing process and an administrator has been appointed for such

purposes. Therefore, the task team as led by the administrator will frequently meet to assess progress and devise a way forward

4. Research capacities to support land restitution process

We have no dedicated personnel focusing on researching land restitution matters. We are one Department with the Commission of Land Restitution and therefore complement each other. If at all there's a need for researched work from the Commission there can always be an official way of accessing such reports.

5. Advise claimants or communities to take compensation or land when claiming for restitution

Ours is not to deal with the lodgment of the claims, but rather to provide post-settlement support. Once there's settlement, we will be coming in with our post-settlement support programmes. However, the process of land restitution does make provision for land compensation and land restoration which is normally the process handled by the Commission of Land Restitution and the Regional Department of Land Reform and Rural Development (Shared Services). We do not usually get involved on what communities should choose or not choose when they claim for their land. We only assist those communities that have opted for land restoration.

6. Extent or time will government spend on restitution

There is a re-opening as we speak up until 2019. I think up until that time (2019), the process would tell when we arrive at that point what need to happen next. Much as time is a factor, and there's also a need for the land we are not sure if there will be a need for another re-opening or restitution will be closed for finality. Maybe after five years an evaluation will have to be conducted to determine the state of restitution.

7. Uniformity in dealing with settlement support

There's no one size fits all approach. After a community has been settled, the first point of entry is to determine what the needs of communities are. Beyond that, we will, therefore, shape our intervention around those needs and developmental requirements.

8. Community engagement

We take a structured approach when engaging communities, whereby mostly CPA's are our entry point as statutory bodies with responsibility to hold land on behalf of communities or beneficiaries. We take it as given that they are duly representatives of communities and therefore engage them on behalf of communities. Through the Constitution of CPA's they must serve for the term of 3 years, which we assume that that the people who put the CPA to power to is the beneficiaries if not communities. This also happens when we need to meet the rest of the community, we do it via the CPA; we do not come and meet the community alone, but the CPA mobilizes and facilitates the community on our behalf.

9. Proper capacity building for CPA's

I would say yes because ours is an open engagement and capacitation of CPA through our normal governance training manual. Now CPA's differ from one another about capacities because they are by nature voluntary organisations. Others you will find that people who have been elected are senior citizens who may be slow in doing things, and other CPA's have professionals and understand development terrain. So their functionality will also even differ from one CPA to the other. So where there is a need for the capacity building we do try to organize and intervene which is also mostly not sufficient given the disparity on the skills of people serving on the CPA.

10. Disputes by communities

CPA's are statutory bodies which have to account the Director-General of the Department of Rural Development and Land Reform. If disputes arise and report to us, we appoint a mediator and a task team to investigate the matter and then from there on we'll decide what must happen pending on the weight of the matter. At times, this matters come via the Executive Authority of the Department and of course, we will be

given a clear advise and instruction on the level and type of intervention to the community.

11. Land claims matters that are referred to claims court as a mediator

There's none so far. The land claims court operates like any other tribunal. It has jurisdiction over all land claim matters. The court applies the law on the validity of the claim etc. There's what is called Section 42 where by the Minister can resolve the matter and settle the claim without being referred to the court. The Court is there to mediate particularly when there are disputes.

15 September 2015, Department of Agriculture, Rural Development and Land Reform

Memo Interview 4

AGENDA ITEMS

- 1 Brief Overview of the Study
- 2 Understanding of policy evaluation
- 3 policy evaluation framework
- 4 Dedicated personnel in the department to evaluate the restitution policy
- 5 Evaluation of Restitution Policy or Programme implemented for re-opening and/or extensions
- 6 Role players in evaluating the performance
- 7 Active role players on evaluation
- 8 Knowledge of people about Restitution
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- 15 Knowledge of Staff dealing with restitution
- 16 Duration takes to open lodgement of claims is sufficient
- 17 Language used relates to the spoken languages locally
- 18 Evaluation is time to time event
- 19 Khoisan Summit
- 20 Involvement of the Researchers
- 21 Five Years not enough in meeting restitution needs
- 22 Effectiveness of community structures
- 23 Dispute Resolution
- 24 Restitution claims go via the land claims court
- 25 Set targets annually
- 26 Number of outcomes

- 27 Providing a platform to different Khoisan groups and communities
- 28 Advise claimants or communities to take compensation or land when claiming for restitution
- 29 Extent or time government will spend on restitution
- 30 Uniformity in dealing with settlement support
- 31 Community engagement
- 32 Proper capacity building for CPA's
- 33 Disputes by communities
- 34 Land claims matters that are referred to claims court as a mediator

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The Restitution of Land Rights Act, 22 of 1994 may have yielded some restoration of some land claims. However, some of the historically well-known groupings in South Africa such as the Khomani San may be claimants of restitution that are still crying foul of the process. According to Tolsi (2012:2), the Minister of Agriculture Ms. Tina Joemat-Pettersen reported that "an extra R2.3-billion was pumped into the restitution programme to deal partially with the backlogs. The decision will be considered a significant victory for the Khoi-San communities that have been gaining socio-political momentum since 2009 United Nations declaration that they were the aboriginal inhabitants of Southern Africa". Moreover, in his State of the Nation Address of 14 February 2013, President Jacob Zuma states that "there are proposed amendments to the Restitution of Land Rights Act, 22 of 1994 to provide for the re-opening of the lodgement of restitution claims, by people who missed the deadline of 31 December 1998. The President further emphasised that what is to be explored are exceptions to the June 1913 cut-off date to accommodate claims by the descendants of the Khoi and San as well as heritage sites and historical landmarks" (South African Government Information). The evaluation of restitution policy framework can be useful in identifying the shortcomings of the restitution policy

which led to the re-opening or review of the restitution policy, which is of fundamental interest for the study.

The Diamond Field Advertiser (2012:8) reported that the Grootkop family who was evicted from their land in 1959 by the apartheid government, went to the Claims Court by 27 March 2011 to claim their land and were told that the claims were closed as from 31 December 1998". The timeframe for restitution in the White Paper on land policy was 18 years in total. A period of three years from 1 May 1995 was set aside for eligible claimants to lodge their claims, later extended to a final deadline of 31 December 1998 (Hall 2003:2-3). Public policy process can be viewed as generally complex which occurs in a rapidly changing and turbulent environment characterized by uncertainty, and may involve mutual or conflicting interests. Thus, those responsible for crafting, implementing, evaluating and/or reviewing public policies must consider the involvement of many complementing and competing interests in an endeavor to achieve the set policy objectives within a given time frame. The rationale for such a comprehensive involvement of different actors is the facilitation of finding of all ill-defined problem areas and situations that usually may not well be understood by all affected parties.

3 Understanding of policy evaluation

Policy have to be evaluated from time to time but concerning restitution, there has been an admission that as government we have not been accommodative to policy evaluation, and as a result there hasn't been many extensions and an amendment since the Act was promulgated except recently where there has been re-opening which were preceded by engagements, .for example, there was a Khoisan dialogue in 2013 and land summit held last year September. Let me indicate that land restitution is a national competency. Therefore, rests with the Minister and Provinces are the implementers. The Department's mandate was extended to include rural development and land reform but more in support of what the national department does. It is called post-settlement support is what the province does in support of the national government.

The Khoisan dialogue and summit were the engagement where the department was involved in, which emanated from the reopening of lodgement of claims from now until 2019. There are developments into amending the restitution act to accommodate or also as part of the lessons learnt in terms of what had transpired, whether it was sufficient and to address other questions that resulted in land holding institution v/s traditional authority v/s municipalities land-what are their roles or how they need to synergise their relations. Regarding the review, there are lessons learned though not captured recently. On the aspect of evaluation, the aspect of the two summits is part of the government evaluation of the policy because of the realisation of the fact that there were people who were excluded or amendment of the initial act or the exclusion of the Khoisan.

4 policy evaluation framework

There is no framework or parameters set as to how to evaluate the programme or policy

5 Dedicated personnel in the department to evaluate the restitution policy?

We developed Annual Performance Plan (APP) and developed Operational Plan for us to implement and get evaluated on our performance by the legislature and portfolio committee on Agriculture on a quarterly basis. Internally there are programmes like the Chief Directorate of Monitoring and Evaluation, which evaluates our performance.

6 Evaluation of Restitution Policy or Programme implemented for re-opening and/or extensions

I do not think systematically there has been that type of intervention or evaluation other than the department relying on researchers to assist the department with the identified gaps and challenges. Regarding APP, we conduct a review and improve on the good work that we have been doing or fill the gaps that have been there. Restitution is a complex and can never say it can be addressed over five year or 10 years period. My understanding is that the government may evaluate whether people have been sufficient lodgement and challenges have been addressed and may see later on re-opening in that not all people have come forward or claimed. Therefore, it can be an open and close case. It is a complex situation in that restitution may not

be able to be addressed with a particular time frame. If you remember we had a target of 30% in 2014 but we are less than 30% that was targeted in that we are at 4% and issues to be looked at is the constitution constraint which talks to property clauses with limitations as we have received lot of calls from societal institutions saying the policy implemented in compensation of restitution is limiting with *willing buyer will seller* who has limited the department in terms of restoring land to communities that have been robbed of their land during the era of colonisation. There has been preferred options where people opted to take financial restitution instead of land ownership and the government fails to achieve targeted number because communities are given an option to get financial compensation instead of restoration. In the new lodgement, the policy makes provision for ceremonial right and can't remove people currently living in a particular piece of land where people are currently resident therefore people will be given ceremonial right thereon of the fact that they have been disposed of their original land. i.e. Kuruman where the Chiefs are saying the whole land of Kuruman belongs to them. I also know example of Pretoria where some communities are claiming the whole of. The policy makes provision that the government will have priorities development in areas where rather such claimants are currently located or living.

7 Role players in evaluating the performance

- Performance and Evaluation Unit
- Chief Directorate Agriculture Development Services
- Directorate Rural Development and Reform
- Directorate Farmer Settlement
- Service Delivery Forum
- Portfolio Committee of Agric, Land Reform, and Environmental Affairs
- Executives: Imbizos called oversight or EXCO, National Council of Province and Portfolio Committee on Agriculture, Land Reform and Environmental Affairs oversight.

8 Active role players on evaluation

Yes, we do it of service delivery forums where the department takes stock of problems / challenges and map the process forward. Annexure E is monitoring tool that indicates what we need to do to reach the desired outcome for communities so constantly annually evaluate and monitoring. We have to ensure that communities benefit from the transformation undertaken by the government.

9 Knowledge of people about Restitution

We only give support as this resides with the land claims commission. However the MEC has indicated in the last management process that we need to work together and rely on the commission to come back to us, and the commissions have a capacity constraint, but the MEC has decided that the department can assist land reform as we have enough staff to enhance the programme of the Commission. The national office has mobile lodgement unit which is used by the three provinces of NC, WC, and FS, which have joined to facilitate and fast track the programme since April 2015.

10 The relationship between the department and the land claims court?

We assist where there is a need, in that the department is implementing the policy as this is a separate institution, therefore, don't have a direct relationship with the court but assist the communities where the dept has available resources to either access or to bring the matter before the court. We are closest to communities in that they only know the Department of Agriculture, therefore, come to us and get referred to the relevant person. Disputes also are rushed to the MEC office.

11 Different types or models of evaluation

Department of rural development could be of assistance hereof. The acknowledgement on the challenges / gaps that have been there and unfortunate can't refer you to a particular report, but there have been reflections on these deficiencies and challenges, as you would have heard the utterance from the Minister from time to time on challenges and failures about land reform and policies as it is.

12 Amendment of the act and at stage of involving the communities

Legislative process / policy review would be as a result of action or reaction through challenges brought through functionaries such as engagements by the communities through challenges experience by the communities. Therefore, the process of law amendments does involve communities. Even through proposed amendment they would be taken through the general process and seek support or add views to proposed amendment. The fundamental issue of amendment is consultation therefore there can't be amendment without consultation, I mean recently there have been consultations with communities in roodepoort, greenpoint and douglas to raise awareness in land issues

13 Role Players in Community Engagement

Your audience would differ depending on the communication of the meeting and various states, viz NGOs and community property associations and the general public.

14 Driver of Departmental Target per year

Targets are informed by historical nature of the situation. It's part of government policy to restore the land to the previous owners, therefore, research was conducted extensively. Community elders were engaged extensively. The information comes from researchers. It starts from 1913 land act, and there was consultation with various communities and farmers were involved too. Targets informed by the history of our country which emanates from extensive research.

15 Role of surveys and/or dialogues on targets

It is about the pending settlement. The lodgement, therefore, is the mandate of the department of rural development and land reform and the ruling party. There were extensive political interactions hence the need to reopen the lodgement. Our intervention in the province is that we have a record of about 30 communities as there would be family claims and those opted for financial compensation. We looked at what we had on record (30) and addressed the challenges that settlement and engagement communities to get post-settlement support. We continuously update

our data as the claims get settled by rural development then engage communities to provide post-settlement support.

17 Duration takes to open lodgement of claims is sufficient

Yes five years is set aside

18 Language used relates to the spoken languages locally

Yes there is citizens manual on language, therefore, would say the language is relevant to the communities including the Khoisan

19 Evaluation is time to time event

In line with our with our case, we set targets annually for projects that we want to get involved with. Therefore, we necessitate planning a session on work was done and gaps that are there as well as requisites intervention should be, which is an annual event. Ones that has been done, each official draws targets broken down into quarters, provide support to CPA's, 20 broken down into quarters by dividing it into 5, meaning 5 per quarter. Internally both at Directorate level we report on quarterly activities on what has been achieved and on the possible gaps. We then report to the Chief Directorate for the overall performance of the Directorate. After that, we are assessed at the Chief Directorate level by the Programme Monitoring and Evaluation on how we have contributed to the broader performance of the Department.

20 Khoisan Summit

Khoisan summit had some outcomes by providing a platform to different Khoisan groups and communities which are spread around the Province and the Country to be under one roof and talk to government and separate entities about their needs. The intended outcome was to formalize and streamline communication to the government. It was also recognition by government that it was one of the communities or groups that were neglected or never considered for claims when the cut-off date for the initial date was made. A working group emerged to work with the Minister and Presidency on the amendment of the Act and the extension for the lodgement of claims for the period of five years ending in the year 2019.

21 Involvement of the Researchers

Research is not in our terrain; it is the responsibility of the Commission because they have researchers in the Commission

22 Five years not enough in meeting restitution needs

I am not proposing anything, but land is a burning issue where by it is a small cake that has to be shared and which is not necessarily enough to divide or give to everybody who needs or claim for land restitution. Hence giving financial compensation is one option or buy alternative land which is also failing because you will find in many cases that such pieces of land that you may be identifying to buy for the given community is being claimed by a certain trust, individuals or communities as theirs or identified for township establishment. The intention is to balance the scale by having some restoration or closure on matters or in balancing the scale because if it is not managed properly, it can get out of hand like in any other counties. To what extent would restitution go in terms of time one can never be sure. So five-year target or period is an endeavor by the government to manage the process so that after five years we sit and assess how far have we gone in achieving our set target so that we can balance the equation. The government, therefore, needs to evaluate restitution programme to check to what extent it is achieving its restitution objectives. Even with the current lodgment we do the check out regarding the claims which one need to be attended to urgently or at times they may fall beyond the set time frame to be resolved.

23 Effectiveness of community structures

With community structures like CPA's depends on those that you are working with, there's no uniformity. Through this programme, CPA are supposed to be voluntary organisations, but you will find that are people who are employed or unemployed. Inherently community issues come to play in most instances which affects the functionality of CPA's. Because of the lack of support to the CPA's by the government, CPA's end up not having programmes and becomes dysfunctional or

disintegrate because of the lack of a role that people need to play. The government does not support people and this affect CPA in rolling out its programmes, how to develop and work the land. CPA only become functional when the government brings programmes to them, meaning people have lost touch with government themselves as communities or running their community programmes / projects in developing their land.

24 Dispute resolution

Depending on the nature of the dispute by the individual or communities, disputes are normally referred to the Executive Authority or the external mediator. The Parties at times goes the legal route of interdicting each other over a dispute for land. The political office always intervenes and mediate in providing leadership by resolving the conflict between the communities.

25 Restitution claims go via the land claims court

I am not aware of the restitution land claims matters that have been referred to the land claims court, but mostly disputes are referred to the regional Department of Land Reform and Rural Development. It is only in the new legislation that the land claim will be referred to the Land Claims Court.

26 Set targets annually

Ones we have populated our annual performance plan (APP) and the targets have been set; we conduct what we call quarterly reviews and a unit called Programme, Performance, Monitoring and Evaluation (PPME) will evaluate on whatever we have achieved as targets which have been broken down into quarters. This means each programme have to account on the set targets per annum, if such targets have not been achieved, what are the remedial action. Where there's under achievements, such targets may become accumulative over the following quarter. Other than quarterly reviews, we also have what is called service delivery forums chaired by the

Head of Department where we evaluate the overall performance of the Department which gives us an opportunity to evaluate not only our work as a programme but the achievement of the set overall targets of the Department. All in all, this will necessitate planning session on work was done, and gaps identified, requisite intervention which is an annual event, targets broken down into quarters, report on quarterly activities on what has been achieved and possible gaps

27 Number of outcomes

For now, we are told we must spend prudently which is smart. The set targets are linked to the budget. Therefore, the availability of funds tends to also determine the outcomes. The need can be big, but we just have to deliver the limited availability of resources. Targets are also set progressively to increase the number of outcomes annually. Meaning, targets are increased annually and therefore the outcomes will also increase annually.

28 Providing a platform to different Khoisan groups and communities

The land claims were and are still an open process. We have two KhoiSan communities in the Province, one being at Plaattfontein and the other one at Kgalagadi in the Kalahari. The one in Plaattfontein there has been a move to integrate them into the broader nearby communities like Galeshewe after being settled in Plaattfontein some few years ago. The same applies to the ones in Kgalagadi, we are directly involved in the task team with the administrator that has been appointed to look at the regularization of their land holding institution (CPA), the task team also look at ensuring that the land that they claim or that they will be given what will it be utilized for. This is a continuous intervention of creating a platform for the Khoisan communities to engage in a dialogue of claiming their land back. However, due to internal community conflict, this is not a smooth sailing process and an administrator has been appointed for such purposes. Therefore, the task team as led by the administrator will frequently meet to assess progress and devise a way forward

29 Research capacities to support land restitution process

We have no dedicated personnel focusing on researching land restitution matters. We are one Department with the Commission of Land Restitution and therefore

complement each other. If at all there's a need for researched work from the Commission there can always be an official way of accessing such reports.

30 Advise claimants or communities to take compensation or land when claiming for restitution

Ours is not to deal with the lodgment of the claims, but rather to provide post-settlement support. Once there's settlement, we will be coming in with our post-settlement support programmes. However, the process of land restitution does make provision for land compensation and land restoration which is normally the process handled by the Commission of Land Restitution and the Regional Department of Land Reform and Rural Development (Shared Services). We do not normally get involved on what communities should choose or not choose when they claim for their land. We only assist those communities that have opted for land restoration.

31 Extent or time will government spend on restitution

There is a re-opening as we speak up until 2019. I think up until that time (2019), the process would tell when we arrive at that point what need to happen next. Much as time is a factor, and there's also a need for the land we are not sure if there will be a need for another re-opening or restitution will be closed for finality. Maybe after five years an evaluation will have to be conducted to determine the state of restitution.

32 Uniformity in dealing with settlement support

There's no one size fits all approach. After a community has been settled, the first point of entry is to determine what the needs of communities are. Beyond that, we will, therefore, shape our intervention around those needs and developmental requirements.

33 Community engagement

We take a structured approach when engaging communities, whereby mostly CPA's are our entry point as statutory bodies with responsibility to hold land on behalf of communities or beneficiaries. We take it as given that they are duly representatives of communities and therefore engage them on behalf of communities. Through the

Constitution of CPA's they must serve for the term of 3 years, which we assume that that the people who put the CPA to power to is the beneficiaries if not communities. This also happens when we need to meet the rest of the community, we do it via the CPA; we do not come and meet the community alone, but the CPA mobilizes and facilitates the community on our behalf.

34 Proper capacity building for CPA's

I would say yes because ours is an open engagement and capacitation of CPA through our normal governance training manual. Now CPA's differ from one another about capacities because they are by nature voluntary organisations. Others you will find that people who have been elected are senior citizens who may be slow in doing things, and other CPA's have professionals and understand development terrain. So their functionality will also even differ from one CPA to the other. So where there is a need for the capacity building we do try to organize and intervene which is also mostly not sufficient given the disparity on the skills of people serving on the CPA.

35 Disputes by communities

CPA's are statutory bodies which have to account the Director-General of the Department of Rural Development and Land Reform. If disputes arise and report to us, we appoint a mediator and a task team to investigate the matter and then from there on well decide what must happen pending on the weight of the matter. At times, this matters come via the Executive Authority of the Department and of course, we will be given a clear advise and instruction on the level and type of intervention to the community.

36 Land claims matters that are referred to claims court as a mediator

There's none so far. The land claims court operates like any other court. It has jurisdiction over all land claim matters. The court applies the law on the validity of the claim etc. There's what is called Section 42 where by the Minister can resolve the matter and settle the claim without being referred to the court. The Court is there to mediate especially where there are disputes.

Memo 1 Land Claims Commission
Land Restitution Support: Northern Cape Province
01 July 2015, 15h30

AGENDA ITEMS

- 1 Introductions
- 2 Brief overview of the Study
- 3 Experience of the Official in the Department
- 4 Understanding of Policy Evaluation
- 5 Policy evaluation framework for the Department
- 6 A separate budget focusing on evaluation
- 7 A dedicated official dealing with the programme of evaluation seeing that you do not have budget for this programme
- 8 Commission engaging into the evaluation of restitution?
- 9 Evaluation of the programme not the policy
- 10 Impression with the evaluation of the programme
- 11 A programme or project that was evaluated that you think you can refer the study
Annual reports
- 12 A particular year specifically
- 13 Publication of the reports by the Commission
- 14 Role players in the evaluation of the programme
- 15 Engagement with the Land Claims Court, the Department of Rural Development & Land Reform (Shared Services); the Department of Agriculture, Land Reform & Rural Development (Province),
- 16 Evaluation model implemented by the Commission to evaluate the policy or programme
- 17 Community involvement on policy or programmatic issues of restitution
- 18 Community Dialogues
- 19 Community involvement in any kind of evaluation
- 20 Any capacity building for the beneficiaries of restitution
- 21 So communities are encouraged to form CPA's
- 22 Community formations of restitution
- 23 Structure of community involvement

- 24 Organised formation in the province interested in policy making process of restitution
- 25 Since the implementation of the act in 1996, the target was to open restitution for five years and have since heard of few extensions; recently there was review or amendment of the act.
- 26 You have a situation where people came through even after the cut-of date
- 27 The number of claims lodged since 1996
- 28 Knowledge of Officials dealing with restitution policy or programme
- 29 The duration or time to open for people to lodge claims
- 30 The issue of language when going to communities for out-reach programmes on land restitution
- 31 Simplicity of pamphlets regarding language so as to reach out to beneficiaries or targeted audience
- 32 Communication with aboriginals

1 Introductions

My name is Kenneth Liambano serving as a manager specifically for pre-settlement before the claims are settled.

2 Brief Overview of the study

This is a study on an evaluation framework for the land restitution policy in South Africa, the case of the Northern Cape Province.

3 Experience of the Official in the Department

I started with the Land Claims Commission in 1998 in the Free State (Bloemfontein), then moved to North West (Mafikeng) in 2002 and 2006 I moved to the Northern Cape (Kimberley) serving as a Manager for Pre-Settlement.

4 Understanding of Policy Evaluation

Evaluation, mainly, is re-assessment of whether the policy is achieving what is intended to achieve or not.

5 Policy evaluation framework for the Department

The Department does not have the policy evaluation framework but rather have a reporting framework on restitution

6 A separate budget focusing on evaluation

The Department does not have a separate budget focusing on evaluation

7 A dedicated official dealing with the programme of evaluation seeing that you do not have the budget for this programme?

There is an official but not within Restitution Commission. The official is located in the Provincial Shared Service Centre, the sister branch of restitution, it is a Chief Directorate, appointed for monitoring and evaluation. That person co-ordinates the performance of the province regarding the service delivery. We report to them on our performance. It is only the performance report but not the evaluation of the policy or programme.

- 8 Commission engaging in the evaluation of restitution
It was not an evaluation per se because when you look at the programme and the policy, you find that the programme is much broader and look at the changes to livelihoods but when it comes to policy it is whether the policy is implementable or not. Therefore, you are looking at operational issues, but the broader one is much more problematic.
- 9 Evaluation of the programme, not the policy
Yes there was evaluation of the programme, not the policy
- 10 Impression with the evaluation of the programme
I was not impressed with the evaluation of the Programme because we expected to look at what are major obstacles of the programme achieving the broader parameters and not being able to identify major obstacles.
- 11 A programme or project that was evaluated which you think you can refer the study
Annual reports
- 12 A particular year specifically
Every year there is annual report
- 13 Publication of the reports by the Commission
All reports are published online by the Commission
- 14 Role players in the evaluation of the programme
The main role player in the evaluation of the programme is the Provincial Shared Service Centre: The Department of Rural Development & Land Reform in the Northern Cape
- 15 Engagement with the Land Claims Court, the Department of Rural Development & Land Reform (Shared Services); the Department of Agriculture, Land Reform & Rural Development (Province),

There was engagement in the past with the land claims court in that they used to conduct training on restitution, research, and packaging of land claims. However, lately, the only interface with the court is referrals for adjudication. With Shared Services, it happens during the monitoring and evaluation of the Programme. With the Department of Agriculture, Land Reform & Rural Development it happens at a political level.

16 Evaluation model implemented by the Commission to evaluate the policy or programme

It was not an evaluation per se, but it is where the performance of the commission is being assessed annually with the settlement of the claims which is an operational issue. The only thing we normally have is policy discussions where we develop policies on how to operationalize our core business.

17 Community involvement on policy or programmatic issues of restitution

It is a new development where reference groups were established by the Minister, but it was mainly the SAN and the KHOI people were consulted and engaged about how they were affected by land dispossession. How the Act can be amended to benefit them as well because it is said that they are the aboriginal people of the Country and dispossessed before 1913 Act, of which the Act excluded them. However, there were also other engagements with Minister Gugile Nkwinito, where he will invite claimants including legal entities, or representatives from claimants to share ideas on what he would like to see happening.

18 Community Dialogues

Community dialogues are referred to as reference groups which normally takes place between the Minister and Claimants

19 Community involvement in any evaluation

There's community involvement through dialogues though it is not that rigorous and well-structured

20 Any capacity building for the beneficiaries of restitution

Not in full scale because most of the restitution projects are not well capacitated, but there are initiatives where Community Property Associations representing communities are invited to training.

21 So communities are encouraged to form CPA's

Not necessarily encouraged but the trend is to register them with the national office by forming CPA's

22 Community formations of restitution

The office facilitate the establishment of the CPA's as they have to be registered with our HO.

23 Structure or pattern of community involvement

It is not structured because it takes place during Portfolio overnight visits, the communities are being visited. They normally raise their concerns about the lack of performance and support and slowness in the finalization of the claims. Although it is not where communities integrate policies.

24 Organised formation in the province interested in policy making process of restitution
Agricultural Unions such as NAFU, TAU, South African Agricultural Union formerly called Farmers Union

25. Since the implementation of the act in 1996, the target was to open restitution for five years and have since heard of few extensions; recently there was review or amendment of the act.

We have had one reopening in 2014 June, and others were extensions because other areas were not covered regarding publicity and were less than what was expected regarding the number of claims due to removals that took place in the past.

26 You have a situation where people came through even after the cut-of date
yes

27 The number of claims lodged since 1996

We had close to 3000 by the cut-off date of 1998 (provincial figure) and since the reopening of last year, we have close to 1500. Meaning there has been a significant number of people coming forward since the reopening.

28 Point of reference to the increased number of claims

In 1998, the Commission to receive claims and advised claimants that it was after the cut-off date or were late, therefore can't accept those claims regarding the Act then representation were made and advised that the only structure that can change or reopen is Parliament. Most of the people made their representation to counsellors, MPs or Ministers, etc. and finally the President decided to reopen for restitution, but there was an assessment made to gauge the load of people who did not lodge their claims.

29 Knowledge of Officials dealing with restitution policy or programme

The major challenge is that we have a large staff turnover and a lot of trained experienced researchers have left for greener pastures after skills were transferred to them. Constantly we are retraining staff and recruiting more staff, but it is not easy. It takes a while before you produce a fully capacitated staff member.

30 The duration or time to open for people to lodge claims

It is very dodgy in that no time can be adequate though there are several reasons why people do not lodge claims. In the past, people did not believe or had faith in the programme, but lately, the problem is that there are unreachable areas or people who may not be able to get through to lodge claims. The reason for five years is that there was another for a cut-off date and not leave it open ended so we can start to working on those claims. It would be difficult to work on new claims while there're others outstanding.

31 The issue of language when going to communities for outreach programmes on land restitution

Language can be a problem at times because mostly we recruit officials from other provinces like Limpopo and/or North West whom mostly speak either Setswana or

Sepedi, fluency in Afrikaans and IsiXhosa is needed in the Northern Cape and Officials encounter problems due to non-proficiency.

- 32 Simplicity of means or medium of communication regarding language so as to reach out to beneficiaries or targeted audience

We try to simplify it especially for reopening we had means of communication in Afrikaans, Setswana, English, and IsiXhosa, except Khoi and Khwe languages.

- 33 Communication with aboriginals

We had two or three dialogues with the Khoi and the San people, and fortunately, they also speak Afrikaans. Therefore, presentations were made in Afrikaans. For instance, they raised issues in Upington through Afrikaans, and we tried to respond in Afrikaans. We also provided pamphlets in Afrikaans, and some of the deliberations were also made in Afrikaans. Of course, this was made easy by translators.

The reopening concentrated on those claimants who were unable to lodge before the cut-off date of 1998, other areas raised as concerns are policy reviews on how they can be dealt with like the Khoi and the SAN as some of them are claiming the whole country and the other issue is the cut-off date of 1913 but the reopening doesn't talk to 1913 but speaks about the people who were unable to lodge before the cut off date of 1998.

MEMO 2 CRLR

DEPARTMENT OF RURAL DEVELOPMENT: COMMISSION ON RESTITUTION

Agenda Items

Agenda Items

1. Reporting framework
2. Engagement into evaluation to look at the broader challenges confronting restitution
3. Means of Communication or Medium of sharing information on the re-opening of land restitution or amendment of the Restitution of Land Rights Act
4. Role players in the evaluation of the restitution
5. The purpose of policy discussion
6. Framework for policy discussions
7. Reference Meetings
8. Process of evaluation should have been initiated before the Act was adopted and/or implemented before the adoption of the Act in 1996
9. Role players in the restitution policy process
10. Five-year extension period
11. The Role of Mobile Offices
12. Thinking around re-opening process
13. An impact on the target – maintain it or reduce it

1 Reporting framework

It is a structured reporting framework. For example, monthly reporting culminating into quarterly reporting, and making up annual reporting. This is one way of complying with the Government Planning and Reporting Cycle, which talks to planning, reporting, and budgeting. We also have standing quarterly review meetings which deal with the evaluation of the performance of the programme. During Branch monthly meetings, Branches also come together to discuss its performance on a monthly basis.

2 Engagement into evaluation to look at the broader challenges confronting restitution

Key highlights or common challenges include among others lack of capacities by CPA's be it especially in land management, project management, and or financial management, including lack of socio-economic activities in this restitution areas which will get them to focus on developing their lives sustainably. However, because of that lack of socio-economic activity, they end up fighting instead of developing their lives. Where there are community squabbles, we are trying to resolve some of them with little success because you will find that mostly they fight over the term of a sitting CPA to elect a new CPA without new programmes that will bring sustainable livelihood to the community.

3 Means of Communication or Medium of sharing information on the re-opening of land restitution or amendment of the Restitution of Land Rights Act

Before the re-opening, there was consultation on the Bill, which was aimed at amending some of the clauses in the Restitution of Land Act and the extension of the cut-off date. We also held information sessions and informed people about additional judges that will be appointed to the Land Claims Court to ensure faster the processing of finalization of claims. Communities were also informed about the fact that the process will be a free one because we realized that there were self-appointed consulted who claimed to be

working with Department in processing Claims and defrauding the claimants. We also told them that there will be mobile offices which will be doing the rounds in the Province to allow people to make their claims with the target to remote areas so that they don't have to bother about coming to Kimberley, meaning they will have to wait where they are we will come to where they are located. We also informed them about the necessary documents that are needed for lodging the claim and the process it will take to either research or process the claim.

4 Role players in the evaluation of the restitution

There are sessions that the Minister normally undertake with various sections of communities that can be viewed as role players, for instance engaging academics on the subject matter because they do research in restitution. There are also sessions on e.Tv whereby the minister time and again engage with various stakeholders on some issues having to with land reform, including restitution with farmers unions, academics, NGO movements, claimants, politicians, etc.

5 The purpose of policy discussion

Policy discussions is a process whereby we verify the manner in which we assess how best we can conduct and operationalize our programmes. That will have to do among other things, settlement of claims, verification of requests, structure financial compensation, how can we package land restoration. At the end of the day those discussions are adopted as operational policies which have been put into place through policy discussions. These policy discussions are informed among other things by what we pick-up on the ground as we deal with beneficiaries or communities they raise issues with us and we as a Department we consider and we can utilize for the benefit of the Department. It can also happen as we process land claims, conduct research on a claim and/or packaging land restoration we pick up matters and agree through policy discussion what is the best possible way of doing it.

6 Framework for policy discussions

The problem that we have as the Department is that there is not enough time to develop and put into place such policy framework which will have a long-term effect on the programme. We are bogged down work to achieve our targets. We do not have time for anything other than chasing our targets. However a dynamic approach is needed for instance after settling a claim we should be going back to a drawing board to take stock of lessons learnt, but there's no time because our main focus is on achieving our targets.

7 Reference meeting

Reference meetings with the Khoi and San people are still going because they were given assignments and they are now supposed to be reporting back on those assignments. It's hard to say if there are good lessons or not but what we have been getting throughout is not necessarily more of land issues but rather issues of Chieftainship, jurisdiction etc. but maybe when the Minister is done with the reference group there may be good lessons but at this point as we speak they don't come out very clearly to make an objective judgement. Maybe there could be lessons but at this point time if you listen to what have been raised so far are main concerns which make it sound like the Act was not amended and extension was granted mainly for them.

8 Process of evaluation should have been initiated before the Act was adopted and/or implemented before the adoption of the Act in 1996

The problem is the premise of Restitution Act that it was a political response to the land question. The assumption was that land ownership is skewed, and government came up with restitution legislation to address the problem. What went wrong is that was more of a top-down approach instead of a bottom up approach. Meaning evaluation of what was to be dealt with about restitution would have been helpful.

9 Role players in the restitution policy process

We have had two sessions with the house of traditional leadership and were complaining about CPA's. They were of the opinion that individuals should not claim, and restoration should not be to individuals but rather to Chiefs, Houses of Traditional Leadership or tribes should be given land back, and they are the one who will ration and allocate pieces of land to smallholders and individuals. Legal entities like CPA's and Trusts are formed or established to assist in the management of the restored land. NAFU, TAU and other entities are mainly concerned about how restitution will impact on their space negatively or positive. Through CPA's you discover that in communities its only those who are better, well off or may be educated who sees the need of partaking in the process. Some of the communities do not necessarily see the need to participate in this process.

10 5 year extension period sufficient

Five-year extension period is not sufficient, and we would not necessarily see a significant number of claims being processed within the given period because we were advised to trade very carefully because some if not most of these claims affect the bigger area. For the commission to be able to work on a claim, it is necessary for us to wait until we are certain that we have received enough claims before we can proceed with the claim. For example, if there a claim on a given area, it will have to wait until between 10 – 40 claims have been made before we can start a claim process. This will assist us on the basis that when we do research we do not do it for a single claim, but we do it for some claims so that we do not have to re-invent the wheel whenever we receive a single claim. This is because the circumstances are mostly similar to this claim and if we are to receive a single claim and action research today, and receive another claim with the same circumstances next month it will be difficult for us to action the research because it will be a duplicate. We will, therefore, use the minimal capacity to cover a large number of claims.

11 The role of mobile offices

Mobile offices have not yet visited the Province because as we speak they are still using it in the Free State, and it will be going to the Western Cape from there. The Mobile Office is shared between the Northern Cape, Western Cape, and the Free State. So we have not yet utilized it in the Province, but we are expecting it later in the year.

12 Thinking around re-opening process

There are so many things that can be explored as options. Most of us as officials in the Department in various Provinces were not happy about re-opening because there wasn't also proper consultation internally so that we can better advise the government on the route to be taken in handling restitution. The process was driven more from the top and handled more politically without administrative advise. We have also done our own part as officials in observing whether is the restitution process working or not working, and we realized that it was not working. When you deal with communities you have a wide range of issues, be it political, be it education or a grassroots structure, etc. communities will never be one thing and cannot be treated the same. Fundamental to this re-opening is that it was due to land restoration through restitution, but of late people are no longer interested in the land. All they want is financial compensation. Financial compensation should not have been there from the very onset. Having being exposed to these type of work and my experience in the Department, many people were left out in the restitution process, but re-opening was not a viable option. The government should have also not even promoted or opted for financial compensation as

one option. Rather as people are claiming, their sources of income should have been looked into and recapitalized it. That would have been perhaps strengthening and sustaining peoples livelihoods such if all you are running a certain business and your claims is successful, your business is recapitalized, or if you are a farmer we assist in expanding and strengthening your farming method, etc. So government should have considered a need assessment of claimants and/or communities before processing a claim.

13 An impact on the target – maintain it or reduce it

It will be a fundamental mistake to reduce the target for land restitution even if people are not taking the land as a claim but rather opt for financial compensation. The point is that people have lost touch with the land and have moved on with the focus on other sources of income and ways of sustaining their lives. We have lost our bearing somewhere because the mere fact that people are opting for financial compensation that means there won't be movement on the impact of giving the land back to people. In other countries like Eastern Europe they realized with industrialization, people tend to shift from traditional mode of agriculture or production into industries, then they said we can industrialise but ensured that when they allocate a claimant land, they allocate and ensure that claimants cultivate and keep a small livestock because that ensures that the applicants do not entirely depend on wages and rather becomes sustainable in terms of food security and that's what South Africa should learn from international experiences. Rather than giving a big piece of restitution land back to people should rather subdivide and ensure the same international experiences and measures. The thinking was that when people are given land back they will work, produce and or develop it, but that is not what is happening. Then the other thing of financial compensation they should have rather considered the industry that the claimants are in and recapitalise their production, business or production. That is why its very difficult to measure the impact of restitution today, even if you evaluate, what is that you will be evaluating other than restitution projects rather than the overall restitution program. You cannot measure that because the restitution programme was completely flawed.

Memo 3

DEPARTMENT OF RURAL DEVELOPMENT: COMMISSION ON RESTITUTION

Agenda Items

21 September 2015

1. Challenges of capacity constraints internally
2. Challenges include lack of capacities by CPA's
3. Consultation on the Bill
4. Arrival of Mobile offices doing rounds
5. Target to remote areas
6. Key stakeholders in reaching the targeted areas affected communities and individuals
7. Other than working directly with communities have the Department already identified possible stakeholders that will be engaged
8. Operational Policy Framework and Policy Forum
9. Khoisan Dialogues Framework
10. Amended Act Captures the intended objectives of Restitution
11. Traditional leadership lodging a claim
12. Five years restitution period is not sufficient
13. The frequency and some claim before conducting a research
14. The time for government to embark on evaluation of restitution

1. Challenges of capacity constraints internally

Internally about staff capacities, I must say we are thinly over-stretched because our area of staff or capacity focus as a Department is of scarce skills out there. You recruit people today and train them, within a short space of time they leave the Department and venture into greener pastures. As we speak, if you check correctly, the staff that we used to have four to five years back has changed tremendously, either qualitatively or quantitatively. However, we are still in the mode of recruiting qualified people on the Department to fill gaps on some programmes.

2. Challenges include lack of capacities by CPA's

It is no longer our mandate. At the time when we were dealing with the issues of post-settlement, after the establishment of CPA's, we used to make sure that the CPA's get trained on land management, financial management, project management, etc. There were basically some training programmes that were used to be organized by the Department.

3. Consultation on the Bill

We used both print and electronic media. We used the opportunity of launching the consultation of the Restitution of Land Rights Bill in a community hall in Kimberley, followed by the second one in Hartswater and the surrounding areas. Third was in Upington. The fourth one was De Aar and Carnavon; then there was another one in John Taolo Gaetsewe in the Kuruman area. Through all these consultation processes we took promotional material such as posters and flyers on the amendment of the Restitution of Land Rights Act. We relied more on interfacing with communities through face to face interaction as we also left information with some them.

4. Arrival of Mobile offices doing rounds

Mobile offices will arrive in October Month to December of this year (2015). We have already drafted a schedule on when and where will it be operating. The 10th October it will be a launch of this mobile office in Carnavon and spend a week in the said area, and later move to other areas throughout the Province.

5. Target to remote areas

We intend covering the whole Province. Although there will be times when well be in town settings, from such areas well, of course, be moving to rural areas and the periphery.

6. Key stakeholders in reaching the targeted areas affected communities and individuals

We plan to work with the municipalities at both the district and local level. They will disseminate the relevant information through councilors to communities and relevant structures. Given the sensitivity of the nature of restitution and some experiences, where people used to turn themselves into consultants and defraud claimants and communities, we do not have a standing or fixed link between local communities and district municipalities because we prefer working directly with communities. In other words, we'll be working with municipalities to mobilise communities and claimants in some localities.

7. Other than working directly with communities have the Department already identified possible stakeholders that will be engaged

Our experience in the past is that when you have a third party in this process, those people create all sorts of problems. The danger of opening it up for stakeholders or individuals to do it on behalf of communities is where you get such individuals going to communities and say to them if you commit certain resources / exorbitant amounts of money I will do it on you behalf which doesn't have to be the case. It is an open free process which no body other than claimants have to benefit from. Remember we are looking at communities that have been dispossessed, we prefer communities or individuals to come to the forth to come and lodge claims. By doing so, we normally

encourage communities to call a community meeting and select amongst them or elect a structure that will represent the community. This we normally call a claimant committee which claims on their behalf.

8. Operational Policy Framework and Policy Forum

Capacity constraints make us not to have policy forums where we normally used to discuss policy challenges and come-up with solutions to policy challenges. We are no longer doing that because of capacity constraints, including the policy unit personnel, they are also fewer than before. We no longer have discussions on policy issues like we used to. Our focus is rather on driving the achievements of our targets more than anything else.

9. Khoisan Dialogues Framework

There's a Khoisan Dialogue plan which will entail among others; a follow-up dialogue will happen. On the first dialogue, a task team was formulated, and tasks were given to the team to attend to. There was a planning session in Upington early this year to put in place action plan. On the follow-up dialogue, the Minister will expect a full briefing from the task team on what has been done so far.

10. Amended Act Captures the intended objectives of Restitution

The adopted act aimed at improving at the 1994 Act. It focused mainly on re-opening for claims more than anything else. Taking the opening or window period further because the initial one indicated that the cut-off date was December 1998, so this one intended to extend the date from 2014 to 2019, giving it a period of five years. It also indicated that the lodgement will also be done electronically without necessarily coming to the office. It addressed the number of judges to be increased in for the Land Claims Court. It also outlines that lodging a fraudulent claim is an offence and people should refrain from interfering with the process of lodgement. So there's some issues that I think given the gaps on the previous Act, the amended Act is doing justice to the restitution programme.

11. Traditional leadership lodging a claim

Regarding the Act, anybody can lodge a claim who qualifies. Qualification is because you were removed or it took place in particular time or your removal was racially motivated. Those are the qualification criteria. There's nothing stopping traditional authorities lodging on behalf of a particular community. However, if traditional authorities do so, they must be given the mandate by the people that they lead, meaning, the people or communities themselves must authorize the claim brought forward by the traditional leadership. In this case the traditional leadership, the bottom line is that when you lodge on behalf of the people you are not the beneficiary, but rather the people that you lodge on their behalf must be the beneficiary. We had various inquiries by Chief and Headman's who wanted to lodge on behalf of communities; we encouraged them to lodge having in mind that when we do our research well be able to find out whether is a valid claim or not. However, the bottom line is that the land claimed will not go to the Chief but to the people who were dispossessed. This is because people sometimes confuse tribal territories or tribal boundaries with claim restitution process because the claim process is not about claiming tribal process.

12. Five years restitution period is not sufficient

When we started in 1994, it was for the period of 3 years. It has to be extended during that time because people or claimants did not respond or come forward to claim. There may be some reason why people did not respond, and we suspect they may not have received the message or didn't have faith in the process, but there was an extension until 1998. Now the current situation in 2014 is that there was a re-opening, and the plan is that by 2015 many people who have missed out will apply. Legally speaking no further claims will be accepted beyond July 2019. In principle, this means that no other claims should be lodged or accepted after that date.

13. The frequency of claim before conducting a research

When we stated that in June we were over-loaded with claims already. However, now a frequency of claims has subsided down. However, we still receive claims and enquiries. They differ because we have a community (group) and individual claims. It is important

that we have a suitable number of claims to before commencing with research to ensure that we cover some them in the research process. There's no pattern, but we are prioritizing old claims before commencing with new ones.

14. The time for government to embark on evaluation of restitution

I think it was supposed to have evaluated the programme or legislation time and again before they extend or even amend the Act. For now, one can say it must be evaluated beyond 2019.

Memo 4

Land Claims Commission: Land Restitution Support: Northern Cape Province

October 2015

Interview 4

AGENDA ITEMS

1. Official for Monitoring and evaluation at Provincial Shared Service Centre
2. Constant retraining of staff recruitment of staff as its time consuming to produce capacity
3. Simplify means of communication
4. Don't have time for anything other than chasing our targets
5. Thinly over-stretched staff
6. Not evaluation but annual assessment
7. Very dodgy in that no time is adequate for restitution
8. Another cut-off as a target and not leave it open ended is key
9. Complying with government planning and reporting cycle
10. Planning, reporting, and budgeting
11. Dynamic approach is needed for settling claims and taking stock on lessons learnt
12. It is very difficult to measure the impact of restitution today, even if you evaluate
13. You cannot measure restitution implementation because the restitution programme was completely flawed
14. People or claimants did not respond
15. Claimants did not come forward to claim
16. Didn't received the message
17. Didn't have faith in the process
18. In principle, no claims should be lodged or accepted after that date
19. Time and again before they extend or even amend the Act, must evaluate the programme or legislation
20. It must be evaluated beyond 2019
21. Community involvement is not rigor and not well structured
22. Unstructured because it takes place during Portfolio Committee oversights
23. Nonpoint of integration into policy for communities
24. One re-opening in 2014 and others were extensions
25. Not covered through publicity and less than expected
26. Information sessions with communities on Restitution Act
27. Communities informed about a free process

28. Land Claims Mobile offices
29. Target to remote areas
30. Claimants to wait where they are we will come to where they are located
31. Media engagement like, sessions on e.tv
32. No enough time to develop and put into place policy framework
33. Reference meetings with the Khoi and San people are still going
34. They were given assignments & supposed to report back
35. Premise of Restitution Act was a political response to the land question
36. What went wrong is that was more of a top-down approach instead of a bottom up approach.
37. Evaluation of what was to be dealt with about restitution would have been helpful
38. Wasn't also proper consultation internally so that we can better advise the government
39. The process was driven more from the top
40. Process was handled more politically without administrative advise
41. Lot of people were left out in the restitution process, but re-opening was not a viable option
42. It will be a fundamental mistake to reduce the target
43. Communicate through print and electronic media (promotional material)
44. interfacing with communities through face to face interaction
45. Land claims mobile offices to arrive in October Month until December
46. Lodgment will be electronically
47. Engagements used to happen in the past with Land Claims Court
48. Slowness in finalization of claims
49. Lodgment of claims beyond Cut-off date
50. Provincial figure of 3000 claims by 1998
51. Assess how best we can conduct and operationalize our programmes
52. Five-year extension period is not sufficient
53. We would not necessarily see a significant number of claims being processed within the given period
54. For commission to be able to work on a claim, it is necessary for us to wait until we are certain
55. Necessary for us to wait until we are certain that we have received enough claims
56. This will assist us on the basis that when we do research we do not do it for a single claim, but we do it for some claims

1. Official for Monitoring and evaluation at Provincial Shared Service Centre

We do not necessarily have anyone sitting with us on the commission responsible for M&E, but the official is located in the Chief Directorate of Provincial Shared Service Centre, which is a sister branch of restitution appointed for monitoring and evaluation. They monitor our performance, but they do not necessarily perform the evaluation of policies.

2. Constant retraining of staff recruitment of staff as its time consuming to produce capacity

The commission remains to some degree small due to among others, a large staff turnover. A lot of trained and experienced researchers have left the commission for greener pastures after skills were transferred to them. Constantly we are retraining staff and recruiting more staff, but it is not easy. It takes a while before you produce a fully capacitated staff member.

3. Simplify means of communication

We try to simplify it especially for reopening we had means of communication in Afrikaans, Setswana, English, and IsiXhosa, except Khoi and Khwe languages. That is the reason why we the Commission will be visiting communities through Mobile Offices from October 2016 in an attempt to communicate closer to communities in their preferred language.

4. Don't have time for anything other than chasing our targets

Due to limited staff capacities, there is not enough time to develop and put into place policy framework which will have a long-term effect on the programme. We are bogged down work to achieve our targets. We do not have time for anything other than chasing our targets. However a dynamic approach is needed for instance after settling a claim we should be going back to a drawing board to take stock of lessons learnt, but there's no time because our main focus is on achieving our targets.

4. Thinly over-stretched staff

Like I said, we remain marginally small due to high staff turnover, and I must say that we are thinly over-stretched, because our area of staff or capacity focus as a Department is of scarce skills out there. You recruit people today and train them, within a short space of time they leave the Department and venture into greener pastures. As we speak, if you check

correctly, the staff that we used to have four to five years back has changed tremendously, either qualitatively or quantitatively. However, we are still in the mode of recruiting qualified people on the Department to fill gaps on some programmes.

5. Not evaluation but annual assessment

We did not perform an evaluation per se, but its where performance of the commission is being assessed annually with the settlement of the claims which is an operational issue. The only thing we normally have is policy discussions where we develop policies on how to operationalize our core business.

6. Very dodgy in that no time is adequate for restitution

Because restitution is a complex matter, no time will be adequate till it has been dealt with and closure have been found.

7. Another cut-off as a target and not leave it open ended is key

Come the day of closure after five years; we will not have necessarily completed the programme. However, it is important to have a cut-off date as a way to the target instead of leaving it open-ended and worked forever on it without measuring it.

8. Complying with government planning and reporting cycle

It is a structured reporting framework. For example, monthly reporting culminating into quarterly reporting, and making up annual reporting. This is one way of complying with the Government Planning and Reporting Cycle, which talks to planning, reporting, and budgeting. We also have standing quarterly review meetings which deal with the evaluation of the performance of the programme. During Branch monthly meetings, Branches also come together to discuss its performance on a monthly basis.

9. Planning, reporting, and budgeting

It is a structured reporting framework. For example, monthly reporting culminating into quarterly reporting, and making up annual reporting. This is one way of complying with the Government Planning and Reporting Cycle, which talks to planning, reporting, and budgeting. We also have standing quarterly review meetings which deal with the evaluation of the performance of the programme. During Branch monthly meetings, Branches also come together to discuss its performance on a monthly basis.

10. Dynamic approach is needed for settling claims and taking stock on lessons learnt
The problem that we have as the Department is that there is no enough time to develop and put into place such policy framework which will have a long-term effect on the programme. We are bogged down work to achieve our targets. We do not have time for anything other than chasing our targets. However a dynamic approach is needed for instance after settling a claim we should be going back to a drawing board to take stock of lessons learnt, but there's no time because our main focus is on achieving our targets.

11. It is very difficult to measure the impact of restitution today, even if you evaluate
It will be very difficult to measure the impact of restitution today, even if you evaluate, what is that you will be evaluating other than restitution projects rather than the overall restitution program. You cannot measure that because the restitution programme was completely flawed.

12. You cannot measure restitution implementation because the restitution programme was completely flawed

It will be a fundamental mistake to reduce the target for land restitution even if people are not taking the land as a claim but rather opt for financial compensation. The point is that people have lost touch with the land and have moved on with the focus on other sources of income and ways of sustaining their lives. We have lost our bearing somewhere because the mere fact that people are opting for financial compensation that means there won't be movement on the impact of giving the land back to people. In other countries like Eastern Europe they realized with industrialization, people tend to shift from traditional mode of agriculture or production into industries, then they said we can industrialise but ensured that when they allocate a claimant land, they allocate and ensure that claimants cultivate and keep a small livestock because that ensures that claimants do not entirely depend on wages and rather becomes sustainable in terms of food security and that's what South Africa should learn from international experiences. Rather than giving a big piece of restitution land back to people should rather subdivide and ensure the same international experiences and measures. The thinking was that when people are given land back they will work, produce and or develop it, but that is not what is happening. Then the other thing of financial compensation they should have rather considered the industry that the claimants are in and recapitalise their production, business or production.

13. People or claimants did not respond

When we started in 1994, it was for the period of 3 years. It has to be extended during that time because people or claimants did not respond or come forward to claim. There may be some reasons why people did not provide a response, and we suspect they may not have received the message or didn't have faith in the process, but there was an extension until 1998. Now the current situation in 2014 is that there was a re-opening, and the plan is that by 2015 many people who have missed out will apply. Legally speaking no further claims will be accepted beyond July 2019. In principle, this means that no other claims should be lodged or accepted after that date.

14. Claimants did not come forward to claim

One of the main reasons why the Commission is re-opening for restitution is that many people did not come forward, and this may have been as a result of commitment on their sides, not receiving a message, not trusting that the process would yield results or lead towards being given their land back.

15. In principle, no claims should be lodged or accepted after that date

We cannot repeatedly work on something that we do not get to finish. Accordingly, beyond the deadline, no claims should be lodged or accepted as the process is open now for claimants and not after the cutoff.

15. Time and again before they extend or even amend the Act, must evaluate the programme or legislation

We cannot review or amend the act without necessarily know the extent of which we went with the implementation of these laws. Hence, it is important that before we amend the legislation, we conduct an evaluation of such legislation to assess the extent of the achievement of its objectives.

16. It must be evaluated beyond 2019

I think it was supposed to have evaluated the programme or legislation time and again before they extend or even amend the Act. For now, one can say it must be evaluated beyond 2019.

17. Community involvement is not rigor and not well structured

This is because it takes place during an over-night visit by the minister for that time only and that is it. It is not a culture or habit in the Commission that we are for out in communities for their involvement in policy and/or programme development. So communities do not play a crucial role in policy making as they per expectation because all these developments concern them.

18. One re-opening in 2014 and others were extensions

Yes, we have had only one re-opening, and others were extensions as we were not able to meet deadlines and targets for the programme.

19. Not covered through publicity and less than expected

I think in the past we did not do well in covering the programme through publicity, and hence we delivered, or claimants were less than expected.

20. Information sessions with communities on Restitution Act

We used both print and electronic media. We used the opportunity of launching the consultation of the Restitution of Land Rights Bill in a community hall in Kimberley, followed by the second one in Hartswater and the surrounding areas. Third was in Upington. The fourth one was De Aar and Carnavon; then there was another one in John Taolo Gaetsewe in the Kuruman area. Through all these consultation processes we took promotional material such as posters and flyers on the amendment of the Restitution of Land Rights Act. We relied more on interfacing with communities through face to face interaction as we also left information with some them.

21. Communities informed about a free process

Our experience in the past is that when you have a third party in this process, those people create all sorts of problems. The danger of opening it up for stakeholders or individuals to do it on behalf of communities is where you get such individuals going to communities and say to them if you commit certain resources / exorbitant amounts of money I will do it on you behalf which doesn't have to be the case. It is an open free process which no body other than claimants has to benefit from. Remember we are looking at communities that have been dispossessed, we prefer communities or individuals to come to the forth to come and lodge claims. By doing so, we normally encourage

communities to call a community meeting and select amongst them or elect a structure that will represent the community. This we normally call a claimant committee which claims on their behalf of the community.

21. Land Claims Mobile offices

Mobile offices will arrive in October Month to December of this year (2015). We have already drafted a schedule on when and where will it be operating.

22. Target to remote areas

The 10th October it will be a launch of this mobile office in Carnavon and spend a week in the said area, and later move to other areas throughout the Province.

23. Target to remote areas

We intend covering the whole Province. Although there will be times when well be in town settings.

24. Claimants to wait where they are we will come to where they are located

Before the re-opening, there was consultation on the Bill, which was aimed at amending some of the clauses in the Restitution of Land Act and the extension of the cut-off date. We also held information sessions and informed people about additional judges that will be appointed to the Land Claims Court to ensure faster the processing of finalization of claims. Communities were also informed about the fact that the process will be a free one because we realized that there were self-appointed consultants who claimed to be working with Department in processing Claims and defrauding the claimants. We also told them that there will be mobile offices which will be doing the rounds in the Province to allow people to make their claims with the target to remote areas so that they don't have to bother about coming to Kimberley, meaning they will have to wait where they are we will come to where they are located. We also informed them about the necessary documents that are needed for lodging the claim and the process it will take to either research or process the claim.

25. Media engagement like, sessions on e.tv

We have media engagements for awareness purposes like the e.tv on a weekly basis so that we reach as many people as we can during this re-opening of the restitution.

26. No enough time to develop and put into place policy evaluation framework

We will love to have a policy evaluation framework on which to operate for restitution, but time is not on our side as we have limited staff and chasing targets.

27. Reference meetings with the Khoi and San people are still going

There are sessions that the Minister normally undertake with various sections of communities that can be viewed as role players, for instance engaging academics on the subject matter because they do research in restitution. There are also sessions on e.Tv whereby the minister time and again engage with various stakeholders on some issues having to do with land reform, including restitution with farmers unions, academics, NGO movements, claimants, politicians, etc.

28. They were given assignments & supposed to report back

Reference meetings with the Khoi and San people are still going because they were given assignments and they are now supposed to be reporting back on those assignments. It is difficult to say if there are good lessons or not but what we have been getting throughout is not necessarily more of land issues but rather issues of Chieftainship, jurisdiction etc. but maybe when the Minister is done with the reference group there may be good lessons but at this point as we speak they don't come out very clearly to make an objective judgement. May be there could be lessons but at this point time if you listen to what have been raised so far are main concerns which make it sound like the Act was not amended and extension was granted mainly for them.

29. Premise of Restitution Act was a political response to the land question

The problem is the premise of Restitution Act that it was a political response to the land question. The assumption was that land ownership is skewed, and government came up with restitution legislation to address the problem. What went wrong is that was more of a top-down approach instead of a bottom up approach. Meaning evaluation of what was to be dealt with about restitution would have been helpful.

30. What went wrong is that was more of a top-down approach instead of a bottom up approach.

The problem is the premise of Restitution Act that it was a political response to the land question. The assumption was that land ownership is skewed, and government came up

with restitution legislation to address the problem. What went wrong is that was more of a top-down approach instead of a bottom up approach. Meaning evaluation of what was to be dealt with about restitution would have been helpful.

31. Wasn't also proper consultation internally so that we can better advise the government

There are so many things that can be explored as options. Most of us as officials in the Department in various Provinces were not happy about re-opening because there wasn't also proper consultation internally so that we can better advise the government on the route to be taken in handling restitution. The process was driven more from the top and handled more politically without administrative advice. We have also done our part as officials in observing whether is the restitution process working or not working, and we realized that it was not working. When you deal with communities you have a wide range of issues, be it political, be it education or a grassroots structure, etc., communities will never be one thing and cannot be treated the same. Fundamental to this re-opening is that it was due to land restoration through restitution, but of late people are no longer interested in the land. All they want is financial compensation. Financial compensation should not have been there from the very on set. Having being exposed to these type of work and my experience in the Department, many people were left out in the restitution process, but re-opening was not a viable option. The government should have also not even promoted or opted for financial compensation as one option. Rather as people are claiming, their sources of income should have been looked into and recapitalized it. That would have been perhaps strengthening and sustaining people's livelihoods such if all you are running a certain business and your claims is successful, your business is recapitalized, or if you are a farmer we assist in expanding and strengthening your farming method, etc. So government should have considered a need assessment of claimants and/or communities before processing a claim.

32. The process was driven more from the top

The problem with this re-opening problem is that it was driven more politically from the top without engaging officials internally so that we advise better on the approach that must be taken moving forward. Hence, we say that re-opening was not a viable option for now as we still dealing with the finalization of old claims.

33. Process was handled more politically without administrative advice

It will be a fundamental mistake to reduce the target for land restitution even if people are not taking the land as a claim but rather opt for financial compensation. The point is that people have lost touch with the land and have moved on with the focus on other sources of income and ways of sustaining their lives. We have lost our bearing somewhere because the mere fact that people are opting for financial compensation that means there won't be movement on the impact of giving the land back to people. In other countries like Eastern Europe they realized with industrialization, people tend to shift from traditional mode of agriculture or production into industries, then they said we can industrialise but ensured that when they allocate a claimant land, they allocate and ensure that claimants cultivate and keep a small livestock because that ensures that claimants do not entirely depend on wages and rather become sustainable in terms of food security and that's what South Africa should learn from international experiences. Rather than giving a big piece of restitution land back to people should rather subdivide and ensure the same international experiences and measures. The thinking was that when people are given land back they will work, produce and or develop it, but that is not what is happening. Then the other thing of financial compensation they should have rather considered the industry that the claimants are in and recapitalize their production, business or production. That is why it is very difficult to measure the impact of restitution today, even if you evaluate, what is that you will be evaluating other than restitution projects rather than the overall restitution program. You cant measure that because the restitution programme was completely flawed.

34. Lot of people were left out in the restitution process, but re-opening was not a viable option

There are so many things that can be explored as options. Most of us as officials in the Department in various Provinces were not happy about re-opening because there wasn't also proper consultation internally so that we can better advise the government on the route to be taken in handling restitution. The process was driven more from the top and handled more politically without administrative advise. We have also done our part as officials in observing whether is the restitution process working or not working, and we realized that it was not working. When you deal with communities you have a wide range of issues, be it political, be it education or a grassroots structure, etc., communities will never be one thing and cannot be treated the same. Fundamental to this re-opening is that

it was due to land restoration through restitution, but of late people are no longer interested in the land. All they want is financial compensation. Financial compensation should not have been there from the very onset. Having being exposed to these type of work and my experience in the Department, many people were left out in the restitution process, but re-opening was not a viable option. The government should have also not even promoted or opted for financial compensation as one option. Rather as people are claiming, their sources of income should have been looked into and recapitalized it. That would have been perhaps strengthening and sustaining peoples livelihoods such if all you are running a certain business and your claims is successful, your business is recapitalized, or if you are a farmer we assist in expanding and strengthening your farming method, etc. So government should have considered a need assessment of claimants and/or communities before processing a claim.

35. It will be a fundamental mistake to reduce the target

It will be a fundamental mistake to reduce the target for land restitution even if people are not taking the land as a claim but rather opt for financial compensation. The point is that people have lost touch with the land and have moved on with the focus on other sources of income and ways of sustaining their lives. We have lost our bearing somewhere because the mere fact that people are opting for financial compensation that means there won't be movement on the impact of giving the land back to people. In other countries like Eastern Europe they realized with industrialization, people tend to shift from traditional mode of agriculture or production into industries, then they said we can industrialise but ensured that when they allocate a claimant land, they allocate and ensure that applicants cultivate and keep a small livestock because that ensures that claimants do not entirely depend on wages and rather becomes sustainable in terms of food security and that's what South Africa should learn from international experiences. Rather than giving a big piece of restitution land back to people should rather subdivide and ensure the same international experiences and measures. The thinking was that when people are given land back they will work, produce and or develop it, but that is not what is happening. Then the other thing of financial compensation they should have rather considered the industry that the claimants are in and recapitalise their production, business or production. That is why it is very difficult to measure the impact of restitution today, even if you evaluate, what is that you will be evaluating other than restitution projects rather than the overall restitution program. You cant measure that because the restitution programme was completely flawed.

36. Communicate through print and electronic media (promotional material)

We used both print and electronic media. We used the opportunity of launching the consultation of the Restitution of Land Rights Bill in a community hall in Kimberley, followed by the second one in Hartswater and the surrounding areas. Third was in Upington. The fourth one was De Aar and Carnavon; then there was another one in John Taolo Gaetsewe in the Kuruman area. Through all these consultation processes we took promotional material such as posters and flyers on the amendment of the Restitution of Land Rights Act. We relied more on interfacing with communities through face to face interaction as we also left information with some them.

37. Interfacing with communities through face to face interaction

Not only will we engage communities electronically, but we'll also be moving around the province to interface with communities.

38. Land claims mobile offices to arrive in October Month until December

Mobile offices will arrive in October Month to December of this year (2015). We have already drafted a schedule on when and where will it be operating. The 10th October it will be a launch of this mobile office in Carnavon and spend a week in the said area, and later move to other areas throughout the Province.

39. Lodgment will be electronically

For those that we may not reach them in time that they want to process their claim, they may lodge the claim electronically also. This is one way of cutting and managing costs of our people being hasty and coming to Kimberley to lodge their claims.

40. Engagements used to happen in the past with Land Claims Court

There are limited engagements recently between the Commission and the Land Claims Court, unlike in the past where it was a usual thing to do to fast track our work

41. 5 year extension period is not sufficient

Five year extension period is not enough, and we would not necessarily see a significant number of claims being processed within the given period because we were advised to trade very carefully because some if not most of these claims affect the bigger area. For the commission to be able to work on a claim, it is necessary for us to wait until we are

certain that we have received enough claims before we can proceed with the claim. For example, if there a claim on a given area, it will have to wait until between 10 – 40 claims have been made before we can start a claim process. This will assist us on the basis that when we do research we do not do it for a single claim, but we do it for some claims so that we do not have to re-invent the wheel whenever we receive a single claim. This is because the circumstances are mostly similar to this claim and if we are to receive a single claim and action research today, and receive another claim with the same circumstances next month it will be difficult for us to action the research because it will be a duplicate. We will, therefore, use the minimal capacity to cover a large number of claims.

CODING

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

Interview 1

Category	Data	Codes
Experience	Have been in the NGO: ANCRA, affiliate of land commission for 4 years before the organisation closed down and I have been working on this Programme Manager in the programme: for 3 years.	• Relevant experience with qualification
Understanding of policy evaluation	Policy have to be evaluated from time to time regard to restitution, there has been an admission that as government we have not been accommodative to policy evaluation, and as a result there hasn't been many extensions and an amendment since the Act was promulgated except recently where there has been re-opening which were preceded by engagements. Let me indicate that land restitution is a national competency therefore rests with the Minister and Provinces are the implementers. The Department's mandate was extended to include rural development and land reform but more in support of what the national department does. It is called post settlement support is what the province does in support of the	• Policy evaluation need to be done constantly • Lack of evaluation • Re-opening with community engagements • Extension of Department's mandate • Engagement with aboriginals • Re-opening of claims until 2019 • Take lessons learnt • Roles of other

	national government. The Khoisan dialogue and summit were the engagement where the department was involved in, which emanated from the reopening of lodgement of claims from now until 2019. There are developments into amending the restitution act to accommodate or also as part of the lessons learnt in terms of what had transpired, whether it was sufficient and to address other questions that resulted in land holding institution v/s traditional authority v/s municipalities land, what are their roles or how they need to synergise their relations. In terms of review there are lessons learned though not captured recently. On the aspect of evaluation, the aspect of the two summits are part of the government evaluation of the policy because of the realisation of the fact that there were people who were excluded of the initial act or the exclusion of the Khoisan.	stakeholders • Summit is evaluation
Policy evaluation framework	There is no framework or parameters set as to how to evaluate the programme or policy	Absence of policy evaluation framework or systems
Dedicated personnel in	We develop Annual Performance Plan (APP) and developed Operational Plan in	• Evaluation linked to Annual Performance

the department to evaluate the restitution policy	order for us to implement and get evaluated on our performance by the legislature and portfolio committed on Agriculture on a quarterly basis. Internally there are programmes like the Chief Directorate on Monitoring and Evaluation which evaluates our performance.	Plan and Operational Plan • Internal Monitoring and Evaluation Chief Directorate evaluates performance
Evaluation of Restitution Policy or Programme implemented for re-opening and/or extensions	There has not been any type of systematic intervention or evaluation other than the department relying on researchers to assist the department with the identified gaps and challenges.	• Systemic evaluation • Gaps and Challenges identification
Role players in evaluating the performance	In terms of Annual Performance Plan (APP) we conduct review and improve on the good work that we have been doing or fill the gaps that have been there. Restitution is a complex and can never say it can be addressed over 5 year or 10 years period. My understanding is that the government may evaluate whether people have been sufficient lodgement and challenges have been address and may see later on re-opening in that not all people have come forward or claimed, therefore it can be an open and close case. It is a complex situation in that restitution may not be able to be	• Performance evaluation and enhancement • Restitution is complex • Five years is inadequate • Non-correspondence between pace and time frame of land reform • Policy limitations

	addressed with a particular time frame. If you remember we have a target of 30% in 2014 but we are less than 30% that was targeted in that we are at 4% and issues to be looked at is the constitution constraint which talks to property clauses with limitations as we have received lot of calls from societal institutions saying the policy implemented in compensation of restitution is limiting with <i>willing buyer will seller</i> which has limited the department in terms of restoring land to communities that have been robbed of their land during the era of colonisation. There has been preferred options where people opted to take financial compensation instead of land ownership and government fails to achieve targeted number coz communities are given an option to get financial compensation instead of restoration. In the new lodgement the policy makes provision for ceremonial right and can't remove people currently living in a particular piece of land where people are currently resident therefore people will be given ceremonial right thereon of the fact that they have been disposed from their original land.	• Policy options and policy choices •
Active role players on	• Performance and Evaluation Unit • Chief Directorate Agriculture	• Government institutions

evaluation	Development Services • Directorate Rural Development and Reform • Directorate Farmer Settlement • Service Delivery Forum • Portfolio committee on Agriculture, Land Reform and Environmental Affairs • Parliament and Provincial Legislature Executives: Imbizos called oversight or EXCO, National Council of ProvincC and Portfolio committee on Agriculture, Land Reform and Environmental Affairs oversight.	• Service delivery Forum
Knowledge of people about Restitution	Yes we do in terms of service delivery forums where the department takes stock of problems / challenges and map the process forward. Annexure E is monitoring tool that indicates what we need to do to reach a desired outcome for communities so constantly annually evaluate and monitoring. We have to ensure that communities benefit from the transformation undertaken by government.	• Service delivery forums • Constant communication with communities
Relationship between the	We only give support as this resides with the land claims commission. However the	• Capacity constraints

department of Agriculture, Land Reform, the Commission on Restitution of Land Rights and the Land Claims Court?	MEC has indicated that we need to work together and rely on the Commission to come back to us and the Commissions has capacity constraint but the MEC has decided that the department can assist land reform as we have enough staff to enhance the programme of the commission. The national office has mobile lodgement unit which is used by the three provinces of NC , WC and FS which have joined to facilitate and fast track the programme since April 2015. We assist where there is a need, in that the department is implementing the policy as this is a separate institution therefore don't have direct relationship with the court but assist the communities where the department has available resources to either access or to bring the matter before court. We are closest to communities in that they only know the department of Agriculture, therefore come to us and get referred to the relevant person. Disputes also are rushed to the MEC office	• National Office • Mobile lodgement Office • Shared between NC, WC, FS • No direct relationship with the Land Claims Court • Closer to communities • Community land claim complaints brought to MEC
Different types or models of evaluation	Department of Rural Development and Land Reform could be of assistance hereof. The acknowledgement on the challenges / gaps that have been there and unfortunate cant refer you to a particular report but there has been	• Intervention to the identified gaps and challenges • No point of reference

	reflections on those gaps and challenges, as you would have heard the utterance from the minister from time to time on challenges and failures with regard to land reform policies as it is.	
Amendment of the act and at stage of involving the communities	Legislative process / policy review would be as a result of action or reaction through challenges brought through functions such as engagements by the communities through challenges experience by the communities. Therefore the process of law amendments does involve communities. Even through proposed amendment they would be taken through general process and seek support or add views in terms of proposed amendment. The fundamental issue of amendment is consultation therefore there can't be amendment without consultation, I mean recently there have been consultations with communities in roodepen, greenpoint and douglas to raise awareness in land issues	• Action oriented Legislative process / policy review • Policy consultation process • Land awareness program
Role Players in Community engagement	Your audience would differ depending on the communication of the meeting and various stratas, viz NGOs and Community Property Associations and general public.	• General public and organized formations
Driver of Departmental	Target are informed by historical nature of the situation. It's part of government policy	• Research based land restoration

Target per year	to restore land to the previous owners therefore research was conducted extensively. Community elders were engaged extensively. The information comes from researchers. It starts from 1913 land act and there were consultation with various communities and farmers were involved too. Target informed by history of our country which emanates from extensive research.	• Researchers are sources of information
Role of surveys and/or dialogues on targets	It's with regard to post settlement. The lodgement therefore is the mandate of the department of rural development and land reform and the ruling party. There were extensive political interactions hence the need to reopen the lodgement. Our intervention in the province is that we have a record of about 30 communities as there would be family claims and those opted for financial compensation. We looked at what we had on record (30) and address the challenges that settlement and engagement communities to get post settlement support. We continuously update our data as the claims get settled by rural development then engage communities to provide post settlement support.	• Extensive political interactions • Address challenges • Continuously update of claims data base

Knowledge of Staff dealing with restitution	Strongly agree	
Duration takes to open lodgement of claims is sufficient	It takes the duration of 5 years to open and settle claim	Duration of 5 years to open and settle claim
Language used relates to the spoken languages locally	Yes there is citizens manual on language therefore would say the language is relevant to the communities including the Khoisan	• Citizen manual on language

CODING

DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

Interview 2

Category	Data	Codes
Evaluation is time to time event	In line with our with our case we set targets annually for projects that we want to get involved with, therefore we necessitates planning session on work done and gaps that are there as well as requisites intervention should be, which is an annual event. Ones that has been done, each official draws targets broken down into quarters, provide support to CPA's, 20 broken down into quarters by dividing it into 5, meaning 5 per quarter. Internally both at Directorate level we report on a quarterly activities on what has been achieved and on the possible gaps. We then report to the Chief Directorate for overall performance of the Directorate. Thereafter, we are assessed at the Chief Directorate level by the Programme Monitoring and Evaluation on how we have contributed to the broader performance of the Department.	• Evaluation is a constant process • Happen between planning and implementation • Performance information on quarterly basis
Khoisan Summit	Khoisan summit had a number of outcomes by providing a platform to	• Dialogues or

	different Khoisan groups and communities who are spread around the Province and the Country to be under one roof and talk to government and separate entities in relation to their needs. The intended outcome was to formalize and streamline communication to government. It was also recognition by government that it was one of the communities or groups that were neglected or never considered for claims when the cut-off date for the initial date was made. A working group emerged to work with the Minister and Presidency on the amendment of the Act and the extension for the lodgment of claims for the period of five years ending on the year 2019.	consultation session • Formalize and streamline communication • Recognition of neglected / excluded groupings
Involvement of the Researchers	Research is not in our terrain, it is the responsibility of the Commission because they have researchers in the Commission	• Not our terrain
Five years not enough in meeting restitution needs	I'm not proposing anything but land is a burning issue where by it is a small cake that has to be shared and which is not necessarily enough to divide or give to everybody who needs or claim for land restitution. Hence giving financial compensation is one option or buy	• Non-correspondence between targets and delivery • Financial compensation fails to move target

	alternative land which is also failing because you will find in many case that such pieces of land that you may be identifying to buy for the given community is being claimed by a certain trust, individuals or communities as theirs or identified for township establishment. The intention is to balance the scale by having some restoration or closure on matters or in balancing the scale because if it is not managed properly it can get out of hand like in any other counties. To what extent would restitution go in terms of time one can never be sure. So 5 year target or period is an endeavor by government to manage the process so that after five years we sit and assess how far have we gone in achieving our set target so that we are able to balance the equation. Government therefore needs to evaluate restitution programme to check to what extent it is achieving its restitution objectives. Even with the current lodgment we do the check out in terms of the claims which one need to be attended to urgently or at times they may fall beyond the set time frame to be resolved.	• Difficult to measure the impact of restitution • Need to measure or evaluate impact as per extension • Expand capacities to meet time frames
Effectiveness community structures	With community structures like CPA's depends on those that you working with, there's no uniformity. Through this	• Disparities in CPA capacities • Community issues

	programme CPA are supposed to be voluntary organisations but you will find that are people who are employed or unemployed. Inherently community issues come to play in most instances which affects the functionality of CPA's. because of the lack of support to the CPA's by the government, CPA's end up not having programmes and becomes dysfunctional or disintegrate because of the lack of role that people need to play. Government don't support people and this affect CPA in rolling out its programmes, how to develop and work the land. CPA only become functional when government brings programmes to them, meaning people have lost touch with government themselves as communities or running their community programmes / projects in developing their land.	affect functionality of CPA's • Roll capacity building programmes • CPA depends on government for development
Dispute resolution	Depending on the nature of the dispute by the individual or communities, disputes are normally referred to the Executive Authority or the external mediator. The Parties at times goes the legal route of interdicting each other over dispute for land. The political office always intervene and mediate in providing leadership by resolving conflict between the communities.	• Community disputes are dealt with by Court or Executive Authority • Political intervention • Mediate community conflict resolution

Restitution claims go via the land claims court	I'm not aware of the restitution land claims matters that have been referred to the land claims court, but mostly disputes are referred to the regional Department of Land Reform and Rural Development. It's only on the new legislation that the land claim will be referred to the Land Claims Court.	• Rarely refer restitution land claims to the land claims court • Mostly disputes are referred to the regional Department of Land Reform and Rural Development

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DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

Interview 3

Category	Data	Codes
1. Set targets annually	Ones we have populated our annual performance plan (APP) and the targets have been set, we conduct what we call quarterly reviews and a unit called Programme, Performance, Monitoring and Evaluation (PPME) will evaluate on whatever we have achieved as targets which have been broken down on quarters. This means each programme have to account on the set targets per annum, if such targets have not been achieved, what are the remedial action. Where there's under achievements, such targets may become accumulative over the following quarter. Other than quarterly reviews, we also have what is called service delivery forums chaired by the Head of Department where we evaluate the overall performance of the Department which gives us an opportunity to evaluate not only our work as a programme but the achievement of the overall set targets of the Department. All in all, this will necessitates planning session on work done and gaps	• quarterly reviews • account on the set targets per annum • remedial action • under achievements • targets may become accumulative • service delivery forums • evaluate the overall performance • necessitates planning session • requisite intervention

	identified, requisite intervention which is an annual event, targets broken down into quarters, report on quarterly activities on what has been achieved and possible gaps	
2. Number of outcomes	For now we are told we must spend prudently which is smart. The set targets are linked to the budget. Therefore the availability of funds tend to also determine the outcomes. The need can be big but we just have to deliver within the limited availability of resources. Targets are also set progressively in order to increase the number of outcomes annually. Meaning, targets are increased annually and therefore the outcomes will also increase annually.	• spend prudently • targets are linked to the budget • availability of determine the outcomes • Targets are set progressively or increased annually • the outcomes must also increase.
3. Providing a platform to different Khoisan groups and communities	The land claims was and is still an open process. We have two KhoiSan communities in the Province, one being at Plaatfontein and the other one at Kgalagadi in the Kalahari. The one in Plaatfontein there have been a move to integrate them into the broader nearby communities like Galeshewe after being settled in Plaatfontein some few years ago. The same applies to the ones in Kgalagadi, we are directly involved in the task team with the administrator that has	• open process • continuous intervention of creating a platform • not a smooth sailing process • meet frequently to assess progress

	been appointed to look at the regularization of their land holding institution (CPA), the task team also look at ensuring that the land that they claim or that they will be given what will it be utilized for. This is a continuous intervention of creating a platform for the Khoisan communities to engage in a dialogue of claiming their land back. However, due to community internal conflict, this is not a smooth sailing process and an administrator has been appointed for such purposes. Therefore the task team as led by the administrator, will meet frequently to assess progress and devise a way forward	
4. Research capacities to support land restitution process	We have no dedicated personnel focusing on researching land restitution matters. We are one Department with the Commission of Land Restitution and therefore complement each other. If at all there's a need for researched work from the Commission there can always be official way of accessing such reports.	• no dedicated personnel focusing on researching land restitution matters • one Department with the Commission of Land Restitution • official way of accessing such reports
5. Advise claimants or	Ours is not to deal with the lodgment of the claims, but rather to provide post	• Do not to deal with the lodgment of the

communities to take compensation or land when claiming for restitution	settlement support. Once there's a settlement, we will be coming in with our post-settlement support programmes. However, the process of land restitution does make provision for land compensation and land restoration which is normally the process handled by the Commission of Land Restitution and the Regional Department of Land Reform and Rural Development (Shared Services). We don't normally get involved on what communities should choose or not choose when they claim for their land. We only assist those communities that have opted for land restoration.	claims • Develop communities settled or restored back to land
6. Extent or time will government spend on restitution	There is a re-opening as we speak up until 2019. I think up until that time (2019), the process would tell when we arrive at that point what needs to happen next. Much as time is a factor and there's also a need for land we are not sure if there will be a need for another re-opening or restitution will be closed for finality. May be after five years an evaluation will have to be conducted to determine the state of restitution.	• Evaluation is needed to determine the next step • After implementation an evaluation will have to be conducted • Determine the state of restitution
7. Uniformity in dealing with settlement	There's no one size fits all approach. After a community has been settled, the first point of entry is to determine what	• no one size fits all approach

support	the needs of communities are. Beyond that, we will therefore shape our intervention around those needs and developmental requirements.	
8. Community engagement	We take a structured approach when engaging communities, whereby mostly CPA's are our entry point as statutory bodies with responsibility to hold land on behalf of communities or beneficiaries. We take it as given that they are duly representatives of communities and therefore engage them on behalf of communities. Through the Constitution of CPA's they must serve for the term of 3 years, which we assume that that the people who puts the CPA to power to is the beneficiaries if not communities. This also happens when we need to meet the rest of the community, we do it via the CPA, we do not come and meet the community alone but the CPA mobilizes and facilitates the community on our behalf.	• structured approach when engaging communities • CPA's are our entry point • Don't meet communities without its leaders • CPA's mobilizes and facilitates the community meetings on our behalf
9. Proper capacity building for CPA's	I would say yes because ours is an open engagement and capacitation of CPA through our normal governance training manual. Now CPA's differ from one another in relation to capacities because they are by nature voluntary organisations. Others you will find that	• Capacitation of CPA through governance training manual • Their functionality differ

	people who have been elected are senior citizens who may be slow in doing things and other CPA's have professionals and understand development terrain. So their functionality will also even differ from one CPA to the other. So where there is a need for capacity building we do try to organize and intervene which is also mostly not sufficient given the disparity on the skills of people serving on the CPA.	
10. Disputes by communities	CPA's are statutory bodies which have to account the Director General of the Department of Rural Development and Land Reform. If disputes arises and report to us, we appoint a mediator and a task team to investigate the matter and then from there on well decide what must happen pending on the weight of the matter. At times this matters come via the Executive Authority of the Department and of course we will be given a clear advise and instruction on the level and type of intervention to the community.	• If disputes arises and report to us, we appoint a mediator • Task team investigate the matters • Investigation report gives a way forward
11. Land claims matters that are referred to claims	There's none so far. The land claims court operates like any other court. It has jurisdiction over all land claim matters. The court apply the law on the validity of	•

court as a mediator	the claim etc. There's what is called Section 42 where by the Minister can resolve the matter and settle the claim without being referred to the court. The Court is there to mediate especially where there are disputes.	

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DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

Interview 4

Category	Data	Codes
Brief Overview of the Study	This is a study on an evaluation framework for the land restitution policy in South Africa, the case of the Northern Cape Province. It can be said that since 1994 democratic South African dispensation, there has been an apparent vested confidence on policy systems to transform, among others, the land ownership patterns. O'Sullivan (2011:7-8) states that "the restitution programme is seen as the most successful of the tripartite land reform programme with restitution complete in officially registered urban claims although there are many, more complex, rural claims outstanding. Furthermore, a major criticism of the policy approach by the South African government is the continued exclusion of the voices of the poor from policy formulation and implementation process; that those who are most affected by the policy are the most excluded". The Restitution of Land Rights Act, 22 of	

	1994 may have yielded some restoration of some land claims. However, some of the historically well-known groupings in South Africa such as the Khomani San may be claimants of restitution that are still crying foul of the process. According to Tolsi (2012:2), the Minister of Agriculture Ms. Tina Joemat-Pettersen reported that “an extra R2.3-billion was pumped into the restitution programme to deal partially with the backlogs. The decision will be considered a significant victory for the Khoi-San communities that have been gaining socio-political momentum since 2009 United Nations declaration that they were the aboriginal inhabitants of Southern Africa”. Moreover, in his State of the Nation Address of 14 February 2013, President Jacob Zuma states that “there are proposed amendments to the Restitution of Land Rights Act, 22 of 1994 to provide for the re-opening of the lodgement of restitution claims, by people who missed the deadline of 31 December 1998. The President further emphasised that what is to be explored are exceptions to the June 1913 cut-off date to accommodate claims by the descendants of the Khoi and San as well as heritage sites and historical landmarks” (South African	

	Government Information). The evaluation of restitution policy framework can be useful in identifying the shortcomings of the restitution policy which led to the re-opening or review of the restitution policy, which is of fundamental interest for the study. The Diamond Field Advertiser (2012:8) reported that the Grootkop family who was evicted from their land in 1959 by the apartheid government, went to the Claims Court by 27 March 2011 to claim their land and were told that the claims were closed as from 31 December 1998". The timeframe for restitution in the White Paper on land policy was 18 years in total. A period of three years from 1 May 1995 was set aside for eligible claimants to lodge their claims, later extended to a final deadline of 31 December 1998 (Hall 2003:2-3). Public policy process can be viewed as generally complex which occurs in a rapidly changing and turbulent environment characterized by uncertainty, and may involve mutual or conflicting interests. Thus, those responsible for crafting, implementing, evaluating and/or reviewing public policies must consider the involvement	

	of many complementing and competing interests in an endeavor to achieve the set policy objectives within a given time frame. The rationale for such a comprehensive involvement of different actors is the facilitation of finding of all ill-defined problem areas and situations that usually may not well be understood by all affected parties.	
Understanding of policy evaluation	Policy have to be evaluated from time to time but concerning restitution, there has been an admission that as government we have not been accommodative to policy evaluation, and as a result there hasn't been many extensions and an amendment since the Act was promulgated except recently where there has been re-opening which were preceded by engagements, .for example, there was a Khoisan dialogue in 2013 and land summit held last year September. Let me indicate that land restitution is a national competency. Therefore, rests with the Minister and Provinces are the implementers. The Department's mandate was extended to include rural development and land reform but more in support of what the national department does. It is called post-settlement support is what the	•

	province does in support of the national government. The Khoisan dialogue and summit were the engagement where the department was involved in, which emanated from the reopening of lodgement of claims from now until 2019. There are developments into amending the restitution act to accommodate or also as part of the lessons learnt in terms of what had transpired, whether it was sufficient and to address other questions that resulted in land holding institution v/s traditional authority v/s municipalities land-what are their roles or how they need to synergise their relations. Regarding the review, there are lessons learned though not captured recently. On the aspect of evaluation, the aspect of the two summits is part of the government evaluation of the policy because of the realisation of the fact that there were people who were excluded or amendment of the initial act or the exclusion of the Khoisan.	
policy evaluation framework	There is no framework or parameters set as to how to evaluate the programme or policy	•

Dedicated personnel in the department to evaluate the restitution policy	We developed Annual Performance Plan (APP) and developed Operational Plan for us to implement and get evaluated on our performance by the legislature and portfolio committee on Agriculture on a quarterly basis. Internally there are programmes like the Chief Directorate of Monitoring and Evaluation, which evaluates our performance.	•
	Evaluation of Restitution Policy or Programme implemented for re-opening and/or extensions I do not think systematically there has been that type of intervention or evaluation other than the department relying on researchers to assist the department with the identified gaps and challenges. Regarding APP, we conduct a review and improve on the good work that we have been doing or fill the gaps that have been there. Restitution is a complex and can never say it can be addressed over five year or 10 years period. My understanding is that the government may evaluate whether people have been sufficient lodgement and challenges have been addressed and may see later on re-opening in that not all people have come forward or claimed. Therefore, it can be an open	•

	and close case. It is a complex situation in that restitution may not be able to be addressed with a particular time frame. If you remember we had a target of 30% in 2014 but we are less than 30% that was targeted in that we are at 4% and issues to be looked at is the constitution constraint which talks to property clauses with limitations as we have received lot of calls from societal institutions saying the policy implemented in compensation of restitution is limiting with willing buyer will seller who has limited the department in terms of restoring land to communities that have been robbed of their land during the era of colonisation. There has been preferred options where people opted to take financial restitution instead of land ownership and the government fails to achieve targeted number because communities are given an option to get financial compensation instead of restoration. In the new lodgement, the policy makes provision for ceremonial right and can't remove people currently living in a particular piece of land where people are currently resident therefore people will be given ceremonial right thereon of the fact that they have been disposed of their original	

	land. i.e. Kuruman where the Chiefs are saying the whole land of Kuruman belongs to them. I also know example of Pretoria where some communities are claiming the whole of. The policy makes provision that the government will have priorities development in areas where rather such claimants are currently located or living.	
Role players in evaluating the performance	• Performance and Evaluation Unit • Chief Directorate Agriculture Development Services • Directorate Rural Development and Reform • Directorate Farmer Settlement • Service Delivery Forum • Portfolio Committee of Agric, Land Reform, and Environmental Affairs • Executives: Imbizos called oversight or EXCO, National Council of Province and Portfolio Committee on Agriculture, Land Reform and Environmental Affairs oversight.	•
Active role players on	Yes, we do ito of service delivery forums where the department takes stock of	•

evaluation	problems / challenges and map the process forward. Annexure E is monitoring tool that indicates what we need to do to reach the desired outcome for communities so constantly annually evaluate and monitoring. We have to ensure that communities benefit from the transformation undertaken by the government.	
Knowledge of people about Restitution	We only give support as this resides with the land claims commission. However the MEC has indicated in the last management process that we need to work together and rely on the commission to come back to us, and the commissions have a capacity constraint, but the MEC has decided that the department can assist land reform as we have enough staff to enhance the programme of the Commission. The national office has mobile lodgement unit which is used by the three provinces of NC, WC, and FS, which have joined to facilitate and fast track the programme since April 2015.	
The relationship between the department and the land claims	We assist where there is a need, in that the department is implementing the policy as this is a separate institution, therefore, don't have a direct relationship with the court but assist the communities	•

court?	where the dept has available resources to either access or to bring the matter before the court. We are closest to communities in that they only know the Department of Agriculture, therefore, come to us and get referred to the relevant person. Disputes also are rushed to the MEC office.	
	Different types or models of evaluation Department of rural development could be of assistance hereof. The acknowledgement on the challenges / gaps that have been there and unfortunate can't refer you to a particular report, but there have been reflections on these deficiencies and challenges, as you would have heard the utterance from the Minister from time to time on challenges and failures about land reform and policies as it is.	•
Amendment of the act and at stage of involving the communities	Legislative process / policy review would be as a result of action or reaction through challenges brought through functionaries such as engagements by the communities through challenges experience by the communities. Therefore, the process of law amendments does involve communities. Even through proposed amendment they	•

	would be taken through the general process and seek support or add views to proposed amendment. The fundamental issue of amendment is consultation therefore there can't be amendment without consultation, I mean recently there have been consultations with communities in roodepen, greenpoint and douglas to raise awareness in land issues	
Role Players in Community Engagement	Your audience would differ depending on the communication of the meeting and various states, viz NGOs and community property associations and the general public.	•
Driver of Departmental Target per year	Target are informed by historical nature of the situation. Its part of government policy to restore the land to the previous owners, therefore, research was conducted extensively. Community elders were engaged extensively. The information comes from researchers. It starts from 1913 land act, and there was consultation with various communities and farmers were involved too. Target informed by the history of our country which emanates from extensive research.	•
Role of surveys	It is about the posting settlement. The	•

and/or dialogues on targets	lodgement, therefore, is the mandate of the department of rural development and land reform and the ruling party. There were extensive political interactions hence the need to reopen the lodgement. Our intervention in the province is that we have a record of about 30 communities as there would be family claims and those opted for financial compensation. We looked at what we had on record (30) and addressed the challenges that settlement and engagement communities to get post-settlement support. We continuously update our data as the claims get settled by rural development then engage communities to provide post-settlement support.	
Duration takes to open lodgement of claims is sufficient	Yes five years is set aside	•
Language used relates to the spoken languages locally	Yes there is citizens manual on language, therefore, would say the language is relevant to the communities including the Khoisan	•

Evaluation is time to time event	In line with our with our case, we set targets annually for projects that we want to get involved with. Therefore, we necessitate planning a session on work was done and gaps that are there as well as requisites intervention should be, which is an annual event. Ones that has been done, each official draws targets broken down into quarters, provide support to CPA's, 20 broken down into quarters by dividing it into 5, meaning 5 per quarter. Internally both at Directorate level we report on quarterly activities on what has been achieved and on the possible gaps. We then report to the Chief Directorate for the overall performance of the Directorate. After that, we are assessed at the Chief Directorate level by the Programme Monitoring and Evaluation on how we have contributed to the broader performance of the Department.	•
Khoisan Summit	Khoisan summit had some outcomes by providing a platform to different Khoisan groups and communities which are spread around the Province and the Country to be under one roof and talk to government and separate entities about their needs. The intended outcome was to formalize and streamline	•

	communication to the government. It was also recognition by government that it was one of the communities or groups that were neglected or never considered for claims when the cut-off date for the initial date was made. A working group emerged to work with the Minister and Presidency on the amendment of the Act and the extension for the lodgement of claims for the period of five years ending in the year 2019.	
Involvement of the Researchers	Research is not in our terrain; it is the responsibility of the Commission because they have researchers in the Commission	•
Five years not enough in meeting restitution needs	I am not proposing anything, but land is a burning issue where by it is a small cake that has to be shared and which is not necessarily enough to divide or give to everybody who needs or claim for land restitution. Hence giving financial compensation is one option or buy alternative land which is also failing because you will find in many cases that such pieces of land that you may be identifying to buy for the given community is being claimed by a certain trust, individuals or communities as theirs or identified for township establishment. The intention is to	•

	balance the scale by having some restoration or closure on matters or in balancing the scale because if it is not managed properly, it can get out of hand like in any other counties. To what extent would restitution go in terms of time one can never be sure. So five-year target or period is an endeavor by the government to manage the process so that after five years we sit and assess how far have we gone in achieving our set target so that we can balance the equation. The government, therefore, needs to evaluate restitution programme to check to what extent it is achieving its restitution objectives. Even with the current lodgment we do the check out regarding the claims which one need to be attended to urgently or at times they may fall beyond the set time frame to be resolved.	
Effectiveness of community structures	With community structures like CPA's depends on those that you are working with, there's no uniformity. Through this programme, CPA are supposed to be voluntary organisations, but you will find that are people who are employed or unemployed. Inherently community issues come to play in most instances which affects the functionality of CPA's.	•

	Because of the lack of support to the CPA's by the government, CPA's end up not having programmes and becomes dysfunctional or disintegrate because of the lack of a role that people need to play. The government does not support people and this affect CPA in rolling out its programmes, how to develop and work the land. CPA only become functional when the government brings programmes to them, meaning people have lost touch with government themselves as communities or running their community programmes / projects in developing their land.	
Dispute resolution	Depending on the nature of the dispute by the individual or communities, disputes are normally referred to the Executive Authority or the external mediator. The Parties at times goes the legal route of interdicting each other over a dispute for land. The political office always intervenes and mediate in providing leadership by resolving the conflict between the communities.	•
Restitution claims go via the land claims court	I am not aware of the restitution land claims matters that have been referred to the land claims court, but mostly disputes are referred to the regional Department of Land Reform and Rural	•

	Development. It is only in the new legislation that the land claim will be referred to the Land Claims Court.	
Set targets annually	Ones we have populated our annual performance plan (APP) and the targets have been set; we conduct what we call quarterly reviews and a unit called Programme, Performance, Monitoring and Evaluation (PPME) will evaluate on whatever we have achieved as targets which have been broken down into quarters. This means each programme have to account on the set targets per annum, if such targets have not been achieved, what are the remedial action. Where there's under achievements, such targets may become accumulative over the following quarter. Other than quarterly reviews, we also have what is called service delivery forums chaired by the Head of Department where we evaluate the overall performance of the Department which gives us an opportunity to evaluate not only our work as a programme but the achievement of the set overall targets of the Department. All in all, this will necessitate planning session on work was done, and gaps identified, requisite intervention which is an annual event, targets broken down	•

	into quarters, report on quarterly activities on what has been achieved and possible gaps	
Number of outcomes	For now, we are told we must spend prudently which is smart. The set targets are linked to the budget. Therefore, the availability of funds tends to also determine the outcomes. The need can be big, but we just have to deliver the limited availability of resources. Targets are also set progressively to increase the number of outcomes annually. Meaning, targets are increased annually and therefore the outcomes will also increase annually.	•
Providing a platform to different Khoisan groups and communities	The land claims were and are still an open process. We have two KhoiSan communities in the Province, one being at Plaatfontein and the other one at Kgalagadi in the Kalahari. The one in Plaatfontein there has been a move to integrate them into the broader nearby communities like Galeshewe after being settled in Plaatfontein some few years ago. The same applies to the ones in Kgalagadi, we are directly involved in the task team with the administrator that has been appointed to look at the regularization of their land holding institution (CPA), the task team also look	•

	at ensuring that the land that they claim or that they will be given what will it be utilized for. This is a continuous intervention of creating a platform for the Khoisan communities to engage in a dialogue of claiming their land back. However, due to internal community conflict, this is not a smooth sailing process and an administrator has been appointed for such purposes. Therefore, the task team as led by the administrator will frequently meet to assess progress and devise a way forward	
Research capacities to support land restitution process	We have no dedicated personnel focusing on researching land restitution matters. We are one Department with the Commission of Land Restitution and therefore complement each other. If at all there's a need for researched work from the Commission there can always be an official way of accessing such reports.	•
Advise claimants or communities to take compensation or land when claiming for restitution	Ours is not to deal with the lodgment of the claims, but rather to provide post-settlement support. Once there's settlement, we will be coming in with our post-settlement support programmes. However, the process of land restitution does make provision for land compensation and land restoration which	•

	is normally the process handled by the Commission of Land Restitution and the Regional Department of Land Reform and Rural Development (Shared Services). We do not normally get involved on what communities should choose or not choose when they claim for their land. We only assist those communities that have opted for land restoration.	
Extent or time will government spend on restitution	There is a re-opening as we speak up until 2019. I think up until that time (2019), the process would tell when we arrive at that point what need to happen next. Much as time is a factor, and there's also a need for the land we are not sure if there will be a need for another re-opening or restitution will be closed for finality. May be after five years an evaluation will have to be conducted to determine the state of restitution.	•
Uniformity in dealing with settlement support	There's no one size fits all approach. After a community has been settled, the first point of entry is to determine what the needs of communities are. Beyond that, we will, therefore, shape our intervention around those needs and developmental requirements.	•
Community	We take a structured approach when	•

engagement	engaging communities, whereby mostly CPA's are our entry point as statutory bodies with responsibility to hold land on behalf of communities or beneficiaries. We take it as given that they are duly representatives of communities and therefore engage them on behalf of communities. Through the Constitution of CPA's they must serve for the term of 3 years, which we assume that that the people who put the CPA to power to is the beneficiaries if not communities. This also happens when we need to meet the rest of the community, we do it via the CPA; we do not come and meet the community alone, but the CPA mobilizes and facilitates the community on our behalf.	
Proper capacity building for CPA's	I would say yes because ours is an open engagement and capacitation of CPA through our normal governance training manual. Now CPA's differ from one another about capacities because they are by nature voluntary organisations. Others you will find that people who have been elected are senior citizens who may be slow in doing things, and other CPA's have professionals and understand development terrain. So their functionality will also even differ from	•

	one CPA to the other. So where there is a need for the capacity building we do try to organize and intervene which is also mostly not sufficient given the disparity on the skills of people serving on the CPA.	
Disputes by communities	CPA's are statutory bodies which have to account the Director-General of the Department of Rural Development and Land Reform. If disputes arise and report to us, we appoint a mediator and a task team to investigate the matter and then from there on well decide what must happen pending on the weight of the matter. At times, this matters come via the Executive Authority of the Department and of course, we will be given a clear advise and instruction on the level and type of intervention to the community.	•
Land claims matters that are referred to claims court as a mediator	There's none so far. The land claims court operates like any other court. It has jurisdiction over all land claim matters. The court applies the law on the validity of the claim etc. There's what is called Section 42 where by the Minister can resolve the matter and settle the claim without being referred to the court. The Court is there to mediate especially	•

	where there are disputes.	

CODING

DEPARTMENT OF RURAL DEVELOPMENT: COMMISSION ON RESTITUTION

Interview 1

Category	Data	Codes
Experience	Pre-Settlement Manager from 1998 in the Free State, 2002 in the North West, and since 2006 in the Northern Cape	Relevant experience and qualification
Policy Evaluation	re-assessment of whether the policy is achieving what is intended to achieve or not	Assessment of intended objectives
Policy Evaluation Framework	reporting framework on restitution	Policy reporting framework
Dedicated official dealing with the programme of evaluation	The official is located in the Provincial Shared Service Centre, sister branch of restitution, it's a Chief Directorate, appointed for monitoring and evaluation We report to Provincial Shared Service Centre on our performance. It's only the performance report but not the evaluation of the policy or programme	- Do not have internal evaluation capacity - Programme performance evaluation and not policy evaluation
Commission	It wasn't an evaluation per se	Not policy evaluation

engaging into the evaluation of restitution	because the programme looked at broader challenges of communities livelihoods benefiting from restitution	Assessment of sustainable livelihoods of communities
Impression with the evaluation of the programme	Not impressed with the evaluation of the Programme because we expected to look at what are major obstacles of the programme achieving the broader parameters and not being able to identify major obstacles.	- Supposed to evaluate - Identify policy obstacles
programme or project that was evaluated which you think you can refer the study	Can only refer to annual reports	
Publication of the reports by the Commission	Reports are produced manually for distribution and published on-line	Manually and on-line publication of annual reports
Role players in the evaluation of the programme	The main role player in the evaluation of the programme is the Provincial Shared Service Centre: The Department of Rural Development & Land Reform in the Northern Cape	Evaluation responsibility rests with the Department of Rural Development & Land Reform in the Northern Cape (PSSC)
Engagement	There were engagements in the	No frequent engagement

with the Land Claims Court, the Department of Rural Development & Land Reform (Shared Services) ; the Department of Agriculture, Land Reform & Rural Development (Province)	past with the land claims court in that they used to conduct training on restitution, research and packaging of land claims. But lately the only interface with the court is referrals for adjudication. With Shared Services it happens during the monitoring and evaluation of the Programme. With the Department of Agriculture, Land Reform & Rural Development it happens at a political level.	with land claims court Engagement with PSSC happens during programme evaluation
Evaluation model implemented by the Commission to evaluate the policy or programme	It was not an evaluation per se, but its where performance of the commission is being assessed annually with the settlement of the claims which is an operational issue. The only thing we normally have is policy discussions where we develop policies on how to operationalize our core business.	- Not evaluation but annual assessment - Policy discussions on how to operationalize policies
Community involvement on policy or programmatic issues of restitution	It's a new development where reference groups were established by the Minister but it was mainly the SAN and the KHOI people were consulted and engaged about how they were affected by land dispossession. How the Act can be	- Consultation Forum by Minister for San and Khoi people - Invitation of inputs into the Amendment of the Act

	amended to benefit them as well because it is said that they are the aboriginal people of the Country and dispossessed before 1913 Act, of which the Act excluded them before. But there were also other engagements with Minister Gugile Nkwinti, where he will invite claimants including legal entities, or representatives from claimants to share ideas on what he would like to see happening.	
Community Dialogues	Community dialogues are referred to as reference groups which normally takes place between the Minister and Claimants	• Community dialogues • Minister engage communities
Community involvement in any kind of evaluation	There's community involvement through dialogues though it is not that rigorous and well structured	• Unstructured and not rigor
Any capacity building for the beneficiaries of restitution	Not in full scale because most of the restitution projects are not well capacitated but there are initiatives where Community Property Associations representing communities are invited for training	• Inconsistent capacity building programme
Community formations of	Not necessarily encouraged but the trend is to register communities benefiting from land restitution with	• Registration of restitution areas as CPA's

restitution	the national office by forming CPA's	
Structure or pattern of community involvement	It's not structured because it takes place during Portfolio Committee oversight visits, the communities are being visited. They normally raise their concerns about lack of performance and support and slowness in the finalization of the claims. Although it's not where communities integrate policies.	• Unstructured community engagement programmes • Concerns over claims process
Organised formation in the province interested in policy making process of restitution	Agricultural Unions such as NAFU, TAU, South African Agricultural Union formerly called Farmers Union	• Commercial formations in Agriculture
Extensions, review or amendment of the act	We have had one reopening in 2014 June and others were extensions due to the fact that other areas were not covered in terms of publicity and was less than what was expected in terms of the number of claims due to removals that took place in the past.	• One re-opening in 2014 and others were extensions • Extensively consult and publish land claim process
People came through for lodgment of	People came through to lodge claims beyond cut-off date	• Escalate beyond cut-off date

their claims even beyond the cut of date		
The number of claims lodged since 1996	We had close to 3000 by cut of date of 1998 (provincial figure) and since the reopening of last year we have close to 1500. Meaning there has been a significant number of people coming forward since the reopening.	• Significant increase of claims
Point of reference to the increased number of claims	In 1998 the Commission received claims and advised claimants that it was after the cut-off date that they were late, therefore can't accept those claims in terms of the Act then representation were made and advised that the only structure that can change or reopen is Parliament. Most of the people made their representation to counsellors , MPs or Ministers etc. and finally the President decided to reopen for restitution, but there was an assessment made to gauge the load of people who did not lodge their claims.	• Referred late claims after cut-off date • Representation of late claims by public office bearers
Knowledge and experience of Officials dealing	The major challenge is that we have a large staff turnover and a lot of trained experienced researchers	• Staff turnover of trained experienced researchers • Time consuming to

with restitution policy or programme	have left for greener pastures after skills were transferred to them. Constantly we are retraining staff and recruiting more staff but it is not easy. It takes a while before you produce a fully capacitated staff member.	recruit and train staff
The duration or time to open for people to lodge claims	It's very dodgy in that no time can be adequate though there are several reasons why people don't lodge claims. In the past people did not believe or had faith in the programme, but lately the problem is that there are unreachable areas or people who may not be able to get through to lodge claims. The reason for 5 years is that there was another for a cut-off date and not leave it open ended so we can start to working on those claims. It would be difficult to work on new claims while there are others outstanding.	• Difficult to quantify requisite time • People not having confidence to the process • Inaccessible areas • Necessary to have cut-off date • Finalise old claims
Language when going to communities for out-reach programmes on land restitution	Language can be a problem at times because mostly we recruit officials from other provinces like Limpopo and/or North West whom mostly speak either Setswana or Sepedi, fluency in Afrikaans and IsiXhosa is needed in the Northern Cape and Officials encounter	• Language barrier • Problems of non-proficiency to local languages

	problems due to non-proficiency.	
Simplicity of communication material in terms of language so as to reach out to beneficiaries or targeted audience	We try to simplify it especially for reopening we had means of communication in Afrikaans, Setswana, English, and IsiXhosa, except Khoi and Khwe languages	• Simplify means of communication • Use of local languages
Communication with aboriginals	We had interpreters for KhoiSan languages during dialogues	• Interpretation

CODING

FOCUS GROUPS OF COMMUNITIES

Focus Group 1

Category	Data	Codes
Introductions		•
Brief Overview of the Study	•	
Forceful removal from your land of origin	• People of Dikeing were forcefully removed in 1963 • Forceful removal of the people of Majeng happened in two occasions for the mere fact that it also had resistance. The first one happened in 1968 and the second one happened in 1975. • 1964 February were brutally beaten and forcefully removed from Metsimatala • The Khomani San people, popularly known as Khoisan and/or Hottentots, their being in South African date centuries back and are what is called hunter gatherers society living in harmony in search of food and greener pastures. Being the type of this society, over the years the Khomani San people were removed from the land. Our generations were removed through	• Forcefully removed • Resistance towards forceful removal • Forcefully removed • Removed through Group Areas Act • Periodical forceful removal

	Group Areas Act which happened over years or at least between two decades of 1960's to the 1980's. • The first forceful removal started in 1936, but people resisted against these removal. The second forceful removal happened in 1942 which we can refer to as periodical forcefull removal fuelled by greed of White farmers for grazing and for mineral resources. The third removal which was the biggest with impact on our community took place in 1967. That is why most of us fled to Galeshewe, Pamierstad, Greenpoint and Johannesburg.	
Forcefully settled area	Most of us were displaced into the three areas of Restfontein in Wyk 9, Maphiniki, Tlhakalatlou in Danielskuil and Marantheng in Postmasburg during 1963 • Mostly were not given an alternative land to settle, but rather we were left to scatter around the country, of which most of us were pushed beyond the borders of Botswana and Namibia, hence you would realise that most of the Khoisan people living in South Africa today are having citizenship of these two countries. Those who were given an alternative land will tell you that it was not of the same quality	• Displaced into three areas • Pushed beyond the borders of Botswana and Namibia • Not given an alternative land to settle • Expropriation of restitution land

	where they used to live before. So where they were settled it was not necessarily an alternative or they have no option but settled in dry areas where there's no food and where animals couldn't also live or survive. • We weren't given an alternative land to settle but most of the Pniel people find themselves living in areas such as Galeshewe, Pamierstad, Greenpoint and Johannesburg. We received the whole land of Pniel that we have claimed for from the Luthern Church Mission Society. Interesting with this claim the state offered 35 million and what the previous owners did was to say to Minister Lulu Xingwana we will take 35 million on condition that you give back the land by not later than June 2006. For reasons not known to me the government didn't refuse and Land Claims Court ruled in favour of the Luthern Church Mission Society by granting them R63 million because we introduced a clause in the Constitution of the CPA that our land must not be used as collateral for any development by investors. Some people in higher ranks aren't happy for that but we moved forward and advertised for calling on interested parties to come and	

	apply, we set with all of them and they presented. For the mere fact that government was not happy with the manner in which we dealt with the land matter of Pniel they started with expropriation in November 2006. I think Pniel is the first to be expropriated after 1994. We were given land back by 1996 and in 2007 it was expropriated.	
Information about land restitution program by government and laying a claim	• During the early 1990's. elderly people in our communities met and formed a committee which worked with the ANC. To be specific, the claim was lodged in 1991. They have since worked with ANCRA an NGO in land issues to apply to get their land back. • A woman in the National Assembly originally from Majeng, brought the information to the community and encouraged us to form a committee which will apply to get our land back. She informed us about how the Restitution Act of 1996 makes it possible for us to get our land back. We approached a law firm which assisted in filing an application. Our claim was settled by April 2002 through the order of the Land Claims Court.	• Informed by political and social movements, unions, NGO's, as well as woman activists • Intervention of private law firms to communities • ANC is led land reform program • Left to scatter around the country • Robust communication mechanisms focusing on restitution

	• During the 1990's we met Elijah Barai who shared information to us during the National Union of Mineworkers (NUM) Congress in Sharpeville that those who have been disposed land the ANC is negotiating that they be given back their land of origin back. We immediately went back to the community of Metsimantsi and brokered the news to them and we agreed to join hands together with the committee of 10 people from Postmasburg and Danielskuil to make an application through ANCRA. • I came to know about the Act through the NGO that I worked for called Centre for Rural Legal Studies during the 1990's. • First of all government need to have competent officials who knows what is happening on the ground concerning restitution. Since 1996 when government adopted restitution legislation, implementation has been a mess. Certain people saw it as an opportunity for quick money making scheme. I think officials also manipulated the process and I can't remember a single case that the Department of Rural Development has	

	ever won when they took people to court. How we came to know about restitution is that the previous White owners of the land wanted to remove farm workers in Pniel working for them, with the focus on everybody who is 18 years and above because they were saying they aren't productive. Even if we lived in Kimberley we knew that it's our land, we happened to interact with the farm workers in that area and they told us the story and when we tried to intervene that's how we came to know about restitution. My recommendation will be that government must put into place robust communication mechanisms focusing on restitution because from 1996 till recently was rare that you hear or read about restitution, other than government being taken to court. Restitution is such an important leg of land reform but you rarely hear or read about it.	
The period it took to be given land since the initial lodgement of the claim	• The process has dragged for something like 9 to 10 years because the initial application and negotiation for the land began in 1991. After 1996 we were told again to resume the same negotiation and application during which we were told there was a piece of legislation in	• Extended claim process of 6 – 9 years before settlement • KhoiSan only claiming during the

	place called Restitution governing or regulating our application. • It was between 6 to 7 because we lodged our claim in 1996 and it was settled in 2002 • We lodged our claim officially in 1996 after we were told that there's a Restitution Act in place it was settled in 2002 • In our case as Khomani San, I can tell you that we haven't claimed, but we are only busy now claiming for restitution. But what I can tell you is that other than us, other communities in South Africa which have already claimed it takes for ever to be given their land back. • In July 1997 we lodged our claim and we were taken to court in 2007 for expropriation by the Department of Rural Development and Land Reform. The land is leased out as we speak to the private users or owners as we speak and we the rightful owners cannot use the land. When we request for funding or reimbursement for the land that has been leased or expropriated we are told there's no budget or money for Pniel. We have told the government that we are taking them	current re-opening • Government claiming restitution land back from community

	to court by the end of this year to claim our land back.	
Expression about being settled back to your land	• Yes we are happy to be back to our mother land, however, there are number of things that were are disadvantaged of since our settlement. The people who owned the land since our removal have destroyed the property that was supposed to be given back to us as part of restitution claim, they have closed down on water pits and streams, they have also cut and removed camp dividing fence for livestock grazing. • We aren't happy because we were given land back of which we did not receive it on the same conditions that our fore fathers left it with. Since our settlement back to the land, water rights on the land have been withheld and that renders the whole purpose of being given land back futile because we want to work on our land. Meaning we have been given back land rights but water rights have been withheld. We have approached the Department of Water Affairs on the matter but we aren't making a break through on this matter. The Provincial Department of	• Living conditions worsened since settlement • Property and fence destruction • Aren't happy because land isn't in same conditions • Land rights afforded but water rights withheld • Little help from government • Series of red tape in water rights • KhoiSan Claim process is under way • Claimed restitution land is expropriated

	Agriculture is assisting in a very small scale because it is not necessarily their responsibility. As we speak at this point in time 600 hectares of land under irrigation is under-utilised. It's amazing after being given land rights back to Majeng, but when we supposed to be given water rights there is a series of red tape. We used to be producers and now we depend on social security by the State and that hurts so much that we have been reduced to beggars. There's a programme of MEGA Agri-park to the tune of R30 Million that we are told it must happen in Majeng but we are told the reason why it is not being implemented in Majeng is that it has been withheld by the Magareng Local Municipality. • We aren't happy because those who used to live in Metsimatala destroyed property and land before moving out. • We have not being settled back yet because we only claiming now • We aren't happy because our land is expropriated, we are also confronted by a situation where everybody claims to be from Pniel whereby they can't even prove that they are from the area. When	

	we instituted a claim we were only few and could verify less than 100 households, but now we have more than 200 on site. What is happening now is that as the CPA when we cross question and verify people who have given themselves plots there is that the officials from the Department of Rural Development and Land Reform are fighting and say everybody who is on site is an official claimant whereas we know it's not the truth. This is by the way without any proof or verification. People who have been verified and accepted by the Minister and the Land Claims Court are 112 people. We would have even understood if they were extended families or children of the descendants of the people of Pniel, but they aren't related in any way with anybody.	
Individuals or committee which worked on the land restitution application	• It was a committee of 10 people compose representatives of community members settled in Marantheng, Restfontein, Maphiniki and Tlhakalatlou. They were meeting on a monthly if not quarterly basis to attend to their meetings with ANCRA, government and or to track their own progress and chat a way forward. This will of course	• Land claim committee of 10 • Quarterly meeting frequency • Feeding back to affected communities • Interim CPA

	include among others, feeding back to the communities affected by the process. • We were an interim CPA committee formed in 2001 which ensured the final processing of the restitution land claim. By April 2002, the claim to Majeng community was granted and there was a six month grace period for those occupying the land forcefully to be relocated. Subsequent to the settlement back to the land, we established a Constitutional structure of the CPA. We were the ones who ensured that our communities get settled back to their land of origin. • As a shopsteward and a leader of the community we formed an integral part of the committee established between Tsantsabane and Danielskuil that worked with ANCRA in pushing that we receive our land back. We went as so far as Bethlehem to fetch our land map of 1913 and which we finally got in Potchefstroom at the Land Affairs Department. Of course we interacted a lot with the ANC as our hope in getting our land back. • Generally they work with the organised	Committee • Six months grace period for ex-occupants • Established committee of 10 working man with ANCRA • Travelled to Bethlehem and Potchefstroom for land map • Organised grouping such as traditional leadership and NGO's

	grouping such as traditional leadership, the CPA or any structure that can be referred to as a legal entity. • We are CPA of 10 people of which 30% of us are women. This people also drive the administration of the land and are claimants as per our constitutional prescript. This committee is called the land administration committee (LADCOM). This people are being elected every five years by the community consisting at this point in time by the 112 household to serve in the LADCOM CPA.	
Communication with and/or from the Department responsible for land restitution	• There exist a few development programmes initiated by the Department of Agriculture for the community and mostly they will only come when we call them to come and facilitate the CPA annual general meetings but they normally don't communicate with us. To tell the truth we don't normally communicate or hear from the Department of Land Reform and Rural Development. Mostly rather when we need help we approach the municipality in assisting us. The Department of Rural Development no longer also conducts capacity building workshops for the CPA's. the last time they conducted	• Government respond only on request for AGM facilitation • No communication from the Department of Rural Development and Land Affairs • Lack of capacity building programs for CPA • Government works in silos for community

	capacity workshop for the CPA was in 2006. • The Department of Agriculture is the one which assisted us with fencing and a few of poverty alleviation projects such as watering system, planting of cattle grass, land care project which won an award. The Department of Rural Development on the flip-side of the coin, they have recapitalisation programme where by those who have been bought land or farms, they are given money to put systems and infrastructure in place. However, our request have hit the wall as we are told that the recap program aims at funding land redistribution and not restitution hence we don't qualify. Given the case, this means that the Department of Land Reform and Rural Development have overlooked the development of restitution areas which have massive challenges of sustainable livelihoods and needs development, and rather cater for redistribution projects that pursue land reform for economic activities. Linked to this, we therefore called on the Department of Land Reform and Rural Development to assist us with water rights so that we are able to meet recapitalisation needs.	development • Land development and Recapitalisation programs • Overlook the development of restitution areas • Imbalance by deloping redistribution than restitution areas • Community of Traditional Leadership • A lot depends on the activism of the claimants • Pressure government to respond to them • Left behind due to non-activism • Communication is non existence

	Those who receive land through redistribution receive land that has been cared for with livestock, seeds to plant and money if not recap programme. But those who have been forcefully removed with a barrel of a gun when we are being settled back we do not receive the same assistance for sustainable livelihood of our communities. • We initially heard about Land Restitution Act by the NGO in land matters called ANCRA and not necessarily from a government Department. The reason why we used ANCRA also is because the community of Traditional Leaders during that time didn't wanted to participate in the land matters as one way or the other were not interested in land political matters. We were also rather more comfortable and in more communication with ANCRA rather than with government departments responsible for land restitution. To be honest the one Department that brings few developments to our community is the Provincial Department of Agriculture, Rural Development and Land Reform. But the Land Claims Commission and	

	the Department of Land Reform & Rural Development we rarely hear from them. • A lot depends on the activism of the claimants. If they are very active and engages the Department of Rural Development and Land Reform, then it tends to respond but if they aren't active or engaging them, then they tend to be left behind. • Communication is non existence for the mere fact that it is from our side and we are not being fed back. We do call, send emails, write and even visit the Department of Rural Development and Land Reform but it's very difficult to get hold of them especially when they realise that the Chairperson will part of the delegation visiting their offices. Reason being without being apologetic, most of the Chairpersons of CPA's are not conversant with policies and legislation pertaining land restitution and when you give them hard time they tend to marginalise you. Therefore in most instances when we want to engage the Department we don't receive positive feedback	
Medium of	• We normally phone the Department of	• Constant enquiry

Communication	Agriculture at the Provincial Offices or Region. At times they write to the CPA or the Chief / Head Man about development projects. • To start with, the Department of Land Reform and Rural Development, even if you write to them, they don't bother to respond, how will they write for development back to us as a community. Whenever we write to them and make a follow-up with the Department of Land Reform and Rural Development they play to have never received your letter, which is really demoralising. • We don't have any communication with the Land Claims Commission and the Department of Land Reform & Rural Development. The Provincial Department of Agriculture, Rural Development and Land Reform do come sometimes to come and facilitate AGM's of the CPA. The process of CPA's are usually flawed because those who are normally elected are the untrusted in the community. • Many people phone through for enquiries but get lost in the line by being sent from pillar to post. Mostly we come to Kimberley and spend a day or two with the Commission in trying to deal with our	about development projects • Government do not feedback • Never received correspondence from government • Lack of communication • Flawed CPA AGM process • Telecommunication isn't helpfull • Sent from pillar to post • Two days travel to Kimberley for claim • Face to face communication is effective • Communication is pointless because due to failure to feedback

	issues and travel back when we done instead wasting time and money on writing and phoning without reaching the relevant people. Sometimes we also hear about the commission's meetings in the surrounding and neighbouring areas then we go and meet the commission. Face to face communication is better than any medium of communication. • The communication is non existence for the mere fact that it is from our side and we are not being fed back.	
Language of communication	• Language used to write to us is normally in English and we get the interpreter to read for us, as well as to explain or interpret for the community during our meetings. • They normally communicate to us in English, the advantage is that we understand the language and we able to explain to our community. • Whenever there's communication, it is done in English then we have to translate it into vernacular for our own understanding. • We don't have any communication with the Land Claims Commission and the Department of Land Reform & Rural	• Language used is English • Interpreter • Explain to community • Translate into vernacular • Face to face communication • Tries to communicate to our level of even use the interpreter

	Development. • When its face to face communication the Commission tries to communicate to our level of even use the interpreter. Verbal communication is good and written communication is rather more complex. • What we are doing is that when we deal with administration matters we use both Afrikaans and English as language of communication. But when we go to Pampierstand, Mataleng and Delportshoop we use an interpreter to go and talk to our people. We just not sure how is government communicating with our communities except using the said languages and through the use of an interpreter.	
Your role in the amendment of the Land Restitution Act	• We weren't part of it we have heard about it on the news. • No we weren't part of the process. We would have loved to form part of the process so that government correct some of the few things concerning the Restitution of Land Rights Act • No we don't know if theres	• Non-involvement or exclusion • Wished to correct some of the few things the legislation • Unaware of the amendment of legislation

	amendment of the Act • Our CPA have been directly involved and we have received a number of workshops on the amendment of the Act. • Yes we were invited when they first started with the amendment of the White Paper on the Restitution of Land Rights Act in 2014. In the beginning we were invited, but as time went on to the finalisation of the Act we were no longer consulted or engaged as CPA. It leaves a bad taste in my mouth because in 2012 I was elected in Johannesburg as a representative of all CPA's in the Northern Cape Province. I was sent by the MEC of Agriculture, Land Reform and Rural Development but I resigned because they will invite you when they wish and not necessarily for the mere fact that it supposed to be my responsibility and get involved in all matters affecting restitution communities or CPA's. The Director General of Province is still under the impression that I'm still leading the structure in the province because during the finalisation of the Act or consultation process with the land claimants / or CPA's. They have	• Inconsistency in communication

	now set up district restitution committees and we only saw that on the newspaper when they were announced, meaning we never saw invitations for expression of interests. That where we stand with communication there's serious grey areas in line of communication by the Department in keeping us on the loop and getting us involved.	
Your role in the KhoiSan Dialogue	• We didn't participate, we weren't invited, we just heard about it on the news. • We heard about it but we weren't invited. • We saw it happening on news update but we weren't part of it. • Our Traditional Leadership and CPA is part of the Ministerial reference group. • Yes. We were involved during the first phase or cycle of the Khoisan dialogues. During the first meeting the Department got me out because of the issues that I raised and someone else was elected, and since then I was never involved again.	• Didn't participate and unaware of it • Heard about it on the news • KhoiSan traditional leadership and CPA is part of the Ministerial reference group • Involved during the first phase of dialogue and later cut out • Excluded due to fundamental

		differences

CODING

FOCUS GROUPS OF COMMUNITIES

Focus Group 2

Category	Data	Codes
Communication and consultation mechanisms focusing on restitution	• I suggest that in our local area, possibly may be in the local municipality since there's an office dealing with local land municipal matters, government must consider establishing an office dealing with land restitution matters in the municipality which will make it easy for us to communicate or accessible in a quickest possible manner. This will ensure that whenever we have complaints, compliments or suggestions, we will definitely know where to go. But the current location of offices that must support us is a nightmare. • I really don't know what these people should be told what to do, because last time I think there was a proposal that government will call indaba so that they hear and address problems that we have as the affected communities of restitution beneficiaries as a collective which may save time and money of government, instead of attending to us	• Establish restitution offices locally • Ease access to restitution offices • Restitution Indaba / dialogue • Collective approach • Not responsive • Responsive communication • Interaction with claimants / organized formations

	on an individual basis which will take forever for them to complete in listening to each community. I mean as we speak we have since written to them last during the year 2014 to come and facilitate the CPA's annual general meeting and we still waiting at their response to date. • I will be very happy if the government can respond in the most quickest possible manner when we call. I mean when we write to them they don't even bother to reply. We have a bunch of letters written to them and they have never responded. • I think it depends on instances where you are either an individual or group claimants, but these needs a some sense of organised formation of claimants or communities for government to communicate with you. This means that we aren't aware of situations where government have communicated to individual claimants on restitution matters. Regular face-to-face interaction will in fact be key for restitution process between the government and claimants. Although these kind of interaction may be	

	expensive.	
Meeting frequency by the Department with the Community and the meeting frequency of the community leadership with the community	• According to the Constitution of the CPA, we should meet frequently with communities. The problem with CPA's is that we aren't supported or sustained financially. Even our CPA office is not ran administratively on a regular basis which stalls matters of community interests. Development matters need finances and therefore we don't meet as CPA or even feed with communities on a constant basis. • The only Department that one can say is communicating with us at this point in time is the Provincial Department of Agriculture, Rural Development and Land Reform. The other two aren't communicating with us at all. The Provincial Department of Agriculture, Rural Development and Land Reform are busy implementing their Comprehensive Development Programme (CRDP) with our community as we speak, and they are on a constant communication with us so that we keep the rest of the community abreast with the CRDP matters. This CRP brings amongst others infrastructure and economic	• Fragmented CPA's • Community Development not funded • Inconsistency in communication • Broken relations with government • Waiting at follow-up Khoisan dialogue session • Government must meet quarterly KhoiSan Consultation group • Government must consolidate inputs and make own assessment

	development programmes. • The traditional leadership and CPA have no access to government and there exist no relations between us and government. However, we live with our community and there are other development initiatives that makes us meet on a constant basis in an endeavour to exchange ideas and feed each other back. • At this point in time since we have met with the government during the Khoisan dialogue sessions and we are still awaiting the time from government during which we'll convene again for the follow-up or feedback on our reference group meetings. However, I would suggest that it will be better if government meet with us on a quarterly basis so that they keep us on the loop and we also allow them a chance to consolidate and make their own assessment.	
Relations between CPA's and Traditional Leadership	• In Dikeing we have a Chief which is not yet part of the organised provincial traditional leadership structure. However, we work very close with the local Chief and exchange information and plan together whenever a need	• Sound relations between CPA and Traditional leadership • Collaborative planning

	arise. • There exist sound relations between the Chief and the CPA. As we speak, according to the Constitution of our CPA, the Chief is an ex-officio of the CPA and continue to serve in the structure on a regular basis. • The traditional leadership and the CPA meet on a frequent basis in trying to plan and advise each other where we can access funding for community development. • Most of the administrative work of the Khoisan community is done by the CPA which in turn brief the traditional leadership to update the community. The relations are very sound between the structures and they continue to work closely together in pursuance of their dream to realisation of the Khoisan restitution claim.	
Capacity building programs	• Government need to know that facilitating AGM's beyond or CPA's and nothing else beyond that it's a problem. Government is having a development responsibility beyond AGM's to ensure that CPA's becomes functional and self sustnable to run community matters on a regular basis. But now as we speak, I	• Government development agenda • CPA Capacity and development initiative • Project management

	foresee a situation where a CPA will move from one AGM to the other without any capacity building programmes and development initiatives. • We need CRDP to be implemented as speedily as possible because it will unlock many development issues of the community, and key in this implementation at the community level should be capacity building of the CPA in project management so that the time the project comes to an end, skills and resources are left in the community. Other than that, there is no regular capacity building programmes taking place. • We have never received any capacity building programmes from government as CPA. As we speak CPA do not have access to development initiatives by government. • We as CPA normally meet on our own without the help of the government and there's no capacity building programs for the CPA.	• Denied access to development initiatives
Government involving community	• When the CPA went to AGM there was a mediator from government which was in constant communication with the	• Non communication • Not consulted /

leadership on restitution matters	community from mobilisation until the CPA was elected. However, since then, we have never heard from them again. • We were never part of consultation on restitution of land rights act amendment by government. • Mostly we get involved into restitution matters as per our activism without necessarily being invited to restitution matters. • There is a supposed schedule of consultation which must still materialise but the initial agreement was that it will happen quarterly though its happening as per the reference group agreement.	excluded • Activism in restitution matters • No consultation schedule
General impression or view with the Land Restitution Rights Act	• The Department of Land Reform and Rural Development have issued us with a title deed stating that we are a business land instead of residential. May be they can classify us as both farming and residential area because as we speak now we are given minimal resources for residence development because we are told we should develop the land as it's a business land. It's fine if they say its business land but then they must capacitate us and create conducive environment for the area.	• Minimal resources for residential purpose • Unfunded business land • No access to water rights • Restore land to traditional authorities • Conduct policy review

	• In the restitution land rights of act there need to be what is called balancing of rights. I'm saying this because restitution policy gives people land back but it does not address other rights such as water rights. So that means there's some imbalance if at all we as people of Majeng are given land rights back but we aren't given water rights. The purpose of giving land back by government to people becomes futile because it cannot be utilised due to the fact that we don't have access to water irrigation. So restitution of land rights must not only be limited to land rights, but must also include water and may be mineral rights. How will communities survive if at all they are restored and do not have access to other rights. • We as traditional leadership well be happy if land can be given back to tribal authorities instead of individuals because when the land was disposed from communities, it were us traditional leadership who were in power and dispossessed, and was not CPA's which were dispossessed. • According to me, the amendment of the restitution of land rights act have been a significant mark, perhaps what need to	• Attend to policy Implementation

	happen is conduct policy review of check what have been policy implementation matters that requires attention.	
Khoisan Reference Group Process	• Government has ones called us to a conference in Kimberley which they said they were doing a consultation with all affected parties on restitution, of which they promised to come back to us. They have never called us back like they promised or feedback on the process that they said they were dealing with on obtaining opinions on the restitution act. • We were never part of consultation on Khoisan / restitution of land rights act amendment review process. • Like I said earlier, we aren't normally invited, but I suspect we get involved as a result of our activism in the restitution matters and standing together as traditional leadership on land matters. • Yes we are intergral part of the process but we are still awaiting at other follow-up consultation process with our communities to unfold.	• Feedback to communities • Non-involvement in Khoisan dialogues • Pursuance of restitution matters • Awaiting a Khoisan dialogue follow-up

CODING

FOCUS GROUPS OF COMMUNITIES

Focus Group 3

Category	Data	Codes
Area of settlement beyond removal	• Mr. Mpecheni: We were forcefully taken to areas such Restfontein in Wyk 9, Maphiniki, Tlhakatlou in Danielskuil and Marantheng in Postmasburg during the removals in 1963. • Mr. Lobelo: We were moved to Vaalboshhoek in 1968. However, most of our people find themselves in areas such as Warrenton, Majeakgoro, Kgomotso, Mmamutla and Thotatau due to developments in such areas. • Chief Marotobolo: We were settled in Kuruman area called Gamatone 1964 which we later changed the name of the area to Metsimantsi. • Terence Fife: Maybe it was because during the time when the apartheid government intensified its occupation and forceful removals, we were mostly located in the upper Karoo and Kgalagadi, we were pushed just beyond the borders of South Africa in	

	Namibia and Botswana. This means we were pushed out like it happened in the past as KhoiSan people are mainly hunter-gatherers whom by their nature will not remain in one area for a long time. It is for this reason that most of the KhoiSan people living in South Africa are having Namibian or Botswana citizenship due to the fact that they came back to South Africa after democratic breakthrough. As government gives people land back, I therefore wonder will it consider those who are living outside the country as a result of forceful removals • Korrie Solomons: Like I said the other time, our removal from Pniel was not a one off thing, but a periodical one hence we ended up in places such as Galeshewe, Pamierstad, Greenpoint, and Johannesburg.	
Information about restitution	• Mr. Mpecheni: In the main, it was an NGO by the name ANCRA which worked elderly people in our communities after they have met and formed a committee which worked with the ANC in pursuing government to give their land back. To be specific, the claim was lodged in 1991.	

	• Mr. Lobelo: we knew that we were dispossessed but little did we know that we could claim our land back. We had an elderly woman by the name Mittah Sperepere, who happened to be in the National Assembly from 1994, for the mere fact that she was originally from Majeng, she encouraged us to form a committee and started the application process. In the main we were given information by her, as well as the explanation of restitution legislation to us as the committee, as well as how to go about the application. • Chief Marotobolo: As a mine worker and a shopsteward, I happened to meet Elijah Barai, who shared information with us during the National Union of Mine workers Congress in Sharpeville that those who have been disposed of land the ANC is negotiating that they are given back their land of origin by the ANC. Going back to the village of Metsimantsi we explained to them and started the process of consultation with community members, including those who lived in Postmasburg and Danielskuil, who linked us to ANCRA	

	to assist us with the application. • Terence Fife: I came to know about the Act through the NGO that I worked for called Centre for Rural Legal Studies during the 1990's. We are still working on our application with the Centre for Rural Legal Studies. • Korrie Solomons: Even if we lived in Kimberley, for the mere fact that Kimberley isn't far from Pniel, we knew that it's our land, we happened to interact with the farm workers in that area and they told us the story and when we tried to intervene that's how we came to know about restitution. This means that information about restitution has been everywhere.	
Lodging of Claims and its duration	• Mr. Mpecheni: When we lodged a claim, it was a committee of 10 people from the area of Postmasburg representing all those that were forcefully removed from Dikeing. The process was not an easy one as these committee always have to travel to either Kuruman, Kimberley, Fryburg and/or Gauteng at their own expenses. So our application started some time before there could be offices in Kimberley. So our application	

	basically dragged for something like 9 to 10 years because the initial application and negotiation for the land began in 1991. After 1996, we were told again to resume the same negotiation and application during which we were told there was a piece of legislation in a place called Restitution governing or regulating our application. • Mr. Lobelo: It took something like 6 to 7 because we lodged our claim in 1996 and it was settled in 2002. The whole process of committee formation and application process was done by us without the necessary support or help of government. Fortunately, we had a knowledgeable leader on such legislative matters that came in very handy for us. • Chief Marotobolo: When we lodged our claim, it was after the promulgation of the Act because not only were told the ANC-led government is giving the land back, but there's proper legislation which guide in such a process. Meaning we officially laid our claim in 1996 after we were told that there's a Restitution Act in place, and	

	it was settled in 2002. • Terence Fife: the case of KhomaniSan people can be said to be a special one as it came after two (2) decades into democracy and a lot has been done as so far as developing legislation and giving the land back to various groupings and individuals. So we only started the claiming process last year 2014, meaning we have not received either compensation and/or our land back. However, those communities that have claimed already indicate to us that it takes forever to be given their land back. • Korrie Solomons: I can say that our claim has been a controversial one where you see the community lodging a claim and some individuals located in such piece of land counter-claiming it. In July 1997, we lodged our claim, and we were taken to court in 2007 for expropriation by the Department of Rural Development and Land Reform. The land is leased out as we speak to the private users or owners as we speak and we the rightful owners cannot use the land. We have told the government that we are taking them to court by the end of this year to claim	

	our land back.	
Communication and mobilization mechanisms are focusing on restitution.	• Mr. Mpehechani: The committee which worked on our claim indicate that they heard about or they either send and/or received communication on restitution through an NGO called ANCRA. • Mr. Lobelo: There's, of course, a serious need for communication and mobilization mechanisms having to do with restitution. I mean, as a rural community, if it was not because of Mitah Sperepere bring information to us as a result of her location in Parliament • Chief Marotobolo: Honestly speaking, our involvement and activism brought us where we are. Because it is through such activism in the trade union movement and the ANC that we were referred to the NGO ANCRA which pursued issues of those who have been dispossessed of their land. • Terence Fiffe: I came to know about the Act through the NGO that I worked for called Centre for Rural Legal Studies during the 1990's. Hence, we are now working with the KhomaniSan people on their application since the amendment of the Act and re-opening	

	of the claims. • Korrie Solomons: Since 1996 when the government adopted restitution legislation, implementation has been a mess. There has been less communication with relevant community-based structures and individuals affected. How we came to know about restitution is that the previous White owners of the land wanted to remove farm workers in Pniel working for them, with the focus on everybody who is 18 years and above because they were saying they are not productive. My recommendation will be that government must put into place robust communication mechanisms focusing on restitution because from 1996 till recently was rare that you hear or read about restitution, other than government being taken to court.	
Medium of communication	• Mr. Mpecheni: We normally phone the Department of Agriculture at the Provincial Offices or Region without proper feedback. • Mr. Lobelo: The Department of Land Reform and Rural Development do not respond even if you write to them. We	

	are sent from pillar to post as they will pretend not to have received either your written or telephonic enquiry. • Chief Marotobolo: We do not have any communication with the Land Claims Commission and the Department of Land Reform & Rural Development. The Provincial Department of Agriculture, Rural Development, and Land Reform do come to us for the activities of the CPA's. The process of CPA's is usually flawed because those who are normally elected are the untrusted in the community. • Terence Fife: Given our distance to the Offices, we normally phone through for enquiries but get lost in the line by being sent from pillar to post. As a result, we normally come to Kimberley and spend a day or two with the Commission in trying to deal with our issues and travel back when we did instead wasting time and money on writing and phoning without reaching the relevant people. However, face to face communication is better than any medium of communication as you can get clarity on what you need.	

	• Korrie Solomons: The communication is no existence for the mere fact that we normally try hard from our side to communicate with the government, but we do not receive any feedback.	
Khoisan Dialogue Sessions by the government.	• Mr. Mpecheni: We did not participate, we were not invited, we just heard about it on the news. • Mr. Lobelo: We heard about it, but we were not invited. • Chief Marotobolo: We saw it happening on news update, but we were not part of it. • Terence Fife: Our Traditional Leadership and CPA is part of the Ministerial reference group. • Korrie Solomons: We were only allowed to be involved during the first phase or cycle of the Khoisan dialogues. For no apparent reasons we were later removed which I suspect was due to our critique of government.	
Workshops on the amendment of the Restitution Act	• Mr. Mpecheni: Government has ones called us to a conference in Kimberley which they said they were doing a consultation with all affected parties on restitution, of which they promised to come back to us. They have never	

	called us back like they promised or feedback on the process that they said they were dealing with on obtaining opinions on the restitution act. • Mr. Lobelo: We were never part of the consultation on Khoisan restitution of land rights act amendment review process. • Chief Marotobolo: Like I said earlier, we are not normally invited, but I suspect we get involved as a result of our activism in the restitution matters and standing together as traditional leadership on land matters. • Terence Fife: Yes we are an integral part of the process, but we are still awaiting at other follow-up consultation process with our communities to unfold. • Korrie Solomons: We were part of the workshops and engagements till we were removed for no apparent reasons.	
Community engagement	• Mr. Mpecheni: even if it is through the local municipalities or like many other government departments, Offices of restitution must be localized. • Mr. Lobelo: The government will	

	never know about restitution problems if at all they do not call or come to us so that they engage us on the said matters. We have always told them to call Indaba so that we all make a collective input restitution matters. • Chief Marotobolo: the government is very reluctant to respond when you speak to them. Either written or telephonic its just a waste of time. • Terence Fife: we our doing our claim collectively instead of as individuals, hence there's some sort of response from the government on our issues. • Korrie Solomons: Government does not come when we call them unless there's a serious crisis such as the divisions and fights over who must have access to our land.	
Communication with communities	• Mr. Mpecheni: According to the Constitution of the CPA, we should frequently meet with communities. Meaning there should be constant communication with communities on policy, programmatic and development matters. The same applies to the government, after giving the land back to us, they should not dump us and	

	expect miracles to happen. • Mr. Lobelo: We don't have much communication with government other than the Provincial Department of Agriculture, Rural Development, and Land Reform are busy implementing their Comprehensive Development Programme (CRDP) with our community as we speak, and they are in a constant communication with us so that we keep the rest of the community abreast with the CRDP matters. This CRP is a development project which brings amongst others infrastructure and economic development programmes. • Chief Marotobolo: The community have no communication with government, and there exist no relations between government and us. However, we live in our community, and there are other development initiatives that we undertake as traditional leadership that makes us meet on a constant basis in an endeavour to exchange ideas and feed each other back. • Terence Fife: At this point since we have met with the government during	

	the Khoisan dialogue sessions and we are still awaiting the time from government during which we'll convene again for the follow-up or feedback on our reference group meetings. However, I would suggest that it will be better if government meet with us on a quarterly basis so that they keep us in the loop, and we also allow them a chance to consolidate and make their own assessment. • Korrie Solomons: government always make promises to come to the community, they do not just come. This may be because they know exactly the number of issues that we are sitting on that must be raised by the CPA and/or community.	
Consultation schedule on KhoiSan Dialogue	• Mr. Mpecheni: We did not participate and therefore we have no information on the KhoiSan consultation schedule or dialogues. • Mr. Lobelo: We heard about it, but we were not invited, we, therefore, know nothing about • Chief Marotobolo: Our traditional leadership body in the Province is involved but not the community, hence we have no information on KhoiSan	

	dialogues by the government. • Terence Fife: There is a proposed schedule of consultation dialogues by the Minister which must still materialize, but the initial agreement was that it will happen quarterly though its happening as per the reference group agreement. • Korrie Solomons: For the mere fact that we were removed from the consultation forum of the KhoiSan dialogue, we have no information on the schedules.	
Supporting institutions for land restitution application	• Mr. Mpecheni: Elderly people worked with ANCRA an NGO in land issues to apply to get their land back. • Mr. Lobelo: We had a woman by the name Mitah Sperepere, who was located in the National Assembly who worked with us to form a committee which will apply to get our land back. • Chief Marotobolo: After getting information about land restitution, we were helped by ANCRA with their offices located in Kuruman. • Terence Fife: we are currently supported and working with the NGO called the Centre for Rural Legal	

	Studies. • Korrie Solomons: For the mere fact that we are located in Kimberley, and not far from the offices responsible for land programmes and restitution, we formed a committee years back which worked on our application.	
Capacity building and development programmes	• There exist a few development programmes initiated by the Department of Agriculture for the community and mostly they will only come when we call them to come and facilitate the CPA annual general meetings, but they normally don't communicate with us. To tell the truth, we do not normally communicate or hear from the Department of Land Reform and Rural Development. Mostly rather when we need help we approach the municipality in assisting us. The Department of Rural Development no longer also conducts capacity building workshops for the CPA's. The last time they conducted a capacity workshop for the CPA was in 2006. • The Department of Agriculture is the one who assisted us with fencing and a few of poverty alleviation projects	

	such as watering system, planting of cattle grass, land care project which won an award. The Department of Rural Development on the flip-side of the coin, they have recapitalisation programme where by those who have been bought land or farms, they are given money to put systems and infrastructure in place. However, our request has hit the wall as we are told that the recap program aims at funding land redistribution and not restitution hence we do not qualify. Given the case, this means that the Department of Land Reform and Rural Development have overlooked the development of restitution areas which have massive challenges of sustainable livelihoods and needs development, and rather cater for redistribution projects that pursue land reform for economic activities. Linked to this, we, therefore, called on the Department of Land Reform and Rural Development to assist us with water rights so that we can meet recapitalisation needs. Those who receive land through redistribution receive land that has cared for with livestock, seeds to plant and money if not recap programme. However, those	

	who have been forcefully removed with a barrel of a gun when we are being settled back we do not receive the same assistance for sustainable livelihood of our communities. • We initially heard about Land Restitution Act by the NGO in land matters called ANCRA and not necessarily from a government Department. The reason why we used ANCRA also is that the community of Traditional Leaders during that time did not want to participate in the land matters as one way, or the other were not interested in land political matters. We were also rather more comfortable and in more communication with ANCRA rather than with government departments responsible for land restitution. To be honest, the one Department that brings few developments to our community is the Provincial Department of Agriculture, Rural Development, and Land Reform. However, the Land Claims Commission and the Department of Land Reform & Rural Development we rarely hear from them. • A lot depends on the activism of the claimants. If they are very active and	

	engages the Department of Rural Development and Land Reform, then it tends to respond, but if they are not active or engaging them, then they tend to be left behind. • Communication is no existence for the mere fact that it is on our side, and we are not being fed back. We do call, send emails, write and even visit the Department of Rural Development and Land Reform, but it is very difficult to get hold of them especially when they realise that the Chairperson will part of the delegation visiting their offices. Reason being without being apologetic, most of the Chairpersons of CPA's are not conversant with policies and legislation pertaining land restitution and when you give them a hard time they tend to marginalise you. Therefore, in most instances when we want to engage the Department we do not receive positive feedback	
Accessibility to government offices dealing with restitution	• Mr. Mpecheni: Be it through local government or municipality, the government must try to bring their offices closer to the people. This will ensure that whenever we have complaints, compliments or suggestions, we will definitely know	

	where to go. However, the current location of offices that must support us is a nightmare. • Mr. Lobelo: The said distance between the government and us make it quiet impossible to access them. • Chief Marotobolo: I will be very happy if the government can respond in the most quickest possible manner when we call. I mean when we write to them they do not even bother to reply. We have a bunch of letters written to them, and they have never responded. • Terence Fife: even if offices are not built on our location, but can we have a responsive government dealing with our issues. • Korrie Solomons: Since restitution matters are such sensitive matters, the government is not prepared to open up for access.	
Functionality of CPA's	• Mr. Mpecheni: We are not meeting frequently as per expectation because the problem with CPA's is that we are not supported or sustained financially. Our CPA office is not run administratively on a regular basis which stalls matters of community	

	interests. • Mr. Lobelo: CPA's are fragmented and dysfunctional, we survive and mobilise resources on our own without the support of the government. • Chief Marotobolo: Since the traditional leadership and the CPA in our community are working together, I can tell you that the CPA is not functional at all other than meeting when there are issues that they must attend to. However, they meet on an ad hoc basis and attend to matters as they arise. • Terence Fife: So far we are undertaking issues ourselves with the help of Rural Legal Studies and not necessarily with the direct help of government. • Korrie Solomons: Government will never support you if at all they know you are going to hold them accountable. Our CPA is functional through it is not doing well.	
Collaborative planning or engagement on restitution	• Mr. Mpecheni: In Dikeing we have a Chief, which is not yet part of the organised provincial traditional leadership structure. However, we	

between government and us is needed	work very close with the local Chief and exchange information and plan together whenever a need arise. • Mr. Lobelo: There exist sound relations between the Chief and the CPA. As we speak, according to the Constitution of our CPA, the Chief is an ex-officio of the CPA and continue to serve in the structure on a regular basis. • Chief Marotobolo: The traditional leadership and the CPA meet on a frequent basis in trying to plan and advise each other where we can access funding for community development. • Terence Fife: Most of the administrative work of the Khoisan community is done by the CPA, which in turn brief the traditional leadership to update the community. The relations are very sound between the structures, and they continue to work closely together in pursuance of their dream to the realisation of the Khoisan restitution claim. • Korrie Solomons: If the government can be open and involve us in their restitution development planning,	

	there's a lot that we can improve. I mean we are not part of the KhoiSan Dialogues without any reasons.	