

**LAND RESTITUTION IN MOREBENE COMMUNITY WITHIN THE  
MOLEMOLE LOCAL MUNICIPALITY: AN ANALYSIS OF LAND  
RESTITUTION PROCESSES.**

By

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*Submitted in accordance with the requirements for the  
degree of*

MASTER OF ARTS

In the subject of

DEVELOPMENT STUDIES

at the

UNIVERSITY OF SOUTH AFRICA

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15 June 2013

TO WHOM IT MAY CONCERN

This is to certify that I have completed the English Editing of Chapters 1 – 6 of the dissertation  
entitled:

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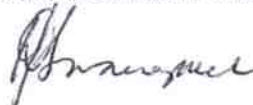
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I am qualified to have done such editing, being in possession of an Bachelor's degree in English from Rhodes University, Grahamstown, an Honours Degree in English and HED with English as prime teaching subject from the University of South Africa, and having taught English to Matriculation, First Year University Level, GCSE and A level in both South Africa and the United Kingdom of Great Britain for over 40 years, as well as having been Senior (English) Associate Editor of a national magazine for two years.

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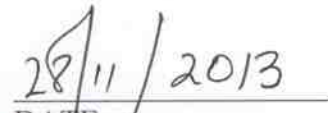


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SIGNATURE  
(Mr. R T Rathaha)

  
DATE

## ii) DEDICATIONS

I dedicate this work to my family, most importantly my wife Lucy and my three beautiful daughters, Motlatso, Tokelo and Khomotso, not forgetting my beloved little boy Junior Thabo Rathaha.

I give thanks to God Almighty for having given me the strength to continue with this study even under severe constraints. I had very limited resources and ability to continue. But, when all things seemed impossible, but God kept me under his careful watch and at last I succeeded.

Thanks to my Promoter: Dr. IMM Du Plessis. May God be with you and bless all your efforts and passion to clearly direct the students to better understanding and success in their studies.

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## i) EXECUTIVE SUMMARY

Land reform in South Africa is premised on land restitution, land redistribution and security of tenure as its major components. It has the following objectives amongst others, to address the injustices of racially-based land dispossession; inequitable distribution of land ownership; need for security of tenure for all; need for sustainable use of land; need for rapid release of land for development; need to record and register all rights in property; and the need to administer public land in an effective manner.

Over two decades of the democratic dispensation, lack of proper funding and capacity by government official to expedite the land reform processes deprives the rural communities like the Morebene community the enjoyment of their land rights and proper redress after devastating land dispossession. The research has managed to establish the serious pain and suffering that has been brought by incompetent implementation of six phases of land restitution process by Limpopo RLCC to the community of Morebene. Lack of capacity to implement land restitution processes has been found to have been a major setback to the Morebene community to an extent that their restitution processes were abandoned by the Limpopo RLCC at project execution stage.

The community composed of nearly 81% of the youth and middle aged people has been left without jobs and no property rights and development all of which are caused by the lack of expertise from the officials of the RLCC. No restitution grants and development grants were granted to the community and no formal or informal training let alone workshops held in relation to the government's expectations from the land reform policies and legislation.

**Key terms:** Land reform, land restitution, land redistribution, tenure rights, rural development, indigenous knowledge

**ii) ACCRONYMS AND ABBREVIATIONS**

ANC	-	African National Congress
CASP	-	Comprehensive Agricultural Support Programme
CIDA	-	Canadian International Development Agency
CLCC	-	Chief land Claims Commissioner
CRDP	-	Comprehensive Rural Development Programme
CLRDP	-	Centre for Land related, Regional Development Law & Policy
CRLR	-	Commission for the Restitution of Land Rights
CPA	-	Communal Property Association
CPI	-	Common Property Institution
CRLR	-	Commission for Restitution of Land Rights
DBSA	-	Development Bank of South Africa
DLA	-	Department of Land Affairs
DOA	-	Department of Agriculture
DPLG	-	Department of Provincial and Local Government
DPW	-	Department of Public Works
DRD&LR	-	Department of Rural Development and Land Reform
DWAF	-	Department of Water Affairs & Forestry
ESTA	-	Extension of Security of Tenure Act
EXCO	-	Executive Committee
FGD	-	Focus Group Discussion
GEAR	-	Growth Economic and Redistribution Strategy

HIV/AIDS	-	Human immunodeficiency virus/ Acquired immunodeficiency syndrome
IDP	-	Integrated Development Plan
ISRDP	-	Integrated Sustainable Rural Development Planning
ISRDS	-	Integrated Sustainable Rural Development Strategy
JVP	-	Joint Venture Partnership
LAPC	-	Land and Agricultural Policy Centre
LDO	-	Land Development Objectives
LED	-	Local Economic Development
LEDP	-	Local Economic Development Plan
LPLRO	-	Limpopo Provincial Land Reform Office
LRAD	-	Land Redistribution for Agricultural Development (Programme)
LSCF	-	Large Scale Commercial Farming
LUDPs	-	Land-Use Development Plans
MPST	-	Municipal Project Support Team
MUD	-	Moral Underclass Discourse
MVOC	-	Monetary Value of Claim
NDA	-	National Department of Agriculture
NGOs	-	Non- Governmental Organisations
NLP	-	National Land Care Programme
NT	-	National Treasury
NP	-	National Party

PAC	-	Pan African Congress
PDOA	-	Provincial Department of Agriculture
PIMS	-	Planning and Implementation Management Strategy
PLAAS	-	Programme for Land and Agrarian Studies (University of the Western Cape)
PM	-	Project Manager
PSLR	-	Partnership for Sustainable Land Reform
PSC/T	-	Project Support Consortium/ Team
RED	-	Redistributive Discourse
RDP	-	Reconstruction and Development Programme
RLCC	-	Regional Land Claims Commission
RRP	-	Rural Redistribution Programme
SADC	-	Southern African Development Community
SID	-	Social Integrationist Discourse
SLAG	-	Settlement Land Acquisition Grant
UNDP	-	United Nations Development Programme
WSWB	-	Willing-seller, willing-buyer principle

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## CHAPTER 1

### INTRODUCTION AND BACKGROUND

#### 1.1 INTRODUCTION

Land reform in South Africa, as well as in many other previously-colonised countries, is greatly influenced by a predominant perspective that claims that “All the land whites own, they stole it from blacks.” (Du Toit: 2004). This statement does not only make land reform a very emotional matter, but it also makes it more political in nature. The statement further places an obligation on post-colonial governments to make the issue of land central to the redressing of the imbalances of colonial regimes in order to bring about a better life for all citizenry. In South Africa, the impact of the land question and the emotions attached to it are evident in the manner in which politicians deal with it and address issues relating to land matters. In his State of the Nation Address (SONA) delivered to the nation on the 14<sup>th</sup> February 2013, President Zuma highlighted that ‘the land question in South Africa is a highly emotive matter’. Most of the time, it emerges that, when the term ‘land reform’ is mentioned, most South African people immediately think of “rural, agriculture, and the transferring the ownership of land from whites to blacks” (CDE, 2005:6). The statements above indicate a serious racial divide that makes land issues highly politicised. At the same time, post-colonial governments end up ambitiously committing themselves to unreasonable burdens in terms of stringent timeframes for land reform that are at times neither easy to achieve or affordable to implement. Zuma (2013:15) quoted a speech from the former President of the ANC, Mr. Sefako Makgatho, delivered in 1919 wherein he mentioned that “*the Native Land Act still operates mercilessly in different parts of the Union, and as a result many natives (black South Africans) are still working for white farmers only for their food*”. President Zuma further mentioned that “*from 1994 we have been addressing the land reform problem through restitution, redistribution and tenure reform .... we will not be able to meet our*



*redistribution targets*". From the address of the President, a deduction is made that the current land reform policies are not being able to deal with land reform in the country. The Department of Rural Development & Land Reform published its Mid-Term Review, wherein it was clearly mentioned that reform processes and projects are not sustainable and are failing in terms of bringing to reality the ambitious political commitments frequently and constantly made by the current government, all of which emanate from the Reconstruction and Development Programme and subsequent legislative frameworks (DRD&LR, 2012). This research will target the Morebene Community who are supposed to be one of the current land beneficiaries within the Molemole municipality in the Limpopo Province. The researcher will try to examine some of the challenges and successes in respect of the application of different pre- and post-settlement phases of the land reform policies (in particular with reference to the restitution of land rights to the community) situated in the Limpopo Province. Beneficiaries of the land reform programmes seem to be lacking both pre-and post settlement capacity and guidance to handle the responsibilities of land transferred or to be transferred to them. Even if there are systems in place, government officials responsible for training and developing the capacity of land claimants are not adequately equipped to assist affected communities properly during the pre- and, subsequently, the post-settlement phases of land reform processes. It also emerges that the planning and application of land reform projects in Limpopo are done with the total exclusion of the affected communities. Rural communities, therefore, are left with the heavy task of managing the land given to them without any assistance from the side of government on how to go about handling such responsibilities.

It often emerges that, in most instances, rural communities are not consulted when business plans and land use plans and surveys are developed for necessary business activities in the land which is has been or is to be restored to such communities.

This research will look at the implementation of all the phases of the land restitution processes taken in respect of the Morebene Community.

## 1.2 STATEMENT OF THE RESEARCH PROBLEM

Whilst it is understood that land restitution in South Africa, eighteen years after the democratic elections and the promulgation of laws that sought to redistribute land and eradicate rural poverty, is still incomplete, with predominantly rural claims outstanding exacerbating the land reform process that has been both developmentally and politically challenging the country (Kleinbooi, 2011), this study seeks to ‘analyse the land restitution process in the Morebene Community within the Molemole local municipality’.

In order to give clarity to the research process, the objectives, research question, and sub-questions that need to be answered in this study will be discussed further below.

## 1.3 RESEARCH MAIN OBJECTIVES

The broad or overall objectives of this research are:

- To examine the manner in which land restitution process and its phases were handled in respect of the restitution of the Morebene Community.
- To identify gaps and factors causing improper implementation of land restitution projects and also list challenges faced by Morebene Community during the implementation of the pre- and post-settlement phases of restitution.
- To examine how community participation, and community involvement in decision making related to their claim, as well as the capacity building of the community were administered to the community by the officers responsible for the land reform with a view to indicating what benefits have been made or could have been made to the Morebene Community towards their development imperatives and land use.

#### 1.4 THE RESEARCH QUESTIONS

The investigative questions to be researched in support of the research objectives for the study reads as follows:

- What are the various forms, phases, and processes of land reform in South Africa and how were those phases and, in particular, those of land restitution processes applied in respect of the Morebene Community in Limpopo Province?
- How were the consultation and planning phases applied to the Morebene Community? (Were the community thoroughly consulted during all planning and implementation phases of their land claim, and were all relevant stakeholders, like the previous land owners and affected government departments, able to take part in the planning and decision making processes thereof?)
- Was the community guided, trained, and capacitated in taking decisions that could sustain their socio-economic plans and aspirations from the land claimed?
- Did indigenous knowledge and community participation play a critical role during the land restitution processes?
- What is the situation now, and how is the Community benefitting from restituted farms to date?

## 1.5 THE SCOPE AND LIMITATIONS OF THE STUDY.

This research will examine the application of land restitution phases in the Morebene Community. Although the researcher intended examining pre- and post-land restitution, it has been established that the land restitution in Morebene is currently still at settlement phase and, therefore, the researcher will examine what was supposed to have been the actual application of the land restitution phases in the community. The land restitution processes, the imperatives thereof, plans and methodology and challenges in respect to the implementation thereof will be examined, and the effects of negligence of the community knowledge will be dealt with. Land redistribution, LRAD, and SLAG processes will not be dealt with except in a very limited relevant introduction.

## 1.6 MOTIVATION FOR THE STUDY

Section 1.2.9 of RDP of 1994 provided that, *'No political democracy can survive and flourish if the mass of our people remain in poverty, without land, without tangible prospects for a better life'*. The section mentioned above was supported by section 2.4.2 of the RDP which stated that, *'A national land reform programme is the central and driving force of a programme for rural development. Such a programme aims to address effectively the injustices of forced removals and the historical denial of access to land'*. Land has been mentioned as the only means for rural development and poverty eradication for most of South Africans., Hall (2004), however, found that most current land reform projects left many people without support from either the private sector or from the government departments that are charged with the responsibilities of rural development and land reform. In the case of the Morebene community, there has never been any research to look into the manner in which land restitution processes were implemented, and, therefore, an investigation into how the Morebene land claim was handled, what processes were followed, and how the restitution processes were implemented presents an opportunity to generate knowledge about land restitution

processes and its phases. The above provides the reasons why the researcher intends engaging in this kind of study. The research may help land reform practitioners to understand how land reform beneficiaries generally view the implementation of land reform programmes in the Morebene community. It will also measure progress in relation to capacity building and the empowerment of beneficiaries during land restitution processes and indicate gaps and challenges in relation to the implementation of all phases of land restitution projects in the Morebene community.

Findings of this study might also be useful to:

- Outline effective management processes required for the management and application of land reform programmes in Morebene Community and related land claims; and
- Provide a proper checklist for effective land restitution processes for the proper implementation of land restitution to mostly rural and uneducated land reform beneficiaries.

## 1.7 RESEARCH DESIGN AND METHODOLOGY.

The research process provides insight into the process of ‘how’ the research will be conducted from formulating the research proposal to the final submission of the thesis or dissertation. Fundamental stages in the research process common to all scientific based investigations are listed below. Remenyi, Williams, Money, and Swartz (2002: 64-65), explain the research process as consisting of eight specific phases, namely:

- Reviewing the literature;
- Formalising a research question;
- Establishing the methodology;
- Collecting evidence;

- Analyzing the evidence;
- Developing conclusions;
- Understanding the limitations of the research; and
- Producing management guidelines or recommendations.

In this dissertation, owing to the fact that the research will be designed to apply its findings to solving a specific existing problem, applied research will be used. The research will take place in the social world as social scientific theory allows for the development of 'what is and why' typifying the proposed research in this dissertation. The research in this dissertation will be approached using both qualitative and quantitative research paradigms culminating in the analogy that the research will have an empirical/theoretical research basis. The above is supported by Easterby-Smith, Thorpe & Lowe (1996:133-134), who argue that the use of multiple but independent measures in data collection methodology is known as triangulation. They went further to recognize four categories of triangulation which are, theoretical triangulation, data triangulation, investigator triangulation, and methodological triangulation. According to the authors, methodological triangulation 'refers to research where both qualitative and quantitative research approaches are used for data collection'. Case study research will serve as the research method in this dissertation. The entire research design and methodology will be fully discussed in Chapter 4.

## 1.8 CLARIFICATION OF TERMS

In order to bring meaning to the research project the following terms need to be clarified:

### ➤ *Land Reform*

Land reform in this study will refer *'to any intervention by the state or any organ of the state to redress the effects of colonial or apartheid regime legislated land dispossession, inequalities, underdevelopment, extreme poverty and exclusion from the farming and*

*agricultural activities or any deprivation of economic and social freedoms brought against the rural population of this country*'. For the rural poor communities, land reform means the undoing of extreme manmade poverty and deprivation of economic and social freedoms. This will, therefore, lead to the definition of what poverty means.

➤ *Restitution of Land Right*

This refers to the restoration of a right to land or equitable redress as defined in the Restitution of Land Rights Act of 1994 as amended. The position before the restitution will be viewed as a period of poverty and deprivation as further defined below.

➤ *Poverty*

The theoretical debate on the conceptualization and definition of poverty has evolved over many decades. Townsend (1979:31) conceptualized poverty as follows: *“Individuals, families and groups in the population can be said to be in poverty when they lack the resources to obtain the types of diet, participate in the activities and have the living conditions which are customary, or at least widely encouraged or approved in societies which they belong. Their resources are so seriously below those commanded by the average family or individuals that are in effect excluded from ordinary living patterns, customs and activities”*. What can be seen from Townsend’s definition is that poverty relates not only to daily sustenance but refers also to social exclusions. Levitas (1998) categorized social exclusion into the following three coexisting discourses: (i) RED or *Redistribution Discourse*, which underpins concepts that are concerned with inequalities and addressed through redistribution; (ii) SID or *Social Integrationist Discourse* which involves concepts that emphasis social cohesion and people’s capacity to function as citizens; and, lastly, (iii) MUD or *Moral Underclass Discourse* which equate social exclusion with social class which may be redressed by entering the labour market. Burchardt et al. (2002) defined social exclusion by arguing that *an individual is socially excluded if (a) he or she is geographically resident in a society, (b) he or she*

cannot participate in the normal activities of the citizens in that society, and (c) he or she would like to so participate but is prevented from doing so by factors beyond his or her control. According to the *World Development Report (UNDP: 2000/2001, 2005 and 2006)*, poverty is defined as follows, *Poverty is hunger. Poverty is being sick and not being able to see a doctor. Poverty is not having access to school and not knowing how to read. Poverty is not having a job, is fear for the future. Poverty is losing a child to illness brought about by unclean water. Poverty is powerlessness, lack of representation and freedom.* Tutu quoted in Gumede (2005) supported the argument of referring poverty to a lack of freedom by defining freedom in the following way, *“freedom translates into having a supply of clean water, having electricity, being able to live in a decent home, and having a good job, to have accessible healthcare”*. In order to deal with the effect of poverty, development needs to take place. This, therefore, leads to the definition of the term development.

#### ➤ *Development*

Waldo (1970: 48) and Cloete (1982:110) all argue that development cannot have a precise or generally acceptable definition. Their assumption is based on the fact that most of the social scientists define development on the basis of their theories and the principles of their orientation. Conyers and Hill (1994:22) define development as *“a process of developing or becoming developed, either because of the subject’s own actions or as a result or some sort of outside force”*. The authors further indicate that human beings have *basic needs*, which are, food, shelter, clothing, health, education, etc., from which *secondary needs*, such as those of political freedom or economic independence, develop. Any process of growth, therefore, that does not lead to fulfillment of human needs or, even worse, disrupts them as such becomes a travesty of development. In the concept of development through land reform, various processes need to be taken care of. In order to get a proper definition of development intervention through land reform, the entire land reform processes are defined as below.



➤ *Land restitution processes*

The land restitution process in this research refers to the application or implementation of various phases of land restitution as defined by the Commission of the Restitution of Land Rights including amongst them the lodgement of the application for the restoration of land rights in terms of the provisions of the Restitution of Land Rights Act of 1994 as amended, the verification of the claim, negotiation with the existing land owners to get a possible purchase amount of the land for the restoration to the land claimants, settlement of the claim, and the restoration of the rights to the land claimants.

## **1.9 CHAPTER LAYOUT**

➤ **Chapter One** (Orientation and Background).

An orientation to the research will take place whereby the researcher will do the introduction to the research, the problem statement and its importance, research objectives, research methodology and techniques to be used. The researcher will also outline the thesis and chapter layout.

➤ **Chapter Two** (*The theory behind land reform and the background to land restitution processes in South Africa*).

Available literature, reports, and research, outlining the historical background, the principles and issues that have informed the current land reforms policies, will be dealt with. The purposes and intentions of the current land reform programmes in South Africa will be discussed. The approved implementation processes and strategies with regards to land reforms will be addressed, as well as the relevant stakeholders and bodies responsible for land reform projects. Critical assessments and achievements to date will be dealt with and, where gaps exist, the relevant counter strategies by government structures will be explained.

➤ **Chapter Three** (*The study Area, Morebene Community*)

The researcher will introduce the community of Morebene and how it responded to the introduction of the land reform processes in South Africa. Morebene Community's geographical location within Limpopo Province will be illustrated by using maps, and some data from the municipalities will be used to define the current status of the community. An illustration of the manner of dispossession will be made and the progress to date will be mentioned in terms of land claims and post settlement status. Problems and highlights in relations to the links with the Department of Land Affairs, the Commission for Restitution of Land Rights, the municipalities, etc. will also be mentioned.

➤ **Chapter Four** (Research Design and Methodology)

The research process, and the research design and methodology will be introduced. The methodological triangulation, where both qualitative and quantitative research approaches are used, will be defined. The questionnaire as well as interview data collection methodologies will be discussed, as well as some adoption of certain useful PRA tools and techniques. The tools and techniques, such as the timelines and historical transacts, mapping, diagrams, will be applied for sampling, data collection, and interpretation purposes. The Morebene CPA and relevant community structures will serve as a focus group.

➤ **Chapter Five** (Data Analysis, Interpretation and Presentation of Research Results)

The procedure used in data collection, capturing and editing of data in this study will be discussed. The shortcomings, limitations, and gaps in the data will be discussed. The results will be described in tables, graphs, figures, and charts. The main results of the research will be discussed to support or reject the research questions and objectives.

➤ **Chapter Six** (Summary, Conclusion, and Recommendations)

The researcher will indicate how the results and conclusions relate to the literature and theories discussed in the research. How the findings will impact on the available literature or body of knowledge on the topic of land reform in South Africa will also be discussed. There will also be a link of the current research findings and results to existing published research. Recommendations will be made for further research on the land reform processes in South Africa.

**1.11 CONCLUSION**

The orientation and background to this study as indicated in 1, above, have been properly addressed in this chapter. The researcher will define the land reform processes and, most importantly, the restitution of land rights to Morebene Community in order to address the main objectives of this study in the following chapters.

## CHAPTER TWO

### THEORY BEHIND LAND REFORM AND THE BACKGROUND TO RESTITUTION PROCESSES IN SOUTH AFRICA

*A national land reform programme is the central and driving force of a programme of rural development...implementing the national land reform programme, and through the provision of support services, the democratic government will build the economy by generating large-scale employment, increasing rural incomes and eliminating overcrowding. (ANC, 1994, s 2.4.2)*

#### 2.1 INTRODUCTION

In this chapter the researcher will introduce the land dispossession process as the main cause of the current land reform processes or policies in South Africa. The different approaches to land reform, which will include land redistribution, land restitution, and security of tenure rights as applied in the country, will be discussed, and the researcher will also deal in particular with the land restitution process and all its phases as applied in country but with particular reference to its application in Morebene Community. The Morebene Community resides within the Molemole Local Municipality, and, therefore, a slight reference to the application of the restitution processes within the municipality as well as in Limpopo Province will be made. The institutional framework as prescribed and applied in the province in dealing with land restitution will be discussed. The importance of selection of the Morebene community is that they are claimants to the land restitution process in South Africa. Theoretical background in the form of literature sources, published and unpublished, will be used to define the land reform in South Africa.

#### 2.2 LAND DISPOSSESSION AS A SOURCE/ CAUSE OF LAND DISPARITIES IN SOUTH AFRICA

The most common, and one of the major, causes of inequalities, underdevelopment, and poverty in post-colonial countries is the issue of land dispossession. In South Africa, the land dispossession is known to have been the most explosive one alongside Mozambique, Namibia,

Angola, and Zimbabwe, all of which experienced settler invasion of the entire country (Moyo, 1995; 25). The two notorious pieces of legislation of the apartheid regime that influenced the severity of land dispossession in South Africa were the Native Land Act No, 27 of 1913 (which drew a firm line between the Black and European land holdings, segregating Africans and Europeans on a territorial basis), and the Native Trust and Land Act No. 18 of 1936, that established what was later the homeland systems in South Africa, (Karuiki 2001:5). It also turned black people into wanderers, labourers, and pariahs in their own land, the Republic of South Africa (2013:14). The above made it easier for blacks to be removed from their areas of birth or prevented them from owning any land which was by then specifically reserved for whites or Asians. In urban areas, the removal of blacks was manifested thorough the Group Areas Act and the Urban Areas Act, (Karuiki, 2001:5).

### **2.3 DISPARITIES CAUSED BY LAND DISPOSSESSION**

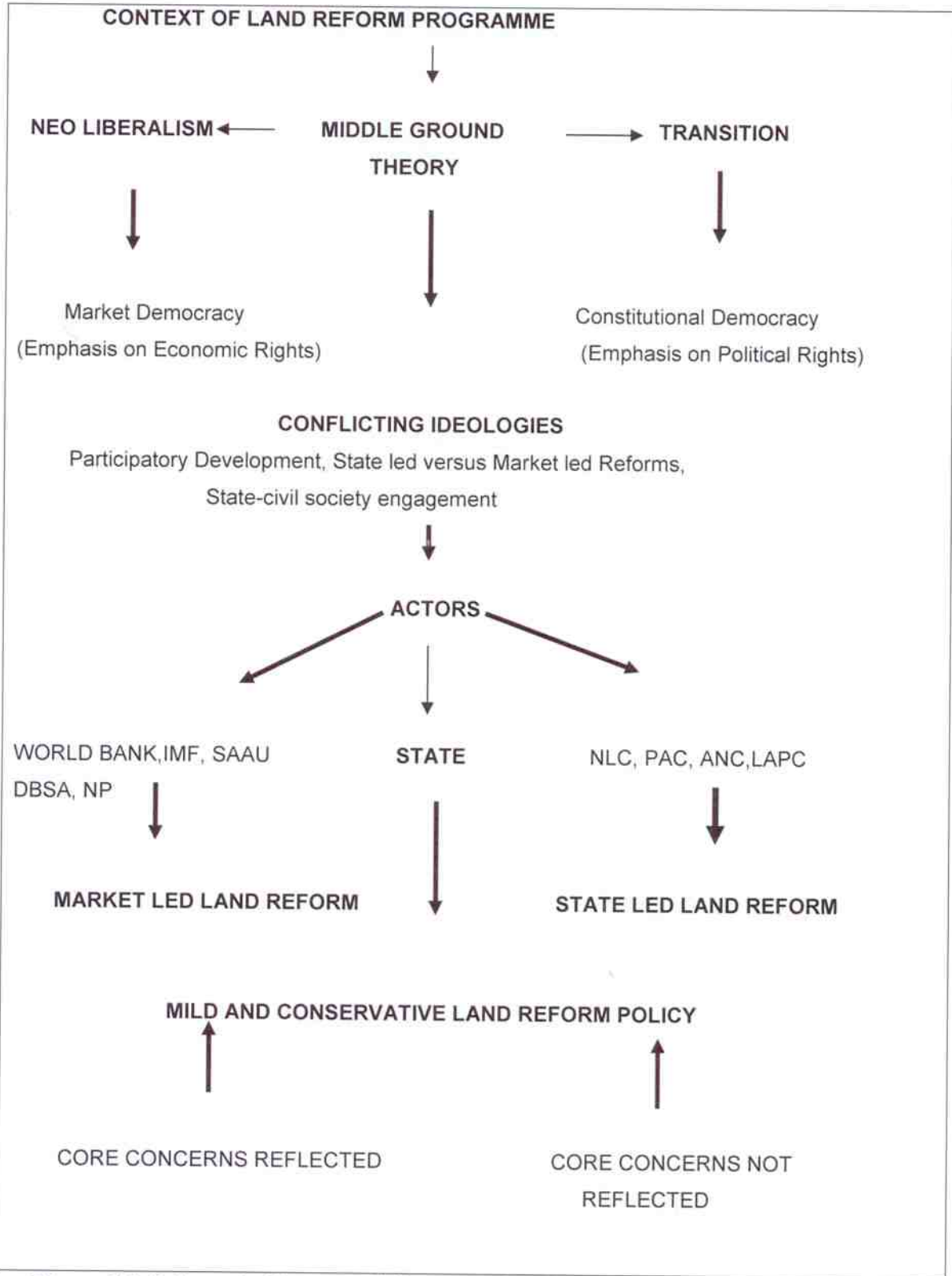
South Africa comprises 1 219 090 square kilometers or about 122 million hectares. Of this, about 100 million hectares are considered to be farmland (i.e potential arable land plus grazing land). Of this, in turn, 82 million hectares are regarded as commercial farmland, which was owned almost exclusively by whites under apartheid (NDA, 2005; Lahiff, 2007:1578 and Nkwinti, 2012:12). Stats SA, 2000; Wegerif, 2004; Wildschut & Hulbert, 1998 confirmed the statement above in their argument that “1% which is about 10.9 of the entire South African Population (mainly whites) owned and controlled about 80% of the farming land which counted to approximately 82 209 517 hectares of commercial land in South Africa. About 76,7 of the people classified as African (Blacks) had access to only 15% of agricultural land while an estimate of about 5,3 million Blacks lived with no tenure security on commercial farms”. Census (1996) further stated that, in 1996, 46% (or half) of South Africa’s population lived in rural areas. Aliber and Cousins (2012,142) further defines the fact mentioned above by arguing that the largest commercial farms, around 35 000 large scale farms, in South Africa are white-owned and occupies most of the country’s fertile agricultural land. They produce almost all marketed agricultural output. Tyler (2007) supported this argument by stating that 46% of the rural poor in South Africa are included in the approximately 600 to 900 million poorest people in the world

living in marginal rural areas. These people have to survive and scratch their living from very steep, rocky, dry and saline land that is purposefully left by the previous colonial regimes for them to live on (Tyler, 2007). Makgetha (2010) supported the arguments above by stating that, *“The core problem is that SA’s colonial and apartheid geography forced millions into labour reserves that were distant from employment opportunities, impoverished and overcrowded. They were largely in the north and east of SA, many in places too arid and far from the coast for much economic development. The repressive machinery of apartheid, from pass laws to forced removals, evolved to restrict people to these impoverished zones”*. The above can, therefore, lead to land dispossession being viewed and summarised as that process that brought in poverty, increased illiteracy, subjected rural people to unpaid farm work, and destroyed tribal rituals and customs. It stripped the rural African masses of their land rights, and it destroyed their means of survival from the environment in which they lived. Land dispossession also accelerated the concept of migrant labour (Ntsebeza, 2005). Many young boys from rural areas or farms ran away from unpaid farm labour to mines in major cities and mining towns even though they had to face other disasters like the influx control regulations amongst others. DRD& LR (2011:2) argue that *“migrant labour systems wreaked havoc in African rural communities by seriously undermining the virtues of Ubuntu, as people lost basic expression it- the ability to give (izinwe) which disappeared with the loss of their land”*. The rural African people, as the result of land dispossession, became isolated, vulnerable, and powerless which are all characteristics of being poor (Chambers, 1993). DRD&LR (2011:2) supports the argument above by stating that people could no longer produce enough food to feed themselves as families, nor could they keep livestock. People had to survive on meagre or slave wages. This situation further exacerbated their high illiteracy rate, their lack of financial resources to explore the farming and agricultural market, and they, therefore, had no exposure to modern farming technology. People in rural areas were also turned into being tenants on their own land. Rural people found themselves in a condition of lacking of access to options, social, political, economic, cultural, and environmental entitlements (Singh and Titi, 1993). Regaining access to land over many years became a serious need of the black South Africans who viewed land as a means of regaining their heritage, rights, and equality in South Africa. A duty, therefore, fell on the post-colonial South African government to satisfy the ambition of the black majority to own land. The need to distribute land

fairly amongst all different race groups in the country became one of the most suitable election manifesto promises that was used to win the confidence of the black majority in the run up to the first democratic elections of the post-apartheid South Africa.

## **2.4 BACKGROUND TO THE CURRENT LAND REFORM IN SOUTH AFRICA**

The issue of land ownership, and the fair and equal distribution of land, in South Africa, just as in any post-colonial state, has played a leading political role from as early as 1955 when the people of South Africa from all races gathered to adopt the 'Freedom Charter'. The Freedom Charter is viewed as one of the primary documents that tried to foster a democratic dispensation in South Africa. The land and the issues of equal allocation and sharing of the land were stated in the Freedom Charter in three different ways. "*South Africa belongs to all who live in it, the people shall share in the country's wealth, and lastly the land shall be shared among those who work it*" (DLA, 2005). The freedom charter may, in other ways, be viewed as having placed the equal redistribution and sharing of land in a people centered approach. Irrespective of the statements made in the Freedom Charter, however, the land policies in South Africa took a major shift from that of a people-centered view to a market-centered approach as discussed in Figure 2.1 below and adopted from Kariuki, 2001.



*Figure 2.1. Schematic Framework Depicting South Africa's Land reform Process. Source: Kariuki, 2001*



According to Figure 2.1 above, South Africa is reflected as a country that tried to take the middle ground between a market democracy and constitutional democracy and this led to a mild, conservative land reform policy that reflected core concerns of the market led land reform and ignored a State-led or people-centered land reform approach. Lahiff (2008:1577) gives account as to how the country adopted the current land reform policy and this is discussed below.

#### **2.4.1 THE WORLD BANK APPROACH**

According to Levin and Weiner (1994:304-310), the World Bank begun its influence on South African land policy when a team of local and international experts were brought to gather information on the agricultural sector in 1992. The team's recommendations were followed by a workshop by the United Nations Development Programme in Swaziland which was held on the notion that South Africa was in need of land reform and that world experiences should be shared in this regard. From the workshop, the World Bank agricultural mission developed a relationship with the ANC-aligned Land and Agricultural Policy Centre (LAPC). According to Levin and Weiner (1994), Ludman (1993) and Munnik (1993), the World Bank opted to fund a research project in South Africa using international funding on land reform, and then, after the research project, the ANC-aligned LAPC hosted a conference in 1993 in which the World Bank presented a policy called the 'Rural Restructuring Programme' (RRP) which advocated restitution and redistribution. According to the RRP, redistribution involved land already on sale and land acquired by corrupt means to be redistributed to the poor (or to be expropriated to pay compensation) as appropriate methodologies or pillars for land reform. The estimates were that six (6)% of white owned land would be redistributed annually in the period of five (5) years. According to World Bank, 30% of the white-owned land could be transferred to about 600 000 smallholders at an estimated cost of R 21 billion within five years. Aliber and Cousins (2012,1) refer to this aspect as Large-Scale Commercial Farming (LSCF) to the government has been stubbornly committed, overlooking smallholder agriculture in the government's land policies. The Bank further warned that institutional capacity in the public sector would require to be substantially expanded in order to meet the intended margins (World Bank: 1994:219-223, Levin

and Weiner, 1994). The rural working class and poor people attending the conference are said to have disputed the idea of buying the land that had been stolen according to their view. The restitution process, according to the RRP, was for the suffering of the people dispossessed of land through forced removals to be addressed by the Land Claims (World Bank: 1994:219-223, Levin and Weiner, 1994). One of the major criticisms of the RRP was that it was based on ideologically-driven and untested models that ignored the reality of the land markets and would be expensive to implement (Williams, 1994).

#### **2.4.2 THE RECONSTRUCTION & DEVELOPMENT PROGRAMME OF 1994**

Besides the objections and criticisms by various pro-poor organizations on the RRP approach to land reform in South Africa, the ANC published the Reconstruction and Development Programme in 1994 as a policy framework for integrated and coherent socio-economic progress which seeks to mobilize the people and the country's resources towards the final eradication of the results of apartheid (ANC, 1994; RSA, 1997; Lahiff, 2008; and Aliber and Cousins, 2012:8). The RDP premised land reform as a national priority. Land reform was regarded as a means of redressing land-related violations against specific people and collective injustices of land dispossession whereby, to redress the suffering caused by the policy of forced removals, the democratic government must, through the mechanism of land claims court, restore land to the South Africans dispossessed by discriminatory legislation since 1913. The court was introduced as a structure that had to be accessible to the poor and illiterate so that the reform programme was enabled to deal with the injustices of forced removals and to give access to land to those who were denied it by apartheid laws (RDP, 1994:20). The RDP further defined land is the most basic need for rural dwellers, and, therefore, national land reform was to play a central and driving force as a programme of rural development (ANC, 1994). The RDP further suggested that by implementing the national land reform programme, and through the provision of support services, the democratic government would build the economy by generating large-scale employment, increasing rural incomes, and eliminating overcrowding (RDP, 1994; 19-20). The aim for land reform was to raise incomes and productivity through the better use of land in South Africa (Kariuki, 2001). In summary one can say that the RDP:

- Regarded land as a means of rural development;
- Accepted the World Bank view of redistribution and restitution as means of rural development and redressing the land imbalances created by apartheid government;
- Accepted the fact that land can be sourced through the market friendly clause of the protection of the rights of the previous land owners even if land was obtained through corrupt means;
- Accepted the neo-liberal framework of fiscal discipline in the economy;
- Confirmed the cut-off date of land dispossession to be 1913;
- Also accepted that land injustices can be addressed by the land claims court; and
- Confirmed the ideal that only 30% of commercial land could be transferred to blacks within five years but that it would be costly to implement.

The above is a clear indication of the shift from the people-centered and driven land reform to a market-driven land reform programme. The RDP can be said to have clearly adopted the RRP from the World Bank as the only form of land policy that post-apartheid South Africa should adopt.

### **2.4.3 THE CONSTITUTION AND LAND REFORM**

One of the greatest challenges to the current land reform policies in South Africa is the results of the negotiated transition to democracy during the 1990s. The Kempton Park negotiation of February 1990 which resulted in the adoption of an interim Constitution of the Republic of South Africa Act 200 of 1993, led the ANC to adopting various serious compromises that would for a long time have a negative impact on the land reform agenda of the country, (Karuiki 2001). According to Marais (1994), the interim Constitution of the Republic of South Africa carried two clauses that had a direct influence on the land reform process; the one is the clause that guarantees the private property clause wherein expropriation of land would be applicable only for public purposes and the other clause being that the restitution of land rights clause which

guaranteed the restoration only of the right to claim the land that was seized under apartheid and not a right to actual restoration. The interim Constitution of 1993 also provided for the establishment of the Commission for the Restitution of Land Rights (CRLR), which had by then only a mediation role in the claims lodged. It also provided for the Land Claims Court that had more decision powers in the restitution of land rights to communities or any claimant. The processes of restitution of land rights according to the interim Constitution were therefore mostly judicial. The Land Reform Programme in South Africa has three parts, (1) the land Restitution Programme, (2) the Land Redistribution Programme, and (3) the Land Tenure system. Land restitution deals specifically with historical rights in land, tenure reform with forms of landholding, and redistribution is specifically aimed at the transformation of the racial pattern of land ownership (Jacobs *et al*, 2003). From the discussions above there can be no dispute that the RDP also played a pivotal role in the adoption of the property clauses in the interim Constitution and the Constitution of the Republic of South Africa. When the Constitution of the Republic of South Africa was finally signed into law in 1996, it carried clauses relating to the land reform as discussed below.

#### **2.4.3.1 PROTECTION OF THE PROPERTY CLAUSE**

In terms of section 25(1) of the Constitution of the Republic of South Africa (Act 108 of 1996) “*no one may be deprived of property except in terms of law of general application and no law may permit arbitrary deprivation of the property*”. Section 25(2) of the Constitution further states that – “*property may be expropriated only in terms of the law of general application –*

*(a) for a public purpose or in the public interest; and*

*(b) subject to compensation, the amount of which and the time and manner of payment of which has been agreed to by those affected or decided or approved by a court of law”*

The provisions of the Constitution above gave effect to what is called the 'Willing Seller, Willing Buyer' (WSWB) concept which later had a seriously adverse effect on the application of the land redistribution processes in South Africa (DLA (2006)). To indicate the serious effect of the 'WSWB' concept to land restitution in South Africa, Lahiff (2005) argues that the 'WSWB' concept assumed a non-negotiable status among the land owners and an object of contempt for landless people rights and to their supporters.

#### **2.4.3.2 REDISTRIBUTION OF LAND RIGHTS**

Section 25 (5) of the Constitution of South Africa, Act 106 of 1996 provides that. *'The state must take reasonable legislative and other measures, within its available resources, to foster conditions which enable citizens to gain access to land on an equitable basis'* (RSA, 1996:12). The primary objective of the programme was to redistribute land to the landless, tenants, farm workers, including some emerging farmers. The land redistributed was for residential as well as subsistence and commercial farming purposes to the people disadvantaged by provisions of the Natives Land Act of 1913. In 2001 Government introduced the programme called Land Redistribution for Agricultural Development (LRAD) in order to accelerate the speed by which the 30% of the commercial land of the country could be redistributed to blacks over 15 years from the year 2001. It also aimed at improving nutrition and incomes of the rural poor who desired to farm on any scale and addressing the decongestion of the over-crowding in former homeland areas. The development opportunities for the young and women are also aimed to be expanded upon by assisting them with easy access to land. However, Pressly (2010) made an indication that, *"At least nine out of 10 black farmers given land through the government's redistribution programme have failed, prompting the government to commit itself to guarantee about R207 million in helping them start all over"*. He further stated that the Minister of the Department of Rural development and Land Reform, Mr. Nkwinti, has indicated that 90% of the 5.9 million hectares of the redistributed farm land has failed. Pressly (2010) further indicated that the government also made indications that it had given up on the target to transfer 30 per cent of

land by 2014, which would cost about R80 billion, as it was unachievable, and that the governmental focus would now move to rescuing existing black farmers who had already gained land. The farms which have been declared struggling by the Department of Agriculture, Forestry and Fisheries were 224 farms, which include 44 in KwaZulu-Natal, 28 in Mpumalanga, 28 in the Eastern Cape, 80 in the North West and Gauteng, 22 in Limpopo, and 11 each in the Northern Cape and Free State (Pressly, 2010). In support of the statements above, on 15 May 2012, the Minister of the Department of Rural Development & Land Reform, Minister Gugile Nkwinti, informed the National Assembly that the LRAD programme had been discontinued on the basis of various failures experienced during the implementation of the programme (DRD&LR, 2012:12). The Minister indicated some of the challenges that the LRAD programme had encountered, amongst them the fact that, although government had committed to redistributing 30%, which is approximately 24,5 million hectares, of the land to previously disadvantaged people by 2014, only 6,7 million hectares of land had been redistributed by 2012, which amounts to only 26% of the 24,5 targeted for redistribution, excluding hectares of land for which the government had paid financial compensation, either because the claimants so chose or because the land could not be restored (DRD&LR, 2012:12). The Minister further stated that land restored from 1994/95 to May 2009 amounted to only 6,7million hectares + 882 238 hectares redistributed to May 2012. The land included 368 483 restituted from 2009 to May 2012 (DRD&LR, 2012:12).

#### **2.4.3.3 SECURING THE LAND TENURE RIGHTS**

According to Section 25 (6) of the Constitution of the Republic of South Africa, *'A person or community whose tenure of land is legally insecure as a result of past racially discriminatory laws or practices is entitled, to the extent provided by an Act of Parliament, either to tenure which is legally secure or to comparable redress'* (RSA 1996:12). The constitutional provisions came about owing to the fact that many people living on farms or working on farms have no tenure rights. South Africa is estimated to have at least 45 000 commercial farms constituting about 860 000 square kilometers of the country's surface area (DAFF, 2009). It is also estimated that about three million poor South Africans live on farms (SSA and NDA, 2004:4), cited in

Wisborg et al (2013:3). In Limpopo Province, thousands of farm workers are said to be offered access to land in return for labour rather than being wage workers (Jensen, 1998:254 and Hall, 2003:12), cited in Wisborg et al (2013), irrespective of the provisions of section 25(6) of the Constitution as cited above. In 1997 the fact and fate situation of farm workers were (was) identified in the White Paper on South African Land Policy which stated that the reason for the lack of tenure rights for farm workers was the racially discriminatory social structure existing in the country. The Extension of Security of Tenure Act was enacted in 1997 to protect the tenure rights of farm dwellers, those who work on farms and their dependents, and to prevent their arbitrary evictions from the farms. The act also provided that those who occupied land could purchase portions of the land through a grant from the Minister of Land Affairs to secure and enforce their rights. The purchase of land in terms the ESTA was very limited and did not have any positive results as a solution of the tenure rights of the poor farm dwellers and workers (Hall, 2003 and Wegerif et al, 2005), cited in Wisborg et al 2013. It later emerged that the rate of illegal evictions without the necessary court orders as per the act continued, and thus the impact of the ESTA was not achieved and as such failed. Wegerif et al, 2005 conducted a research in 2005 which found that:

- About 3.7 million individuals were displaced from farms over the twenty-year period from 1984 to 2003, of whom 1.7 million were evicted from farms;
- Over two thirds of farm dwellers and workers who were evicted from farms moved on to urban areas;
- From 1994 to 2003, the high number of displacements (2.3 million) and evictions (0,9 million) has continued; and
- The number of evictions increased during adverse climatic conditions and when legal measures to strengthen tenure security or improve working conditions were introduced, and that it was particularly high in 2003 when minimum wages were introduced.

The above indicates that tenure security in South Africa amongst the various land reform policies and legislation has not borne many favorable results.

#### **2.4.3.4 LAND RESTITUTION OR PROPERTY/EQUITABLE REDRESS.**

The Constitution also provided, in Section 25 (7), that, '*A person or community disposed of property after 19 June 1913 as result of past racially discriminatory laws or practices is entitled, to the extent provided by an Act of Parliament, either to restitution of that property or to equitable redress*' (RSA 1996:12) The land restitution aimed at balancing the restoration of land to the dispossessed with the concerns to minimize disruption to agricultural production and political stability (Hall, 2007:89), cited in Ntsebeza (2007). Although it targeted rural claimants dispossessed by the notorious apartheid laws and brutal apartheid regime, it later emerged that most of the claims that were settled were those from urban areas. It is a process that has been very slow and has been termed to be seriously bureaucratic. This study seeks to investigate the implementation of the land restitution, taking into considerations all phases thereof in the Morebene Community found within Molemole Local Municipality. It is for this reason that analysis of the land restitution process and its phases be properly undertaken to give meaning to the research and its findings.

#### **2.5 INTRODUCTION TO THE RESTITUTION OF LAND RIGHTS IN SOUTH AFRICA.**

The restitution of land rights in South Africa was made possible through the publishing of the Restitution of Land Rights Act, 22 of 1994 (CRLR, 2003). The Act made possible the establishment of the Commission for the Restitution of Land Rights (CRLR) and the Land Claims Court in 1995 which became the organs of state to facilitate and expedite the restitution of land rights process in South Africa (CRLR, 2003). It emerged later, during the implementation



of the land restitution, that a judiciary based land reform process would not be feasible for land reform in South Africa. Through the method of settling land claims through the Land Claims Court, it was found that for five years, that is from 1994 to 1998, only 41 land claims were settled by March 1999 (Hall, 2007: 93), cited in Ntsebeza, 2007). A new process, purely administrative, of settling land claims was then adopted whereby land claims were negotiated between the CRLR and the claimants rather than adjudications through the courts. The CRLR published its processes in 2003 as detailed below.

### **2.5.1 PHASES OF THE LAND RESTITUTION PROCESS**

One of the major tasks of the CRLR was to make sure that policies and processes of identifying and making it easy to deal with claims lodged by the land claimants was achieved. The CRLR (2003) then published the phases in which land claims would be dealt with. The phases of restitution of land rights are as follows:

- Phase 1. Lodgement and registration;
- Phase 2. Screening and categorization;
- Phase 3. Determining of qualifications in terms of section 2 of the Restitution Act;
- Phase 4. Negotiation of claim;
- Phase 5. Settlement of claim; and
- Phase 6. Implementation and Settlement Support and Development planning (CRLR, 2003).

The phases above can be illustrated as per the schematic diagram below:-

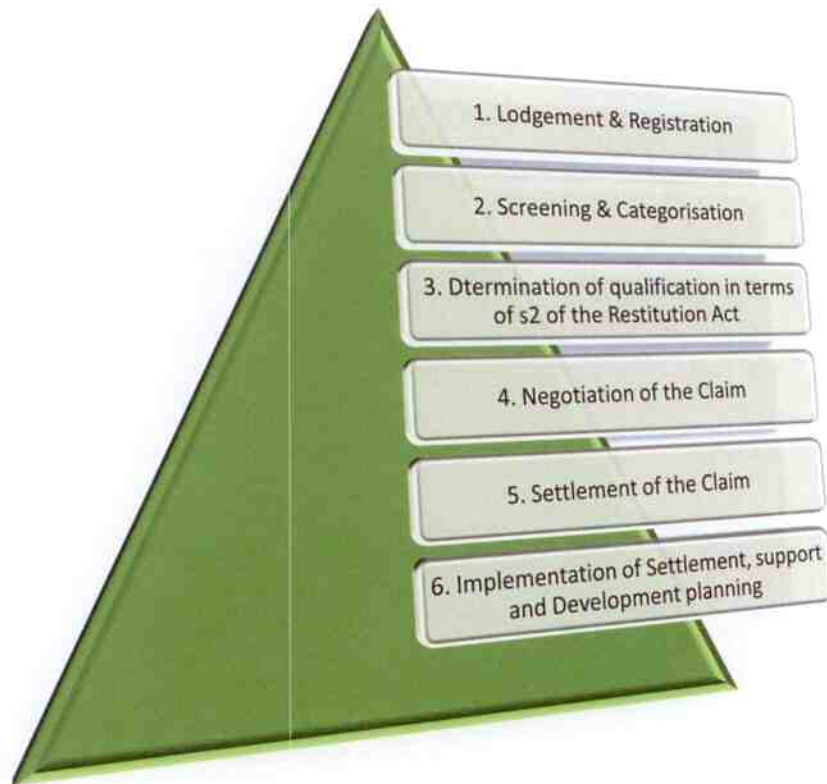


Figure 2.2 Six Phases of the Land Restitution Process. Own Source: Adapted from CRLR (2003)

### 2.5.1.1 PHASE 1 (LODGEMENT AND REGISTRATION)

This phase involves the filling in and submission of the land claim by communities or individuals who may have a claim of forced removal or any kind of land dispossession which occurred through the practices of the various racial laws that were practiced during the apartheid regime. In terms of the Land Restitution Act of 1994, the claim should have been lodged before the 31<sup>st</sup> December 1998 which was the cut-off date for the submission of claims to any office of the Regional Land Claims Commissioner or the National Land Claims Commission in Pretoria (CRLR, 2003). The claim would be accepted and registered by the offices of the Land Claims Commission for further processes in terms of the restitution of the land rights act (CRLR, 2003).

### **2.5.1.2 PHASE 2 (SCREENING AND CATEGORISATION)**

According to the CRLR (2003), the screening and categorization phase involved the process of screening the application to observe whether all requirements of the claim had been met, amongst others whether the claim was submitted in time and whether all necessary historical background of dispossession exists. The process was followed by preliminary feasibility assessment from which the claim would be batched and the prioritization of the claim determined. The restitution business processes established that the Commission for Restitution of Land Rights should appoint people, known as Project Officers, to expedite this process. Claims that are found to comply with the provisions of the act are prioritized for further processes in terms of the different phases of the restitution process. Claims are prioritized to be settled within a particular financial year (which means from 1<sup>st</sup> April to the 31<sup>st</sup> March of the next year). The claims are also categorized either as rural or urban claims. They are further divided as coming either from individuals or from groups or communities. For urban claims, the compensation to groups or individuals would mostly be in monetary form since it is impossible to resettle such claimants on their original land which at this stage would be mostly developed into townships, industrial areas, or zoned for urban infrastructure development. It has since been established that urban claims constituted only 10% of the restitution claims (Du Toit, quoted in Cousins, 2000). The rural claims are mostly for groups dispossessed as a result of racial legislation or action in rural areas where those areas were mostly developed into established commercial farms or game lodges, etc. Once claims are prioritized, they are given to a particular Project Officer who will conduct preliminary desktop research about the validity of the claim and subject the claim to further phases of the restitution process in terms of the Restitution Act.

### 2.5.1.3 PHASE 3 (DETERMINATION OF QUALIFICATION IN TERMS OF s2 OF THE LAND RESTITUTION ACT)

Section 2 of the Restitution Act 22 of 1994 defines people who are entitled to restitution processes. The Act defines that:

- “(1) *A person shall be entitled to restitution of a right in land if:*
- (a) He or she is a person dispossessed of a right in land after 19 June 1913 as a result of past racially discriminatory laws or practices ; or*
  - (b) It is a deceased estate which disposed of a right in land after 9 June 1913 as a result of past racially discriminatory laws or practices;*
- or*
- (c) He or she is the direct descendent of a person referred to in paragraph (a) who has died without lodging a claim and has a descendant who*
    - (i) is a direct descendant of as person referred to in paragraph (q);*
    - and*
    - (ii) has lodged a claim for the restitution of a right in land;*
- or*
- (d) it is a community or part of a community dispossessed of a right in land after 19 June 1913 as a result of past racially discriminatory laws or practices ; and*
  - (e) The claim for such restitution is lodged not later than 31 December 1998.”*

During the third phase of restitution process, the RLCC will examine whether claimants or people or communities who claimed the land qualified in terms of provisions of section 2 of the Restitution Act of 1994 and that they have a claim that they were indeed deprived or dispossessed of their land in terms of past racial laws. Amongst those laws that brought dispossession of land rights to many South Africans are: the Native Act 22 of 1913; The Natives Trust and Land Act, 18 of 1936; The Bantu Administration Act, 38 of 1927; the Transvaal Asiatic Land Tenure Amendment Act, 30 of 1936; the Coloured Areas Act, 24 of 1967; the Rural Coloured Act, 24 of 1963; The Bantu Labour Act, 67 of 1964; the Promotion of Bantu Self-

Governing Act, 46 of 1959; the Bantu Homelands Citizens Act, 92 of 1969; the Bantu Affairs Administration Act, 45 of 1971; The Natives Areas Act, 21 of 1923; The Communal Development Act, 31 of 1966; The Prevention of Illegal Squatting Act, 57 of 1951; etc (CLCC, 1999). The deprivation or dispossession of the land should have occurred after the 19<sup>th</sup> June 1913. The office of the Chief Land Claims Commissioner (CLCC) further provides that the nature of the rights lost must be determined in finalizing the assessment of the validity of the claim because such will assist in understanding the circumstances and activities that took place at the time of dispossession. Some communities may have had registered rights and some may have had unregistered rights in the form of beneficial occupation and labour tenancy. The CLCC (1999) provided as a guide that most communities lost rights to use land for residential, burial, cropping, grazing, irrigation, breeding livestock, extracting certain mineral such as clay or sand, or collecting crops or herbs. Once a face value assessment exists that the claim may be legitimate, the claim is published in the Government Gazette by the Regional Land Claims Commissioner in terms of section 11 of the Restitution Act. The Commission needs to conduct an assessment of notification of interested parties in terms of the publication of the Gazette notice. When assessment seems positive, the first stakeholders' meeting is held with the current claimed land owners, the land claimants, the CRLR and all those departments that form part of the stakeholders in regards to land claims, and municipalities if they have the land and agricultural desk. During the meeting, the Commission gives notices with regard to the land claimed and outlines all the rights of the affected parties during the land restitution processes. All steps that will be followed are clearly outlined and parties are notified on how to dispute the claim processes including the land claim as submitted. This phase gives the claimants legitimacy to claim the land and assist the RLCC to continue with other subsequent processes in regard to the claim.

#### **2.5.1.4 PHASE 4 (NEGOTIATION OF THE CLAIM)**

During this phase, the RLCC must ensure that the nature of compensation that was received by the beneficiaries or claimants during the time of dispossession is determined and also the value thereof measured so that it can be established whether it was sufficient or not, and such compensation, if any, should be taken note of during the further negotiations and settlement processes (CLCC, 1999). There are communities that were justly and equitably compensated during dispossession processes (although no proper valuation ever took place to determine the accurate value of the land) and other communities were not financially compensated but were dumped in areas called ‘compensatory land’ with no rights and full access in the land. Other communities were left to fend for themselves without alternative land or compensation of any sort. The Project Officers are advised during this phase to hold what is called ‘options workshop’ whereby the entire community or claimants are advised on restitution options available, taking into consideration their actual needs in regards to the restoration of their land rights (CLCC, 1999). A thorough investigation of the advantages and disadvantages of each option should be given to claimants so as to enable them to take an informed decision about their claim. The Project Officer should also consider the needs of each separate grouping in the community so that their respective needs are aligned to those of the entire community before they are advised to take a suitable option. The negotiation phase includes the process whereby the RLCC assists the claimants with a project plan on how the land claims process is going to unfold. It also includes the representations of the claimants if required, conducting a research in order to obtain any outstanding information on the claim, assessing the Monetary Value of the Claim (MVOC), and conducting a verification of the claimants. According to CLCC (2003), the verification is done for the purposes of the following:

- To establish the existence of an element of commonality within the community which existed at the time of dispossession;

- To determine whether the restoration of such community is feasible, taking into consideration the increased size of the community; and
- To determine the number of households for purposes of restitution grants and any housing projects.

The CLCC (2003) defines that where the existence of the community is not disputed, an inquiry into the membership of the community will not be necessary. There should, however, be a broad inquiry into the existence of a community in its own right and its connection to the claimed land so that rights in land will be restored to it (maybe in the form of a Communal Property Association) and not to members individually. The verification for purposes of grants and feasibility are linked, and, once the number of households is determined, then the value of grants in monetary value can easily be determined. The verification process may be done through a list if such can be obtained or is available from the National Archives, or a list can be drawn from the evidence of people who stayed on the land according to features available and ruins found on the land. People who may be found on the land during the verification processes can be absorbed into the list of claimants of the land in order for them to form part of the restoration of land rights. The verification process can be done through the collection of death certificates of members who died before the claim processes, birth certificates of the descendants of the deceased, proof of the identification of current people still living, and, through affidavits, of those that claim to have lived in the land. The phase of negotiations also includes conducting a land valuation through a qualified valuer. Valuation is done so that there can be a basis for negotiations of the selling price of the land with current land owners and to determine the value of the land claim. The RLCC must commission the valuation process and appoint the qualified valuer for the process. Even if the land belongs to the state, valuations have to take place so that the claimants are able to access the section 42C grant as per the National Treasury requirements. One of the conditions of the settlement of the state land is that the Minister of the Department of Rural Development and Land Reform should inform the State Land Disposal Committee that he/she has approved that the land be restituted. The disposal committee will then recommend that the land be disposed of (CLCC, 1999 and CLCC, 2003). The phase includes the preliminary

planning with regard to land use and development; preliminary case report and negotiation position, preparation, and obtaining a mandate, preparation of the Memorandum for approval by the Minister and obtaining an approval from the Minister. There are claims that may still be settled via the Land Claims Court when matters relating to them are very complex and need a lot of adjudications to be made.

#### **2.5.1.5 PHASE 5 (SETTLEMENT OF THE CLAIM)**

The settlement of the claim happens after the approval by the Minister in compliance with provisions of section 42D of the Restitution Act as amended. The community must be advised to make a choice in regards to a legal entity, also known as the Communal Property Institutions (CPIs), they will wish to establish to manage their land when the restitution processes are finalized. There are various forms of the CPIs, like the trusts, Communal Property Associations (CPAs), Private Corporations, Close Corporations, and Partnerships that may be chosen by communities but it has been established that the Department of Rural Development & Land Reform emphasizes the use of the Communal Property Associations by the claimants because such CPIs can be directly controlled and monitored by the Department and have duties to report annually to the Director-General of the Department and also to provide annual audited statements of how they utilize and manage funds made in their restituted land. The Minister is given the right to make restitution awards after being properly informed by the RLCC and Chief Land Claims Commissioner on the restitution processes and all negotiations and costs of the restitution.



### **2.5.1.6 PHASE 6 (IMPLEMENTATION OF SETTLEMENT)**

Before any settlement stage or process could be implemented during the land restitution stages, a pre-settlement stage takes place. This stage includes the process of the formulation of the legitimate community structures that will be charged with the responsibilities of ensuring that all further processes of the land restitution are properly executed (CRLR, 2005). It is not possible to deal with the process of settlement of the community without having a proper structure that will take ownership of the process and also ensure technical as well as legal ownership of the process. This stage involves the formulation of legitimate community leadership structures in the form of Community Property Institutions (CPIs). During this process, suitable eligible community members for leadership are selected to take up various community leadership positions that will arise during the processes of pre-settlement stages. This process is then followed by a proper skills assessment required for community leadership positions which will even include the acquired or actual skills of the CPA EXCO members measured against the required skills for leadership positions of the CPIs. The criteria for CPI training are established, and then relevant suitable CPA members and those amongst the community or sub committees are selected for various training interventions CRLR (2005:29).

Limpopo Regional Land Claims Commission sought to define the restitution processes (especially the post settlement processes) by bringing in a number of strategic partners to develop a publication that came to be known as the 'Operational Framework for Post-Settlement Support Interventions' in 2005. The publication emerged from a partnership which was established by the Limpopo RLCC through the 'Centre for Land-related, Regional and Development Law and Policy' (CLRDP) based at the University of Pretoria with funding from the Development Bank of Southern Africa (DBSA), the Canadian International Development Agency (CIDA), Southern African Development Community (SADC) with major technical assistance from the World Bank (Geyer and van Rooyen, 2009:100). The Operational Framework drafted from the Limpopo RLCC intervention has since been tested in a number of restitution projects across the country and has been adopted by the Sustainable Restitution

Support-South Africa which developed a comprehensive model for the training of restitution project facilitators across the SADC region. It was evident that restitution projects in the country were not implemented in terms of the objectives as envisaged in the Restitution of Land Right Act of 1994 as amended. Limpopo RLCC, including all RLCCs, had challenges with regards to the governance and project level management of restitution. Some of the challenges experienced were identified as in Table 2.1 below:

Post-settlement challenges at governance level	Post-settlement challenges at project level
Insufficient emphasis on post-settlement and lack of an existing comprehensive post-settlement strategy at national level.	Absence of effective social facilitation in pre- and post-settlement to prepare beneficiaries for responsibilities/realities pertaining to land ownership. Settlement support staff at the RLCC are inadequately trained in social facilitation to deal with and contain complex community dynamics affecting governance and project development, and preparing reality checks for beneficiaries.
Inadequate institutional links between pre-settlement planning and post-settlement implementation.	Lack of consistent, integrated project development in terms of a broader economic, social and environmental sustainability context.
Lack of institutional awareness about the potential impact of land reform projects on local and provincial socio-economic development.	Varied quality of completed business plans (if available) and poor adherence to business plans by communities.
Ad hoc decentralisation and poor integration of land reform projects in provincial and local planning and budgets (in concrete terms and deliverables).	Lack of continuous and relationship-based advisory services (e.g. single-use, in-and-out consultants, service providers and government interventions).
Absence of customised (needs specific) post-settlement support mechanisms at local (community) level.	Inadequate project management capacity and relevant technical skills among beneficiaries to start up desired income-generating projects.
Random cooperative governance and inter-departmental coordination at project level.	Ad hoc provisioning of capacity-building and training programme beneficiaries.
Poor communication, data and information sharing among stakeholders involved in post-settlement implementation and support intervention.	Inadequate capital/resources, infrastructure within communities to start up projects.
Poor monitoring and evaluation systems in place to oversee projects' restitution progress.	Insufficient provision of relevant capacity-building and training programmes to beneficiaries.
Administrative constraints: lack of human resources/capacity, high staff turnover rate and cumbersome procurement procedures at RLCCs.	Insufficient monitoring and evaluation of project developments in resettled communities.
	Unrealistic community expectations linked to lack of economic and feasibility assessments of selected projects and community-centred approaches in pre-settlement planning.
	Complex community dynamics and governance deadlocks stalling development and land use initiatives.

Table 2.1 Post Settlement Challenges. Source: Geyer & van Rooyen (2009)

From the operational framework, the process of land restitution in Limpopo was defined as follows:

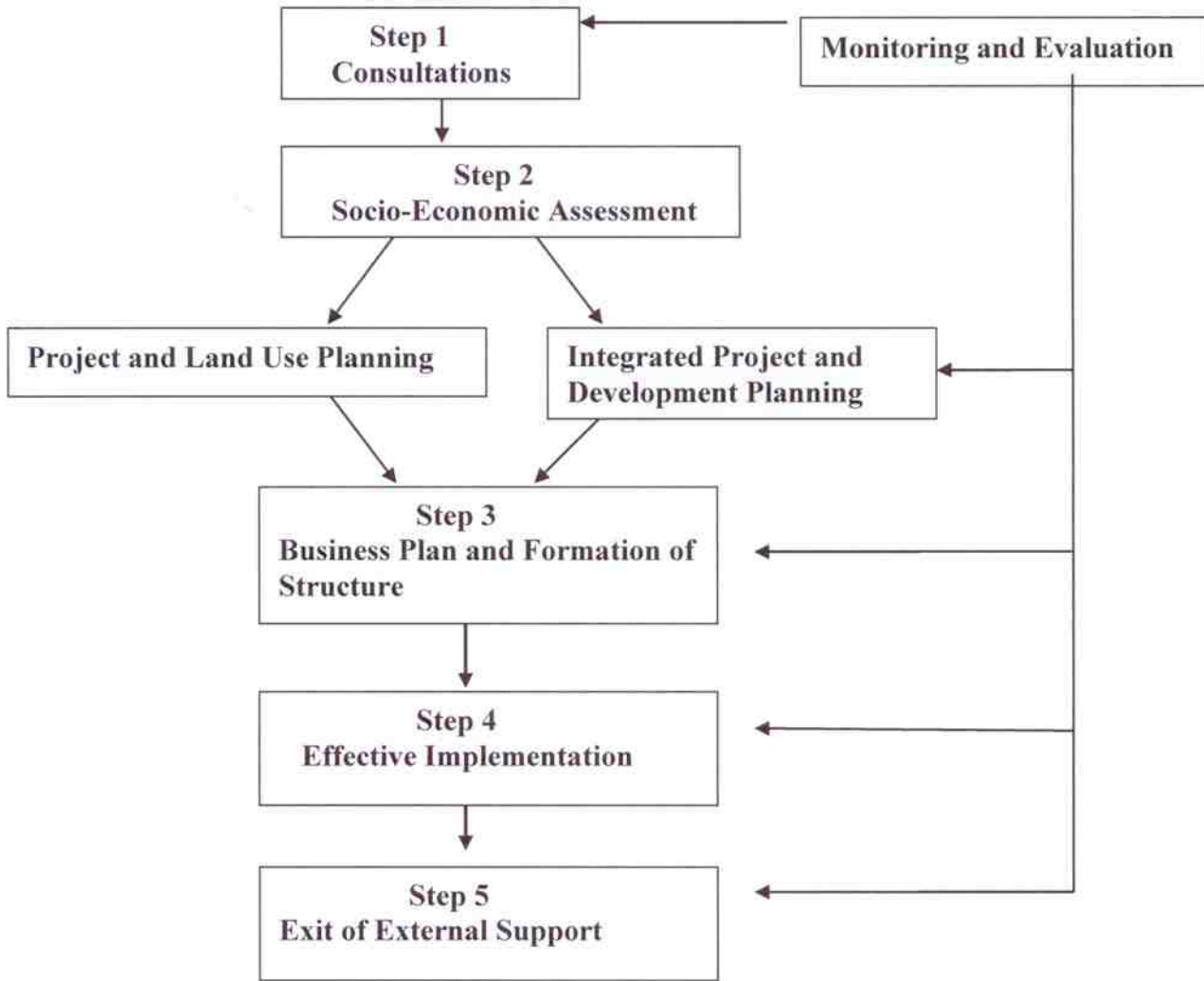


Figure 2.3 Steps in Land Restitution project (settlement) implementation phase. Source: CRLR (2003:25)

The steps above were ideally assumed by the CRLR to be implementable during both pre- and post-settlement phases of the restitution processes as discussed below.

### 2.5.1.6.1 Step 1 Consultations

Before any project can be implemented, various consultation processes have to take place with the affected communities so as to enable them to understand all the project planning phases of the land restitution processes. According to the Limpopo RLCC, the consultations in the early stages are to be done on the basis that communities are “principal drivers of their transition to resettlement” and, therefore, the ideal of the consultation process is to ‘fully inform, integrate and empower the beneficiary community in planning and project development process as well as to begin aligning appropriate support mechanisms with project needs’ (CLRDP, 2005). The consultation process further consists of the following various interdependent processes as mentioned below:

- **Extensive social facilitation** ( Wherein communities are guided into the realities associated with land to be restituted including empowering communities in terms of project planning processes aligned to their expectation in regard to the land. The communities are also to be guided to deal with group dynamics and conflict resolution in order to avoid project development deadlocks). This process will include orientation sessions where community members are given guidance into the roles of the CPIs, the drafting of the constitution of the CPA/Trust, governance procedures and responsibilities, and the legal obligations attached to the CPA or Trust.
  
- **Formation of ‘Municipal Project Support consortium/Team (MPST)’**. This structure is to be appointed by the RLCC and the Department of Agriculture and is to be composed of key stakeholders such as the relevant extension officer, representatives from provincial, district and municipal line department, strategic joint venture partners, and appropriate service providers. The main aims of the MPST are to oversee, advise and assist in the accessing of relevant funding and other means of support to the beneficiaries.

- **Introduction of the CPA or trust to the MPST** to assume membership of the team.
- **Legitimizing and conducting relevant skills assessment of CPA/ Trust Executive committee** and conducting relevant training interventions as may be required.
- **Conducting of socio-economic baseline study of the community.** This aspect is to be carried out by the appointed qualified service provider.
- **Appointment of a neutral Project Support Consortium/Team (PSC/T)** to assist the MPST.

The consultation process as outlined above is ideally to serve the role of the Participatory Rural Appraisal Forum in a way of ensuring the transfer of skills and the empowerment of the relevant beneficiary community.

#### **2.5.1.6.2 Step 2 Integrated Socio-economic assessment**

A more thorough and expert socio-economic assessment process is undertaken where a complete feasibility analysis of the economic and developmental activities of the proposed resettlement is done. This stage consists of two parallel processes discussed as follows:

- **In-depth Economic Feasibility Assessment of projects.** The projects that were selected during the consultation process are thoroughly checked against the actual production capacity, market access, capital requirements, competitiveness, land use potential, diversification of land use strategies, profitability and integration into local economic development plans, etc., process after which prioritization and sequencing of the most feasible and operationally realistic projects are discussed with the community.

- **Integrated Project Development.** This is a process where land use preferences are placed into a broader developmental integrated context by integrating economic objectives of projects with operational and infrastructural needs, regional and municipal land use planning, available community based resources, required basic services, and overarching considerations for integrating economic, environmental, social, familial, and cultural factors. This is preceded by the identification of sustainability and general project development indicators as well as criteria for impact assessments for monitoring and evaluation purposes. The last of this process includes a determination of entry and exit strategies, quality controls, and terms of reference for PSC/T and various service providers required.

#### **2.5.1.6.3 Step 3 Pre-settlement/Post settlement :Business planning and formation of structures**

A realistic and comprehensive business plan must be drafted, based on realistic community interests, available capital, and infrastructure and capacity of the community. The services of an independent service provider is always involved, and the service provider should ensure that plans for land use activities are matched with available infrastructure finances as well as the skills and labour capacity of the community. Production and risk management strategies, partnerships and joint-venture options, production, and marketing potential, cash flow projections, management, as well as operational systems are the key areas that should be included in the business plan. The appointment of a Project Manager to actualize or assist in the implementation of the business plan is done after the business plan is finalized to ensure that the community is guided during the implementation stages. Financial, as well operational, structures and resource pools are made available for the implementation thereof.

#### **2.5.1.6.4 Step 4 Post settlement: Effective implementation**

This is the operational and implementation stage which involves several overlapping and parallel processes such as:

- Diverse capacity building and skills transfer aimed at different targeted groups as per the business plan of such community project;
- Overseeing the operational and managerial aspects of the project by the community assisted by Project Managers so as to enable self-reliance once external support is over;
- Relevant project sub-committees being taught to become fully functional and operational with regard to overseeing specific land use activities once the external support is over;
- Municipal Project Support Team intervention where certain needs require it, as per the business plan;
- Responsibilities for sustainability of projects are gradually transferred to the community concerned; and
- Monitoring and evaluation teams commence conducting a project specific benchmark assessment and also provide conclusive and constructive reports.

#### **2.5.1.6.5 Step 5 Post Settlement: Exit of external support**

The ultimate aim of the restitution programme is to develop self-reliant and self-sufficient communities that are able to live on the benefits of the land, and, therefore, before an exit of external support, an exit strategy has to be developed. Such an exit strategy will include amongst others that: –



- The targeted community should have gained a level of competence being self-reliant and having proper structures, capacity resources, and proper networks to sustain selected land use or entrepreneurial activities, benefits, and general satisfaction with project outcomes;
- The appointed service provider should conduct a pre-exit evaluation of the quality and completion of service delivery including assessing the attainment of project outcomes prior to permanent exit of the support structures;
- The exit strategy should effectively be integrated and supervised in terms of relevant service level agreement in place;
- The exit strategy should be implemented only after a full debriefing, acceptance and satisfaction with service delivery, and project progress by community members and relevant stakeholders; and, lastly
- The monitoring and evaluation team needs to oversee the implementation of the exit strategy and should be actively involved in the process.

## **2.6 LAND REFORM GOVERNANCE STRUCTURES APPLIED IN LIMPOPO PROVINCE**

Based on the fact that other processes are not specified in the Restitution Act, the Limpopo RLCC established the following governance structures to effect restitutions project in the province:

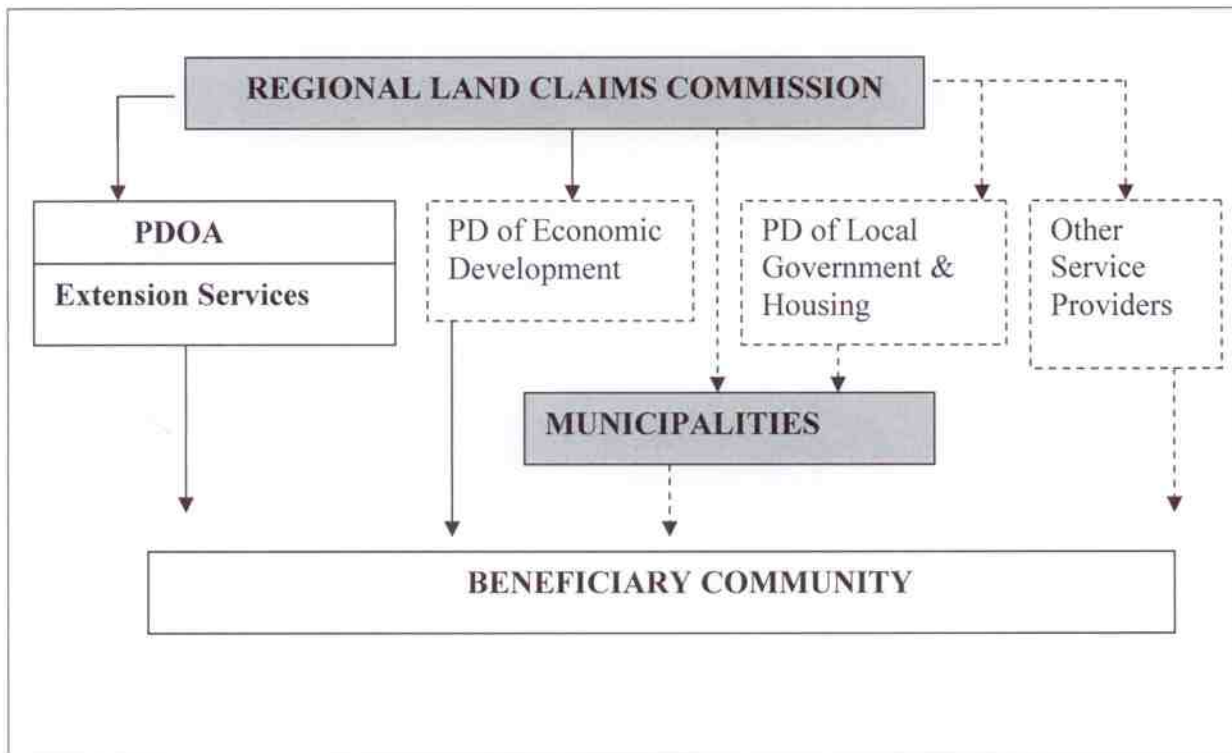


Figure 2.4 Land Reforms Governance Structures Applied in Limpopo Province Source: CRLR (2003:25)

From the governance structure above, the Limpopo Regional Land Claims Commission intended to manage the land restitution processes in an integrated mechanism that involved various service providers, the Departments of Economic Development, Local Government and Housing, as well as the Provincial Department of Agriculture as major stakeholders in restitution processes. The above structure did not bring any benefits, and it had to be reviewed around 2010 upon advice from the CRLR as reflected below.

## 2.7 PROPOSED NEW GOVERNANCE STRUCTURE FOR LIMPOPO

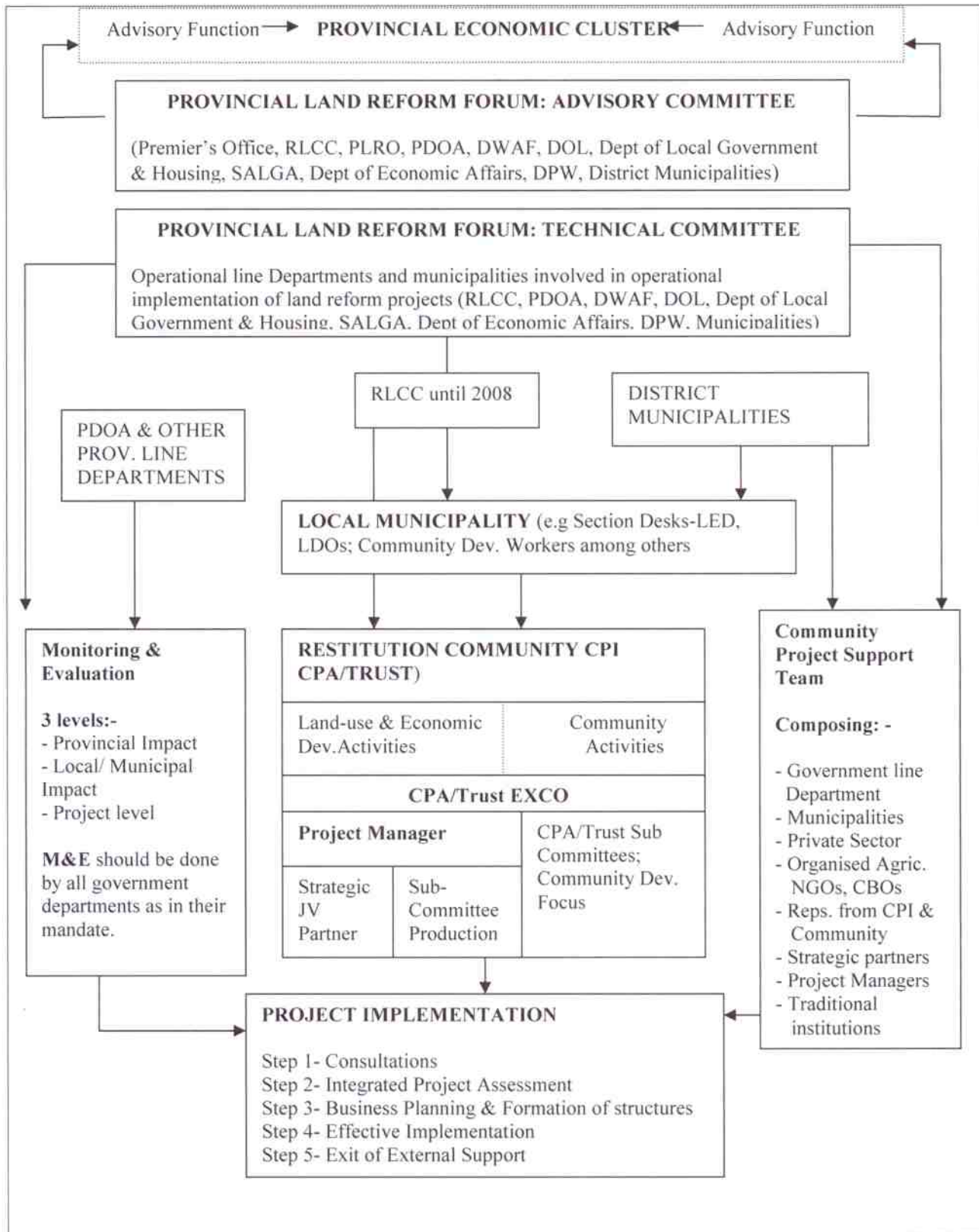


Figure 2.5 Proposed New Governance Structure in Limpopo Province. Source: CRLR (2003:25)

Although the above may be regarded as a brilliant pre- and post-settlement intervention for restitution project, this research will try to establish whether the same intervention has been effectively implemented in Limpopo Province especially in the implementation of the restitution of land rights to the Morebene Community.

## **2.8 LAND TRANSFERRED TO LAND CLAIMANTS IN LIMPOPO BY DECEMBER 2008 AS COMPARED TO NATIONAL FIGURES.**

Before any analysis of the effect of the restitution intervention can be done, it would be important to identify how the land restitution projects were done in Limpopo Province in comparison to the total national figures during the implementation of the Land Restitution Act of 1994. The comparison will enable the research to make recommendations as to whether the Limpopo RLCC interventions and the creation of the Operational Framework for post-Settlement Support added any value to the restitution of land rights to beneficiaries. It has been observed from the restitution reports that, from a total of 1597227 beneficiaries, Limpopo constitutes 12% of restitution beneficiaries. Only 16% of hectares compared to the national figure were transferred to beneficiaries in Limpopo. Limpopo claims constitute only 4% of the national figure of claims received by December 2008 (Limpopo RLCC, 2009) as indicated below:

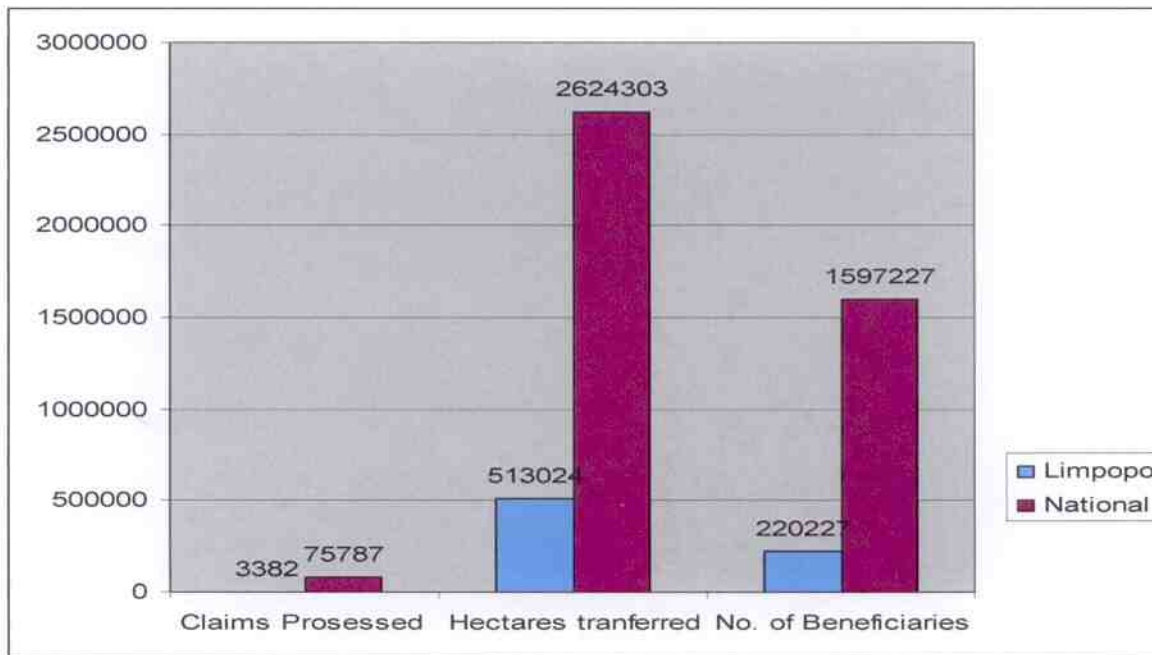


Table 2.2 Land Transferred to Claimants in Limpopo Province by 2008. Source: Limpopo RLCC (2008).

The land restored to claimants can be distributed along the various land reform processes that are involved in South Africa as indicated in Table 2.3 below.

## 2.9 LAND CLAIMS AWARDED IN TERMS OF THE CURRENT LAND REFORM IN LIMPOPO FROM 1994 TO 2010.

Greenberg (2010) gave an analysis of the various land reform interventions comparing the successful projects executed across all nine provinces of the Republic of South Africa.

PROVINCE	Redistribution & Tenure			Restitution			Total	
	Number	Hectares	Beneficiaries	Claims	Hectares	Beneficiaries	Hectares	Beneficiaries
EC	675	353357	25633	16201	94834	215201	448191	240834
FS	799	350291	7721	2662	47615	40893	397906	48614
GP	286	34513	7328	13159	9476	70179	43989	77507
KZN	690	547414	67761	14752	642447	433168	1189861	500929
LP	291	91235	7403	3382	513024	220227	604259	227630
MP	444	322839	13950	2694	399876	225877	722715	239827
NC	271	952744	2773	3682	539620	100554	1492364	103327
NW	300	268566	40539	3709	373642	172963	642208	213502
WC	223	122304	12750	15546	3769	118165	126073	130915
<b>TOTAL</b>	<b>3979</b>	<b>3043263</b>	<b>185858</b>	<b>75787</b>	<b>2624303</b>	<b>1597227</b>	<b>5667566</b>	<b>1783085</b>

Table 2.3 Land Claims Awarded 1994 to 2010. Source: (DRDLR, M&E Unit courtesy Karin Kleinbooi at Plaas) as quoted in Greenberg, 2010

It may seem that the land reform projects were effectively implemented. De Jager (2009: 2) exposes that, although South Africa intended to have transferred at least 30% of commercial land to black ownership by 2014, only 4% has been transferred to black ownership in 2009. The lack of government expertise in finalizing the matters relating to land retard food production, on the other hand, since most of the farmers are not aware of what will happen to their land the next morning or so. This has led to food production of only a mere 9% whilst South Africa should be producing at least 44% in agricultural production, taking into account the increase in the population rate of 32% excluding the unregistered foreign nationals (De Jager, 2009). A fact remain that the land reform processes in South Africa are not effectively implemented. On 6 May 2011, the Department of Rural Development and Land Reform convened a workshop with various land restitution beneficiaries whose claims are not yet resolved (DRD&LR, 2011).

During the workshop, various challenges in relation to the manner in which land restitution processes are handled in South Africa were identified, amongst them the following:

- Claimants still felt that the cut-off date of 31 December 1998 limited many claimants from submitting their claims;
- The willing buyer-willing seller principles is a stumbling block to the efficient restitution of land to the claimants;
- Land prices are been manipulated by those selling the land and this leads to high land costs for restitution purposes;
- There is poor inter-governmental relationships, resulting in poor planning and coordination of land restitution projects;
- The Department of Mineral Resources confuses the restitution processes by awarding prospecting and mining rights to third parties on the land already restored or to be restored to restitution claimants most of the time without consultation with the claimants;
- Most of the claims are settled, but no Title Deeds are issued to claimants;
- There are many delays in finalizing land claims through the disposal of state land processes;
- There are many unresolved disputes between Traditional Authorities and Communal Property Associations and beneficiaries;
- The DRD&LR does, in most instances, not provide land settlement and development support after the land has been restored to beneficiaries;
- There are various allegations of corruption, collusion, and incompetence of employees of the DRD&LR;
- The service providers and strategic partners are imposed by the employees of the Department on beneficiaries;
- The department does not provide grants, farming implements, and other necessary infrastructure to beneficiaries;

- There is a poor understanding of the Restitution of Land Rights Act by officials of the Department; they also provide poor research methodologies leading to litigation by those negatively affected;
- There is a slow pace in regard to the finalization of cases referred to the Land Claims Court; and
- The Department does not provide legal representation to claimants in the Land Court.

## **2.10 SOME OTHER OBSERVABLE CHALLENGES TO EFFECTIVE LAND REFORM IN SOUTH AFRICA.**

Based on the fact that land reform is driven from a political front by the democratic government in South Africa, the national Budget, therefore, plays a critical role towards the effective and efficient land reform process. Greenberg (2010:2) claims that the ultimate measure of political priority is where government channels public resources. He further exposes that the democratic government in South Africa did not budget sufficiently for agriculture with a tremendous drop in the agriculture budget from that of the apartheid regime around 1990. Greenberg (2010,5) and Aliber & Kleinbooii (2009), made another additional comment relative to the problem by stating that the DRD& LR for several years could not spend their land reform budget and that also impacted on the successful application of land reform processes in South Africa.



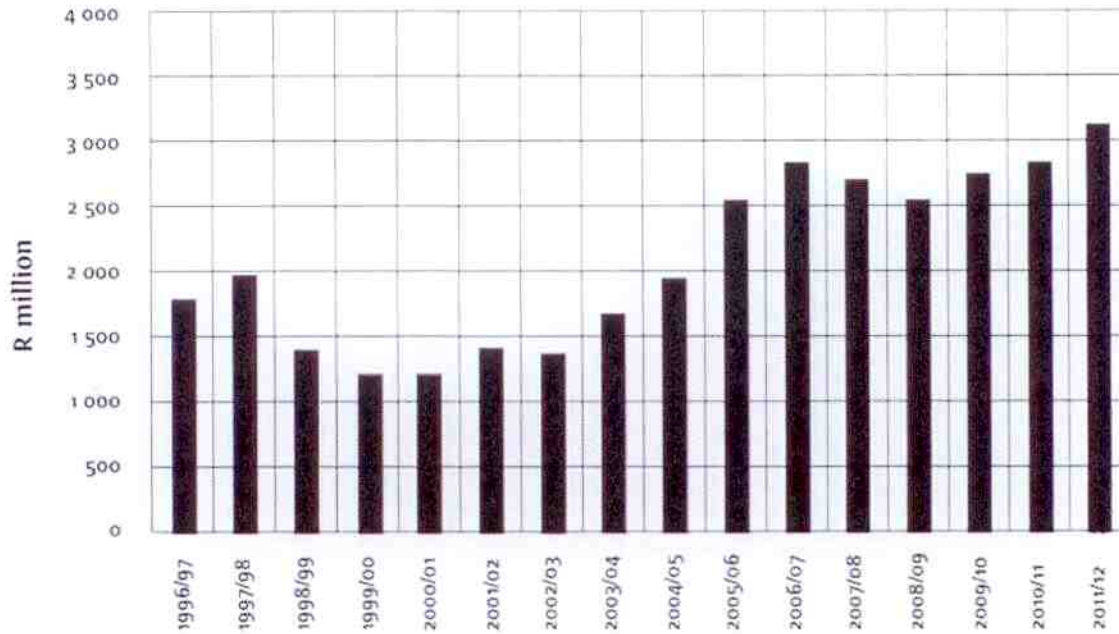


Table 2.4 National Agriculture Budgets 1996-2011 (Adjusted for inflation 2009 rands)

Source: Greenberg (2010:2)

According to Greenberg (2010:2), though the current government envisaged serious land reform and the transfer of about 30% of agricultural land to emerging black farmers, the actual budget for agriculture constituted only 0,33% and 0,50% of the national budgets for each financial year. The state could, therefore, not achieve most of its ambitious land and agricultural reform processes. The budget, as distributed amongst restitution and redistribution projects towards land reforms, is as indicated in the table below:

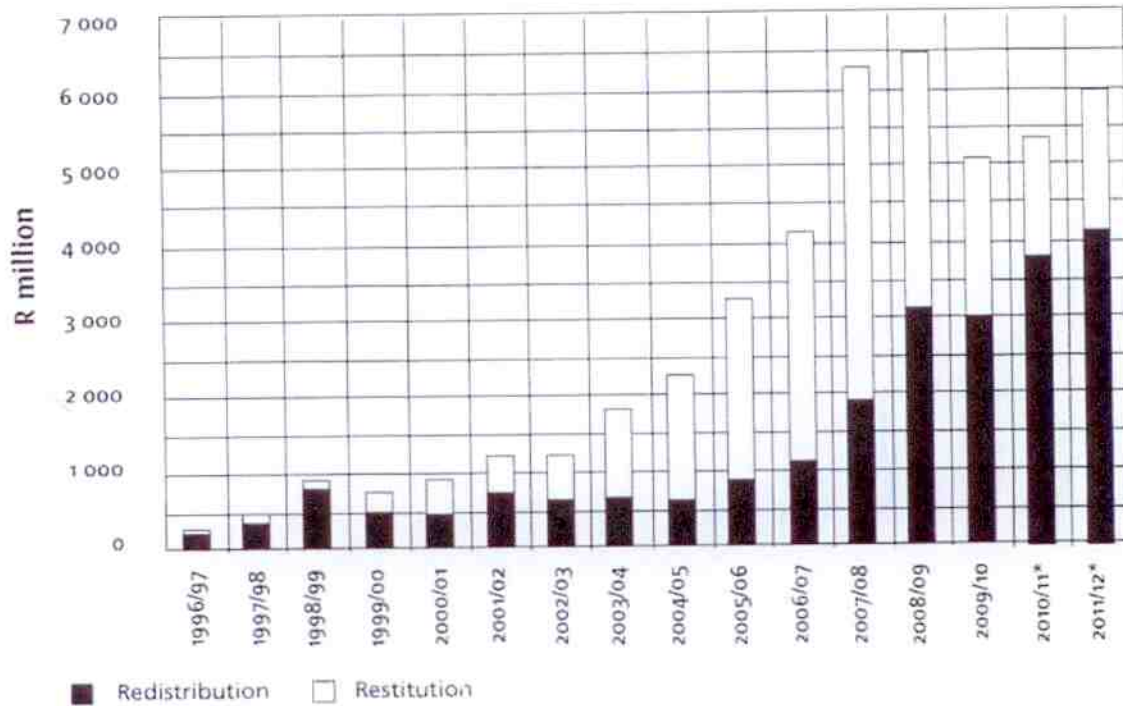


Table 2.5 Land Reform Budgets 1996-2011 (adjusted for inflation, 2009 rands). Source Greenberg (2010) quoting the National Treasury (Various Years) National Budget: Estimate of expenditure on land.

The lack of sufficient budget at national government level has also had an adverse impact on provincial budgets, although certain provincial administrations like those of Limpopo, KwaZulu Natal and the Eastern Cape obtain a slightly higher share of land reform budget owing to their having several land claims and having experienced enormous land dispossessions during the apartheid era. The provincial budgets are as reflected in Table 2.6 below:

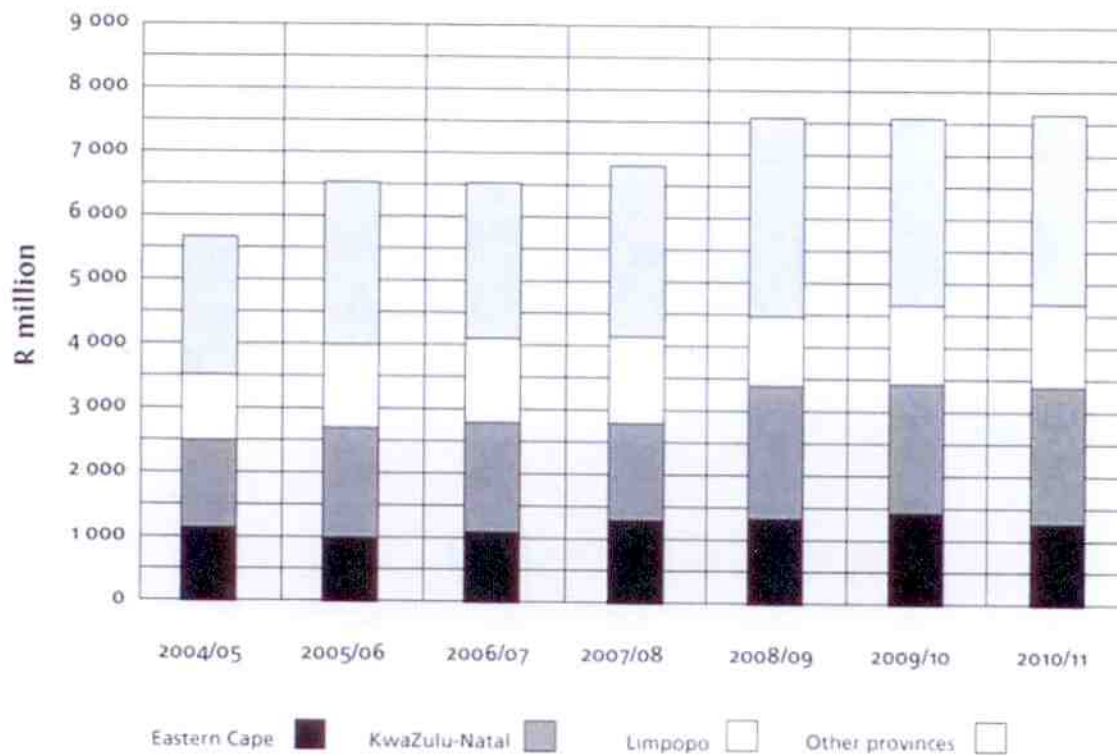


Table 2.6 Provincial Budget for Agriculture 2004-2010 (adjusted for inflation , 2009 rands).  
 Source Greenberg (2010) quoting the National Treasury (Various Years) National Budget: Estimate of expenditure on land.

To make matters worse, the implementation of the ‘WSWB’ concept in South Africa makes it very difficult to negotiate land prices with land owners. Land prices became very high (Greenberg, 2010 and Aliber and Kleinbooi, 2009). The average land prices were as reflected in table 2.7 below:

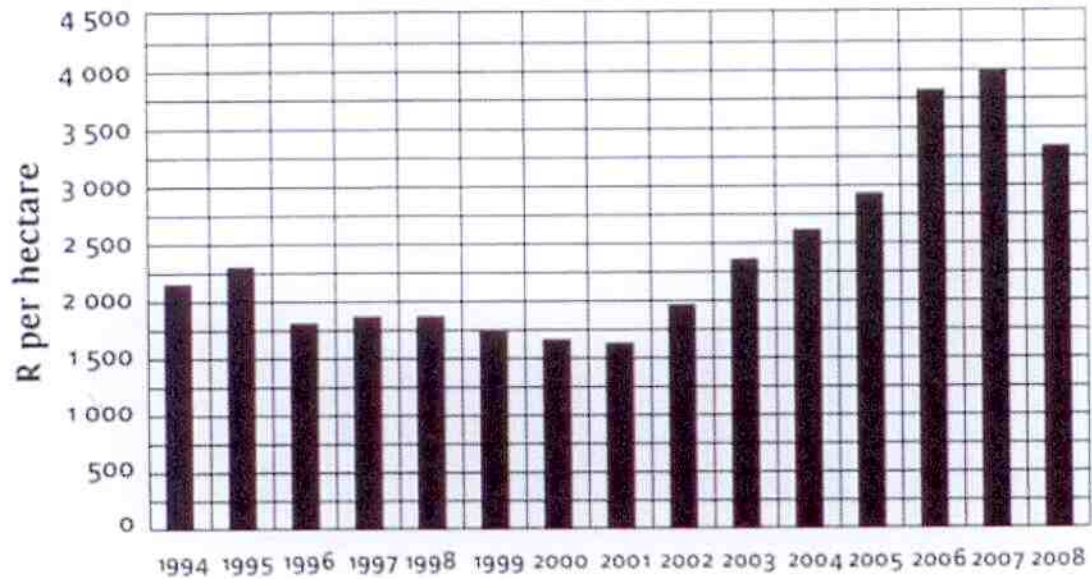


Table 2.7 Average farm Land prices, 1994-2008 (adjusted for inflation, 2008 rands) Source Greenberg (2010) quoting the National Treasury (Various Years) National Budget: Estimate of expenditure on land

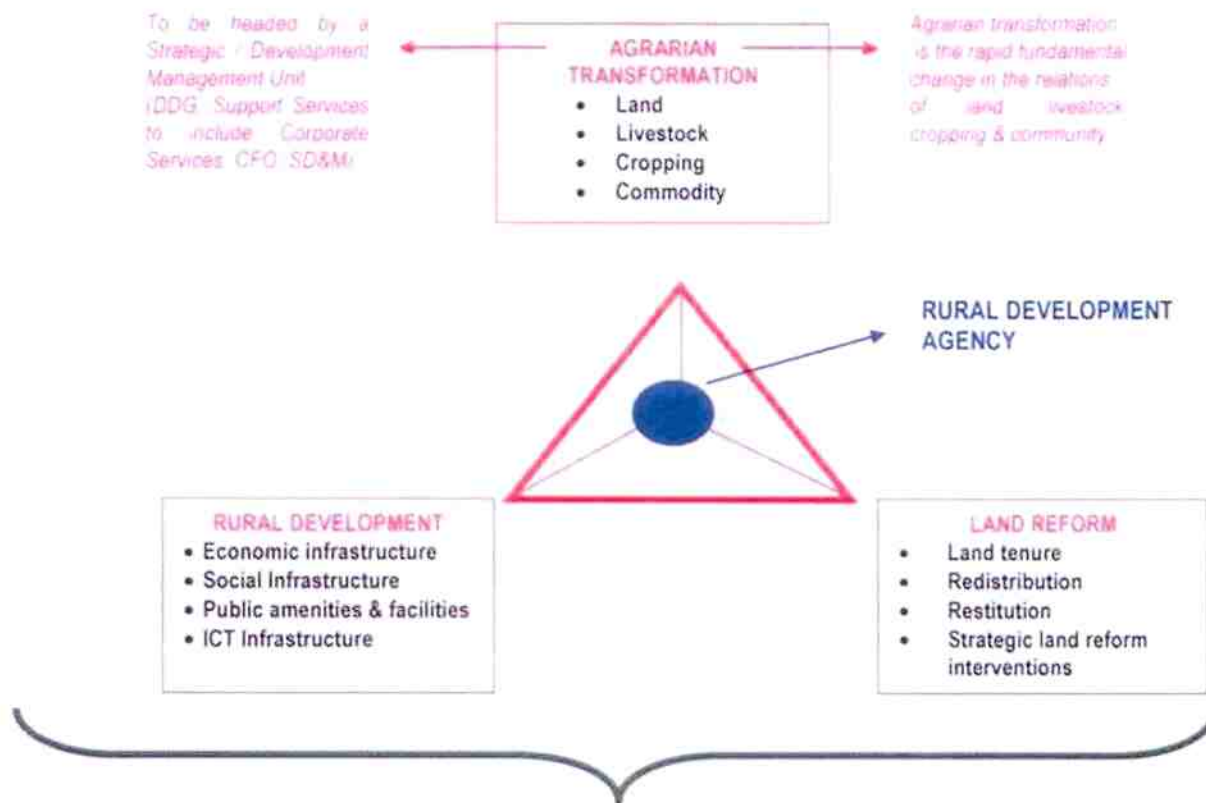
The most horrible sin of the funding models that were developed by South Africa to address land reform projects during the period under review was the small amount given to small scale farmers for redistribution purposes. The funding modality was the R 15 000.00 grant per household that was given for purchases of land, whilst the average land price in the market was about R 900.00 per hectare (Aliber & Cousins, 2013:142). This became the issue that led to the collapse of the land redistribution processes in South Africa, Lahiff (2007: 1589) and Hall (2011:221).

## 2.11 GOVERNMENTAL LAND REFORM POLICY SHIFT

Government adopted a new strategic policy shift, which has been termed 'The Comprehensive Rural Development Programme' or the CRDP, in 2009 through the Medium Term Strategic Framework (2009-2014) by the newly-established Department of Rural Development and Land Reform. The CRDP has a vision "*to create a vibrant, equitable and sustainable rural communities which includes the contributing to the redistribution of 30% of the country's agricultural land; improving food security of the rural poor; creation of business opportunities; de-congesting and rehabilitation of over-crowded former homelands areas; and expanding opportunities for women, youth, people with disabilities, and older persons who stay in rural communities*" (CRDP, 2009:3). It stemmed from the strategic objective number 3, termed the "*comprehensive rural development strategy linked to land and agrarian reform and food security*". The CRDP (2009:16) will include the elements like:

- Aggressive implementation of land reform policies;
- Stimulate agricultural production with a view to contributing to food security;
- Rural livelihoods and food security;
- Improve service delivery to ensure quality of life;
- Implement a development programme for rural transport;
- Skills development;
- Revitalisation of rural towns;
- Explore and support non-farm economic activities;
- Institutional capacity development; and
- Cooperative development.

The CRDP framework is summarized in figure 2.6 below:-



### **STRATEGIC OBJECTIVE: SOCIAL COHESION AND DEVELOPMENT**

Figure 2.6 The Comprehensive Rural Development Programme. Source DRD&LM (2009:21)

The CRDP carried in it the same objectives of the land reform programmes in South Africa (CDRP, 2009:16-17) which are to address the:

- injustices of racially-based land dispossession;
- inequitable distribution of land ownership;
- need for security of tenure for all;
- need for sustainable use of land;
- need for rapid release of land for development;
- need to record and register all rights in property; and

- the need to administer public land in an effective manner.

Not only will the CRDP implement the objectives of the land reform programmes, but it will seek to implement the three land reform programmes efficiently, effectively, and sustainably according to the primary priorities of the CRDP which include:

- Reviewing the land reform products and approaches;
- Reviewing land acquisition models (including the Willing buyer-Willing seller approach);
- Fast-tracking the settlement of labour tenancy claims;
- Facilitating secure access to land by farm dwellers;
- Protecting the land rights and of farm workers; and
- Increasing the pace of settling outstanding Land Restitution Claims by:
  - Providing an analysis of outstanding claims; and
  - Adopting a developmental approach to the settlement of restitution claims.

The CRDP is focused on the five priority areas of government which are as follows:

- The creation of decent work and sustainable livelihoods;
- Education;
- Health;
- Rural development, food security, and land reform; and
- The fight against crime and corruption.

The critical feature of the CRDP is that it comprises three areas of concern, known as three-pronged strategy in the CRDP (2009:3-4) for the development of the rural communities which are:

➤ **A coordinated and integrated broad-based agrarian transformation;**

This is defined in the CDRP as *“the rapid fundamental change in the relations of land, livestock, cropping and the community which will be focused on business initiatives, agro industries, co-operatives, cultural initiatives and vibrant rural settings, the empowerment of rural people and communities (especially women and the youth) and the revitalization of the old, and revamping of the new economic, social and information and communication infrastructure, public amenities and facilities in villages and small towns”*. The strategy identified projects for exploration for food and economic activities like livestock farming and related value chain development in the identified local communities.

➤ **Strategically increased rural development and**

This strategy is a participatory process where local communities will be enabled to take control of their destiny by dealing effectively with rural poverty through optimal use of the natural resources found within their locality. Indigenous knowledge is set to play a part during the self-development of the rural communities (CDRP, 2009:4).

➤ **An improved land reform programme.**

This strategy includes the reviewing of the restitution, redistribution, and tenure reform programmes in the country. It will seek to expedite the current restitution processes by expediting the finalization of the outstanding land claims whilst



reviewing the already settled claims including the incorporation of the work of the Land Claims Commission into the new Department of Rural Development and Land Reform. The strategy also seeks to develop more cost effective means for land redistribution and review current legislation currently applied in the programmes (CRDP, 2009:4). One of the major improvements in the land reform process revitalization, as carried out in the CDRP, is that the land will no longer be demand driven. The government plans to provide land to the people in a stratified manner as defined in the following five categories according to CRDP (2009:18):

- Category 1- landless people which includes those who do not have even a small piece of land for subsistence farming;
- Category 2- Commercially-ready subsistence producers, which includes those who wish to have, and are capable of having, a more commercial focused farming but lack land and resources;
- Category 3- Expanding commercial smallholders;
- Category 4- Well established black commercial farmers; and
- Category 5- Financially capable, aspirant black commercial farmers.

One other outstanding impact of the CRDP (2009:19) is that it will seek to increase the pace of settling outstanding Land Restitution Claims by:

- Providing an analysis of outstanding claims (nature and type) and indicating related challenges and how these should be addressed to speed up finalization of the same;

- Adopting a developmental approach to the settlement of restitution claims and its contribution to the CRDP;
- Defining the strategy of dealing with land claims in the Land Claims Court, and ensuring that these are “winnable and strong cases” setting a good precedent; appealing cases that may set bad precedent and shortening the protracted processes; and
- Ensuring sustainability, beneficiation, and contribution to poverty eradication, economic growth, and employment creation, as well as the vibrancy of land restitution projects, going forward.

Components of the land reform, which include land restitution, land redistribution, and tenure security programmes as discussed above were mostly dependent on budget allocations by both the National Department and Provincial Administrations. The CDRP has a vision to source some of the funding for its projects from the Comprehensive Agricultural Support Programme (CASP) which was launched by the National Department of Agriculture in 2004. The six pillars of CASP funding as defined in CDRP (2009):

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

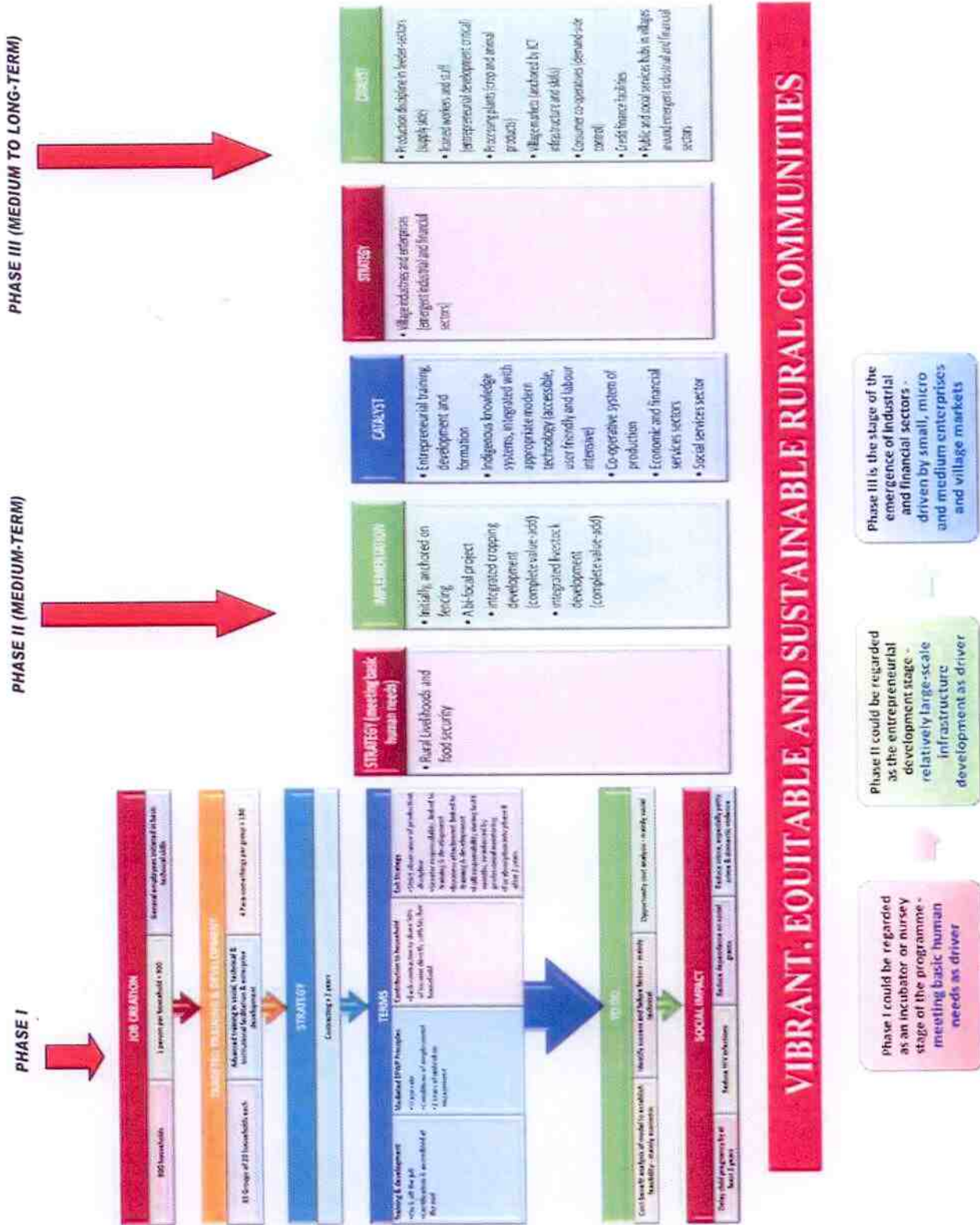


Figure 2.7 Rural Development & Skills Training Model. Source DRD&LM (2009:21)

As in the case of the Limpopo RLCC, as described in paragraph 2.5 above, the CDRP has introduced its own management system that consists of organizations, departments, and other stakeholders as indicated in Figure 2.8 below.

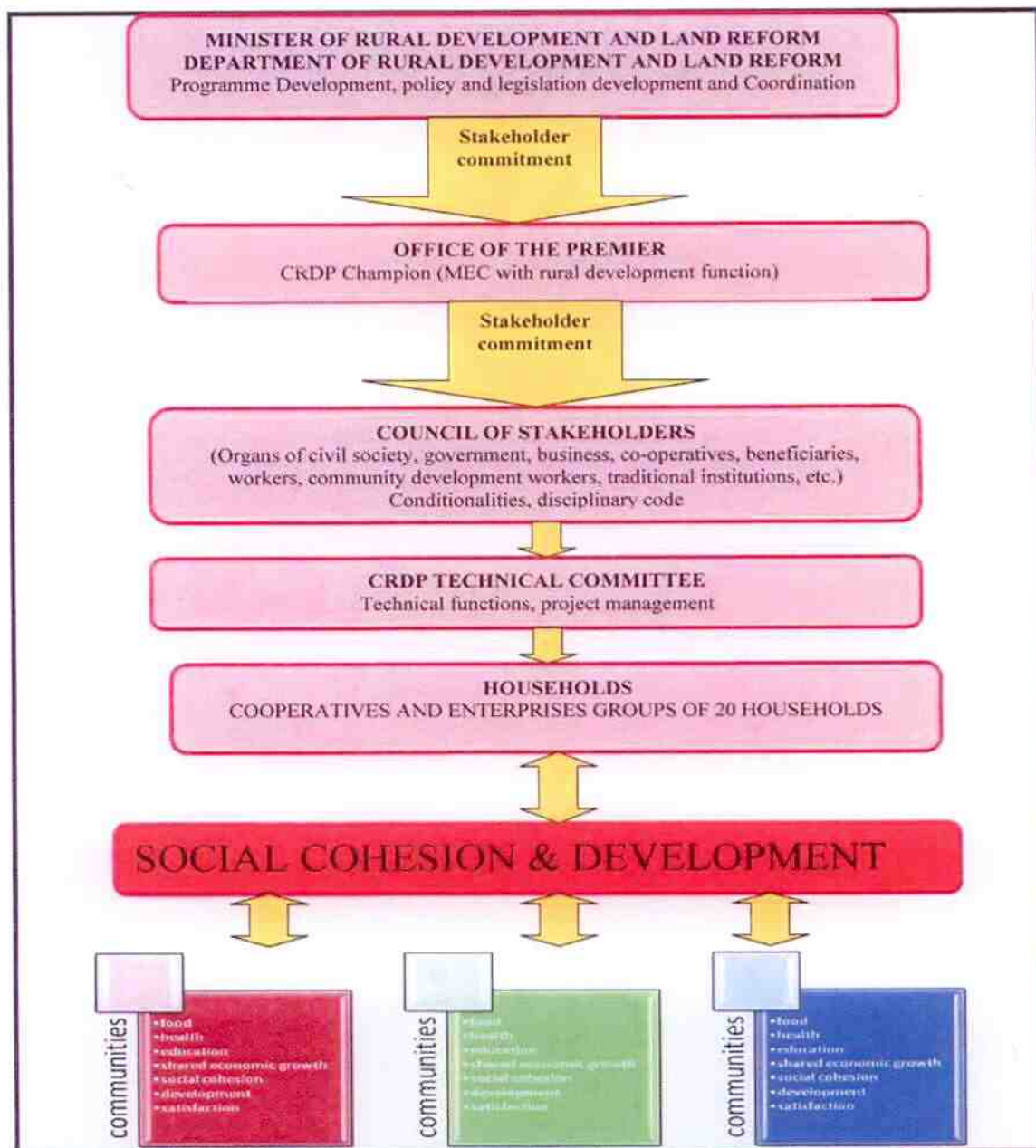


Figure 2.8 CRDP Management System. Source: CRDP( 2009:25)

Though the CDRP intends to create its unique implementation mechanism driven by the Ministry DRD&LR down to Premiers of the Provinces, District municipalities, and local council structures, no evidence exist that communities were prepared to deal with the proposals mentioned in the CDRP. Like the structure which was proposed by the Limpopo RLCC, as in 2.5 above, and the one described in 2.8 above proposed by the CDRP, the induction of the local communities and the timelines relative to when the interventions of the implementation mechanisms will automatically get involved in the project implementation are not known except to say that departments that are to be included in the project will be involved according to their constitutional mandate and core business. The implementation mechanism of the CDRP is., however, said to be implementable through the interaction of government structures through policy interventions and the systematic interaction from all spheres of government as defined in CDRP (2009: 8) *“given the variety of interventions straddling virtually all areas of public policy, the implementation of this strategy will enjoy leadership at executive level, with the primary focus being to coordinate government interventions across all sectors and agencies”*.

Another distinguishable characteristic of the CDRP is that it has an approach on how projects will be implemented within the targeted communities. The CDRP (2009:12) defined what is called the ‘War-Room-on Poverty and Poverty Campaign approach’ which will encompass all three strategies of the CRDP (land restitution, security of tenure, and redistribution) whereby household and community profiling methods will be utilized to create base line information about the community and household interests or development needs which will then be used towards planning, project and intervention development, and programme designs.

The CRDP was premised on a three phase system that sought to deal with the following:

- Phase 1 ( employment creation and training intervention serving as drivers for meeting basic needs of the respondents);

- Phase 11 (entrepreneurial development as a catalyst for the infrastructure development in rural communities); and
- Phase 111 (development of industrial and economic sectors driven by SMME enterprises for village markets economy).

The Community Profiling Framework for the War on Poverty Campaign states that “a community profile provides an overall understanding of the structure, history, institutions, resource base and quality and quantity of infrastructure and services that shape the livelihoods of households in a given community. Specifically, a community profile will comprise:

- The major patterns of resource use in the community, illustrated by maps;
- The settlement patterns of the community;
- The major livelihood patterns of the community and which groups of households are engaged in those patterns, illustrated by maps, rankings and seasonal calendars;
- The main visible, formal and traditional **institutions** presented in the community;
- The importance and accessibility of services in the community, illustrated by a Venn diagram; and
- A historical profile of the community, different groups within the community and resources and resource use over time, illustrated by timelines.”

The understanding provided by these profiles can assist in the development of a community engagement strategy and lead to more effective projects as they are tailored to the needs and characteristics of the people involved.

## 2.13 CONCLUSION

This chapter has introduced various land reforms initiatives as adopted by the new democratic dispensation of 1994. The different ways and failures experienced during the different legislative intervention in regards to land reforms have been dealt with, and three main land reform processes of land redistribution, security of tenure rights, and the land restitution processes have been defined. The phases of land restitution have been properly defined in this chapter. Limpopo Province seems to have played a major role towards the creation of the Operational Framework for Post Settlement Support in restituted projects whilst the CRDP brought in the management systems, the rural employment creation, and skills training model geared at creating post-settlement support interventions for the restitution processes. The problems relating to the land restitution processes were defined. The researcher will introduce the Morebene Community and the matters relating to the restitution in the next chapter.

## CHAPTER THREE

### THE STUDY AREA (Morebene Community)

*“A White commercial farming area since early 20<sup>th</sup> century, ‘Soekmekaar’ (Morebene) was founded in 1924 “as the rail junction for the Messina, Komatipoort and Polokwane railway lines.” Aliber and Paradza (2011)*

#### 3.1 INTRODUCTION

In this chapter, the Morebene Community will be introduced. Its geographical location within the Molemole local municipality in Limpopo Province will be illustrated by maps, and some data from the community will be used to define the current status of the community. An illustration of the manner of dispossession will be made and the progress to-date in terms of the community’s response to current land reform processes will be mentioned. Problems and highlights in relation to the links with the Department of Rural Development & Land Reform, the Commission for Restitution of Land Rights, the municipalities, etc. will also be mentioned.

#### 3.2 DESCRIPTION OF THE STUDY AREA

Morebene is an indigenous name of the place on which a little town, previously known as Soekmekaar, was built. Morebene is situated 60 kilometers North East of Polokwane. It is the area situated in the North-Eastern horn of Ward 1 of the Molemole Local Municipality reflected in Figure 3.1 below, and resides within the Capricorn District Municipality. Morebene forms the northern boundary between Molemole and Makhado Local Municipalities. Morebene forms the eastern boundary of the Molemole local and Greater Letaba Municipalities. Figure 3.1 below is a map of the total area known as Molemole Local Municipality and gives the names of farms that are involved in land reform processes.



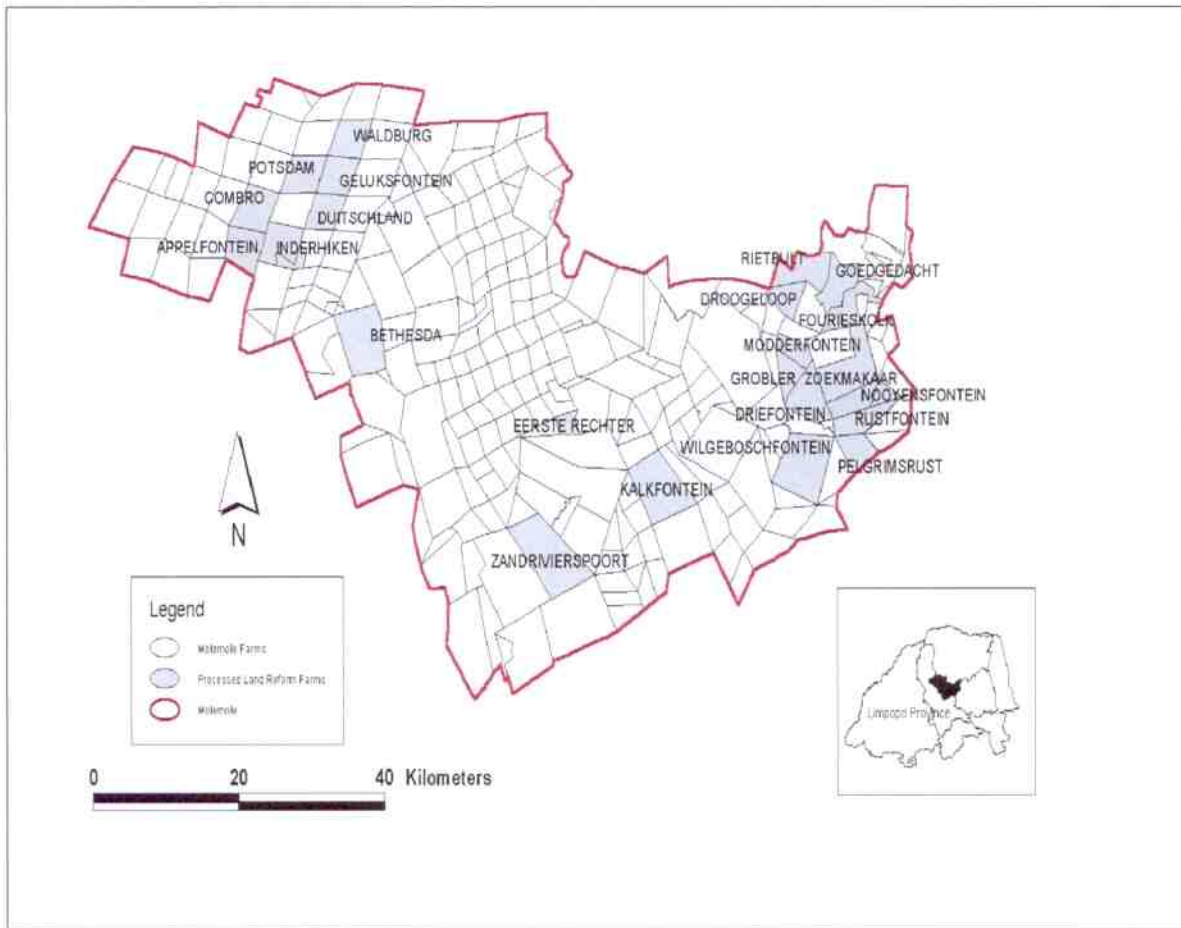


Figure 3.1 Molemole Local Municipality. Source Anseuw & Mathebula (2008:16 )

Anseuw and Mathebula (2008:16) defined the Molemole Local Municipality as an area largely affected by the land reform project in the Limpopo Province and a typical area from which data can be collected in relation to the application of the land reform processes in the Limpopo Province. The Morebene Community falls within the bounds of the Molemole municipality and that is the reason why the researcher has chosen the community and the area to uncover the actual application of land restitution processes by the Limpopo RLCC. For the benefit of this study, it is important that certain typical statistics relating to the population dynamics in Molemole municipality and the level of development of the communities to be dealt with are presented herein. Molemole is said to have a total of 42 land reform projects that cover a total

extent of 31 800 hectares of the surface area. Molemole has an official total number of 5152 families as beneficiaries to the land reform project in Limpopo Province, and, therefore, it has the potential to benefit a large number of people in Limpopo Province (Anseeuw & Mathebula 2008:16). Statistics South Africa (2012) gave a total distribution of the population of Molemole in terms of age and sex as depicted in Table 3.1 below.

<b>Distribution of the population by age, and sex. Molemole 1996, 2001 and 2011</b>									
	<b>1996</b>			<b>2001</b>			<b>2011</b>		
	<b>Male</b>	<b>Female</b>	<b>Total</b>	<b>Male</b>	<b>Female</b>	<b>Total</b>	<b>Male</b>	<b>Female</b>	<b>Total</b>
<b>0-14</b>	21551	21929	<b>43480</b>	21457	21204	<b>42661</b>	19471	19017	<b>38488</b>
<b>15-39</b>	19303	22322	<b>41625</b>	18978	23230	<b>42208</b>	20025	21962	<b>41985</b>
<b>40-59</b>	4752	7313	<b>11965</b>	6006	8481	<b>14487</b>	6388	9955	<b>16342</b>
<b>60 and above</b>	2778	5801	<b>8579</b>	3292	6789	<b>10081</b>	3798	7410	<b>11208</b>
<b>Total</b>	<b>48384</b>	<b>57265</b>	<b>105649</b>	<b>49734</b>	<b>59707</b>	<b>109441</b>	<b>49681</b>	<b>58346</b>	<b>108027</b>

Table 3.1 Distribution of Population According to Age and Sex. Molemole 1996, 2001 and 2011  
Source: StatsSA (2012)

Molemole is a female-dominated municipality. 80% of its area is used for both subsistence and commercial farming. Like most of the municipalities in Limpopo Province it does not have any other types of industrial development. The only sustainable jobs, therefore, are provided only by agriculture and government services and administration which means that, to get a job, one needs to train for a government job, and, if not, one is to ensure that one has sufficient farming knowledge to be employed within the agriculture and farming sector. Table 3.2 below depicts the unemployment ratios as well as the schooling levels of the people in Molemole municipality.

<b>Distribution of the population according to aged between 15 and 64 by employment status 1996. 2001 and 2011</b>									
	<b>Employed</b>			<b>Unemployed</b>			<b>Unemployed rate</b>		
	<b>1996</b>	<b>2001</b>	<b>2011</b>	<b>1996</b>	<b>2001</b>	<b>2011</b>	<b>1996</b>	<b>2001</b>	<b>2011</b>
Total	8796	8652	11314	13622	12887	11532	60.8	59.8	50.5
<b>Distribution of the population according to education levels, 1996. 2001 and 2011</b>									
	<b>1996</b>			<b>2001</b>			<b>2011</b>		
	<b>Male</b>	<b>Female</b>	<b>Total</b>	<b>Male</b>	<b>Female</b>	<b>Total</b>	<b>Male</b>	<b>Female</b>	<b>Total</b>
No schooling	6032	11943	<b>17975</b>	6174	13253	<b>19427</b>	3388	7868	11256
Some Primary	2483	2907	<b>5390</b>	3352	3253	<b>6605</b>	2745	3451	6196
Completed primary	1247	1665	<b>2912</b>	1378	1481	<b>2859</b>	1126	1502	2628
Some secondary	6278	7425	<b>13703</b>	6151	7651	<b>13802</b>	9466	10793	20259
Grade 12	2617	2778	<b>5393</b>	2505	3285	<b>5790</b>	4270	6024	10294
Higher Education	834	914	<b>1748</b>	1355	1897	<b>3252</b>	2012	2926	4938
<b>Distribution of the population according to those Attending and not attending school, 1996, 2001 and 2011.</b>									
Attending school	19779	20446	<b>40225</b>	21957	21954	<b>43911</b>	19738	18337	38075
Not attending	5715	6438	<b>12153</b>	5057	5753	<b>10810</b>	3909	4090	7999
<b>Total</b>	<b>44985</b>	<b>54516</b>	<b>99501</b>	<b>47929</b>	<b>58527</b>	<b>106456</b>	<b>46654</b>	<b>54991</b>	<b>101645</b>

Table 3.2 Distribution of Population According to Age, Unemployment and Education Levels. Molemole 1996, 2001 and 2011 Source: Adapted from StatsSA (2012)

The statistics above indicate that a large number of the people, approximately 50.5 % currently in Molemole municipality, are not working. A large number of people do not have more than a

primary school education whilst a huge number of people are out of school and, therefore, need some kind of work for survival. Land or farming being the major source of jobs should, therefore, produce a sufficient number of jobs to cater for a huge number of people without jobs in the Molemole local municipality. It is on this basis that land reform projects are to be effectively implemented to provide not only the development of the local municipality but also to ensure the survival of the masses of people residing within the bounds of the municipality. Although the Molemole local Municipality is a rural municipality dependent on farming and agricultural activities, not all of the area was affected by land reform claims and processes. It is a little bit worrying to note that very few people and farms are included in the land reform processes. Anseeuw and Mathebula (2008:28) give a picture of the portions of land currently affected SLAG, Land Redistribution for Agricultural Development (LRAD), and the land restitution processes. A map, reproduced in Figure 3.2 below, is a depiction of only those portions that are affected by land restitution processes around the Molemole local Municipality.

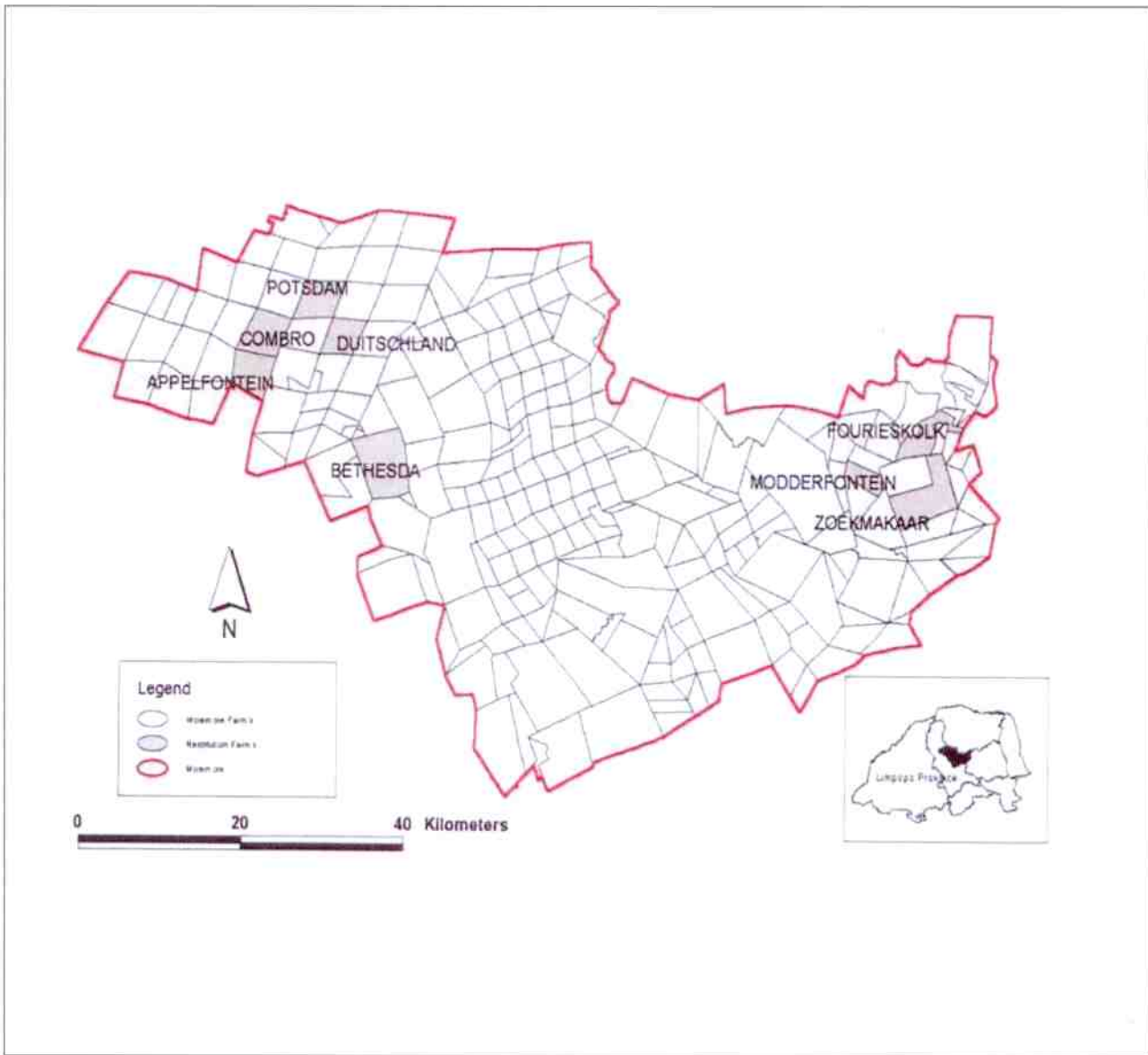


Figure 3.2 Land Affected by Restitution Claims in Mole-Mole Municipality.  
 Source: Anseuw & Mathebula (2008: 28)

Morebene Community is one of the two communities that lodged land restitution claims in the eastern part of Mole-Mole Local Municipality of Figure 3.2 above. Anseuw and Mathebula (2008) also depicted the scale of land affected by land reform processes according to the three different kinds of land reform projects applied within Molemole Local Municipality. Table 3.1 below reflects a number of beneficiaries affected by SLAG, LRAD, and restitution and also indicates the percentages of those beneficiaries within the municipality benefitting from the land reform projects.

	Official beneficiaries of land reform projects	Beneficiaries effectively engaging in land reform projects	Beneficiaries presently benefiting from land reform projects
<b>Restitution</b>			
Total number	3477	1633	15
Average per project	108	422	3
% of official beneficiaries	100.0	46.9	0.4
<b>SLAG</b>			
Total number	1094	357	122
Average per project	68	24	8
% of official beneficiaries	100.0	32.6	11.2
<b>LRAD</b>			
Total number	120	120	27
Average per project	7	7	2
% of official beneficiaries	100.0	100.0	22.5

Table 3.1 Beneficiaries of Land Reform in Molemole Local Municipality. Source: Adapted from Anseeuw & Mathebula (2008:38)

The fact that very few people in an area that depends mostly on agriculture or farming for employment and survival have not been allocated land and that SLAG and LRAD projects are minimal is a worrying factor.

The World Bank (2006:162) expressed that *“land is a key asset for poor people. Owning it provides a means for livelihood to many, facilitates access to credit markets, has an insurance value, determines influence in local politics, permits participation in social networks, and influences intra-household dynamics. That is why inequality in ownership of land has such far-reaching consequences for distribution of well-being and the organisation of society for generations to come”*

The fact that 50.5% of people in Molemole are unemployed illustrates the serious poverty that is experienced in the municipality.

### 3.3 HISTORICAL BACKGROUND OF MOREBENE COMMUNITY.

Morebene is the area previously occupied by Batlokwa Ba-ga Machaka who were living a nomadic type of life, moving from place to place allegedly from the Central African horn from as early as the 15<sup>th</sup> Century. Arriving in the area, they stayed under a big tree known as Morebe (in the vernacular or indigenous language) which grew next to a big fountain of fresh water (Makgopodi Ratsaka, Interview, 26 May 2011a). They decided to call the area Morebene, which referred to living under a big tree. When the Batlokwa tribe grew, Paramount Chief Tshaka decided that his son, Manaka, should remain as Chief at Morebene guarding the area against any eastern aggression by, or to make friends with, the neighbouring tribes. Chief Machaka left for the North Western side of the area to a place known as Mabjaneng, and, later, to the current tribal headquarters of Batlokwa ba-ga Machaka known as Mphakane. Manaka, left behind with some tribal warriors, started making his traditional rituals, and his clan later became known as Ba-ga Ratsaka, benye Morebene (Makgopodi Ratsaka, Interview, 26 May 2011a). When Chief Manaka Ratsaka died, he was succeeded by his son Ramokholo Ratsaka 1. Chief Ramokholo, realizing that the clan was becoming bigger and hearing the continuing reign of terror by the Zulus or 'Mapono' decided that some of his people should move away from the fountain and position themselves at the peak of the hill where they could easily built a fortress and also be able to see when they were attacked. He moved the tribal head-quarters to a place where they built their fortress and called that place Merakone which means 'the fortress' (Ramokholo Ratsaka, Interview, 26 May 2011b). Merakone is a place next to a big valley where their livestock could graze and be secured by a fortress when attacked. He appointed two headmen to lead the people remaining at Morebene, they were Headmen Phosa and Ramoba. The Ratsaka clan became bigger and stronger. Chief Ratsaka Ramokholo 1 died and was succeeded by his son Mainamela Ratsaka Ramokholo 11 as chief of the Ratsaka clan. After messages spread that the Zulus, in particular Mzilikazi and his warriors, had passed and were already in Zimbabwe, Chief Ramokholo 11 decided that it was time to look for a bigger place with enough grazing land for his people's livestock. He appointed Headmen Malematja to remain at Merakone and moved the Head Quarters of the clan to Mahlatja which was an open place with enough grazing land and

fountains for water (Molayi Ratsaka, Interview, 16 June 2011c). Around the period of 1924, Soekmekaar was developed into a white commercial farming town dealing specifically with maize, potatoes, and cattle farming products. The farming was made easy by the development of a railway station that connected Messina and Komatipoort to Pietersburg (currently known as Polokwane). During this period, the white settlers were developing themselves into commercial farmers through a process of dividing land belonging to the people of Morebene into camps whereby cattle and other livestock were forcefully taken away from the people of Morebene if they were found grazing in the newly-developed white farms (Molayi Ratsaka, Interview, 16 June 2011c, Aliber and Paradza, 2011). Those dispossessed were later evicted from their land when refusing to work as farm labourers and/or to be tenants on the land of their birth. Chief Ratsaka Ramatsetsela Ramokholo 11 died on the 31<sup>st</sup> July 1944 at Mahlatja and was succeeded by his son Chief Ngoako Ratsaka who was crowned in 17<sup>th</sup> June 1945. Chief Ngoako Ratsaka moved his head kraal to Moumone (Molayi Ratsaka, Interview, 16 June 2011c). Although Morebene was recognized as the official Chieftaincy, that did not deter white farmers from harassing the community and taking their land by force (Gilbert Rasebotshe, Interview, 26 May 2011). Chief Ratsaka was later appointed by the white farm owners as a supervisor and his people were forcefully registered as farm labourers. Chief Ratsaka did not agree to the arrangement and later died of old age. His son Chief Ramokholo Ratsaka 11 was still young to take over the reign as Chief of Batlokwa ba-ga Ratsaka. The community appointed the younger brother to Chief Ngoako Ratsaka, Mr. Mpelehe, in 1959 but unfortunately the large portion of Morebene residents who remained with Acting Chief Mpelehe were forcefully evicted from Moumone and were accepted by Paramount Chief Machaka at Botlokwa. The government promised them alternative land, and they remained in Botlokwa Matseke II as a compensatory land.

### **3.4 LODGEMENT OF THE LAND CLAIM**

During the '*Stake Your Claim*', around December 1997 to March 1998, the people of Morebene decided to lodge their land claim. A meeting was held at Chief Machaka's Headkraal in Botlokwa for all the people who had lost their land around February 1998, headed by the then



Chief land Claims Commissioner, Mr Joe Seremane (Makgopodi Ratsaka, Interview, 26 May 2011a). The Batlokwa ba-ga Ratsaka, headed by Mr. Makgopodi Ratsaka, undertook a very long and ambitious project of locating all the people who had lost their land through dispossession in the Morebene Community. Mr. Makgopodi Ratsaka is the son of the third wife of Chief Ngaka Ratsaka, the son of Chief Ngwako Ratsaka who was the son of Chief Motsekwe Ratsaka according their family tree. Mr. Makgopodi Ratsaka is a retired South African Police Services Warrant Officer (the title is currently referred to as Inspector). Mr. Ratsaka had to use most of his retirement benefits and revenues from his taxi business to locate various beneficiaries of Morebene scattered around Mulima, Elim, Bolobedu, Botlokwa and places as far as Pretoria and various suburbs around Johannesburg and persuade them to take part in the land claims processes (Ramokholo Ratsaka, Interview, 26 May 2011b). In defining the areas of Morebene, the community had to develop their own understanding of the areas by drawing up a map indicating the head kraals and villages along the rivers running within the Morebene area (Makgopodi Ratsaka, Interview, 26 May 2011a).

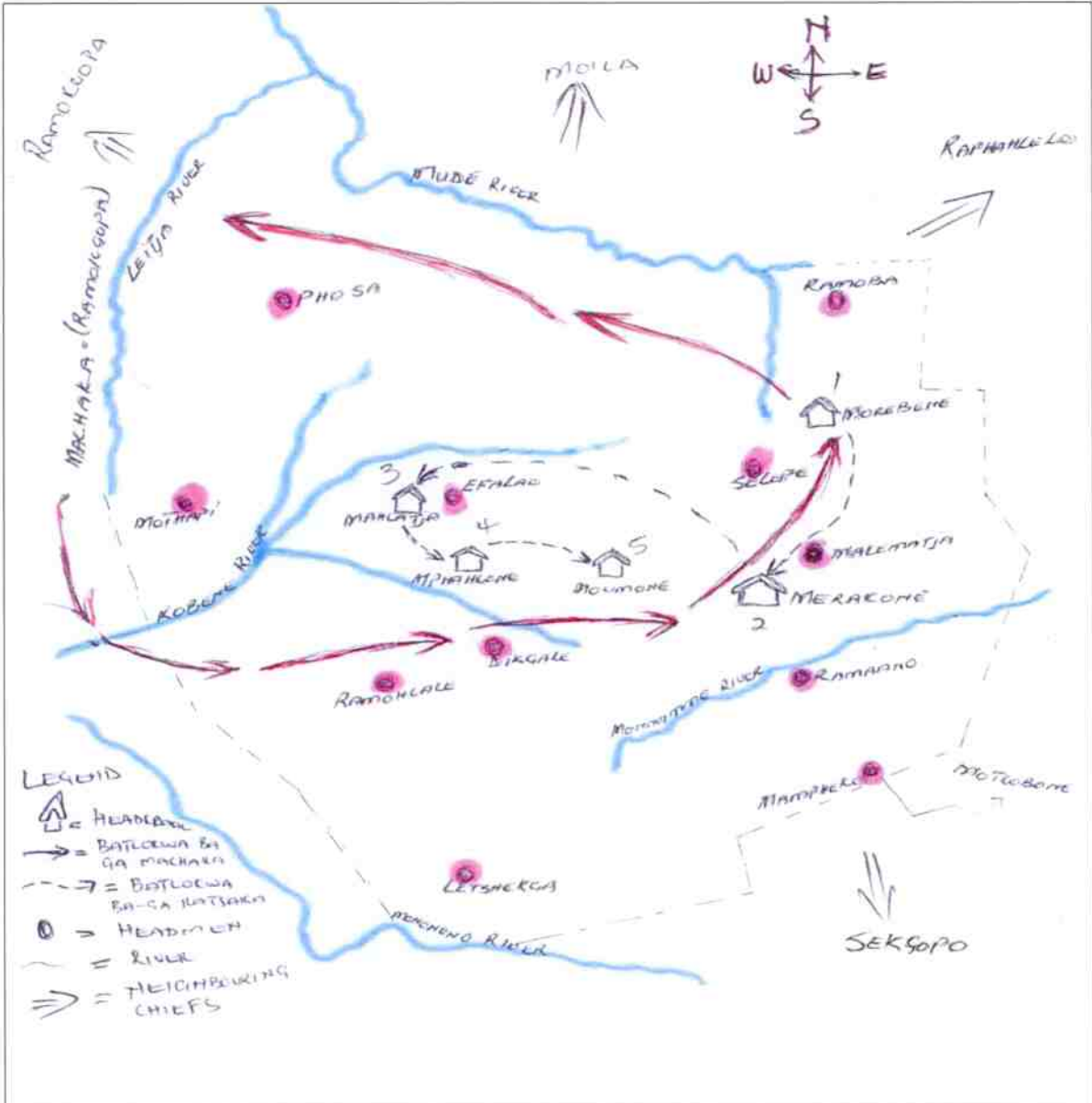


Figure 3.3 Schematic Description of Morebene Land Claimed. Source: Morebene Land Claim Form (1995)

The application form for the restitution the land rights to the Morebene Community was completed and sent to the Limpopo RLCC on the 28<sup>th</sup> August 1995 (Ratsaka Land Claims Form, 1995). The farms claimed by Morebene community are the following:-

<i>Farm names</i>		<i>Portions Claimed</i>
1	Goedgedaght 1179 LS	3 portions
2	Fourieskolk 1174 LS	3 portions
3	Minnaarsdraai 1177 LS	All portions
4	Witransd 336 LT	2 portions
5	Driefontein 777 LS	10 portions
6	Grobler 776 LS	4 portions
7	Modderfontein 517 LS	5 portions
8	Nooyensfontein 780 LS	4 portions
9	Soekmekaar 778 LS	76 portions
10	Geluk 783 LS	2 portions
11	Haasbult 518 LS	10 portions
12	Middagson 524 LS	8 portions
13	Oog van Driefontein 522 LS	2 portions
14	Boschkopje 519 LS	4 portions

Table 3.1 Farms Claimed by Morebene Community. Source: Morebene Land Claim Form (1995)

### 3.5 THE GAZETTED CLAIM

The Community was formerly informed that the land claims had been gazetted in August 2003 through the Government Notice 2026 of 2003 in the Government Gazette of the 1 August 2003 in terms of the provisions of section 11(1) of the Restitution of Land Rights Act. To the surprise of the Morebene Community only the following farms were gazetted, Goedgedaght 1179 LS; Fourieskolk 1174 LS; Minnaarsdraai 1177 LS; Witransd 336 LT; Driefontein 777 LS; Grobler 776 LS; Modderfontein 517 LS; Nooyensfontein 780 LS; Soekmekaar 778 LS and Geluk 783 LS but only portion 3, RSA (2003). Mr. Letsiri Phaahla was appointed by the Limpopo RLCC as the Project Officer for the Morebene Land Claim, but Mr. Ratsaka submits that most of the processes by the Limpopo RLCC were done without the full knowledge of the community. In some instances community leaders signed certain documents in agreement with processes that they were not fully informed about (Makgopodi Ratsaka, Interview, 26 May 2011a).

### 3.6 SCREENING AND VERIFICATION OF THE MOREBENE LAND CLAIMANTS

In, or around, May 2003, the community was informed that Linchi Property Consulting CC had been appointed to conduct the claimant verification processes for the Morebene Community. The verification list was submitted to the Limpopo Regional Land Claims Commission for further land restitution processes. The list contained as its summary that Morebene Community has the following:

- The total land Claimants were = 566
- Total Number of beneficiaries were = 1337
- The gender portions of claimants were as indicated below:

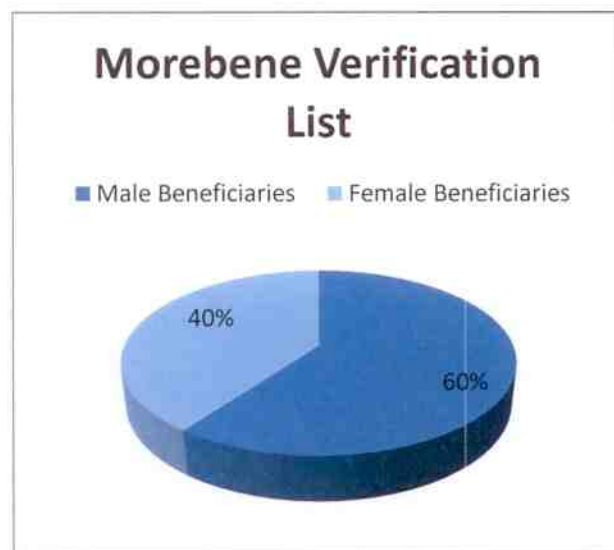
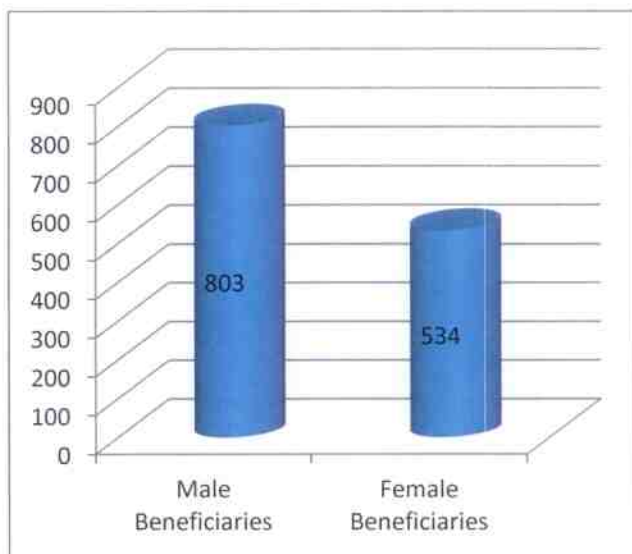


Table 3.2 Gender Profile: Morebene Community Source: Linchi Property Consulting CC (2003)

The Linchi verification list further claimed that the Morebene Community is composed of 367 female-headed households and 199 male-headed households. How the figures were arrived at, however, was never indicated. The Community had only given copies of their Identity Documents and affidavits confirming ordinarily that they were residents of

Morebene and the name of the headman they had reported to before eviction from Morebene. The community further contested that their list of beneficiaries is composed of the following:

- Total land claimants - 539
- Total beneficiaries were - 1010
- With gender profiles as follows:

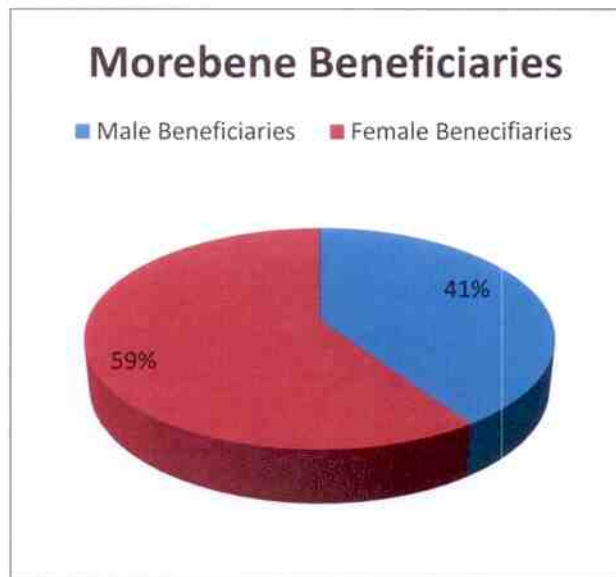
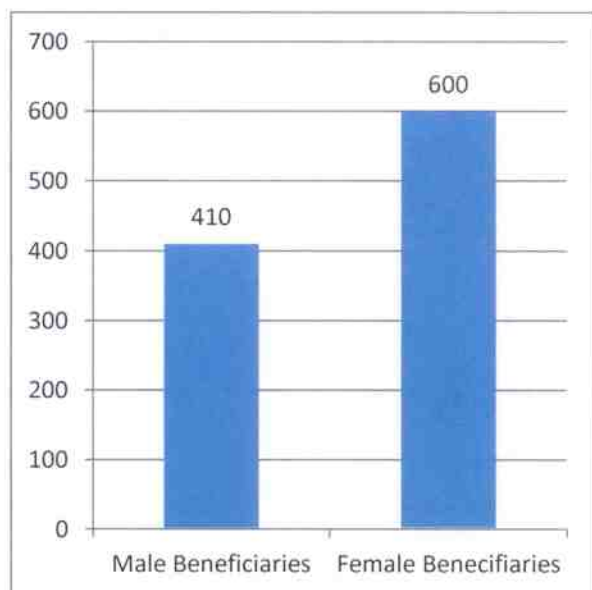


Table 3.3 Morebene Beneficiary Profile. Source: Morebene Attendants Register 1995

It was later found that most of the claimants on the verification list were a mixture of the claimants from Morebene Community, the Spelonken Community as well as those of the Kgatla Community (Gilbert Rasebotshe, Interview, 26 May 2011). It further established that Kgatla Community had never submitted any land claims forms. The land claims forms by the Spelonken Community were submitted by Mr. Satekge Phineas who claimed only the farm Boschkopje. Later the Limpopo RLCC produced a confirmation that the list of claimants had been affirmed by the Chairperson of the Morebene Community, Mr. Makgopodi Ratsaka, under oath as the correctly verified list of claimants from Morebene Community on the 10<sup>th</sup> March 2004.

### 3.7 NEGOTIATING MOREBENE LAND CLAIM

The negotiations of the land claims for Morebene were conducted by Tshukudu Consulting who, without being appointed by the Limpopo RLCC, facilitated consultations between the Morebene Community and various willing sellers after the claim were gazetted (Elizabeth Molewa, Interview, 26 May 2011, Makgopodi Ratsaka, Interview, 26 May 2011a). The first meeting organized by Tshukudu Consulting was with various white land owners who were willing to sell their land for restitution to Morebene Community. The meeting took place around early 2003 with all the white land owners of the land currently restituted to the Morebene Community, amongst them Prof. J van Graan, Messrs J Black, E Breed, A Erasmus, E Fourie, N Jordaan, J Liebenberg, E Quinn, R Robinson, P Smit, N van Rensberg, P Venter, and S Venter. Most of the agreements that were facilitated by Tshukudu Consulting with Morebene Community included:

- Facilitation of farming business support for Morebene Community;
- Recognition of the Morebene community as the legitimate claimants and dispossessed community in Morebene;
- Assistance by white farmers in disputing non-Morebene residence who may need to lodge their fraudulent claims to the land;
- Assistance with the affidavits by white land owners in support of the Morebene claim; and
- Agreement between willing sellers and easy access by the Morebene Community into their land for further restitution processes and identification of ancient or communal features like ruins and graves.

During the screening of the application, it was found that the land claim of the Morebene Community had various other counter claims. The community was to have resolved any counter claims with the conflicting claims for the expedition of further land restitution processes. The Project Officer claims to have had many other claims to deal with and was not

always available to assist in the resolution of conflicting land claims with the Morebene Community (Elizabeth Molewa, Interview, 26 May 2011, Makgopodi Ratsaka, Interview, 26 May 2011a, Ramokholo Ratsaka, Interview, 16 June 2011b). Paramount Chief Machaka, Headman Makgato, and Chief Raphahlelo had to be called in by the community to assist with resolutions of the conflicting Morebene claims. The conflicting claims involved the farms: Boschkloof 174 LT; Goedehoop 489 LS; Haasbult 518 LS; Nooitgedaght 486 LS; Oog Van Driefontein 522 LS; Wakkerstroom 484 LS; Welgevonden 485 LS and Zevenfontein 485 LT. Paramount Chief Machaka called a meeting with Chief Raphahlelo, Chief Phooko, and Makgato, with the Morebene Community, in July 2003, and all conflicting claims around Morebene were resolved (Elizabeth Molewa, Interview, 26 May 2011, Makgopodi Ratsaka, Interview, 26 May 2011a, Ramokholo Ratsaka, Interview, 16 June 2011b).

### **3.9 SETTLEMENT OF THE MOREBENE LAND CLAIM**

Before the Morebene land restitution process could be settled, it was discovered that most of the farms had been given to other black communities as SLAG projects. A decision was then taken by the community leadership that the farms that were identified as SLAG farms by the Department of Agriculture should be restored to the community in the meantime as SLAG farms, but, however, officials from the department refused them that opportunity as they were referred to as restitution applicants and not redistribution beneficiaries (Molewa, Interview, 16 June 2011; Rasebotshe, Interview, 26 May 2011 and Ratsaka, Interview, 26 May 2011a). It later emerged that the following farms were given to other communities for SLAG projects even though they were also claimed as restitution applicants in their respective farms:

<i>Farms</i>		<i>Farm Portions</i>	<i>Beneficiaries</i>	<i>Project Name</i>
1	Nooyensfontein780 LS	0	Makgato Community	Batau Trust
2	Nooyensfontein780 LS	1	Raphahlelo Community	Hivuyeriwi Trust
3	Soekmekaar 778 LS	12 & 34	Makgato Community	Makgato Trust
4	Soekmekaar 778 LS	69 & 70	Dikgale Community	Letlhabile Trust
5	Soekmekaar 778 LS	71	Makgato Community	Sokaleholo Trust
6	Soekmekaar 778 LS	72	Dikgale Community	Fanang Diatla Trust
7	Grobler 776 LS	1	Dikgale Community	Ikageng Trust
8	Grobler 776 LS	4	Ramokgopa Community	Chelopo
9	Driefontein 777 LS	5 & 8	Raphahlelo Community	Mapiribiri Trust
10	Driefontein 777 LS	6	Dikgale Community	Marobala Trust
11	Driefontein 777 LS	7	Raphahlelo Community	Mmatshela Trust

Table 3.4 Morebene Community Gazetted Farms Given to other Communities as SLAG Projects. Source: Morebene CPA (2011a)

Most of the farms were given to other communities around 2000 and 2001, even though the Limpopo RLCC was aware that the farms had been claimed by the Morebene Community and that restitution processes were underway for gazetting purposes. Anseeuw & Mathebula (2008:26) managed to make an indication of the communities from whom the different farms were awarded, making it very simple to observe that not even a single farm was awarded under the SLAG or LRAD project to any of the beneficiaries from Morebene Community. Most of the farms were awarded to the Makgato, Dikgale, Sekgopo, Ramokgopa, Thohoyandou, Blouberg and Moletsi communities who also claimed their areas in terms of the restitution processes.



<b>SLAG</b>	Fanang Diatla Trust	Trust	y	Zoekmeaar	09.02.2000	49	62
	Hivuyerilwile Trust	Trust	y	Sekgopo	04.07.2000	30	669
	Ikageng	Trust	y	Dikgale	16.11.1998	104	418
	Kgadima	Trust	y	Sekgopo	05.10.2000	88	1140
	Lehlabile Trust	Trust	y	Zoekmeaar	01.02.2000	43	720
	Lehlangeng	Trust	y	Sekgopo	17.11.2000	52	1139
	Mapiribiri	Trust	y	Dikgale	26.05.1999	68	289
	Makgato	Trust	y	Makgato	28.01.2000	55	186
	Makhamotse	Trust	y	Sekgopo	09.11.2000	121	1392
	Marginalised	Trust	y	Dikgale	25.06.1998	137	973
	Marobala Chicken	Trust	y	Dikgale	06.06.1999	88	232
	Matau Investment Trust	Trust	y	Makgato	28.08.2000	60	524
	Matshehla	Trust	y	Dikgale	26.05.1999	60	396
	Soka Lehlo	Trust	y	Makgato	28.01.2000	35	104
	Thusanang Trust	Trust	y	Ramokgopa	25.05.1999	45	85
	Waterval	Trust	y	Dikgale	01.10.2000	59	324
	<b>Total SLAG</b>						<b>1094</b>
<b>LRAD</b>	Fishof comokgerepi	cc	y	Blouberg	01.01.2002	4	825
	Marwasshe Estate	cc	y	Thoyoyandou	01.05.2002	3	916
	Oracle Props 1044 CC	cc	y	Polokwane, Aganag	01.01.2002	3	400
	Re a leka	cc	n	Moletsi/Ramagopa	01.03.2005	12	7
	SpringKaan Farm	cc	y	Matoks/Pietersburg	01.07.2005	3	566
	Tau-tlou-phuti Project	cc	y	Lebowa Kgomo	01.01.2005	2	259
	Babogadi Trust	Trust	y	Ga-Poopedi	01.02.2005	6	9
	Gotlotlometsa TR	Trust	y	Ga-Poopedi	01.02.2005	6	9
	Letswa Tshemong	Trust	y	Ga-Poopedi	01.02.2005	16	28
	Letjepe Mpolaye	Trust	y	Ga-Poopedi	01.02.2005	17	26
	Bare Gakeleme Trust	Trust	y	Ga-Poopedi	01.02.2005	6	9
	Keya Lema Trust	Trust	y	Ga-Poopedi	01.02.2005	6	9
	Ke Lema Kelenosptr	Trust	y	Ga-Poopedi	01.02.2005	6	9
	Mokgadi Trust	Trust	y	Ga-Poopedi	01.02.2005	6	9
	Letlapa Go Lema TR	Trust	y	Ga-Poopedi	01.02.2005	6	9
	Mmabafaata Trust	Trust	y	Ga-Poopedi	01.02.2005	6	9
	Lephala Le Basom	Trust	y	Ga-Poopedi	01.02.2005	6	9
	Basomi Trust	Trust	y	Ga-Poopedi	01.02.2005	6	9
<b>Total LRAD</b>						<b>120</b>	<b>3117</b>

Table 3.5 Land Awarded as LRAD and SLAG Projects in Mole-Mole Local Municipality. Adapted from Anseeuw & Mathebula (2008: 26)

Not only did the officials from the Department of Agriculture and Forestry fail the people of Morebene, but it seemed difficult for the officials from the Limpopo RLCC to consult with

willing sellers for the restitution processes (Molewa, Interview, 16 June 2011; Rasebotshe, Interview, 26 May 2011 and Ratsaka, Interview, 26 May 2011a). The deepest regret of the Morebene Community is that most of the SLAG projects targeted fertile land and failed at the inception stages. The Morebene Community cannot be given access to any of the land based on the fact that it was redistributed to emerging black farmers and not restituted to dispossessed communities. After the intervention of Tshukudu Consulting in getting consensus between the Morebene Community and the willing sellers, and also the intervention of Chief Machaka in resolution of the conflicting land claims amongst communities around Morebene, the Community complied and forwarded all decisions to the Limpopo RLCC (Molewa, Interview, 16 June 2011; Rasebotshe, Interview, 16 May 2011 and Ratsaka, Interview, 26 May 2011a).

The allegation that government officials are not able to assist communities even in identifying land and making sure that processes for land reform projects are expedited are clearly supported by Anseeuw and Mathebula (2008:41) who indicated that the only three success stories or projects in Mole-Mole Local Municipality were driven by two NGOs, namely Nkuzi Development and the Legal Resources Centre, who managed to ensure that the CPAs were formulated and that project handover and production levels were sustained for the success of the three projects. The three projects that were taken care of by the two NGOs were composed of one restitution project, one SLAG and one LRAD project.

### **3.10 CURRENT STATUS OF THE MOREBENE RESTITUTION PROCESS**

In the case of Morebene Community, through the assistance of Tshukudu Consulting, the farms which were owned by willing sellers who had agreed to settle were at last prioritized by the Limpopo RLCC for settlement, and the land was later transferred to the community in 2005. The farms are as listed in table 3.6 below.

Item	Farm Portions	Farm Name	Title Deed No	Value in Rands
1	Portion 0	Minaarsdraai 1177 LS	T63577/06	15400000
2	Portion 0 Fourieskolk	Fourieskolk 1174 LS	T69754/06	7000000
3	Portion 2 Fourieskolk	Fourieskolk 1174 LS	T04/17903	811250
4	Henhardt 1188	Fourieskolk 1174 LS	T06/86746	4534000
5	Portion 2	Modderfontein 517 LS	T055978/06	1120000
6	Portion 3	Modderfontein 517 LS	T05/036211	514000
7	Portion 2 &	Driefontein 777LS	T043955/06	1613328
8	Portion 40	Soekmekaar 778 LS	T045762/06	3825440
9	Agric Holdings 1,2 & 5	Soekmekaar 778 LS	T172783/06	1068750
10	Portion 33	Soekmekaar 778 LS	T047191/06	235000
11	Portion 60	Soekmekaar 778 LS	T69758/06	1500000
12	Portion 17 of 2	Soekmekaar 778 LS	T044052/06	1271992
13	Portion 6, 21 & 44	Soekmekaar 778 LS	T05/021501	1711232
14	Portion 19	Soekmekaar 778 LS	T05/029086	411136
15	Portion 48 of 3	Soekmekaar 778 LS	T05/022415	1200000
16	Portion 25,56 & 57	Soekmekaar 778 LS	T05/037669	1700000
17	Portion 15	Soekmekaar 778 LS	T044051/06	2010000
18	Portion 38	Soekmekaar 778 LS	T045762/06	3825440
19	Portion 7 & 9	Soekmekaar 778 LS	T126682/06	658465
20	Portion 20	Soekmekaar 778 LS	T045262/06	643600
21	Portion 18 & 4	Soekmekaar 778 LS	T109807/06	2248000
22	Portion 51	Soekmekaar 778 LS	T041795/06	1336000
23	Portion 42 & 43	Soekmekaar 778 LS	T64225/06	3755000
24	Portion 22 & 62	Soekmekaar 778 LS	T6584/06	1930000
25	Portion 13 & 76	Soekmekaar 778 LS	T05/033889	250000
26	Portion 10	Soekmekaar 778 LS	T69717/06	2489000
27	Portion 32,35,11 & 9	Soekmekaar 778 LS	T61900/06	<b>1632100</b>
28	Portion 68,45 & 54	Soekmekaar 778 LS	T63838/06	993000
29	Portion 17, 66 & 67	Soekmekaar 778 LS	T63837/06	1828600
<b>TOTAL</b>				<b>R 6751533.30</b>

Table 3.6 Farms Restituted to Morebene Community in 2006. Source: Various CPA, Documents & Title Deeds from the Deeds Office.

Although certain farms have been restituted to Morebene Community, most of the farms are in a non-habitable state. The major problem creating this unpleasant state of affairs is the fact that the community was never given any land development grant. According to records at the disposal of the community, not all farm claims were gazetted even though they were on the list of farms that should have been gazetted. Further details relating to this will be discussed in chapter five.

### **3.11 CONCLUSION**

The area of the Molemole Local Municipality and the study area of the Morebene Community have been introduced in this chapter. The demographic profile of Molemole municipality has been given so that the study area of the Morebene can be seen to be within the confines of the municipality itself. This chapter has also indicated the methods applied jointly by the Morebene Community in trying to speed up the settlement of their land claim. It also indicated the cooperation and assistance of Tshukudu Consulting to enable the settlement of the prioritized land to the Morebene Community. The total land claimed by the community has been defined and the land gazetted as well as those portions already handed over to the community were defined. The assistance of the Limpopo RLCC seems to have been reactive in the sense that it only prioritized the matter after Tshukudu Consulting had done major consultations with willing sellers for the purchase of the identified land by the RLCC.

## CHAPTER FOUR

### RESEARCH DESIGN AND METHODOLOGY

*Two key principles underpin participatory research processes: (1) the significance of accessing local knowledge; and (2) the critical role of participation by research participants in the research process.*

*(van Maltzahn and van der Riet, 2006:111)*

#### 4.1 INTRODUCTION

In this chapter, the research design and methodology are discussed. The chapter discusses the research approach and strategies, data collection, and analysis methodologies applied towards reaching the research conclusions and recommendations. A form of qualitative research wherein PRA research tools and techniques was used to pursue the research objectives and data collection purposes. The research follows a case study type of research conducted about the Morebene Community in relation to the application and implementation of various phases of the land restitution programme. Data was collected through a questionnaire and a Focus Group Discussion (FGD) was held to get local people to discuss the data collected, analyse the data and come up with suitable solution.

#### 4.2 RESEARCH APPROACH

Remenyi et al (2002:32) indicate that “empirical research should be fundamentally rooted in theory and it is impossible to conduct such research in a meaningful way without having the researcher taking a specific theoretical standpoint”. The researcher in this study views Remenyi’s statement as tying the approach and the thinking of the entire research and approach to the theoretical views of the particular researcher, thereby advocating desktop results with the aim of applying them to different participants, or making it possible for a one size fits all research result

irrespective of what comes out differently from what the researcher thinks. Furthermore, contrary to Remenyi's view as defined above, the researcher is also of the view that the emphasis on desktop knowledge and approach is one of the causes, and a major problem in this regard, that leads to the failure of developmental interventions to eradicate poverty in rural communities. The researcher views the approach by land reform practitioners to land reform interventions as being too much of a desktop approach, and, therefore, rural communities are left behind and most of their land reform needs and those imperatives of the land reform policies and legislation in South Africa are not achievable. Rural development cannot be established once the theorists or researchers from outside the targeted communities dictate their theoretical understanding of the communities to benefit from any such developmental interventions without the rural communities themselves taking an active role in the establishment of their needs and taking part in designing the methodologies of achieving their objectives. Whilst it is important to have a theoretical standpoint, in rural development interventions, however, indigenous knowledge is useful in order to avoid a top down intervention approach that will lead to projects that are based on perceptions and are not useful to the targeted beneficiaries. This, therefore, brings in the ideals of Participatory Rural Appraisal (PRA) which supports the direct participation of communities, with rural people themselves becoming the main investigators and analysts whereby they set priorities, determine research needs, select and train researchers, collect documents, and analyses data, and plan and implement solutions based on their findings (Grenier:1998). During (1989), cited in Wickham (1993), posit that PRA is a people-centered development model focused on processes where individuals and societies build their capacity to meet their own needs and improve the quality of their lives. It supports the argument by Binns, Hill and Nel (1997) that says that PRA emerged from people-centered development which acknowledges that top-down development strategies often fail because they do not appreciate the aspirations of local people. It is on this basis that PRA methodologies will be used in this research. PRA recognizes the value that local knowledge has on local development initiatives (Chambers: 1992). This allows the local communities to engage in planning and collecting data on issues that involve them. This is in agreement with the statement by Greenwood and Levin (2007: 33) who argued that research should be conducted with the people and not on the people. Kotze and Kotze' (1993) also share the idea that local context is a key variable to sustainable

local development initiatives. From the discussion about PRA above, certain main advantages of the PRA are identifiable, amongst them the following (Wicham, 1993 quoted in Grenier, 1998):

- That PRA increases participation, in that it does not distinguish participants in terms of their social standing but seeks the participation of any member of the community available at the time of the research;
- PRA supports independence, in that people are allowed to determine their own needs and, therefore, decide what information is to be made available and how such information is provided to the researcher;
- PRA builds dignity and generates knowledge to local people, in that, when people explain events and analyse their own knowledge on particular issues under discussion, a lot of knowledge is shared to all participants and, therefore, self-esteem is increased amongst participants. Everybody has the independence and courage to make his or her own contribution without fear; and
- PRA is practical and creative, in that people are free to decide how they intend providing the information. The informal or formal discussions allow the people to give information taking into account their own social behaviour, set-up, and norms. No researcher can impose any of his or her style of information gathering on participants.

The above supports the argument by Chambers (1992) who links the idea of gathering information (researching) for rural development initiatives to the process of empowerment and capacity building. The above, however, should not be in a top-down initiative where some government officials or researchers will gather certain information about the communities and use it to dictate rural development initiatives without the actual involvement of the concerned communities. The researcher must, therefore, only facilitate the development initiative in terms of the PRA process and not direct local communities in the processes (Chambers, 1992). The

above is based on the principles that PRA (Grenier, 1998) places more emphasis on being the following:

- ***Correct behaviour and attitudes.*** Meaning that the researcher must be flexible, creative, patient, respectful and willing to listen and learn from community members;
- ***Multiple methodology.*** The researcher will have liberty to use various research techniques to investigate, analyse, and present his knowledge using easy materials that originate and are collected with community members; and
- ***Visually shared information and ideas.*** The researcher will produce data in the form of charts, maps, and graphs for the participants to view, discuss, and manipulate whilst cross checking whether their situation has been correctly presented.

Irrespective of the main advantages mentioned above, however, Greiner (1998) provides that there are several disadvantages linked to PRA methodology. Amongst them the following:

- Mosse (1994), quoted in Grenier (1998), posits that PRA takes place within local power structures, wherein various power relationships becomes most visible with a possibility of excluding certain local knowledge owing to the dominance of existing social relations, like power and the authority of the people talking and gender relations. The suggestion is that, since most of the interviews in PRA are guided through structured questions, the dominant powers in the community, who are mostly the elite, educated and those with social power may tend to dominate the poor, women, children, and those with minority views, thereby increasing power and wealth inequities.
- It is also suggested by the critics of the PRA, that the application of PRA created problems most especially in relation to inadequate training capacity and the routinised application of visual, group, and participatory techniques. It is argued that most of the



PRA researchers are not adequately trained and that, therefore, there is at times no guarantee of local participation and empowerment. It is also argued that the use of visual methods may have cultural nuances, and that certain drawings from PRA may have cryptic meanings in that the same participants may differ in their interpretations of the particular events.

- Critics of the PRA, according to Grenier (1998), argue that PRA is applied in a very short-term of between 3 to 5 days and, therefore, it is not sufficient to provide for the long term or sustainable development of the community since most of what happens after the PRA interventions is not reported.
- Information generated through PRA techniques is argued to be shaped by the researcher and participants' expectations. The researcher is regarded, by critics of the PRA, as having interests and enthusiasms for a particular topic which will shape what he or she wishes to have as appropriate outcomes of his or her research. On the other hand, participants also have expectations that will shape whether they fully participate in the research based on what they wish to have as possible outcomes from the PRA research,

Irrespective of the above, PRA is defined by Grenier (1998) as following no rigid formulae whereby researchers have to invent, test, adopt, and adapt new methods and techniques to improve their own research. This does not only reflect the flexible nature of the PRA but also suggests its valuable character and nature to extract information from respondents and use it with them to change their social circumstances, applying various techniques other than research methodologies. One of the features of this research is that it takes the form of a case study. Watkins (2008:46) describes case study as an empirical enquiry that investigates a contemporary phenomenon within its real-life situation, especially where the boundaries between phenomenon and context are not clearly evident. Watkins (2008: 46-47) further defines a case study as follows:

- A case study research aims not only to explore certain phenomena, but also to understand them in a particular context.
- ‘How’ and ‘why’ questions are explanatory and likely to be used in a case study research.
- A case study illuminates a decision or set of decisions - why they were taken, how they were implemented, and with what result.
- The case study, as a research strategy, comprises an all-encompassing method, with the logic of design incorporating specific approaches to data and data analysis. In this sense, the case study is neither a data collection tactic nor merely a design feature alone, but a comprehensive research strategy.
- A case study is typically used when contextual conditions are the subject of the research.

#### **4.2.1 TARGET POPULATION FOR THE STUDY**

Population for a study refers to “*that group about whom we want to draw conclusions*”, Barbie (2008: 121). It should be noted, however, that it is not possible for a researcher to collect data from all subjects or from the entire population based on various limitations such as time and serious shortages of resources, like money, etc. (Durheim, 1999). The researcher, therefore, has to have an accurate representation of the entire population so that it becomes practical to extend the research findings, that is, the external validation of results to the entire population. The researcher, in other words, has to sample a particular segment of the population to collect data from and draw conclusions that may be applied to the entire population. The Morebene Community who are claimants or beneficiaries to the land restitution programmes are the targeted study population in this research.

#### **4.2.2 SAMPLING OR SELECTION OF RESPONDENTS**

Leedy & Ormrod (2005:145) refer to sampling as “*the process of selecting entities*” and Mouton (2002:133-134) refers to sampling as “*the procedure involved in selecting cases*”. Sampling refers to the process of selecting the most convenient sample, entity, or source amongst many for the research from where data will be collected. A sample of participants for the research is from the list of beneficiaries included in the attendance register of Morebene Community. In this study, a ‘*purposive or judgmental sampling*’ was employed. The researcher chose Morebene Community as land claimants or beneficiaries to land reform programmes from whom most information about the land restitution was obtained.

#### **4.2.3 SAMPLE SIZE**

In a community that is composed of five hundred and ninety (590) families and at least one thousand and ten (1010) individual members (Anseeuw and Mathebula, 2008:26), a sample of at least hundred and fifty (150) respondents was targeted. Whilst 150 questionnaires were distributed, only a hundred and thirty five (135) questionnaires were returned or completed. Further details will be discussed below.

#### **4.2.4 METHODOLOGY**

According to work of Theis and Grady (1991) and Shah, Kambou and Monahan (1999), many or a large number of PRA research tools and techniques were developed to suit various and differing contexts and that led to other conventional research methodology adapted to suit the PRA approach. Based on the reasons stated above, the following steps were considered in the collection, analysis and interpretation of data.

#### 4.2.4.1 DATA SOURCES

Most of the data were sourced as primary data from respondents themselves. In order to get an adequate knowledge of the Morebene Community, Indigenous Knowledge was obtained and used. Indigenous Knowledge refers to the unique, traditional, local knowledge existing within and developed around specific conditions of people indigenous to a particular area (Greiner, 1998:6). Indigenous Knowledge played a pivotal role in this study. As discussed in chapter three, Morebene is a traditional tribal area belonging to the Batlokwa ba-ga Ratsaka. The traditional geographical area of Morebene can best be described through the indigenous knowledge of Batlokwa ba-ga Ratsaka. Primary data were sourced from the community members including written materials as secondary data that they had used during the land claim processes and their interaction with the government officials both at the RLCC, the PDA and DRD&LR which included their account of social interactions, the mapping of communal boundaries, the understanding of land reforms, their perceptions thereof, the current impact of land reforms on the community, etc. Van Vlaenderen (1993), cited in Von Maltzahn and van der Riet (2006:111), defined that local knowledge as a collection of ideas and assumptions that are used to guide, control, and explain actions within a specific context. This statement supports the theory of Reason and Bradbury (2001:2) that says “*action research starts with everyday experiences and is concerned with the development of living knowledge... In action research knowledge is a living, evolving process of coming to know rooted in everyday experience*” For the proper development of the community or for any development activity or project to be sustained, local knowledge, sourced with and understood by the targeted community, plays an important role. Van Vlaenderen (1993) argued in support of the above by stating that the appropriateness, sustainability, and effectiveness of developmental programmes are tied to the way in which they make use of, and build on, the local knowledge (including beliefs, values and practices) and capacities of the target population.

A plethora of secondary data was also used on literature relating to the land reform processes, most importantly about land restitution programmes in South Africa, amongst them published

journals, government reports, and publications, acts, previous and relevant research work, published books from various libraries and various conference papers.

#### **4.2.4.2 DATA COLLECTION**

Although a questionnaire approach is not always popular in PRA research, a structured questionnaire was used to source data. The use of the questionnaire was not simply for numerical data interpretation of data but was used to guide detailed discussions relating to, and interpretation (Mouton, 2001: 194) of, the land restitution processes applied in the Morebene Community. The questions were later used to guide the focus group discussions as detailed below. According to Mukherjee (1997:21-45), a questionnaire can be used in PRA research in instances where a large section of the population has to be surveyed, but should always be brief, basic, and simple and may be combined with an in-depth interview or other research tool. In the initial stages, a questionnaire was used to source common information about the Morebene Community at a general meeting on the 11<sup>th</sup> May 2011 in the Morebene Communal Property Association Offices. Questionnaires fall within the ambit of a broader definition of 'survey research' (Watkins, 2008:67). Remenyi et al (2002:290) define the survey as "the collection of a large quantity of evidence usually numeric, or evidence that will be converted to numbers, normally by means of a questionnaire". Watkins (2008:67) defined a questionnaire as a "list of carefully structured questions, chosen after considerable testing with a view to elicit reliable responses from a chosen sample. The aim is to establish what a selected group of participants do, think or feel". Most of the secondary data used in this research was developed around 1995 when the people of Morebene started to make a recollection of their area, practices, and traditions in preparation for the lodging of their application for land restitution. Most important PRA tools and techniques used then were the following, (1) *mapping and diagrams* and (2) *timelines and historical transects*. These were used by the community themselves to determine the patterns of dispossessions and also how the community used to live in Morebene before dispossession. It was also established that community members were able to use the tools and techniques to come up with a figure (3.2) that depicted their area before the dispossession of the land. The

community also managed to compile their own history taken from the folklores and traditional songs.

#### **4.2.5 DATA ANALYSIS METHODOLOGY**

Descriptive statistics was used to analyze data collected and to codify it for easy interpretation. Further PRA tools, like *pie and bar charts* and *ranking and scoring*, were used with other methodologies in the analysis of factors, especially where some estimates and percentages are used. These will also be used to analyse certain current needs and priorities of the community, etc. and to measure certain levels of satisfaction, challenges, and opportunities brought about by the land reforms. The Morebene CPA, together with all relevant stakeholders, like the additional members to the CPA and members of the traditional authority of the Morebene community, served as control groups on certain matters that required clarification and proper interpretation. The researcher posed structured and un-structured open-ended questions to them to give more clarity and direction on the land claim processes and future strategic direction and interventions.

#### **4.3 DATA VALIDATION**

Morebene CPA Executive members and the four additional members assisting the CPA executive, known as the Morebene Task Team, were used for Focus Group Discussions (FGD) to get meaning about the restitution processes and how they were implemented in the Morebene Community. This methodology is in conformity with Wadsworth's (2001:426) theory of "*identifying and bringing together all relevant participants or stakeholders through inclusive processes of organic and naturalistic recruitment and emergently knitting together inquiry and inquiry networks*". The group identified has sufficient knowledge about the restitution in the area and can work together to formulate collective results and solutions to their own problems. The statement is supported by the argument of Johnson and Mayoux (1998) who said that 'participatory approaches are built on interactive processes that stimulate conversation and facilitate the production of knowledge from local accounts'. The discussions were aimed at validating or getting meaning and confirming some of the issues that emanated from what the

selected sample of attendees to the meeting of May 2011 responded to. Focus group discussion was described by Powel and Single (1996:499) as “*a group of individuals selected and assembled by the researchers to discuss and comment on, from personal experience, the topic that is the subject of the research*”. Focus group discussion is ideal for a research of this nature on the basis that respondents may effectively explore solutions to their problems jointly as one unit and it also enables them to interrogate issues, ask questions of one another, and re-evaluate and reconsider their own understanding of the topic (Kitzinger, 1995). The FGD was also valid on the basis of the fact that they all had vested interests in the land restitution processes and that they were genuine beneficiaries of the land reform in the Morebene community.

#### **4.4 CONCLUSION**

The PRA research employs techniques for learning about rural life and conditions from, with, and by rural communities, with the communities themselves becoming the main investigators and analysts, setting their own priorities and needs, and deciding on their own, collecting and analyzing data, planning and implementing solutions based on their findings for their future development. (Greiner 2008:7). The researcher will not decide on the solutions but the Morebene Community will be assisted in the interpretation of the results from the research so that they develop their own solutions. The researcher facilitates but does not direct the process (Chambers, cited in Wickham 1993).

## CHAPTER FIVE

### DATA ANALYSIS, INTERPRETATION, AND PRESENTATION OF RESEARCH RESULTS

#### 5.1 INTRODUCTION

In this chapter, data collected is analysed and interpreted after which the results or findings of the research are presented with regards to the implementation and application of the six phases of the land restitution programme which were implemented in respect of the Morebene land claim. The findings or results are based on the analysis of data collected through questionnaires to the members of Morebene community and dealt with by the focus group which consisted mainly of various committees of the Morebene CPA. Secondary data, like the application and various pieces of correspondence between the CPA and the Department of Land Reform and Rural Development were analysed to get meaning and the interpretation thereof by the community. The results focused on different phases of the land restitution programme namely:

- *Phase 1. Lodgement and registration;*
- *Phase 2. Screening and categorization;*
- *Phase 3. Determining of qualifications in terms of section 2 of the Restitution Act;*
- *Phase 4. Negotiation of claim;*
- *Phase 5. Settlement of claim; and*
- *Phase 6. Implementation and Settlement Support and Development planning.*



## 5.2 RESEARCH RESULTS

The broad or overall objectives of this research were to examine the manner in which the land restitution process and its phases were handled in respect of the restitution of the Morebene Community and to identify gaps and factors causing improper implementation of land restitution projects, to list challenges faced by Morebene Community during the implementation of the pre-and post-settlement phases of restitution, and, lastly, to examine how community participation, involvement in decision making relative to their claim and capacity building were delivered or given to the community with a view of indicating what benefits have been made or could have been made to the Morebene Community towards their development imperatives and land use.

The study adopted PRA research approaches in order to bring meaning to the data. Though some statistical data were presented in the form of graphs and pie charts, narrative interpretation of the data was also done. Descriptive statistics were used to interpret some data.

## 5.3 DATA ANALYSIS AND INTERPRETATION

Before a complete analysis and interpretation could be made, a very critical aspect of the populations was analysed. A researcher is bound to compile a sample frame that is identical to the population so that it can be easier to define that all members of the community had a chance of being selected (Mouton, 2002:137-138). Von Matlzahn and Van der Riet, citing Johnson (2006: 125), citing Johnson and Mayoux (1998), state that *“in research practice ‘key informants are most often used and those who are most frequently excluded are the marginalized, the very poor, women, the elderly and children”*. In order to ensure that no ‘key informants’, who in this research are the Morebene CPA executive, are used to the exclusion of other sectors of the community, a structured questionnaire as defined in chapter four above was distributed at the general meeting of Morebene Community which was held on the 11<sup>th</sup> May 2011.

The meeting was a suitable place where all members of the community had a better chance of being selected. Eight (8) young members of the community assisted in the distribution of the questionnaires to, and their completion by, the claimants. At least a total of a hundred and seventy nine (179) land restitution claimants were present at the general meeting. Only one hundred and forty one (141) members of the community, which is about 82% of the total members who attended the meeting, responded to the questionnaire. Only six (6), which amounts to only 4% of the questionnaires, were not considered because their questionnaires were not properly completed. An entire 96% of the questionnaires received were properly completed. The questionnaire used is composed of two sections, **Section A** is made up of six (6) questions regarding the demographics of the community. Some of the questions relate to age, sex, or gender, educational qualifications, farming experience of the respondents. The aim of the questions was to discover the level of understanding of the restitution process by members of the community, in relation to their education level, to measure whether the dynamics of the restitution processes can ever simply be understood by the community without thorough learning and the provision of serious workshops by those charged with the responsibility of implementing the restitution processes. The purpose of the questions in **Section B** was simply to get the general and basic needs of the community relating to land restitution. The questions were translated into Sepedi which is the mother language used, and clearly understood, by the claimants.

As defined in chapter four, descriptive statistics were used to analyse the responses from Morebene Community in this research. Against the figures as reflected in the verification list submitted to the regional Land Claims Commission by Lintchi Consulting for the restitution of the Morebene Community, as discussed in paragraph 3.6 of Chapter 3 of this study, the Morebene Community, according to the actual number of people or respondents who attended a general meeting held in May 2011, was found to be composed of at least 61% female and 39% male members. The figures are as in Table 5.1 below:

**Table 5.1 Gender Profile of Respondents**

	<b>Frequency</b>	<b>Valid %</b>
Male	52	39
Female	83	61
<b>Total</b>	<b>135</b>	<b>100</b>

The Morebene Community seems to be a female-dominated community. The number of female beneficiaries was found to be made up of a total headcount of 83 which constituted 61% of the total of 135 beneficiaries in the meeting. The figures are a confirmation of the attendance register, also discussed in chapter 3 above, which indicated that there was a total of at least 59% female attendance against 41% male attendance. One can safely make the conclusion that the Lintchi verification list was not a true reflection of the Morebene land restitution beneficiaries. It can, therefore, have an adverse impact on the planning of further land reform projects in respect of the Morebene Community for proper restitution purposes. The root cause of female dominance needs to be viewed from the fact that most males have migrated to urban areas, especially to the mines to look for jobs with better opportunities than in the agricultural sector.

Age plays an important role in making decisions about restitution processes. Elderly people may not need a high technical level of education about the restitution process. In getting the age profile of the people, the researcher intended to assess whether restitution programmes and projects may be carried out in a high level mode where extended training may be implemented. It is the researcher's view that the youth may require high level technical farming training whilst middle aged men and women may be requires immediate small crop production that may yield immediate products to feed their

children. For this purpose, the community was divided into three age groups, the old aged (which referred to those at the age of 55 to 80 years, the middle aged (which included those between the ages of and 35 to 54 years old) and the youth (mostly those between the working ages of 19 to 34 years). Against the above background, it was found that Morebene Community consisted mostly of people between the middle aged and the elderly. The youth made up only 19% whilst the middle aged were about 52%, and the elderly 29% of the entire population. The age analysis is reflected as table 5.2 below.

**Table 5.2 Age Analysis of the Respondents**

	<b>Frequency</b>	<b>Valid %</b>
Old Aged	39	29
Adult/Middle Aged	70	52
Youth	26	19
<b>Total</b>	<b>135</b>	<b>100</b>

Figure 5.3 illustrated the marital status of respondents in the study. The purpose was to establish the status of various respondents of the Morebene Community in terms of marital status so that the participation of women is measured and assessed in terms of whether they wish to address their frustration and independence. According to Ratsaka (2012a), the status of a woman in the community is measured by their marital status. There is a perception amongst members of the community that women who are not married cannot assist in communal decision making. Claassens (2005) defined various matters relating to the rejection of single women by various communities in relations to land rights. Single women are said to be a problem on the basis that their rights in the communities will automatically be assumed by their husbands when they get married. Most of the men who got married to local women are from outside the communities and

this tended to cause troubles when it came to accepting them as part of the community of Morebene, Ratsaka (2012a), however, concedes that the current laws of the county prohibit the segregation of people according to their marital status, and, therefore, the community had to accept that women are part of the society irrespective of their marital status. Whilst Mr. Ratsaka agrees that married women in the community tend to be elevated higher in status above those who are not married, he could not link that to any of the known cultural practices within the community. He further agreed that those types of perception always make it difficult for unmarried women to participate fully in the discussions of the community especially amongst men. Ms Molewa (2012a) indicated that even though most of the women are regarded as married, there was, in most cases, no discussion of lobola amongst the families of those who live together as married. Lobola can be defined as *'a traditional practice wherein the family of the groom to be will meet with the family of the bride to be to discuss matters of mutual understanding amongst them, including the payment of a certain sum of money by the groom's family, mostly counted in the form of cattle for the bride to be released to the family of the groom and the marriage of the two to be blessed in terms of the cultural and traditional practices and rituals'* (Own expression). Ms Molewa further indicated that most of the couples in the community are living together just because of the fact that they had children before marriage and that the women felt that they needed to stay with the fathers of their children to ensure that the children received proper support and maintenance from their fathers. Although such people may regard themselves as married, their relationship is not taken as normal in the community, and their status remained undetermined which then, in turn, lowered their status in the community and had an impact when they contributed to serious discussions made in communal forums. Wisborg et al (2013:27) indicates that gender matters in Limpopo affect life expectancy. Life expectancy in Limpopo seems to have declined from 58 in 2000 to 52 in 2003 with a strong indication that it will further decline to 47 by 2010. The cause of the decline in life expectancy is due to the high prevalence of HIV/AIDS which was found to be at about 40% amongst workers in commercial farms in the province. HIV/AIDS was found to be higher in female workers at a rate of 47% than in males who are found to be at a rate of 31% of HIV/AIDS

(Maromi & IOM, 2010), cited in Wisborg (2013:27). The study further suggested that the causes of high female HIV/AIDS prevalence are, amongst others, the concurrent partnerships, transactional sex, irregular use of condoms, and high levels of sexual violence. The most affected people are those not married and the young females. It, therefore, would be beneficial to define marital status in Morebene. Table 5.3 below is a reflection of the marital status in Morebene.

**Table 5.3 Marital Status of Respondents**

	<b>Numbers</b>	<b>Valid %</b>
Never Married	45	33
Married	41	31
Divorced	23	19
Widow/Widower	26	17
<b>Total</b>	<b>135</b>	<b>100</b>

One of the critical issues with regards to restitution and sustainability is the freedom of women and the poor to say what they ought or wish to say without fear. Fear manifests itself in many forms and most of the times it is realized through the dominance of men to the lives of their wives and children. Women sometimes tend to undermine of unmarried women and the widows.

**Table 5.4 Educational Levels of Respondents**

	<b>Frequency</b>	<b>Valid %</b>
Attended School	82	61
Left at Primary School Level	34	25
Matriculated	12	9
With Post Matric Qualifications	7	5
<b>Total</b>	<b>135</b>	<b>100</b>

While a total of 39, making 29% of respondents, are shown to have worked on a farm before dispossession of the land which happened around 1976. 96, constituting 71% of all respondents, had never worked on a farm before. The response reveals that most of the community members do not have farming experience. Most of the community was dispossessed around 1976, and presently most members of the community who had experience in farming were deceased. The fact that most of the community members are middle aged is also a good reflection of the reality that the skill of farming that had existed in the community for ages is now being lost. It is also a reflection that most of the community members are not able to do any farming activities. The responses are reflected in table 5.5 below.

**Table 5.5 Ever worked in a farm**

	<i>Frequency</i>	<i>Valid %</i>
Work in a farm	39	29
Never work in a farm	96	71
<b>Total</b>	<b>135</b>	<b>100</b>

The work status of land beneficiaries is always found to diminish after the implementation of land reform projects or processes. The major blame for the status is always placed on current lack of proper land policy implementation in South Africa which tends to show that land reform and agricultural development will not be possible as long as there is a lack of adaptation of proper institutional arrangements to support the policies that are in place (Karuiki, 2001 and Lahiff, 2005). In Morebene the work status of the claimants shows that 53% of claimants are not employed, whilst 29% claim to be self- employed, with only 18% indicating that they have permanent jobs. Those with permanent jobs are public servants and are mostly young professionals. The figures are as in Table 5.6 below:

**Table 5.6 Work Status of Respondents**

	<b>Frequency</b>	<b>Valid %</b>
Not Employed	72	53
Self Employed/ SME	39	29
Permanently Employed	24	18
<b>Total</b>	<b>135</b>	<b>100</b>



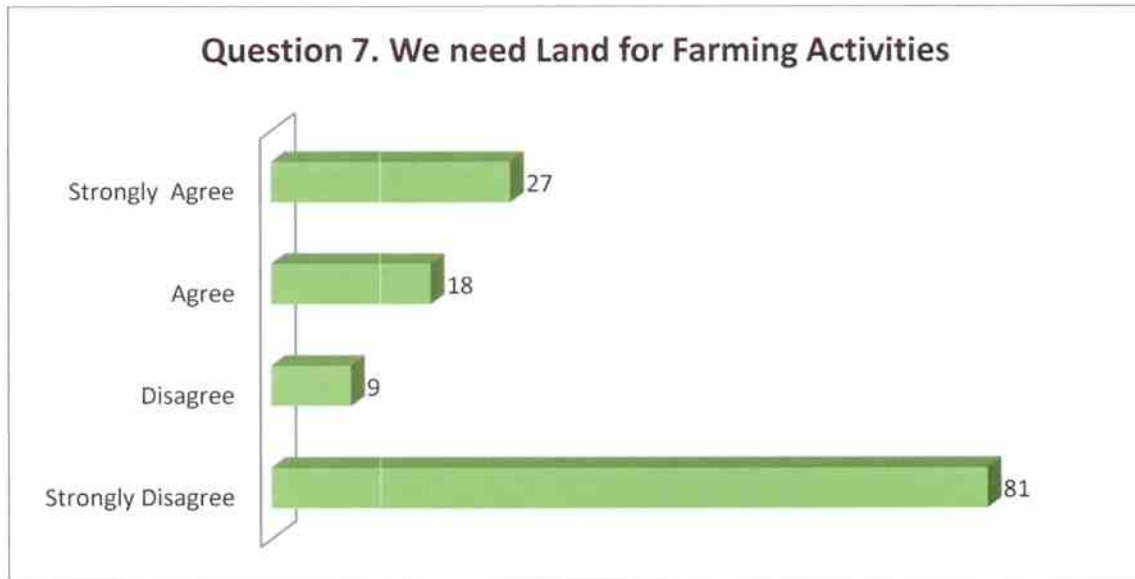
The above demographic questions were necessary with regard to getting a background of the community so as to establish what kind of participation the researcher would have from the community itself. Participation has been defined by Clayton et al, cited in Karl (2000), as “*an instrument to break poor people’s exclusion and lack of access to and control over resources needed to sustain and improve their lives*”. Most of the marginalized groups in the communities are women, children, the disabled, and the poor.

**Section B** is composed of questions closely related to the needs assessment of the community in regards to the land restitution process. The purpose is to measure whether people had a common understanding of land restitution and had common needs and a shared desire, aspirations, feelings, and visions in relation to the land after restitution. The questions were used to support arguments and derive meaning from them in a focus group discussion held with six (6) members of the Morebene CPA together with an additional five (5) members selected in 2011 by the community to assist in the management of farms. The discussion took place in November 2012 in Maweze Lodge on Polokwane. In order to give proper meaning to the discussion the members were asked to discuss the land claim processes as a briefing to those members who may not have been there when the application for the restitution process was made. The members were given opportunities to ask questions and those with information were guided to assist with additional information so as to give a proper background and more knowledge about the processes. The discussions were opened by a transect walk through the Morebene area. Transect walks are usually used for the assessment of current situations in a place and for the evaluation of any development projects underway for the examination of specific features, resources, and problems encountered, or, alternatively, they can be used as an exploratory technique and also function as an introductory activity to orientate the researcher or respondents on what issues to investigate (Theis and Grady, 1998). (Different farms allocated to Morebene Community were visited and their current situation assessed. The activities on the farms were noted. The meeting started after this. The phases of the land restitution processes served as agenda items.

### 5.3.1 Phase 1. Lodgement and registration;

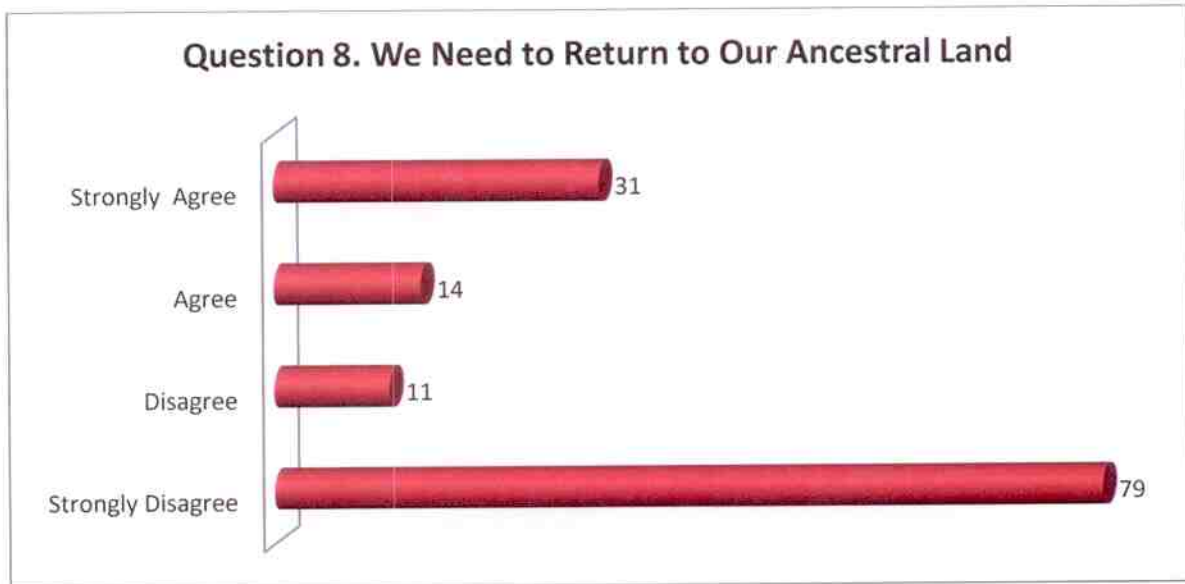
The focus group was, during the initial stages of the discussion, requested to define the actual land needs of the Morebene Community taking into account the profiles of the community in terms of the age, sex, working status, and financial circumstances. They were lead into a discussion on why they needed the land and whether what they intended doing with the land was a true reflection of the actual needs of the community. Mr Ratsaka indicated that the basic need for the land by Morebene community was to return to their ancestral land. He indicated that the sons and daughters of Kgosi Ngoako Ratsaka of Batlokwa ba-ga Ratsaka had convened to discuss the issues relating to the submission of the application for land restitution emanating from the 'Stake your Claim' campaign by the then Department of Land Affairs in 1995. They wanted to return to their ancestral land so that they could also reclaim their chieftaincy which was lost owing to the dispossession of land rights around 1970 as was the case in Ratsaka, Rasebotshe & Rathaha (1995:14). The need to get back to the land for the restoration of the chieftaincy contrasted with what respondents in the general meeting of 2011 wanted. Table 5.7 below indicates the needs of the respondents in regards land restitution. Four questions were asked. One of the questions asked was on whether the community needed the land for farming activities. One asked whether they needed to return to their ancestral land. The third one asked whether they needed financial assistance, and the last one was whether they needed the land for small crop production. The response of the respondents towards the need of land for farming activity is reflected in table 5.7 below.

Table 5.7 Land for Farming Activities



Of the 135 respondents to the question, 81, which constituted only 60% of respondents, strongly disagreed with the question, 9, which is only 7% of respondents disagreed with the question, 18, which constituted only 13%, agreed, and 27% composing of only 205 respondents strongly agreed that they needed land for farming activities. Cumulatively, up to 67% of the respondents do not wish to have land for farming activities, and only 33% do have the intention to use the land for farming activities. The FGD also did not support the ideal that the land can be used for farming activities by the community. According to the deliberations of the FGD, the land can be utilized for farming activities only when leased to commercial farmers for farming activities for production from which the community can benefit by the provision of farming jobs and food security. The conclusion of the FGD was that the very few of those who have an intention to use land for farming activities are mostly those who have cattle and need land for grazing purposes. The quality of the cattle available in the community is very limited and poor. A very small number of people will, therefore, benefit if land is allocated for use for farming activities. Figure 5.8 below reflects those who have an intention of returning to their ancestral land.

Table 5.8 Need to Return to Ancestral Land



The same percentage of respondents did not wish to return to their ancestral land. The FGD established that only few individuals may need to come back to Morebene for residential purposes, and most of those who may have such an intention are the youth and those who experience difficulties in Botlokwa where the community is currently residing. The FGD further established that of those who have cattle for grazing in Morebene, the likelihood of their relocating to Morebene is very limited since most of them are business people who are well established in their businesses in Botlokwa and adjacent places. Most of the people indicated that they would like simply to be compensated for their loss and dispossession rather than return to their ancestral land. Ratsaka (2012a) stated that many respondents do not have adequate jobs and depend on grants for their daily sustenance. He disputed the fact that the wish for compensation is for objective reasons. During the FGD, an acknowledgement was made that most of the people do not work and that they are dependent on social grants. It was also established that most of the people depends daily on substances like liquor, etc., and do not have any knowledge of how much the grant per family would be. They will not be able to save any of the money they would get. For other families it may be difficult to decide who receives the compensation because of the fact that some are the great grand-children of the original beneficiaries. A total of 101 of respondents, constituting 75% of respondents strongly agree, 18, which is

13% of respondents, agree, only 5, which is 4%, strongly disagree, whilst only 11, composing 8% of the respondents, disagree about financial compensation for land. Cumulatively 88% of the respondents need money as compensation rather than returning to their land, whilst only 12% are not interested in getting money as compensation but prefer to get back to their land for related farming activities. Even most of those who wish for the restoration of the chieftaincy seem to show an indication that, even if the chieftaincy is restored, they may not return to support the chief as his direct subjects in the Morebene Community. Figure 2.9 below reflects responses relating to a desire for financial compensation.

*Table 5.9 Need for Financial Compensation*

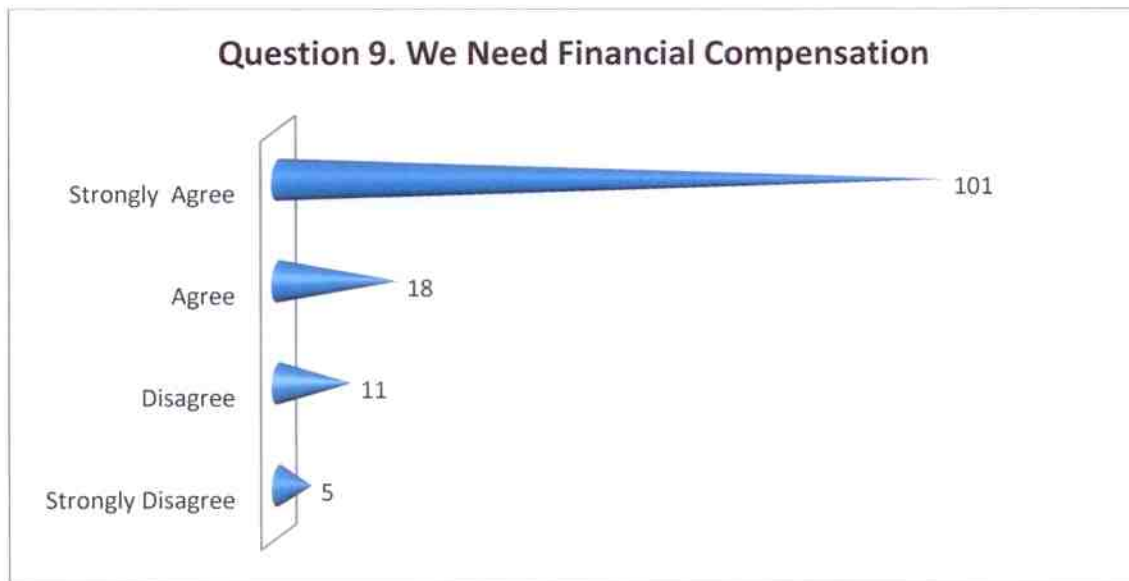
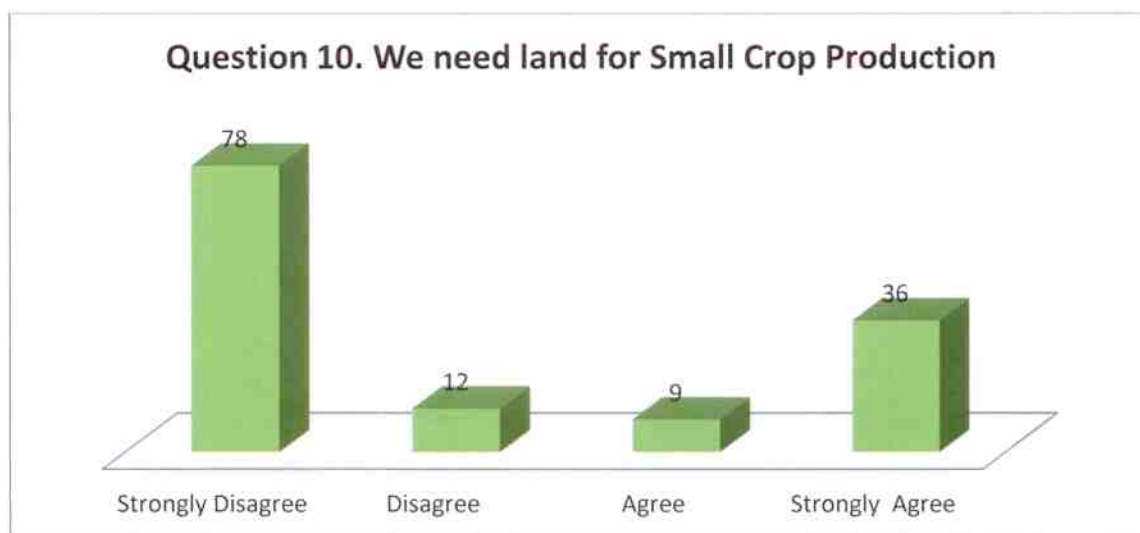


Figure 5.10 indicates the responses to the need for small crop production in Morebene. 78 respondents, representing at least 58% of the total population, strongly disagreed, 12, which is 9% of respondents disagreed, 36, which is about 27% of respondents, strongly agreed, whilst 9, which is about 6% of respondents, are not interested in securing land for small crop production. Cumulatively 67% of the respondents are not interested, whilst only 33% of the respondents are interested in small crop production. Even though the at least 53% of the respondents from the community are unemployed and 29% of

respondents are self-employed, the huge number of those showing that they are not interested in making a living for themselves is alarming. During the FGD, respondents indicated that the lack of proper markets for small crops is preventing any interest in the community in making any investment in small crop production. Only a small percentage of the respondents can produce vegetables for selling to locals which will not yield enough of a return for their survival. The lack of sufficient assistance in small crop production by the local extension officers in the Department of Agricultural does not encourage small crop production in the community. FGD exposed a desire for extended education and assistance from the Department of Agriculture and those in the Rural Development and Land Reform with regards to small crop production in the community.

The figures are indicated in Table 5.10 below.

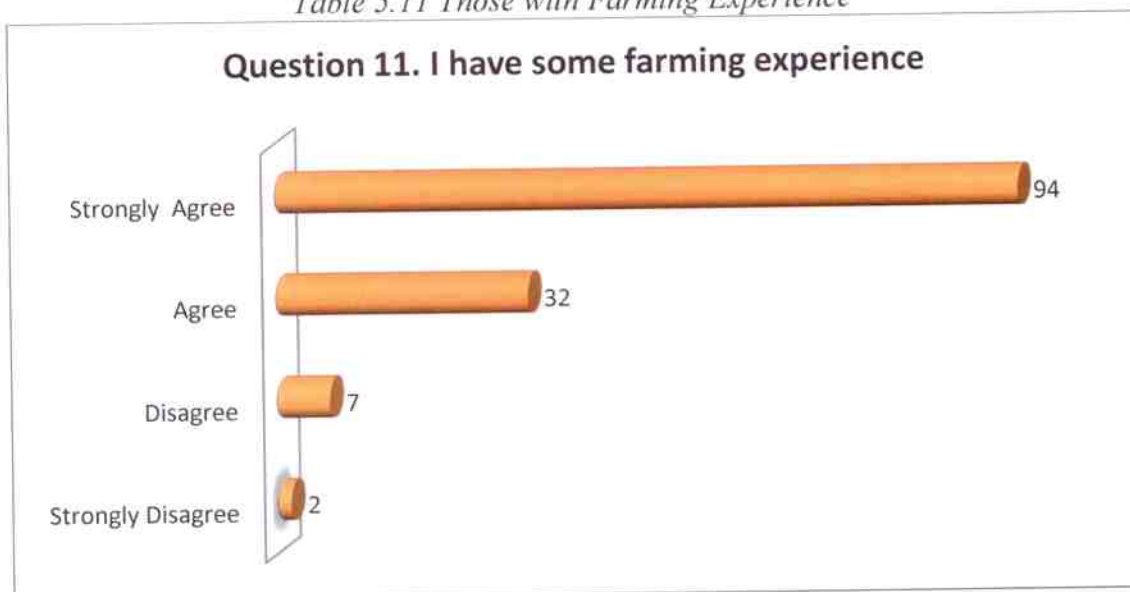
*Table 5.10 Need land for Small Crop Production*



One of the specific measures of the readiness of the community to take over farming activities is their experience in farming or formal training that has been given to them to take up farming activities. A cumulative total of about 92% of respondents in Morebene have experience in farming. Most those who have experience in farming are those who worked on farms before and after the dispossession processes. As it stands, most of the

young respondents do not have any idea of the farming activities and have no major interest in farming at all. It was established that most of the middle-aged people without farming experience prefer to learn about farming mostly to make provision for their food security and daily survival. Farming activities, like bee-keeping, and pig and cattle farming are the most preferred. This could be good for farming projects like the Nguni farming since Morebene is not a tick-invested place.

*Table 5.11 Those with Farming Experience*



### 5.2.1 Phase 2. Screening and categorization:

The CRLR (1999) provides that the RLCC is to ensure that, after the applications are registered and have been verified to be valid and that they have all the indications are that the historical evidence exists that dispossession really took place, then a Project Officer has to be appointed to expedite further restitution processes. The Project Manager appointed is to ensure that the restitution processes of the particular land claim are prioritized within a particular financial year. In the case of Morebene, as discussed during the FGD, many officials of the RLCC engaged the community in the early days immediately after the submission of the land claim to the RLCC. Not at any stage was the

community notified of any person who had been appointed as a Project Manager for the restitution processes. After the gazetting of the claim and the involvement by Tshukudu Consulting in the claim processes, several officials of the RLCC were sent to meetings of the community to listen to the discussion of the claim. The community cannot positively claim that there was any progress? until after one employee was forwarded as a Project Officer.

Although the land restitution processes as adopted by the CRLR require that a Project Manager should be appointed at this stage to deal with matters of the claim, there are indications that one Project Manager may have been appointed to more than one land claim within the same district or local municipality. One may conclude that the screening and categorization of the land claims were not properly managed by the Limpopo RLCC.

### *5.3.2 Phase 3. Determining of qualifications in terms of section 2 of the Restitution Act:*

The FGD managed to deal with the issues relating to this phase of the restitution process. During this phase, the RLCC was supposed to have ascertained who the real communities or beneficiaries were that had existed in Morebene at the time of dispossession or existed at the time the claim was lodged and, furthermore, to have determined that the community really lost its rights. The screening of the Morebene community was done in a very negative way to the extent that, instead of implementing the restitution of Morebene Community, two additional communities were added to the Morebene land claim. Whether the result of desktop research conducted by the RLCC or not, it was later found that the Kgatla community who had never applied for any land in Morebene or anywhere else in the Republic had been included as part of Morebene Community. The Spelonken Community who applied only for a farm known as Boschkopje 315 LS did not have any opportunity of having their claim properly researched and processed. They, too, were included in the Morebene land claim without any notice being given to the



Morebene community. The error of the RLCC resulted in a very big legal challenge that not only brought identity problems to the communities but also created adverse blockages to the final restitution or settlement of Morebene Community whilst, on the other hand, it has stalled the restitution of both Kgatla and Spelonken Communities as recognized land reform process claimants. The respondents claim that the tardiness and lack of expertise by the RLCC and the Project Manager who came into the process very late are the causes of the entire frustration of their land claim. The FGD alleged that, when the list was verified by them and was found to include people from Kgatla and Groot Spelonken community, the Project Manager indicated that those who did not belong to Morebene were only brought into the Morebene land claim because it was at an advanced stage and that to save time they were put together as one. It was also said that the Project Manager indicated to the Morebene CPA that what would happen would be that the two communities would later have their own farms registered and be separated from the Morebene Community. Irrespective of the version given by the Project Manager, the FGD still maintains that Groot Spelonken was not a community but was a name of the Magisterial Office that was built within Morebene (Soekmekaar). The major contributing factor in regards to the research about the Morebene community and adjacent communities emerged from the fact that all the research that had been done into the land claim had been conducted by Tshukudu Consulting, who collected evidence from farmers and new land owners in Morebene about the existence of the Morebene community on the land. Most of the affidavits that were submitted for final approval of the restoration of land right to the Morebene community by the then Minister of Land Affairs, Ms Thoko Didiza, were those collected only from willing-sellers by Tshukudu Consulting. The map that was submitted by Tshukudu Consulting clearly identifies the communities that were found around Morebene, allegedly in the mid- 60s.

The map is attached as Figure 5.1 below.

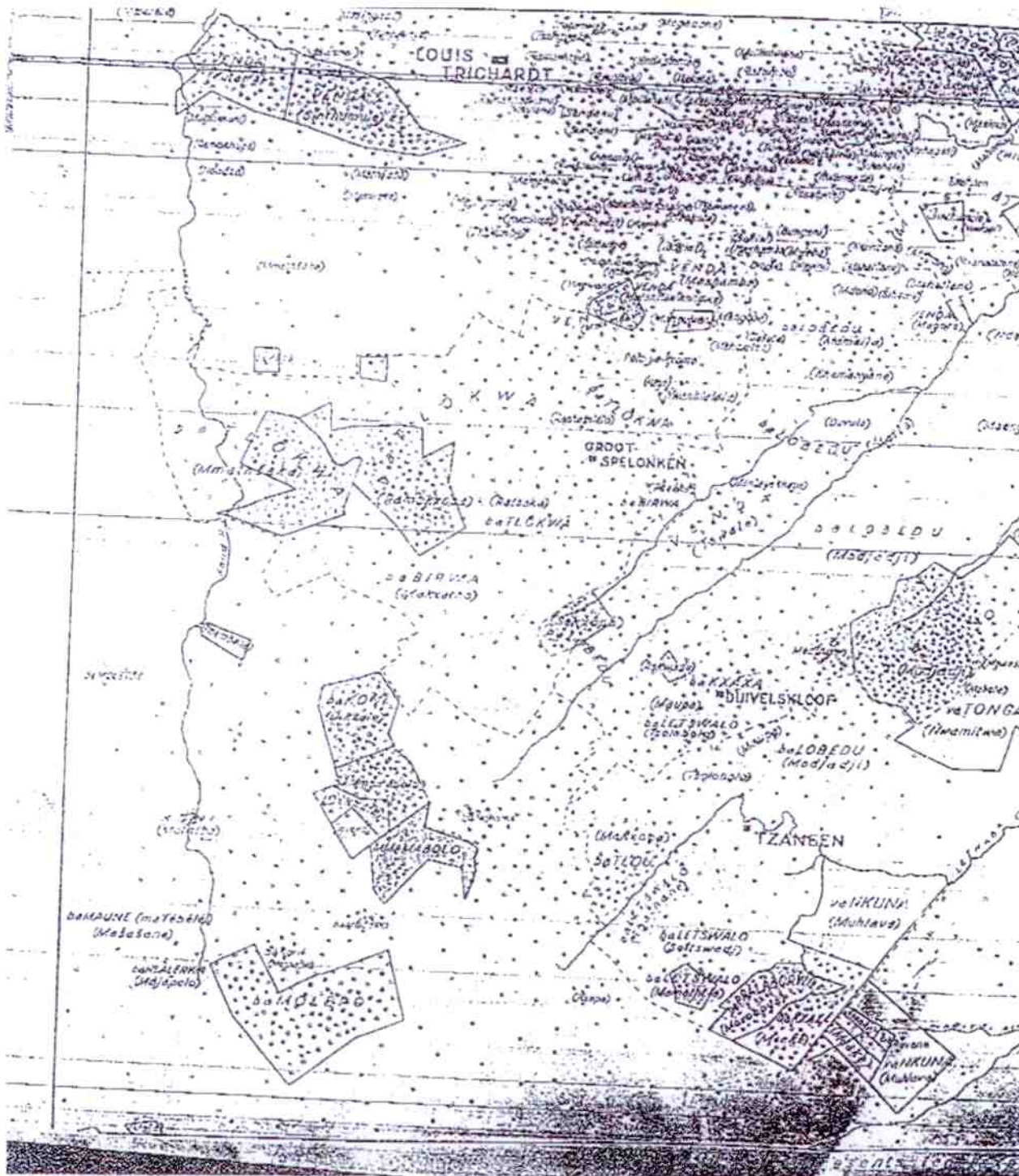


Figure 5.1 A Map of Communities Around Morebene ( $\pm$ 1960). Submitted by Tshukudu Consulting

### 5.3.3 Phase 4. Negotiation of claim;

The focus group was overwhelmingly convinced that the role of government was greatly limited in terms of the negotiation in relation to the 'WSWB' principles. As has been discussed in chapter three, the most convincing negotiations were done by Tshukudu Consulting who managed to bring together all those former farm owners around Morebene Community. It is alleged that most of the prices that the former owners proposed were not really contested by the government officials, but the RLCC quickly accepted those prices and the valuation report submitted them to finalise the restitution process. During this phase, the Project Manager is to ensure that what is called an '*options workshop*' is undertaken to advise the community about the restitution options. Some of the matters that are dealt with at this stage are those relating to the determination (MVOC) and the selection of the appropriate legal entity that will take the land claim process forward. The information that emerged during the FGD is that at no stage was the '*options workshop*' conducted with the RLCC. There were several meetings that were held. At most of the meetings, the '*Land Claims Committee*', as the representative committee of Morebene was known at the time, was given only little bits of information about the claim, most of it being simply about further documentation received from Tshukudu Consulting and also about the introduction of people for introduction to the Morebene boundaries and farms around transact walks around Morebene. The choice of legal entity was a serious problem to the community. The community, throughout the processes, thought that the land was going to be restored to them as a trust, which would have enabled the restoration of the chieftainship of Morebene to the Ratsaka royal family. Part of the groups that were leading the land claim committee were the headsmen from different areas around Morebene. The differences existing between the trust and CPA were never defined and discussed with the community. There was never a preliminary planning process conducted with the community except to say that, at some stage, a draft business plan was submitted by WOMIWU Consulting about the land use and several projects around Morebene. The community immediately rejected the business plan

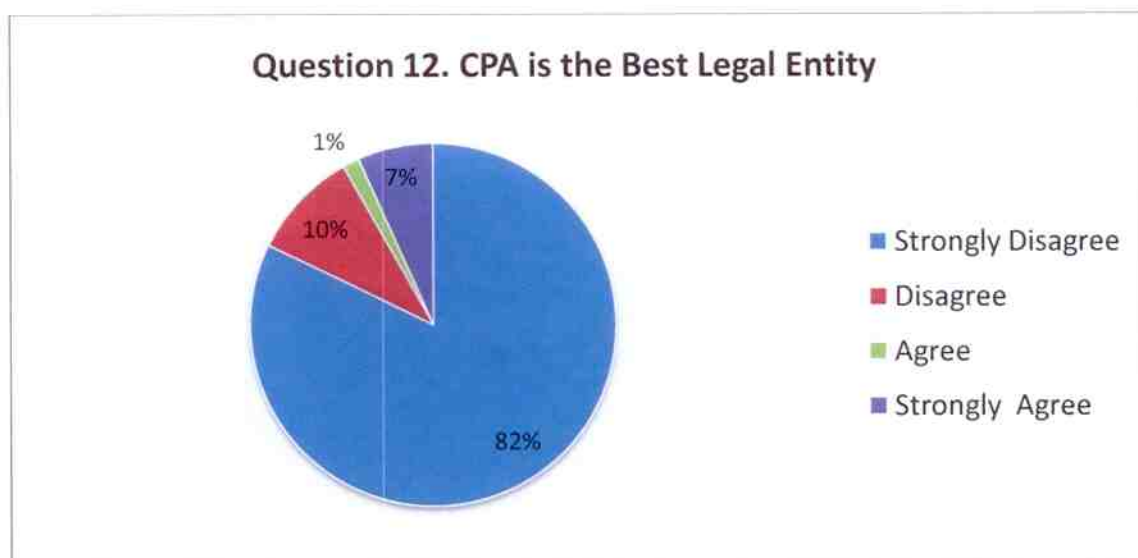
because most of the farms that the business plan described as those having value had actually been severely vandalized and were by then of no value or use.

#### *5.3.4 Phase 5. Settlement of claim, and*

There is no evidence that the land claim for Morebene Community has been settled. According to the FGD, even before the community could be properly informed that the land had been restored, a request was urgently made to the community to prepare for the celebration of the community land claim which was intended to have been held in October 2004. The community quickly responded to the RLCC and rejected the idea of the celebration because of various issues that had been dealt with in the RLCC without the involvement of the community. The committee claimed that it had not had any response to its rejection of the business plan by WOMIWU consulting on the basis that it had been given information that was not observable on the land. There were several farms that were not gazetted, and the community was not given any indication of when those farms were going to be attended to or the latest information about those outstanding farms. The community did not agree to the fact that a Project Manager was going to be appointed in Morebene with an annual remuneration of R 1 000 000.00 to be paid from the community account. At this stage no farms had been transferred to the community and no notice had been given to the community about farmers who continuously complained that they were in the dark as to when their farms were going to be settled. In a letter dated the 22/11/2004, the RLCC responded by admitting that, indeed, they were still negotiating with the affected farmers to settle their land claim. They also admitted that they had handed over the verification list of the actual Morebene land claimants to the CPA chairperson only on the 13<sup>th</sup> October 2004. This confirmed that the community had not been aware of what was happening in the land claim. The letter also confirmed that Morebene CPA was not aware of the verification list which was used to confirm the actual land claimants for Morebene. This supports the allegation by the community that the names of the other two communities the RLCC could not deal with were the Kgatla and Groot Spelonken communities. They were deliberately included in the Morebene

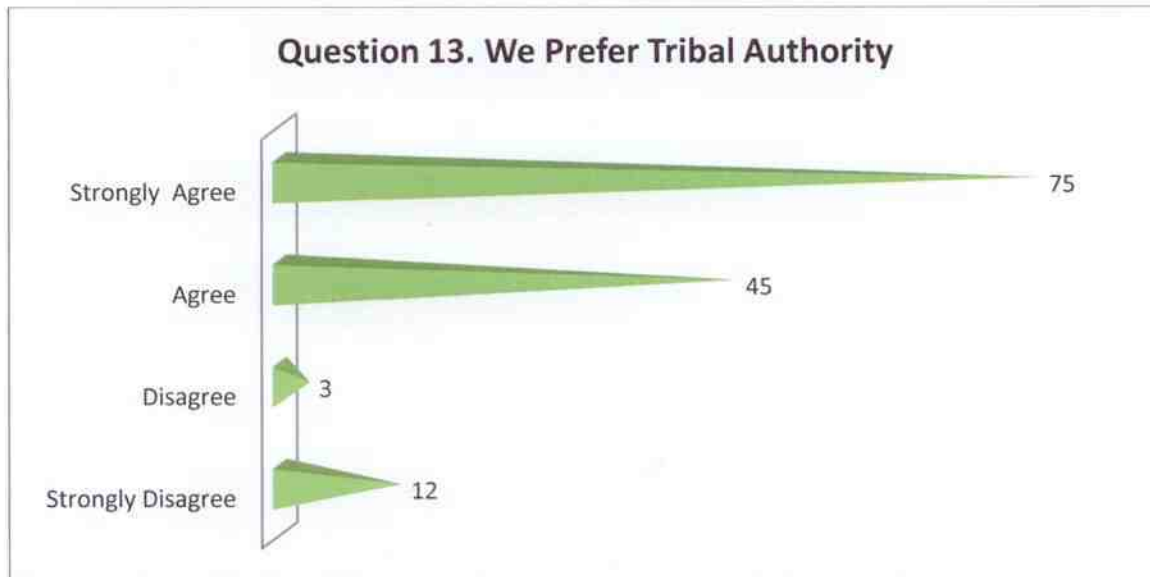
land claim to bypass the land restitution processes. The stage of settlement includes the process wherein the community should be advised on the choice of a legal entity, or what is called the CPI, as defined in chapter two. What was established during the FGD is that, after the approval of the claim by the Minister of Land Affairs, the community was informed that they had no choice but to take the CPA as a form of legal entity that they must use for the restitution projects as decided by government. At that time a legal person was with the Project Manager having drawn a constitution that the committee should sign as confirmation that they accepted the land and were willing to utilize the CPA as a formal CPI to manage the land on their behalf. The community had very serious concerns and was not happy with the arrangement of the CPA because they were hoping for the restoration of their chieftaincy. FGD totally disagreed with the CPA and the contents of its constitution that they had signed, based on the fact, that in many clauses, the land was regarded as having been leased from the Director-General of the Department of Rural Development and Land Reform. The assumption of the FGD is supported by the response from the general meeting in 2011 where it was found that 124, making up to 92% of respondents, disagreed that the CPA is the best legal entity to represent them. Of the total number of 135 respondents, only 11, which is about 8% of the respondents, agreed to the fact that the CPA could best be used to manage their land.

*Table 5.12 Is CPA the Best Legal Entity for Land Restitution*



When the same respondents were asked whether they would prefer that the Chief be used to manage the land, meaning that they would prefer their land to be managed in the form of tribal or traditional authority, a cumulative 89% agreed to that, whilst only 11% disagreed. In the FGD, those who disagreed with the land being managed in a form of a trust by the tribal authority are those who had had previous bad experiences whilst being led by traditional authorities and the chief.

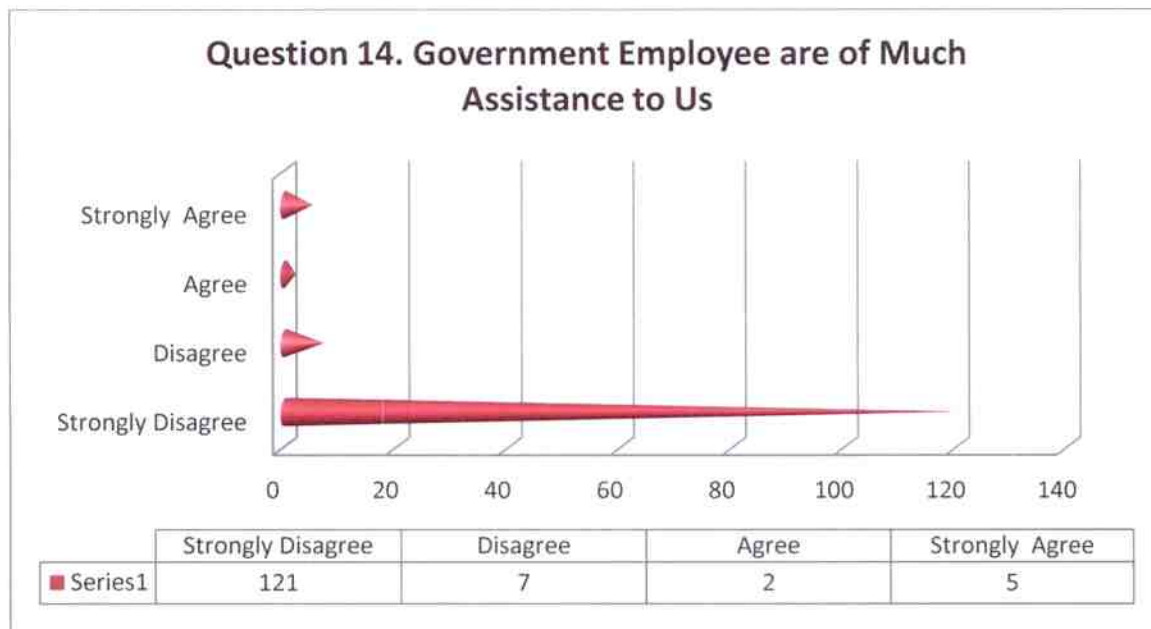
*Table 5.13 Preference for Tribal Authority in Land Restitution*



5.3.5 Phase 6. Implementation and Settlement Support and Development planning.

Restitution programmes are finalized by the awarding of two different grants to the beneficiaries in terms of the provisions of the Restitution of Land Rights Act and the Restitution Grants Guidelines of 2009. (CRLR, 2009:2). The Restitution of Land Rights Act provides for a Restitution Settlement Grant (RSG), and Section 42C a development grant which are all aimed at the provision of restitution benefits, payment of compensation for losses, and the restoration of dignity to the restitution beneficiaries. The Morebene community never received any grant. This is further confirmation that the phases of the restitution processes were never exhausted with regards to the Morebene community. The FGD confirmed that the non-provision of the statutory grants to the community was not only a miscarriage of justice but reflected a deep ignorance of the law by those who were charged with the responsibility of dealing with land restitution processes.

Table 5.14 Are Government Officials offering Any Assistance?



This question was also asked of the general respondents who attended the general meeting at Morebene community. 95% strongly indicated that government officials are not helpful in terms of the restoration of their land rights.

## 5.4 RESEARCH FINDINGS

It has been established that, nationally, government or the CRLR, including the Limpopo RLCC, did have proper processes to follow in the execution of the restitution processes. The restitution processes were further enhanced around December 2009 through a document known as a *Restitution Policy: Guidelines for Finalising Claims for Restoration of Land*, drawn by the CLCC. The CLCC (2009) tried to explain amongst other things the processes that needed to be followed in the execution of the restitution processes. It tabled and defined in its contents the following:

- Introduction;
- Entitlement to restitution;

### *Factors to consider,*

- Definition of community;
- Nature of rights in land lost;
- Legislation used for dispossession;
- Compensation received at the time of dispossession;
- Options workshop;
- Verification;
- Establishment of a legal entity/structure;
- Valuation;
- Determining the restitution award; and
- Summary.

The research found the following:



- 5.4.1 Morebene community is a very poor community that has up to 50.2% of its people unemployed. It is pre-dominantly a female-household headed community and has about 19% youth population.
- 5.4.2 The community has very different needs that were not taken care of during the initial stages, especially phase 1 of the land restitution processes.
- 5.4.3 There were no formal consultations with the community and, therefore, the community did not have full participation in the planning, designing, and implementation of the restitution process relating to their land.
- 5.4.4 There has been no interaction with any other national or provincial department in the land to date, and the municipality seems not have had any link or contact with the Morebene Community. This reflects that there may be no planning and assistance from the municipality for the respondents in any way.

There are some distinguishable gaps with regards to the lodgement of claims in the Limpopo RLCC. It seems that the Limpopo RLCC did not have a sufficient database in regards to land claims received and that led to the Kgatla Community, which in fact did not apply for any land, ending up being consolidated to the land claim of Morebene Community. The unprofessional conduct of the Project Officers to deal effectively with the application submitted by Spelonken Community frustrated the entire settlement of the Morebene Community. Both the Kgatla and Spelonken Communities were technically incorporated into the Morebene Community as one claimant, and that has resulted in the current serious litigation amongst the communities which the Limpopo RLCC is failing to resolve. It was noted in chapter five that, even though the communities have developed a solution to effectively conclude the dispute caused amongst them by the Limpopo RLCC, the RLCC still has no means of resolving the mammoth difficulty they created deliberately amongst the three communities. It can safely be concluded that the land restitution claim of Morebene Community was abandoned by the Limpopo RLCC at the negotiation stage, and the land already purchased has been left to depreciate. This may be

viewed as causing greater harm and discomfort to the communities involved rather than redressing the suffering caused by the era of dispossession.

In summary, the following are found to be serious gaps in the implementation by the Limpopo RLCC of the phases of the land restitution processes in respect of the Morebene Community:

- Lack of proper planning by the Limpopo RLCC;
- No proper research conducted about the Morebene Community;
- No proper institutional framework for the execution of restitution projects;
- Lack of inter-governmental project implementation mechanisms;
- Lack of consultation with affected communities;
- Lack of proper conflict resolution processes in the restitution processes; and
- Lack of community development, training, and capacity building.

The above created very severe limitations in the execution of the restitution processes. In respect of the lack of proper processes and procedures, the Limpopo RLCC seems to have failed the people of Morebene as discussed below. The Limpopo RLCC seems:

- To have had a limited pool of properly-trained Project Managers to expedite the restitution processes. Even if they had had them, the PMs did not have the correct competencies to deal with a huge number of land claims received by the province; and
- Not to have an harmonious process for the incorporation of the other major stakeholders, like the Department of Water Affairs, Housing, Local Municipality, Agriculture, and Tourism and Environmental Affairs into the land restitution processes especially during the post-settlement support processes.

## 5.5 CONCLUSIONS

Phases of restitution processes with regard to the settlement of the Morebene Community were seriously contravened by the Limpopo RLCC. The land was not properly handed over, and the community had to go to occupy abandoned farms after the previous farm owners had left or after some of the previous owners had notified them about leaving the farms. Nobody apart from the community took stock of what had been paid for and what had been left behind when the farms were abundant by previous owners. The situation in Morebene was badly managed.

## CHAPTER SIX

### SUMMARY, RECOMMENDATIONS AND CONCLUSIONS

*'We need to think more critically about how land and agrarian reform is imagined and evaluated. Without such thinking, questions of equitable transformation and justice are too easily framed in ways that obscure the terrain of struggle rather than revealing it, and which make complex policy questions harder, rather than easier, to resolve (Du Toit, 2013)'*

#### 6.1 INTRODUCTION

This Chapter offers some recommendations and summarises the research. It also provides conclusions from the study. It was found in chapter five that the six phases or stages of land restitution were not properly implemented in the Morebene Community. Most of the problems relating to the improper implementation of the restitution process were those regarding lack of capacity by government officials or officials in the RLCC to implement provisions of the Restitution of Land Rights Act of 1994. They also related to the lack of proper community participation which was not driven by the RLCC or the Project Manger appointed to facilitate such interactions.

#### 6.2 SUMMARY OF FINDINGS OF THE RESEARCH

This research is not first of its kind with regard to restitution in Limpopo Province. In their research about the restitution and post settlement support, Manenzhe and Lahiff (2007:25) found that the challenges with regard to the restoration of land in the three projects they researched, namely Munzhedzi, Mavungeni and Ximange are mainly to do with project design and implementation and also the provision of post-settlement support. They found, amongst other things, the following:

- that secure access to land and provision of complementary support services is a critical aspect in securing improved standard of living for poor people;
- that local coordination for service delivery is a critical gap in post settlement support;
- that absence of support services limits the productivity of farms acquired by large groups through the land reform programme;
- that irrelevant and poor planning is amongst the causes of the failure and collapse of land reform projects; and
- that institutional development and support forms a critical base for sustainable settlements.

The challenges by Manenzhe and Lahiff (2013), as mentioned above, are supported by Turner (1997) and May & Roberts (2000), cited in Ntsebenza (2007:100), who argued that post-settlement or transfer support to beneficiaries has been critical to land reform. In regards to land restitution, Walker (2005) argued that *'restitution addresses rights, but these may prove superficial if they cannot be used as a basis for development'*.

In confirmation of the research findings above, and although restitution processes in Morebene Community did not go beyond the settlement stage, this study has also found:

- Lack of proper planning by the Limpopo RLCC;
- No proper research conducted about the Morebene Community;
- No proper institutional framework for the execution of restitution projects;
- Lack of inter-governmental project implementation mechanisms;
- Lack of consultation with affected communities;
- Lack of proper conflict resolution processes in restitution processes; and
- Lack of community development, training and capacity building.

The FGD recommended that government officials should be held responsible for the current frustrations and problems with regard to the restitution processes that were employed. They also recommended that all necessary grants be paid so that the community could be enabled to enjoy the rewards of their restitution. What the researcher

has identified, however, is the fact that the communities number three, and amongst them there are still those objections as to what type of legal identity is suitable for the execution of their restitution. The community still does not have common groups that are geared to achieving optimal farming success using other farming activities like food productions, poultry, and fruit production. Besides this only a few of the elites have cattle to rear and as such may need land only for grazing. The community does not seem to be well trained to work as a group, and that may need a lot of training and development. To facilitate this, the researcher proposes a model as recommended below.

### 6.3 RECOMMENDATIONS

While land reform was viewed as *'an agenda that appeared to reconcile the aims of national reconciliation, deracialisation, global economic integration and jobs for the poor'* (Williams, 1996 and Hall, 2010), the study has uncovered that the Morebene Community was left greatly divided and extremely poor and vulnerable through the manner in which restitution processes were implemented by the Limpopo RLCC. The CRDP and the Partnership for Sustainable Land Reform Development provided sufficient mechanisms for the managerial as well as technical structures that need to be followed in the management of the pre-and post- settlement support mechanisms in the application of the restitution processes and phases in rural communities by both the DRD&LR and the Limpopo RLCC. The study has uncovered various process and policy documents that were to have been followed in the restitution of the communities, but the RLCC in Limpopo seemed to have lacked the actual strategy and expertise to implement the simple provisions of the restitution processes. A four phase model is recommended by this study to manage the restitution projects. The phases are in line with the provisions of the CDRP and PSLRP as defined in chapter 2. Whilst it is acknowledged that the CDRP combines the restitution processes in a three-phase approach, including the programme for meeting basic needs, infrastructure development, SMME and village market as illustrated in Figure 2.7, not at any stage it is defined how people participation is going to be established. The Restitution Project Execution and Support Model, as illustrated in Table

6.1 below, seeks to combine all elements where claimants are continuously involved in the project identification, planning, design, execution, and commissioning phases as will be defined hereafter. The Model provides for a mechanism to involve stakeholders at the initial stages of the project planning and allows ample time for financial support planning, whilst also enabling immediate projects that can be funded through the financial and procurement plans of the DRD&LR and those of the Department of Agriculture from the initial stages of the project.

<b>PROJECT PHASES</b>		<b>MAIN ACTIVITIES</b>
1.	<i>PROJECT CONCEPTUALISATION PHASE</i>	1.1 Briefing & Consultations with Claimants
		1.2 Verification of Claimants
		1.3 Community Profiling and Analysis
		1.4 Claimants land Needs Analysis
		1.5 Land Use Survey
2.	<i>PROJECT PLANNING &amp; DESIGN PHASE</i>	2.1 Classification & Categorisation of Claimants into Various Farming Activities According to Their Respective Needs
		2.2 Basic Training & Workshops
		2.3 Creation of Farming Clusters
		2.4 Farming Teams Orientation
		2.5 Business Planning
		2.6 Farm Market Survey
		2.7 Financial & Investment Planning
		2.8 Design of the Projects Maps
		2.9 Formulation of Policies and Processes
3.	<i>PROJECT EXECUTION PHASE</i>	3.1 Farm Activity Contracting
		3.2 On-site Monitoring and Observation
		3.3 Retraining and Supervision
		3.4 Financial & Marketing Training
		3.5 Products Marketing
		3.6 Introduction to Formal Markets
4.	<i>PROJECT COMMISSIONING &amp; EXIT PHASE</i>	4.1 Monitoring & Evaluation
		4.2 Exit from Community

*Table 6.1 Restitution Project Execution & Support Model. Source (Own)*

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<b>PROJECT PHASES</b>		<b>MAIN ACTIVITIES</b>
1.	<i>PROJECT CONCEPTUALISATION PHASE</i>	1.1 Briefing & Consultations with Claimants
		1.2 Verification of Claimants
		1.3 Community Profiling and Analysis
		1.4 Claimants land Needs Analysis
		1.5 Land Use Survey
2.	<i>PROJECT PLANNING &amp; DESIGN PHASE</i>	2.1 Classification & Categorisation of Claimants into Various Farming Activities According to Their Respective Needs
		2.2 Basic Training & Workshops
		2.3 Creation of Farming Clusters
		2.4 Farming Teams Orientation
		2.5 Business Planning
		2.6 Farm Market Survey
		2.7 Financial & Investment Planning
		2.8 Design of the Projects Maps
		2.9 Formulation of Policies and Processes
3.	<i>PROJECT EXECUTION PHASE</i>	3.1 Farm Activity Contracting
		3.2 On-site Monitoring and Observation
		3.3 Retraining and Supervision
		3.4 Financial & Marketing Training
		3.5 Products Marketing
		3.6 Introduction to Formal Markets
4.	<i>PROJECT COMMISSIONING &amp; EXIT PHASE</i>	4.1 Monitoring & Evaluation
		4.2 Exit from Community

*Table 6.1 Restitution Project Execution & Support Model. Source (Own)*



### *6.3.1 Phase 1 Project Conceptual Phase*

This phase will commence after projects for restitution processes have been decided upon. Project definition will refer to those restitution projects as envisaged in the terms of the CRDP. The phase will begin with the training of Project Managers for various projects interventions. It should be noted that the culture of only one Project Manager per restitution project allowed some process manipulation by some Project Managers to the extent that, in the case of the Morebene Community, three communities were grouped as one and the Project Manager hoped that it would be easy for the communities to agree to separate their land at a later stage. The process of appointing various Project Managers per different stages of the phase would ensure the elimination of the abuse and a proper handover report to the new Project Manager. Once Project Managers are trained in terms of the processes and expectations, the briefing and consultations with targeted claimants then follows. The objectives of briefing and consultation processes are simply to ensure that the communities or claimants are informed of the programmes that will be followed in meeting in meeting their needs, and that they are given a full outline of processes that will be followed. Briefing sessions are for the opening of communication channels and the notification to the communities that they would be drivers and champions of their own development assisted by various organs of state and the services providers. In order to know and confirm the communities, a process of verification of claimants would be done. In instances where it had been done before, the list of claimants would be opened for the inclusion of those who were left behind depending on normal restitution processes for verification of claimants in terms of the act. The community would then be profiled in terms of age, sex, educational levels, and work experience so that various cross functional and mixed competency based teams could be created from the communities. The different needs of community members would identified and this would be followed by the land use survey which would be done by the experts from the DRD&LR and the DLA. The Project Manager appointed for this phase would then compile a detailed report on the issues identified and hand over to another Project Manager for the second phase.

### *6.3.2 Phase 2 Project Planning and Design Phase*

Sufficient planning needs to be considered before any project execution processes can take place. The community needs to be divided into various farming teams according to each individual choice of farming activity. Those who need to do small crop production, chicken farming, large scale crop production, piggery, meat production, etc. should be grouped together to avoid conflict in project decisions. The various groups would then be divided into groups and be made to choose their own group leaders. These would be the various farming activities that would be further researched for the immediate benefit of the community members. In areas where the strategies are already in place between both the Department of Agriculture and the DRD&RL, those projects can be immediately implemented after some training for the teams depending on the weather season. When it is found that extensive training needs to be provided, teams will begin such training but only when appropriate service providers are available. Various briefing meetings will then be held with the entire community to inform them of each and every development so that communities will not think that nothing is happening around the restoration of their land rights and poverty alleviation processes. The DRD& LR should then immediately begin with the process of business planning, dependent on the various farming activities identified. Desktop business plans can be sourced if projects need to be taken through a common process plan to avoid a waste of time, for example in instances where community members need to engage in poultry and egg production, and it is established that necessary infrastructure is available within the community, production can begin if the DRD&LR and Agriculture have the 'starter packs'. Community members can receive on the job training whilst the egg production and chicken sales are ongoing. The communities can also be taught to do cross marketing and product exchange programmes. These will be called 'Creation of Farming Clusters'. In instances where certain communities have a greater production of eggs than adjacent communities, while the other community can produce more milk than the first, the communities can be taught to develop small selling points where each community will sell to each other. The DRP& RL can assist the communities about market surveys, financial planning, and

investment options, and also monitor the compliance thereto by the communities. In serious infrastructure projects like those of housing and water supply, normal project designs, planning, funding, etc., must be conducted and the relevant departments and municipalities should be involved with constant communication with people at community level. In small scale projects that can be implemented immediately, project maps and work break-down structures can be developed, and people can immediately start to benefit. To make sure that the CPAs and trusts know exactly what they are supposed to do and what roles they have to play at project levels, a formulation of policies and processes and procedures should be made so that conflicts can be minimised.

### *6.3.3 Phase 3 Project Execution Phase*

The project execution stage will begin at the signing of contracts by all the different types of farming teams established. Teams will have to elect their management executives who will then be taken for a proper workshop on their roles and responsibilities. The legal entity will then have to engage the teams with regard to the controls that will be instituted from their site to manage teams in the land. Funding and profit sharing methods will also be dealt with. External service providers will then orientate the teams on-site and assist in the initial production stages in projects. Those appointed through EPWP will take their various positions according to their contract with the DRD&LR without compromising the activities of teams on-site. Various training interventions will be offered in terms along the needs identified in the first phase of the restitution projects. Farm Activity Contracting will be followed by a variety of on-site monitoring and observation by external services providers.

### *6.3.4 Phase 4 Project Commissioning & Exit*

All external service providers, extension officers, and officials from various departments will leave the project at this stage. Their exit will be preceded by the process of monitoring and evaluation whereby various committees like finance, project executives,

etc., business enterprises will be created. The marketing competencies of the community will be monitored for a certain period to ensure that communities have the capacity to continue without further external support. Where gaps are identified, further training interventions will be made so that the project life can be sustained by the communities themselves. To ensure that the progress of development is maintained, the DRD&LR will ensure that proper quarterly, and annual, reporting mechanisms are in place and that local extension officers and municipalities report, in their Local Economic Development reports, on the continuous support offered to the communities after the official exit from projects.

#### 6.4 CONCLUSIONS

The researcher concludes as follows:

The land restitution of the Morebene community was not concluded or properly implemented on the basis that all six phases of the land restitution processes were not fully implemented by the RLCC. The incapacity of the RLCC to engage the community or apply the basic requirements of the land restitution processes left the Morebene community despondent and plunged them further into real poverty. Whilst the community had valid aspirations and the will to work and discover their own socio-economic development from the land restitution processes, the RLCC added more misery to their cause and, therefore, defeated the aims and objectives of the land restitution process. The FGD has given an indication that constant use of claimants or respondents for development interventions in their communities has the potential of discovering not only the community desires and needs but also local or indigenous knowledge that can assist in meeting the needs of those communities according to their expectations. It has also given an indication that solutions to real life problems found within the communities cannot be proposed by an outsider, but communities taking part in the process can define a way forward according to the levels of their understanding and competencies. It has also been discovered in the study that participation is *“an instrument to break poor*

*people's exclusion and lack of access to and control over resources needed to sustain and improve their lives"* Clayton *et al*, cited in Karl (2000). Participation has also been found to be linked to living or indigenous knowledge which possesses actual daily experiences that local communities should use to define their developmental destinies. Participation involves local people taking steps to unpack their frustrations and come up with solutions that will help to sustain their livelihoods going into the future, as defined by Reason and Bradbury (2001:2) who argue that "*action research starts with everyday experiences and is concerned with the development of living knowledge... In action research knowledge is a living, evolving process of coming to know rooted in everyday experiences*".

**Further research** needs to be undertaken with regard to the Morebene, Kgatla and Groot Spelonken Communities in the Molemole Local Municipality in Limpopo Province.

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## **INTERVIEWS**

- Interview with Mr. Makgopodi Ratsaka, the chairperson Morebene CPA at Morebene on the 26 May 2011
- Interview with Mr. Ramokholo Ratsaka II, the son and remaining heir to the chieftainship of Batlokwa ba-ga Ratsaka, at Morebene on the 26 May 2011
- Interview with Ms. Molewa Elizabeth, an executive committee member of Morebene CPA at Morebene on the 16 June 2011
- Interview with Mr. Ratsaka Molayi, the Headman for Ratsaka Community in Botlokwa on the 16 June 2011
- Interview with Mr. Rasebotshe Gilbert, the second in command to the headman of Batlokwa ba-ga Ratsaka in Botlokwa on the 26 May 2011

## **FOCUS GROUP DISCUSSION MEMBERS:**

- Mr. Ratsaka MF                      Chaiperson Morebene CPA
- Mr. Rasebotshe MA                Secretary Morebene CPA



- Ms. Molewa Elizabeth Deputy Chairperson Morebene CPA
- Mr. Mohale D Member
- Ms. Malema F Member
- Mr. Matima R Member
- Ms. Ratsaka E Member
- Mr. Makwela D Deputy Secretary
- Mr. Ratsaka C Local Chief

The following Internet sites were visited: -

- United Nations: <http://www.un.org>
- Government of South Africa: <http://www.gov.za>
- Department of Land Affairs: <http://www.land.pwv.gov.za>
- Department of Rural Development & Land Reform:  
<http://www.ruraldevelopment.gov.za/>
- World Bank: <http://www.worldbank.org>
- Institute of Poverty, Land and Agrarian Studies: <http://www.plaas.org.za/>

<b>PURPOSE</b>			
<p>The survey is designed to get feedback from you, as a beneficiary to land reform project in Morebene Community. It is in respect to the management and implementation of the entire phases of land restitution Programme in your area in terms of the provisions of the Restitution of Land Right Act of 1994. The results of this survey will enable the Researcher to draw informed conclusions on whether the pre and post settlement phases in your land restitution claim were addressed according to your actual land needs and expectations. The results will also assist in the evaluation of the performance of government institutions regarding the manner in which land restitution projects were undertaken. It may lead to possible policy changes and improvements to the manner in which post settlement processes in regards to land claims are handled in Limpopo Province sustainable.</p> <p>The questionnaire is made up of two sections whereby <b>Section A</b> contains six (6) demographic questions and <b>Section B</b> has ten (10) closed questions. It is estimated that you would need 10 minutes to complete the whole questionnaire.</p>			
<b>SECTION A INSTRUCTIONS</b>			
<p>Unless otherwise stated please mark with an <b>X</b> in a box option alongside your appropriate choice.</p>			
1	State your sex.	Male	<input type="checkbox"/>
		Female	<input type="checkbox"/>
2	Your Age	Youth (10-39 years)	<input type="checkbox"/>
		Middle Aged (40-59 years)	<input type="checkbox"/>
		Old Age (60 and above)	<input type="checkbox"/>
3	Indicate your Marital Status.	Married	<input type="checkbox"/>
		Never married	<input type="checkbox"/>
		Divorced	<input type="checkbox"/>
		Widow (er)	<input type="checkbox"/>
4	Your level of Education.	Never went to school	<input type="checkbox"/>
		Left at primary level	<input type="checkbox"/>
		Matriculated	<input type="checkbox"/>
		Tertiary level	<input type="checkbox"/>
5	Do you ever work in a farm.	Yes	<input type="checkbox"/>
		No	<input type="checkbox"/>

6	Your employment status	Not employed			
		Self employed			
		Employed			
<b>SECTION B</b>					
<b>INSTRUCTIONS</b>		<b>YOUR RATING SCALE</b>			
		<b>STRONGLY DISAGREE</b>	<b>DISAGREE</b>	<b>AGREE</b>	<b>STRONGLY AGREE</b>
Please mark with <b>X</b> on the statement mostly appropriate to your experience or observation between the ratings of:					
<ol style="list-style-type: none"> <li>1. <b>Strongly Disagree</b></li> <li>2. <b>Disagree</b></li> <li>3. <b>Agree</b></li> <li>4. <b>Strongly Agree</b></li> </ol>					
Make sure that this questionnaire is given back to the enumerator before you leave.		①	②	③	④
7	The land is required for farming activities				
8	We just need to return to our ancestral land				
9	I only need compensation for the repossessed land				
10	We need land for small crop production				
11	I have some farming experience				
12	CPA is the best legal entity for land restored				
13	I prefer the tribal authority to lead the land restored				
14	Government officials are guiding us on how to go about managing the land restituted				
15	Our conditions of living are greatly improved after land restoration				
16	We can only do proper farming with assistance from the white farmer				

Thank you for devoting your valuable time in participating in this research project.

**MAEKEMISETSE A DIPOTSISO TSE.**

Maekemisetso magolo a dipotsiso tse, ke go hwetsa dikarabo go tswa go wena bjalo ka yo mongwe wa bakgopedi ba pusetso ya naga ya Morebene gore naa tsepetso ya tsa pusetso ya naga go ya ka magato ao a beilwego ke molao wa tsa poseletso ya naga go beng ba youna wa ngwaga wa 1994 e phethagaditswe bjang ke bao ba e sepedisago go tswa go MMuso wa Profense ya Limpopo lefapheng la tsa Tsepediso ya Puseletso ya naga. Diphetholo tsa gago di tla thusa monyakisise go beakanya dinthla tsa maleba tseo ba mmuso a hlamegago go die la hloko ge ba phethagatsa tsa pusetso ya naga go beng ba yona go ya ka molao. Ka go le lengwe dikarabo tsa gago di ka thusa go kgonthisisa ge eba bao ba bego le maloka a go busetsa naga go beng ba hlokomedisisa dinyakwa tsa bao ba dirilego dikgopelo tsa naga le gore naa ba mmuso ba kgona go phethagatsa maekemisetso a bakgopedi ba naga ka kgonthe go ba aowa. Mohla o mongwe re ka kgona go fethosa seemo le hathagatso ya tsa tsepediso ya kabelo ya naga go beng ba yona ke ba mmuso Profenseng ya Limpopo.

Dipotsiso di beilwe ka dikarolo tse pedi. Karolo A ena le dipotsiso tse seelago tseo di beakantswego fela go hwetsa dinthla ka wena, mola Karolo B e arogantswe ka dipotsiso tse go hwetsa dikarabo mabapi le maekemisetso a gaga ka naga ya Morebene. Dipotsiso di tla o tsea fela metsotso e mehlano (5) fela go di phetha.

**KAROLO A**

**TSEBISO E BOHLOKWA**

Bjalo ka ge o bontsitswe goba ntle le ge o laetswe ka tsela yennngwe, bea fela leswao la X ka lebokosong la karabo yeo o bonago e swanela maikutlo a gago.

1	Tsa bong bja gago.	Monna	
		Mosadi	
2	Bogolo	Moswa	
		Monna/Mosadi wa Magareng	
		Motsofadi	
3	Maemo a gaga go tsa lengwalo.	Ke nyetse/ Ke nyetswe	
		A sanko ka nyalwa	
		Ke hladile/hladilwe	
		Ke mohololo/mohlologadi	

4	Tsa dithuto tsa gago.	Kei le ka tsena sekolo	
		Ke tlogetse sekolo go la primary	
		Ke feditse mphato wa Marematlou	
		Ke phethile dithuto tsa ka godimo ga maramatlou	
5	Naa o kile ya soma polaseng/ go tsa temo	EE	
		Aowa	
6	O soma kae	A ke some	
		Ke rakgwebo/rakwebo potlana	
		Ken a le mosomo wa go ya go ile	

## KAROLO B

TAELO		KGETHO YA GAGO			
		KE GANA KA KGONTHE	KEA GANA	KEA DUMELA	KE DUMELA KA KGONTHE
<p>Somisa leswao la <b>X</b> go kgetha karabo yeo e swanelanago le maikhutlo a gago yeo e hlaolwago ke yennngwe ya dikarabo tse nne tseo di beakantswego ka mokgwa wo o latelago:</p> <ol style="list-style-type: none"> <li>1. Ke gana ka kgonthe</li> <li>2. Kea gana</li> <li>3. Ke a dumela</li> <li>4. Ke dumela ka kgonthe</li> </ol> <p>Hlokomela gore dikarabo tsa gago di fiwa monyakisise pele o sepele kopanong ye lehono.</p>		①	②	③	④
7	Ke kgopetse pusetso ya naga gore ke kgone go dira tsa temo				
8	ke nyaka go boela maropeng				
9	Ke nyaka go lefelwa ditsenyagalelo tsa naga le marope a geso				
10	Ke nyaka naga go dira kgwebo ye nnyane ya temo				
11	Ke na le boitemogelo bjo bonnyane ka temo				
12	Peakanyo ya CPA e soma gabotse taolong ya naga				
13	Go kaba kaone ge kgosi e ka laola naga ya Morebene				
14	Ba Mmuso ba fa thuso ya maleba pusetso ya naga				
15	Rena le kgonthe ya gore bophelo bja rena bo tla kaonafala ka temo				
16	Re ka lema fela ka thuso ya ba basweu bao ba lemilego naga pele				

Thank you for devoting your valuable time in participating in this research project.