



Land Access and Participatory Territorial Development

Land and Territory Research Paper No. 4

The Area Based Land Reform Initiative in Makhado, Limpopo Province

Experiences and policy lessons (2000-2006)

A Research Paper for DFID
Central Research Department
(Project R8736)

20 December 2006

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Acknowledgements

The authors would like to thank, the members of the Nzhelele Land Forum, the councillors and officers of Makhado Municipality, the staff of Nkuzi Development Association, and officials from the Department of Land Affairs (in Polokwane and Pretoria), the Limpopo Provincial Land Claims Commission and Limpopo Provincial Department of Agriculture, and all others who have contributed directly or indirectly for their collaboration in carrying out this research and the time they devoted to meetings, discussions and interviews.

Disclaimer

This paper is an output from a project funded by the UK Department for International Development (DFID) for the benefit of developing countries. The views expressed are not necessarily those of DFID.

Acronyms used in the text

ALRI	:	Area Land Reform Initiative
CPA	:	Communal Property Association
DFID	:	Department for International Development (UK)
DLA	:	Department of Land Affairs
DoA	:	Department of Agriculture
GGP	:	Gross Geographic Product
HSRC	:	Human Sciences Research Council (RSA)
IDP	:	Integrated Development Plan
ISRDP	:	Integrated Sustainable Rural Development Programme
LFS	:	Labour Force Survey
LPM	:	Landless People's Movement
LRAD	:	Land Reform for Agricultural Development
MEC	:	Member of the Executive Council (i.e. Provincial Minister)
NRI	:	Natural Resources Institute
PIU	:	Programme Implementation Unit
PLRO	:	Provincial Land Rights Office
RLCC	:	Regional Land Claims Commissioner
RSA	:	Republic of South Africa
SAFM	:	South African Farm Management
UK	:	United Kingdom

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SUMMARY

The Area Land Reform Initiative (ALRI) is a pilot project by a South African NGO, Nkuzi Development Association, designed to meet the challenge of delivering land at scale to poor and landless people in a way that realizes development benefits. This paper assesses the factors which have contributed to the successes and limitations of the ALRI approach and considers its potential wider applicability in South Africa. It forms part of a research project led by the Natural Resources Institute (NRI) at the University of Greenwich which has investigated the potential for area-based or territorial approaches to land reform internationally.

The focus of the ALRI project was the Makhado Municipal area in Limpopo province. The choice of area was based on the history of Nkuzi's work with a local land reform forum comprising communities involved in land reform, (particularly land restitution) and the high demand for land from previously disadvantaged and dispossessed people.

The motivation for the Area Land Reform Initiative at Makhado was a decision by Nkuzi to explore a possible alternative strategy for land reform delivery through emphasising a geographical focus for planning and implementation at the level of a local municipality. This in turn was motivated by the slow delivery of land under the national land reform programme, and the widespread perception that the atomised (project-based), yet top-down, nature of the programme was failing to produce desired developmental benefits and draw in a range of agencies that could provide support to beneficiaries.

The ALRI at Makhado was based on two central pillars: mobilisation of landless communities, and capacitating the local municipality in order to play a central coordinating role in planning and implementation of land reform within its area of jurisdiction. In particular, it stressed the inclusion of land reform within the municipality's Integrated Development Plan, something that had not happened hitherto. This in turn meant lobbying higher levels of government (provincial and national) to revise their policies in order to allow for a greater degree of decentralisation and integration across state agencies dealing with land reform and post-settlement support.

This study of the ALRI approach in Makhado involved two years of action research, coordinated by Nkuzi, to assist their ongoing engagement in developing the approach, documenting processes, gathering information and analysing issues for discussion with stakeholders. Methods used included participant observation and reflection by Nkuzi staff during the research period, collection and analysis of secondary data, stakeholder interviews and two participatory stakeholder workshops

At the community level, the ALRI project involved Nkuzi working with both individual communities and with local land reform forums to create greater awareness of the land reform process, to identify land needs and promote dialogue around possible options for land acquisition and resettlement. A particular achievement in this regard was the physical mapping of land claims within the Makhado area, which revealed for the first time the scale of land demand and stimulated more realistic discussion around development options. At the level of the municipality, Nkuzi worked closely with selected officials and councillors to build their understanding of land reform and ensure that it was included in the municipality's planning processes. Major challenge in this regard were a severe lack of capacity (human and financial) within the municipality, the lack of any precedent for the involvement of local government in land reform, and a lack of effective cooperation from other spheres of government.

The outcomes and lessons of ALRI at Makhado have been many, although it is acknowledged by Nkuzi and others that the initiative has not achieved all of its objectives. While considerable change of attitude and behaviour was apparent at the level of both landless communities and the Makhado municipality, this was not accompanied by shifts in the wider policy environment. Expressions of support for ALRI at high levels, up to and including the national Minister of Agriculture and Land Affairs, did not translate into significant changes in policy among implementing agencies such as the national Department of Land Affairs, the Land Claims Commission or the provincial Department of Agriculture. This severely constrained the ability of the municipality to play the central coordinating role envisaged under ALRI.

Working within the complex, and often chaotic, system of South African local government proved to be another major challenge. Nkuzi has acknowledged that its limited knowledge of local government systems and procedures meant that it was inadequately prepared for working with this sphere of government, especially as the municipality looked to Nkuzi to guide it through an unfamiliar area of operation. A severe lack of capacity within the municipality, coupled with frequent changes in staff and political leadership, meant that it too was often not in a position to take on additional responsibilities or to respond effectively to the demands placed on it by the ALRI process.

Shifting community dynamics also posed a challenge to the ALRI process. Communities which had come together in local land forums to press for land reform were subsequently drawn into discreet processes with various government agencies around their individual needs, leading to a breakdown of solidarity. A particular concern that arose was the potentially negative impact of land claims on the existing labour force on commercial farms in Makhado, who were not adequately represented either within restitution negotiations or the ALRI process.

In order to achieve its objectives, ALRI would have required much greater resources, a longer time frame and greater cooperation from various branches of government. As a local pilot project, ALRI has undoubtedly contributed much to the process of land reform within the Makhado area, and has influenced local actors to think about land reform in a more integrated and coherent manner. Many of the remaining challenges, however, are situated at the provincial and national level, and will clearly require a more substantial intervention in order to influence policy processes. The fact, however, that 'area-based land reform' has recently entered the discourse of national policy makers in South Africa is testament to the influence of the initiative undertaken by Nkuzi at Makhado and offers some hope that the lessons of this pilot project may be applied at a wider scale.

1. Introduction

1.1 Background

This paper describes the Area Land Reform Initiative (ALRI) piloted by Nkuzi Development Association¹ (a land rights NGO based in Limpopo Province, South Africa) to meet the challenge of delivering land at scale to poor and landless people in a way that realizes development benefits. The paper assesses the factors which have contributed to the successes and limitations of the ALRI approach and considers its potential wider applicability in South Africa.

The focus of the ALRI project was the Makhado Municipal area in Limpopo province (see Maps 1 and 2 on page 12). The choice of the area was based on the history of Nkuzi's work with a local land reform forum comprising communities involved in land reform, (particularly land restitution), the largely rural nature of the area, and the demand for land from previously disadvantaged and dispossessed people.

The paper is an output of a research project led by the Natural Resources Institute (NRI) at the University of Greenwich in UK (and supported by DFID's Central Research Department), which has investigated the potential for area-based or territorial approaches to land reform, whereby a coherent strategy is devised for a defined geographical space, and appropriate institutional arrangement are defined that can give effect to such a strategy. This research project incorporates a diverse group of case studies, of area-based or territorial approaches to land reform, including Elliot District in Eastern Cape, South Africa, and a number of research sites in North Eastern Brazil.

The original motivation for the Area Land Reform Initiative was a decision by Nkuzi to explore a possible alternative strategy for land reform delivery through shifting the geographical focus for planning and implementation of land reform to the area of a local municipality. This would mean that government departments dealing with delivery of land would operate at an area (i.e. territorial) rather than a project basis, bringing efficiencies of scale and creating improved opportunities for integration of support services. At the same time the approach would involve the decentralisation of decision making – currently located at provincial and national level - to the local municipality, with the aim of reducing delays in implementation and ensuring that decision-making is responsive to local needs. This approach, which Nkuzi referred to as an Area Based Land Reform Initiative (ALRI), had much in common with rural development initiatives in Latin American and Europe and emerging elsewhere in Africa referred to as territorial approaches. These approaches seek to develop innovative institutional arrangements which deepen participation, build social capital and strengthen collaboration across sectors and build a sense of territorial identity so as to reduce rural poverty and solve development problems through shared approaches and improve the responsiveness of public policies to the specific needs and characteristics of the territory in question.

The idea of moving to a more proactive approach involving strong stakeholder participation and local planning fits within an international trend in development

¹ Nkuzi Development Association is a land rights NGO based in Limpopo working with the landless rural communities on the government land reform programme. Its main aim is to ensure that access to land and its productive means results in improved livelihoods for the previously disadvantaged communities.

practice. In the context of land reform the debate has often veered between a state-led approach, popular in many post-liberation countries in the 1960s and 1970s, to “demand-led” and market-linked approaches which gained ground in the 1990s. The demand-led approach has seen the role of the state changing from a proactive to a reactive one, as it now aims to respond to specific ‘demands’ expressed by landless people (either for land restitution of alienated land rights or for land purchase via market based land transfer programmes) rather than shape the overall process of land acquisition and redistribution in a more systematic manner. Over the last few years continuing failures of these “demand-led approaches” to achieve redistributive justice, and respond effectively to the needs of rural people for land have led to widespread questioning of the existing paradigm.

In terms of South African government development strategies there has been an emphasis on the role of local government in coordinating and driving service delivery and local economic development through instruments such as Integrated Development Plans (IDPs) and Local Economic Development (LED) strategies. There has also been high level political support for a new Integrated and Sustainable Rural Development Programme (ISRDP) that is attempting to bring greater coordination of government services in order to support development. The ISRDP is a form of integrated development based on coordination and integration of state services and interventions by different spheres of government, within a set of specific geographical areas, referred to as developmental nodes.

With the ALRI initiative Nkuzi was attempting to find an approach to land reform delivery and related development that was neither purely demand-led, nor state-driven and supply-led, but which would retain a central role for the state in responding to expressed local needs.² Persuading the state of the benefits of such an approach presented an additional challenge for Nkuzi as a relatively small, rural-based NGO. Nkuzi was also been attempting to breathe life into the IDP process to ensure that it would be responsive to real needs, including land needs, and would actually be implemented as promised.

It is generally recognised that land reform can be more effective if it is integrated with broader development strategies that provide an environment within which new land owners will have opportunities to improve their lives through the use of the land acquired. The lack of such integration between land transfer and agricultural support services has been one of the central failings of land reform in South Africa and one of the issues that the ALRI project intended to prioritise.

The key characteristics of the Makhado ALRI project can be summarised as follows:

- ✦ ALRI is a pilot project at a local municipal area to ensure that marginalized rural communities have secure access to land through an integrated land reform plan, with a central coordinating role for the Municipality in its development and implementation
- ✦ ALRI aims to facilitate acquisition of land, and its productive and sustainable use.
- ✦ ALRI is community-driven, with support from a wide range of stakeholders.

² ‘Supply-led’, in this context, refers to more traditional approaches to land reform whereby the state acquires land based on its own estimate of need and subsequently allocates it to beneficiaries that it selects. Under the demand-led approach, land is only acquired where specific beneficiaries have already identified themselves.

- ✦ A central challenge is lack of municipal capacity and lack of clarity on its responsibility with regard to land reform, which constitutionally is the responsibility of national government.

1.2 Methodology

This study of the ALRI approach in Makhado was intended as an approximately two year action research process, coordinated by Nkuzi, to assist their ongoing engagement in developing the approach, documenting processes, gathering information and analysing issues for feedback to and discussion with stakeholders, in order to help move the initiative forward and better identify and address opportunities and constraints.

The methods used included participant observation and reflection by Nkuzi staff during the research period, documentary analysis of the earlier stages of the ALRI process, supplemented by collection and analysis of secondary data and a number of stakeholder interviews with different players at community, municipal, district and provincial levels, and within civil society and the private sector in order to gain a fuller picture of the economic and institutional context of land reform in Makhado (See Appendix). Two participatory stakeholder workshops were held: in Makhado in November 2005, with representatives of Makhado Municipality, Vhembe District, relevant government departments in Limpopo Province, the Makhado Land Forum, the Landless People's Movement and commercial farmers; and in Pretoria in May 2006 with representatives of DLA, Land Claims Commission, Department of Agriculture, ISRDP, Treasury, Provincial Government, Makhado Municipality, academic researchers, land NGOs and private sector organisations, to consider the findings from Makhado alongside those from the Elliot / Eastern Cape study and similar area-based land reform studies undertaken by HSRC in Free State and Western Cape.

2. Background: From Dispossession to Land Reform

South Africa has a long history of colonialism and apartheid, which resulted in majority of black people being dispossessed of their land and creating imbalances in terms of land ownership patterns. The demand for land formed a core part of the struggle for liberation in South Africa. During the negotiated transition to democracy the land issue was extensively discussed. This resulted in the South African Constitution (Act 106 of 1996, section 25) making it imperative that the state takes measures to ensure equitable land distribution.

The South African land reform programme has three main elements, namely Restitution, Redistribution and Tenure reform. The main aim of restitution is to restore land rights or provide other equitable redress to those unfairly dispossessed of their land rights after 19 June 1913 (the date when the Native Land Act 27 of 1913 became law). Restitution is a rights based process implemented in terms of section 25 (7) of the Constitution and the Restitution of Land Rights Act of 1994. Redistribution is a discretionary programme that aims to achieve a fairer distribution of land in South Africa. It has to date been based on a so-called 'willing seller-willing buyer' approach, under which the state provides grants to enable black people to buy land on the open market. Initially redistribution targeted the poor, but over the last

five years it has shifted to involve the provision of grants to any black people who wish to acquire land and it has put more emphasis on establishing a class of black commercial farmers. Tenure reform aims to provide security of tenure for those living with insecure or informal tenure on privately owned commercial farms or in communal (or tribal) lands, and to protect tenants from arbitrary evictions.

Eleven years of post apartheid land reform have not brought about the expected and promised transformation of land ownership and access in South Africa. The rate of land reform delivery continues to fall far short of people's expectations and the revised government target of redistributing 30% of agricultural land by 2014. At the same time few of the implemented land reform projects are achieving the expected development benefits. This has been attributed by commentators, including senior politicians, to inappropriate project design, disempowerment of participants, almost non-existence post settlement support and failure to integrate land reform into broader local and economic development strategies.

Approximately 80,000 claims for restitution have been lodged in the country, and the majority of these have been settled through the payment of cash compensation, rather than restoration of original land or provision of alternative land, options permitted by law. Less than 200 cases have led to the return of agricultural land in rural area, but approximately 7,000 rural claims remain to be resolved. These mostly involve large areas of land and large numbers of claimants (as claims are generally on behalf of entire communities or tribes), and are being strenuously resisted by the largely white owners. Such claims are concentrated in the provinces of Limpopo and KwaZulu-Natal, and Makhado is probably unique in the country in that virtually every portion of commercial farmland within the municipal boundary is under claim.

3. Makhado Municipal Area

Makhado Municipality is located in the northern part of Limpopo Province, the most northerly province in South Africa, bordering Botswana in the west, Mozambique in the east and Zimbabwe to the north (See Maps 2 and 3, below). The land area under the Municipality is approximately 1,600,000 hectares (16,000 km²) and the population is estimated at 458,000 (Makhado Municipality Integrated Development Plan, 2005/2006).

Local government in Limpopo is organised in a two-tier system, comprising indirectly-elected District Municipalities and, under them, directly-elected Local Municipalities. Together, these municipalities are responsible for local development planning, infrastructural development and the delivery of services such as water and electricity, with the majority of such services being provided through the local municipalities. As may be seen from the following Maps, Limpopo Province is divided into six District Municipalities, with Vhembe located in the extreme north, adjacent to the border with Zimbabwe. Vhembe District is in turn sub-divided into four Local Municipalities – Makhado, Musina, Thulamela and Mutale.

Makhado is a largely rural municipality with a vast area of farmland and as a result there are many farm dwellers living with insecure tenure on commercial farms. These are the farms from which the majority of the people in the municipal area were removed under the previous apartheid government's racially discriminatory laws and practices. The most valuable commercial farmland is in the Levubu Valley, from which African people were forcibly removed between the 1920s and the 1960s. The area was divided into over 300 farms, all allocated to white farmers. A large dam was

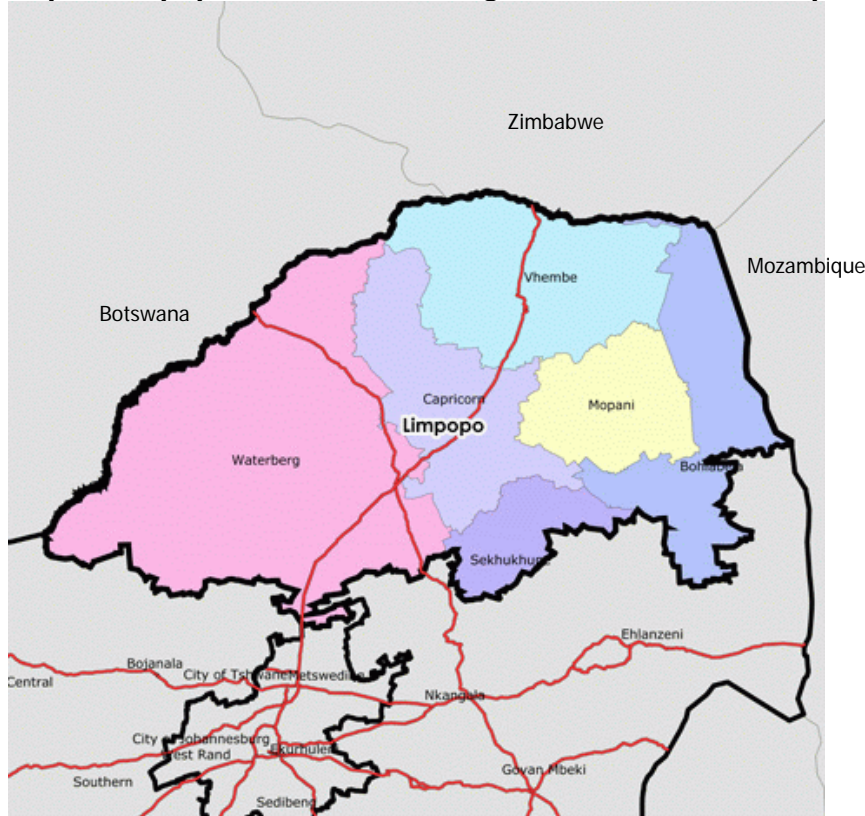
constructed on the Levubu River to provide irrigation water, allowing these farms to produce high value horticultural crops (fruit, nuts and some vegetables) throughout the year. Sizable areas of commercial forestry plantations, owned by the state or private owners, surround the irrigated lands. All commercial farms in Levubu are now under claim as part of the Restitution process, and since 2003 government has been in negotiation with landowners with a view to purchasing their farms. Many landowners have been unwilling to negotiate, however, and since 2005 government has been threatening to expropriate (with compensation) where negotiations fail. The communities that were removed from the land are now living on communal land within a 50km radius. This communal land is officially owned by the state and held in trust by the national Minister of Agriculture and Land Affairs on behalf of specific black communities.

The population of Makhado is racially and culturally mixed, with the vast majority being black Africans. Home languages are predominantly Venda and Shangaan (Tsonga), with small numbers speaking Afrikaans, Pedi (Northern Sotho) and English. Unemployment is estimated to be in excess of 28%, and possibly much higher if the disguised unemployment of the 'economically inactive' is included (see below). The majority of the population lives in rural areas, which are the least developed. The majority of the rural black population between the ages of 15 and 65 are women. This can be attributed to the fact that many men are involved in migrant labour. A large proportion of the population is youthful, indicating rapid population growth.

Makhado can be considered a dual economy, as it comprises two distinct elements i.e. the more developed, formal, commercial economy of the town of Makhado (formerly the whites-only town of Louis Trichardt) and surrounding commercial farms on the one side, and the more informal enterprises and small-scale agriculture of surrounding villages and townships. Most rural people are resident in the latter areas, which formerly formed part of the ethnically-based 'homelands'³ of Gazankulu and Venda.

³ Also known as Bantustans or, in an earlier period, Native Reserves. Under Apartheid, these areas were granted a degree of self-government.

Map 1: Limpopo Province, showing the six District Municipalities



Map 2: Vhembe District, showing Makhado Local Municipality



3.1 Demographics

Between 1996 and 2001, the total population of Makhado increased by almost 8.5%, or an average annual growth rate of about 1.64% (Stats SA, Census 1996 and 2001). This is less than the average annual growth for the country as a whole over this period, which was 2.01%. As with the rest of the country, the growth in the number of households in Makhado has exceeded population growth. Between 1996 and 2001, the number of households in Makhado increased by 27.4%, versus 23.6% for the country. As with the case nationally, the cause of the rapid growth in the number of households is unclear, but there is broad agreed that the implications are profound, not least for efforts to provide housing and improve access to household-based services such as electricity and water.

The Department of Trade and Industry has identified Limpopo province as a whole as a significant 'source' province, that is, one from which there is outward migration to other parts of South Africa, especially Gauteng. The fact that Makhado is a sending area is underlined by the fact that, in the 15 to 34 year old age group, in 2001 women outnumbered men by 20%.

3.2 Poverty, inequality, and living conditions

Poverty in Makhado is pronounced. Based on the 2001 Census, the poverty rate among Africans for South Africa as a whole was 76%, which is roughly the median value among all of Limpopo's municipalities, but significantly higher than the national average for Africans of 67%.⁴ Given the high rate of poverty, one might expect widespread food insecurity. However, according to the *Labour Force Survey* of September 2004, in Vhembe District less than 13% of households indicated 'sometimes,' 'often,' or 'always' in response to the question, 'In the past 12 months, how often, if ever, did this household have problems satisfying their food needs?' This compares with 34% for Limpopo province as a whole. The reasons for this seemingly fortunate anomaly are unclear, but may have to do with the prevalence of subsistence agriculture (see below).

In terms of other aspects of well-being, there have been noticeable improvements in living standards in the recent past, again as depicted in the changes between the last two censuses. These have been most noticeable for housing, telephone access and energy, while progress in respect of sanitation and refuse removal has been relatively poor. Water access is difficult to discern from the census data on account of a change of definitions from one census to the next. For housing, between 1996 and 2001, the percentage of households living in 'formal' dwellings increased by 58%, accommodating 72% of households in 2001, versus a decline of 25% of those living in 'traditional' dwellings, which in 2001 accommodated only 26% of households. (The number of households living in informal dwellings (e.g. shacks) more than doubled over this period, but starting from a very low base; by 2001 informal dwellings accommodated only 3% of households.) In terms of energy for lighting, between 1996 and 2001 there was a massive shift away from paraffin and candles in favour of electricity.

⁴ The poverty rates are the share of individuals from a particular group (e.g. Africans residing in Makhado) living in a poor household relative to the total number of individuals belonging to that group. A 'poor household' is defined here in terms of the 'Minimum Living Level' calculated of the Bureau of Market Research, which is a set of poverty lines for households of different sizes.

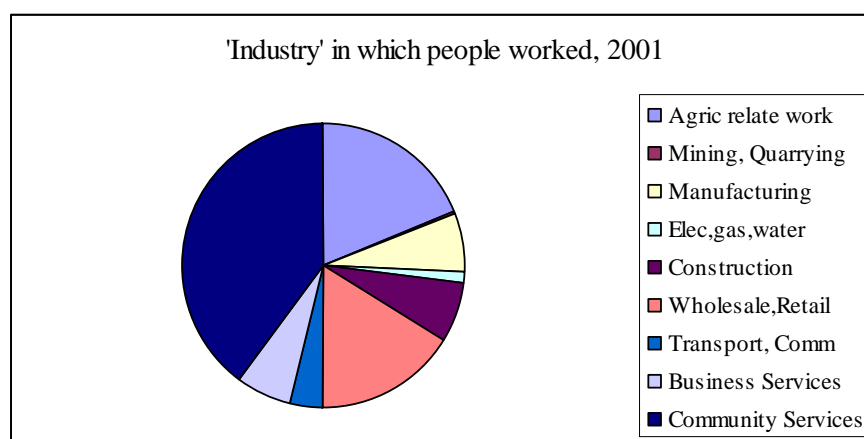
3.3 Employment, unemployment, and agricultural employment

According to the last two censuses, the total number of people in employment in Makhado has increased, while the unemployed have increased far more. This is again in keeping with national trends, whereby an increase in the labour force is not matched by an increase in the capacity of the economy to absorb job seekers. It must be pointed out however that these figures (Table 1) combine formal and informal sector employment, as well as self-employment; the census does not enable a distinction between these categories.

Table 1: Employment and Unemployment in Makhado, 1996-2001

	1996	2001	% change
Employed	57,360	59,949	4.5
Unemployed	46,299	59,448	28.4
Total labour force	103,659	119,397	15.2
Unemployment rate (%)	44.7	49.8	5.1

A key challenge for land reform in South African is to preserve, and ideally to expand, employment within agriculture. The number of people employed in the 'agriculture, forestry and fishing' sector was virtually unchanged between the census of 1996 and 2001. Whereas in 1996 this sector accounted for 18.3% of total employment (10,478 people), by 2001 it accounted for 16.9% of employment (10,112 jobs). Of course, especially where agriculture is concerned, two points in time that are relatively close together do not constitute a trend. Moreover, the fact that these figures include both formal and informal sector 'employees' still applies. A full disaggregation of work by industry for 2001 is given in the following chart (again based on Census data), showing that even though it accounts for less than a fifth of total employment, agriculture (including forestry) nonetheless constitutes the industry with the second largest share of employment, after the amorphous 'Community Services' (which includes public administration, education, health, prisons, welfare etc. – effectively the public service).



Unfortunately, there is an absence of other data one can draw upon to establish trends in agricultural employment in Makhado. However, the last two censuses of commercial agriculture can be used to compare employment figures for Soutpansberg Magisterial District. Soutpansberg encompasses virtually all of the commercial farming area of Makhado, but approximately one third of its commercial farming area lies outside Makhado (to the northwest). Trends for Soutpansberg (see

Table 2) are probably representative of those in Makhado, but the exact extent to which this is true cannot be established.

Table 2: Breakdown of Farm Workers in Soutpansberg, 1993-2002

	Total farm workers	Farm managers	Other regular farm workers	Casual/seasonal farm workers	Farming units
1993	10 661	195	8 278	2 188	610
2002	7 329	240	4 626	2 463	311
% change	-31%	23%	-44%	13%	-49%

The overall trend is quite striking, namely a 31% decline in total farm employment. The decline in regular farm workers (i.e. those who are not farm managers) is even more striking, showing a decline of 44% which is only partially offset by an increase by 13% in the number of casual and seasonal workers. The last column of the table is also interesting: it shows that the total number of commercial farming units in Soutpansberg has halved between 1993 and 2002, implying a rapid process of farm consolidation (possibly combined with some cessation of agricultural activities). It is likely that there is a close connection between the employment trends and this consolidation process, given anecdotal evidence that one of the main mechanisms through which employment is shed is when one farmer purchases the property of another, at which time the employees of the latter are released. Cessation of agricultural activities (whether through insolvency, retirement or any other reason) would obviously have a similar effect.

As argued above, farm employment trends in Soutpansberg Magisterial District are not necessarily indicative of what is happening in Makhado. Whether agricultural employment in Makhado is increasing or decreasing very likely depends on two factors: 1) to the extent there might be an expansion of area planted to high value plantation crops, there might be an increase in labour demand; but otherwise, 2) for a given land use, the general trend is of reducing farm employment intensity. Which of these factors might be prevailing at the current moment is unclear, but if it happens to be the first, it is unlikely it will remain so for long. As for whether in fact there is an expansion of land under high-value use, the available anecdotal evidence is somewhat contradictory. Nkuzi observes that there is such an expansion, while the farmers and estate agent interviewed as part of this study mention that the prevailing trend is that farmers in Levubu are delaying replanting because of the uncertainty about their future (due to restitution claims on their properties), while many farmers elsewhere in the area are converting from cattle to game farming, which almost certainly has negative implications for employment. In addition, farmers in Levubu are introducing labour-reducing technologies, such as pesticides applied through misting rather than via backpack sprayers, and mechanical nut collection for macadamias. This is not surprising: apart from everything else, the introduction of a legal minimum wage for the agricultural sector has meant that real labour costs have increased by up to a third over the past five years.

Evidence from other parts of South Africa suggests that restoration of land to historical owners is likely to lead to some dip in production, especially in the short term, posing a potential threat to farm employment. The situation is likely to be further complicated by pressure from claimant communities in the Makhado area, many of which contain large numbers of unemployed people, to substitute their own members for existing workers on the claimed farms. Such factors suggest a period of considerable change and uncertainty, both in terms of the fate of individual workers and gross farm employment, in the years ahead.

3.4 Contribution of agriculture to the local economy

Unfortunately, there are no Gross Geographic Product (GGP) data available for Makhado Municipality, nor for that matter for Vhembe District. For the province as a whole, between 2000 and 2003 the contribution of agriculture to GGP ranged from 2.5% to 4.1% (Stats SA, 2004), which is surprisingly low given that Limpopo tends to be regarded as an agriculture province. One suspects that the contribution of agriculture in Makhado is higher, but it is doubtful that it is dramatically so.

Recent editions of the *Labour Force Survey* allow disaggregation to the district level, and although the *LFS* cannot be used to produce statistics for Makhado, it can be used for the wider Vhembe District Municipality. A useful feature of the *LFS* is the question about whether adult household members have practiced agriculture, at any scale, in the previous twelve months. Focusing only on African respondents, the results are as follows.

Table 3: Households involved in agriculture, Vhembe District

<i>Farmed in previous year</i>	<i>Number (extrapolation)</i>	<i>Percent</i>
Yes	387,926	53%
No	337,643	47%
Total	725,568	100%

Data source: Stats SA, *LFS*, Sept. 2004.

Both the estimated number of individuals, and the proportion of working-age adults (53%), engaged in agriculture, as reported by the Labour Force Survey, is extraordinarily high. This is in contrast to only 30% of working-age Africans engaged in agriculture in the province as a whole. Unfortunately, the *LFS* does not allow one to do this calculation for rural areas only (Vhembe contains sizable urban areas), which would have allowed for a more meaningful comparison. But if one subtracts the number of urban working-age Africans estimated from a previous *LFS* from the number who are not engaged in agriculture, the provincial share rises to only 34%. This comparison goes some way to shedding light on the observations made above to the effect that food insecurity in Vhembe is low relative to the severity of poverty in the area. African subsistence agriculture thus appears to be an extremely important supplementary economic activity which provides an effective defence against food insecurity, but not necessarily a route out of poverty.

The data also reveal that the participation of Africans in agriculture in Vhembe is overwhelmingly of a subsistence nature. For those respondents who indicate that they have engaged in agriculture in the previous year, the follow-up question relates to their 'main reason' for practising agriculture. The results are shown in Table 4.

Table 4: Main Reason for Practicing Agriculture, Vhembe District 2004

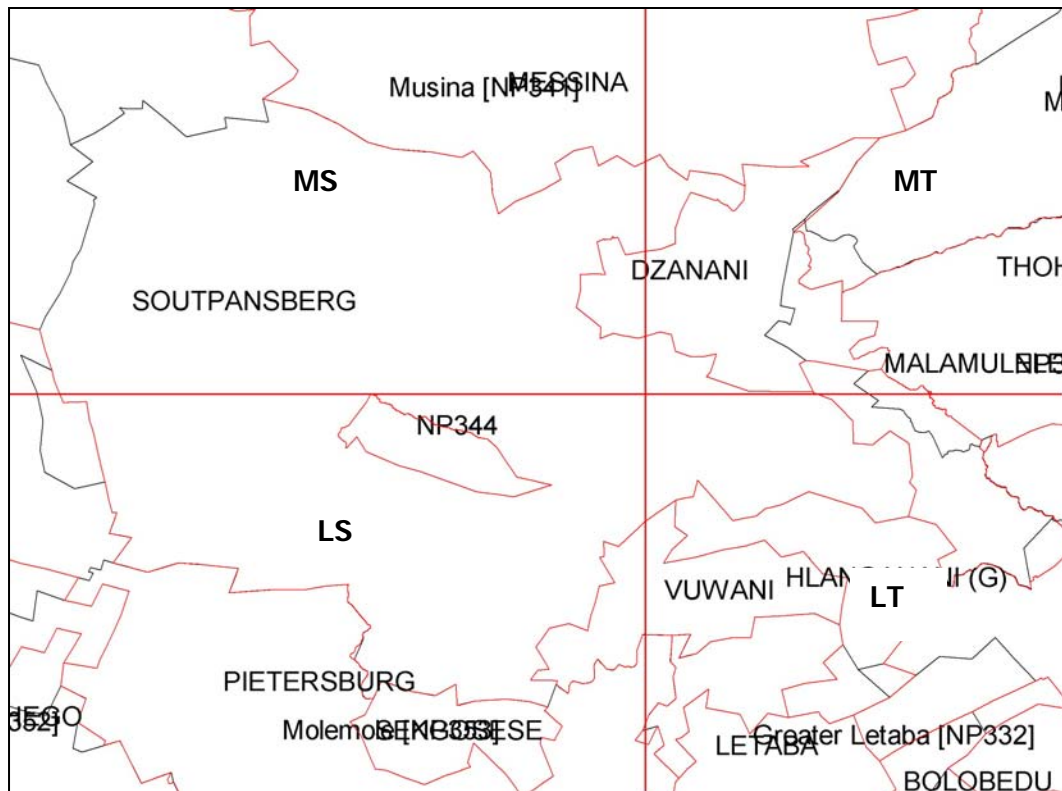
<i>Main reason</i>	<i>Number (extrapolation)</i>	<i>Percent</i>
Main source of food	3,057	0.8
Main source of income	6,708	1.7
Extra source of income	7,706	2.0
Extra source of food	369,433	95.2
As leisure activity	1,021	0.3
Total	387,926	100.0

Data source: Stats SA, LFS, Sept. 2004.

The small proportion (1.7%) for whom agriculture is relied upon as a main source of food or income is striking. The pattern is not dissimilar to that which obtains in former homeland areas elsewhere in the country, but it is starker.

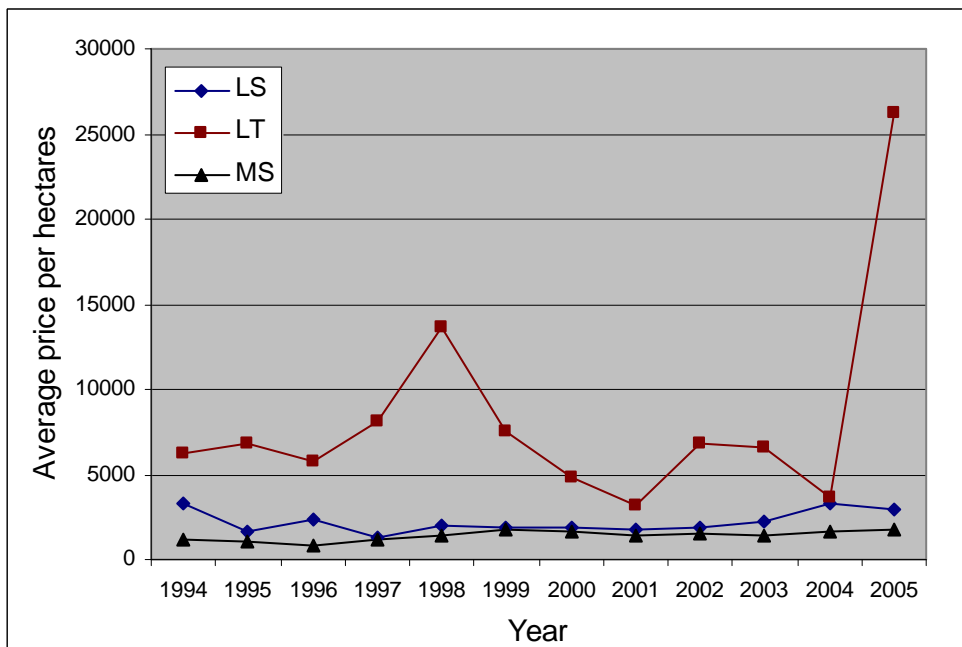
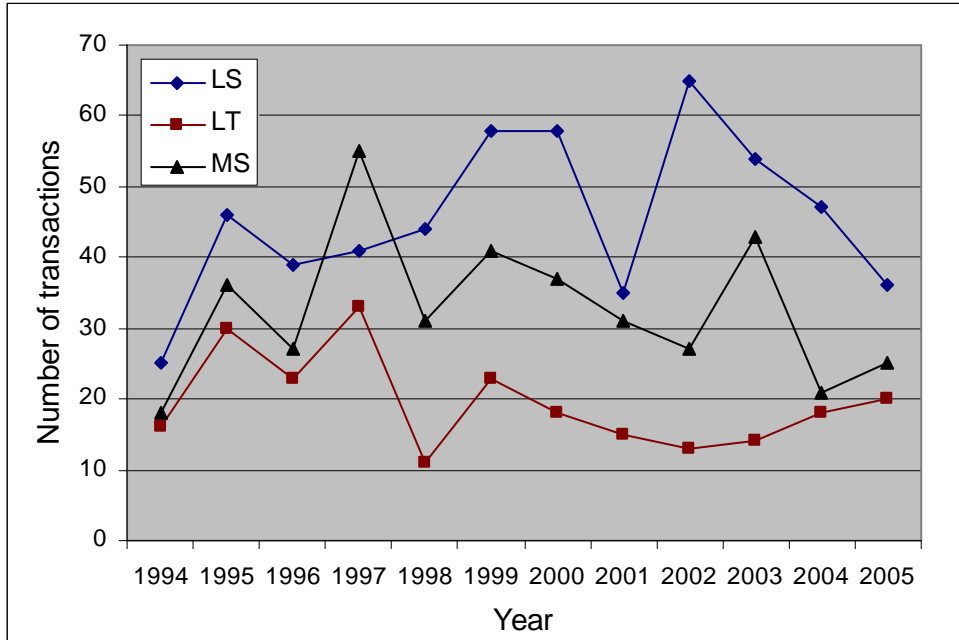
3.5 The land market

Data from the Deeds Office was used to discern land market trends in the Makhado area. Deeds information does not, however, record the name of the municipality when a transaction is registered. For Limpopo, registration divisions are defined as 1-degree square areas. For our purposes, these areas are quite large, and do not relate in any way to the geography of Makhado. However, with reasonable accuracy, transacted properties can be mapped to Soutpansberg Magisterial District⁵, which contains most of the former 'white' areas of Makhado (and thus most of the freehold land, that which is likely to be transacted via the formal deeds registry), but unfortunately also a considerable share of commercial farmland that falls to the northwest of Makhado. We therefore attempt to use a combination of the registration division boundaries with the magisterial district boundaries. This allows us to at least get a sense of what is happening in the distinct parts of Soutpansberg, in particular to be able to isolate that part of Soutpansberg that most closely corresponds to the high-value farms of Makhado (e.g. in the Levubu Valley, which fall within registration division 'LT' in the map below), from the extensive livestock production areas elsewhere ('LS' and 'MS').



⁵ Magisterial Districts are Court Districts (areas of jurisdiction of magistrate's courts), which are still used for a variety of administrative purposes.

What follows are two graphs showing aspects of land market trends for those parts of registration divisions MS, LS and LT that fall within Soutpansberg Magisterial District. The first graph shows the number of transactions from 1995 to 2004, while the second graph shows the inflation-adjusted average price per hectare for each year from 1994 to 2005.



From these graphs one can draw a number of observations:

- For each of these areas, there is a vibrant land market. Although there is some indication that the market became increasingly subdued for a few years

after 1999 (possibly owing to the land restitution process), this was not uniformly the case, and in the high value area of Levubu (the 'LT' series in the figures) there is evidence of a gradual upswing. The fact that there is any market activity in these areas at all contradicts the more definitive statement of the estate agent who was interviewed to the effect that all market activity had halted.

- As one would expect, average land prices in the Levubu areas are much higher than those in other areas but they are also far more volatile.
- Apart from the average price per hectare of farmland in Levubu in 2005, there is no discernible overall upward or downward trend in real land prices; this is in contrast to rural land prices for the country as a whole, which show a marked real increase since 2001. The difference may again be attributable to the restitution process, though this is not clear.
- As for what happened in Levubu in 2005, this can be traced directly to settled land reform projects in the area (16 of the 20 farmland transactions that are recorded in Levubu in 2005 involve land reform beneficiaries), which seemingly paid far higher prices per hectare than the historical averages for that area.

These trends demonstrate that commercial agricultural land in the Makhado area continues to be traded on the open market and fetches relatively high prices, reflecting its high agricultural potential and developed infrastructure. It also suggests that the restitution process itself has caused a dramatic escalation in prices in the Levubu area between 2004 and 2005 (when the first purchases of claimed land were made). This poses multiple challenges for land reform, in that owners of high value land may be reluctant to sell (as is proving to be the case in some instances) and the total cost of restoring land at Levubu, if market-related compensation continues to be paid, may be extremely high.

4. The ALRI Process in Makhado

4.1 *Origins and Aims*

Through its work with landless people in Limpopo, Nkuzi identified a fundamental challenge as the need to deliver land at scale and ensure improved livelihoods through creating and enabling environment for new land owners to succeed with land based economic activities. The supply of effective services to meet this challenge was further identified as being hampered by the current institutional arrangements governing the delivery of services by the state.

Officially, land reform is the responsibility of the National Department of Land Affairs (DLA). Falling under the DLA is a provincial land reform office (PLRO) that deals with tenure reform and redistribution. Also under DLA, but with its own regional offices that report directly to the national office, is the Commission for Restitution of Land Rights (known colloquially as the Land Claims Commission). Agriculture and the delivery of agriculture support services are handled by a provincial Department of Agriculture that is accountable to a provincial cabinet and legislature.

Municipalities are legally obliged to plan and coordinate development in their areas through Integrated Development Plans (IDPs)⁶, drawn up through public participation, but the current IDPs in most municipalities, including Makhado, say almost nothing about land reform. This can be attributed to the fact that land reform is, under the Constitution of South Africa, a responsibility of the national government, and local government in South Africa has not traditionally had a major role in either land matters or local economic development. A critical issue for the effectiveness of local government is the manner in which it coordinates its activities with other spheres of government, the private sector and non-governmental organisations, in areas such as land, housing, water, agriculture and social services. As an example of how such coordination can go wrong, a number of land claims in the Makhado area that were settled more than three years ago, but still await the completion of lengthy bureaucratic processes before grants for development purposes and other support service can be provided to them by local, provincial and national government. There are no consistent agricultural extension services being provided and people who wish to resettle on the land are awaiting Municipal approval of plans for a new settlement. There are still no plans within in the IDP for support to these communities and there is no budget in the Municipality for assistance and infrastructure development that is needed in the areas to be settled. It is worth noting that most of this land was owned by the state at the time of restoration, and was largely unused, which presented the challenge of starting agricultural production anew. More recent cases, involving privately-owned land already in production have seen more intensive planning and more active support from the state and other actors.

ALRI thus aims to ensure that the municipality plays a central role in the coordination of land reform and related services. Challenges facing the municipality include a lack of capacity and resources to engage in land reform issues for its area and a lack of clarity on the extent of municipal responsibility in what is constitutionally a national competence. As well as achieving closer coordination across government, ALRI set out to ensure that the rural poor become drivers of land reform in order to ensure that it meets their needs and builds on their skills and resources.

4.2 Implementation

As a strategy for dealing with challenges outlined above, Nkuzi Development Association initiated (starting in 2000) a pilot project for integrated land reform at Nzhelele Valley, part of the Makhado Municipality. Nzhelele was part of the former Venda Homeland where many of the black people that were removed from their ancestral land in and around Makhado are now residing. It is characterised by landlessness, poverty and overcrowding. The approach was later extended to cover the whole of Makhado. This was due to the creation of new (and much larger) municipal areas in 2000, the perceived need to include a wider range of constituencies (such as workers on commercial farms) and the advantage of including both the areas where landless people lived (Nzhelele) and the areas under claim (Levubu), especially as these areas now, for the first time, fell within one administrative area..

⁶ Integrated Development Planning (IDP) is one of the key tools for local government to tackle its developmental role. Through the IDP process, municipalities are meant to arrive at decisions on issues such as municipal budgets, land management, promotion of local economic development and institutional transformation in a consultative, systematic and strategic manner.

The initial vision for ALRI in Makhado contained the following key activities and principles:

- ✦ Facilitate landless communities in developing plans for land and agrarian reform.
- ✦ Work with the Nzhelele land reform forum and Municipality.
- ✦ Mobilise and raise support from key stakeholders (both government and non-government)
- ✦ Integrate land reform plans with Municipal IDP
- ✦ Coordinate delivery of services at area (territorial) level, rather than project-by-project approach (both pre and post- land transfer)
- ✦ Decentralization of resources and decision making powers to local and district levels.
- ✦ Communities empowered to hold government accountable for delivery
- ✦ Government departments to collaborate around an integrated and common agenda.
- ✦ Nkuzi would serve as facilitator.
- ✦ Municipality would, over time, become the main driver of the process.

Nkuzi worked closely with the land reform forum and Makhado Municipality, and organized support from key stakeholders inside and outside government. As with land reform elsewhere in the country, there had in the past been little or no coordination between the various structures and departments involved up to this point.

Nkuzi acted as facilitator of the pilot project, with Makhado Municipality and Nzhelele Land Forum as its main partners. Nkuzi secured donor funding and placed a fulltime project manager in the area for facilitation purposes. The consultation process resulted in the establishment of a project management committee comprising of Nkuzi, the Municipality and the Land Forum.

At inception the facilitators engaged in extensive consultation processes with key stakeholders in order to get their buy-in and support for the project. These included the Department of Land Affairs, the Regional Land Claims Commission, Provincial Department of Agriculture, Colleges of Agriculture and Universities. As the project progressed consultation was extended commercial farmers and landowners in the Makhado area.

Nkuzi used consultative workshops and meetings with individual communities and members of the land reform forum to identify land needs and issues from a community perspective and to start promoting a more integrated and developmental approach to dealing with land reform. Information was gathered from government departments, such as the Regional Land Claims Commission (RLCC) and the Department of Land Affairs (DLA), on all the land claims and existing land reform projects in the area. Nkuzi documented this information, along with the information gathered from communities, which included plotting all the land claims within Makhado Municipality on maps – the first time this had been attempted by any party - in order to develop a picture of what land was affected.

The exercise of mapping the land claims helped stakeholders see the enormity of the challenge of land reform in the area. It was found that there were over 60 land claims (56 from the Nzhelele area alone) that appeared to be valid, and that these covered over 90% of land in Makhado. A small number of existing land redistribution projects (under the Land Redistribution for Agricultural Development programme) were also identified, although the extent of land claims in the area made it difficult to implement more projects of this kind.

The fact that virtually all commercial agricultural land in the area is under claim, and may potentially be returned to those removed from it in the past, illustrated the potentially dramatic transformation for the whole area that land reform could bring about. It soon became clear that such a transformation would require the development of a comprehensive vision of how the Makhado area, and particularly the local economy, might look after the

proposed land reforms were implemented. Other questions that arose at this time included the future of the thousands of farm workers and dependents that live on the farms once these had been being restored to claimants, and how to ensure continued productivity on highly developed and capitalised commercial farms.

Black farm dwellers, living on farms that are still almost exclusively white owned, remain among the poorest and most vulnerable people in South African society, often becoming victims of eviction and other human rights abuses. The National Eviction Survey conducted by Nkuzi in partnership with Social Surveys in 2004-2005, found that as many as 942,303 people had been evicted from farms between 1994 and 2004, although no specific figures were available for the Makhado area.

Summary of main interventions of Nkuzi under the ALRI project

- Stakeholder consultation.
- Facilitated community consultation to get information/inputs and promote the project.
- Consultations with the Land Reform Forum.
- Looked at other experiences of local and integrated approaches taken in other parts of South Africa
- Gathered information from government departments like RLCC, Dept. of Agriculture and DLA
- Mapping all claims and projects in the area
- Ran workshops for the Councilors and the leadership of the Land Forum (Livelihoods, Development, Land Reform, Planning)
- Identified other resource organizations that could assist
- Facilitated workshops with marginalized groups from the community i.e. women and youth.
- Documentation of the findings
- Identified with other stakeholders key projects that would form core of implementation in the area
- Discussion of the proposed approach and solutions: workshops, meetings and Makhado land conference
- Structured plan and projects to be able to fit with IDPs
- Lobbying of government and other stakeholders from a local to national level to promote the approach
- Dealing with a range of current land issues that arose along the way

Strategic Partnership in the Levubu Valley

The Levubu Valley has probably the highest concentrations of land claims in South Africa, with 9 communities claiming over 300 highly developed commercial farms, all of which lie within the Makhado municipal area. Given the relatively recent dates of forced removals (1920s to 1970s), and the insistence of claimants on regaining their land, it appears likely that all of this land will be restored to the original owners, by expropriation if necessary.

Due to the high value of the Levubu farms, and the specialised production taking place on them (mainly horticultural crops for export), the state has adopted the policy of promoting 'strategic partnerships' between claimant communities and private-sector investors. Claimants wishing to regain their land are now required to enter into a partnership agreement with one of two pre-selected companies, both dominated by local white agricultural interests. While the land will be owned outright by the successful claimants, agricultural production will be in the hands of a separate company, owned jointly by the claimant community and the 'strategic partner', with a smaller share usually reserved for existing workers who do not form part of the claimant group.

Day-to-day management of the farm will be in the hands of the strategic partner, for which they will be paid a management fee, and they will also be responsible for raising necessary working capital. The operating company is required to pay an annual rent to the community, which may be used for whatever purposes it desires. Profits, if any, will be divided amongst the shareholders according to their share of ownership. Preference will be given to hiring labour from the claimant community but the jobs of existing workers will be protected by law. Strategic partners are also required to commit themselves to training selected members of the community in farm management.

After 10 or 15 years, the community have the choice of buying out the strategic partner and going it alone, or renewing the contract for another period. This model of strategic partnership is entirely new in South African land reform (and has few precedents internationally) and it remains to be seen how the diverse interest of communities and investors can be accommodated over time.

A major issue for the ALRI project was to ensure the involvement of the municipality in understanding land reform and actively participating in land reform activities. As noted above, Makhado, like most municipalities, had no plan for dealing with land reform in their area and the integrated development plans (IDPs) made almost no mention of land reforms and had no plan for dealing with land reform in the area. This is despite the dramatic impact the settlement of land claims is likely to have on the area in general, and on many other developments planned within the IDP in particular.

4.3 Role of the Municipality and Other Institutions

A range of interventions were designed as part of ALRI to positively enhance capacity of the municipality to deal with land reform issues. Training workshop were organised for municipal councillors and officials, community leaders and members, and other stakeholders on issues such as livelihood concepts, development, land reform, and planning. These aimed to raise the level of awareness and have a common understanding amongst the participants in the ALRI process of key concepts. Particular attention was also paid to building the capacity of local landless people's organisations. Nkuzi facilitated workshops specifically with the leadership of the Land Forum, with women and with youth to address their involvement in land reform. Several workshops were held with women representatives from communities in the area where issue of gender and the role of women in land reform, development and community organizing were discussed. Similar workshops were run with youth delegates. These workshops also discussed strategies for organizing women and youth to have a more prominent role within land reform processes and structures. The workshops aimed to build a common understanding amongst the participants in the ALRI process and help in developing community mobilization for land reform.

In 2004 Nkuzi drew up an ALRI plan for Makhado, based on discussions with the various stakeholders, including the Land Forum, the local municipality, a number of municipal councillors, and the relevant government departments at Provincial level in Limpopo. This plan identified the key roles and responsibilities proposed for the various institutional actors as follows:

- Makhado Municipality to establish a Project Implementation Unit, with support from Nkuzi and Departments of Agriculture and Land Affairs
- Makhado Municipality to drive and coordinate and fit within IDPs
- Department of Land Affairs to drive the process at national level, develop supportive policies and secure farm dwellers rights
- Department of Agriculture to drive the process at provincial level and provide technical and extension support
- Regional Land Claims Commission to settle claims within this framework and support local grant dispersal
- Makhado Land Forum to facilitate information dissemination, community participation and ensure accountability
- Colleges and University to provide training and technical support
- Nkuzi to support municipality, community empowerment and documentation of learning.

After a series of consultations, where further resource organizations such as the local university and agricultural training college were involved, a Makhado land conference was held in August 2004 to discuss the proposed approach and solutions. The Makhado land conference was attended by, amongst others, the national Minister for

Agriculture and Land Affairs. The Minister and her senior officials gave a strong endorsement to the initiative, emphasising the need for the Municipality to play a central role in the entire process.

The main proposal presented to the conference were that government departments, community organizations (including the land claimants) and other stakeholders should collaborating around an integrated and common approach to dealing with land and related development issues within the Makhado area. This would require the decentralisation of decision making powers and control of resources, along with the establishment of a multi disciplinary team, initially with staff seconded or assigned from the key departments, to implement the initiative at the local level. Once a team was in place there would be a need to develop a common approach to how they would work, including the reorientation of officials to put the beneficiaries of land reform at the centre of planning, decision making and implementation.

A number of areas for action were identified and proposed as specific projects within Nkuzi's ALRI plan. These included creation of a team with the capacity to facilitate the acquisition and distribution of land; ensuring access to capital and markets for new farmers; development of infrastructure; and building capacity with the Department of Agriculture to provide training and extension services to resettled farmers. The full list of proposed "projects" (which really reflect specific working responsibilities for different Municipal Departments and collaborating agencies within an integrated programme of activities) was as follows:

1. Land Acquisition through an inter-departmental team able to drive process at the local level.
2. Ensuring access to capital for new farmers
3. Identifying appropriate technologies
4. Ensuring capacity to deliver effective extension services
5. Setting up procedures to resolve conflicts
6. Building institutional capacity
7. Developing infrastructure to support new settlements and ventures
8. Ensuring access to markets and supplies
9. Effective land use planning
10. Human resource development for new farmers

Following the Makhado Land Conference discussions were held with senior managers at DLA about the next steps for implementation and a document was drafted outlining the roles and responsibilities of the various stakeholders in the initiative. There then followed a lengthy delay in the project as Nkuzi waited for the various government departments to take the steps agreed to: the critical issue being to commit to the roles and responsibilities identified and to allocate the required personnel to the project.

During the 2004 – 05 period, Nkuzi continued to work at the community level dealing with land issues that arose and supporting capacity and institution building activities. However in the absence of direct initiatives from the Municipality itself and the government departments involved to take forward the coordinated approach agreed to it did not prove possible to establish strong and sustainable cross - community structures capable of playing their part in the ALRI Plan. Some of the reasons for this are discussed in section 5.2 of this paper.

At the National Land Summit held in Johannesburg at the end of July 2005, the idea of a proactive and integrated local area approach had a prominent role in the discussions about alternative ways of delivering land reform. This cannot of course

be attributed solely to the ALRI, but the initiative does seem to have made a contribution to the thinking and debates and was highlighted as a possible way forward by the Minister for Agriculture and Land Affairs in her closing address to the Summit.

In November 2005, following the Land Summit, Nkuzi held a workshop with municipal, district, provincial and community level stakeholders, (together with some of the co-authors of this paper) to discuss the way forward and examining constraints and opportunities so as to identify realistic sets of responsibilities for the different actors in supporting a municipality-led approach. Amongst the suggestions made, in the light of experience with territorial development approaches elsewhere, were a) that a more formalised agreement would be required amongst the different institutions involved, and b) that in order to achieve this a structured externally facilitated process of negotiation was likely to be needed to mobilise the necessary institutional and financial commitments from the different players to a collaborative process. The commitments required would have involved non-routine budget and human resource allocations by institutions used to working in pre-defined and sectoral ways, within which the limits of decentralised municipal responsibilities and resourcing were rightly defined, and did not extend to include land reform and restitution for which DLA, as a central government department, and the Provincial Land Claims Commission were responsible. In this context, no government department assumed the leadership to manage such a process, while Nkuzi itself, as a small NGO did not have the resources of the capacity to do it.

In May 2006, Nkuzi co-hosted a multi-stakeholder workshop to consider area based interventions and analyses of land reform in South Africa, and review the status of ALRI and explore ways in which the process could be advanced. The organizations represented ranged from the DLA and the premiers office to the LPM and local chamber of commerce committed to taking the initiative forward. It became clear at the workshop, however, that there is a significant institutional inertia that makes it very difficult for government departments to shift their approaches. Moreover Nkuzi has realised that they would have to continue to push and lobby for action even where public commitments had been made from others. In order to exert the necessary public pressure, it was also clear that local communities would need to mobilize to hold government accountable for commitments made, but community organisations themselves also needed better levels of organization and improved strategies to be able to do this effectively.

5. Reflections on the ALRI process at Makhado, lessons and policy implications

The ALRI initiative at Makhado to date has consisted largely of research and facilitation efforts by Nkuzi, the organisation of landless communities (mainly restitution claimants) around the Nzhelele Land Forum (later the Makhado Land Forum) and the formation of a wider stakeholder forum at the level of the municipality. These efforts have laid a foundation for a more coordinated, integrated and participatory approach to land reform in the Makhado area, but this had yet to get off the ground. The key state institutions involved – Makhado Local Municipality, the Department of Land Affairs and the Commission for Restitution of Land Rights – have not fully embraced the area-based approach, and so the potential of ALRI as an alternative approach to land reform has not yet been fully realised.

Despite not being fully implemented the ALRI work appears to have brought some positive results. Land claims, instead of being dealt with individually, are being handled in clusters. This has enabled a more developmental and coordinated approach and has helped to sustain organization amongst communities that have as a consequence been able to discuss and take common positions on issues. There is an increased role now for women and youth within the land claims committees at a community and forum level. The compilation of the information on land claims has clearly illustrated that a developmental approach is needed and that a case-by-case approach whereby every individual restitution claim is treated as a separate project by the Land Claims Commission simply cannot succeed. The Municipality is also playing a more active role in land reform processes within the area, through participation in inter-governmental forums and closer engagement with affected communities. The ALRI process has enabled the stakeholder forum and land forum to begin to see a more complete picture of the challenge of land reform in their area. There is now general recognition that land reform cannot be handled as a number of individual projects and cases through a narrow technocratic process.

The goal of incorporating the emerging land reform plans into the IDPs has not been achieved yet, although it looks like they will be soon as national government continues to put pressure on municipalities to play a more active role in land reform. It is important to consider, however, whether getting these plans into the IDP will actually lead to their implementation, as many development initiatives and projects in the previous IDP have not yet been implemented. At the same time a number of projects have been implemented which were not part of the IDP. The IDP process and document does not appear to be shaping development in the Municipality to the extent originally envisaged in the Municipal Systems Act. We should be careful not to fall into the trap of seeing a bureaucratic achievement such as incorporation of a project into the IDP document as necessarily meaning that implementation will actually happen.

Some essential preconditions for effective territorial land reform and development do not exist in Makhado. Of particular concern is the low level of organisation amongst landless people, despite much effort by Nkuzi, which results in limited bottom-up pressure for a more effective land reform process. This combined with poor management, a lack of skills and ongoing conflict within the Municipality imposes a severe constraint. With little capacity to deliver on complex programmes, and no sustained pressure from any structures in the broader community, there is little chance of success. Added to this is the lack of any sustained drive from provincial or national government to make the initiative work. With no sustained community pressure, no sustained push from the higher structures of government and a multitude of other demands on limited capacity it is no surprise that the Municipality and other local structures have been less than forceful in driving the process forward.

Clarification of roles, and assignment of tasks to stakeholders, remains critical for integrated land reform at a local level. The translation of stakeholder commitments into actions is vital and is still one of the challenges not fully overcome in the project at Makhado. This is compounded by the lack of specific budgetary provisions for the process. The inability of many officials to think outside the confines of their narrow job responsibilities has also hampered the process. Nkuzi has been a facilitator of the project, but other stakeholders share responsibility for carrying it forward. Clear written agreements on roles and responsibilities should be given a priority for these kinds of initiatives and the need to as well as the difficulty of adjusting government systems; in particular mechanisms for the release of resources should not be underestimated.

The following sections look in more detail at the role of various stakeholders in the ALRI process to date, and their envisaged role as the process is taken forward.

5.1 Role of the State

The state is a central actor in the approach piloted at Makhado, but high level of interest expressed by government representative is not being translated into action by the relevant authorities. From the end of 2004 when the Minister for Agriculture and Land Affairs attended the Makhado land conference there have been strong indications of support for ALRI at the level of the Minister and the Director General. Discussions were held with the most senior managers in Land Affairs about the project being taken on by the Department as a pilot project. However none of this has yet translated into practical actions. Specifically there has been no commitment of resources to take the process forward and letters from the Municipality requesting action have not been answered by the respective Departments. The Municipality has made available a person to coordinate the process from their side, but it would appear he does not have sufficient power and support within the Municipality to drive the process without support from other spheres of government.

Following a stakeholder workshop held in Makhado in November 2005, Nkuzi drafted a document outlining proposed roles and responsibilities of the various government departments in the project, but there has never been any feedback on this from any of the government departments involved. One of the suggestions was the secondment of staff from the **DLA** and the **RLCC** to work as part of a joint Implementation Team coordinated by the Municipality. However meetings planned to finalise these arrangements have not yet been convened, and up to now nothing has been put in place.

For the **Makhado Municipality** service delivery and development coordination across such a large area would have been a challenge even without the additional burden of integrating a number of different administrations during the period of major local government reorganisation (1995-2000). Added to this are the political and race tensions involved in integrating the administration of a small white town, renowned for its racist and conservative population, with parts of two former Bantustans, and now serving a much larger and overwhelmingly black population. In looking at the difficulties of implementing ALRI project one cannot ignore the internal conflicts and management difficulties that the Municipality faced. In Makhado over the time that the ALRI project has been running, there have been a series of restructuring processes and disciplinary actions. Managers have been moved around and some moved out. Corruption scandals have been investigated and staff, including the Municipal Manager, have been fired. The political leadership of the municipality has also undergone frequent changes: in the period of the project, there have been four different mayors.

Amongst the challenges that Nkuzi has faced in dealing with the Municipality one of the most serious has been the simple one of officials failing to keep appointments. While waiting for the next appointment and then having to arrange and wait for another one and then another one, months may go by and certain issues never get finalised. This kind of experience has been common and involved officials who express great support for the initiative and are enthusiastic about taking it forward. The indication is that there is a basic lack of organisation and a structure that operates in an extremely haphazard fashion, a mode of perpetual crisis management.

The notion of local government having a developmental function is relatively new in South Africa. In the past, local government focussed on service delivery, physical planning and various forms of regulation. The shift to 'developmental local government', which includes local economic development, is a new mandate, but little thought seems to have occurred at the local level about what will be involved in delivering on this mandate and the skills required to do so.

The **Provincial Department of Agriculture** (PDA) has shown enthusiasm for the basic approach being developed and have been moving to allocate their staff to particular municipal areas across the province. While agriculture officials are being allocated to work in the Makhado municipal area and are willing to collaborate in the land reform processes it is difficult for them to do so without the full cooperation of the RLCC and DLA. If there is no clarity on when land claims will be settled, and in which areas, it is hard for the PDA to make available resources and staff to support the claimants who will get land. This is especially so when one takes into account the very varied farming conditions in different parts of the municipality and the range of different types of support land reform beneficiaries will require.

The RLCC and DLA prioritise land transfers and the spending of their annual budget, with less attention being paid to the quality of projects implemented and the longer term needs of communities. While they acknowledge the need for sustainable development on restored land, this often receives little attention at the planning stage and is further neglected once land has been transferred.

Two specific issues have become major sticking points for the ALRI in Makhado. One is the request to the Provincial Land Reform Office (PLRO) of DLA that they be proactive in securing tenure for farm dwellers. The PLRO, while declaring support for ALRI, have not been able to conceptualise a role for itself other than responding to specific requests that fall within their existing programme frameworks – for example, investigating specific claims of threatened eviction as these are reported to it. What would be required here would be for the PLRO, as the competent authority, to take a holistic view of land reform in areas affected by land claims and proactively engage with all affected parties, particularly vulnerable groups such as farm dwellers. The failure of any state agency to effectively integrate the various components of land reform policy – tenure reform, redistribution and restitution – in specific locations has been a major weakness of the South African land reform programme to date.

The other issue that has stood out is the inability or unwillingness of the RLCC to commit to any kind of time frames for the settlement of land claims. The RLCC applies its own rationale to the prioritisation of particular claims. Moreover, complex claims such as many of those at Makhado require intensive investigation and negotiation, as well as business planning and legal process, making it virtually impossible to predict when a particular claim will be settled.

Another tendency of government officials is to blame the beneficiaries of land reform, especially the poor and landless, for all problems that arise. Nkuzi frequently hears statements such as 'the business plan was perfect, but the beneficiaries were not able to implement it' and 'the consultation took a long time because at first the community wanted to settle on the land. It took us a year to convince them to understand our thinking and agree to the business plan'. Delays in settling claims are always seen as being due to claimants disputing boundaries or being involved in other conflicts, with little attention being given to what can be improved in the government procedures. The claimants and other intended beneficiaries are pushed to fit in with government's current land reform programmes and priorities. Successful

land reform is going to depend on a significant shift in this approach to one that rather focuses on finding ways to make the product fit the client. This is at the heart of a genuinely community driven approach and will be essential if people's energy is to be mobilised to achieve development benefits.

5.2 Role of landless communities and land claimants

Community empowerment is a critical aspect of agrarian reform. Communities should not be viewed as only passive beneficiaries, but must become active drivers of land reform for their areas so that land reform addresses their needs. Nkuzi has provided resources for building up community structures to take land reform forward, but these structures remain weak and are not able to make effective demands for land without external assistance.

In the Nzhelele area, clustering of land claims into five groups has resulted in building organization among local people for effective land reform. The facilitation has resulted in more participation of the youth and women in land reform and related matters, but there is still a challenge for beneficiaries to move from project thinking focusing on the claims of individual groups to a wider programmatic approach.

One of the reasons that Nkuzi started ALRI in Makhado was the level of community organisation that was better than other areas of the Limpopo province. Work began with the Nzhelele land forum, whose leadership had some years of experience in organising around land issues and attended many provincial and national events. The forum was and remains largely made up of land claiming communities and the committees set up are composed of representatives of these communities. The forum was involved in the launch of the Landless Peoples Movement (LPM) nationally and prior to that the land rights coalition in Limpopo province. The Chairperson of the Nzhelele forum was in fact the first chairperson of the LPM in Limpopo province. In the early days the LPM was a motivating factor as people felt their issues were being taken up and were excited to be part of a national movement that gained considerable publicity. Later conflicts within the LPM and the increasing lack of any significant national level activities has de-motivated activists and contributed to a decline in the vibrancy of landless people's organisation in the Makhado area.

The forum had engaged the municipality, the Department of Land Affairs and the Regional Land Claims Commission on land issues in their area, insisting that the Provincial Director and the Regional Commissioner come to the area to address their concerns with the lack of progress in land reform delivery.

The Nzhelele forum had managed to build a good relationship with traditional leaders (tribal chiefs) in the area, with direct involvement from a number of traditional leaders in the forum. Indeed, the Chairperson of the Forum is a traditional leader. It is important to note that the forum at Nzhelele covered an area corresponding with the heart of the territory falling under the Venda King (Mphephu). A number of meetings of chiefs in the area were held at the king's residence, giving the activities a formal endorsement. This association with tribal jurisdiction potentially brings both advantages and disadvantages to the territorial approach, which may not be applicable in other parts of the country. On the positive side, it builds on existing institutions and social relations, as well as territorial boundaries that have a long history and to which many people can easily relate. On the negative side, it may promote a narrow form of tribalism that is incompatible with modern democracy and

potentially hostile to members of other ethnic groups who find themselves residing within the claimed area, as well as to community members who prefer not to assume a tribal identity and to women, who are generally discriminated against within tribal systems.

Another strength of the Nzhelele forum was the close working relationship with a number of the municipal councillors resident in the area, who were not only supportive but very active in pushing the land reform process and building organisations like the land forum.

Farm dwellers and farm workers, of which there are thousands in the area, have played little role in the land forum or LPM in the area. This has resulted in their interests being continually marginalised, with only Nkuzi and some of the municipal councillors trying to keep them on the agenda. Probably the best example of this marginalisation has been the systematic reduction of workers shares in the proposed joint ventures to be set up to run farms acquired under the restitution programme. The land claimants, the strategic partners and the RLCC seem to have been happy to cut the workers share as low as 2%. Workers on the affected farms have not been involved in the negotiations around the claims or had any other opportunity to argue their case.

5.3 *The role of Nkuzi Development Association*

Nkuzi is working to better document the experience and learning from the initiative so far and produce manuals for the facilitation of such a process and for the work to be carried out by the various government officials. Clear implementation guide lines are needed if officials are to shift from their current mode of operation.

Nkuzi went into the ALRI project somewhat naively and lacked experience in the workings of local government. Nkuzi was slow to understand the systems that needed to be used to get things properly approved and initially assumed that the councillors and officials would take matters forward within the structures and systems of the municipality. It was only after some time that Nkuzi realised they would have to push these processes forward themselves. The failure of the structures responsible to throw their weight behind the initiative meant that Nkuzi needed a higher level of technical skills to be able to effectively implement the tasks that fall to the organisation.

Nkuzi is well known in the South African land sector and in the area of Makhado. Many government officials view Nkuzi with some suspicion due to the activist approach that Nkuzi takes on many issues including protest actions and public criticisms of various aspects of land reform policy and implementation. This may have made it more difficult to get buy-in from some people especially in government, but also assisted at the community level as communities have trust and confidence in Nkuzi as the organisation has stood by them in difficult times and has been willing to challenge the government on its policies.

Nkuzi at various times tried to identify private-sector consultants that could be brought in to assist on aspects of the process, but found it difficult to get the services of suitably qualified people willing and available to work in the area. The few consultants available were also expensive both in the daily rates they wished to charge and transport and accommodation costs as they invariably came from other provinces, costs that were impossible to bear given the limited budget available.

Nkuzi has always tried to be responsive to the needs and current concerns of the people it works with. In the case of the ALRI project this resulted in Nkuzi staff dealing with a lot of issues that arose along the way such as meetings with the Commission, discussions on strategic partners and problems of violations of land rights. While this work was important and necessary it has distracted attention from pursuing some tasks directly related to taking forward the area based approach. Ultimately it may be that Nkuzi underestimated the effort involved in getting the ALRI off the ground, and lacked adequate resources (including human resources) at critical points in the process. This underlines the need for proper resourcing from the outset of initiatives such as ALRI. In a situation where government, despite its political commitment to the approach, was unable or unwilling to provide practical support, longer term commitments and resources are needed from within civil society to facilitate change.

5.4 Changes in Municipal Boundaries and Government Structures

When the ALRI was first proposed the local municipality concerned was Nzhelele-Tshipise, with the bulk of its population living in the Nzhelele valley. This portion of the former Venda homeland corresponded with the area falling under the Venda king Mphephu. However, in 2000, before the ALRI project got underway the boundaries of the local municipalities were redrawn and Nzhelele became part of the much larger Makhado local municipality centred around the former white town of Makhado (formerly Louis Trichardt). Nkuzi soon came under pressure to broaden the initiative to look at the whole of the Makhado municipal area. At the time Nkuzi did not realise the full significance of this.

The change in municipal boundaries had a number of important implications. Limited resources for the project became more stretched, and the initiative was clearly less of a priority for the enlarged municipality, faced with a host of other projects and pressures and an entrenched bureaucracy that had for many years served the white town of Louis Trichardt. The mayor of the Nzhelele-Tshipise municipality lived in the Nzhelele valley and was himself a land claimant who had been active in building the land reform forum in the area. By contrast, the first Mayor of Makhado and the two that followed him were not from the Nzhelele area and had no prior involvement with land reform issues. The councillors who had been most active in land struggles in the area and had always been supportive of the land forum remained a councillor in Makhado and continued to head the agriculture and land desk, but he was not as influential in the Makhado Municipality as he had been in the smaller Nzhelele-Tshipise council.

Community organising also became more complicated and more demanding from a logistical perspective. While land forums have existed in all parts of Makhado, no united land forum for the whole municipal area has yet managed to get off the ground. There are now a large number of villages in the municipality that do not fall under King Mphephu and there are also now villages that were part of the former Gazankulu homeland, thus bringing in a different ethnic group and villages with different leadership styles and different histories and interests⁷. The level of unity that existed in Nzhelele should not be over estimated as there are divisions and differences between communities, some resulting directly from the forced removal of communities into areas belonging to other communities. The involvement of

⁷ The need to overcome apartheid era divisions was one of the considerations when municipal boundaries were drawn up and this is to be commended and encouraged, but at the same time we must be realistic about the serious challenges involved in making this work.

traditional leaders in articulating indigenous territorial claims on behalf of particular communities appears to be an important factor underlying the coherence of the initial Nzhelele-focussed ALRI approach. As the new municipal boundaries were introduced, and Nkuzi came under pressure to expand the approach to the whole of the newly constituted Municipality of Makhado, social organisations able to support and coordinate land reform claims across the area as a whole, which did not correspond to any indigenous notions of territory, were not available, creating new challenges. There is no doubt that the challenges of bringing together all communities with land interests in the new Makhado area are far greater than in Nzhelele alone.

In initially assessing the level of community organisation around land issues in the area, Nkuzi was encouraged by the actions of the newly formed land forum and land claim committees in demanding action from the RLCC. This was at a time when the RLCC was still based in Pretoria (over 300km away) and had extremely limited capacity. Officials from the Commission would rarely come to the Nzhelele area and there was no progress in settling land claims. There was also no progress in the area in the implementation of any land redistribution projects. All the claimants had a common interest in getting attention from the RLCC. The claimant groups worked together and realised they had a better chance of getting the Commissioner to come and address their concerns when they were fifty or more different groups meeting in one place and raising common concerns. The forum also played a valuable role in disseminating information to the various communities involved, at a time when most communities had never had an official from the Commission visiting them.

By facilitating these communities to lodge their land claims, and to demand action on them, Nkuzi played a significant role in prompting a more effective, decentralised response from the RLCC in line with the territorial scale of demand for land restitution. Now the situation has changed substantially. The RLCC has an office in the province with close to 100 staff. There are officials dealing directly with claimant groups on a regular basis. Some claims have been settled and others appear close to settlement, but many more await significant progress. The issues facing communities have also changed: some land claims have now advanced to the point where beneficiaries are dealing with the details of land boundaries, business plans and the structure of joint ventures. In finalising such details divisions have emerged between communities around historical boundaries and within communities around issues such as the choice of private sector company to work with as a strategic partner once the land is returned. Claimants are thus absorbed with their own matters, and no longer require (or desire) joint action. Those communities in regular contact with the Commission can raise their concerns directly and may see the involvement of other communities in joint meetings as a waste of their time and potentially distracting the Commission staff from dealing with their own claim.

6. Conclusions and way forward

While the vision of an integrated and holistic approach to land reform in Makhado has not yet been achieved the ALRI process has brought some real benefits. The bringing together of various government departments with the municipality, community structures and other institutions has raised awareness of what is happening within land reform and created an opportunity for coordination of implementation activities. The organisation of a land forum and the clusters within it has facilitated communication within and between communities and assisted in resolving issues such as boundary disputes. Information dissemination and

workshops have raised awareness of land reform issues within the Municipality and increased awareness of the importance of land reform and its implications for the Municipality. The compilation of information on land claims and other land reform projects and needs within the Municipality, in particular the mapping of all land claims, has greatly improved the understanding of the nature and importance of land issues in the area and brought home to people the need for land reform to be more systematically addressed. Nkuzi continues to work on ALRI, through the development of manuals for implementation to guide the officials and others involved. Greater attention is now being paid to community organization and empowerment so that the land forum takes upon itself the responsibility of ensuring that the land reform plan is implemented.

The achievements outlined, while falling short of the fully integrated area based approach hoped for, are worthwhile and should be a basic part of land reform implementation and municipal responsibilities. Creating the space to share information and discuss the implications of land reform within any municipal area has value in itself and provides multiple opportunities for collaboration. All municipalities should be fully briefed on the land claims in their areas, the land affected and other redistribution and tenure projects underway or still required in their areas of operation. This is clearly essential information for a local government structure with a mandate to drive local economic development.

In looking at the future of this initiative Nkuzi has identified a number of risks:

- ALRI could become overly technocratic, driven by consultants and officials, making no real difference in terms of dealing with the needs of the poor and landless, particularly if there is an absence of strong community organisation able to shape the outcomes.
- Simply localising decision-making and control of land reform will not bring benefits if a more people-driven approach is not adopted. The mindset of some in government and some service providers, who continue to see the rural poor as the problem rather than the client, must change.
- Community structures are still weak and may not be able to push for delivery resulting in a plan that exists only on paper and may not be translated into action.
- Marginal groups remain marginalized as those who are already more able move quickly to take advantage of new opportunities.
- Nkuzi does not have the capacity, and does not see it as its role, to implement land reform; the state in particular needs to take up and resource more systematic approaches to land reform, even though this may involve transferring resources for implementation to local government and to civil society. Up to now however government has been most reluctant to do this.
- Many landowners are still resisting the transfer of land, causing long delays to the process. Uncertainty about the time frames for land handover also makes the coordination of other support services very difficult. It is therefore important that the government act decisively in these cases to make sure current land owners cannot thwart land reform.

In conclusion, Nkuzi has offered the following recommendations for further initiatives in area based land reform.

1. An organisation or organisations attempting to drive an integrated approach such as the ALRI will need a considerably higher level of expertise and resources than Nkuzi had available. Even with these resources they are unlikely to be successful in achieving a fully integrated approach without other changes identified here.

2. Land reform is not going to be effectively implemented through an integrated area based approach without significant changes in the attitudes, policies and procedures of the responsible government departments. These changes will take time to achieve, but are all worth working on for the long term gains that can be made.
3. Wherever there is community initiative and action this should be supported and encouraged as it is the learning ground for community organisation and will sow the seeds for more vibrant civil society involvement in the future. Investments in community empowerment and organisation are required as part of a longer term development strategy and for the consolidation of democracy, although this will not bring about substantial improvements for land reform in the short term. In areas with histories of united and effective community action there may be more potential for territorial land reform to be driven from the ground up. In such areas (although we doubt there are many of them in South Africa), community action may be able to overcome the constraints of government structures.
4. National government must continue to streamline procedures for decision-making and the release of resources at local level. Every effort must be made to strengthen local government capacity, and a more people centred approach to development needs to be promoted at all levels. These, however, are all long term changes that must form part of a broader transformation of the governance agenda.
5. Simple and inexpensive actions to improve the level of awareness of land reform issues and programmes can and should be implemented. These would include municipalities, or another suitable institution, convening regular briefings with all stakeholders on land reform within the area, documenting and mapping existing land claims, projects and known needs. These kinds of activities will create a platform for increased collaboration and joint actions where the circumstances allow this. This assumes, however, that institutions such as municipalities take the necessary steps to familiarise themselves with the legal and developmental processes that they are (or ought to be) involved in.

In addition Nkuzi offers a number of suggestions for specific actions that could be taken by Government in order to create an enabling environment for land reform and to assist the emergence of territorial approaches to land reform through partnerships between central and local government and civil society, as follows.

- Clarify - in legislation, policies, programmes and budget allocations - the responsibility of municipalities for land reform.
- Put resources into community organising, education and information sharing.
- Support community actions that increase the pressure on government to act and keep to agreements reached.
- Poor and landless people who occupy underutilised land for production should be provided with necessary support.
- Pilot the implementation of land reform at a local level by a special purpose development agency that is given powers and resources to drive the process.
- Put resources, including the secondment of staff, into an implementation team to take forward the pilot that has started in Makhado. DLA need to provide a

budget for coordination, land purchase and settlement grants to be used in taking the pilot forward.

- Ensure evaluation and learning from these pilot projects and review learning from the original South African land reform pilot projects of the mid 1990s.
- Provide training for government staff, on alternative approaches to community driven agrarian reform and development, especially for pilot projects mentioned above,
- Pilot the proactive securing of farm dwellers' tenure rights in the Makhado area, and integrate this with the land restitution process.
- National and Provincial Departments of Agriculture should budget for new, dedicated land reform support capacity in Makhado, in partnership with the municipality..
- All municipalities should be encouraged to engage with landless communities and other stakeholders, and to map all land issues within their areas.
- Minister of Agriculture and Land Affairs should engage with the Minister for Provincial and Local Government about the role of local government in land reform.

Nkuzi remains convinced that at least part of the solution for land reform lies in proactive interventions to identify and mobilise demand, followed by flexible responses that provide suitable land and support services to enable productivity and broader development benefits. A middle road between supply and demand led approaches needs to be found if the ideal of an integrated and community driven agrarian reform is to be achieved. We must, however, be realistic about how far down this road we can go in the short term given the real constraints. The extent to which these approaches will be implemented will depend on the degree of community pressure that can be exerted and the commitment of all spheres of government to making it work. For shorter term impact, creative interventions could be tried such as using special purpose development agencies and 'buying' municipal action with dedicated budget lines and the provision of seconded and contract staff.

Appendices

Appendix 1: Workshop Report

REPORT OF WORKSHOP ON AREA BASED AND TERRITORIAL APPROACHES TO LAND REFORM.

Convened by Nkuzi Development Association

with assistance from Natural resource Institute (NRI)

LA NDOU LODGE, MAKHADO – 8th November 2005

1. Opening, Welcome and Introductions

The workshop began at 9.30.

Tshililo Manenzhe of Nkuzi opened the workshop and welcomed the delegates.

Councillor Ramanugu also welcomed people and gave an introduction to the workshop. He introduced himself and explained that he is a member of the Sub-Committee in the Municipal Local Council of Makhado for Land Issues. This is composed of 7 councillors. He mentioned that Limpopo had some of the most fertile land in the country, but the pace of land reform in the Province was one of the slowest in the whole of South Africa. He referred to the fact that the Municipality had made progress in accepting that Land Reform was its responsibility with the Mayor now accepting it and even appointing Mr. Masindi, an official in the Municipality to work full time on land reform issues.

Tshililo asked all the delegates to introduce themselves (See attached attendance list).

Marc Wegerif introduced the purpose of the workshop. He expressed disappointment that people were not always keeping to commitments both in attending meetings such as this one, but also in carrying out tasks agreed to. This is hampering progress in the area. The workshop is to reflect on the experiences of the Area Land Reform Initiative (ALRI) in Makhado and experiences of territorial approaches in other areas and parts of the world in order to learn from these and find a way forward for the project in Makhado. He emphasized the need to identify practical steps that could take forward the ALRI initiative in order to make land reform a success in the area.

2. Presentation on the Area Land Reform Initiative (ALRI), Progress and Challenges.

Marc made a presentation (available on request) that covered the issues summarised below.

Marc explained that the Area Land Reform Initiative (ALRI) is a 'territorial approach' that is being taken in Makhado Municipal area as a way of looking at land reform on the basis of a particular area, to strategise about land reform in an area, as opposed to looking at individual projects. This is seen as necessary to deliver land at scale and to provide the support services that can enable effective use of land for development and improved livelihoods. He emphasized that the rural poor must be the key drivers of this so that land reform and related development processes meet their needs. The initial strategy had been to facilitate landless communities in developing plans for land and agrarian reforms, to work with the Land Forum, the Landless Peoples' Movement and the Municipality, to integrate land reform into Municipalities' IDPs which haven't had any focus on land reform, and to focus on the delivery of services at area level. He said that this way of setting up a project or transferring land was going to have an impact on the **decentralisation of resources and decision-making powers** so that decision-making was more local. This means that the **government departments would need to coordinate more**, and up until now Nkuzi has been facilitating the process but the Municipality is going to have to become a driver in consultation with stakeholders. It will require some kind of mapping of claims and projects and the organization of workshops targeting marginalized groups such as women and youth. So at the Makhado Land Conference that took place in August 2004 there was a wide endorsement of this approach but no action.

He went on to give some background of Makhado which has a population of some 490,000 people on 1.6million hectares of land. In the area there are 56 key claims which cover 90% of the land which presents a lot of challenges but also opportunities. There are for instance 10,000 farm workers on farms most of which are under claim. Some land claims have been settled but there has **not been adequate support** which does not mean that they are necessarily disasters – there is some production – but at the same time when looking at this it must be remembered that in many case they had been left for some time and so had become very unproductive before people moved back to them. One thing that these claims show is that there is **a need for better coordination** in the way they are settled, for example, the Municipality was often only brought in at the last minute. Obviously agriculture is an important part of the rural economy, the claimants want land and the workers want to keep their jobs but at the same time the economy has to be built. So there is a need to look at **how land reform may enhance rather than damage the economy**. So the ALRI is about the

process. It involves having the power of **seeing the whole picture** which requires a fundamental restructuring of the whole area – for example, **Commission officials deal with a particular claim rather than seeing the broader impact of the whole other claim processes.**

So there's an acknowledgement that we do need to find alternatives. With seeing a clustering of claims, the Land Claims Commission is taking on board that they need better coordination. And there has been some improved women and youth participation – for example at the Land Forums but there is a need for more, not just because it's the right thing to do but if they are not involved we are losing what they could add to these initiatives. So, keeping youth involved is important.

There is a need however, to look beyond the processing of applications and say **what do we want to create? What is the vision that we share?** And agreeing on that may help with building collaboration between stakeholders.

So we are now at the stage where we have had the Minister attending the project and referred to at the Land Summit as a project that should be looked at by other people, but then we come back to the reality of how little has actually happened. We have also sat and met with the DG who also thinks that it is an important project. The Municipality is also much more involved with land issues now.

We have identified **10 issues that we know will make land reform work:**

- 1) Land acquisition – through interdepartmental team to be driven at local level
- 2) Ensure access to capital
- 3) Identify appropriate technologies
- 4) Ensure capacity to deliver effective extension services
- 5) Set up the capacity to resolve conflicts
- 6) Build institutional capacities within communities
- 7) Develop required infrastructure to support new settlements and ventures
- 8) Ensure access to markets and supplies
- 9) Effective land use planning
- 10) Human resource development for new farmers

So what we have to do now is to take action to put these things into place. We have envisaged that a Project Implementation Unit will be set up within the area which is to be coordinated from the Municipality. The DLA will second staff there and will also drive the process at a national level in developing supportive policies and take action to secure farm dwellers' rights. It needs to be driven both provincially and at a political level – with the support of the MEC. And the Regional Land Claims Commission must also support it, with issues such as local grant dispersals – otherwise they are hampering progress. The Land Forums are to facilitate information dissemination, community participation and ensure

greater accountability to local people, and Nkuzi is to provide support to the Municipality, work towards community empowerment and the documentation of the learning process. For example, Julian Quan from the Natural Resources Institute is here today and will be helping with documenting the process because it will be a learning process for us.

But having said all of this, we have concerns:

- 1) Process could become too technocratic and just be seen as a spatial planning exercise. If it's too top down driven it will lose the community drivers.
- 2) Community structures are too weak, that marginalised groups will remain marginalised.
- 3) Lack of capacity in Nkuzi.
- 4) Difficulties with owner resistance.
- 5) The impact of HIV/AIDS in the land reform process.
- 6) The kind of approach the Commission is taking in Levubu – for example, the way joint venture arrangements are being set up with government officials setting up multi-million Rand deals with insufficient advice is a potential recipe for disaster – and if it is messed up in Levubu it will have very negative impact in other areas, with Levubu being such high value land.

The question that we have to ask is **why no progress?**

Some of the reasons may be that:

- 1) there has been **no organised push for this from the communities**
- 2) there has been **no real commitment from government** – for example, there has been no breakdown of the resources both human and capital that will be made available for this or of the commitment between the national and the provincial
- 3) The Municipality has had its own challenges but we have **not yet seen a champion emerging from the Municipality**
- 4) Nkuzi is not sure of its role – and actually the **process remains driven by Nkuzi**.

The way forward? We need to **take action**. We need to draw up **plans of action** in what we can do. We need to work out what **extra capacity** is needed.

Marc then referred to the workshop participants for questions, comments, and participation.

Sumayya Cachalia from the DLA said that the Department had made their commitment to the process and will make money available for any projects that come out of it. But they cannot just give money.

Marc responded that there is a difference between commitment and being proactive. And without talking about new projects there are situations on even existing projects which need to be sorted out.

An example of a problem was with a CPA owning a piece of land but the rights of the individual farmer to that land are not clear. But if there's a lack of clarity then people will have to commit time, or if there's a lack of clarity between communities about boundaries. So it's not necessarily about skills people know how to farm but if their rights to production

are not clear then it's not clear for people working how much they are to be paid. So these kinds of things need institutional arrangements and the clarification of people's rights.

Tshililo said that there were also internal conflicts around the leadership. They are not getting consistent support from the Department of Agriculture or getting the infrastructure provided. So even with projects approved by the LCC for release of grants people are being told to wait for someone to approve a grant but then if they are waiting for 6 months, the energy goes. So it needs a greater commitment from the DLA.

Marc reiterated the need to look at different approaches. It's not enough for the DLA sitting and waiting for projects to come forward, so we need to move towards a more proactive approach, to identify how to support people. So the question to ask is how we could have a more proactive approach.

Sumayya Cachalia from the DLA agreed that this is all-important. But said that we must remember in Vhembe we are not just talking about restitution, we are also talking about communal land and redistribution. But we have to rely on community forums but you talk about capacity problems and we have capacity problems to. We'd need 20 staff to go out there but we just don't have that level of staff.

RLCC spoke about the role of the Commission in relation to the release of funds. To release funds one needs a clear plan. We cannot just release funds when a project is not sustainable. But if they don't have an implementation board to implement plans then we cannot. And issues of development don't just happen overnight, they have to start somewhere. And the expectations of the land reform beneficiaries should be aligned with reality and that even includes red tape.

Lazarus Lepako from the DoA referred to the concern about how the Levubu claims are being settled in relation to the strategic partners. He mentioned that it is the biggest claim in the country and that it cannot be entrusted to communities because they have never farmed before. And no matter how much technical services the DoA can provide it will not be sufficient. So the model adopted to engage strategic partners to form joint ventures is the best model that was available. And it will mean that during the strategic partnership period communities will be moving gradually but it will not be a lifetime commitment.

Ramagoma from the Office of the Premier said that there were clearly challenges around delays. But about the comment in relation to spatial planning and that sometimes the process may become too technocratic, he thought that you need planning because what if communities settle in areas with no planning. There must be some planning, some guidance somewhere. As a claimant the one thing is to settle but guidance is needed, for example, the question of ownership in the CPA, how it relates to individual families – there is no clarity on that. People need to define how they are owning the land. How do they relate to this partnership? How do they benefit? And it must be remembered that in many communities

claiming land how many people are not interested in farming. That can't be automatic. So we need to differentiate between ownership and business because farming is a very difficult job and if you're not interested you won't make it.

The representative from the Land Claims Commission said that there other critical challenge in the past land reform projects were that the DLA and the LCC were perceived to be implementers of these projects. But this was wrong and there was a need to work in an integrated approach with clarity on the strategy in the implementation.

Trueman Moloji from the DLA mentioned that different stakeholders have different responsibilities and there was a need to ask what are the different responsibilities. For example, if someone wants land it should be clear where people who want land should go.

Marc said that we really need to be planning and taking steps. For example, the issue of farm dwellers was agreed upon but we should now ask how are we going to make that happen. And in relation to delays, this was a really important issue because delays were one of the biggest causes of conflicts. When a delay happens people start blaming other people.

The representative from the Land Claims Commission responded that the other cause of delays was communities. For example, there was one community who took 3 years to write a business plan. So the question is why? Firstly, because it needs to be community driven you have to have community meetings but there were difficulties of getting them together. And you need to workshop them so they will understand the implications of the business plan. But then we go there and we have to convince 200 people, so that they're all reading from the same document.

And claimants come to the LCC and require funds but we say no, we are unable to do this because of 1, 2, 3, but then they go to the Premier's office, and then to the Minister. So other people should not incite our beneficiaries to have unreasonable expectations.

And on the strategic partners point, I think that it's better than nothing, because in the past projects have failed because there have been no management structures. And in Levubu there are a lot of structures where the community is gaining. For example, if the strategic partner is an export company, then the community will be gaining from that.

The discussion then came to a close and

3. Presentation on Territorial Approaches by Julian Quan of NRI

Julian Quan talked about emerging new territorial approaches to rural development, and the intention to publish the results to raise the profile of the results at the national level.

He referred to the case study of Brazil. The idea of territorial development developed from experience in Latin America and Europe. The difference between there and South Africa is that small farming is highly established. But there have been a history of attempts at land

redistribution. And about 8% of commercial farms have been redistributed which amounts to 20 million hectares, that is 10 that of South Africa in the same period. So why has it been more successful? Because there have been active land reform social movements with significant direct action and also some collaboration with government. Those movements have also been church-based, and there are also rural trade unions. Similarly to South Africa they have constitutional obligations to redistribute land – an obligation to put land to good use otherwise it will be expropriated. But the government had to pay compensation to those farmers, and with the ‘market value’ to be paid, often land owners forced up the prices. At first land reform was carried out through a centralised state agency but it didn’t have the mechanisms for sufficient post-settlement support, as opposed to just transferring land. But it changed because the state agency was responsible for doing the whole job but did not have the power to liaise for example, with the water companies, provide credit, provide marketing etc for farmers. So what is left from this land redistribution programme is high value productive farms. So it’s different from South Africa as it only involved the expropriation of unproductive idle land. But there have also been other issues such as land titling for indigenous groups.

He further explained the idea of Territorial Development which is a way of focusing on specific geographical areas & regions but indicated that it was more than the idea of ‘space’ because it also involved an interaction between the area and the people occupying it. It is a way of looking at area-based development, but of looking at the sense of identity of different groups within the area. For example, the provincial government has certain responsibilities and visions and the DLA have responsibilities, and then there is Vhembe District, Makhado Municipality, and within that there is Nzhelele Valley. So it is recognizing that different organizations & groups are operating at different scales so it is a way of finding the way that different organizations can mobilise and work together. The purpose of this approach is to promote economic development of particular areas and regions, developing competitiveness based on particular resources & local characteristics, and so as to involve ‘the poor’ and civil society it will involve the creation of different institutional arrangements for different levels & sectors of government. It will involve a shift from top down planning or sectoral planning so that all issues are to be looked at together, so that different levels of government can work together. So creating space for debate & negotiation is critical. And it is not just the state; it is to involve all other sectors, for example, the Municipality, commercial and local partners and between them to create a shared vision, a way of developing the territorial identity of the area. It will involve the creation of stronger and more inclusive planning, partnerships, the planning of change in the overall framework. And it will involve the understanding of urban-rural linkages. It will need a bit of analysis for example particular statistics, the linkages between the rural and the urban areas, out-migration from the area, how people are not only

dependent on agriculture. And ownership is not the same as farming. It requires decentralising the management and decentralising the policies – the needs of Makhado are not the same as those of South Africa. And it needs the building of linkages between the productive and the institutional arrangements that are in place.

For example, in Brazil, they created a special secretariat in the Agriculture Ministry to get people to work together to try and strengthen coordination at a local level and build participation. They were trying to create fora at a local level. They adopted the ‘New Land Reform Programme’ to adapt to different territorial circumstances. It was a way of making decentralized planning & resource allocation more transparent and responsive to need, and overcoming parochial local politics. So in South Africa that would involve asking how to get the IDP and national and provincial processes to harmonise. But in Brazil churches have provided a basis for bringing in civil society.

The programme is envisaged to run over 15 years so it is a long term commitment. The first phase will involve diagnosis and initiation of the programme. The second will then be a phase of capacity building and a territorial development agreement will be drawn up which is an agreement actually of a contractual nature and to a certain extent stakeholders have self selected a management group because the agreement is not being signed by all stakeholders because there is no mandate to force people to sign. And this does not necessarily involve the use of new resources; it involves the use of existing resources but a shift to be more inclusive. The third phase is focusing on the institutional arrangements in place, looking across the land reform programmes and asking how to link programmes, and enable learning from the lessons and problems that have arisen. So this phase will involve the creation of for a, e.g. youth fora, those for the needs of a particular ethnic group.

The purpose of the area-based approach is to give a clearer picture of needs. Old assumptions that everyone is a farmer proved to be untrue yet land reform was still insisting ‘You’ve got your land, you must farm it’. But how people survive, trade between areas, employment, small businesses – the picture is much more complicated. It involves a high-level acceptance that bottom-up approaches can work. It involves using contracts and some grant to facilitate the process. So obviously it is good if there is some external funder but that is not necessary because it also needs the commitment, the agreement and the legal basis to take practical steps. And in terms of the legal basis, that means that it may need policy or legal change to mandate compliance between different levels of government to leverage in this change. So if South Africa is going to make it work it would need creative arrangements at a higher level but also simple changes, for example with the IDP process, land reform needs to be brought into it. And centralised land reform agencies need to be proactive in constructing local alliances and partnerships. In Brazil – where there has been land reform it has levelled the playing field but there are other dynamics going on in South Africa, obviously with its legacy

of apartheid. And the sustainability of this approach must also be questioned particularly if it is relying on NGOs to catalyse, facilitate and mobilise strategic alliances. It might be an idea for an NGO to take resources from the government to do this, so that they actually had a contractual role to facilitate such a project.

Generally such a territorial approach will involve changes in land use and will have implications for employment income generation and economic development. It will also involve risks and strategic challenges.

He then opened the discussion to the workshop for questions or comments.

Dr Nevhutanda from SAFM mentioned that South Africa took a Eurocentric approach to land reform as opposed to an indigenous approach. In Vhembe he said that they were practicing an area based approach in the sense that land now taken from people was under the custodianship of the traditional leaders but now traditional leaders do not have a role in land reform and they are owning land that is the subject of the reform like any other Jill & Jack. But he thought that it is a new approach that Nkuzi is proposing and he thought that Nkuzi would have helped the communities a great deal if they had not jumped into the song of the other NGOs who were not looking at the background of how the land was taken. In some clusters still being assessed he referred to Nkuzi playing a pivotal role in not only taking requests from communities but also making research and documenting those claiming land.

Sumayya Cachalia mentioned that she thought that it was all very well talking about Brazil but there are some differences between Brazil and South Africa, one being that South Africa bought into the World Bank approach which was very capitalistic, as opposed to Brazil which had a strong social movement and lobby group.

She also thought that when talking about IDPs, if we want Municipalities to own the projects it is necessary to look at their capacity and funding etc.

Ramagoma mentioned that he did not think it was adequate to talk about Makhado and that also we should be talking about Vhembe. For example, to look at the District as opposed to just the Municipality and maybe doing so could address the question of capacity. He said that the best coordination of the IDPs is at District level as opposed to Municipality level.

He also said that in terms of community participation, stakeholders in Brazil will differ from our own stakeholders because here, the issue of Traditional Leaders is very crucial because people are under the jurisdiction of Traditional Leaders, so their input would really assist.

Julian Quan responded that the question as to which was the appropriate level to strengthen was an important one which had no fixed answer. But it must be facilitating their response to local questions and needs. And it is important that whichever level it was reaches down to a lower level. So fora must be organised to do that work. In terms of Traditional Authorities as opposed to Municipalities, it was true that there are these other local institutions, but the real question was how to create local networks whereby local people can get together to know

each other which does not necessarily mean doing something new, but building on what is already in existence. He said the reality in Africa, which is one of the main issues that territorial development is to grapple with, is the role of customary authority and customary tenure and land management. But it has also got a colonial history whereby power was often given to customary leaders so that a political territory of their own was established which is an operative dynamic in people's minds. The Communal Land Rights Act is to give responsibility for land management to traditional powers and also once the land has been restored to communities, traditional leaders are to have significant say on those areas. So it is a significant dynamic in relation to particular claims. And at a local level, particularly with a history of forced removals where there are conflicting claims with overlapping rights, traditional authorities are the basis of the claims. So those social groupings are going to have an important role. But if resources are to come in to enable Traditional Councils to be active in the management, it is necessary to build in dispute resolution mechanisms and transparency.

Dealing with the question about the difference between Brazil and South Africa, he recognized that they were different but also thought that it was useful. Brazil too had also adopted the World Bank approach, and although it had a leftist government there was a lot of pressure operating from the right as in South Africa. He did think it was true though that certainly in terms of the labour movement there was no strong history of such a movement in rural areas in South Africa, but the challenge was therefore to create systems able to respond to indigenous groups.

On another point he also thought it was important to avoid equating restitution with land reform as a whole and there are other issues of tenure and redistribution to consider and which a territorial approach should be asking how to deal with such issues of land reform in this way at a policy level.

4. Experiences from the Eastern Cape – Tshililo Manenzhe and Marc Wegerif

Tshililo then introduced the Sundays River Valley Initiative which he had been to visit in the Eastern Cape. This was put forward as an integrated area based land reform initiative which was a case of land redistribution driven by the Councillor but with high support from white agricultural commercial farmers. Its object was to improve access to land of the former farm workers. It largely worked by way of share equity schemes whereby farm workers were assisted by grants to get into partnership with local farmers. It was an area where there were not significant land claims and since it was a scheme for the farm workers to own land there were no cases of eviction. He thought that it might be that there were few land claims in the area because they had lost out in the lodging of claims before the deadline and that might be

why there was a strong voice coming from the Eastern Cape to re-open the deadline. But in this area, it is the land owners who are at the forefront of lobbying for the return of farms to workers, so they are the ones doing the business plans and the proposals to the DLA. He mentioned however, that when he had visited the project he realized that the land owners were not really empowered enough to sit around the table with people who had owned the farm for the past however many years because there was still a real inequality of understanding. He even mentioned that the former farm workers did not find it easy to refer to themselves as land owners.

Marc introduced the Elliot District which is also selected as a cases study to look at alongside Makhado in the research coordinated by the NRI. Michael Aliber of the HSRC is leading the research in Elliot and was supposed to have come to talk about it, but was unable to do so; therefore Marc presented a very brief overview of the study and key findings. In the area there was a very proactive district manager in the DLA who drove a process that resulted in the redistribution of about 10 % of the land in the district. This is significant as it means that in the Elliot District the government is achieving the pace of delivery required in order to meet the target for redistribution of 30% of agricultural land by 2015. It becomes useful to look at how that was possible and what the impact has been. It is an area which is surrounded by the Transkei so it might be that there was pressure on farmers – there had been a number of farm killings in the area – and also from an economic perspective it was important. The outcome of such redistribution had been an increase in employment, and in terms of production, although there had been some instances of increase, there had also been some falls. He thought that the way the DLA worked was an important factor - the high rates of transfers were mainly through the LRAD programmes. In terms of economic outcomes, it was not easy to analyse because in many cases the farms that were being bought were derelict and so there were initially problems with things like fencing which were expensive. The question to ask now was how could institutions continue to progress in working together.

During the afternoon session Marc requested workshop participants to divide themselves into two different groups to look at the workshop concrete steps. The participants came up with the following steps:

- Establishment of the programme management team to meet on a regular basis to receive reports from the Implementation Unit and to ensure co-ordination role.
- Develop a proposal
- Contractual commitment by stakeholders
- Core –technical unit to drive the whole process of land reform

STAKEHOLDERS

Project Implementation Unit – PIU

Responsibilities:

- It was proposed that Project Implementation linked with the Provincial Land Reform
- Makhado Municipality coordinates implementation role ensure that line department honour agreement
- Municipality will play a pivotal role in the monitoring and evaluation process – (draw from resource org / department)
- Possibilities for getting donor funding for monitoring and evaluation

Department of Land Affairs (PLRO)

Responsibilities:

- Monitoring & Evaluation be part of the initiative and coordinated by the Project Implementation
- The DLA will provide funds to assist in land purchases

Department of Agriculture (DOA)/Madzivhandila College of Agriculture (MCA)

Responsibilities:

- Facilitate formation of partnerships & shall play a very important role in managing the transfer process

Nkuzi Development Association (Nkuzi)

Responsibilities:

- Identify funders to support monitoring and evaluation
- Skills audits at community level
- Nkuzi to develop a discussion document & email to stakeholders for further comments/inputs – by 16th November
- Presentation to the provincial land reform forum - 22 November 2005
- Prepare status report on Makhado
- Invite municipality to meeting on the 22 November, 2005
- Follow up to 2004 Conference
- Proposal to implement conference resolutions – conference to endorse proposal

Appendix 2: Draft Agreement (drafted following the November 2005 stakeholder workshop)

**DRAFT Agreement between the Stakeholders in the
Makhado Integrated and Community Based Land Reform
Pilot Programme, Makhado Municipality**

Made Between

- (1) Makhado Municipality,**
- (2) Department of Land Affairs (Limpopo Province),**
- (3) Department of Land Affairs (National office),**
- (4) Department of Agriculture (Limpopo Province),**
- (5) Regional Land Claims Commission,**
- (6) Madzivhandila College of Agriculture and
Centre for Rural Development
(University of Venda for Science & Technology),**
- (7) Nzhelele Land Reform Forum,**
- (8) Limpopo Landless Peoples Movement and**
- (9) Nkuzi Development Association**

THIS AGREEMENT is dated _____ and is made **BETWEEN:**

- (1) Makhado Municipality (the "**Municipality**"),
 - (2) Department of Land Affairs (Limpopo Province) ("**Provincial DLA**"),
 - (3) Department of Land Affairs (National office) ("**National DLA**"),
 - (4) Department of Agriculture (Limpopo Province) ("**D of A**"),
 - (5) Regional Land Claims Commission ("**RLCC**"),
 - (6) Madzivhandila College of Agriculture
 - (7) Centre for Rural Development (University of Venda for Science & Technology) ("**University of Venda**"),
 - (8) Nzhelele Land Reform Forum, xxx Land Reform Forum and xxx Land Reform Forum ("**Land Forums**")
 - (9) Limpopo Landless Peoples Movement ("**Limpopo LPM**") and
 - (10) Nkuzi Development Association ("**Nkuzi**")
- (each one "**a Stakeholder**" and together "**the Stakeholders**").

NOW IT IS HEREBY AGREED as follows:

Interpretation

In this Agreement the following expressions have the following meanings:

"**Community**" or "**Communities**" means those people who are or will be the beneficiaries of or are recognised as claimants in any form of land reform programme;

"**CPA**" means Communal Property Association as defined in the 'Restitution Act ... of 1998'

"**Integrated Land Reform Plan**" means the plan formulated by Nkuzi together with Communities which was agreed upon in December 2003 and any subsequent draft agreed to by all Stakeholders;

"**Programme Implementation Unit**" means the unit that will be set up pursuant to this Agreement to fulfil those obligations and responsibilities set out in clause 12 of this Agreement;

"**Programme Management Team**" means the team that will be set up pursuant to this Agreement to fulfil those obligations and responsibilities set out in clause 11 of this Agreement; and

"**Programme**" means the Makhado Integrated & Community Based Land Reform Pilot Programme to be implemented according to the terms of this Agreement and the Integrated Land Reform Plan.

In this Agreement, unless the context requires otherwise:

the headings to the clauses are for convenience only and have no legal effect;

references to this Agreement or the Appendix or to a clause of this Agreement are to this Agreement or to the Appendix or to a clause of this Agreement as amended from time to time in accordance with the terms of this Agreement; and

a reference to any statute or statutory provision includes:

any subordinate legislation made under it; and

any provision which it has superseded or re-enacted (with or without modification),

and any provision superseding it or re-enacting it (with or without modification),

before or on the date of this Agreement, or after the date of this Agreement except to the extent that the liability of any party is thereby increased or extended.

Makhado Integrated & Community Based Land Reform Pilot Programme

Each of the Stakeholders hereby agrees to carry out the responsibilities referred to in this Agreement for the benefit of and so as to respect the rights of members of the Communities.

Together the Stakeholders hereby agree to establish a Programme Management Team to oversee according to the terms of this Agreement the work carried out by the Project Implementation Unit.

Together the Stakeholders hereby agree to establish a Programme Implementation Unit that will fulfil its obligations set out in this Agreement and implement the Integrated Land Reform Plan.

Makhado Municipality

The Municipality hereby agrees to:

play a central and leading role in the co-ordination of the Programme and the implementation of the Integrated Land Reform Plan;
appoint a dedicated member of the Municipality to the Programme Implementation Unit who will be responsible together with the appointees of the other Stakeholders for ensuring that the obligations of the Programme Implementation Unit are fulfilled according to the terms of this Agreement;
appoint a dedicated member of the Municipality to the Programme Management Team who will be responsible together with the appointees of the other Stakeholders for ensuring that the obligations of the Programme Management Team are fulfilled according to the terms of this Agreement;
make an assessment of the skills and resources that they have available to fulfil their obligations set out in this Agreement and set up a programme for the upgrading of capacity where appropriate; and
dedicate sufficient resources from its own budget to fulfil its responsibilities set out in this Agreement.

The Department of Land Affairs (Provincial Office)

The Provincial DLA hereby agrees to:

- play a central and leading role in the co-ordination of the Programme and the implementation of the Integrated Land Reform Plan;
- appoint a dedicated member of the Provincial DLA to the Programme Implementation Unit who will [work from the Municipality offices for the Term of this Agreement] be responsible together with the appointees of the other Stakeholders for ensuring that the obligations of the Programme Implementation Unit are fulfilled according to the terms of this Agreement;
- appoint a dedicated member of the Provincial DLA to the Programme Management Team who will be responsible together with the appointees of the other Stakeholders for ensuring that the obligations of the Programme Management Team are fulfilled according to the terms of this Agreement;
- make an assessment of the skills and resources that the Provincial DLA has available to fulfil their obligations set out in this Agreement and set up a programme for the upgrading of capacity where appropriate;
- provide financial resources from its own budget to assist in land purchases in line with the Integrated Land Reform Plan; and

- dedicate sufficient further resources from its own budget to fulfil its responsibilities set out in this Agreement.

Department of Land Affairs (National Office)

The National DLA hereby agrees to:

- appoint a dedicated member of the National DLA to the Programme Management Team who will be responsible together with the appointees of the other Stakeholders for ensuring that the obligations of the Programme Management Team are fulfilled according to the terms of this Agreement;
- set up systems that enable the decentralisation of their duties and decision-making powers to the Municipality and community level;
- set up systems that will ensure that information is disseminated to the Stakeholders about other national and international projects relevant to the Programme;
- set up systems that will ensure that information about the Programme is disseminated and fed into national policy debates; and
- ensure that policy is in line with and supportive of the approach being developed in the Integrated Land Reform Plan.

Department of Agriculture

The D of A hereby agrees to:

- appoint a dedicated member of the D of A to the Programme Implementation Unit who will [work from the Municipality offices for the Term of this Agreement] be responsible together with the appointees of the other Stakeholders for ensuring that the obligations of the Programme Implementation Unit are fulfilled according to the terms of this Agreement;
- appoint a dedicated member of the D of A to the Programme Management Team who will be responsible together with the appointees of the other Stakeholders for ensuring that the obligations of the Programme Management Team are fulfilled according to the terms of this Agreement;
- make an assessment of the skills and resources that they have available to fulfil their obligations set out in this Agreement and set up a programme for the upgrading of capacity where appropriate;
- dedicate provide sufficient financial resources from its own budget to provide financial resources to Communities in the form of grants for land developments and purchases in relation land given to Communities through land reform pursuant to the Integrated Land Reform Plan; and
- dedicate sufficient further resources from its own budget to fulfil its responsibilities set out in this Agreement including the outsourcing of staff where appropriate.
- Regional Land Claims Commission
- The RLCC hereby agrees to:
- appoint a dedicated member of the D of A to the Programme Implementation Unit who will [work from the Municipality offices for the Term of this Agreement] be responsible together with the appointees of the other Stakeholders for ensuring that the obligations of the Programme Implementation Unit are fulfilled according to the terms of this Agreement;
- appoint a dedicated member of the D of A to the Programme Management Team who will be responsible together with the appointees of the other Stakeholders for ensuring that the obligations of the Programme Management Team are fulfilled according to the terms of this Agreement;

- make an assessment of the skills and resources that they have available to fulfil their obligations set out in this Agreement and set up a programme for the upgrading of capacity where appropriate;
- set up systems that enable the decentralisation of their duties and decision-making powers to the Municipality and community level; and
- dedicate sufficient further resources from its own budget to fulfil its responsibilities set out in this Agreement including the outsourcing of staff where appropriate.
- University of Venda

The University of Venda hereby agrees to:

- appoint a dedicated member of the University of Venda to the Programme Implementation Unit who will be responsible together with the appointees of the other Stakeholders for ensuring that the obligations of the Programme Implementation Unit are fulfilled according to the terms of this Agreement; and
- appoint a dedicated member of the University of Venda to the Programme Management Team who will be responsible together with the appointees of the other Stakeholders for ensuring that the obligations of the Programme Management Team are fulfilled according to the terms of this Agreement.

Land Forums and the Landless Peoples Movement

The Land Forums and the LPM both hereby agree to:

- appoint a dedicated member of each of the Land Forums and the LPM to the Programme Implementation Unit who will be responsible together with the appointees of the other Stakeholders for ensuring that the obligations of the Programme Implementation Unit are fulfilled according to the terms of this Agreement;
- appoint a dedicated member of each of the Land Forums and the LPM to the Programme Management Team who will be responsible together with the appointees of the other Stakeholders for ensuring that the obligations of the Programme Management Team are fulfilled according to the terms of this Agreement; and
- keep Communities informed of progress of the Programme.
- Nkuzi Development Association
- Nkuzi hereby agrees to:
 - appoint a dedicated member of Nkuzi to the Programme Implementation Unit who will be responsible together with the appointees of the other Stakeholders for ensuring that the obligations of the Programme Implementation Unit are fulfilled according to the terms of this Agreement;
 - appoint a dedicated member of Nkuzi to the Programme Management Team who will be responsible together with the appointees of the other Stakeholders for ensuring that the obligations of the Programme Management Team are fulfilled according to the terms of this Agreement;
- assist in the monitoring and evaluation of the implementation of the Programme and the Integrated Land Reform Plan;
- document and disseminate information about the Programme; and
- facilitate debate and learning about the Programme with local, provincial and national structures.

Programme Management Team

All Stakeholders hereby agree that their dedicated appointee to the Programme Implementation Unit will:

- attend [quarterly] meetings of the Programme Management Team;
- together with the other Stakeholders' dedicated appointees to the Programme Management Team appoint a member of the Programme Management Team at each meeting to take minutes of the Meeting;
- at the [quarterly] meetings of the Programme Management Team review the [quarterly] reports and the accounts of the Programme Implementation Unit for the purposes of holding the Programme Implementation Unit to account to ensure that the obligations and responsibilities of Stakeholders set out in this Agreement are fulfilled by all Stakeholders for the benefit of and so as to respect the rights of members of the Communities; and
- at the [quarterly] meetings of the Programme Management Team discuss ways that the operation of the Programme Implementation Unit and the contribution of all of the Stakeholders can be improved and convey constructive suggestions, comments and criticisms to the Programme Implementation Unit.

Programme Implementation Unit

All Stakeholders hereby agree that their dedicated appointee to the Programme Implementation Unit will:

- attend [monthly] meetings of the Programme Implementation Unit;
- together with the other Stakeholders' dedicated appointees to the Programme Implementation Unit appoint a member of the Programme Implementation Unit at each meeting to take minutes of the Meeting;
- together with the other Stakeholders' dedicated appointees to the Programme Implementation Unit appoint a person to act as a finance manager and keep the accounts in relation to the funds to be administered by the Programme Implementation Unit;
- at the [monthly] meetings of the Programme Implementation Unit keep all other Stakeholders' appointees to the Programme Implementation Unit informed of their work and the progress of any programmes or other work that they are involved in relation to their responsibilities under this Agreement;
- together with the other Stakeholders' dedicated appointees to the Programme Implementation Unit keep the Programme Management Team informed of the work and progress of any programmes or other work that the Stakeholders have been involved in, in relation to their responsibilities under this Agreement by way of production of a [quarterly] report to be drawn up by and agreed to by the members of the Programme Implementation Unit and disseminated to the Programme Management Team not less than 5 working days' prior to each quarterly meeting of the Programme Management Team;
- keep their organisations informed of the work and progress of any programmes or other work that the Stakeholders have been involved in, in relation to their responsibilities under this Agreement;
- work with other Stakeholders through the Programme Implementation Unit on programmes instigated and coordinated by any of the other Stakeholders to ensure that the implementation of the Programme and the Integrated

Land Reform Plan is effectively and efficiently carried out for the benefit of and so as to respect the rights of members of the Communities;

- work with other Stakeholders through the Programme Implementation Unit on programmes instigated and coordinated by any of the other Stakeholders to secure land access for farm dwellers on land to be restituted and for land insecure people in the communal areas; and
- be accountable to the other Stakeholders and the Programme Management Team in fulfilling their obligations and responsibilities set out in this Agreement.

Further to their responsibilities outlined in clause 12.1, the Provincial Department of Land Affairs hereby agrees to work with the other Stakeholders through the Programme Implementation Unit in:

- instigating and coordinating programs that will secure land access for farm dwellers on land to be restituted and for land insecure people in the communal areas; and
- instigating and coordinating of programs that will create and support viable institutions to ensure that land reform implementation within the Municipality is effectively and efficiently done.

Further to their responsibilities outlined in clause 12.1, the Department of Agriculture hereby agrees to work with the other Stakeholders through the Programme Implementation Unit in:

- assuming a leading role in terms of provision of services required for effective and productive use of land;
- assisting with business planning and the development of land use plans for the land that will be given to Communities through land reform;
- working on behalf of a Community in protecting its rights should that Community be in negotiations with a potential joint venture, business partner or other actor in relation to land that will be given to that Community through land reform and thereafter advise them of their rights and responsibilities under such a joint venture, partnership or other agreement;
- providing extension and technical support required by members of Communities;
- assisting Communities in the formation of co-operatives and continue to support such ventures pursuant to the Integrated Land Reform Plan; and
- providing financial resources to Communities in the form of grants for land developments and purchases in relation to land given to Communities through land reform pursuant to the Integrated Land Reform Plan.

Further to their responsibilities outlined in clause 12.1, the RLCC hereby agrees to work with the other Stakeholders in:

- ensuring that as far as possible land claims are settled within specific times frames agreed by the Programme Management Team;
- dealing with land claims in clusters based on proximity of properties under claim, commonality of production potential, shared history of land dispossession and willingness to sell from the current landowners pursuant to the Integrated Land Reform Plan;
- providing technical support to the Programme Implementation Unit in so far as the settlement of land claims is concerned;
- sharing information and involving other Stakeholders in the claims settlement process;

- assisting in the conflict resolution for settlement of land claims;
- co-operating through its 'Settlement Support and Development Unit' with other Stakeholders in ensuring that restored land is fully utilised for the benefit of the Communities; and
- releasing restitution discretionary grants to the Programme Implementation Unit and assisting the Programme Implementation Unit to set up systems for the disbursement of funds to Communities.

Further to their responsibilities outlined in clause 12.1, the University of Venda hereby agrees to work with the other Stakeholders in:

- providing training and support in terms of using new methods and technologies to improve the productivity of emerging farmers and Communities;
- providing ongoing mentoring and coaching for new farmers as well as upgrading the qualification for the extension officers where necessary in order to meet the demands of the new farming enterprises owned by Communities;
- contributing to building the capacity in terms of providing new Community institutions such as co-operatives and CPAs with training in leadership, financial management, accounting and project management; and
- assisting Communities with agricultural research to improve production and solve problems that emerge.

Further to their responsibilities outlined in clause 12.1, the Land Forums and the LPM hereby agree to work with other Stakeholders in:

- facilitating the gathering of Communities and enabling their input of views and ideas to the Programme Implementation Unit;
- facilitating agreements with and between Communities in proceeding with land reform;
- building the organizational capacity of communities to participate in the Programme; and
- holding officials accountable to ensure and reform takes place at scale, commitments to Communities are met and the obligations and responsibilities of Stakeholders set out in this Agreement are fulfilled by all Stakeholders for the benefit of and so as to respect the rights of members of the Communities.

Further to their responsibilities outlined in clause 12.1, Nkuzi hereby agrees to work with other Stakeholders in:

- contributing to the building of capacity in the Programme Implementation Unit and the Municipality in terms of providing them with training on land and agrarian reform, sustainable livelihoods approaches to development;
- assisting the Programme in its search for donors to help in the implementation of the Integrated Land Reform Plan; and
- working with Communities to achieve improved levels of Community organisation and understanding so as to enable them to control of their own land reform projects and engage more effectively with the land reform process and the Integrated Land Reform Plan.

Termination

Should any of the Stakeholders wish to terminate their responsibilities and obligations set out in this Agreement they must give not less than [2] months' notice in writing to each of the dedicated appointees of the Programme Management Team.

Variation

No variation of this Agreement shall be effective unless made in writing and signed by or on behalf of each of the parties hereto.

Further Assurance

Each of the Stakeholders shall do, execute and perform and shall use their respective best endeavours to procure that the other Stakeholders shall do, execute and perform all acts and things as may be required and as any of the other Stakeholders may reasonably require from time to time in order to give effect to the terms of this Agreement.

Assignment

None of the parties shall assign or transfer or purport to assign or transfer any of his or its rights or obligations under this Agreement without the prior written consent of each of the other parties hereto.

Notices

Any notice required to be given shall be sent by post or by fax as follows:

To Makhado Municipality:

Email address:

Fax number:

Address:

To the Department of Land Affairs (Limpopo Province):

Email address:

Fax number:

Address:

To the Department of Land Affairs (National office):

Email address:

Fax number:

Address:

To the Department of Agriculture (Limpopo Province):

Email address:

Fax number:

Address:

To the Regional Land Claims Commission:

Email address:

Fax number:

Address:

To the University of Venda for Science & Technology:

Email address:
Fax number:
Address:

To the Nzhelele Land Reform Forum:
Email address:
Fax number:
Address:

To the Limpopo Landless Peoples Movement:
Email address:
Fax number:
Address:

To Nkuzi Development Association:
Email address:
Fax number:
Address:

unless a change of such contact details has been notified in writing to the other parties to this Agreement.

Any notice or other communication by email shall be deemed to have been received immediately upon duly obtaining the print out of advice of transmission for the transmitting fax machine indicating that the transmission has been successfully completed or an email delivery receipt and any notice or other communication by post shall be deemed to have been received two business days after the day of posting.

Choice of law

This Agreement shall be governed by and interpreted in accordance with the law of the Republic of South Africa. The parties hereby submit for all purposes connected herewith to the non-exclusive jurisdiction of the High Court of the Republic of South Africa in relation to any matter arising out of this Agreement.

IN WITNESS whereof this Agreement has been entered into the day and year first above written.

SIGNED by:)
(1) Makhado Municipality)
)
)
(2) Department of Land Affairs (Limpopo Province))
)
)
(3) Department of Land Affairs (National office))
)

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- (4) Department of Agriculture (Limpopo Province))
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- (5) Regional Land Claims Commission)
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- (6) University of Venda for Science & Technology)
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- (7) Nzhelele Land Reform Forum)
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- (8) Limpopo Landless Peoples Movement)
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-)
- (9) Nkuzi Development Association))
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Appendix 3: Activity Chart, Nkuzi Development 2006

INTEGRATED LAND REFORM PROJECT - MAKHADO LOCAL MUNICIPALITY IDP

Project no.	Project name	Status	Location	Responsible agent	Time												Total Budget	Source of Funding
					2006/07				2007/08				2008/09					
					I	II	III	IV	I	II	III	IV	I	II	III	IV		
1	Secure land access coordinated by a municipal PIU*	New	Makhado Municipal Area	DLA, RLCC			X	X	X	X	X	X	X	X	X	X	20,000 000	DLA
2	Improved access to capital for the farmers in the area	New	Makhado Municipal Area	DoA					X	X	X	X	X	X	X		2, 000 000	DOA, Land Bank, MAFISA
3	Building institutional capacity in order to create an enabling environment for emerging farmers	New	Makhado Municipal Area	DLA, NKUZI				X	X	X	X	X					100,000	NKUZI.MLM, donor
4	Improved agricultural technologies and methodologies	New	Makhado Municipal Area	DoA					X	X	X	X					50,000	DOA/ CRD - UNIVEN, MCA

5	Building capacity of farmers and extension officers in the area	New	Makhado Municipal Area	DoA					X	X								50,000	DOA
6	Improved infrastructure to support land reform beneficiaries	New	Makhado Municipal Area	MLM (MIG)				X	X	X	X	X	X					2, 000 000	MLM (MIG)
7	Establishing low cost market access and low cost access to inputs	New	Makhado Municipal Area	DoA					X	X	X	X	X	X	X	X		20,000	DOA
8	Facilitate conflict resolution	New	Makhado Municipal Area	Nkuzi, DoA	X	X	X	X	X	X	X	X	X	X	X	X		25,000	NKUZI.MLM,DLA
9	Effective land use planning	New	Makhado Municipal Area	DoA, DLA, RLCC			X	X	X	X	X	X	X					1, 000 000	DOA, RLCC
10	Building human capacity	New	Makhado Municipal Area	Nkuzi, MLM			X	X	X	X	X	X						1,00 000	DLA, MLM, Donor
																	TOTAL	26, 245, 000,00	

*PIU: Project Implementation Unit comprising of various seconded staff from different government department operating at a local municipal area level. Nkuzi will support the municipality to get donor funds for the implementation some of the projects identified in this plan. CRD - Centre for Rural Development - UNIVEN, MCA - Madzivhandila College of Agriculture

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