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# CONFERENCE

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CASE STUDY – Executive Summary

Area Land Reform Initiative in Makhado Municipality, South Africa

*The positions and opinions presented are those of the authors alone, and are not intended to represent the views of FAO.*

# **Area Land Reform Initiative, A Case Study**

## **(An Nkuzi Initiative implemented with Makhado Municipality) Makhado, South Africa**

**A PROCESS AND A CONTRIBUTION IN PREPARATION FOR ICARRD**

***“NEW CHALLENGES AND OPTIONS FOR REVITALIZING RURAL COMMUNITIES”***

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## EXECUTIVE SUMMARY

South Africa has a 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 reasonable measures to ensure equitable land distribution.

The South African land reform programme has three programmes, namely Restitution, Redistribution and Tenure reform. The main aim of restitution programme is to restore land rights or provide other equitable redress to those unfairly dispossessed of their land rights after 19 June 1913 (the introduction of the Native Land Act 27 of 1913). Restitution is a rights based programme implemented in terms of section 25 (7) of the Constitution. The redistribution programme aims to achieve a fairer distribution of land in South Africa. It has been based on a willing seller-willing buyer approach with the government providing discretionary grants to enable black people to buy land. 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 those living on other people's land with legally secure system of land holding or, especially in the case of farm dwellers at least procedural rights to avoid 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. Given the current 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, the failure to achieve development benefits is not surprising.

This paper describes a project called Area Land Reform **Initiative** (ALRI) that **Nkuzi** Development Association, a land rights NGO based in Limpopo Province, piloted with the specific aim of developing an approach that could meet the challenge of delivering land at scale in a way that realizes the development benefits. The focus of the project was the **Makhado** Municipal area. The choice of the area was based on the history of Nkuzi's work with the local land reform forum comprising communities involved in land reform, particularly land restitution, and it is an area with huge land needs where little progress has been made in addressing those needs.

**Area Land Reform Initiative**  
(An **Nkuzi Initiative** implemented with **Makhado Municipality**)  
**Makhado, South Africa**

## **1.0 Introduction**

South Africa has a 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 reasonable measures to ensure equitable land distribution.

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## 2.0 **Makhado** Municipal Area

**Makhado Municipality** is located in the northern part of Limpopo Province that is the most northerly province in South Africa, bordering Botswana in the west, Mozambique in the east and Zimbabwe to the north. The total municipal land area is 1,600,000 ha and the total population of **Makhado** is around 490,000. According to Statistics South Africa, 23% of the population is economically active and 77% is economically inactive. The majority of the population lives in rural areas and rural areas are the most underdeveloped. The largest percentage of the rural black population between the ages of 15 – 65 comprises 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 faster population growth.

The economy of **Makhado** can be considered a dual economy, as it comprises two distinct elements i.e. the sophisticated economy of the town **Makhado** (formerly Louis Trichardt) and surrounding commercial farms on the one side and more informal economies and peasant agriculture of surrounding villages and townships. Most of the rural people are resident in those areas, which were part of the former Gazankulu and Venda homelands. The biggest industry in **Makhado** is agriculture (including fruit production, forestry, livestock, maize and game farming), tourism is also seen as having potential for the future, and the service sector based around government services and retail shops contributes significantly to the local economy.

**Makhado** is a rural **municipality** with a vast area of farmland and as a result there are many farm dwellers mostly 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. These communities are now living on communal land, which they do not have full ownership of, it is state land held in trust by the minister of agriculture and land affairs on behalf of the black communities.

The fundamental challenge for land reform is delivery of land at scale and ensuring improved livelihoods through creating and enabling environment for new land owners to succeed with land based economic activities. The delivery of effective services to meet this challenge is hampered by the current institutional arrangements governing the delivery of services by the state. Land reform is the responsibility of the National Department of Land Affairs (DLA). Falling under the DLA is a provincial land reform office 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 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. The **municipality** (local government) is responsible for development coordination, some infrastructure programmes and the delivery of other local services such as water and electricity. Municipalities are supposed to coordinate development in their areas through Integrated Development Plans (IDPs)<sup>1</sup>, but the current IDPs in most municipalities, including **Makhado**, say 1 Integrated Development Planning (IDP) is one of the key tools for local government to tackle its developmental role. It is 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. <sup>6</sup> almost nothing about land reform. Also involved in the critical issues of water delivery is the national Department of Water Affairs and Forestry. Currently there is little effective coordination between these various state institutions let alone coordination with other non-government structures.

In **Makhado** there have been some land claims settled and the experiences in these claims have illustrated the problems of lack of coordination. For example the claims of Manavhela, Getrudsburg and Munzhedzi were all settled more than three years ago, but grants available for resettlement purposes have not yet been released to the communities. These communities still await the completion of lengthy bureaucratic processes before grants for development purposes and other support services can be provided. There are no consistent agricultural extension services being provided and Manavhela who wish to resettle on some of the land are awaiting Municipal approval of plans for a new settlement. There were and still are 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.

ALRI tries to ensure that the **municipality** plays a central role in the coordination of land reform and related services that it is believed can be better done at a local level. Challenges for the **municipality** include; 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 getting government and other services coordinated it is both essential and a challenge to ensure that the rural poor become drivers of land reform to ensure that it meets their needs and builds on their skills and resources. Without a strong voice for the poor there is every chance that initiatives will be irrelevant or benefit those already better off and more powerful.

A **strategy** developed for the area, therefore included dealing with the following issues

- Facilitation of landless communities in developing a plan for land and agrarian reform
- Work with the local land reform forum (comprises local landless communities and is also part of the Landless Peoples Movement - LPM) and the **municipality**.

- Mobilise and get support of stakeholders (both government and non-government)
- Integrate the plan with the municipal IDPs
- Coordinate the delivery of services at area level, rather than project for post and presettlement interventions.
- Decentralization of resources and decision-making powers.
- Communities to hold the government accountable for delivery.

### 3.0 The planning for land and agrarian reform at a local area

As a strategy for dealing with challenges outlined above, **Nkuzi** Development Association<sup>2</sup> initiated a few years ago 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 are currently residing. It is characterised by landlessness, poverty and overcrowding.

**Nkuzi** is the facilitator for the pilot project. The main partners in the project are **Makhado Municipality**, Nzhelele Land Forum and **Nkuzi**. A briefing session was first held with the Land Forum and later the **municipality**. **Nkuzi** secured funding and placed a fulltime project manager in the area for facilitation purposes. The consultation process resulted in the establishment of the project management committee comprising of the three main partners mentioned above.

At inception the facilitators engaged in 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, Department of Agriculture, Colleges of Agriculture and Universities. As the project progressed consultation with local commercial farmers and landowners was done.

The process of consultation also involved information gathering from the various institutions that had relevant information. This information complemented information already gathered from communities. Information gathered assisted the facilitator to map all the land claims within **Makhado Municipality**. The exercise of mapping the land claims helped the stakeholders see the enormity of the challenge of land reform in the area. The fact that over 90% of land is under claim and may therefore be returned to those removed in the past illustrated the potentially dramatic transformation for the whole area that land reform could bring about. Such a transformation requires the development of a vision for how the area will look, especially from an economic perspective after land reforms have been implemented. Other questions that arose included the future of farm dwellers living on the farms being restored to claimants and securing continued productivity of highly developed and capitalised commercial farms.

A major issue for the project was to get an involvement of the **municipality** in understanding land reform and actively participating in land reform activities. Like most municipalities **Makhado**, although keen to engage in land reform, had no plan for

dealing with land reform despite the impact that settlement of land claims is likely to have on most developments planned within the IDP.

Interventions to positively enhance capacity of the **municipality** to deal with land reform issues were made. Training workshop for the municipal councillors, officials and the Land Forum leadership focussing on land reform, livelihoods concepts and development strategy were run. More focus was also made on capacitating the local structures of the landless people. Workshops for the Forum leadership, workshops targeting women and youth were also facilitated. The 2 **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. 8 workshops aimed to build a common understanding amongst the participants in the ALRI process and help in developing community mobilization for land reform.

#### The Outcomes of ALRI facilitation

As cited earlier, the project is being piloted in Nzhelele, where facilitation took place. Information gathering from communities and interaction with the stakeholders helped ALRI to provide a picture of the area and its land needs. The area has a population of approximately 13000. These communities have lodged 56 community land claims that are on land outside Nzhelele. These claims account for the majority of land under claim. Including other land claims that are outside Nzhelele the total land under land claims is more than 90% of the total land area of the **municipality**. There are around 10,000 workers on the claimed farms and an even higher number of farm dwellers.

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 942,303 people have been evicted from farms between 1994 and 2004.

The ALRI project has brought to the table issues of farm dwellers and landless communities in the former homeland for discussion by a wide stakeholder forum. Interests of landless communities are to acquire land for settlement and production, farm dwellers are interested in security of tenure and jobs, all agree that the economy of the area has to be built and agriculture is the mainstay of that economy.

ALRI enabled the stakeholder forum and community land forum to begin to see the whole picture and the implications for land reform. With the **municipality** tasked to coordinate land reform for its area, ensuring the coordination of services, a picture of agrarian reform was taking shape in **Makhado** with an ultimate end of fundamental transformation of the municipal area to ensure a more equal distribution of land and improved economic opportunities.

In Nzhelele where facilitation of the pilot project took place, 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. There is a need for a move from project thinking to programme thinking. This remains a challenge for many stakeholders in particular government departments that continue to operate in their own narrow areas of work. **Nkuzi** has proposed a multidisciplinary team with staff, initially seconded from the line departments, based at the municipal level.

There is a high level of interest in the approach piloted at **Makhado**. The Minister for Agriculture and Land Affairs attended a local land conference at **Makhado** aimed at promoting the approach. Among other issues discussed at the land conference was the decentralization of decision-making powers and control of resources. There is support for the project from the senior national, provincial and local officials. Because the initial piloting was done at a local area of Nzhelele, the stakeholders feel that ALRI implementation must cover the whole of the **Makhado municipality**.

Clarification of roles by the stakeholders was an important aspect of the project so that there is a coordinated intervention involving the provision of a range of complementary support services by different players. The plan developed proposes different projects i.e. land acquisition, training and capacity building, ensuring access to low cost inputs and markets, conflict resolution and upgrading of extension support. Monitoring and evaluation to ensure learning from the processes is also identified as important. Roles for different stakeholders were proposed, for example universities and agricultural colleges are responsible for training and extension advice and the **municipality** plays a central coordination role.

A key issue for ALRI, that has not been achieved yet, is the commitment of resources, including personnel, from the government departments. This is critical to moving forward into full implementation. Without an adjustment to the current way that departments operate and the way finances are released (currently this is much centralised) an integrated approach responsive to local conditions will not happen.

Land reform cannot be handled as a number of individual projects and cases that must be dealt with through a narrow technocratic process. The project enables players in land reform to realize that if we are to see agrarian reform impact positively on the livelihoods of the poor, the piecemeal approach is not a way to go. The coordination of support services around more than 100 hundred different claims and projects just in **Makhado** is never going to happen. Looking at an area and addressing developmental needs of the people in that area could be part of the solution. For example the kind of interventions proposed are that land reform combines the pre and post-settlement arrangements in order to know who at the settlement of land claims will deal with issues such as water provision, infrastructure development and training. Currently many claims are settled with none of these basic services in place.

### **Some learning from the project**

Unless one takes an area approach in dealing with land needs for the people it will be difficult to implement an integrated land and agrarian reform. An area approach helps bring out the whole picture and various players can contribute to ensure a holistic intervention. For instance, where the **municipality** is responsible for coordination of services at a local level, it provides an opportunity for addressing communities' issues as implementation is part of the municipal IDPs that prioritises peoples' needs.

The government needs to be proactive and not wait for demands that will be articulated by a particular group. Even with services at a more localised level the poor will struggle to access them due to lack of access to information, poor communication infrastructure and costs of transport. A demand led approach automatically favours those already better resourced and better connected.

c Community empowerment is a critical aspect of agrarian reform. Communities should not be viewed as only passive beneficiaries; they must become active drivers of land reform for their 10 area so that land reform addresses their needs. **Nkuzi** has provided resources for building up community structures to take land reform forward, however these structures are still weak and not able to make effective demands for land without external assistance.

Clarification of roles and assignment of tasks to the individual stakeholders remains critical and of utmost importance for integrated land reform at a local level. The translation of stakeholder commitments into actions is important for local area approaches to land reform to work and is still one of the challenges not fully overcome in the project at **Makhado**. The inability of many officials to think outside the confines of their narrow job responsibilities has hampered this. **Nkuzi** has been a facilitator of the project, but other stakeholders have to take up 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.

## Risks

IN looking at the future of this **initiative** **Nkuzi** sees a number of risks

- The project could become technocratic, driven by consultants and **risks**: officials, making no real difference in terms of dealing with the needs of the poor and landless. This is particularly so 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 is just on paper and may not be translated into action.
- Marginal group remain marginalized as those already more able take advantage of new opportunities.
- **Nkuzi** does not have the capacity, nor is it the role of **Nkuzi**, to implement land reform; others have to take it up.
- 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. Therefore it is important that the government act decisively in these cases to make sure current land owners cannot thwart land reform.

#### The way forward

- The project is still going on and at this stage we are working on development of manuals for implementation to guide the officials and others involved.
- More focus now is on community organizing and empowerment so that the land forum takes upon themselves the responsibility of ensuring that the land reform plan is implemented.