Restitution of Land for Agricultural Development Ehlanzeni Region Mpumalanga

A dissertation submitted by

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in fulfillment of the requirements

Courses ENG4111 and 4112 Research Project

towards the degree of

Bachelor of Surveying

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ABSTRACT

LAND RESTITUTION FOR AGRICULTURAL DEVELOPMENT IN EHLANZENI REGION - MPUMALANGA.

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1. INTRODUCTION
The project aims to investigate the effects and impacts of land restitution in South Africa generally and in the Nkomazi Municipality in particular, for agricultural development. It investigates the roles that the Department of Agriculture and Land Affairs have to play in these pieces of land. To research if land administration system contributes to the deterioration of the production rate of most farms immediately after restitution.

2. BACKGROUND
The South African Government sees land reform as not about transferring ownership of land to those who need it, or who lost it through apartheid. It argues very strongly that the purpose is to strengthen the land rights of vulnerable people, and changing the legal and social relations in areas where poor people are vulnerable to the abuse of power. (Hannekom, 1998)

The aim of the case study on one of the reclaimed farms in Nkomazi is to investigate the underlying factors that limit the program of land redistribution.

3. OBJECTIVES
- Research the effectiveness of land redistribution programs in other jurisdictions.
- Describe the critical requirements for the redistribution.
- Discuss the current system of land restitution.
- Perform a case study on a representative farm in Ehlanzeni region.
- Analyze the LRAD (Land Redistribution for Agricultural Development) programme with respect to making improvements and closing gaps.
- Undertake cost-benefit analysis of the developed model versus the proposed improved version.
- Formally report the new findings and recommendations to the Department.

4. FINDINGS
- Effects of cultural diversity.
- Lack of knowledge on land related Acts.
- Lack of training in Agricultural Extension and Farm Management.
- Need to review the R15 000 Grants per farmer on the LRAD (Land redistribution for Agricultural Development).

5. CONCLUSIONS
- Propagate for the urgent implementation of Land Summit resolutions.

6. ACKNOWLEDGEMENT
My appreciation goes to my supervisor at the University of Southern Queensland Mr. Glenn Campbell.

7. REFERENCE
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Prof G Baker
Dean
Faculty Engineering and Surveying
Certification

I certify that the ideas, designs and experimental work, results, analyses and conclusions set out in this dissertation are entirely my own effort, except where otherwise indicated and acknowledged.

My Full Name : Mfana Elphus Maseko

Student Number: 0039732900

____________________________  Signature

____________________________  Date
Acknowledgements

First and foremost, I would like to express my deepest appreciation to my University Supervisor Mr. Glenn Campbell for giving me the opportunity of embarking on this research and for his unwavering support and guidance throughout the execution of this project. I would also like to extend my appreciation to my colleague, Mr. Peter Thabethe who presented me with almost all the material support I requested from him.

The land reform and land restitution is a very delicate issue to discuss in the open, as one might be perceived as being bias, while the truth is whatever a person says and does seems political. Eventually a number of my colleagues at work could understand the context and concept of restitution especially the redistribution of land for agrarian purposes.

Last but not least, I would like to thank everybody at Inala Farm who cooperated with me during data collection, especially the Acting Manager.
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<td>SA</td>
<td>South Africa</td>
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<td>LRAD</td>
<td>Land Redistribution for Agricultural Development</td>
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<td>ANC</td>
<td>African National Congress</td>
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<td>PAC</td>
<td>Pan African Congress</td>
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<td>ESTA</td>
<td>Extension of Security Tenure Act</td>
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<td>SANP</td>
<td>South African National Parks</td>
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<td>PTO</td>
<td>Permission To Occupy</td>
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<tr>
<td>RTO</td>
<td>Right To Occupy</td>
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<td>CODESA</td>
<td>Coalition for Democracy in South Africa</td>
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<td>AZAPO</td>
<td>Azanian Peoples Organization</td>
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<td>Transvaal Agricultural Union</td>
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<td>Community Property Act</td>
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<td>PROAGRI</td>
<td>Progressive Agriculture</td>
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<td>PSC</td>
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<td>MEC</td>
<td>Member of the Executive Council</td>
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<td>Black Areas Land Regulations</td>
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<td>IDP</td>
<td>Integrated Development Plan</td>
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<td>Surveyor General</td>
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<td>MINMEC</td>
<td>Ministerial and Member of the Executive Council</td>
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<td>Director General</td>
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<td>AOU</td>
<td>Agreement of Understanding</td>
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ENG 4111/4112 Land Restitution for Agricultural Development in Ehlanzeni Region – Mpumalanga (South Africa)  
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USQ Research Project 1 & 2 2005
CHAPTER 1

1. Introduction:

Land restitution is global, and it is a known fact that governments in many countries have changed ruling power in one way or another. A number of people have been displaced in the process of regime change, South Africa has experienced the discrimination of other racial groups that were not white.

In view of the initiatives undertaken by the present South African government, it has been seen that land restitution in general; that is giving back land to those displaced must be purposeful. Throughout the African continent and the world at large, the issues on land still remain contentious. It is believed that holding regular seminars on land reform can change the attitude and behaviour of many governments and the beneficiaries. South Africa is faced with the challenge of redistributing land to the formerly disadvantaged groups that have never participated in land ownership.

![South African map](image)
1.1 Aims:

The project aims to showcase and investigate the effects and impacts of land restitution on agricultural development in South Africa generally and in the Nkomozi Municipality in particular. Since the advent of democracy in South Africa after the first National General Elections in 1994, the outcome of the elections brought change to government and the political scene. The process of restitution had mixed results around the country, there are too few incidences of success against failures. The project specifically will look into the causes of the high failure rate and to conduct a research that will assist in deriving recommendations that will improve the situation.

Government’s main goal on land reform is not about transferring ownership of land to those who need it, or who lost it through apartheid, but the main purpose is about strengthening the land rights of vulnerable people, and changing the legal and social relations in areas where poor people are vulnerable to the abuse of power (Hanekom, 1998).

The project therefore seeks to investigate the legal and social vulnerability by looking at changes that the prospects of restitution might have brought forward. We need to dwell much on the outcome of the process rather than the number of restitution cases that have been successful.

The government had introduced other legislative frameworks to assist in fast-tracking the restitution, distribution and development of such land. The alignment of the various concepts therefore needs to be evaluated around quality and not quantity which will inform the impact of the Acts. Recently the National Council of Provinces learnt that two hundred and fourteen farms (214) under the Land Redistribution for Agricultural Development (LRAD) programme were distributed and they yielded 185609 hectares, transferred to 6769 beneficiaries (Didiza, 2003).

We therefore need to look at the efficiency and effectiveness of such beneficiaries against a small number of hectares that they have to work for sustenance and livelihood. Most restituted lands are deteriorating as the beneficiaries could not maintain the productive state of these farms due to a number of reasons. The Land Commissioner in Hazyview, Mbombela Municipality unequivocally stated that: ‘Failed farming not the Commission’s problem’ (Gwanya, 2005). This statement justifies the total deterioration of Sandford farm as shall be seen later.
1.2 Specific objectives:

The following items are the critical areas that the report will need to address:

- Research the effectiveness of land redistribution programs in other jurisdictions
- Describe the critical requirements for the redistribution
- Discuss the current system of land restitution
- Perform a case study on a representative farm in Ehlanzeni region
- Analyse the LRAD (Land Redistribution for Agricultural Development) Programme with respect to making improvements and closing gaps
- Undertake cost-benefit analysis of the developed model versus the proposed improved version
- Formally report the new findings and recommendations to the Department.

1.3. Background:

South Africa under the new dispensation of democracy, led by the African National Congress (ANC) government has implemented decisions in line with the African National Congress’ Manifesto and the Freedom Charter to tackle the issue of land reform head on. Despite positive legislative and policy development, the power change has not yet occurred, and the government’s policies of utilizing the land to improve on the economy of the country seem to be moving slowly.


The restitution programme was established in terms of the Restitution of Land Rights Act of 1994, it established the Commission for the Restitution of Land Rights which has five Provincial Commissioners and a Chief Land Claims Commissioner. The Act also established a Land Claims Court which is supposed to pass final adjudication on each case. Prior to the establishment of the Act, processes had to undergo a number of steps which delayed the entire process.

Final settlement can take a form of restoration of the land, financial compensation or an alternative remedy between the parties. A good example of an alternative remedy is that of the Makuleke tribe (claimants) in Bushbuckridge area and the South African National
Parks (SANP) and Land Affairs, once the Land Claims Court has approved this claim, 10 000 people stands to benefit from this deal in a form of royalties (Hannekom,1998)

1.3.1 The willing buyer and willing seller concept.

The policy of willing buyer and willing seller meant that land transfers are supply driven rather than demand driven. The government does have some powers to access land even at the refusal of the seller, however, in line with its policies; the government sees this measure (expropriation) as a last resort and is looking at amicable ways to resolve the slow process of land reform (van den Berg, 2000).

1.3.2 Bureaucratic inefficiencies.

The requirements for the redistribution when taken from face value do not fulfill the government’s good intentions on the programme, this is exacerbated by the slow process of the bureaucracy in most times. A typical example of farms that deteriorated beyond recognition merely because of bureaucratic inefficiency is the farm in the Hazyview area belonging to Mr. Ben Cilliers. The farmer cooperated with the state once it was gazetted that the farm was under claim. Three separate private valuators were called in, they are Valprop, Fincon and Eldorado who all determined the value of the farm and its operations at R14 million.

Then the State appointed an independent valuator Mike Brandon who at that stage had never visited the farm and identified the different operations on the farm but valued the farm at R7.1 million. This led to the degradation of the farm as the Land Claims Commissioner wanted to pay the minimum and then legal action ensued. This really showed inefficiency as the valuator was never monitored, the state and the owner were in and out of courts as production slumped. When the claimants got hold of the farm, the farm was in a sorry state and needed as lot of money for re-establishment (Louw, 2005).

There are deficiencies in training and developing skills for those people who were made new owners as well as lack of capital for farming and; lack of farming skills. It can be argued that delay by state officials that led to the collapse of a highly productive farm (Louw, 2005). Further more the impact that the programme on subsistence farmers may leave them burdened by their success.
1.3.3 **Land redistribution**

The case study was undertaken in one of the reclaimed farms in Nkomazi gives evidence of most of the underlying factors and aspects that form part of this report. This thesis must generate an understanding of the real difference between communal land ownership and freehold tenure and the advantages and disadvantages of each approach. As well as specifically why communal ownership is a favoured option by the government of the day despite its shortfalls. This will also assist in getting an idea as to how the government really has to address the land issue without compromising the integrity of those taking over the activities of the farms and their productivity.

Communal land is a portion of state land held in trust by a tribal authority, a number of occupants eventually become owners outright but with no freehold tenure. When decisions are to be taken, they must come out of a community resolution. There are advantages but too many disadvantages in this process. There is widespread desire to convert this type of ownership to freehold tenure, which is a mammoth challenge in itself.

The introduction of the land redistribution programme was perceived as the messiah by the South African Black communities merely because of the R20 000 grant given to each farmer. Some even thought that it was an easy get rich strategy which addressed access and ownership simultaneously – a typical example of farms in the Badplaas area, Gert Sibande District where departmental officials negotiated inflated prizes with the farm owners (Louw, 2005).

The report therefore needs to identify gaps in the programmes and come up with proposals for closing them down so as to improve its efficacy. Thorough planning, extensive consultation, dedication and willingness to make the program functional are paramount in giving the programme respect and direction.

Since June 2003 and March 2004 1655 Black farmers were settled through Land Redistribution for Agricultural Development (LRAD) and the cumulative figure of beneficiaries since the launch of the program in 2001 is 19 736. Although it is indicated that the Department of Land Affairs for the past ten years while implementing the Programme for redistribution, acknowledges that it is not sufficient to provide prospective farmers with access to land without providing government support for production, inputs and advisory services (Didiza, 2004).

1.3.4 **Cost benefit analysis**

It is critical that a cost benefit analysis is undertaken so that the cost implications carried by the present system is minimized or compared to another system so as to verify its
worth. If government purchases land for an exorbitant fee for a substantial number of people or community, does government take into consideration issues of benefit, accountability, responsibility and sustainability of the farm? This is not a preferred or favoured model by the economies of scales. The Sanford farm in Hazyview is a good example of a collapsed productive enterprise that the beneficiaries with their meager grants could not afford to rectify the damages (Louw, 2005)

This stems from the fact that after people have identified a portion of land that government must buy for them, they therefore qualify for a grant of R15 000 and the applicant is expected to pay an input of R5 000. If the applicant can afford to make a bigger input to buy a larger piece of land, the proportional size of the grant in relation to his / her input will be smaller than that provided to help the less well off person (Department of Land Affairs, 2003)

1.4 CAUSES FOR RESTITUTION: THE PROBLEM AREA.

1.4.1 Background

The legacy of the Apartheid regime, like all other regimes in the continent that have left several countries in gloomy state of affairs after attaining independence leaves much to be desired. South Africa with its population of about forty three million experienced a very skewed situation in the allocation of land to its inhabitants, eighty seven percent of available land belonged to the White populace while only seventeen percent thereof belonged to the Black population.

The seventeen percent allocated to the Blacks was not owned by a single person but was held in trust by tribal authorities, because the land belonged to the state. The most unfortunate part of everything is that the quality of the land offered to the Blacks was generally not rich, not in nutrients only but also the portions of land had extremely poor soils for any production in the Homelands. Homelands were areas demarcated and designed along ethnicity groups in the country for purposes of promoting ethnic self determination.

The arable lands were considered as communal lands, and everybody who tilled those lands had to obtain a Permission To Occupy (PTO) or a Right To Occupy (RTO) from the Chief (tribal leader). This piece of paper referred everybody as having a privilege and not a right to utilize that portion of land, therefore most Blacks were at the mercy of the Chiefs who had the final say on whether a person could continue occupying a piece of land or should he or she discontinue. The issue of land tenure since 1994 has been a bone
of contention as communities thought that access to land, and to have ownership with the advent of democracy was going to be easy.

The issue of land has always been a contested terrain, during the negotiations at the Coalition for Democracy in South Africa (CODESA) before the elections those who owned big portions of land were not concerned about power sharing. The exclusive thing was land, security of tenure and self determination – it must also be noted that the country experienced extensive backlog in housing. The new government had to exercise an option of concentrating in acquiring land for building houses or for agricultural purposes, it must be remembered that other political parties like the Pan African Congress(PAC) and the Azanian Peoples Organization (AZAPO) contested the first elections around the issue of land acquisition. While the parties that were party to the ruling regime contested the elections around protecting private property and promised security to property.

1.4.2 Land redistribution

Immediately after the elections, government had to start somewhere, and could not satisfy everybody. The playing field had to be leveled although the environment was not conducive. In the middle of this tension, were aspirations from the Blacks and the willingness to defend properties by the farm owners. On the other hand the State land was highly required basically in Local Municipalities for housing purposes; top on the agenda for the new government was the issue on shortage of houses and land ownership for farming in the country.

Land redistribution lies at the heart of land policy frameworks in the “settled” states of Southern Africa. The redistributive land reforms implemented in Central America and Asia in the 1950’s through the 1970’s included strong measures to help “force” land redistribution from elites to beneficiaries. Instruments varied from country to country but included inter alia expropriations, land taxation, and limits on number and size of land holdings by vested elites. The 1980 witnessed a shift in energies away from land reform efforts on a global scale and the beginning of a paradigm shift away from redistributive land reform to market-assisted land reform (1990) and currently to community-assisted land reform.

The reasons for this policy shift are complex but at least three factors played a role:

- The after effects of the Arab Oil embargo in the late 1970 and a shift in policy focus to structural adjustment programs to curb macroeconomic imbalances,
- Sagging support for land nationalizations in donor countries; and
- Redistributive reforms proved too bureaucratic, cumbersome, slow, and costly (van den Brink 2002).
It was after 1994 when communities reinvigorated the land reform debate, in part driven by land reforms in South Africa (SA) after apartheid with the advent of democracy in the country. Government therefore passed the Restitution of Land Rights Act, 1994 to restore the dignity of communities that were forcefully removed from their land by the regime and were never compensated, through purchasing the land from a willing seller as a willing buyer while expropriation would be considered as a last option (Masuku, 2005).

1.4.2.1 Effects of willing buyer and willing seller

The willingness sellers sometimes manipulated the government by increasing the value of the land parcel, making it practically impossible for government to think of fulfilling her obligation, that of purchasing land for the previously disadvantaged and empowering them in the process (Ehlanzeni Land Summit, 2005).

The misunderstanding between the owner of Boomplaats farm in the Lydenburg area, Mr. Wllem Pretorius and the state over the price of the farm eventually compelled government to issue an expropriation notice. But due to the intervention of lawyers and the Transvaal Agricultural Union (TAU), the notice was then withdrawn to allow for further negotiations to take place. A third valuer was called to perform the assessment, all three valuers agreed on an amount of R1.472 million or R1.5 million as reasonable enough, market related value compared to the R2.1 million that the farmer demanded (Mgoqi, 2001).

The basic problem around the evaluation of land is that the valuers determine the worth of the farm in part on personal opinion, and what’s key is that the owners consider the value of developmental ideas needs to be considered on the farm while government purchases the ownership. The amount of a single farm can therefore vary from R200 000 and R10 000, which leads to delays for restitutions as the process is lengthened by negotiations (Louw, 2005).

Once the news start spreading that a parcel of land is under claim, the farmers will either develop the farm for evaluation purposes and or immediately after receiving the money, then strip most features from the farm and render it useless while it was an active productive farm (Ehlantenzi Land Summit, 2005).

The figure 1.4.2.1(a) below shows remnants of a once, highly productive crocodiles breeding pens at the Inala farm, the building is the only structure still standing while the others have been flattened.
Figure 1.4.2.1(a). Destroyed breeding pens and the only building remaining in the background

Figure 1.4.2.1(b) Unused crocodiles breeding dams
1.4.2.2 The effects of the Acts on the redistribution of land for agrarian purposes

The enactment of the Land Reform (Labour Tenants) Act no.3 of 1996 was as a result of the excessive illegal evictions by farmers of their labour tenants. The evictions were perceived by government as a fight back ploy after the elections, it was the government’s responsibility to curb the evictions and to protect the poor farm workers. But these were results of the overwhelming transformation that have engulfed the country.

That following year the Extension of Security of Tenure Act, 1997 (ESTA) was passed to try and strengthen the provisions of the aforementioned Act which was extremely undermined and violated by land owners who continuously evicted their workers, against the stipulations of the Act which states that a person who has continuously and openly resided on land for a period of one year shall be presumed to have consent unless the contrary is proved (ESTA, 1997).

This Act also allowed labour tenants who have shared the better part of their lives as farm workers to own a small portion of land where he or she could farm for livelihood. This was a period of recession and some farmers thought that they could get rid of labourers who have served them for years

1.4.2.3. Community ownership

The juridical and regulatory components of land administration systems in South Africa were built upon the foundations of full ownership and a single-farmer ethic, while land tenure in customary areas (tribal areas) and many of the emerging farming units under land reforms in South Africa show communal (group) forms of ownership. There is legislation that allows for partnerships and trusts in many countries within the region, but in most cases these have proven inadequate for registering community entitlements.

In other cases new legal instruments have been designed (e.g. equity sharing schemes and common property associations in South Africa), but considerable planning and outreach efforts are required to determine membership, assess resources, evaluate land use potential, build skills, extend knowledge, design governance structures, build trust, and generally adapt and apply legal instruments to localized conditions and populations with meager resources.

Without decentralization of land services, and devolution of governance to municipal
(localized) levels, there is great risk of failure and empty promises. As noted by Alden Wily (2002) in no case within South Africa has the power to govern land tenure been devolved to democratically elected community level bodies. Why hasn’t the ultimate leap been taken towards Community Land Boards, community-decision making, and community land rights (Alden Wily, 2002)? The problem would then be between the powers of the tribal authority and the voice of the people, supporting the Communal Property Act (CPA), but it must be borne in mind that the chiefs as custodians are holding the land in trust for the community.

But part of the answer lies with old habits, entrenched interests, and state failures, but there are technical problems as well. While group registration and sectional title is now possible in a number of Southern Africa countries (Mozambique, South Africa), what according to Clarissa Fourie (1998) is the spatial unit of observation for juridical, regulatory and cadastral purposes? Is it the individual, the chief, a village council, or group of communities, and what are the rights of each and for what? There are also risks that land rights are eroded by adherence to customary law, or for example in South Africa, Swaziland, Malawi, Lesotho and Mozambique, that land rights newly won by beneficiaries become subservient to the control of chiefs and traditional authorities (Cousins, 2002).

The year 1994 saw the reinforcement of the land reform debates, partly driven by land reforms in South Africa after apartheid, in Zimbabwe after the 1998 joint Government-Donors Land Reform Conference, and more recently Namibia. The jury is still out on whether the transactions costs of market-assisted or community assisted land reform in southern Africa is any more cost-effective or speedier than redistributive land reform.

What can be said is that land reforms in Namibia and South Africa have been very slow in implementation, due to a number of structural and policy problems – land market constraints that prohibit the sub-division of large-scale farms into smaller units, reluctance of people to navigate the administrative and political machinery of market transactions, market power of commercial farm owners, cash flow problems associated with loan finance, expensive surveying and demarcation, inadequate funds for land acquisition and resettlement, and high land prices for good quality land (National Land Summit, 2005).

Unlike Brazil and Columbia, which achieved independence at the turn of the century, southern African governments reached their independence in the latter part of the 20th century, and until independence most blacks were forbidden from participating in land markets. Market assisted approaches are to some degree shackled as a result (Lumumba, 2002).

However, although ambitiously fast tracked resettlement in Zimbabwe has violated
human rights, and increased state-supported violence, the action of the state to curb the market power of large scale land owners is not inconsistent with similar policy thrusts observed in the 1960 and 1970 in Latin America and Asia. On several occasions, key policy makers at this conference from Namibia, South Africa and Zimbabwe proclaimed “the willing seller and willing buyer approaches may be obsolete for the needs of rapid land redistribution and poverty alleviation” (National Land Summit, 2005).

Governments are already pursuing a variety of mechanisms to increase the ability of the state to redistribute land from large-scale sectors to the poor. Both the World Bank and donors in addition need to seriously reconsider their policies against paying for land purchase and increase funds for resettlement costs. Whether future land policy emphasizes redistributive land reform or community-assisted land reform, the facilitation costs to recreate capacity in local communities and empower them to govern and assume control over their livelihoods will be gigantic. Yet, set against the political instability and future violence of slow-paced land reform, it is in the interest of all parties to work on ways to reduce land inequality (Lumumba, 2002).

1.4.3 Challenges

It has been a long and arduous road since 1994 (year of the first democratic elections in South Africa), a number of strategies were set for the South African populace to experience a better life for all. Circumstances on the ground dictated otherwise, the restitution of land rights has its ups and downs. Government did not restore land merely for political intentions, but wanted the target groups to acquire skills and till the lands (Hanekom, 1998).

1.4.3.1. Land conflict

John Okidi (2002) notes how parcels with land conflict exhibit lower land productivity. Yet, surprisingly few land policy frameworks in South Africa adequately mention, how land conflicts are created and sustained. Departure from adequate land access, secure tenure and fair land distribution often create tensions, according to Daudelin (2002), but how these tensions manifest depend on the intervening role of gender, class, and ethnicity.

Unfulfilled demands for land rarely result in violence, but when violence does arise it is usually the labour tenant who is victimized and rendered powerless in the face of the elites or the powerful new elites created by policy interventions. Conflict however need not be open as much of the conflict in South Africa is based on covert resistance, “…not challenging the…status quo, but garnering micro victories for the poor and landless”
Whether conflict is violent or covert, it is nonetheless debilitating for the human spirit, and undermines the trust upon which all institutions are founded. The state might address this conflict for example by speeding up land restitution and land redistribution. Or, it might penalize the offenders (National Land Summit, 2005). But in addition, the state has contributed to conflict in South Africa by raising expectations for land reform that are not met, by failing to intervene adequately in situations of insecure tenure (allowing conflicts to simmer), and by privileging certain rights claims over another (e.g. when sorting out overlapping claims) (Hall, 2002).

The state may also play more active roles in shaping or generating conflict. For example the Communal Land Rights Bill (2001) proposed to transfer rights to traditional authorities at the expense of rural dwellers, or Progressive Agricultural (PROAGRI) policies in Mozambique that encourage private investors and elites acquiring concessions and leases at the expense of the poor. The other conflict that is manifesting itself within land redistribution is that of cultural diversity. For example the Project Steering Committee (PSC) might be dominated by shareholders belonging to a certain clan.
The figure 1.4.3.1(b) shows litchi trees that were uprooted by winds a long time ago during a storm in February 2005, but they could not be replaced due to lack of funds.
1.4.3.2 Wayforward

In terms of the ruling party’s Freedom Charter, it is stated that the land shall be shared and owned by those who work it and that South Africa belongs to all who live in it Black and White. For government to balance this equation it is going to take some effort. The government introduced the Land Redistribution for Agricultural Development Programme (LRAD) strategy to buy land and materially support up and coming farmers or emerging farmers who need to be mainstreamed (Hanekom, 1998).

The combination of the above Acts and programmes have made it possible for the target groups to access land, the methods of accessing and acquiring land differ from one group to the other depending on the effected prescript. It is therefore for this report to highlight the plight of the emerging farmers as they approach a field that needs money, expertise and guidance or extensive agricultural extension. There are doubts about the economic sustainability of agriculture on small parcels of land, small parcels are suitable for the family’s livelihood (food security) (Fobih, 2004).

Most government officials last saw the beneficiaries during the launch of the project;
most farms have deteriorated beyond recognition. By implication this does not denote that all the restituted farms are in the red zone, the report will have to be decisive and not be judgmental in its approach so as to determine intuitive findings and recommendations.

The sugarcane in figure 1.4.3.2(a) that is not well looked after, even during harvest the farm is going to lose out on a number of tons.

*Figure 1.4.3.2(a) Poorly maintained sugarcane fields*
Comparing the following fields of sugarcane from an adjacent farm, one could see the vast difference in the maintenance of the cultivar.

Figure 1.4.3.2(b) Sugarcane field from an adjacent farm

What’s of utmost importance, is determining the role that needs to be played by the surveying profession, how the farms are to be sub-divided, or which form of ownership is going to be given to them. The thesis will also have an in depth look at the communal rights against individual rights. Land reform tends to be either rural or urban, with reform in urban areas mostly utilized for housing purposes while in rural areas it is required for farming practices.

Projects developed to deal with the transition zone between rural and urban are not
common. The land tenure practices promoted for such zones inhibit a formal land market because informal trading means that the transaction is not registered. The cadastre becomes inaccurate as does the land market which becomes frozen as the land will not be in a position to attract mortgage financing until the titles are cleaned up, a big challenge for government and the surveying profession (Fourie, 1998).

1.4.4 Conclusion:

If the report recommends change where necessary, it is incumbent upon the leader of the Department together with the management echelon to take a position and rally for political support from the Member of the Executive Committee (MEC). The Department needs to take note that it is not about quantity of farmers promoted or allocated land but it is about quality of agricultural practices that is sustainable in nature, this is the core business of the Department. It is therefore important that the report comes up with a proposed program which shall be put into practice without compromising the notion of the present program.

For Acts, regulations and policies to be effective, one needs to get primarily the buy-in of politicians so that they will always strive to set strategic evaluation and monitoring mechanisms that must give impetus to the expected outcomes. This therefore forms part of the basic objectives for the success of this report, which could even lead to the proposals being debated from local, provincial and sometimes at national level.

CHAPTER 2.

LITERATURE REVIEW

2.1 Introduction

The chapter addresses the period prior to the advent of democracy in South Africa. It compares the different scenarios in foreign countries and the status quo in the country. It also addresses the fragmented user rights that will tend to address the shortfalls as stipulated in the background.
2.2 Background

While South Africa has an acknowledged superior cadastre system, there are tenure problems in traditional areas relating to lack of legal recognition of communal tenure, abuse by elites, the breakdown of the old permit system, and gender inequality. But that is not a common problem to all the areas as the number and nature of formal rights is not known because many records relating to the former South African Development Trust (SADT) land are inaccurate (Barry, 1995).

Basically all tribal offices are required by law to register permits for agricultural land, public centres, residential and business sites stored in magisterial offices around their jurisdiction. What is common in all these tribal authorities and magistrate’s offices, is the lack of concise, available information from both legal offices. In the past, gender inequality in land allocation led to low utilization of the land, women were not allowed to have land; and often when their husbands died or migrated to urban areas the land was left unutilized (Lahiff, 1999). The absence of men had negative impacts on their families’ lives and the agricultural productivity (van Schalkwyk et al, 1996).

It is worth noting that permits were issued on SADT land (under regulations R188 of 1969 and R293 of 1962) without being recorded, and so the number of permits issued is not known. R188 of 1969 stands for the Black Areas Land Regulations (BALR) while R293 of 1962 stands for the Administration and Control of Townships for Blacks (ACTB). This leaves you with a notion that there has been a buffer zone between the so-called urban areas for Whites and the townships for Blacks (Barry, 2003).

It is apparent that the buffer zone was designed, to strategically and where possible serve as a holding cell for the blacks, hence within the buffer zone one found extensive commercial farming activities, which were meant to provide employment to curb people from flowing through to towns. The lessons from the Bangladesh micro studies related to poverty alleviation, found out that there is a clear link between landlessness, insecure tenure and poverty (BRAC, 2002). It is arguably the same scenario in our country, where people on the other side of the buffer zone had no alternative but to work the commercial farms in their proximity (Fourie, 2002).

There are some general characteristics of customary land ownership which presents considerable challenges to security of tenure, sustainable agriculture, sustainable livelihoods and food security. The restituted lands in South Africa have no clearly defined surveyed boundaries, which then present conflicting claims to ownership. It is suggested that they eventually lead to poverty as the land will remain unproductive for some time while the farm owners will be engaged in conflict over the size of their pieces of land (Fobih, 2004).
A proposal by Pienaar (1999) suggested because of the different kinds of land use a model of fragmented user-rights can exist simultaneously over the same property without an inherent hierarchical structure, provided it is granted and protected by legislation. This model will not replace the communal property approach. This has been the Bulgarian and Ugandan approach where land distribution is decentralized (State Gazette- Bulgaria, 1991; Oput, 2003).

The advantage of this approach of decentralizing the registration of titles to land is that the interested parties will have an easy access to the services. Take an example in Bulgaria where Municipal Land Boards have been established to deal distinctly with land distribution at a local level. This tends to bring more efficiency to the entire land reform process as all the processes are very close to the adjudicators and will expedite the processing of claims. This can be contrasted with the Lesotho Land Act that does not have implementers because of the centralized registry system and lack of properly qualified personnel (Selebalo, 2004).

The same approach is adopted in South Africa where land issues become part of the Integrated Developmental Programme (IDP), the Chief Land Claims Commissioner (1997) called upon all government institutions, including local authorities and parastatals to take note of the provisions of the Restitution Act and the constitution that restitution is a high priority for government and is seen as part of the reconciliation process (Seremane, 1997).

2.3 Strategies for improving the efficiency of land use.

The efficiency of land use is the process of changing with the recent most purposeful emphasis from government to expedite and conclude the land restitution and land reform process; hence the Department of Land Affairs (DLA) has decentralized their offices to the nine Provinces of the country. An example from Mozambique simply illustrates the efficiency and effectiveness of such approach, where a number of government departments are involved in the technical process and have to give their agreements to the land being allocated to a particular individual for a particular purpose (Mozambique Gorvenment, 1997).

The Departments of Agriculture and Land Affairs are solely responsible for land matters in South Africa, which leaves gaps in the execution of the land reform process because of vested interests. The Department of Agriculture and Land Administration (DALA) is mostly interested in the agricultural aspects only; these are farmer settlement as opposed to farmer support. This is a problem to the emerging farmers as they do not have sufficient income to improve the agricultural infrastructure (Tren & Schur, 2000).
Another big problem that needs to be addressed is that land is given to farmers who do not have experience and passion for farming (van Deventer, 2002), which leads to land not being used to full potential.

The biggest problem with the current system is that there is too much pressure for the black emerging farmers to perform, while they are still learning and trying to accumulate capital (van Schalkwyk et al., 1996). These farmers have entered the practice during the time when the present government does not subsidize farming while the previous government subsidized white farmers

Dr. Clarissa Fourie indicated that there are problems within the Department of Land Affairs as they are consciously concerned with the creation of inclusive agreements often on state land, rather than the sorting out of the cloudy title on private land which delays the outcome of land reform (Fourie, 1998). But there are other contributory factors to the failure of the land reform programme, which amongst others include:

- Government agencies tend to prepare settlement components hurriedly and superficially,
- Assistance to resettlers is typically confined to short term relief,
- Resettlement components are often under financed,
- The productive capacities and income of those displaced are not restored within a reasonable transition period. The result is lasting impoverishment,
- State resettlement agencies often lack explicit policies and guidelines for re-establishing people productively,
- Resettlers and host are not informed and consulted in time, such that their organizations are not invited to participate in planning, negotiation and execution,
- Development agencies charged with managing resettlement lack the staff skills and organizational capacity,
- Second generation environmental effects from resettlement are not anticipated by the preparation studies affecting the host population (Cook, 1994),
- Inadequate commitment by implementing agencies and officials,
- Individuals with vested interest will drive the process for personal gain, complexities in correctly identifying beneficiaries,
- Difficulties in highlighting the main aims and objectives of a land reform programme to the unsophisticated rural community (Chauke, 1999; National Land Summit, 2005).
2.4 Problem statement

Generally, observations indicates that agricultural activity at most land reform projects have decreased or failed significantly on land that was commercially viable under the previous management. Large numbers of people currently own the land that was initially owned by one person. This contributes to conflict among beneficiaries as they have different visions and objectives for the farm. Poor service from the service providers and lack of farming capital seem to be the obstacle for effective farming. We need to identify and define all contributing factors so as to prevent a repetition in future projects. Future agricultural developments on land reform projects must be viable, constraints and opportunities must be identified to fit within the framework of the agricultural strategy of the country and the land reform objectives.

The Land Reform programme can and will succeed if and only if enough work is done around the cadastre issue. The land issue will then address issues of poverty alleviation if proper sub-divisions are carried out by cadastral surveyors and the Surveyor General(SG) fed with the information for registration purposes.

2.5 Objectives of the field study

- Describe the critical requirements for the redistribution
- Discuss the current system of land restitution
- Perform a case study on Inala a representative farm in Ehlanzeni region, Nkomazi Municipality
- Analyse the LRAD (Land Redistribution for Agricultural Development) Programme with respect to making improvements and closing gaps
- Undertake cost-benefit analysis of the developed model versus the proposed improved version.

2.6 Expected outputs of the field study

The study should cover the five most critical objectives in such a way that solutions to the main problems are identified, and there should be a clear differentiation between production and institutional problems. Areas requiring urgent research on land reform should also be identified including issues that address the cooperation between the department of Land Affairs and the department of Agriculture and Land Administration.

A broader model for sound land reform should be developed, specifying the principles that should be respected in typical land reform projects. This should be documented as a blue print and should be part of a working manual for land reform. This model should be
promoted and implemented.

The resultant report should acknowledge and deal with the following national policies and priorities; the land reform programme, farmer support policies, the agricultural sector strategy plan in terms of human, financial and infrastructural resources.

2.7 Conclusion:

It is clear that issues of restitution are global, and need governments to review their approach of expediting land reform. It is evident that the South African government is trying its level best in addressing the issues of land restitution, and the Land Summit’s resolutions need to be implemented if the dream of increasing access to land is to be fulfilled.

Additional monitoring and evaluating strategies set by the National Department must advise the cabinet correctly and corrective measures be employed to arrest the situation.

CHAPTER 3.

METHODOLOGY:

3.1 Introduction:

The study required gathering enough information from all the relevant structures, the official from Land Affairs is a major stakeholder as well as the labour tenants on the farm, the Regional Director and Head of the Department and the manager of the farm will indicate whether the programme is working or not.

The research method necessitated the preparation of different questionnaires for the different categories of samples. Initially it was assumed that the Department of Agriculture’s Extension officers were fully involved and participating in the process of farmer settlement, but their role is too minimal or non existent at all.

The labourers interests and responses were covered by the responses of the directors as the directors are also shareholders.
3.2 Project planning

The critical path for the project is the gathering of substantial amount of information that will assist in making informed inferences and recommendations that will be acceptable to the farmers concerned in future projects. The field study was planned during the phase of acquiring of knowledge of the course. Due to the dynamics found on site, one was therefore forced to change the approach so as to suit the pending circumstances as shall be indicated later.

3.2.1 Field work

There are two other farms belonging to the same owners. I therefore decided to focus on all three farms for efficiency and effectiveness of the research. During field study meetings were convened with the present management of Inala as well as the labourers who are shareholders. The operations of the farms were examined for efficiency and effectiveness of the labour force, for the first week when the research was conducted there was no harvesting carried out as there were no packing boxes for the banana.

Figure 3.2.1(a) Labourers busy at the pack house
The quality of the harvest can be witnessed in the following picture, the amount of banana harvested was thrown away and only some couple boxes were in good condition.

Figure 3.2.1(b) Crates of unsuitable Banana
3.2.2 Sampling Methods

According to Land Affairs, Inala farm was a pilot project, in view of the amount paid by government for acquiring the farm. The interviews were initiated prior to the visit to the farm; dates for the interviews were secured with the stakeholders on the farm. Unfortunately the Farm Manager was not available because he has left the farm; hence I therefore interviewed the Acting Farm Manager who is also a member of the Project Steering Committee and a Board member on the farm. Interviews with officials from Department of Agriculture and Land Administration was therefore reduced to that of non-active player in the whole setup, and concentrated much on the officials from Land Affairs.

The method was chosen in order to get the perceptions of the various levels of stakeholders to get the overall picture of what is happening in the farm. The interviews were conducted in groups according to organizations, to allow people to speak freely.
and without prejudice.

3.2.3 Limitations

Due to the immense time constraints, because the field study was to be done and completed within almost two weeks span, the study was very much focused and issues were prioritized. The beneficiaries could not speak English therefore the local language was used for conducting the interviews. The main language spoken on the farm is Swati, but the questionnaires are prepared in English therefore I had to interpret the questionnaire and explain each and every question.

3.2.4 The Questionnaires

In order for the questionnaires to be concise and discreet the information required from the different stakeholders had to tally strategically, because we were talking to stakeholders who operated from different centres. It was necessary for the questionnaires to seek some form of background about the project. This serves two basic purposes; firstly the respondents had to have an understanding that the study was merely an educational activity, secondly it helped the understanding of the status quo much better so that when further interviews were undertaken the questionnaires are much more purposeful.

It was important to alley fears from the respondents. The questionnaire about the farm wanted to find issues relating to relationship between management, labourers, project steering committee, the external departments and community members within the farm.

Question 16 is specifically designed for the respondents to score their understanding and performance to the best of their abilities, such that if they underscore themselves or over score; it must talk to the responses they have given during the interview.

The copies of the questionnaire forms are appended as Appendix C for information. The questionnaires directed to officials from Land Affairs are distinctly formulated to gather enough information about the role of this particular department in particular as land reform is its core business. It also seeks to find if their strategy is to integrate with other departments within government or discover whether they are strictly dealing with the number of farms restituted.
In preparing the questionnaire I basically considered critical questions that would answer the objectives of the research, and used these points as a guide:

- How did the manager contribute towards the success or failure if any,
- How did the Board of Directors contribute towards the success or failure if any,
- Did the labour tenants who are new owners contribute towards the success or failure
- How did the Project Steering Committee contribute towards the success or failure
- How did the Department of Land Affairs or Agriculture and Land Administration contribute towards the success or failure
- How did the programmes on land reform contribute to the success or failure
- Is land reform regarded as an event or is it a process?
- How is sustainability ensured after acquiring the farms for the new occupants?
- Who is supposed to ensure sustainability if the process is government driven?
- Does power dictate dominance? And how is efficiency measured?
- Does mentorship overrides training?

The questions are more qualitative in nature, and where the respondent was asked to rank, the respondent highlighted the ranking and I would read it to him and he would be expected to confirm. All questionnaires are in Microsoft Word with no fields for responses; this was deliberately made so as to allow the respondents to give enough information as possible.
**Figure 4 Inala Farm Locality map**
CHAPTER 4

CASE STUDY AT INALA FARM

4.1. Introduction

The case study was used to address the objectives of the research, and also to illustrate motives and even ulterior motives that may lead to the deterioration of farms that were obtained through the land reform process as well as the distinct role played by the stakeholders during land acquisition and the operational phase.

4.2. Background:

The farm Lomati belonged to Mr. Schoeman who practiced different types of farming activities; he bred crocodiles and had an industry for agro-processing. Mr. Schoeman wanted to extend his business by purchasing two additional farms. The farm Lomati was highly productive and could sustain itself, immediately but after acquiring the two farms Doringkraal and Ooshang, he had to improve the status of the other farms and excessively used money generated by Lomati to an extent that he accumulated debts to a tune of R16.5 million.

The Land Bank of South Africa therefore declared him insolvent and attached the farm. Then the farm was bought by the Crooks Brothers for R16.5 million as demanded by the bank, a problem surfaced when the new owners wanted to reduce the number of employees on the farm from 600 to 150. Of the 600 workers 200 were foreign nationals from Mozambique. The new farm owners were adamant about firing the 450 workers; the desperate workers therefore approached Land Affairs with their problem and requested the department to intervene and stop the new owners from retrenching such an enormous number of people.

The department of Land Affairs therefore through negotiations with the new owners reached an agreement of reselling the farm back to the tenants. The farm was bought by government under the Land Redistribution for Agricultural Development Programme for R16.5 million, the purpose of the purchase was to allow the farm workers who have worked the farm for a number of years to manage it. Strategically when government has completed the transaction, a project manager Mr. Piet de Wet was appointed as Managing Director to assist the farmers in managing the farm. Some of the shareholders who were literate were drawn into the Board of trustees and were appointed as managers for
different aspects. The name of the farm was therefore changed to Inala (meaning food abundance).

The 400 South African citizens employed on the farm were given the R15 000 grant each, they contributed that money into the trust fund as a startup fee. The Managing Director therefore did not start from a zero budget, he had R6 million for running the farm. Four years into operations the Managing Director took a loan with the Development Bank of South Africa for R13 million. The debt was never serviced by the Managing Director, surprisingly enough the Chairperson of the Board of Directors – Mr. David Cooper was from Land Affairs and he could not see the danger looming. Audited financial statements were presented in Board meetings and everybody was told that the financial position of the farm was excellent.

The other Board members were Mr. van der Merwe (Land Affairs), Mr. Obed Ntuli (attorney), Mr. Albert Sibiya (shareholder) and Mr. Musa Hlungwane (Regional Director – Agriculture). It was only early this year around March that the farmers learnt of the pending problem that the Managing Director have already declared the farm insolvent, when the poor farmers enquired about the matter he resigned. The Department of Land Affairs, nationally and provincially were called in to try and solve the impasse.

The farm was already under the control of liquidators, Land Affairs could not take decisive actions against the Managing Director. The shareholders have been working ever since and were told that they would get their dividends after the R16.5 million have been serviced. Presently the farm owes the Land Bank of South Africa an accumulated amount from R13 million to R28 million, which leaves the shareholders with a question of was the debt ever serviced since 1996.

### 4.3 Farming Activities

Farming activities include the following crops and their hectares

<table>
<thead>
<tr>
<th>CROP</th>
<th>HECTARES</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sugarcane</td>
<td>235</td>
</tr>
<tr>
<td>Banana</td>
<td>187.5</td>
</tr>
<tr>
<td>Litchis</td>
<td>41.3</td>
</tr>
<tr>
<td>Mango</td>
<td>219</td>
</tr>
<tr>
<td>Pineapple</td>
<td>8</td>
</tr>
</tbody>
</table>

Table 4.5.3 Crops and their hectares on the farm
The whole farm consists of 1800 hectares, of which 1213 hectares is suitable for agricultural activities. The remainder of the farm consists of sandy, rocky to mountainous area which is suitable for neither irrigation nor dry land farming.

### 4.4 Data Analysis

Immediately after the first two years the Managing Director appointed an additional administrative support staff of fifteen people. Unfortunately nobody knows how much he paid himself and the other support staff. This information came into light this year after the shareholders have learnt of the liquidation.

When the loan of R13 million was entered into by the farm, the management and the Project Steering Committee missed an opportunity to question reasons for the loan in hind sight it would appear that it was acquired for the payment of exorbitant salaries. Fortunately the shareholders were paid farm workers salaries, and no improvements were made to the farm during that period. In terms of machinery and the fleet of vehicles that was bought with the farm that is still being utilized most of it. In essence no extra cost was incurred as a result of acquiring new fleet and implements. The existing two hundred foreign nationals were kept on the farm performing the normal chores of general workers.

In the year 2000, the year that have seen the country being hit by cyclone El Nino, the farm was affected by heavy floods that left large portions of land affected. Bridges were washed away while a number of storage earth dams were broken; this led to the rate of production declining immensely.

The level of cooperation amongst the shareholders is extremely good, that is why after Mr. de Wet, the Managing Director left the farm, a Chief Executive Officer (CEO) was promoted amongst the Managing Directors. But lack of managerial skills in the new Chief Executive Officer compared to the former Managing Director showed a slide in the performance of the farm, maybe the liquidators are also contributing because the cash flow for operational funds have been reduced tremendously. Figure 5.4(a) shows the new owners (shareholders) hard at work doing packaging of Bananas at the pack house.
What is more critical is the lack of training to the shareholders and the present management in farm management, agronomy and general farming practices. There is a very strong perception that if the Department of Agriculture’s Extension Officers were frequenting the farm regularly, there would be visible change in a number of areas as they would have thought the farmers a thing or two.

The Managing Director was the only person responsible for calling and talking to auditors, what is evident is that there were no internal auditors for conducting risk assessments. The Project Steering Committee despite having little information about the affairs of the farm made sure that the shareholders were kept abreast with information through regular meetings.

The Department of Land Affairs together with the Land Claims Commission believes that they are achieving a lot through land reform considering the number of farms that they have settled. Although they agree in principle that the process of sustainability is not their sole responsibility as there are sister departments charged with that responsibility. To them the Acts for land reform are too explicit, such that theirs is to acquire land for those who were forcefully moved from their lands. They indicated that once the land has been handed over to the claimants, if a dispute arise amongst the claimants courts are there to resolve those misunderstandings.
They also realize the need for preparing the new incumbents in their new ventures but the Department is having challenges of its own. They are understaffed compared to the number of farms that have been reclaimed. For the past three years, consultants were employed to train the new farmers in farm management and the programme is not bearing any fruits. Nationally the two departments, that is Agriculture and Land Affairs are under one Ministry; therefore their understanding was that there was a lot of cooperation as they were responsible for land reform and settlement and the department of Agriculture was responsible for farmer support.

The Land Redistribution for Agricultural Development (LRAD) programme is the most powerful tool according to them, the poor state of the farms does not give an idea that land reform is failing. In their opinion there are other factors that contribute to the failure of these farms as a number of them are successful. The issue of ownership, ethnicity, lack of funds and tribalism are the core factors that lead to confusion which ultimately manifest to infighting and the ultimate deterioration of the state of the farms. Figure 5.4B shows the dilapidated state of the farm due to some of the above factors.

![Figure 4.4(b) Implements that could not be repaired next to a mechanical workshop](image)

Pertaining to the issues affecting the Inala farm, the Provincial Department of Land Affairs feels that the pending problems around the said farm are not their competency. These issues are dealt with directly from the office of the Minister in Pretoria, no one is willing to say when and what the resolution would be concerning the liquidation and the
pending debt. The Provincial Offices are satellites as land reform issues are a national competency, this might contribute to the delays on settling claims and disputes. The question of decentralization of services to provinces is an accepted approach as government intends taking this service further down to local municipality level country wide.

The idea of mentoring through training is the supported by government, but the department believes that the new owners have got a role to play in ensuring that the mentors or appointed managers fulfilled their responsibilities. It is their obligation to report any wrong doings by these structures to the Provincial Member of the Executive Council (MEC). The Members of the Executive Council meet the National Minister regularly in Ministerial and Members of Executive Councils (MINMEC) meetings, these issues are deliberated on there. At times the unavailability of officers from the Department of Agriculture and Land Administration leave the farmers confused because they are not certain whether the department of Agriculture is involved in land reform.

The future of redistribution looks promising especially now after the Land Summit, the Minister is keen to see the summit resolutions implemented. The same goes for the Provincial Members of the Executive Council and the legislature as the outcomes of the Provincial and National Summits were reported to them.

Due to the situation on the ground, government would like to distribute land amongst a number of people in groups, basically due to the number of people who were previously disadvantaged as they far surpass the available land. Between the two Departments, there is a debilitating competition as each wants to be seen as delivering more than the other forgetting that we are supplementing each other.

CHAPTER 5

FINDINGS AND DISCUSSIONS

5.1 INTRODUCTION

The research revealed a number of distinctive issues that were obscured specifically from the trustees; it invoked interest to the entire community to start generating concern over their position as owners. It is for these findings to start shedding light to the future of the
land reform programme and to advice future would be incumbents on what to expect, to do and not to do.

5.2 FINDINGS

It is also eminent that the flow of information about land reform is not good and needs to be ensured. It is therefore important that both the Department of Land Affairs and the Department of Agriculture and Land Administration need to address the staff shortage problem that contribute to the problem of delaying information dissemination. If this problem was identified and addressed earlier, the farmers would have been alerted on the problems facing the farm timeously. It is evident again that the Extension Officers are not well trained in assisting farmers with specific problems because they have no access to information. What is critical and needs attention is lack of budget for this activity by the Department of Agriculture and Land Administration.

Figure 5.2. (a). This land shows the passion of the farmers – well looked after sugarcane
5.3. **Access and control**

The trust has the powers in utilizing and controlling the available resources. The farm manager had a right to take final decisions without the involvement of the trust. That also applied when money had to be drawn from the bank, the beneficiaries had a little say since they were given the manager by the Department of Land Affairs. Now that the farm is in the red again, the liquidators are the one calling the shots on the farm, so that path is really closed to the farmers.

What is bamboozling around the issue of the accrued debt, appointed mentor by the Department of Land Affairs is the fact that the farmers cannot take the Managing Director to court. The Department of Land Affairs Minister Ms. Thoko Didiza was called to the farm, but eventually the Director General (DG) from the Land Claims Commission decided to come and investigate the saga and indicated that he was going to report to the Minister, denying the farmers an opportunity of clearly stating their case to the most relevant person.

Most unfortunately the farmers have written letters to the Office of the Mayor in Nkomazi, hoping that maybe a political intervention from the local municipality might help, but it was never replied and nobody showed any interest to the matter. Similarly there was no reply or response to the letter sent to the Department of Agriculture and Land Administration.

5.4. **Lack of structural co-operation**

There is a lack of co-ordination and collaboration in government departments; this is as a result of a culture of silo operations. There is a strong belief that an allocation of a budget to a department gives it a leeway to decide on how to spend. What departments appear not to understand is, service delivery does not matter whether it comes from the left or from the right as long as the client is satisfied with the services rendered.

What is of critical importance is changing the lives of the people for the better. The Department of Land Affairs being a National competency, would have had in house discussions with her sister Department of Agriculture at national level. If they would have laid down ground rules and operational strategies for the Provincial Departments, we may not have the present difficulties.

If there had been effective communication and enough consultation with the farmers on the ground, a number of unfortunate incidents might have been avoided. It was unhelpful for the Department of Land affairs to appoint the Managing Director while the
Department of Agriculture and Land Administration may have been more qualified to assess the candidates. There has been no Agreement of Understanding (AOU) between both departments such that one was supposed to evaluate and monitor progress at grassroots level. This has led to no one wanting to take responsibility and assist the poor farmers.

In this case the farmers did request some form of assistance from the Extension section, but unfortunately no help was forthcoming.

5.4.1 Department of Land Affairs

In 1995 when the farm workers by then were entangled in discussions with the Crooks brothers who have just bought the farm and wanted to reduce the labor force on the farm, the Department kept to the vision of government. That is to strengthen land right for the poor and vulnerable by reclaiming the farm back from the Crooks brothers by purchasing it for the farmers; giving them the right to own and develop the farm from the other side as owners.

It would appear the problem started when the department appointed the Managing Director because they feared that the farmers were going to ground the farm. The appointment was justified but lacked monitoring and evaluation mechanism, as claimed by the Project Steering Committee – a body that represented the aspirations of the shareholders. He would consult with the Department in Pretoria some 467 kilometers away on issues affecting the farm and people within his reach. The establishment of the Board of Directors was well thought of as the farmers formed a Trust, well balanced in terms of representation as all parties were represented.

What is dangerous is the fact that the farmers were given authority with no power; the Managing Director was autonomous; as he would make and take decisions unilaterally. The department was aware that he had appointed fifteen professional staff and that was going to be costly for the Trust in terms of salaries and consultancy fees. It is not known how much was he paying himself but it was discovered that he employed his wife as his Personal Assistant paid at R15 000 per month.

When the farmers reported the deficit to Land Affairs and that he has already declared the farm insolvent and has disappeared, senior managers and even the Minister jumped into the issue and appointed liquidators from Pretoria to manage the affairs of the farm. There is still a pending question to be answered. The audited financial statement according to the current Acting Manager always showed that the financial position was positive, while
the farm was in the red.

I attempted to obtain from the liquidator financial statements for the past three years, so as to study the financial trends. He categorically denied access to the documents. However he was prepared to give me projections for the next year. In essence the farm is going to be under liquidation for some time to come.

Figure 5.2.5.1(a) and (b) shows the dilapidated state of the machinery on the farm, production has gone down as money for inputs is with the liquidators.
Figure 5.4.1(a) Dilapidated state of implements
Figure 5.4.1(b) Poor quality of Banana
5.4.2. The Department of Agriculture and Land Administration

The department’s core function is to ensure that those people who are in the periphery of mainstream active agriculture should be brought on board. It is mostly concerned with subsistence farmers, the farmers at Inala are exactly subsistence because they have never been involved in commercial farming before. There has been an oversight from the department’s side as they considered these farmers commercial by virtue of them having acquired the farm, rather than considering their competencies.

The farmers approached the ward office of the Extension Officers for assistance but were unsuccessful. Maybe the problem is the Department’s structural setup. The line of reporting is over complex and some people might be confused by the matrix system. Extension services is a Chief Directorate in the department, having a Chief Director at the Head Office, below him is a Regional Director with a Deputy Director responsible for the line function in the region. The region is further divided into Wards headed by a Control Technician with Extension Officers below him/her.
If you follow the organizational structure carefully, one could see that the decision makers are limited. In actual fact there is only one person solely responsible for making and taking decisive decisions, that is the Chief Director.

At Inala farm Extension Services was represented within the Board of Directors, with full membership status. It must be questioned as to why they were not effective as they represented the Department. When things eventually deteriorated the shareholders approached the Regional Director for advice. Approaches to the local Extension Officer and the Head (Control Technician) were made as it was presumed that they were people very close to the farm. It would appear that they had very little contact with the farm.

Perhaps if during the initial stages of the project, the department would have taken its rightful place, the farmers would have been in a different position today. They would have been advised on a number of best farming practices, for example the Department has an economics section that would have advised them to continue with the crocodile breeding. The department is better placed to have negotiated with the former farmer to assist these people on a contractual basis, or they could have suggested to the people an alternative use for the facilities such as converting the storage dams for fish farming rather than leaving all the infrastructure idling and worse still to demolish the buildings for no apparent reasons.

There are prospects for other forms of agriculture that would have been engaged in, that would have assisted the farmers to generate some form of income for other inputs on the farm. It is only the department that could have negotiated with the South African Sugar Association to assist these farmers in improving the quality of their sugarcane, as the association concentrates on upcoming farmers.

This is evident therefore that the farmers at Inala have been poorly served in terms of sustainable agricultural development but it still remains the responsibility of the Department to assist the people resolving this impasse with the Land Bank and Land Affairs. The Acting Manager also feels confident that the Member of the Executive Committee of the Department of Agriculture still has a role to play as a political head in the Province; he is the only person to interact with the National Minister of Agriculture and Land Affairs during the Ministerial and Member of Executives (MINMEC) meetings.
Figure 5.4.2(b) Demolished breeding pens and disused storage dams
5.5. Effects of the lack of structural co-operation

It is worth noting that the consequential effects and impacts of the lack of collaborative approach served nobody any purpose. Should both departments have collaborated, co-operated and consulted each other would have made a huge difference in the life of the farm and its people. Both departments seem to have contributed immensely to the downfall, deterioration and poor production of the farm.

If the officials delegated to the Board of Directors, had been more diligent somebody would be held responsible today for not have reported earlier and even still for have frequently kept management abreast of the situation. Evidence suggest that the Department of Land Affairs should learn to concentrate on its core function and respect its status as a national entity and allow those close to the people to continue with service delivery where it matters the most. They should also admit that they contributed to the problems on the farm as they were not strategically positioned to deal with the issues on the ground.

It is imperative for the Department of Agriculture and Land Administration to accept their responsibility to render service delivery. It is also apparent that the managers must take responsibility and include this farm in their strategic plan; as the Department has a lot to do to revitalize the farm and its activities. It is the very same department that needs to engage the farmers in extensive training processes, mostly on farming practices while the Department of Land Affairs needs to arrange training on farm management for a start.

The seemingly cold war between the two departments in particular, has caused the farmers to suffer immense lack of operational funds in term of having inputs for running the farm. The liquidators have got a specific role to play and Land Affairs have to take a decision whether the farming activity is viable.

It is almost a year since the farm was declared insolvent and no decisive action is taken against the farm per se, as the Department of Land Affairs is taking no action against the absent Managing Director.
5.6. Organizational Change.

The unexpected organizational change had its own side effects on the operations of the farm directly and indirectly. As indicated earlier the majority of shareholders are women and elderly males, semi literate to total illiterate, that in itself created a lot of problems as very few people were needed to dominate or manipulate the situation.

The shareholders despite the difficulty at hand were brave enough to request one of the Project Steering Committee member to act as manager, so far the only difference between the former Managing Director and the Acting Manager is the level of education and the resources at hand. He is managing to interact with the liquidators at all times for funds for operations. The organizational structures below show the difference between the past and the present, showing that the structural administrative overhead has been reduced.

![Organizational Structure Diagram]

*Figure 5.6. (a) Initial Organizational Structure*
CHAPTER 6

RECOMMENDATIONS

6.1. Introduction

In view of the complexity of the issues and findings on the ground the recommendations have been categorized into three categories, informed by the fact that all these problems cannot be addressed over night. It is also imperative to note that it is for the good of the
I have therefore recommended that the recommendations be divided as short, medium and long term. The short term recommendations address those issues that can be corrected immediately most probably, while the medium term recommendations need the stakeholders to engage in some form of extensive planning. Stakeholders need to hold discussion sessions.

6.2. Short term recommendations.

- **Deployment of delegated officers:**

  The department of Agriculture and Land Administration with its pool of qualified personnel needs to delegate experts in Extensions to train the farmers on using best practices in agriculture, an engineer to assist in agricultural engineering activities that will ensure sustainable development on the farm. The deployments should at least be for a year and should be managed by the farmers. Whatever they shall be doing must involve the farmers full participation. The whole process is about capacity building and raising the farmers’ confidence levels.

  The Department of Agriculture and Land Administration must play a leading role in all these processes because they will be fulfilling their core business.

- **Stakeholders to develop an integrated programme:**

  The Departments of Land Affairs and Agriculture and Land Administration must resume talks whereby through this process must work towards developing a comprehensive revitalization plan for the farm. During the development of the plan the stakeholders must be consulted, and the plan must be needs based. Basically it must address the needs of the farm rather than an academic document.

  In essence it does not mean that only the two departments must compile this plan, but they need to invite other structures whose contribution shall be beneficial to the farm. For an example structures like the Agricultural Research Council (ARC) which may advise on a number of scientific issues.

- **Appointment of a Farm Manager:**

  Given the organizational set up on the farm, the stakeholders need advise of a fully fledged manager for the acquiring of services. They need a person who shall implement the strategies as shall be developed above, shall monitor and evaluate
developments and reporting monthly to the Department of Agriculture and Land Administration. Immediately after the appointment of a farm manager, there is a need to resuscitate the Board of Directors with at least 10% representation from the shareholders.

This will avoid a repeat of events of the past whereby decisions that were taken by those who did not have to live with the Board because it looks like some of the decisions were taken behind closed doors with the exclusion of the Board. From the government’s side, high ranking officials must sit on the Board so that when decisions are taken a person must not first consult with a person who is not conversant with ground issues. This will avoid a situation whereby the farm shall be remotely controlled from somewhere.

- **Department of Land affairs to review the grant amount:**

For the sustenance of farms under the Land Redistribution for Agricultural Development programme, the department needs to review the R15 000 grants offered to farmers. Mainly for two reasons, firstly a person’s equity share in such projects goes to the contribution that person makes to be a member of a trust and goes straight for the repayment of the debt. Secondly the people are therefore left with nothing that would service the farm in the form of inputs or operational funds.

If the grants are increased to R20 000 as recommended, the R15 000 shall be used for the repayment and as equity contribution while the remainder needs to be used as a starter up fee for the maintenance of the farm and its needs. The deterioration of the state of farms is as a result of these farmers not having available funding for performing even minor repairs, if there is a problem it shall prevail for sometime and cause further damage. For realizing the purpose of introducing this program and for best value for money utilized by government, it is therefore recommended that the Department of Land Affairs consider this issue with immediate effect.

### 6.3 Medium Term Recommendations

It is recommended that while the stakeholders are trying hard to cope with the above, there is a need that after a period of three years with the hope that the state of the farm shall have improved. There is a dire need for the strategists to implement the following recommendations.
• **Conduct a feasibility study:**

In view of the one thousand one hundred and nine hectares not utilized on the farm needs an investigation of some kind. The investigation will inform the farmers of alternative forms that might generate cash flow, like the prospects of planting cash crops.

Since their inception of the farm they have been working on assumptions and speculations that the soil types are most conducive for the plants currently available.

Fearing that working on assumptions is dangerous, and with all the experts at hand it is advisable that the study be conducted as a number of items shall be determined and scientifically inform the direction that the farm must take. If there is a dire need for change as per the outcome of the study, these changes shall be rolled in occasionally to allow the farm’s production cycle to be consistent.

• **Shareholders to review the constitution:**

There is a tendency of shareholders to neglect their labour contributions, this affects some of the shareholders as they can not understand why they should work for other people who seem to be ambivalent about the farm. In order to have effective extensive farming there should be a shared vision.

It is not advisable to review the constitution now because some shareholders might misconstrue the process. After a period let them review with a bit of history behind that will be used as reference. It must be noted that when the trust was established no criteria was set for members except that they needed to be South African.

It is recommended that for the future the constitution must be reviewed every five years and must register the trust as an entity to back up the need for not having a perpetual agreement.

• **Farmers to appoint an Extension Officer:**

The Extension officer from the Department of Agriculture and Administration shall assist the farmers for three years only; it is incumbent upon them to show progression by appointing this person on a permanent or contract basis. This is not for their own good but for the good of the farm, this person shall directly be their sole responsibility and accounting to them.
If they are not satisfied with his performance they can always get rid of him/her, this person must sign a performance contract that will bind him/her.

6.4 Long term recommendations:

The success of the farm relies entirely on ensuring that these recommendations are not just thrown simultaneously, this will allow the farmers to review the successes and flaws in the process. The long term recommendations seek to instill confidence whilst ensuring sustainability after the five year period. It must be noted that after the review of the constitution much shall have been learned in the process hence these recommendations are informed by the outcome of the above.

- Selection of farmers on merit:

If in future their numbers dwindle as a result of old age, and any other causes; it is therefore recommended that before they could engage in a process of replacement as informed by the constitution. It is imperative that they need to be selective and set out criterion that will make the incumbent to fit the set objectives.

Even during the process of reviewing their constitution, there is a need to include a clause that will deal with competency and not compromise the integrity of their farming practice. But that is to say they should not evict those who might have become of no value due to a number of factors that might cause them not to be effective any more; in short they must remove the grandfather’s clause that saw them where they are today and be objective in their approach.

- Develop an exit policy:

Nobody is immortal in this world, therefore no business can survive if it operates as a closed system, the farm as an entity must operate with purpose and be in a position to come up with a clause in the constitution that will determine the calibre of cadres that the company needs.

It is strongly recommended that they establish a code of conduct at this juncture after all the swelling tides have calmed down. This recommendation has no bearing on the current status quo, but is forward looking for future developments on the farm. A good example is in Ghana, central Africa where government gives those who want to engage in extensive farming apportion of land, the moment a person breaks the undertaking; that person is immediately recalled from that...
portion of land and the portion is offered to those who will use it effectively.

The recommendation is informed by this example, in actual fact it is not about being strict but to hold people accountable for their actions. The number of available arable land is far less than the people who need access; therefore it is important that we employ optimal utilization of this scarce resource. Once the riot act has been read, all, that people has to do is to comply and nothing more.

CHAPTER 7

7.1 CONCLUSION

There is a need to put more effort on the outcomes of this research by the key players, as this farm was a pilot project when it was initiated, it therefore has to take the similar form as a revitalized project that will inform the operations of other projects in the Province facing similar dilemma.

As the situation can be corrected, there is a need for politicians as well to consult extensively so that they become factual in the process of decision making.
APPENDICE A
FOR: MASEKO MFANA ELPHUS

TOPIC: LAND RESTITUTION FOR AGRICULTURAL DEVELOPMENT IN EHLANZENI REGION – MPUMALANGA.

SUPERVISOR: Dr. GLEN CAMPBELL
ENROLMENT: ENG 4111 S1, D, 2005
ENG 4112 S2, D, 2005

PROJECT AIM: The project aims to investigate the effects and impacts of legislation on Restitution of land in Nkomazi Municipality in particular to previously dis-advantaged communities.

SPONSORSHIP: Department of Agriculture and Land Administration.

PROGRAMME: Issue A, 29 April 2005

1. Describe the critical requirement for the redistribution.
2. Identify a farm to be used in the case study – Ehlanzeni region and discuss the current systems of land restitution.
3. Analyze the LRAD (Land Restitution and Development Program) system with respect to making improvements and closing the gaps.
4. Undertake cost-benefit analysis of the developed model versus the proposed improved version.
5. Formally make a report of the new findings and recommendations to the Department.

As time permits:
6. To report on the implementation of the recommendations and their reception.
7. To report on a program undertaken by the Department to correct the wrongs already in the system (non functional restituted land).

AGREED:

_____________ (Student) _____________ , ____________ (Supervisor)
___/____/ 2005       ___/___/ 2005       ___/____/ 2005

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B.1 CONSEQUENTIAL EFFECTS:

(a) Sustainability:

The outcome of the research will yield varying results, stemming from negative to positive. But as a hypothetical sampling there are moving consequences that may guide the operations of the department with her employees, if well rekindled farmers may take it upon themselves to regroup and opt for better effective and efficient methods of managing their newly acquired farms.

Towards Sustainable Engineering Practice: Engineering Frameworks for Sustainability, Institution of Engineers, Australia, Canberra, 1997 which sets out the following aspects of sustainability.

1) Development today should not undermine the development and environmental needs of future generations:

As indicated under the objectives, the farmers shall be trained on regular basis on the latest agricultural farming methods, hence the call for the multi-disciplinary approach to project development. It is expected that the Extension component of the Department of Agriculture shall concentrate on farmer settlement and farmer support so that farmers are not left alone to drown naturally at the deep end.

2) Environmental protection shall constitute an integral part of the development process:

All new farmers shall be taught about appropriate farming methods that will protect the degradation of natural resources from salination and desertification. Attendance is compulsory.

3) Engineering [and surveying] people should take into consideration the global environmental impacts of local actions policies:

Local Municipality’s ordinances are prevalent to protect the parcel of land and the Soil Conservation Act, 1947 is in effect.
4) **The precautionary approach should be taken – scientific uncertainty should not be used to postpone measures to prevent environmental degradation:**

If not sure about the application of manure or wish to clear bushed for the extension of fields, do not apply or execute but the Environmental Education section is always willing to assist, do not hesitate to ask for help.

5) **Environmental issues should be handled with the participation of all citizens:** All land care issues shall be the responsibility of all occupants and everybody must strive to protect the environment for future generations.

6) 

7) **The community has a right of access to, and an understanding of, environmental information:**

issues around the environment are accessed under Consequential effects sub-heading sustainability.

8) **The polluter shall bear the cost of pollution and so environmental costs should be internalized by adding them to the cost of production:**

should a farmer or his/her assistant apply inputs in a manner detrimental to the environment, a fine to the tune of Aud.$ 25 000 or fifteen (15) years imprisonment.

9) **The eradication of poverty, the reduction in differences in living standards and the full participation of women, youth and indigenous people are essential to achieve sustainability:**

This project supports the Extended Public Works Programme, take notice that all work is labour intensive and no machinery must be used.

10) **People in developed countries bear a special responsibility to assist in the achievement of sustainability:**

All aspects of development undertaken in this project must support schedule 21 for sustainable development. Your produce represents what the Global World sees in you.
Warfare is inherently destructive of sustainability, and, in contrast, peace, development and environmental protection are inter-dependent and indivisible:

If most and if not all projects shall be fully productive the supply of the produce shall be shared with neighbouring states for improving the level of famine in Africa and the world over.
B.2 ASPECTS OF ETHICAL RESPONSIBILITY:

1. The outcome of the research that I shall be conducting will have results whether positive or negative after the politicians have bought into the idea. In essence the outcome of the report tend to bring joy to every member of the communal property, it will seek to improve productivity and the commercial benefit of each and every farmer. It is envisaged that should a person or persons be disadvantaged by this project, it shall only be a person who is not prepared to, play along and not a person who is not fit to participate.

2. In terms of violating other people’s rights, the outcome of the project does not split teams into groups nor dismantle what the have started, but the project seeks to increase what they have been getting in commercial terms and try to get a bigger turn over through increased hectares per person through an extensive consultative negotiations. One believes that with proper consultation, consensus shall be reached and not compromised.

3. The benefits of the project if well executed far out weigh the prospects of failure as most proposals are to the benefit of a farmer, to have full ownership of the parcel of land, increase the hectares per person compared to the undefined amount of hectares a person gets in the communal property which is basically one hectare. A person can not live and survive on such a small holding.

4. In the process of trying to get an informative outcome, the methodology might put me in a spot, pending whether the sampling will give honest responses and be willingness to participate in the survey as some are already in the red. This emanates from the prospects of projects that are no more operational, and reliving the past might bring bad memories. But the study shall be conducted in a spirit that seeks to say, “let us try to sort the mess together, or let us improve what you already have”. In conclusion my clients must have an understanding of the professional ethics so that I do not remain a question mark to them, but I must be operating in a much transparent environment.
APPENDICE C
C.1 QUESTIONNAIRE FOR INALA FARMERS

PURPOSE OF THE RESEARCH:

The research seeks to verify successes and failures of the lands restituted for agricultural development in general, at Inala Farm in particular at Nkomazi Municipality situated in Ehlanzeni Region.

Question 1.
Could you please briefly describe your understanding of the background of the farm, specifically during the reign of the former farmer.

Question 2.
How is the relationship of the new occupants or owners of the farm? Basically, in terms of developmental co-operation.

Question 3.
How do you compare the newly appointed farm manager against the former farmer?

Question 4.
In your own words, what role is being played by the new owners on the farm?

Question 5.
Are the farmers ever involved in extensive training on farming practices? If yes, how frequently? If not, what are the reasons?

Question 6.
How frequent does an Extension Officer or any member from Land Affairs visit the farm after allocation?

Question 7.
Who conducts monitoring and evaluation of progress made on the farm?

Question 8.
The project steering committee, has it been trained on how to manage the farm? If yes, are they still meeting, and reporting back to the farmers? If no, how are the farmers kept abreast of developments?

Question 9.
Who is wielding power between the farm manager, the farmers and the project steering committee?
C.2 QUESTIONNAIRES FOR LAND AFFAIRS OFFICIAL

1. In view of your Department’s efforts to distribute land to the previously disadvantaged groups, are you achieving what you set out to do? If YES or NO motivate and give specific reasons for your response.

2. From the five basic land related Acts for restitution and redistribution, which Act is more effective? Give reasons.

3. Your Department is responsible for settlement of people after the farm has been bought, how do you as a Department ensure sustainability?

4. How many cases of expropriation has the Department undertaken in Mpumalanga? Give reasons.

5. How much are the bureaucratic shortfalls contributing towards the deteriorating state of farms before and after settlement has been reached?

6. What is the state of most farms in the Province since restitution? Give your honest opinion.

7. What is the relationship between this Department and the Department of Agriculture. State specific roles for each Department.

8. How frequent do you or you office visit the farms prior to handing over and after the hand over?

9. If a dispute arises after the hand over to the farmers between the group, how and what is the Department’s role?

10. Generally if there are any possible disputes that you might have experienced on these farms, what are their causes? And what are the most likely problems?

11. The concept of willing buyer and willing seller for attaining land restitution, who is confusing the entire process between Land Claims Commission, Land Affairs and Agriculture? Motivate you answer.

12. For an ordinary person to qualify for one of the different types of land restitution and redistribution methods, what do you expect that person to have or do?

13. Briefly share with me your understanding of the background of Inala farm. Kindly elaborate on the present status quo and your reasons for this position.

14. Is there a similar case or most likely case that you could compare to Inala that you know of?

15. What criteria are you employing as a Department in appointing Farm Managers that are supposed to assist the new farmers?

16. Who is responsible for monitoring and evaluation of the performance of these Managers?

17. Very shortly, who is managing the Farm Managers or the appointed Mentors? And in whose interest does he or she manage the farm?

18. Overall, what do you think about LRAD? If successful or failing how do we measure any of the above (qualitatively / quantitatively)?

19. What do you think about the future of the redistribution process? Is it bearing the desired fruits?
20. Are these farms basically considered as communal lands or individual units?
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