

Settlement and Implementation Support (SIS) Strategy

for Land and Agrarian Reform in
South Africa: **Synthesis document**

Sustainable Development Consortium

September 2007

'Working as one to grow a better tomorrow'

Settlement and Implementation Support (SIS) Strategy for Land and Agrarian Reform in South Africa: Synthesis document

Compiled by the Sustainable Development Consortium

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This document summarises the major parts of Settlement and Implementation Support (SIS) Strategy for Land and Agrarian Reform in South Africa, but draws in relevant information from other sources as well.

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Foreword from the Minister of Agriculture and Land Affairs



Over the years, the State has delivered almost 4 million hectares of land to beneficiaries of the land reform programme, including the Restitution process. We have, however, come to the realisation that the majority of the beneficiaries require comprehensive support in order to ensure the sustainability of projects. There is a need for a turnaround strategy towards settlement support for beneficiaries of the land reform programme.

I am pleased to present a detailed Settlement and Implementation Support Strategy which, with the support of Belgian Technical Cooperation (BTC), has been developed through a detailed process of engaging very many players practically involved in land and agrarian reform across the country over the past 18 months – including the men and women living on the land and striving to make a success, the

government officials who are supporting them, and the private sector and civil society players active in these initiatives.

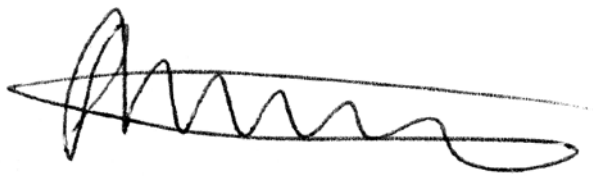
The Strategy highlights the complexity and importance of our task. In its review of the evidence the document provides a detailed and sometimes critical analysis of the current situation in the land reform projects that have been transferred to date. We welcome this evidence-based approach, as it is clear that successful land reform involves much more than the restoration and redistribution of land.

The SIS Strategy draws from the experience of land delivery to date, and clearly sets out the content of support that is needed by men and women in their attempts to achieve sustainable development on the land that they have acquired through the land reform programme. It shows that land reform cannot just depend on the Department of Land Affairs, the National Department of Agriculture, or the departments of agriculture at provincial level.

People acquiring land must manage vital natural resources sustainably and be able to secure water rights through government's programme of water allocation reform. They must be enabled to produce for themselves and the market and require access to finance, equipment, technical and business support. They require support to develop institutions which transparently manage land rights and benefits. They may need housing, services and roads. They require access to health, education and social development benefits.

The Strategy draws on the provisions of the Intergovernmental Relations Framework Act (Act 13 of 2005) to put forward proposals for settlement and implementation support to be delivered by means of a joint programme of government, spearheaded by the DLA in partnership with public and private roleplayers.

This SIS Strategy is being discussed in detail within the Department of Land Affairs, the Commission on Restitution of Land Rights and the National Department of Agriculture. Further discussions are also taking place with other key departments and its adoption as the comprehensive joint strategy by the spread of key departments involved will be decided upon in the future. In the interim, this Strategy provides a significant guide to all land and agrarian reform planning and implementation. Let us use it to achieve not only the delivery of land to those who are in need and were previously dispossessed, but to ensure that this land provides a significant change in the quality of life for our people.



Ms Lulu Xingwana

Minister of Agriculture and Land Affairs

September 2007



land affairs

Department:
Land Affairs
REPUBLIC OF SOUTH AFRICA

Foreword from the Belgian Ambassador



For several years now, the Belgian Government has been supportive of South Africa's land reform programme in general and of Restitution in particular. This support so far mainly focused on the communication campaign to inform eligible claimants of the deadline of 31 December 1998 for lodging claims. It, furthermore, focused on the acceleration of the validation and verification process of claims lodged with the Commission on Restitution of Land Rights. This Belgian programme included the development of a Settlement and Implementation Support Strategy for beneficiaries of land reform, which has been laid down in the present publication.

Indeed, successful land reform involves much more than the restoration and redistribution of land. The Settlement and Implementation Support Strategy is based on the principle of land reform as a national development priority. It therefore constitutes a major part of the Accelerated and Shared Growth Initiative for South Africa. Its success is everyone's business!

A successful area-based approach complementing municipal integrated development plans furthers the holistic approach which is needed to meet the challenges of land reform.

To complement the Settlement and Implementation Support Strategy, Belgium, together with all stakeholders, has recently developed a programme focusing on capacity-building of officials and other stakeholders to better implement, monitor and assess the implementation of land reform policies. This programme, which still requires final approval from the Department of Land Affairs, will improve the flow of information between beneficiaries and decision-makers, providing the relevant authorities with the necessary data to continue a dynamic process. It will ensure the necessary feedback of lessons learned to enhance services to all land reform beneficiaries.

A handwritten signature in black ink that reads "Jan F. Mutton".

Jan Mutton, Belgian Ambassador in South Africa.



Acknowledgements







This Strategy emerges from a sustained interaction with many land reform practitioners and officials from national and provincial departments and municipalities through research enquiries, specialist reviews, field-based learning sessions, provincial consultative forums and interventions on selected projects. It synthesises the ideas and reflections of many people over a period of 18 months between January 2006 and July 2007.

During this period the SDC team was ably supported by Belgian Technical Cooperation staff, the Chief Land Claims Commissioner and officials from the Commission for the Restitution of Land Rights, the Department of Land Affairs, the National Department of Agriculture, and provincial departments of agriculture.

A wide range of independent researchers and specialists also contributed to the final product, which also benefited from critical review by senior DLA officials and people attending the final round of consultative forums held in the provinces.

The Sustainable Development Consortium

The Sustainable Development Consortium (SDC) jointly drafted the Settlement and Implementation Support (SIS) Strategy. SDC is made up of the following organisations:

<p>Phuhlisani Solutions</p>  <p>Phuhlisani Solutions CC Sustainable Development Specialists</p>	<p>David Mayson acted as the overall project manager and was responsible for co-drafting the SIS Strategy. He also facilitated processes of provincial consultation and project implementation support. Boyce Williams co-facilitated the learning programme and was the primary interface between land reform participants and local officials on a variety of project sites.</p>
<p>Developmental Services</p>  <p>Rick de Satgé Developmental Services</p>	<p>Rick de Satgé was the principal drafter of the Strategy base and synthesis documents in association with David Mayson and other members of the team. He was also responsible for the design and facilitation of the field-based learning programme and issues relating to capacity development.</p>
<p>Knowledge Crucible</p>  <p>Knowledge Crucible Knowledge Discovered</p>	<p>Theminkosi Semwayo and Melina Ng were responsible for the information management, monitoring and evaluation components of the Strategy.</p>
<p>Programme for Land and Agrarian Studies (PLAAS), University of the Western Cape</p>  <p>PLAAS PROGRAMME FOR LAND AND AGRARIAN STUDIES</p>	<p>Dr Edward Lahiff, Sue Tilley and Karen Kleinbooi were responsible for the research components including diagnostic case studies of selected Restitution cases, together with thematic reviews of how land reform has impacted on livelihoods and the key lessons from the international experience. In addition Dr Lahiff provided a critical review of the key Strategy chapters. Zabantu Nkazane, Tshililo Manenzhe and Ruth Hall contributed to writing and fieldwork.</p>
<p>Legal Resources Centre (LRC)</p>  <p>LEGAL RESOURCES CENTRE SINCE 1979</p>	<p>Kobus Pienaar focused on the issues of rights determination, equitable access and measures to support communal property institutions. He was supported by Dr Hannes Scoombée who provided a legal review of the Strategy proposals and Emma-Louise van Leusden who focused on township establishment and service delivery.</p>
<p>Ciber Communications</p>  <p>Communications Design (Pty) Ltd</p>	<p>Sean Kreusch and Tebatso Mohapi investigated the image of land reform in the media and developed strategies with respect to improved branding and communications.</p>

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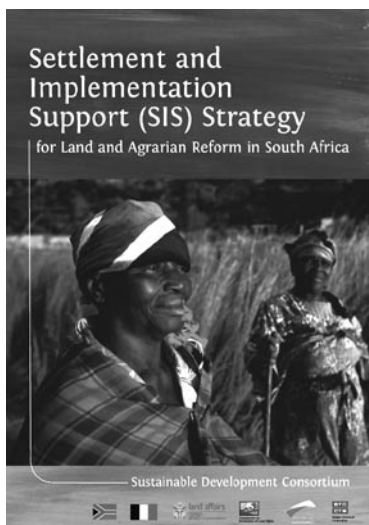
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About this document

This document summarises comprehensive proposals for the implementation of the Settlement and Implementation Support (SIS) Strategy for Land and Agrarian Reform in South Africa, which specifically targets Restitution, Land Redistribution for Agricultural Development (LRAD), and Commonage projects.

It provides a synthesis of the extensive 14-chapter base document which:

- provides key findings from the evidence-gathering process investigating the provision of settlement and implementation support (SIS) within Restitution, LRAD and Commonage projects; and
- elaborates the key elements of a strategy for effective SIS.



The document is divided into three parts:

- **Part 1** provides background on the Sustainable Development Consortium's terms of reference, presents our approach for developing an evidence-based strategy, and summarises the key SIS Strategy outputs.
- **Part 2** provides an overview of the changing development context within which land reform takes place, provides a condensed review of the evidence, and highlights lessons from the international experience of providing development support services.
- **Part 3** introduces the SIS strategic framework and outlines the interventions required to put the proposed SIS Strategy in place.

Acronyms and abbreviations

ABP	Area-Based Planning (a DLA programme approach)
ABPs	area-based plans
AGIS	Agricultural Geo-referenced Information System
Agri-SETA	Agriculture Sector Education and Training Authority
ANC	African National Congress
ARC	Agricultural Research Council
AsgiSA	Accelerated and Shared Growth Initiative for South Africa
BBBEE Act	Broad-Based Black Economic Empowerment Act 53 of 2003
BEE	black economic empowerment
Biodiversity Act	National Environmental Management: Biodiversity Act 10 of 2004
BTC	Belgian Technical Cooperation
CASE	Community Agency for Social Enquiry
CD	Chief Directorate
CPA	communal property association
CPA Act	Communal Property Associations Act 28 of 1996
CPI	communal property institution
CRLR	Commission on Restitution of Land Rights
CSIR	Council for Scientific and Industrial Research
DAC	district assessment committee
DEAT	Department of Environmental Affairs and Tourism
DIF	district intergovernmental forum
DLA	Department of Land Affairs
DLRO	district land reform office
DOH	Department of Housing
DPLG	Department of Provincial and Local Government
DPW	Department of Public Works
DSS	Decision Support System
DTI	Department of Trade and Industry
DWAF	Department of Water Affairs and Forestry
ESAT	Environmental and Sustainability Assessment Tool
FAO	Food and Agricultural Organisation of the United Nations
GIS	geographic information system
GITO	Government Information Technology Office
IDP	integrated development plan
IGF	intergovernmental forum
IGRFA	Intergovernmental Relations Framework Act 13 of 2005
ISP	SIS Strategy implementation service provider
ISRDP	Integrated Sustainable Rural Development Programme

ISRDS	Integrated Sustainable Rural Development Strategy
LRIGF	Land and Agrarian Reform Intergovernmental Forum
LED	local economic development
LRAD	Land Redistribution for Agricultural Development (a programme of DLA)
M&E	monitoring and evaluation
MEC	Member of the (Provincial) Executive Council (a provincial minister)
NAMC	National Agricultural Marketing Council
NDA	National Department of Agriculture
NGO	non-governmental organisation
PDoA	provincial department of agriculture
PIF	Premier's intergovernmental forum
PLARIGF	provincial land and agrarian reform intergovernmental forum
PLAS	Proactive Land Acquisition Strategy
PLRO	provincial land reform office
PSS	post-settlement support
RLCC	Regional Land Claims Commission
SALGA	South African Local Government Association
SDC	Sustainable Development Consortium
SEDA	Small Enterprise Development Agency of (DTI)
SIS	settlement and implementation support
SIS Strategy	Settlement and Implementation Support Strategy for Land and Agrarian Reform in South Africa
SPI	DLA Chief Directorate: Spatial Planning Information
SPV	special purpose vehicle
TOR	terms of reference

Part 1



Part 1

Background to SDC's terms of reference and approach to developing an evidence-based strategy



1 Introduction

The Sustainable Development Consortium was required to develop a strategy built on a robust base of evidence. To achieve this, the SDC team embarked on an exhaustive evidence-gathering process, which set out to identify the key factors that would need to be addressed to enable the design and delivery of effective settlement and implementation support (SIS).

The process involved:

- preparing an initial *status quo* review of settlement support provision within the Restitution programme;
- reviewing the legal underpinnings which require equitable access to land and support to land reform beneficiaries, enable the determination and management of land rights and oblige service delivery;
- preparing a suite of diagnostic and thematic case studies;
- studying and examining practical interventions in selected projects;
- running investigative field-based learning programmes involving more than 1 000 person-days of learning by 150 officials and beneficiaries from 12 selected Restitution, LRAD and Commonage projects;
- consulting with over 300 officials from different departments and municipalities within specially convened provincial forums; and
- assessing existing information management, monitoring and evaluation (M&E) systems and reviewing current communications strategy.

The detailed results of this process are drawn together in the base document, which details both evidence and strategy. This is accompanied by a website on CD-ROM which brings together the base document, this synthesis document and a number of linked background documents.

The purpose of this synthesis document is to summarise the evidence and provide an accessible overview of the key elements of the proposed Settlement and Implementation support (SIS) Strategy for Land and Agrarian Reform in South Africa. Our

point of departure has been that the strategy needs to be both inspirational and practical and capable of speaking to a wide audience. Although the evidence indicates that there are many deep-rooted problems currently undermining the effectiveness of the land reform programme, the Strategy helps establish where we are and identifies what needs to be done differently to enable land reform to secure rights, strengthen livelihoods and stimulate social and economic development.

The evidence clearly indicates what land reform practitioners already know – that land reform is a complex and multifaceted process which involves much more than the simple transfer of land for its success. The SIS Strategy marks the transition from an approach to land reform which is currently narrowly defined by quantitative measures of success (the number of hectares transferred and claims settled) and the associated imperative to speed up delivery, to a proposed emphasis on more qualitative and developmental measures that enable us to assess how well government money is being spent and how land reform contributes to poverty reduction, household livelihood security, local economic development and the AgriBEE Broad Based Black Economic Empowerment Framework for Agriculture (NDA 2004), while ensuring sustainable use of natural resources.

At the same time, we recognise that for the Strategy to be effective it must be accompanied by a shared sense of purpose and responsibility that can be internalised by all the actors – both public and private. This must be backed up by intergovernmental relations and institutional and performance management arrangements which rest on clear and enforceable legal obligations.

2 Background

2.1 The original terms of reference

The original terms of reference (TOR) focused exclusively on the Restitution programme. It stated that Belgian Technical Cooperation (BTC) and the Commission on Restitution of Land Rights (CRLR) were collaborating on:

developing a 10 year strategy for post-settlement support (for restitution) which will present strategic options for addressing the complexities of ensuring sustainable livelihoods on different land types and enterprise models. The strategy will be developed and built from project-based learning experience, policy review, research and training and capacity building... The overall aim of the project is to ensure that restitution beneficiaries have lasting support that will reduce their vulnerability and build livelihood assets.

2.2 The amended TOR

After an initial intensive focus on the Restitution context, the top management of the Department of Land Affairs (DLA) proposed the extension of SDC's terms of reference to include the provision of post-settlement support (PSS) to people accessing land under the Redistribution programme by means of LRAD grants or Commonage transferred to municipalities. Despite being increased in scope, the TOR remained focused by the need to ensure that land reform beneficiaries are provided with support that will secure their rights and enhance their livelihood sustainability.

The enlarged TOR required SDC to examine a wide range of different business processes and engage with a broader spread of institutions. This has required adopting an integrated and holistic approach that locates SIS as part of the core business and mandate of land and agrarian reform, and as an integral part of related spatial development, municipal integrated development plans (IDPs), local economic development (LED), and integrated environmental management processes.

While land reform is primarily concerned with securing people's rights in land and enabling equitable access, agrarian reform looks at a broader set of issues. These include how land reform articulates with a larger set of developmental policies and interventions to reduce poverty, manage resources sustainably and create conditions whereby new owners of land are enabled to make use of productive resources and contribute to a national process of changing relations of political and economic power in the countryside.

2.3 The approach

There is increasing recognition amongst senior management within government as a whole of the

need for joint programmes to more effectively deliver services. The Cabinet has recognised the 'joined up' nature of developmental programmes, and a task team has prepared guidelines for joint programme management (Governance and Administration Cluster 2005). Draft guidelines for managing joint government programmes under the Intergovernmental Relations Framework Act (IGRFA) have been gazetted for comment (Ministry for Provincial and Local Government 2007).

Premier's intergovernmental forums (PIFs) and district intergovernmental forums (DIFs) are now a recognised basis for determining joint programmes, and for enabling shared prioritisation, strengthening co-operative governance, and ensuring programme and budget alignment.

This approach is consistent with Minister Lulu Xingwana's vision for land and agrarian reform and her emphasis on the need to reposition DLA to deliver land reform and realign DLA and NDA with respect to 'governance, priorities setting and performance review process, programmatic integration, information and knowledge management and policy research and development' (DLA 2006b).

As will become evident from the main body of the report, the Strategy proposes that land reform is conceptualised as a joint programme of government, with DLA as the lead agency having direct responsibility for ensuring SIS pre- and post-transfer. It is envisaged that this process will build on the existing co-operation between DLA, NDA and the provincial departments of agriculture (PDoAs), while simultaneously maximising opportunities for strategic partnerships with the private sector to deliver support services and engage in joint ventures where appropriate.

2.4 Challenges

As we will show, the evidence clearly indicates that there is consensus both within government and outside it that the land reform programme is not meeting its objectives. The principal shortfalls relate to:

- the extent to which land reform is meeting its constitutional obligations of securing rights and equitable access to land and resources;
- the existence of 'silos' within DLA that compartmentalise the work of the CRLR and

the provincial land reform offices (PLROs) and contribute to a fragmented approach to policy and strategy development within the Department, and between the DLA and its partners;

- the extent to which there is effective co-operative governance in the delivery of the land reform programme;
- the pace of land reform delivery in relation to stated targets;
- the quality of support provided to those receiving land under the land reform programme;
- the sustainability of many projects transferred through the Restitution, LRAD and Commonage programmes; and
- the limited social and economic returns on the investment of State funds in land reform and the low level of impact that the programme is having on poverty reduction.

In this context, the strategy development and implementation process presents clear challenges to SDC on the one hand, and DLA and its partners on the other.

Challenges for SDC	Challenges for DLA and partners
To clearly assemble and interpret the evidence on the <i>status quo</i> in the Restitution and Redistribution components of land reform as a starting point for strategy development	To engage openly with the evidence and the political and practical challenges it presents
To develop a clear, practical and feasible phased strategy process which systematically engages with the evidence to build on strengths and overcome constraints	To align, co-ordinate and integrate the strategic approach being put forward by SDC with other initiatives within the Department and with those of partner agencies
To link strategy with a clear agenda for implementation that can be taken up and acted on with the minimum of delay	To put in place the mechanisms that will enable an integrated and consistent approach to providing effective SIS

2.5 The outputs

To ensure that DLA and its partners in government derive the maximum value from the knowledge assets created through the strategy development process, SDC has packaged the SIS Strategy in four ways.

Figure 1: Strategy outputs

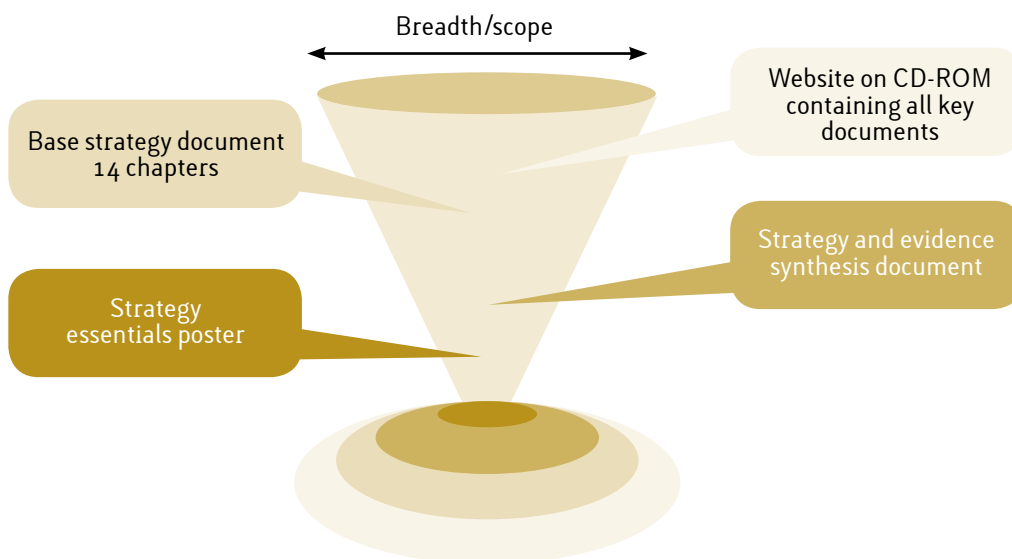


Figure 2: Screenshot of website on CD-ROM (homepage)



2.5.1 A website on CD-ROM

This website brings together all the principal research reports, learning materials and related source documents, organises them thematically, and makes them easily accessible through a web browser. The site will help to ensure that the outputs of this evidence-based research process are protected as part of DLA's institutional memory. It can make an important contribution to the accumulation of knowledge for a more effective land and agrarian reform programme. This material will also be a valuable resource for future learning programmes as the SIS Strategy is rolled out.

The CD-ROM includes a searchable help file and it can be used on almost any computer running web browser software. Key advantages of the CD format are that the website can be copied freely, users do not need an internet connection, and large documents can be accessed quickly from the disk. The contents of the CD can also be hosted on the internet.

2.5.2 The base document

This document is organised into 14 chapters which provide:

- a brief executive summary;
- background to the strategy development process;
- an overview of the changing development environment in which land reform takes place;
- a comprehensive review of the evidence relating to the *status quo* of Restitution, LRAD and Commonage;
- lessons from the international experience;

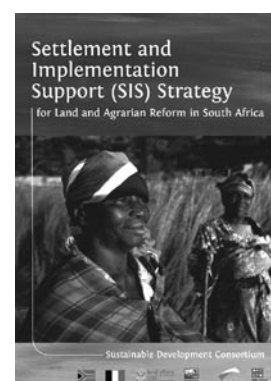


Figure 3: SIS Strategy essentials poster



- a conceptual framework for the SIS Strategy which includes:
 - an approach to achieving functional and spatial integration;
 - an approach to securing rights, enabling social, institutional and capacity development
 - an approach to achieving integrated natural resource management and sustainable human settlements;
 - an approach to improving household livelihoods, enterprise development and technical support;
- proposals for the institutional architecture which will make realising the vision possible;

- a proposed SIS communications strategy;
- proposals for improved information management, monitoring, evaluation and decision support; and
- proposals for rolling out the Strategy.

2.5.3 The Strategy synthesis document

This document provides a comprehensive overview of the key elements of the proposed Strategy and the evidence which informs it, while reducing the level of detail contained within the base document.

2.5.4 The poster

Once all the elements of the Strategy have been finalised and approved by DLA and its partners, it will be presented in an accessible poster format for communication and roll-out purposes.

Part 2



Part 2

A review of the development context, key findings from the evidence-gathering process, and an assessment of the international experience of the provision of settlement and implementation support



3 The changing development environment

Land reform and the provision of SIS do not take place in a vacuum. The programme needs to be strategically alert to the key trends in what is a rapidly changing development environment. These are briefly reviewed below. See Chapter 3 of the base document for more detail.

3.1 The persistence of inequality

South Africa continues to have one of the most unequal distributions of income in the world, and income and material quality of life are strongly correlated with race, location and gender. A deepening social and economic crisis in the rural areas – fuelled by falling formal sector employment, the ravages of HIV/Aids and ongoing evictions from farms – has accelerated the movement of people from ‘deep rural’ areas to towns and cities throughout the country, while tens of thousands of retrenched urban workers make the journey the other way. The result of these continuing processes is a highly diverse pattern of demand for land for a variety of purposes, a complex pattern of rural-urban interdependency, and numerous hot-spots of acute land hunger in both urban and rural areas.

3.2 Deregulation and liberalisation of agriculture

Under the apartheid regime, white farmers were assisted by the State in every aspect of agriculture, including provision of land and infrastructure, generous financial support, regulation of markets and legal coercion of farm labour. Since the mid-1980s, however, the agricultural sector has undergone major reform, through rapid reduction in State support and ongoing deregulation and trade liberalisation. This has led to considerable restructuring and consolidation within the sector, now dominated by approximately 40 000 highly capitalised producers who compete in both domestic and international markets. Commercial

farmland is held almost entirely in freehold title, and is actively traded on the market with minimal restrictions.

Key trends since 1994 have included the following (Ambert & Hornby 2006):

- The number of commercial farms is diminishing, with 20% of commercial farms producing 80% of the total value of production.
- Agriculture is a major employer. Commercial farmers employ 865 000 people, and a further 420 000 are employed in subsistence or small-scale agriculture. This accounts for 11% of the national labour force.
- There has been a 15% rise in agricultural subsidies to producers in the developed world between the late 1980s and 2004, and a simultaneous reduction in South Africa’s general economic tariffs from 28% to 7.1%.

3.3 Declining contribution of agriculture to rural livelihoods

While South Africa retains a substantial rural population (close to 50%), it has long ceased to be an agrarian society. Widespread dependence on wage employment and the most comprehensive social welfare system in sub-Saharan Africa mean that the majority of the population, even in the rural areas, do not look to land-based activities as their primary source of livelihood, either now or in the future. This helps to explain the relatively weak pressure for land reform ‘from below’.

3.4 The implications of the HIV/Aids pandemic for rural livelihoods

UNAIDS (the Joint United Nations Programme on HIV/Aids) and the World Health Organisation have estimated that Aids claimed 320 000 lives in South Africa in 2005 – i.e. in that year more than 800 people died of the disease every day. They estimated that 18.8% of people in the age group 15–49 years were living with HIV. Overall, their estimates imply that around 5.5 million South Africans were living with HIV at the end of 2005, including 240 000 children under the age of 15. Within South Africa, the head of the

Medical Research Council has stated that Aids killed around 336 000 South Africans between mid-2005 and mid-2006, while the Actuarial Society of South Africa calculates that 345 640 people died of Aids in 2006 – comprising 47% of all deaths. Among adults aged 15–49 years, it estimates that 71% of all deaths were due to Aids (Noble 2007).

This has serious implications for land reform, as it impacts on household livelihood security, demands investment in household food security and the improved nutrition of children, and requires access to health services and clinics which supply preventative services and antiretroviral drugs. It has particular relevance where land is restored in remote locations far from available health services and where HIV susceptibility and Aids vulnerability are aggravated by the absence or poor quality of housing, water and sanitation. It also has impacts with respect to productive activities and the management of land rights. Currently, land reform planning largely fails to anticipate the impacts of HIV and to put in place mitigation measures.

3.5 Wall-to-wall local government

Perhaps the most important observation from a land reform perspective is that up until 1996 democratic local government, developmental or otherwise, did not exist in rural areas. The 1998 White Paper on Local Government outlined a new vision of local government: ‘...committed to working with citizens and groups within the community to find sustainable ways to meet their social, economic and material needs and improve the quality of their lives’.

Developmental local government and the progressive decentralisation of service delivery have been the recurring motifs of the local government transition process through the interim and final phases of local government transition which by 2000 resulted in the demarcation and establishment of wall-to-wall local and district municipalities.

However, local government remains very weak and it is useful to heed the warning that while:

decentralisation is certainly the route to take to co-ordinate and integrate service delivery... government

does not have the luxury of confusing vision with reality... as municipalities are still struggling with basic establishment matters. It must be clear that the more responsibilities we assign to local government the more we weaken their efforts to fulfil their developmental mandates (Mosiane 2003).

3.6 The challenge of co-operative governance

With the proliferation of new institutions, the challenge has been to find effective ways to share information, jointly plan and budget and co-operate with regard to implementation. This has led to the establishment of a variety of forums and information channels to try to improve intergovernmental relations. However, a recent review characterised the current state of intergovernmental relations as ‘fraught with confusion and misunderstanding’ (Steytler et al. 2005:4).

Co-operative governance is one of the more challenging developmental goals. Such co-ordination involves harmonisation of the legislation and legislative mandates of different departments, co-ordination of functions within a clear spatial development framework and alignment of budgets, human resources and performance management indicators to efficiently identify and meet priority development goals.

Measures to make co-operative governance feasible, practical and legally enforceable have to be at the centre of the SIS Strategy, which seeks to involve different government actors in the provision of SIS in land reform.

3.7 New environmental legislation

Over the last ten years, the South African Parliament has passed a significant body of legislation geared towards environmental management and protection. While these efforts are laudable, there is an increasing risk that DLA planners and new landowners are confronted with a complex mass of interlinking but distinct pieces of legislation containing various environmental rights, duties and obligations of which they are unaware. This has major implications for environmental and natural resource management within the context of land reform.

3.8 Conclusions

The SDC review highlights the rapidly changing nature of the development context and the increasingly complex environment that DLA planners and municipal managers must navigate. It highlights the multi-dimensional nature of the land reform programme and the central importance of co-ordinated and aligned intergovernmental relations for the success of the land reform programme. The SIS Strategy requires that the people and institutions involved grow their capacity to manage change and associated social, institutional, economic and ecological complexity.

4 A review of the evidence

The purpose of this document is not to tabulate the evidence in detail. Chapter 4 of the base document reviews the evidence from separate studies of Restitution, LRAD and Commonage, and identifies related cross-cutting issues.

Although there are important legal distinctions between the ways that people acquire land or access to it under the provisions of the Restitution of Land Rights Act, the Provision of Land and Assistance Act (commonly known as Act 126) and the conditions attached to a Notarial Deed of Commonage Servitude, the challenges associated with appropriate planning, co-ordination of resources and support, institutional development and rights determination, sustainable management of resources and methods to support the growth of livelihoods and enterprises at different scales are all remarkably similar.

In studying the evidence it became clear that issues and trends could be organised into four thematic areas:

1. The extent to which there is **functional alignment and spatial integration** – how government and the private sector work together; the extent to which there is integrated planning and budgetary alignment across the three spheres of government; how land reform is planned, delivered and integrated into IDPs; and how capable the institutions are of delivering on their mandates.
2. The extent to which **land rights and rights to the benefits from land are clearly determined and institutional capacity developed** to manage these in perpetuity; the extent to which problem-solving abilities and skills are developed amongst people acquiring land through the programme; and the extent to which people have **access to education, health and other social programmes**.
3. The extent to which **sustainable human settlements** and service provision have been effected, and the extent to which there has been effective and **integrated management of natural resources** and compliance with relevant legislation.
4. The extent to which **individual household livelihood strategies** have been developed and supported, viable enterprises developed and **appropriate business, market and technical support** provided, resulting in more secure livelihoods, reduction of poverty, LED and improved quality of life.

Table 1 provides a snapshot of the evidence emerging in these four areas, while brief annotations below highlight particularly salient issues on a sub-programme basis.

4.1 Restitution

This section summarises key issues of relevance to the formulation of the SIS Strategy from a variety of different sources, including reports prepared by the CRLR and DLA, an audit of settled land Restitution claims with a development component (Diako et al. 2005) and the findings of SDC diagnostic case studies, the field-based learning programme, project interventions and provincial consultative forums.

4.1.1 Interpreting the numbers to identify implications for future SIS services

The inconsistent use of terminology and definitions to describe different categories of claim, the lack of reliable data on land under claim, and the complexities of the claim settlement process have made it difficult to precisely assess the number of community claims with a land restoration and development component, the hectareage of land involved, and the number of

Table 1: A summary of factors undermining project sustainability

Functional capability, alignment and spatial integration	Rights determination, institutional, social and capacity development	Sustainable human settlements and integrated natural resource management	Household livelihood security, enterprise development, business and extension support
<i>Failure to adequately profile land reform participants and understand current livelihoods, assets, capabilities and needs has impacts across each of the four thematic areas</i>			
<p>Inadequacy of the government human resource base within DLA and partner departments</p> <p>High numbers of vacant posts, shortage of appropriate skills coupled with high turnover of staff contributing to loss of institutional memory</p> <p>Concerns about management capabilities expressed by the Minister</p>	<p>Poorly defined substantive rights and lack of clarity about membership obligations and benefits amongst those acquiring access to land</p> <p>Large numbers of dysfunctional land-holding entities</p> <p>Limited intervention remedies open to DLA in land reform projects where trusts have been registered as the land-holding entity and which have subsequently collapsed</p>	<p>Failure to secure adequate levels of service on projects with a human settlement component</p>	<p>Limited base of research to assess tangible benefits from Restitution projects and LRAD projects involving restoration and redistribution of land</p> <p>Overall it appears that benefits accrued are alarmingly low and have a highly uneven distribution</p> <p>SDC findings indicate that for the majority of Restitution beneficiaries restoration of land has not resulted in any benefits</p> <p>On six LRAD projects reviewed during field-based learning sessions, State expenditure per livelihood opportunity created was in the range R18 600–R156 000 (an average capital cost of R70 794 per livelihood opportunity)</p> <p>Annual return at the gross margin level only averages 10% and in some cases is below the level of annual inflation. In addition, annual gross margin per livelihood (which approximately equates to annual earnings per job) only averages R7 062, which is only about 70% of average annual farm labour earnings</p> <p>On commonages reviewed as part of field-based learning sessions, State return on commonage expenditure only averaged 3.6% per year. Annual farming gross margins per participant were a paltry R1 439, and the cost per livelihood created was R39 495</p> <p>Strategic partnerships often represent high risks for claimants and other land reform beneficiaries whose only livelihood benefit is to come from a combination of rental and dividend payments – which often are not forthcoming</p> <p>Overall there is a lack of assessment on the impacts of the up- and downstream effects that land reform may have on LED</p>
<p>Key actors continue to operate in narrow functional and budgetary silos</p> <p>This applies internally within DLA and between DLA and partner departments</p>	<p>Land-holding entities established primarily to enable transfer of land</p> <p>Constitutions detail procedural rights (meeting frequency, voting, etc.) while largely ignoring substantive rights</p>	<p>Continuing ambiguities concerning municipal obligations to deliver services on private land and the feasibility of township establishment for small remote settlements</p>	<p>Minimal attention has been paid to supporting individual household livelihood activities on the land. Direct access to land, to allow beneficiaries to graze their own cattle and to cultivate for themselves – even where this is alongside commercial production – is the most secure source of improved livelihood</p>

Functional capability, alignment and spatial integration	Rights determination, institutional, social and capacity development	Sustainable human settlements and integrated natural resource management	Household livelihood security, enterprise development, business and extension support
Poor internal integration within DLA at provincial and national level – Regional Land Claims Commissions (RLCCs) and PLROs work separately from one another	Completely inadequate/non-existent support for land-holding and land rights management entities once established, reflecting the uncertainty of DLA's obligations in law	The effective de-linking of land reform from planning for schools, pension paypoints, health points, municipal and provincial spatial development frameworks	Inappropriate business planning model is utilised which often privileges continuity of previous production activities without assessing fit with participants' capabilities and needs and which often projects overly ambitious returns. The starting point for planning is too often premised on 'what can be done on this land' and seeks to minimise changes in the use of the land, rather than maximising improvements in the livelihoods of beneficiaries
Many municipalities remain weak and unable to fulfil their core functions. Land reform is poorly integrated into most municipal IDPs. There is a lack of clarity in municipalities and the South African Local Government Association (SALGA) on the role of municipalities in land reform and SIS	Non-compliance with key provisions in the Restitution of Land Rights Act and the Communal Property Association Act (CPA Act) with respect to securing equitable access to land and resources	The establishment of several unsustainable, poorly located settlements	Inadequacy of current land reform grant formula commonly results in lack of working capital and limited access to implements and equipment
Lack of consensus within DLA and CRLR about responsibility for provision of pre- and post-settlement support	Extremely limited and often inappropriate training and capacity development support provided to land reform participants and to government officials	Lack of support to enable land reform participants to understand and comply with their environmental rights, obligations and liabilities as landowners	Low risk thresholds of land reform participants render them highly vulnerable to economic setbacks and ecological hazards
Poorly aligned budget and grant-making processes across departments result in fiscal fragmentation and poorly timed delivery of available grants and services	Inadequate attention paid to HIV/Aids and social development needs within project planning and subsequent support processes	Inadequate emphasis on reducing risk from fire, drought, invasive aliens and other hazards within planning processes	There is a history of DLA/NDA and service providers pushing people into community land-holding and production systems without any clarity on how the systems will work or how the benefits will accrue, which results in a high risk of failure
Poor presence of key support departments such as the Department of Water Affairs and Forestry (DWAF) and Department of Environmental Affairs and Tourism (DEAT) in the land reform process	Poor support for establishment of separate business entities (where this is desired) and ensuring their compliance with corporate governance obligations	Inadequate attention to water rights, water quality and assurance of supply Inadequate assessment of drought risk, and water resource management within stressed catchments	Overall there is a lack of access to a suite of services providing household livelihood support, appropriate business advice and mentoring to assist people to make best use of their assets at different economic scales

Functional capability, alignment and spatial integration	Rights determination, institutional, social and capacity development	Sustainable human settlements and integrated natural resource management	Household livelihood security, enterprise development, business and extension support
Highly variable levels of support from PDoAs. Research highlights that many land reform projects have never been visited by an extension officer. Concerns about inappropriateness of skills and training received by many extension staff which limits their ability to support land reform	Poorly conceptualised linkages between land-holding and business entities	Poor recognition of the value of environmental goods and services for household livelihoods	Failure to identify explicit PSS needs and develop a strategy to service them as part of the planning process The failure of post-transfer support to materialise, even where this is specified in project plans, presents an overwhelming obstacle to production and marketing
Limited spatial, social and economic data on land reform and poor sharing of available data for planning and SIS purposes	Local land reform participants remain poorly organised and lack voice to highlight their support needs in local, provincial and national development planning processes	Failure to leverage benefits from other departments' environmental, water and natural resource management policies	Shortages of skills, capacity and appropriate extension methodologies amongst government departments expected to support the spread of enterprises occurring in land reform projects – household production systems, small and medium group-based enterprises and large-scale, capital- and knowledge-intensive joint ventures

people potentially requiring resettlement, livelihood and enterprise support services.

Table 2 juxtaposes the outstanding rural claims as estimated through the present exercise with those provided by the various RLCCs. For some provinces, the extent of the discrepancy is worrying, especially where SDC's estimates significantly exceed the figures provided by the seven RLCCs. This appears to be principally a reflection of the inconsistent coding of individual and community claims as distinguished by the Restitution of Land Rights Act. The Chief Land Claims Commissioner has also expressed doubts about the accuracy of the data in the LandBase system and has initiated processes to clean and update it.

Information relating to the area of claims not yet settled is perhaps the most problematic, owing to the fact that of the roughly 8 000 records in the final data table relating to outstanding claims, hectareage information was available for only about 3 200. Table 3 provides an estimate of the hectares still to be acquired through the Restitution programme and for which settlement support will be required.

4.1.2 Inadequate integration of Restitution into the land reform programme

The DLA 10-year review notes that 'the lack of integration of Restitution into the land reform programme as a whole has negatively impacted on its potential to realise development and economic empowerment opportunities for claimants' (DLA 2006c:9).

SDC enquiries confirmed a continuing lack of integration at provincial level where the RLCCs and PLROs may be working to settle claims and plan redistribution projects in the same geographic area, but have little, if anything, to do with one another in the process.

4.1.3 Continuing contestation about responsibility for settlement support

Disagreement about who should have responsibility for PSS has been a feature of the land reform programme since its inception. However, the DLA 10-year review

Table 2: Estimated rural claims versus RLCC figures

Province	SDC estimates		RLCC figures
	Total	Groups only	
Eastern Cape	1 128	264	705
Free State	122	10	146
Gauteng	761	50	19
KwaZulu-Natal	1 463	397	1 796
Limpopo	1 326	501	690
Mpumalanga	2 139	386	498
North West	375	29	95
Northern Cape	392	75	266
Western Cape	282	18	n/a

Table 3: Estimated hectareage associated with outstanding rural claims

Province	Groups	Non-groups	'Total'
Eastern Cape	399 130	575 964	975 094
Free State	n/a	33 681	33 681
Gauteng	n/a	1 052 432	1 052 432
KwaZulu-Natal	1 469 297	893 878	2 363 175
Limpopo	4 033 565	4 313 896	8 347 461
Mpumalanga	1 339 443	2 280 495	3 619 938
Northern Cape	n/a	120 568	120 568
North West	254 092	442 430	696 522
Western Cape	n/a	n/a	n/a
Sum	7 495 527	9 713 344	17 208 871

makes it clear that the role of the CRLR and DLA does not stop at land transfer:

It has become abundantly clear that the implementation of this [Restitution] mandate cannot stop at land transfer. In liaison with relevant government departments, the Commission has to ensure sustainable settlement of land. Land transferred to land reform beneficiaries should be used in a productive manner that ensures a better life for all present and future generations (DLA 2006c:14).

SDC enquiries highlight that, despite the clear positions of the Minister and the Chief Land Claims

Commissioner in this regard, there continues to be ambivalence within sections of the CRLR as to whether this is a reasonable expectation and whether it falls within the Commission's core business and competence.

4.1.4 Shortage of data for impact assessment

The central problem in assessing the impact of Restitution (and other sub-programmes) on livelihoods is the lack of baseline data on the socio-economic status of beneficiaries entering the programme and a lack of agreed indicators and longitudinal panel data

– all of which make it difficult to undertake reliable post-settlement impact evaluation studies.

To date, programme performance has been assessed using simple quantitative measures such as claims settled, the number of hectares transferred, and the number of beneficiaries acquiring land rights. Little attention has been paid to assessing qualitative measures with respect to social development, livelihoods and LED benefits.

4.1.5 Evidence from the CASE audit

The most substantial source of qualitative information on the outcomes of rural Restitution claims to date is the audit conducted by the Community Agency for Social Enquiry (CASE) (Diako et al. 2005). This brought together a series of provincial reports on a total of 179 rural Restitution claims that contained a development component (i.e. land restoration).

The CASE report raised major concerns about the sustainability of settled projects, finding that:

- Sixty percent of all projects surveyed reported a lack of skills. Beneficiaries claimed that a lack of skills (and therefore training and technical support) contributed to their failure to attain their developmental aims (particularly in agriculture and tourism).
- Fifty percent of all projects had not received their settlement planning and discretionary grants.
- Thirty percent of the projects did not have business plans.
- Fifty-eight percent of projects reported a lack of finance and access to working capital.
- Fifty percent of agricultural projects lacked essential equipment for production.
- Thirty-four percent of projects were experiencing significant levels of internal conflict.

Overall the CASE report found that the technical assistance provided to the 177 assessed projects was totally inadequate. The researchers observed that very often the officials from the RLCC and other relevant government agencies did not have the skills required to provide adequate technical assistance.

The CASE report concluded that a PSS strategy must address:

- the needs of previously settled projects which have not met their developmental objectives; and
- improved planning and support to community claims still to be settled so as to prevent the reoccurrence of the problems which the review identified nationwide.

This conclusion has important implications for the design of the SIS Strategy, as reconstructing and reviving failed projects where conflict has resulted in deadlocks within communities demands particular skills and approaches which differ from those required to get things right the first time around.

4.1.6 SDC enquiry findings

SDC undertook a range of diagnostic case studies, ran a field-based learning programme, and engaged in provincial consultative forums and project interventions. A number of key trends emerged from this work.

The majority of beneficiaries receive no material benefit from Restitution

The most striking finding from the case studies is that the majority of beneficiaries across all the Restitution projects reviewed have received little, if any, tangible benefit from Restitution in the form of cash income or direct access to land. In most cases, rental income had not been passed on to members, nor would it have made a great material contribution to their livelihoods, given the amount of the income in relation to the size of the group. Instead, in most cases, a small sub-group of community members has benefited through access to employment, often as part of strategic partnership agreements. It appeared that more highly educated members, and men, are most likely to reap these benefits.

'One-size-fits-all' settlement agreements have limitations

A key issue within Restitution was the unofficial but dominant approach that a community claim has to be settled by means of a single, uniform settlement. What this has meant in practice is that, in cases where the community opts for restoration, members of the community who do not want to return to the land and would prefer some other form of compensation (cash or access to services in their current situation), hang on to being part of the community in order to 'get their slice'. However, they are not committed, often acting as a brake on the community's plans and a drain on

community resources, and are often the source of future conflict.

There are high levels of social risk in Restitution projects

Many Restitution practitioners characterised Restitution projects as an 'arranged marriage' where people whose social ties have been detrimentally affected by dispossession are drawn together again as *de facto* co-owners under the rubric of a community claim. The CRLR often lacks the capacity to adequately assess social risk and address this during project design. This is borne out by the high degree of conflict recorded within projects in the CASE report (Diako et al. 2005).

There is a widespread failure to implement development plans

The SDC's enquiries found a large fall-off between plans and implementation, particularly with respect to settlement developments and small enterprises. Some common reasons for non-implementation are that these plans were overly ambitious, risky, or involved a number of agencies without signalling clear primary responsibility for co-ordination. People also often lack the finance, equipment and management expertise to implement the plans. The plans themselves are often inappropriate and ignore individual household livelihood needs and existing livelihood strategies.

Lack of post-transfer support is an overwhelming obstacle to production and marketing

The failure of post-transfer support to materialise, even where this is specified in project plans, presents an overwhelming obstacle to production and marketing at whatever level of production. The case studies all demonstrate a lack of support for independent production by members of claimant communities, particularly where members aim to produce for non-commercial purposes. This is often the outcome of a lack of land-use planning prior to transfer, which in turn may be due to the absence of an initial assessment of needs, skills, assets and priorities of members of the community or group acquiring the land.

Strategic partnerships tend to privilege continuity of production over claimant livelihood benefits

The current conception of a strategic partnership in land reform projects is where a skilled farmer or company is drawn in to manage and partially own the commercial production that already exists on the farm acquired.¹ In this conception, the whole farm is

allocated to this partnership, and individual community or group members do not generally access land outside of the partnership's production processes. Strategic partnerships, therefore, represent high risks for claimants whose only livelihood benefit is to come from a combination of rental and dividend payments – which often are not forthcoming. Strategic partnerships thus generally privilege continuity of production over livelihood benefits for beneficiaries. The SDC review demonstrates that the degree of intervention that is needed to counteract predictable power imbalances in negotiations between highly unequal partners has been severely underestimated. The promise of jobs often consists in merely maintaining existing employment (not always of those who are the Restitution claimants), and is also often irregular, uncertain and seasonal.

Direct access to land for grazing and cultivation benefits claimants

In a context characterised by limited benefits, there are strong arguments that ensuring direct access to land to allow beneficiaries to graze their own cattle and to cultivate for themselves is the best way to improve claimant livelihoods. This is true even where it takes place alongside commercial production. The case studies demonstrate the central importance of access to land for self-provisioning. The value of land and land uses for people's livelihoods may be evident in non-financial terms, in the form of improved nutrition through consumption of own production, reduced cash expenditure on food as a result of consumption of own production, and improved tenure security, housing and access to services. These non-financial benefits can only be realised where claimants have direct access to land.

4.2 LRAD and Commonage

This section briefly highlights the findings from various reviews of Redistribution, especially LRAD and Commonage, and from SDC field-based learning processes involving nine projects.

4.2.1 Learning from early mistakes

The evidence highlights that in the first five years of the land reform programme a standardised project design was adopted which almost inevitably led to project failure.

This 'typical formula' was characterised by three assumptions:

- the project should meet the full livelihood needs of its members;
- the group should continue with the farming activities undertaken by the previous owner and further diversify them with the addition of new projects; and
- the members would run the farm as a group or 'producer co-operative' (Aliber 2003).

Michael Aliber observes that many of the new DLA officials came from NGO backgrounds with 'soft skills', so they often deferred project planning to perceived technical experts:

This reflected the primacy given to technical considerations (however bogus they were in practice) over those that ultimately might have proven more important, e.g. an understanding of smallholder systems, realistic tenure options, and group dynamics (Aliber 2003:4).

At the same time, privileging the technical, economic and legal dimensions of land reform, coupled with 'highly complex, prescriptive and disempowering systems and procedures', confined the role of people seeking to acquire land to that of 'passive beneficiaries' (Levin 2000).

Unfortunately, evidence suggests that this 'formula' has not been entirely superseded in more contemporary LRAD (and Restitution) projects – particularly those reviewed by SDC in the field.

4.2.2 NDA review of Free State projects

A review of 50 projects in the Free State during 2003 (Swanepoel & Stroebel 2004) concluded that:

- Implementation processes have been inefficient, resulting in poor community ownership of projects.
- Department officials who have to assist the community projects generally have an inadequate understanding of essential concepts such as commercialisation, co-ordination, beneficiaries, the mainstream economy, gender issues and small farmer development.

- Co-ordination between stakeholders is inadequate, with insufficient systems in place for planning, monitoring and feedback.
- There seems to have been no emphasis on learning in the projects. This implies a lack of reflection on progress and achievements by project participants and managers.
- There is an urgent need for appropriate training. No monitoring systems for this purpose seem to be in place in any of the projects.
- There is very little innovation in the agricultural endeavour of value-adding businesses initiated through the projects, or in the processes through which new markets can be identified and exploited.

4.2.3 Ministry of Agriculture and Land Affairs LRAD Review

In 2003, a national 'rapid systematic assessment survey' on LRAD projects was done for the Ministry of Agriculture and Land Affairs. This study investigated land use and livelihood impacts on LRAD projects, most of which had been established within the previous two years. Two types of project could be discerned in the study. The first consisted of group-based projects, which drew together groups of poor people with few resources, who had joined together with the express purpose of gaining sufficient grant funding to buy available properties and effect land transfer.

Among these projects, most had failed to implement their business plans due to a lack of infrastructure, training and capital. Envisaged livelihood improvements from producing food crops for local sale had not materialised. In the face of unmanageable input costs and a lack of water, most beneficiaries had abandoned cultivation and instead had extended their grazing land.

The second type of project bore a closer resemblance to the official vision of LRAD as a means of supporting 'emerging' farmers – individuals (all of them men) who had leveraged higher grants by contributing their own assets, particularly their existing livestock, and taking out loans with up to a 70% debt-equity ratio. While hoping to move into commercial production, they faced problems of high input costs, little if any extension support, insecure market access and, in some cases, crippling debt. These beneficiaries were hiring labour

and diversifying their own livelihood sources by investing in other income streams.

While beneficiaries had received a valuable land asset, the cost of obtaining it was so high that they had few resources left over for production. This survey, therefore, highlighted the costs of sustaining ownership, in view of the debt burdens incurred in the course of purchase and start-up costs. These posed a major constraint on livelihood improvements within the first few years of operation.

4.2.4 Audit of land reform projects in North West

This study appraised 102 land reform projects in North West with a view to developing a comprehensive re-engineering plan for projects that were not commercially viable (Kirsten et al. 2005). Seventy-five percent of the projects registered in North West are LRAD projects and these comprised 81% of the sample assessed.

Principal findings were that 73% of surveyed projects could be considered operational and 63% were meeting land reform objectives. The research also found that:

On a third (39) of the projects, either the members were locked in conflict or the majority had lost interest in the projects. In some cases this has resulted in the projects being abandoned and stopped.

Only 42% (52) of projects are producing effectively and marketing their produce.

No production has occurred on 24% (30) of the projects since the land reform beneficiaries obtained the land.

Deterioration and vandalism of farm infrastructure was observed on 50 (40%) of the farms.

At least 55% (69) of the farms had no implements while a further 27% (34) needed additional implements (Kirsten et al. 2005).

Other findings include the following:

- On 51% of projects there was no knowledge of the business plan drawn up. Often where there was knowledge, people farmed using their own plan. This brings into question the function of business plans in land reform projects.
- PSS strategies were included in the business plans of only 28% of projects, and a mentorship

strategy in only 21% of the projects. This meant that 'the vast majority of projects were planned without taking the need for aftercare into consideration'.

- Thirty-four percent of the farms acquiring Land Bank loans had fallen in arrears, while 66% were keeping up with their obligations.
- Projects received limited advice and support from the PDOA. The department provided 'advice' to 47% and 'support' to 5% of projects, while 49% indicated that they had not received any help from the department.
- A smaller sample of 43 projects was studied in more depth. This study revealed a significant decline in land under dryland cultivation year on year. Many projects with irrigation potential had problems with infrastructure that made this asset impossible to utilise. Forty-nine percent of projects were producing no marketable produce. Only 7% of projects indicated that they had standing contracts for the marketing of their produce. The vast majority of project members (72% of projects), had not received any training in marketing matters, while 87% felt that there was a need for skills development in this area.

Despite these sobering findings, Kirsten et al. (2005:15) argue 'that beneficiaries of land reform feel much more positive about their projects than the general perception about land reform would suggest'. Importantly, the study found that 'many beneficiaries of land reform associate the acquisition of land rather with poverty alleviation and quality of live [sic] or livelihood issues than with commercial farming'.

However, at the same time, the report cautions that in many projects there is clearly insufficient productive potential to fully support everyone on the land. This creates what Kirsten et al. (2005:26) call 'the beneficiary dilemma':

Farms can sustain only a limited number of beneficiaries, and depending on membership numbers, the majority of beneficiaries are bound to make a living from other resources even if farms were producing optimally.

4.2.5 District case studies

In 2005, the National Treasury commissioned a set of studies on the impact of land reform which took

as its unit of analysis geographical areas rather than projects. District studies were conducted in the Elliot area of Sakhisizwe local municipality, which forms part of Chris Hani District Municipality in the Eastern Cape (Aliber et al. 2006), the Theewaterskloof Local Municipality of the Overberg District in the Western Cape (Kleinbooi et al. 2006), and the former QwaQwa area and adjacent commercial farming regions in Maluti-a-Phofung District in the Free State (Greenberg & Eveleth 2006).

The key contribution from these studies was to shift attention away from production to the wider distributional effects of land reform and, in so doing, to explore the economic case for land reform. Their findings suggest that in regions where few land reform projects have been established, the impact has been limited. Transferring economic resources into the hands of poorer producers has had little, if any, noticeable effect on the dynamics of the local economy. In the short-term, the major impacts have been the displacement of farm labour, as new owners tend to rely to a greater extent on unremunerated family labour.

4.2.6 SDC field-based learning sessions

SDC reviewed nine LRAD projects (one Share Equity scheme, five LRAD projects, two of which were in the Vaalharts Irrigation Scheme, and three Commonage projects) in a 20-day learning process with an in-depth focus on assessing economic benefits and impacts in addition to social, institutional and environmental management factors.

Poorly assessed project feasibility

The review team found that most LRAD and Commonage projects reviewed were either not feasible or extremely vulnerable. The projects in the Vaalharts Irrigation Scheme were also reviewed by the Agricultural Research Council (Khwene et al. 2004) as part of a larger study. The report found that LRAD projects within the scheme were characterised by poor production, poor infrastructure, no production capital, insufficient equipment and too many beneficiaries per project.

The report noted that on Northern Cape land under irrigation, there is a movement away from field crops, such as lucerne, towards high-value, long-term crops like olives or citrus. However, bridging finance is

required for the move, because long-term crops require 3–5 years, a period in which there is no income. There is presently no financial package available to farmers to make such a move.

The report concluded that the DLA framework for redistributing agricultural land is at the heart of the problems found in LRAD projects within the scheme. It argued that the current framework for land redistribution and agricultural activities within LRAD ‘threatens sustainability, continuity in productivity and the future performance of the Northern Cape economy’.

Unintended consequences of Project Gijima

Perhaps one of the most revealing statements made by a senior DLA official during the LRAD field-based learning process was that the Department has been put under pressure to prioritise Project Gijima, which places strong emphasis and focus on hectares transferred, so all other necessary functions tend to be overlooked.

This is a reflection of the primary emphasis on meeting quantitative targets as the measure of success for land reform – settling all claims by March 2008 and transferring 30% of agricultural land by 2014. There is strong evidence to suggest that prioritising the attainment of quantitative targets is having the unintended consequence of undermining the quality of programme delivery. To date, Project Gijima has not been matched with adequate capacity and systems to ensure the effective servicing of people on the land post-transfer.

Likewise, within DLA, staff performance is assessed against the number of claims settled and hectares of land transferred – not against the social, economic, institutional and ecological sustainability of the project and the extent of livelihood benefits accrued. This further exacerbates the problem and puts pressure on intergovernmental relations, as other departments and municipalities are required to assume responsibility for poorly planned and unsustainable projects.

This creates the highly undesirable situation that the faster that DLA settles claims and redistributes land in line with Presidential and Ministerial directives, without having the systems in place to support those who obtain it, the larger and faster the problems identified in this section can be expected to grow.

It can be reasonably forecast that without an urgent and significant investment in SIS that begins in the planning and pre-settlement phase, existing PSS services will be overwhelmed which, in turn, will place the land reform programme at risk.

4.2.7 Commonage programme management

Commonage projects reviewed failed to meet their objectives. There was evidence to suggest that relevant municipalities had largely abdicated their commonage management responsibilities. It appeared that municipalities either misunderstood their role set out in commonage policy, or simply did not have the capacity to execute it. Consequently, considerable capital had been invested in farms adjacent to towns, but invariably such capital investment was not being used at anywhere near its potential. Commonage management associations had been set up, but then appeared to have been left to their own devices, often resulting in small groups capturing resources and in internal conflict.

4.3 Cross-cutting issues

4.3.1 Uncertainty about mandates

Throughout the enquiry process we in SDC have encountered mixed messages about who has responsibility for co-ordinating and managing the provision of PSS. At the same time, other departments and municipalities, with the exception of NDA, appear ambivalent about where their responsibilities begin and end, and under what circumstances they can legitimately support new owners of land acquired under the programme.

4.3.2 Intergovernmental relations

It is clear that poor intergovernmental relations and ineffective alignment of budgets and programmes of different line departments and municipalities are a major contributory factor to the failure to provide effective PSS for Restitution and Redistribution projects. In part this may be a reflection of the relatively low priority accorded to land reform by national and provincial political leadership.

Until very recently in land reform, much of the focus has been on trying to secure intergovernmental

alignment and support on a project-by-project basis through the establishment of individual project steering committees. There is also considerable duplication of initiatives to align various departments. PLROs have established district assessment committees (DACs) and project approval committees (PACs). However, these deal only with Redistribution projects, leaving the RLCCs to try to establish similar structures which, given perceptions of conflict and complexity associated with settling Restitution claims, results in an uphill battle to secure the sustained involvement of other players.

4.3.3 Project vs. area-based planning

Area-Based Planning (ABP) is a key element of the New Strategic Framework for Land Reform, which remains focused on the need to deliver 30% of agricultural land by 2014. Interestingly, the stated objectives of ABP do not actively highlight the planning, budgeting and institutional arrangements for delivering PSS. As the document states, 'although the ABP approach has institutional implications (i.e. the need to establish District Land Reform capacity), ABP is more about reorienting current products and practices' (DLA 2006a:13).

4.3.4 Membership, rights and equitable access

A total of 952 communal property associations (CPAs) had been registered by January 2007, according to the DLA's CPA Registrar. It is estimated that at least 700 trusts have been established in terms of the Trust Property Control Act to hold land on behalf of communities.

The evidence highlights that, in both Restitution and Redistribution, the key foundational issues of membership, rights, benefits and the securing of equitable access to land and other resources are not being adequately addressed. This is a critical flaw in the programme, which impacts directly on social, economic and ecological sustainability.

In both Restitution and Redistribution projects, the user rights and rights to share and benefit in the land have often not been defined and allocated to individual members. Various reviews of land reform projects, such as the Restitution review cited above (Diako et al. 2005), a review of communal property institutions (CPIs) (CSIR 2005) and a review of Commonage projects (DLA

2005), the subsequent SDC enquiries, have found that where rights have not been determined prior to occupation, the result has been 'self-help', elite capture, uncontrolled use of the resources and internal conflict.

This reflects a situation where the drafting of a constitution and the establishment of a CPI have been reduced to a step in the project cycle to facilitate the transfer of land. The need to register a CPI, a function often assigned to a service provider and allocated a limited budget as a precondition for transfer, has overshadowed the need for meticulous work with claimants and participants to clarify their rights and obligations and put in place effective institutions to manage these.

This is clearly a fatal shortcut which has directly contributed to the collapse of many institutions and the failure of projects. Those projects where rights and benefits are clear and where CPIs function reasonably effectively are those which have had substantial support input over a sustained period of time. Putting in place robust and effective institutions, based on clear and enforceable rights and benefits, with the capacity to manage these rights and the succession of rights holders over time, is an essential requirement of the SIS Strategy.

4.3.5 The CSIR review

The authors of the Council for Scientific and Industrial Research (CSIR) study commissioned to investigate the alleged dysfunctionality of the CPIs undertook a literature review and developed an assessment framework which they piloted and then applied in the field. The review assessed 25 CPIs comprising 19 CPAs, five trusts and one company. The review found that while five CPIs had totally collapsed:

The majority of CPIs are partly functional from an institutional perspective but are largely or totally dysfunctional in terms of allocation of individual resources and the defining of clear usage rights, responsibilities, powers and procedures for members and the decision making body. Transparency and accountability is also often below what is required (CSIR 2005).

These findings have been echoed and amplified by the SDC enquiries, which found substantial problems with the founding documents of several CPIs. An

overwhelming majority of trustees and CPA executive members either did not understand or were not using their constitutions as the basis for running the entity. In virtually all cases, no internal use rights had been defined, there had been no institutional support provided to the CPI once registered, and DLA had done no follow-up work to check on how the institution was functioning.

Currently, the most slender capacity is allocated to supporting and administering the registration of CPAs. There is a single handwritten register in Pretoria in which CPAs are recorded. Apparently, the register containing the first 450 entries has been lost. Registration does not appear to have been computerised. The DLA keeps no record of other entities such as trusts which are registered to take ownership of land on behalf of project beneficiaries. Indeed, once trusts have been established to take transfer of land, the ability of the DLA to provide support or intervene is highly circumscribed.

4.3.6 Gender dimensions

Gender issues are largely ignored in land reform. While there is an emphasis on more equitable representation of men and women in decision-making roles, more thoroughgoing analysis of gender relations and measures to address issues faced by poorer, more vulnerable women and households headed by single women is largely absent. This extends to the planning of production and livelihood opportunities, which are often framed by gendered assumptions.

4.3.7 A mismatch between internal capacity and skills and the scale of the task

Even where there is an acknowledgement of responsibility for ensuring PSS within DLA and the CRLR, there is a rapidly accelerating disjuncture between the available human resources, the level of skills required, the existing systems and institutional arrangements, on the one hand, and the scale of the task on the other.

The disjuncture also applies to the core functions DLA is expected to provide which are relevant to the direct provision of SIS-related services such as:

- legal entity formation, rights determination, registration, post-registration support,

and systems for land rights recording and management and monitoring;²

- spatial mapping and information on land reform projects and claims which are updated in real time and made available to all relevant actors for planning purposes;
- implementation of DLA's policy and guidelines on the integration of environmental planning into land reform and land development (DLA 2001) and utilisation of the associated Environmental and Sustainability Assessment Tool (ESAT);
- capturing of baseline data on people acquiring land through the programme for planning and longitudinal M&E;
- communication with other departments concerning DLA's programmes; and
- actively participating in municipal IDP processes.

4.3.8 The inadequacy of current capacity development approaches

The findings from the *status quo* capacity development report, the field-based learning processes, provincial consultative forums and overview studies indicate that current investment in and delivery of capacity development support and technical advice is inadequate.

The inadequacy of capacity development cuts across three interconnected spheres:

- the development and sourcing of appropriate skills and institutional capacity within DLA at national, provincial and district levels to conceptualise and manage provision of a suite of generic and customised support services for land reform projects with different needs at area level;
- the appropriateness and depth of knowledge and skills which allow other role-players (line departments, municipalities, commodity organisations, financial institutions and NGOs) to understand each other's business and tailor their services to the specific needs and contexts of people in land reform projects and gain a better understanding of how the land and agrarian reform programme works; and
- the relative lack of ongoing customised mentoring and support received by people acquiring land,

coupled with the frequency of inappropriate advice and support which, in certain instances, contributes to project failure or increased exposure to risk.

4.3.9 Information management, monitoring and evaluation

The management and sharing of information on land reform projects and the enabling of a learning environment which stimulates assessment and improvement of current practice is central to a sustainable and effective land reform programme. Evidence from an analysis of current systems involving visits and interviews with various officials at national and regional level within DLA and the CRLR indicates major operational constraints and inefficiencies.

The analysis identified seven priority issues:

- fragmented data collection;
- poor management of physical registry files;
- the lack of an adequately functioning central data repository;
- data collection in hard copy slows down analysis and limits the value of information for decision-making purposes;
- there are no agreed institutional arrangements for information-sharing;
- there is no amalgamation of separate datasets between the different departments; and
- spatial referencing of data is inadequate and spatial data maintenance and access is disorganised.

The main system designed to host Restitution claim data as well as LRAD and Commonage data at DLA is LandBase. This data is hosted centrally at DLA with super-users assigned to enter data at various locations. However, this system is not fully utilised. Regional offices use the system to varying extents, and RLCCs generally use the system more than PLROs. Most of the information on LandBase relates to Restitution claims up to claim-settlement stage. For various reasons including staff turnover, LandBase data on LRAD and Commonage quickly became outdated. Furthermore, LandBase's system functionality does not allow for M&E of projects once they are settled and the

land has been transferred. The CRLR uses a separate system hosted at the office of the Chief Land Claims Commissioner to gather data on Restitution claims and to facilitate the tracking of PSS.

These systems all form part of a set of about 70 unconnected databases, 30 servers and 143 applications running within DLA. Despite the availability of a network infrastructure, a significant amount of information is currently maintained on isolated computer systems by individuals who are clearly working in personalised 'silo' mode. This results in *ad hoc* sharing of information internally, which depends on personal connections between individuals within different directorates and offices.

There appears to be no formal standardised tracking of and reporting on project progress. Officials make their own plans to keep track of projects. Critical project information and the tracking of grant spending once approved is not uniformly available across all offices.

Government Information Technology Office (GITO) officials within DLA have long seen the need for an information management strategy that normalises and integrates information flow and communication throughout the department and provincial offices. However, this is proving a difficult task to implement given the number of 'silo' processes and systems that individual units have set up independently and are unlikely to be willing to give up.

4.3.10 Communications

Currently, there is a set of programme-specific messages put out by DLA and the CRLR which are aimed at the general public. These communicate progress against targets and measures to speed up the pace of land reform.

The key gap is the communication of targeted information to particular actors, particularly at local and district levels where, depending on the context, very different things need to be communicated to different people:

- people wanting to acquire land;
- people who have acquired land and who seek support;
- municipalities;

- provincial line departments and service agencies; and
- private sector partners.

It is clear that there continue to be widespread misconceptions about the land reform programme and a general lack of knowledge of its strategic objectives at the local level where implementation takes place. This requires an overarching communications strategy to communicate both core and locally appropriate messages.

4.4 Conclusions

The outline of the evidence presented above represents a very condensed synopsis of a much broader and more rigorous enquiry. The requirement to develop an evidence-based strategy has provided a very clear statement about where the land reform programme has come from and where it is today. It has enabled a detailed and sobering analysis, which simultaneously provides the basis for the design of solutions.

All the evidence points to the significant underperformance of the land reform programme when assessed against the goals of redistributing and restoring land, securing rights, strengthening livelihoods, and contributing to LED.

We have examined how an emphasis on quantitative targets (hectares of land transferred and number of claims settled) has obscured and even undermined a corresponding focus on quality and sustainability of projects and their contribution to government's broader social and economic objectives. In concentrating on our constitutional obligations to restore and redistribute land we have, on occasion, overlooked the needs of the people who have acquired the land.

The argument underpinning the Strategy is that the purpose of land reform will be achieved only if land restoration is accompanied by targeted measures that:

- result in secure rights;
- make a meaningful contribution to household livelihood security;
- provide access to services, support and benefits;
- reduce vulnerability and risk; and

- contribute meaningfully to LED.

It seems clear that restoring and broadening access to land rights cannot be regarded as an end in itself. A developmental approach must enable the making of economic arguments for land reform. It should be able to demonstrate that scaling up land reform and increasing access to land for productive purposes on a variety of scales will represent an effective State investment to reduce poverty, enhance food and livelihood security, and promote LED.

5 Key findings from the international experience

Many recent land reform programmes (specifically, those under the market-based approach which came to the fore internationally during the 1990s) have tended to focus more on land acquisition and less on the requisite settlement support that must accompany it. SDC has provided in-depth analysis of the experience of land reform in countries and contexts as diverse as Brazil, the Philippines, Australia, Zimbabwe and Mozambique. For the purposes of this synthesis document, these have been condensed into an overarching set of issues. See Chapter 5 of the base document for more detail.

5.1 Why the need for settlement support?

A key finding of the Food and Agricultural Organisation of the United Nations (FAO) that is based on its assessment of international land reform initiatives over the past 25 years is that access to land is essential but not enough to bring about agrarian reform (FAO 2006). This conclusion is supported by assessments conducted by the World Bank (2003).

During the 1960s and through the 1970s an earlier international wave of agrarian reform initially looked quite promising. However, when beneficiaries did not gain access to markets, credit, technologies and training, they soon found themselves either indebted or in a state of deepened poverty. Many were forced to sell their land – often back to the previously landed elite.

This experience showed that to be effective land reform requires the means to make land useful or productive and, therefore, requires the provision of support to beneficiaries (Moore 2002). The extent to which communities can make use of land depends to a very large extent on the interplay of land as a resource with that of other social, human, physical and financial capital. The reduction of enduring chronic poverty can be seen as an outcome of this interplay between land and several of these other forms of capital (Bryceson 2000; DFID 2002; Zimmerman 2000).

The SDC argues, following Chimhowu (2006), that land plays only a ‘permissive role’ in poverty reduction. This permissive role varies from country to country, and even at the local level. For example, giving land to a land-poor community may allow its members to produce food or cash crops, but only if they have the required skills and expertise, are healthy enough and have access to sufficient labour power, and if input supply and transport systems work and markets are predictable.

It has also been argued that the above conditions for sustainable farm livelihoods are rarely met and so communities tend to combine the use of land with other off-farm and non-farm livelihood activities (Murray 2002; Bryceson 2003 as cited in Chimhowu 2006). It is, therefore, necessary that settlement support acknowledges and provides for a range of livelihood activities.

Rather than viewing the rural poor as land-constrained farmers, they should be seen as people with multiple livelihood strategies that may or may not be linked to farming at all times. Land, therefore, can provide them with a base from which to launch other livelihood ventures. It may provide chronically poor households with a key commodity, but one that still needs to be turned into a livelihood through other complementary activities (Chimhowu 2006).

5.2 Key ingredients of comprehensive support provision

Land reform becomes more effective when beneficiaries have or acquire the necessary experience in land use and management and when they have the capacity to generate sustainable income or sufficient

food. Rural infrastructure, improved technologies and a range of responsive rural services, including training, have proved essential to effective and lasting agrarian reform (FAO 2006).

Once land has been acquired, the following key ingredients of a comprehensive support provision programme are necessary – as outlined in the Declaration of Principles and Programme of Action (also known as the ‘Peasants’ Charter’), adopted by the World Conference on Agrarian Reform and Rural Development in 1979. This includes (FAO 2006):

- access to water, agricultural inputs, services, markets, credit, research, technology development and extension;
- expansion and diversification of employment opportunities;
- improved public and private utilities and services (i.e. education, health, nutrition, safe drinking water, energy, roads and communications);
- full and equitable integration of women in development;
- participation by the beneficiaries; and
- the facilitation of enabling macro-policies (i.e. fiscal, price, trade and investment policies).

Furthermore, the livelihood assets and resources of rural households, communities and geographic locations need to be recognised and supported in terms of attention being paid to the following:

- natural resources (including land, water, forests and soil);
- financial resources (savings, credit and financial services);
- physical resources (roads, communications and energy);
- access to basic services (water, housing, electricity, health, transport and education);
- infrastructure (irrigation, storage, processing and market infrastructure);
- capacity development (education and skills training); and
- social institutions and networks.

5.3 The need for an integrated, ongoing and multidisciplinary approach

International experience shows that support provision to land reform beneficiaries cannot be viewed simply as a narrow or technical issue and requires the involvement of a wide range of active and committed players, including community members, NGOs, social movements, local government, a range of government departments and international agencies.

However, the involvement of all these roleplayers has a downside. Many international case studies highlight how institutional fragmentation serves to undermine the efficacy of land reform initiatives and retards the pace and potential impact of support provision.

In order to develop a strategy that supports sustainable development outcomes and builds on the needs and rights of beneficiaries, settlement support cannot be viewed as a component that is to be added on towards the end of a land reform process. It must be seen as an integral part of the entire process of land reform through the planning, transfer and post-transfer phases.

This implies that there can be no clear division between the planning, implementation, capacity development and settlement processes or between ‘pre-settlement’ and ‘post-settlement’. It also assumes that in order for the various interlinked processes to be realised, they need to be integral to a broader process of agrarian reform. This need for continuity implies the need for harmonisation of institutions or departments whose task it is to address settlement support.

The impact of settlement support can be maximised primarily through the harmonisation of institutions but also through strengthening the capacities of local community-based and local government institutions, as well as farmers’, producers’ and workers’ organisations, co-operatives and government departments, so as to enable them to support new landholders.

5.4 Clear identification of the target group for settlement support

If a land reform programme and its associated settlement support strategy are to have maximum

impact, then the target group must be clearly defined and the specific support needs of that group must be understood.

Some land reform programmes have experienced a disjuncture between their espoused and actual target groups. While the official objectives of policy target the poor and the landless, other better-off individuals and groups may capture the benefits of land reform.

5.5 An acknowledgement of risks confronting beneficiaries

Cernea (1997) suggests that when planning for land reform and the resettlement of communities, it is critical to acknowledge the risk environment confronting beneficiaries and their households and factor this into the settlement planning process. If risk mitigation measures are not taken into account during planning, then impoverishment is inevitable.

5.6 Participation and effective support provision requires a paradigm shift

Lessons from around the world highlight that PSS cannot be conceived of as something that is 'done to' or 'given to' beneficiaries, but rather that communities acquiring land and needing support must be viewed as active participants in the entire process. Land reform and its associated support is thus a people-centred activity and is a process of engagement as opposed to a welfarist or 'one-size-fits-all' approach.

Rural development support provision is a socio-political intervention which must build the capacity of stakeholders to adapt to change, rather than the provision of purely technical support. Area-based, multidisciplinary and integrated approaches are more effective than sectoral ones. Interventions need to be rights-based rather than needs-based. And impact assessment must be based on qualitative indicators which enable continuous learning and improvement.

Access to land (whether as freehold or communal land) needs to be accompanied by policy changes and other interventions that include the provision of support and services if land use is to be effective and sustained. Policy change invariably needs to be accompanied

by institutional changes. Without adjustments to the roles, responsibilities, incentives and performance appraisal of those implementing policy reforms, and the alignment of relevant institutions, existing power relations can impede effective change.

5.7 Key settlement support strategies and institutional arrangements

The principles and policies underpinning land reform in different countries have led to the adoption of various types of post-settlement strategies and institutional arrangements, which can be broadly categorised as follows:

- decentralisation;
- centralisation and a high level of State involvement;
- variations of private sector involvement and partnership arrangements;
- non-interventionist or no apparent strategy; and
- land occupations.

These strategies or their variants are usually accompanied by particular institutional arrangements, which can involve:

- a separate institution or unit that addresses all aspects of settlement support;
- the administration and support provided by local government structures; and
- arrangements whereby settlement support is integrated into the range of general support systems available to all rural landowners.

5.7.1 Decentralisation as an institutional arrangement for support provision

According to the FAO, one of the most important elements for successful decentralisation is the existence of a strong central government, with a clear vision for a national plan of action. Another condition is that the decentralisation itself be conceived as a transversal process, which cuts horizontally through the different sectors related to regional and local development. This means that decentralisation has

a breaking-up effect on the sectors, changing from a fragmented or sectoral arrangement to a more integrated and territorial or area-based management of natural resources and support provision (FAO 2006).

5.7.2 The impact of market-based land reform on settlement support provision

The world economic recession after 1973 resulted in a shift away from State-led development, as a result of debt and fiscal crises and the resultant structural adjustment programmes advocated by the World Bank and International Monetary Fund, more specifically during the 1980s. State-led development, regulation and expenditure in many countries was dramatically reduced or redirected under economic structural adjustment programmes, markets were liberalised and State agencies responsible for agricultural production, distribution, training and support were either closed down or privatised (Ghimire 2001).

The role of the State in land reform and in agriculture under neo-liberal policies since the 1990s has been further reduced and has resulted in governments withdrawing subsidies and public expenditure that once supported vulnerable rural groups. The private sector, responding to short-term tenders put out by the State, has taken over what passes for support provision to land reform beneficiaries. In addition, subsidies and minimum prices for staple foods have been withdrawn or reduced, and technical assistance and agricultural research (a service previously provided by the State) have been privatised and re-allocated to agribusiness, large corporations and the private sector. Government marketing boards have been abolished and the agricultural productive infrastructure has declined, institutional credit has diminished, and financial institutions are increasingly unwilling to provide loans to farmers who are becoming less able to repay them.

The process of reducing public spending has also resulted in the removal of subsidies for social services, health, education and social security. This has added to the burden placed on rural dwellers and workers, pushing their households below subsistence levels

(UNRISD 1995; UNRISD 2000; Chamorro 2002). The absence of these support elements has meant that new entrants into agriculture through the land reform process are at a distinct disadvantage and struggle to make a success of the activities they undertake.

Kenfield (undated) argues that the narrow focus on the market has a significant impact on how settlement support is framed and understood and narrows the parameters in terms of both the kind of support required by beneficiaries, and the content and purpose of such support. Private ownership of property and commercial agricultural production have taken precedence over issues such as household livelihood security, equitable distribution of benefits, food security and food sovereignty.

This is further evidenced by the imperative for all reform beneficiaries (whether they intend to engage in subsistence, small-scale, semi-commercial or commercial operations or not) to draft business plans and subscribe to more commercial-style operations, even if these are inappropriate to their needs or developmental desires. Lahiff and Cousins (2005) refer to the current land reform policy in South Africa as making extensive use of:

the language of commercial and economic 'viability', with the 'commercial' logic being applied to all land reform applicants, regardless of their resources, abilities or stated objectives.

5.8 Conclusions

The international experience of land reform helps put South Africa's land reform programme into perspective. The issues and challenges we are facing are not new or unique. They are recurrent concerns within the global land reform agenda, which highlights that there are no shortcuts to putting an effective programme in place.

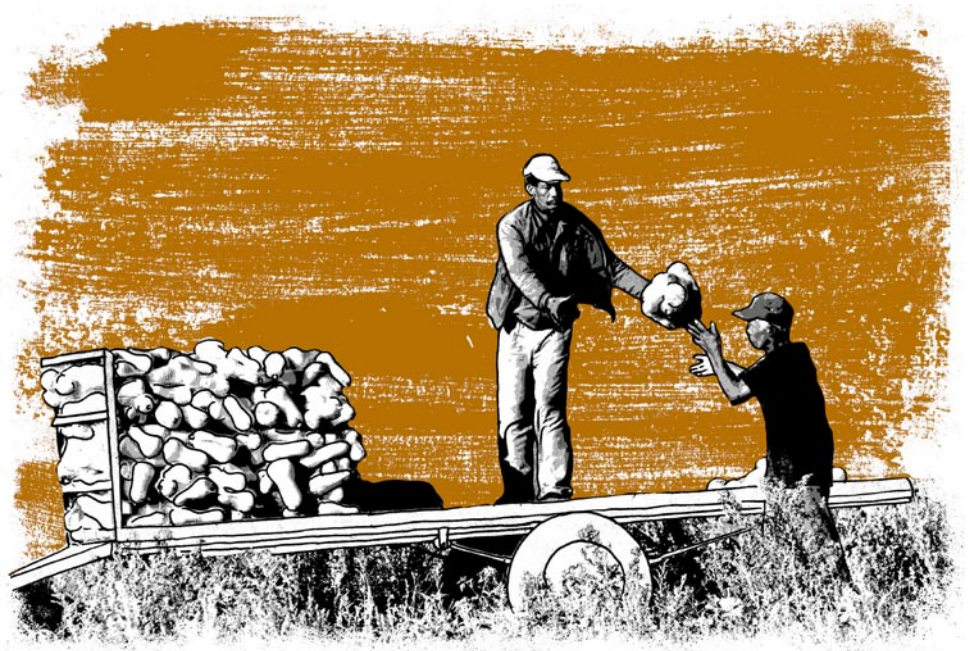
The international experience highlights that the provision of settlement support must be prioritised as a critical success factor if the overall goals of land reform are to be attained.

Part 3



Part 3

The SIS strategic framework and key elements of the proposed Strategy



6 The SIS strategic framework

The evidence highlights that there are four domains which must be addressed if effective settlement and implementation support is to be provided. These have been organised into a conceptual framework which combines four interlocking quadrants – see the framework below. More detail is provided in the SIS Strategy base document.

6.1 A shared mission...

A simple mission statement guides the SIS Strategy:

The delivery of effective settlement and implementation support which contributes to successful land and agrarian reform to reduce poverty, enhance livelihood security, boost economic growth, enable security of tenure and sustainable land use.

Effective settlement and implementation support is an essential element contributing to the success of land reform, following the international principle that access to land is essential but not enough to bring about agrarian reform (FAO 2006).

The mission is anchored in the South African Constitution, particularly Sections 25(4)–(8), which deal directly with land reform-related issues, Section 25(8), which requires the state to take measures to achieve land, water and related reform, and Section 24, which guarantees the right to a healthy and safe living environment.

Given the prominence of land reform-related matters in the Constitution and other legislation, the SIS Strategy assumes that land and agrarian reform remains a national development priority. The State and indeed the South African people are constitutionally obliged to ensure that the objectives of land reform are achieved, which means that *the success of the programme is everybody's business*. The Strategy locates the legislative mandates which secure the contribution of the relevant line departments and municipalities to the provision of SIS services. It also seeks to draw in private support and NGOs and to grow associations which represent the interests of communities and individuals who have acquired land through different sub-programmes.

The Strategy has been conceptualised as an intervention by DLA as the lead agency in partnership with other departments and actors to reduce poverty and inequality and to ensure the sustainability of past and future investment in land reform, while ensuring livelihood security and stimulating local and national economic growth and development.

6.2 Locating the mission within the SIS strategic framework

The framework draws on the evidence from the assessment of Restitution, LRAD and Commonage programmes to identify the principal factors contributing to successful and effective projects. This framework identifies the key dimensions of effective SIS services and the main features of an enabling environment to provide them.

The framework identifies the critical elements which must be in place to fulfil the mission, and conceptualises the relationships between them. The framework identifies the key enabling influences in the external environment which must be harmonised for maximum impact.

6.3 Area-based support

As highlighted below, the proposed approach dovetails with the ABP and Proactive Land Acquisition Strategy (PLAS) processes currently being elaborated within DLA (DLA 2006a; DLA 2006d). The approach sets out to ensure that land reform is firmly embedded within municipal IDPs and spatial development frameworks and is supported by government departments in line with their respective legislative mandates.

Currently, the DLA ABP process is focusing through a district lens. While this is a useful starting point, integrated settlement support services will need to be planned and delivered on a smaller scale, influenced by particular geographies of land reform within municipal boundaries.

The SIS Strategy assumes that these areas may be as small as a ward or as large as a local municipality. Areas are identified and planned within the context of the municipal IDP. Projects within a designated area will be planned holistically and will be supported by

dedicated SIS support entities facilitating delivery of an integrated suite of services to local associations representing land and agrarian reform projects and individual projects within designated areas.

6.4 Key elements of the framework

The proposed SIS teams have four key functional areas of activity which are captured in the four sides of the quadrant of the framework illustrated in Figure 4:

- **Quadrant 1** highlights the need for *functional alignment and spatial integration*. This pinpoints the institutional arrangements required to deliver SIS services and to align different government departments, municipalities and other actors in the planning and post-transfer support processes within an area-based approach.
- **Quadrant 2** addresses the need for comprehensive *social, institutional and capacity development*. It identifies what must be done to meet local social development needs, minimise the risks of HIV/Aids and mitigate its impacts, and enable the acquisition of key skills and enhancement of collaborative learning at all levels. It sets out the measures required to ensure that membership, responsibilities, land rights and entitlement to benefits are clearly determined and that robust land-holding and land rights management institutions are put in place and supported to fulfil the key constitutional and legal mandates which underpin the land reform programme.
- **Quadrant 3** highlights strategies to ensure *sustainable human settlements and integrated natural resource management*.
- **Quadrant 4** focuses on *livelihoods, enterprise development, finance, market access and provision of technical and business support*. It involves an integrated approach to strengthening individual household livelihoods across the board, improving individual and group-based enterprise viability, and facilitating access to finance, markets and appropriate business and technical support.

6.5 An integrated framework

The elements in Figure 4 combine to create an integrated settlement and implementation support delivery framework. The framework is guided by the overall vision rooted in the Constitution and related laws of general application. Functions within the framework are co-ordinated and implemented by area-based support teams working out of new district-level support entities (see Chapter 11 of the SIS Strategy base document). These entities bring together representatives of associations representing local land reform projects, district and local municipalities, relevant line departments, private sector entities and NGOs.

6.6 Communication, information management, monitoring and evaluation

To ensure that all dimensions within the framework articulate effectively, SIS entities will require a comprehensive information and knowledge-sharing environment, effective communication instruments, and a system for monitoring, evaluation and review to assist decision support. This will provide essential management information and enable the development of a learning, flexible and adaptive support entity.

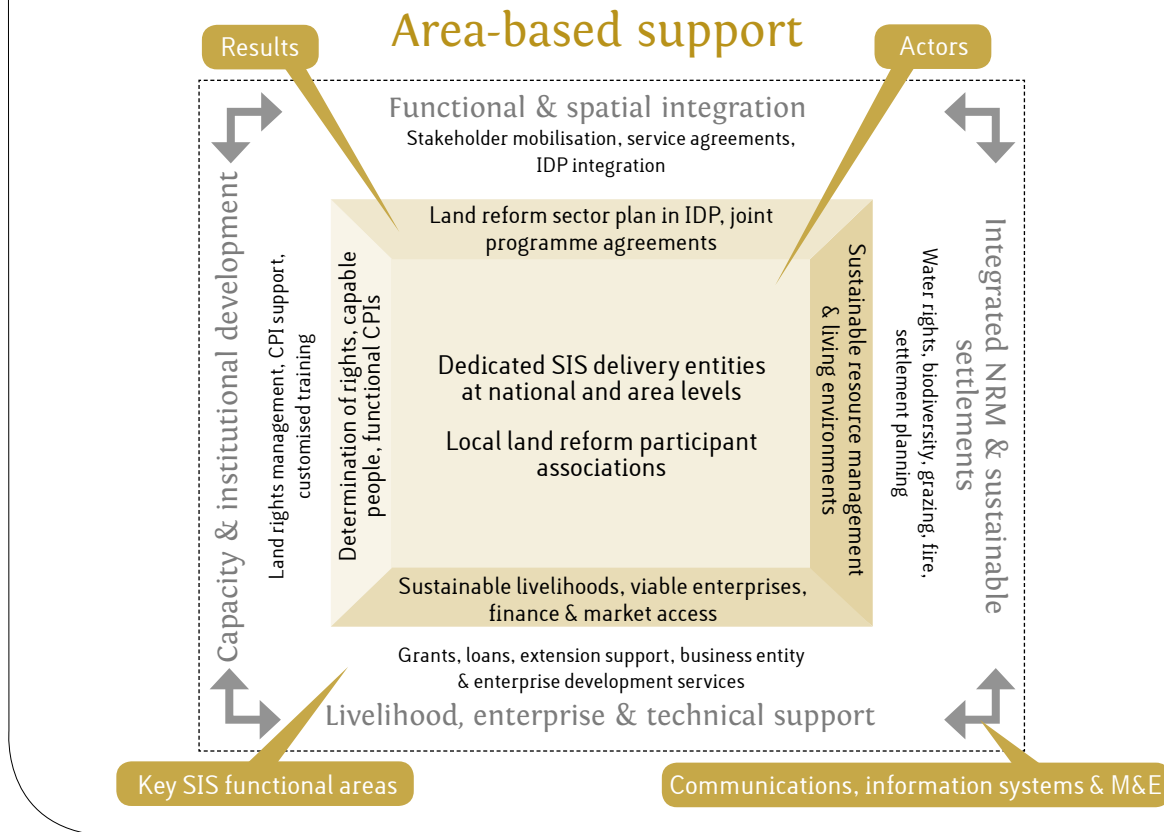
7 Achieving functional and spatial integration

Growing out of the Land Summit in July 2005 was the recognition of the need for a new, practical and integrated approach for land reform planning and implementation that brings together the different land reform sub-programmes within a decentralised approach to planning, budgeting, decision-making and provision of services and support. Chapter 6 of the base document contains more detail.

These included:

- initiatives to move away from working in silos;
- the emergence of area-based planning and the recognition of land reform as a joint programme of government;

Figure 4: How the elements of the strategic framework fit together



- State-driven, proactive land acquisition;
- the potential establishment of a special-purpose vehicle to acquire, develop and manage land proactively; and
- a range of measures to improve inter-departmental alignment between DLA and NDA.

The evidence indicates that there are several obstacles to overcome before these new approaches can be realised. These include:

- the lack of an agreed interdepartmental framework for executing land reform as a joint programme;
- the weaknesses of local government and the current exclusion of land reform from most municipal IDPs;
- inadequate and fragmented spatial information on land reform; and
- internal co-ordination problems within the DLA and contestation over the Department's role and

responsibility for co-ordinating and ensuring the provision of PSS.

7.1 Where we want to be

The key strategic goals of this component are:

- There is improved understanding and practical support by key government, private sector and civil society stakeholders for a joint land and agrarian reform programme which enables the delivery of effective post-transfer support.
- Planned and settled Restitution claims, LRAD and Commonage projects are consolidated into area-based clusters and serviced by area-based support teams managed by dedicated SIS entities at local and district municipal level. In the process, alignment is made with the implementation of PLAS.
- Appropriate institutional arrangements are in place to secure co-ordinated support for area-

based initiatives consistent with the legislative mandates of relevant actors and area-based partnership agreements with private sector and civil society partners.

- All land claims and land and agrarian reform projects are mapped and integrated, and up-to-date, spatial and project information is accessible through a single platform for planning, implementation, decision support, monitoring and intervention purposes.
- A clear hierarchy of plans is developed in ways that enable an improved and seamless link between planning and implementation.
- Land and agrarian reform is integrated into IDPs, local economic development, spatial development, environmental management, infrastructure development and service delivery frameworks.

7.2 Getting there

The SIS Strategy rests on drawing a clear distinction between the functions at the different levels, and the actors/institutional mechanisms required to carry out the functions within the context of a joint programme, and an area-based spatial framework within which to locate delivery.

The Strategy involves a set of nested functions performed at three different levels:

- front-end project support services;
- area-based and provincially framed services and support; and
- national 'back-end' support to create an enabling environment for a sustainable land reform programme which meets national programme objectives.

7.2.1 Providing front-end project support services

Figure 5 summarises the core front-end services required to effectively support individual projects. These services are provided by DLA, other line departments, the municipality and contracted service providers and are co-ordinated through dedicated SIS entities.

Such entities are co-ordinated at local and district municipal level, but their geographical/operational footprint will need to be determined by the land and agrarian reform context and the relative density of Restitution claims, LRAD and Commonage projects within particular district and local municipalities. The scope and extent of the services to be provided will be determined by the needs of the projects and the activities they involve.

7.2.2 District/area-based support

For the front-end project support services described above to work, they have to be conceptualised, integrated and managed at area and district level (Figures 6 and 7).

The focus of area- and district-scale functions is to:

- ensure the integration of land reform into the municipal IDP; and
- align and amalgamate the budgets and plans of relevant provincial line departments in support of land reform.

This is also the level at which public-private partnerships are brokered and area-based support entities put in place. These are discussed in more depth in Chapter 11 of the base document and could take different forms, including the establishment of Section 21 companies or similar entities.

7.2.3 Provincial and national 'back-office' support

Figure 8 highlights the range of support functions which create an enabling environment for sustainable land reform at all levels.

7.2.4 Identifying initial sites for area-based planning and support

This should provide the platform for the phased roll-out of the SIS Strategy. It will involve:

- the initial identification of one district per province within which to locate initial area-based SIS interventions;³
- the development of shared criteria for selecting area-based planning and support sites between

Figure 5: Front-end ward-level SIS support services

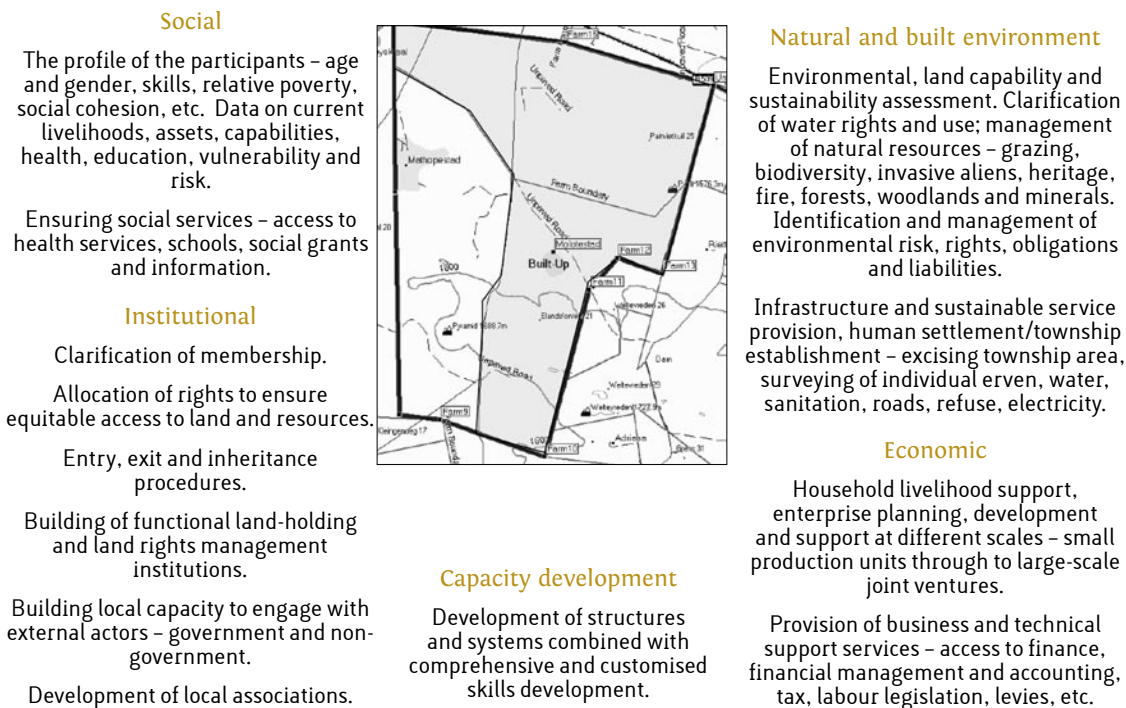


Figure 6: District-local SIS linkages

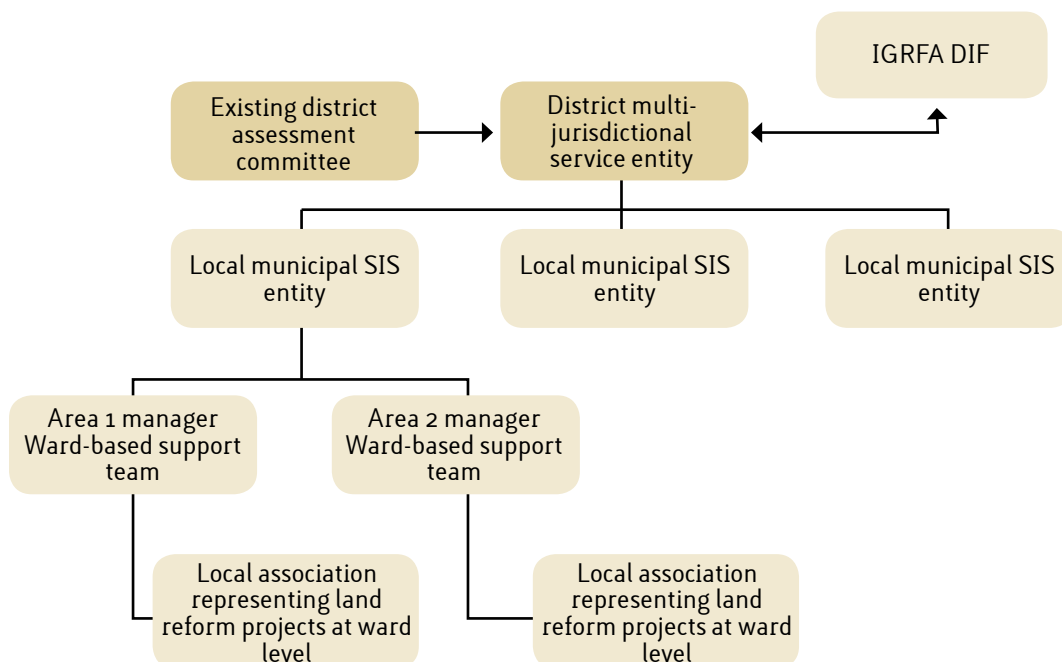


Figure 7: District-level services


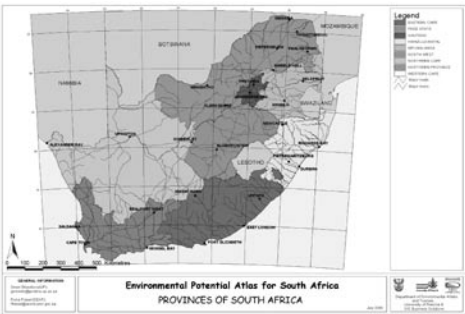
<p>Social</p> <p>Planning and monitoring access to social services, pensions, grants, health and education at district scale.</p> <p>Alignment with HIV/Aids and TB support programmes. Addressing social dimensions as part of land reform sector plan in IDP.</p> <p>Gender and quality of life assessment.</p> <p>Conflict management and dispute resolution.</p> <p>Institutional</p> <p>Putting in place local and district support entities. Input into provincial planning process.</p> <p>Aligning relevant role-players – DLA, CRLR, municipality, together with front-line officials from relevant government departments, organised agriculture and commodity organisations for joint planning and support.</p> <p>Supporting the development of ward-level associations to represent the interests of land reform participants.</p>	<p>Spatial planning and mapping</p> <p>Spatial planning with respect to proactive land acquisition and GIS mapping of all land reform projects. Sharing of spatial datasets. Building local government GIS capacity.</p>  <p>Learning, M&E and policy feedback</p> <p>Building capacity and sharing knowledge between government and non-government actors. Monitoring, evaluation and area-based programme performance assessment and input into policy formation, procedural review and improved legislation.</p>	<p>Natural and built environment</p> <p>Strategic environmental assessment to identify environmental risk, biodiversity hotspots, stressed catchments associated with existing and planned land reform projects. Identification of environmental opportunities and grants for rehabilitation, LandCare, etc. Environmental management, infrastructural, human settlement and services needs included in land reform sector plan in IDP.</p> <p>Economic</p> <p>Market scoping studies to identify local economic opportunities and linkages between projects. Securing market and finance access. Promotion of marketing and supply co-operatives. Locating land reform within municipal IDP, LED and BEE strategies.</p>
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Figure 8: Provincial/national 'back-office' support

<p>Policy, legislation, regulation, grants and services</p> <p>Creation of an enabling policy and legislative environment, provision of adequate grants and services to meet constitutional obligations.</p> <p>Business processes, systems and procedures</p> <p>Development of clear, efficient decentralised business processes based on an efficient operating platform, cutting-edge technology, fine-tuned systems and procedures.</p> <p>Internal alignment</p> <p>Breaking down sub-programme silos, integrating PLRO and regional offices of the CRLR.</p> <p>HRD</p> <p>Ensuring competent and motivated staff.</p>	<p>Spatial data mapping, deeds and survey</p> <p>Spatial planning with respect to proactive land acquisition and GIS mapping of all land reform projects. Sharing of spatial datasets in terms of NSIF. Building local government GIS capacity.</p>  <p>Shared performance indicators & M&E, improved information for decision support</p> <p>Combining quantitative and qualitative measures of programme success. Rigorous internal M&E combined with commissioned research to enable programme performance assessment at different scales. Co-learning and knowledge sharing between government and non-government actors.</p>	<p>Making co-operative governance work</p> <p>Negotiating and monitoring implementation of IGRFA agreements to position land reform and SIS as provincial and municipal development priorities and agreeing on performance standards for all participating departments.</p> <p>Agrarian reform support measures</p> <p>Trade and tariff negotiations, preferential finance, value chain analysis and measures to improve market access. Extension and business support services.</p> <p>Land rights management support</p> <p>Support systems in place and incentives ensuring improved performance of land-holding entities.</p> <p>Communication</p> <p>An assertive communications campaign targeting key stakeholders; clear, affirming messages; 'A grade' website.</p>
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PRLOs, RLCCs, PDoAs, provincial departments of environmental affairs, local and district municipalities and other relevant actors, depending on the specifics of the selected district;

- consultations between the CRLR and PLROs (through RLCCs and district offices) and the other departments, spheres and stakeholders to identify start-up sites within that district for area-based planning and support; and
- developing priority intervention points on the basis of need, numbers and spatial distribution of projects that require support and assistance.

As the evidence shows, the institutional arrangements for the delivery of front-end settlement and implementation support services are currently either *ad hoc* or negotiated on a project-by-project basis with little attention paid to area-based perspectives. Securing functional and spatial alignment is the essential first step in the construction of a coherent SIS Strategy and its subsequent implementation.

8 Securing rights, strengthening institutions and promoting social development

The strategic thrust in Quadrant 2 is based on six key premises:

1. People are at the centre of the land reform programme, which must secure their rights, improve their livelihoods and build skills and institutional capacity.
2. Project sustainability rests partly on clarity of membership, plainly defined land rights and entitlements backed by effectively functioning land and land rights management institutions/ CPIs.
3. Projects which establish separate business entities require a customised programme of institutional and management development support.
4. People from poor households acquiring and residing on land require a comprehensive gender-aware programme of social development to ensure access to essential social, health and education services and to mitigate risk and vulnerability.
5. The capacity of all role-players involved in land reform needs to be systematically developed – from leadership and members in projects through to officials in government departments and municipalities which provide services, inclusive of private sector and civil society partners.
6. Area-based planning is predicated on the building of local associations to enable horizontal peer support and learning between people on land reform projects in the area or district, and to articulate the interests of land reform beneficiaries in the local development context.

Chapter 8 of the base document summarises the key issues and problems in the current context which must be directly addressed by the Strategy. These include:

- inadequate rights determination and poor CPI functionality;
- business entities being established without due attention being paid to the capacity required to manage them and meet ongoing compliance requirements;
- land reform planning and implementation not securing optimal social benefits;
- members of land and agrarian reform projects lacking access to customised training and on-site learning support;
- officials within different spheres of government who are required to provide services often lacking a proper understanding of land reform and the appropriate skills and methodologies to work effectively with land reform participants; and
- members of land reform projects remaining largely unorganised and voiceless at district scale.

8.1 Where we want to be

The key strategic goals for this component are:

- to implement comprehensive social profiling at project and area-based scales to provide adequate baseline data for monitoring improvements in rights security, livelihoods, well-being, skills and institutional capacity;
- to put in place CPI establishment and support processes to implement the recommendations of the CPI review (CSIR 2005), which ensure clarity of membership, plainly defined land rights and entitlements backed by effectively functioning land and land rights management institutions that guarantee continuing, secure and equitable access to land and resources;
- to establish and capacitate a national programme to audit CPAs and trusts within designated areas and to resuscitate those that have experienced institutional failure;
- to put in place provincial support programmes to service municipalities managing commonages and to ensure that commonage obligations are fully understood and supported by the Department of Provincial and Local Government (DPLG) and provincial departments of local government and traditional affairs, and that the recommendations of the Commonage review (DLA 2005) are implemented effectively;
- to engage with specialist units within the Department of Trade and Industry (DTI), the private sector and organised agriculture to ensure that where projects establish separate business entities these are supported by an ongoing customised programme of institutional and management development support;
- to facilitate a comprehensive area-based gender-aware programme of social development to ensure that poor households obtaining land through the Restitution and Redistribution components of the land reform programme have access to essential social, health and education services which mitigate risk and vulnerability;⁴
- to initiate national, provincial and area-based learning processes which systematically develop

the capacity of all role-players involved in land reform – from leadership and members in projects through to officials in DLA and relevant government departments, municipalities which provide services, and including private sector and civil society partners – and which enable the development of a growing knowledge base; and

- to stimulate the development of well-organised and independent associations representing the interests of people who have acquired land through the land and agrarian reform programme as a key element to facilitate area-based planning and support provision.

8.2 Getting there

Key strategic elements include:

- establishing a social and economic baseline through improved household profiling;
- securing membership rights and equitable access to land and resources;
- establishing a sufficiently resourced CPI Support Unit at the national level, with specifically dedicated and trained staff located in each PLRO;
- establishing a dedicated national public-private partnership between the proposed DLA CPI Support Unit with the staff decentralised at PLROs and SIS entities at area and district level and legal resources NGOs and selected service providers;
- fixing and overhauling the majority of land reform projects that at present are not achieving the objectives of land reform;
- ensuring that planning and implementation of new land reform projects complies with a rigorous CPI establishment process to be set out in regulations in relation to constitutional objectives and to be monitored by the proposed CPI support team;
- considering CPAs to be the preferred land-holding entity for land reform purposes, given the current obstacles experienced with taking remedial action in respect of land-holding trusts which have fallen into difficulty;

- amending the CPA Act to oblige the State to provide ongoing rights administrative support;
- clarifying the role of municipalities in ongoing land rights administrative support for projects on private land and supporting municipalities to undertake this role;
- improving commonage management by implementing findings of the commonage review (DLA 2005) and ensuring that commonages are located as part of ABPs and are managed as an acknowledged municipal responsibility;
- reframing commonage as a local economic development activity within the municipal IDP, with an active focus on how to maximise currently underutilised and badly managed assets;
- building appropriate business entities based on a careful assessment of the establishment costs, and the management and compliance requirements of setting up such entities in relation to the value of the enterprise and the available level of managerial skills and expertise;
- integrating measures to reduce the impacts of HIV/Aids into project plans;
- initiating local-level capacity development and learning processes in support of area-based land reform and rural development; and
- encouraging the development of associations to represent the interests of land and agrarian reform participants.

This quadrant addresses key foundational issues within the land reform programme. The future of the programme and the extent to which it meets its constitutional obligations will be determined by the extent to which we are able to support participants to clearly determine and manage land and resource rights, both now and in the future, on transferred land.

However, by themselves, land rights have limited value. For these rights to make a contribution to livelihood security, they must be part of a package which enables key social development needs to be met, household provisioning to be improved, and capacity and business acumen to be developed.

For people acquiring land to develop voice and be recognised as players within their local development

context, measures need to be put in place to incentivise the formation of local and district associations. These have the potential to leverage additional social and economic benefits, but will need to be managed carefully to avoid capture by powerful individuals and groupings motivated by narrow self-interest.

9 Ensuring sustainable human settlements and integrated natural resource management

Chapter 9 of the base document covers this topic in more detail. Overall, the SIS Strategy seeks to reinvigorate the imperative of the sustainable development approach as defined in the National Environmental Management Act:

Sustainable development means the integration of social, economic and environmental factors into planning implementation and decision-making so as to ensure that development serves present and future generations.

Consistent with this definition, the draft national framework for sustainable development (DEAT 2006) highlights the nested nature and interdependency of different systems, illustrating how economic and socio-political systems are reliant on the health of supporting ecosystem services. Clearly, the health of these systems cannot be taken for granted and has major implications for the success of land reform and land-based livelihoods in both the short and the medium term.

Individual land and agrarian reform projects and area-based planning approaches cut across all aspects of environmental management. Project and area-based plans must include the management of the following, where they are relevant:

- human settlement and services;
- water resources and wetlands;
- catchments;
- grazing and common property resources;

- arable land;
- forest and woodland resources;
- biodiversity and threatened species;
- mineral resources;
- marine resources;
- protected areas; and
- fire, drought and flood risk.

Each of these is covered by specific legislation administered by different national and provincial departments – see Chapter 9 of the base document. Once land is transferred, the new owners acquire all sorts of duties, obligations and liabilities along with their new-found land rights. DLA has an approved policy for the integration of environmental planning into land reform, together with a set of guidelines and the ESAT (DLA 2001). However, these have not been mainstreamed into land reform planning processes.

The historical experience of conflict over attempts to regulate the use of natural resources needs to be borne in mind when developing strategies to co-manage natural resources on land reform projects. At the same time, as argued above, explicit connections need to be made between resource management and the extent to which rights of resource use have been equitably determined.

9.1 Human settlement and service provision – an overview of the issues

The SIS Strategy argues that human settlement and service provision needs to be located in relation to the goals of the Integrated Sustainable Rural Development Strategy (ISRDS) (Presidency 2000), which are to:

- increase investment in physical infrastructure and delivery of social services in rural areas;
- enhance rural economic development and improve income-generating opportunities;
- consolidate democratic governance and redistribution in rural areas;
- ensure gender equity and especially the empowerment of women; and
- facilitate a partnership between government, civil society and donor institutions in the rural development process.

In order to implement the ISRDS, the Integrated Sustainable Rural Development Programme (ISRDP) was launched in February 2001.⁵ There is an important distinction between the SIS Strategy and the ISRDP. The emphasis in the ISRDP is on finding the most efficient application of budgeted public funds in rural areas and to ensure that they are invested in the places where they are most needed. The ISRDP is not predicated on additional funding from government (Hemson et al. 2004). While the SIS Strategy also aims to improve alignment and efficiencies at all levels, it is premised on the assumption that additional resources will be needed from government to make land reform work and transform it into an engine of rural regeneration and development.

9.1.1 Obligations of local government to provide municipal services

It is clear that local, provincial and national government have an obligation to ensure the provision of services in a sustainable manner (such as providing access to water) throughout the Republic of South Africa: 'ensuring access to efficient, affordable, economical and sustainable water sources is a constitutional obligation for all municipalities' (DWA 2005:6).

Although municipalities are clearly charged with fulfilling the rights contained in the Bill of Rights,

the duty to fulfill does not oblige the state to provide individual goods and services to everyone on demand. Instead, the state's duty is to undertake reasonable programmes aimed at realising the rights. Such programmes should be inclusive and should not ignore the needs of the most vulnerable members of the community (Mbazira 2006).

9.1.2 The requirement of sustainable service provision

A key issue to flag is that the Constitution requires that such service delivery must be provided in a sustainable manner. Municipalities are obliged to provide services in a financially sustainable manner, and this requirement obviously presents a great challenge in rural areas when services have to be provided to remote settlements.

9.1.3 Services on private land

As a rule, municipalities are barred from erecting and installing infrastructure necessary for the provision of services on land that it does not own (whether this is private land which is owned by a CPA, or national or provincial State land). For example, if one builds a house on someone else's land, that 'someone else' owns the house, based on the common law principle that permanent fixtures to immovable property become the legal property of the owner of the immovable property. This stems from the Roman-Dutch common law principle expressed by the legal maxim *superficies solo cedit*.⁶ This poses a central, but not insurmountable problem for service delivery on land transferred through the land reform programme.

However, it is important to note that this principle can be overridden by legislation. In a review of the SIS Strategy, Dr Hannes Schoombie observed that legislation may enable a municipality to install infrastructure on private land, even if it means that ownership of this infrastructure passes to the private land owner.

The Water Services Act provides a good example of how the State can provide services on private land while retaining control of the infrastructure. The Act enables pipes laid under private land to remain the property of water services institutions.⁷ It also enables the State to take over provision of water services on private land. It would appear that despite the *superficies solo cedit* principle, there are legal mechanisms to enable delivery of water and sanitation services on private land, even if these are often not well understood or commonly applied in respect of land reform projects.

9.1.4 The problem of private townships

Problems have arisen when entities owning land reform land develop 'private townships' on their (privately owned) land. In such cases, the CPA owns the streets, public places and service facilities, and the CPA has the corresponding obligation to maintain them and pay rates. While the members must contribute to the payment, ultimately the CPA is responsible for any and all payments. If it fails to pay, services will be disconnected. CPAs are seldom highly organised bodies that are capable of enforcing payment from their members and preventing members from free-riding.

9.1.5 Township establishment and spatial development

There are several dilemmas/issues related to township establishment in the process of land and agrarian reform planning. These include:

- the existence of unplanned settlements where people have settled on (any) land without township establishment steps having been undertaken;
- a narrow conceptualisation of rural settlement planning which (if things go well) looks only at the provision of housing and basic services and neglects key factors which contribute to the sustainability of rural settlement planning; and
- the existence of remote settlements where it is not reasonable to expect municipalities to provide services, so alternative service arrangements need to be made.

9.2 Management of natural resources – current issues

The draft sustainable development framework document (DEAT 2006) highlights a number of broad trends with respect to the overall state of the environment and our natural resources. These trends shape the context in which land reform takes place and are indicative of the range of risk factors which must be addressed as part of the planning process:

- Climate change models forecast a rise in temperatures of between 1 and 3 degrees over the next 50 years, coupled with reductions of between 5% and 10% average annual rainfall. Key features associated with climate change include the increasing frequency of extreme weather events – droughts, cyclones, violent storms and floods.⁸
- South Africa is a water-stressed country. It is predicted that without improvements in management of water resources, and assuming 6% growth in the economy, demand will outstrip supply by 2025.
- Water quality is variable and has declined overall since the 1999 State of the Environment report.

- South Africa is dominated by very shallow sandy soils with severe inherent limitations from an agricultural point of view. Only 3% of our land is considered high-potential land. The vulnerability of our soils to degradation, coupled with a tendency to over-exploit limited carrying capacity to meet growing food requirements by using inappropriate farming methods, has resulted in far-reaching nationwide soil degradation.⁹
- Rising oil prices impact on the cost of off-farm inputs that are used in conventional farming. These particularly affect emerging farmers and the land reform programme.
- In general, South Africa's biodiversity and ecosystem health are declining, and climate change is predicted to have a severe impact on biodiversity.

9.2.1 Resource management planning – the missing element in land reform

The resource management planning and sustainable resource utilisation required in terms of environmental policy and law is often a neglected dimension within the development and business plans commonly produced for land reform projects. In a number of projects, serious environmental concerns have emerged.

Many of these problems are the result of an inadequate assessment of the capability of natural resources to sustain the needs of the numbers of land and agrarian reform participants. Too often environmental and resource capability considerations are left until late in the planning process when key approvals have already been made. Early consideration of environmental factors would not only identify potentially problematic activities that could jeopardise livelihoods and natural resources, but also could assist in identifying opportunities presented by the natural environment. The need to do this has been clearly spelt out in DLA's 2001 environmental guidelines, which have yet to be implemented.

9.2.2 Too much law – too little support

Chapters 3 and 9 of the base document summarises the raft of environmental legislation on the statute books. On the whole, there is very poor co-ordination between the implementing departments, resulting

in fragmented environmental management and poor public understanding of legislative requirements.

There is currently no joint programme run by the national departments responsible for environmental legislation (DEAT, DWAF, NDA, the Department of Minerals and Energy and others) to enable people acquiring land rights under the land and agrarian reform programme to become aware of their rights, duties and liabilities in terms of environmental law. This can have serious consequences for land and agrarian reform participants.

9.2.3 Lack of clarity with respect to individual and group resource rights and use

The experience of the land reform programme highlights that land rights are far more complex than the initial acquisition of a legal right to land. They involve the determination of complex bundles of rights to natural resources (e.g. those desiring access to forest resources, those requiring land for grazing, those wanting access to the coast for marine resource harvesting, etc.) that are typically not clarified in settlement agreements.

A critical part of the SIS Strategy involves a focus on determining these rights and establishing a plan to clarify their implementation. This is closely linked to the resource management plan that is one of the outputs of the land reform environmental and sustainability assessment process alluded to above (DLA 2001).

9.2.4 Specialised challenges – the co-management of protected areas

Within the Restitution programme there are special challenges associated with claims on protected areas and State forests. These stem from the fact that there are usually national and provincial departments involved, and that there may be overlapping pieces of legislation and clashes between the objectives of conservation, biodiversity protection and sustainable resource use. Memoranda of understanding have been negotiated with DEAT and DWAF in this regard. However, implementation problems remain, as illustrated by the Dwesa-Cwebe example.

The success of co-management agreements usually revolves around the extent to which benefits are clearly defined and accessible to the claimants. In

many instances, claimants have expressed confusion concerning the nature of the benefits that they are acquiring in terms of the settlement agreement. This is often made more difficult by complex institutional arrangements and a web of legislation that confuses the implementers. This is clearly a specialist area within the overall land and agrarian reform programme which requires particular attention.

9.3 Where we want to be

9.3.1 More sustainable human settlements

By 2014, the SIS Strategy will ensure substantial improvements in the social, economic and environmental quality of existing and future planned human settlements and the living environments of all people settled in terms of land reform projects including:

- improved housing and utilisation of the rural or institutional housing subsidies, where applicable;
- access to environmentally sound basic services – potable water, a safe sanitation facility and improved solid waste management arrangements;
- access to electricity, where feasible, with an emphasis on increasing use of household solar generation for lighting in addition to access to the grid;
- improved access to a sustainable source of fuel wood for cooking and heating purposes;
- processes of township establishment being undertaken, where feasible, and municipalities assuming responsibility for service delivery, service charges and maintenance;
- increasing access to free basic services for qualifying households where townships have been established;
- the extension of indigency policy by municipalities to qualifying households where townships have been established;
- access to key social amenities including schools, health care, pension and grant payment points for all households within a reasonable distance;

- improved focus within IDPs on road maintenance of access roads leading to land reform properties;
- district-based service plans developed and implemented to ensure servicing of remote settlements where township establishment is not feasible;
- support provided to establish and train community service entities in areas where people are living but where it is not feasible to establish townships; and
- strategies developed and implemented to deal with rates payment on transferred properties due once the ten-year exemption period on land reform projects expires.

The attainment of the above will require that 'special provision should be made for the development of rural local government capacity; this should be a feature of all development projects as the existing staff complement is generally recognized to be overstretched' (Hemson et al. 2004).

9.3.2 Integrated natural resource management

By 2014, sufficient support will be provided to enable integrated, sustainable and effective natural resource management in the context of land reform area-based plans, as evidenced by:

- having institutional arrangements in place to secure co-operation between DLA, NDA, DWAF, NDA, PDoA, DEAT and provincial departments of environmental affairs and nature conservation;
- DLA's 2001 environmental guidelines and ESAT having been rolled out and integrated into departmental business processes for Restitution, Commonage and LRAD;
- environmental opportunities and threats routinely being identified as part of land reform planning processes at project and area-based scales;
- participatory land-use planning and management methods having been adopted to develop a participatory land-use management plan at project scale which clearly determines individual rights to access and use different sets of resources;

- area-based environmental management and risk reduction plans being in place which contain strategies to best utilise natural resources and mitigate environmental risks such as drought, floods, fire, animal health threats, alien invasive vegetation, and land and soil degradation which enable establishing a baseline for monitoring purposes;
- land reform projects in high-fire-risk environments being afforded basic fire insurance as an insurance industry land reform support contribution for an initial five-year period, after which discounted premiums would apply;
- area-based assessments of surface and groundwater resources being undertaken to determine water quality and assurance of supply, and which ensure that water rights on all land reform projects are prioritised as part of DWAF's policy for water allocation reform, and are properly allocated in terms of the National Water Act;
- an interdepartmental programme having been implemented to ensure that CPI committees and business entities are aware of their rights, responsibilities and liabilities in terms of the applicable environmental legislation; and
- investment having been made in the promotion and implementation of participatory M&E systems to track the state of human living environments, water quality and ecological impacts.
- identifying suitable settlement areas in relation to the municipal spatial development framework, IDP and National Spatial Development Perspective principles in close collaboration with the local and district municipalities;
- determining which areas are suitable for township establishment and supporting this process;
- developing settlement and service delivery and maintenance strategies for remote settlements where township establishment is not feasible;
- ensuring access to settlement data by the municipality and other departments responsible for provision of health, schools and other social services;
- understanding the implications of farm worker evictions for rural and urban service delivery;¹⁰
- improving housing and utilisation of the rural or institutional housing subsidies, where applicable;
- providing access to environmentally sound basic services – potable water, a safe sanitation facility and improved solid waste management arrangements;
- providing access to electricity, where feasible, with an emphasis on increasing use of household solar power for lighting in addition to access to the national grid;
- providing improved access to a sustainable source of fuel wood for cooking and heating purposes;

9.4 Getting there

9.4.1 Improved settlement planning and servicing

This will involve SIS entities working in close co-operation with the district assessment committee, the relevant municipalities and the communities/groups in:

- providing dedicated support for sustainable settlement planning and service delivery within an area-based context;
- reviewing project settlement needs in the context of an area-based approach and addressing the settlement/residential needs of a number of land reform projects together;
- extending the municipal indigency policy to qualifying households where municipal townships have been established;
- ensuring access to key social amenities;
- developing district-based service plans and securing ring-fenced funding to ensure servicing of remote settlements where township establishment is not feasible;
- developing and implementing strategies to deal with rates payment on transferred properties due once the ten-year exemption period expires;
- conducting an audit of existing settlements within ABP boundaries including;

- collection of settlement data on each settlement including the number of households, residents, the demographic profile of the residents, the standard of housing, level of services, the mode of service delivery and access to schools and social amenities; and
- entering this settlement data in a GIS-linked database, and sharing information with relevant roleplayers – municipalities and provincial line departments;
- improved focus within IDPs on maintenance of access roads leading to land reform properties in line with the objectives of the Rural Transport Strategy which focuses on:
 - investment in access roads; and
 - improvement of other forms of rural transport infrastructure such as local connector or district roads, suspension bridges, pontoons, paths, tracks, trails and public transport interchanges (Nchabaleng 2007).
- putting institutional arrangements in place with relevant departments to enable catchment-based and ecosystem approaches to integrated environmental management;
- including a much greater emphasis on risk identification and management in project planning processes, including fire, drought, flood and livestock threats and ensuring projects contain explicit risk-reduction strategies;
- approaching the insurance industry to provide *pro bono* third-party fire cover for land reform projects, or ensuring that alternatives ways are found to secure fire cover;
- ensuring Restitution claims that result in co-management agreements for conservation areas are adequately supported by a dedicated intergovernmental task team to obtain meaningful benefits for claimants;
- identifying and supporting projects that require environmental impact assessments;
- developing a programme to inform land reform beneficiaries of their environmental rights, responsibilities and liabilities in partnership with relevant departments;

9.4.2 Towards integrated natural resource management

Although an area-based approach provides a broader spatial framework for integrated environmental assessment and management and the planned delivery of services, it also poses certain challenges given that a politically defined area such as ward will seldom coincide with the most obvious natural boundaries (e.g. a watercourse may be divided up between areas and municipalities; an environmentally sensitive area may straddle political boundaries). This requires integrated natural resource management to be conceptualised on a broader spatial scale.

Overall this component proposes important shifts in the current planning approach and requires significant investment and the involvement of other departments which implement environmental legislation through the medium of local support entities. It requires:

- adapting current in-house planning approaches and instruments to be consistent with approved policy and guidelines on the integration of environmental planning into land reform and land development (DLA 2001);
- capturing information on environmental decisions and resource management recommendations into a management information system for each property within each designated area-based plan;
- developing protocols for the mapping of environmental opportunities and constraints as part of the ESAT environmental sustainability assessment process for each project;
- decentralising DLA Chief Directorate: Spatial Planning Information (SPI) mapping personnel, resources, software and equipment to enable provincial and district project mapping of environmental opportunities and constraints and collection of baseline environmental data for M&E purposes;
- developing participatory project-level M&E measures and indicators together with the capacity to monitor these;
- reviewing the extent to which natural resource management and resource tenure rules are

clearly identified as part of the business planning and legal entity formation process; and

- ensuring that land reform projects which have mining activities on the land are reviewed so that there is an environmental management plan in place and that rehabilitation is taking place where applicable.

10 Building livelihood security, developing enterprises and providing technical support

10.1 Key issues and problems

Drawing from this overview and the evidence provided in Chapter 4 of the base document, several key issues and problems that need to be addressed have been identified. Chapter 10 of the base document deals with this topic in more detail.

10.1.1 A flawed approach to livelihood and enterprise and planning

There is a tendency for State and private sector agencies engaged in planning for land reform projects to uncritically pursue the form of production that prevailed on the land when it was taken over by the community. This has resulted in the various grants, loans and other resources being orientated towards continuity of this production. This is often done to the exclusion of any real assessment of the participants' or beneficiaries' needs and wishes, or of their capabilities to undertake such activities in the long term, or of the potential alternative uses of the land in question. The clearest representation of this approach is the general refusal (by officials and consultants) to contemplate subdivision of land.

A further feature of this approach has been an assumption that people acquiring land will become full-time farmers. In reality, agriculture may be but one of a number of livelihood strategies that people engage in.

It is apparent that this narrowly conceived planning approach has resulted in business plans that only focus on the commercial operations. These tend to be over-optimistic about the kind of returns which can be expected from the enterprise.

Finally, it is clear that the approach of conceiving of only a single project on land acquired under the land reform programme has meant that there has been a distinct failure to identify and clarify the membership of each enterprise, and the rights and responsibilities that come with membership.

10.1.2 Limited access to capital

Securing access to sufficient working capital and managing cash flow are major obstacles for small producers and emerging farmers.

10.1.3 Obstacles to market access

The deregulation of agricultural markets and the dismantling of former marketing boards have had major implications for all farmers, in particular small-scale farmers who were least equipped to handle the new marketing environment.

In reality, however, it is extremely difficult for emerging farmers to enter into markets of whatever kind, in particular the chief commodity markets (and within these the major food retailer supply chains), and when they do, 'it tends to be on extremely disadvantageous terms, sometimes terms that can lead to bankruptcy' (Cartwright, pers. comm.).¹¹

10.1.4 Inadequate support services

On many land reform projects, no regular extension service is being provided. The absence of dedicated business development support services tailored to local needs at an affordable price is a major constraining factor. Evidence points to people being pushed into establishing enterprises which are group-owned. But if these enterprises do not receive enough support and cannot effectively account for expenditure or report on results to their members, they soon become engulfed in conflict. This undermines the relations of trust that are essential in production activities involving groups of people and may grow to undermine the project as a whole.

In the few instances where business support services are available, they are often poorly suited to deal with

the complexities associated with partnerships and group-based production, in the land reform context in particular.

10.1.5 Weak organisation amongst land reform beneficiaries

As highlighted above, people acquiring land under the land and agrarian reform programme are often very poorly organised within local, district and provincial settings. This is a major constraint when it comes to the provision of livelihoods enterprise and technical support.

10.2 Where we want to be

To be effective, the SIS Strategy must result in a substantial shift in the way in which land reform projects are conceptualised and planned and must contribute to a shared understanding of the approach required to bring this about.

10.2.1 Providing services within a livelihoods and economic development continuum

It is proposed that this new approach will recognise a livelihoods and economic development continuum within individual projects, which includes:

- the utilisation of land and natural resources to support individual household livelihood needs;
- small and medium-scale individual and group-based activities and enterprises producing for consumption and the market; and
- the management of large fully-fledged commercial enterprises in a strategic partnership with a view to growing an ever-increasing ownership share and the systematic development of skills to enable increasing self-management.

10.2.2 Facilitating market access

In the South African situation, there has been a significant reduction of State support to the agricultural sector over the last 20 years. While recognising the factors driving this, the Strategy outlines clear roles for both State and private sector actors to assist producers to access local and international markets, dependent on their capacity and products.¹²

By 2014, a market access support programme will be in place that will supply appropriate information to producers, and targeted assistance will be provided by the State and private sector players. At the same time, assessment mechanisms will be developed to ensure that development plans specifically address market access and the provision of market intelligence on changing commodity prices and sectoral economic trends.

10.2.3 Pooling grant sources and leveraging access to credit

Given the differing nature of finance needs and the different capacities of land and agrarian reform participants to service credit, every possible benefit must be derived from the potential spread of grants available from a spectrum of government departments.

The Strategy proposes the devolution of grant allocations and spending authorisation to local SIS entities to ensure that available funds are timeously released. At the same time, each SIS entity will provide a comprehensive review of available sources of loan finance for household livelihood activities, small projects and larger enterprises and joint ventures which make up their support portfolio. This will include advising on micro-credit options for productive activities at individual household level through to commercial finance for commercial ventures.

10.2.4 Providing business support services

ABP and SIS entities can assist projects to access a suite of business development support services. These may be secured through:

- existing institutions such as the Small Enterprise Development Agency (SEDA), run under the auspices of DTI, which has branches in all provinces and which runs enterprise information centres;
- public-private partnerships;
- expertise located within or contracted by dedicated area support teams; and
- the involvement of specifically identified, locally based, established entrepreneurs and producers in various fields.

10.2.5 Strong local organisation

The effectiveness of the SIS Strategy will rely in part on the development of strong local organisations of those who have acquired land through the land and agrarian reform programme within (and beyond) designated areas. This may involve new land and agrarian reform participants joining established organisations such as local farmers' unions or other structures, or forming new ones dedicated to serving the particular set of needs presented by their members.

10.2.6 A new cadre of land reform support personnel

It is clear that current extension staff are not appropriately trained or equipped to support land reform projects. By 2014, a programme will have been established to provide in-service training of extension officers and to equip a new generation of land reform and rural development specialists. This programme will also contribute to the revitalisation of the NGO sector and enable NGO practitioners to diversify their skills base.

10.3 Getting there

10.3.1 Developing a common approach to supporting livelihood and enterprise activities on the ground

While the overarching objectives of land reform are undeniably important, much of the focus to date has been on a largely inconclusive debate about what land reform should be achieving at a high level. The failure to resolve this question adequately is at the expense of a concerted focus on how to make the programme work effectively for the different people it is supposed to serve. Clearly the 'what' and the 'how' questions are inextricably interlinked. It can be argued that we keep getting the 'how' question wrong because we have not yet resolved what the programme should be achieving.

This indicates the necessity of a process to refine the overarching approach to land and agrarian reform, and to clarify what it is trying to achieve in order to enable a detailed focus on how this should be done in the most appropriate and sustainable manner. This needs to be undertaken with actors active on the ground and must serve to mobilise the different players behind a common approach.

The SIS Strategy document, once approved, should provide the foundation for this engagement, which should be facilitated jointly by DLA and NDA in association with PDOAs. This will enable key players to discuss the approach and adapt it to local conditions. These players would include organised landless people, representatives from land reform projects in the area, organised emerging farmers, organised commercial farmers, NGOs in the land sector, commercial and other development finance institutions, and commodity organisations, together with the key government departments identified in Chapter 7 of the base document.

10.3.2 Appropriate planning and support processes

Many of the current business plans that are developed in land reform projects do not take the reality of the participant's capabilities and livelihood needs into account and focus on maintaining the commercial core of the property. This requires the adoption of a new planning paradigm.

Plans for land and agrarian initiatives need to take into account the following:

- the spread of needs and interests emerging from the individuals in the group or community acquiring rights in land;
- the critical factors of membership, rights and benefits in relation to each of these initiatives and how these apply in the land parcel as a whole; and
- a hierarchy of plans which are clearly linked – an overarching development plan which integrates the social, economic and institutional plans, together with plans for land use and natural resource management, plans for settlement and services and related tenure arrangements, and the different business plans for the enterprises that are proposed, the linkages between them, and the associated membership, rights and benefits regime.

10.3.3 Identification of measures to improve individual household livelihoods and expand their asset base

At the individual household level, there are several interventions that can be made to begin to improve

household livelihood security. To date, these have been largely neglected and require urgent attention.

Methodologies such as wealth and well-being ranking can help to create a typology of participating households – those struggling, those coping and those which are relatively better-off. Ideally, interventions should be targeted at the most vulnerable households and should have a component which specifically identifies needs of households living with HIV/Aids and those headed by single women.

Possible household-level interventions include:

- the provision of reasonable levels of household services – e.g. a source of water within the homestead with sufficient capacity to enable homestead vegetable production is an important asset, as is electricity which enables use of power tools and appliances;
- exploiting domestic rainwater harvesting potential;
- providing fencing for homestead gardens and small stock kraals;
- providing starter packs comprising seed and basic implements with the emphasis on improved household nutrition and food security;
- providing initial tillage for household food gardens;
- providing training support to utilise low-input permaculture and homestead composting systems;
- supporting *mafisa* stock-loan systems that enable selected households to look after goats or cattle and take ownership of kids and calves to build up a livestock asset; and
- support for sustainable utilisation of natural resources – medicinal plants, invasive alien plants, bees, buchu, marula, etc. which may have income-generation potential.

There is a host of possible support measures, which will vary from area to area. The important thing is that individual household support measures are recognised as an important, legitimate and integral part of the SIS Strategy.

10.3.4 Improving service provider terms of reference to enable seamless planning and implementation

The adoption of area-based planning and support requires a completely different approach to development, livelihoods and enterprise planning. This requires either the building of this capacity within the State or the formation of consortia, which not only develop the plans but also have responsibility for supporting their implementation on an area-wide scale. Locking such expertise in over time and creating accountability for implementation will mean that planning is likely to be much more realistic.

10.3.5 Monitoring business plans and ensuring realistic options

A close but realistic monitoring of the business plans developed by contracted service providers, the departmental officials or the special purpose vehicle (SPV) staff members will be necessary, against clear terms of reference and specified deliverables. This will be undertaken by the SIS teams, and the oversight of these will be done by the SIS entity board members, as proposed in Chapter 11 of the base document.

10.4 Providing market scoping and access support

Current statistics indicate that black farmers produce a tiny percentage of what goes through the agricultural market. However, it must be recognised that much production, particularly related to livestock, remains uncounted and undervalued.

In developing strategies to support emerging entrepreneurs to be able to market their goods, it is important to understand how markets work. As Qeque and Cartwright (2004:2) have asserted, the allocation of opportunities and benefits in markets are determined by the 'rules of the game', i.e. the institutional, social, political, historical, geographical, gender and legal dynamics governing market access and the sustainability of that access. Understanding these dynamics in each particular context, and developing targeted support for emerging entrepreneurs in land and agrarian reform to engage in these markets, is the focus of these strategies.

10.4.1 Area-level market scoping and identifying local opportunities

To overcome the current lack of marketing components in project plans and implementation, it is proposed that market analysis and planning takes place at two levels in municipal areas. Firstly, such analysis and planning must be a requirement within the TOR of each project plan that is developed. The plan needs to address issues of marketing of the products and ‘to move from a planning mindset that currently asks “what will we get a grant to grow in this area?”, or “who can think of something exotic to grow in this area?” to a mindset that asks, “what will we be able to sell in this area?”’ (Cartwright, pers. comm.).

At an area level it is proposed that a baseline market scoping exercise be undertaken in order to identify opportunities for marketing of produce in local and district markets and to identify possible market linkages with other markets provincially, nationally and internationally.

These scoping exercises would be periodically reviewed and would enable assessment of the sub-sector specific factors which project appraisal teams and participants within a particular enterprise should consider when deciding on whether to pursue a production opportunity.

10.4.2 Assistance in accessing markets – local through to international

The shift in the role of the State in agricultural marketing does not prevent it from still playing a role in support of land reform. In a study of agriculture in South Africa’s ‘second economy’, the Development Bank of Southern Africa held that:

improving market access requires a range of interventions by the state. These include the provision of marketing infrastructure (depots, auction pens, telecommunications infrastructure, etc.); information (on prices, markets, buyers, grades, etc.); extension (on technical production issues, quality requirements, and financial and market knowledge); and research (on a wide range of issues) (DBSA 2005:72).

The DBSA asserts, however, that ‘it seems as if the responsibility for such interventions has fallen between the stools of the National Department of Agriculture, the NAMC [National Agricultural Marketing Council],

and the Provincial Departments of Agriculture’ (DBSA 2005:72).

Section 7 of the Marketing of Agricultural Products Act provides for NAMC to appoint committees to investigate any issue or to undertake specific Council duties. In 2005, NAMC appointed a committee to discuss assistance for emerging cattle producers in order to increase their share in the marketing of beef products. The committee is investigating a number of options, including organising auctions in rural areas, training and providing information regarding the improvement of animal health, as well as facilitating the formation of a Custom Feeding Project where commercial feedlots make some of their infrastructure available to emerging farmers to feed their weaners (NAMC 2006:49).

There is also potential to link with private sector initiatives such as Commark (which supports the development and maintenance of agricultural commodity markets). Each district-level land and agrarian reform sector plan will need to significantly address marketing issues, highlighting the options available and using these plans to engage NAMC in supporting the district-specific initiatives that have been identified.

While the role played by NAMC in developing or designing marketing schemes is important, its capacity is limited. Market linkages should be developed for each land and agrarian reform project on a district and local-area level. Therefore, a market linkage facility is proposed which would be included in the service provision in the SIS support centres, but which significantly involves the many existing initiatives in the private sector.

10.4.3 Facilitating access to capital

In most situations, especially in those areas where the cost of land is high, current facilities do not provide a substantial grant facility for production capital, nor are there sufficient facilities to obtain credit at a level and rate that poor people can afford.

A variety of strategies is needed to address this situation, targeting the various levels of need. These include:

- utilising the current grants as equity; and
- reducing how much of the grant is sunk into buying the land through:

- State purchase of land and the transfer of the land into a State entity which holds the land while ownership is steadily transferred to the beneficiaries over time as they pay for it out of farming profits;
- the registration of long-term leases over land, where the State can use a proportion of the LRAD grants to subsidise the rental in the initial phases (such leases can be recognised as contributing to the achievement of land reform targets); and
- the innovative use of other forms of 'lease to purchase' instruments.

DLA is currently looking at such concepts as part of proposals on adjusting the grant sizes. Various options are being considered, including the outright acquisition of land for the very poor (regardless of the price) through PLAS, where the State will acquire it and then dispose of it to specifically identified people. These proposals go a substantial way towards addressing these problems.

10.4.4 Access to credit

While the need for collateral to secure loans is important, so is the ability to repay a loan. There is an enormous problem with repayment of loans due to low returns (linked in part to poor farm management but also to the high-risk nature of agriculture in general) and to the pressing need of many group members for a cash payout at the end of the year.

As discussed above, access to credit for people engaging in enterprises on land that is held by a group or community is notoriously difficult. In many of the high-value initiatives in land reform, mechanisms are being found to address the requirements of development finance institutions, and such enterprises are obtaining access to credit (as evidenced in share equity schemes and initiatives where strategic partners are involved). These include developing appropriate institutional arrangements for access to credit and to attract investment, including unitised trusts.

At the lower end of the market, however, there are limited options. Access to such credit is provided by small-scale facilities and the Micro Agricultural Financial Institution of South Africa (MAFISA), which is an NDA facility administered by the Land Bank.

According to Umhlaba Rural Services, the Land Bank has currently capped the facility at R25 000 and 'is acting as a poor custodian of the funding by reluctantly distributing it and not making emerging farmers aware of the funding' (URS 2006:6). What this means is that there are currently limited opportunities for small-scale access to credit.

10.5 Putting in place dedicated local support units and processes

There are three levels of support that are proposed regarding enterprise and livelihood strategy development:

1. State-sponsored units or facilities operating through the SIS entities in each municipal area, including the establishment of information and advice centres.
2. Facilitating support networks in each area, primarily through ward-level associations.
3. Facilitating entrepreneur-to-entrepreneur linkages within the locality and beyond.

10.5.1 State-sponsored facilities in each local municipality office

One of the great oversights in the land reform programme has been the failure to integrate land reform projects within local economic development approaches. Land reform is seen as being largely distinct from LED, to the detriment of both programmes and the loss of potential for cross-cutting support and aligned interventions.

The SIS Strategy proposes that close linkages be developed between the SIS entities in each local municipality and the SEDA units in each district municipality to ensure the provision of support to the spread of entrepreneurs on land reform projects, and to encourage SEDA to increase its expertise to provide support to agriculturally related businesses. Importantly, SEDA and DTI have recognised that they have inadequately segmented the market and support requirements according to the nature and type of entrepreneur. They have specifically identified agriculture and agro-processing as one of those sectors. SEDA is targeting the establishment of

54 branches at a district level, and 284 enterprise information centres based in local municipality offices.

10.5.2 Leveraging private sector support

An important component of SEDA's approach is the involvement of other private sector role-players. Working with the SEDA units, the SIS entities at district and local levels will also need to identify specific private sector expertise in the area which would be brought in to support entrepreneurs. With regard to payment for such services from the private sector, it is proposed that two mechanisms are introduced. The one is the familiar fee-for-service arrangement, while the other involves providing incentives for *pro bono* support services to projects, individuals and enterprises.

10.5.3 Facilitating peer support networks in the area

It is proposed in Chapter 11 of the base document that the formation of associations of people who have acquired land through land reform is facilitated in each ward. Such associations could develop from the existing farmers' associations or business chambers in local areas, or could develop as new endeavours. These associations would facilitate entrepreneurial and farmer-to-farmer peer support linkages.

International reviews of extension practice highlight that conventional, government-run agricultural extension services have failed to deliver improved agricultural productivity and standards of living in many parts of the developing world. It is proposed, therefore, that through the ward associations and other organised formations, emerging farmers and entrepreneurs will develop linkages in each local municipal area as well as over wider areas.

Assistance to facilitate such initial contact will be necessary, and such assistance must be provided sensitively so that the process develops under the initiative of the local actors themselves, not as a result of a centrally-driven State programme.

10.6 Re-skilling extension personnel

Drawing from a variety of research reports and their own primary research, Umhlaba Rural Services has

found that among agricultural extension officers 'only 2.8% of extension officers met their own expectations in terms of productivity and "had visited less than half of the projects surveyed"' (URS 2006:19–20).

This is a disturbing finding, as it clearly emerges from the evidence that 'extension officers have to provide a multi-faceted support service' that addresses the multitude of needs on land reform projects and which also specifically covers social and institutional issues such as land rights, obligations, benefits and other tenure-related issues. This means that extension officers are required to be multi-skilled, or at least capable of drawing in appropriate additional expertise.

Where research indicates that significant numbers of projects have never been visited by an extension officer (Diako et al. 2005; Kirsten et al. 2005), there is clearly a widespread management failure within PDoAs and a monitoring failure at NDA. This needs to be urgently addressed in the interim if PDoAs are to play an effective role within area-based teams. This further highlights the need for the involvement of extension officers who focus on emerging enterprises more generally, and the need for links between agricultural and other entrepreneurial activities that take place on land acquired through the land reform programme.

It is clear that a targeted and intensive in-service training programme, centrally conceptualised but provincially adapted and implemented, is needed for extension officers who will be servicing land reform projects. It is proposed that this be a joint DLA, NDA and SEDA-initiated and -driven programme, as it will need to address issues of household livelihoods support, enterprise development and issues of rights, benefits and other land rights-related aspects.¹³

10.7 Developing a new cadre of land reform and rural development workers

In addition to reskilling extension staff, it is proposed that DLA and NDA engage other line departments responsible for natural resource management, tertiary institutions and the Agri-SETA to develop a curriculum and qualifications to equip a new cadre of land reform and rural development workers. As the land reform programme expands and accelerates, it is clear that new skills and career options need to be developed.

10.8 Conclusion

This section, while identifying and proposing solutions to the many constraints to achieving sustainable livelihoods, has highlighted the very real need to achieve a common vision that combines the political objectives of land reform with the social and economic needs of land reform participants on the ground.

This section has identified a spread of factors which have constrained the abilities of land and agrarian reform beneficiaries and other emerging land-based entrepreneurs. It is clear that the process of planning to implement the solutions proposed, which include improving access to markets and credit, and developing the expertise to use land in ways which enhance sustainable livelihood and business opportunities, is complex and requires a joint programme of government led by DLA, drawing extensively on private sector expertise and support.

11 Institutional options

This section first discusses the role of DLA. Then we focus on the options for securing front-end project-level service delivery followed by an examination of support and institutional arrangements at local and district municipality level. Finally, we examine the back-end functions located at provincial and national levels.

11.1 Identifying functions – determining responsible actors

Important proposals have emerged from evidence-gathering processes, in particular those that have drawn directly from experiences on the ground. Drawing from the evidence in Chapter 4 of the base document, and the broad approach set out in Chapter 7, it is clear that the SIS Strategy requires:

- a clear delineation of functions at the different levels;
- the provision of front-end services to individual projects through ward-based SIS entities;
- co-ordination of support services at local and district municipality level;
- providing provincial and national back-end

support to create an enabling environment for a sustainable land reform programme; and

- identification of the appropriate actors/partnerships and institutional mechanisms best suited to carry out these different functions within national, provincial and local development contexts.

11.2 The key role of the Department of Land Affairs

Currently, no department or sphere of government sees its role as co-ordinating the spread of support functions required for sustainable land and agrarian reform. DLA does not see this as its role, and municipalities regard it as an 'unfunded mandate' and lack the capacity to carry it out. In some provinces, the PDoAs have taken responsibility for doing this, but this is the exception. So this leaves the question: whose function is it?

The approach underpinning this Strategy is that it is the function of DLA to co-ordinate the provision of SIS as part of a joint programme of government.

11.2.1 Specific DLA functions

In addition to co-ordinating the roll-out of the SIS Strategy from national, provincial, district and local levels, the Department also fulfils other specific functions including:

- settling claims and acquiring land;
- clarification of membership;
- facilitation of the determination of rights to ensure equitable access to land and resources;
- ensuring that there are clear and functioning entry, exit and inheritance procedures;
- registering and building functional land-holding and land rights management institutions;
- monitoring land rights and land-holding entities and providing systems, training and support to ensure their continued security; and
- making available grants and services for land acquisition, planning and land rights administration.

11.2.2 Front-end ward-level support

The evidence from SDC’s own involvement with projects and claims on the ground, and from secondary sources, has identified that support has to extend right to the primary level – to the people actually on the land.

The establishment of area-level structures to support land and agrarian reform projects of all kinds is therefore absolutely necessary – regardless of how such structures are incorporated into government at higher levels. There are several different options to enable this support and to allow representation of communities or groups in such projects at ward level.

11.2.3 Local institutional arrangements

Figure 9 highlights the proposed institutional arrangements at local municipality level. These are founded on the establishment of local associations representing the interests of people in land reform projects in the area. The associations elect representatives who sit on the board of a SIS entity together with officials representing the municipality,¹⁴

key government departments, representatives of organised agriculture and NGOs. The role of the SIS entity is to either directly provide or facilitate provision of front-end SIS services to projects clustered into ward-based associations. The entity could also be structured to hold grants from different programmes earmarked for projects within designated support areas at ward level. The proposed entity will have the capacity to raise funds on its own account and become a conduit for donor funding.

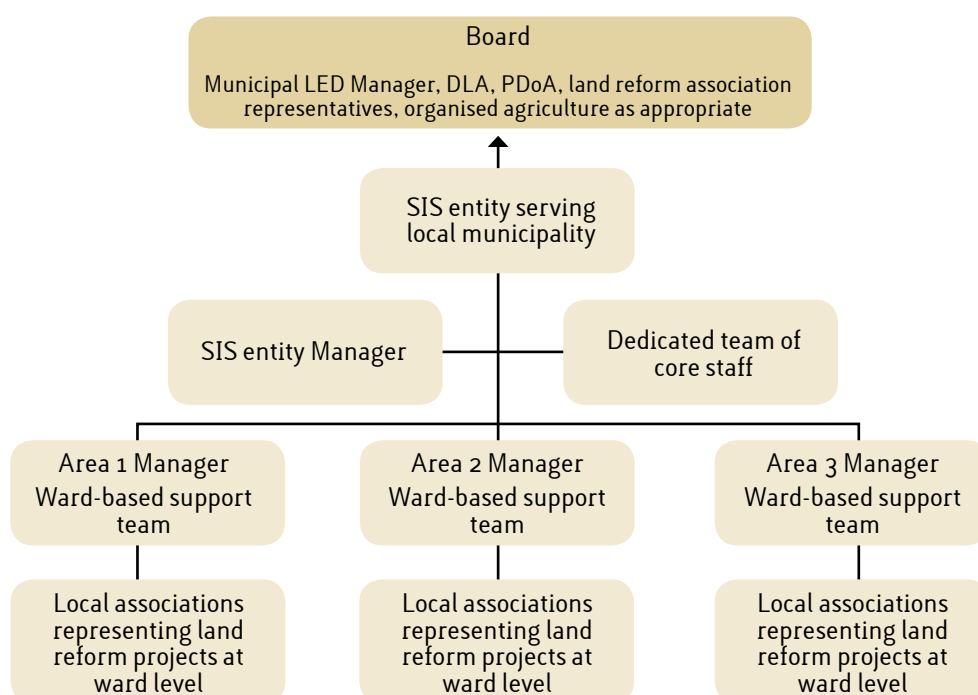
11.2.4 Establishing ward-level associations

The success of the Strategy depends in great measure on building and developing local representative structures combining representatives from land reform projects at ward/area level. Such associations would include representatives from each land reform project in the designated area.

The function of the association is to:

- represent the interests of members of land reform projects in the association on the board of the local SIS entity;

Figure 9: Proposed local institutional arrangements



- assist and work with the dedicated ward-based teams established to support projects in the local association; and
- develop peer learning and support programmes for the mutual benefit of members and to monitor the progress in that ward.

11.2.5 Ward-based SIS service teams

It is proposed that each cluster of ward-based projects (between 12 and 20 depending on project scale and complexity) will be serviced by a settlement support team led by a team leader/manager. Teams can combine core staff from the local SIS entity together with seconded officials from relevant line departments, organised agriculture and contracted specialists.

11.2.6 SIS support entities at the local municipality level

It is proposed that the Provision of Land and Assistance Act administered by the DLA be amended to enable the establishment and funding of dedicated co-owned SIS entities in the form of a Section 21

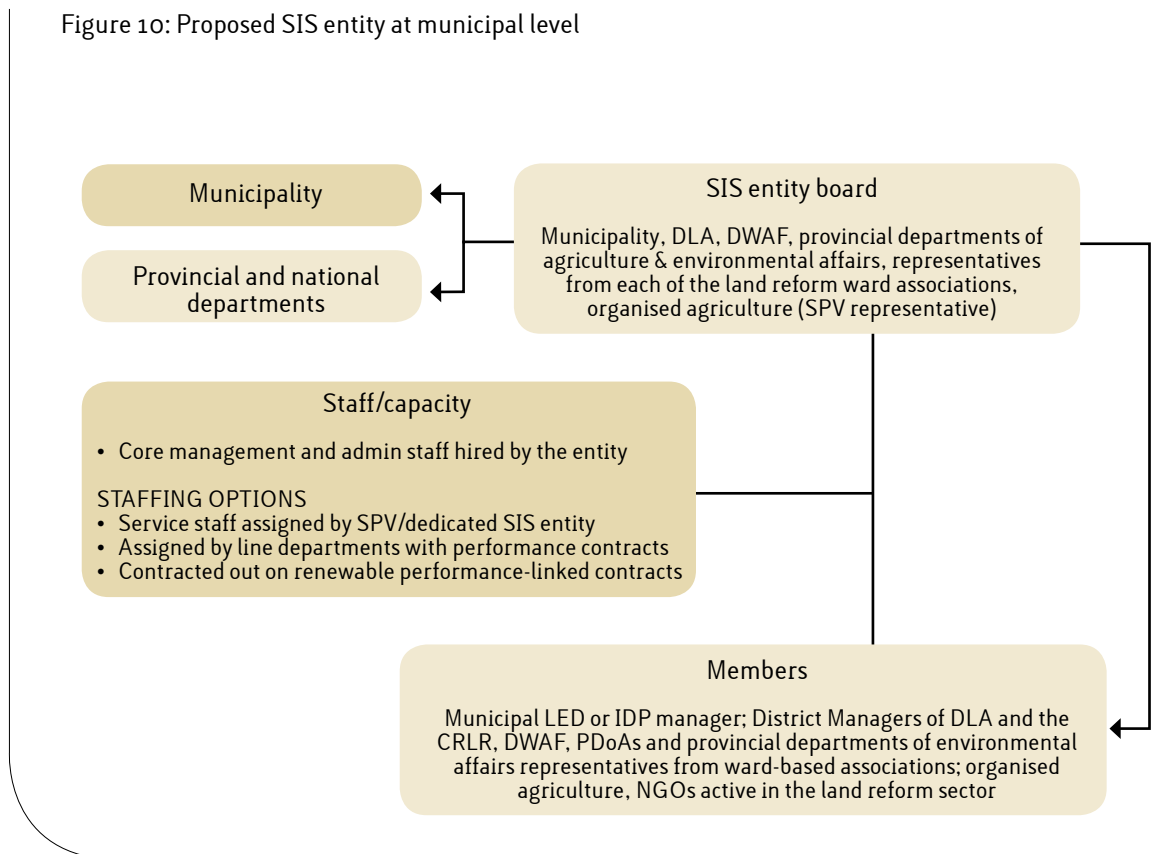
company, trust or other appropriate legal entity within each local municipality.

1. The entity will be managed by a board consisting of representatives from local land reform associations, managers of key service departments and organised agriculture.
2. Membership includes broader representation from local associations, ward-based entities where these exist, farmers' associations and NGOs active in the land and social services sectors. Municipalities and government departments will also be included in the membership to ensure effective co-ownership of the institution.
3. The entity will have staff who will be tasked with setting up area-based support teams which service land reform projects in consultation with area-based associations.

Functions

SIS entities have overall responsibility for ensuring the delivery of front-end services as they relate to social,

Figure 10: Proposed SIS entity at municipal level



institutional and capacity development, integrated management of the natural and built environment, project and LED related to land reform, as outlined in Chapter 7 of the base document.

It is proposed that SIS entities will:

- take responsibility for the formulation of area-based land reform sector plans as an integral part of the municipal IDP and oversee subsequent implementation;
- build, support and strengthen local associations representing land reform projects in the service area;
- act as a repository and disbursement agency for PSS grants and funding from government and other agencies to enable implementation of the plan;
- facilitate and provide support to land and agrarian reform projects within their area regardless of their programme origin;
- take responsibility for the collection of baseline data on project membership, household livelihoods, assets and vulnerability;
- monitor the performance of service providers who are appointed to prepare business and development plans and ensure independent assessment of the plans they produce;
- monitor project progress against plans and development objectives;
- liaise with DLA SPI or private sector GIS specialists to ensure the mapping of all projects transferred and planned;
- ensure that the various stakeholders adhere to their commitments as agreed to in the signed development plans and to intervene where this is not happening;
- draw in and work with the proposed CPI Support Unit to ensure that individual land and resource rights are clearly determined and that land-holding entities function effectively, mentoring CPI leadership to assist them to fulfil their responsibilities;
- identify and draw in specialist technical and business support services where required and

ensure the provision of market intelligence in support of local land-based enterprises; and

- communicate information on progress towards implementation and support objectives and issues to actors within the district implementation forum.

SIS officials/staff at municipality level will have overall responsibility for ensuring the delivery of front-line services as outlined above. It is important to stress, however, that the overall purpose of these local-level SIS teams is to co-ordinate and ensure the implementation of land and agrarian reform plans and applications for the spread of grants and services committed by departments and spheres of government and any other agencies. The roles of those departments, spheres and other agencies to actually provide the grants or services in terms of their line functions, therefore, continue and remain as important as ever.

11.3 District-level co-ordination

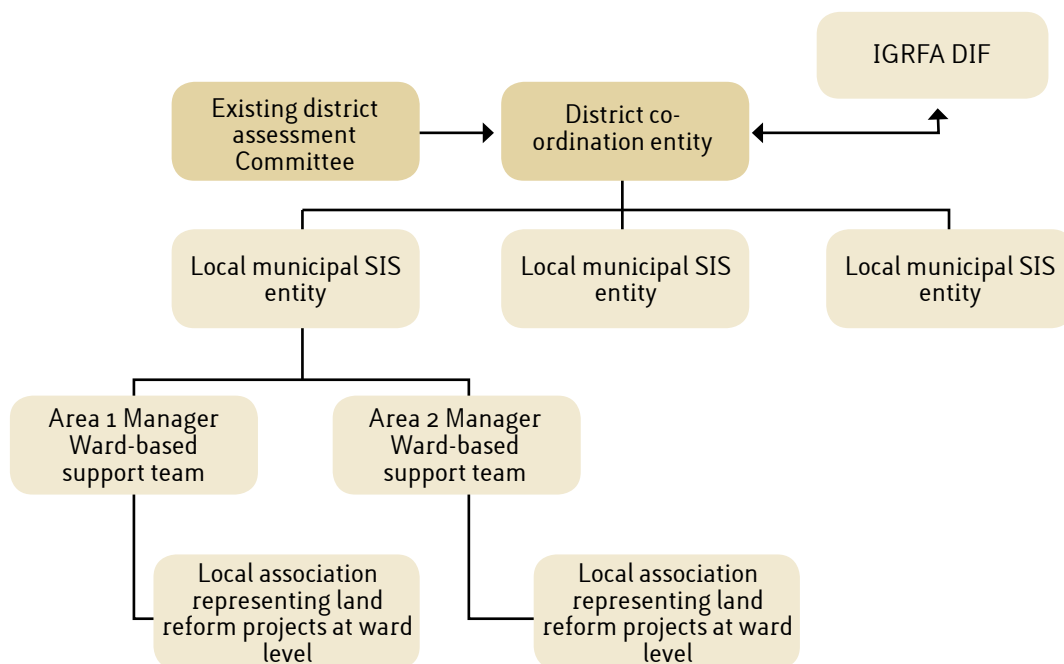
Clearly the SIS process involves more than the mechanisms for front-line delivery discussed above. It is, therefore, important to conceptualise SIS functions at district level and the linkages with existing district assessment/screening/grants-approval committees. These committees generally perform the function of assessing (primarily) LRAD project applications and motivating for the allocation of funds to such projects – on which the Chief Director of the PLRO or the MEC in a province will then take the final decision. These committees do not, however, appear to play a planning and co-ordination role with respect to providing SIS. A key problem emerging from the evidence is that the grants and services of the many state agencies as well as other agencies (including NGOs and private sector initiatives) are not co-ordinated at an area or district level.

It is, therefore, proposed that planning and co-ordination decision-making structures be established at the district level through the establishment of a district intergovernmental forum in terms of IGRFA.

It is proposed that the district co-ordination entity be managed by a board consisting of:

- the LED or IDP manager in that district municipality;

Figure 11: Proposed district-local SIS linkages



- the district directors of DLA, RLCC (while it exists), PDoA, DWAF, DEAT and any other relevant provincial or national department; and
- representatives from each local entity, and a representative of all the ward structures (associations, Section 21 companies, co-operatives, etc.).

Importantly, the municipal IDP or LED manager and the district land reform office (DLRO) director are the co-chairs of this entity, with DLA or the SPV providing the secretarial services.

This entity will be responsible for:

1. Aligning the needs and proposals put forward by the local SIS entities and engaging provincial and national departments and agencies on the grants and services available to fulfil these needs. Through such engagement, the entity will contribute to the development of a district-level land and agrarian reform sector plan, which will identify the nature of the activities, the source of the funds for such activities and the responsibilities of the municipality, line

departments and other agencies. Through this process, the grants and services of the spread of agencies involved in land and agrarian reform will be co-ordinated and their activities and processes undertaken in a more integrated manner.

2. Appointing and managing district support staff to support local-level SIS activities.

11.4 National and provincial configurations and responsibilities

Land and agrarian reform is currently the task of one ministry, and of two departments at a national level.

While there has been increasing insistence and enquiry from the President regarding progress with land claims, in particular, as well as the pace of redistribution, land reform has not yet been conceptualised as a joint programme to which almost all government departments have a contribution to make, as demonstrated in Chapter 7 of the base document.

It is proposed, therefore, that a joint Land and Agrarian Reform Intergovernmental Forum (LARIGF), under the chairpersonship of the Minister of Agriculture and Land Affairs, be formed with a core group of ministers, MECs and heads of department. Its members will include:

- the Minister of Water Affairs and Forestry;
- the Minister of Environmental Affairs and Tourism;
- the Minister of Provincial and Local Government;
- the various heads of department of identified national departments;
- the MECs of agriculture and land affairs or their equivalents in each province;
- an additional MEC from each province (to be decided by the province and depending on the specific issues of relevance in that province);
- the heads of department of these MECs; and
- each PLRO head or head of the SPV responsible for SIS co-ordination in the province.

While this is a large group of people, it will be necessary to ensure coherence in the joint programme of land and agrarian reform, and will have sufficient authority and scope to ensure that decisions are made and implemented effectively.

11.4.1 Provincial intergovernmental forums

After IGRFA was passed, some provinces established Premier's intergovernmental forums. In some of these provinces, additional structures which focus only on land and agriculture have also been established – in the Northern Cape, for example, there is a Land Reform Co-ordination Committee.

It is proposed that a provincial intergovernmental forum on land and agrarian reform (PLARIGF) be established in every province where such a structure does not yet exist. These structures will be responsible for developing a provincial land and agrarian reform strategy. They would need to include the core departments of DLA (with the RLCC until it is dissolved), PDoA, DWAF and the provincial department for environmental affairs. In addition, each district SIS entity should be represented by the chair and a representative of local land reform associations.

11.5 National responsibility for SIS support

We have proposed two options to enable DLA to fulfil this role:

1. Through the formation of a new Chief Directorate within the Branch Land and Tenure Reform.
2. Through allocating this function to a SPV.

11.5.1 A new DLA SIS Chief Directorate

The first option involves the establishment of a new Chief Directorate within the Land Tenure Reform branch of DLA with responsibility for co-ordinating and ensuring settlement and implementation support to land reform projects countrywide. Figure 12 provides an indication of the relationship between the various entities at national, provincial, district and local levels.

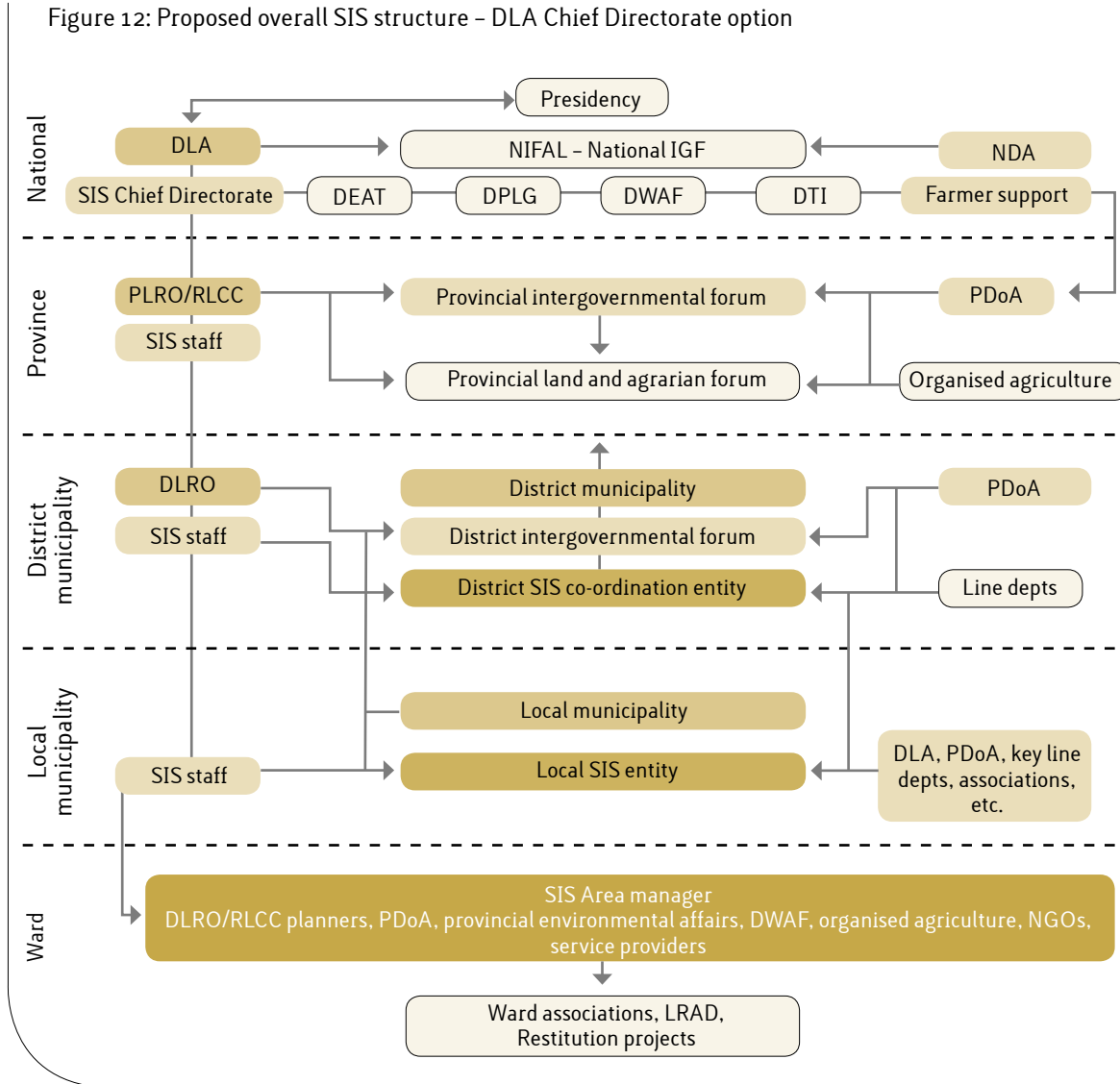
It is proposed that the bulk of the staff should be located within the PLROs at district and local municipality level. These would report to the PLRO Chief Director as well as to the national branch-level structures (as the M&E staff currently do).

Within each PLRO office, it is proposed that there will be a Director responsible for the SIS aspects, and a Director responsible for the specific aspects related to land acquisition and processing. It is important to note that this separation should not mimic the problematic split between the pre- and post-settlement processes in the RLCCs. A different separation is proposed where:

- one directorate would deal with the administrative side of land reform processes (advertising for applicants and processing these, negotiations on prices, conveyancing, transfers, etc.) and;
- the other directorate would deal with the planning and implementation (conceptualisation, planning, community liaison, implementation support, institution mobilisation and co-ordination of support processes).

Staff from both directorates would be drawn into area-based teams for purposes of work in the field. Importantly, these staff would all report to the Chief Director of the PLRO. At the local level, SIS officials would provide direct support to projects, via the local SIS entities.

Figure 12: Proposed overall SIS structure – DLA Chief Directorate option



11.5.2 The SPV option

The second option, to establish a special purpose vehicle, is currently being explored by DLA. The SPV would play a role similar to the SIS Directorate proposed above, but would be a body which is independent of the Department.

DLA and NDA initially pursued establishing the SPV as a wholly-owned subsidiary of the Land Bank. However, this approach has since been abandoned in favour of amendments to the Provision of Land and Assistance Act which would enable the SPV to be brought into being. Given the delays associated with the legislative process, DLA is currently looking at the establishment of a programme management unit (PMU) together with NDA.

11.6 Staffing

The detail of the staff requirements for the roll-out of the proposed SIS Strategy can only really be developed once there is greater clarity on the number of community claims and the number of other land reform projects per local government or district area. The estimates in Chapter 4 of the base document give an indication of the size of the task, but it is proposed that one of the first activities in the roll-out of the Strategy be to acquire greater clarity on the scale of the task – the numbers of land reform projects at district and provincial scales, and the estimates of future projects, based on what would be required to meet the target of transferring 30% of South Africa’s commercial agricultural land.

12 Communicating the Strategy

The new approaches outlined in this document will need to be effectively communicated. The communications campaign will target all the actors required to implement the SIS Strategy, placing particular emphasis on communication with land reform participants. More detail is contained in Chapter 12 of the base document.

12.1 The way forward

Effective communication of the Strategy will require a multi-level integrated approach which phases in a number of components:

1. Selecting a SIS champion at senior management level who will drive the process.
2. Developing a comprehensive and relevant brand, coupled with a strategy to manage this.
3. Developing a comprehensive media plan.
4. Establishing a detailed communications structure at national, provincial and local levels.
5. Developing a strategy to win the support of stakeholders, enablers and beneficiaries, as well as people who may not be directly linked to the project but are important because of their political and social weight.
6. Elevating SIS from simply being seen as one component of land reform to being a component of prime importance for a number of stakeholders.
7. Developing a sophisticated structure to monitor the impact of formal and informal communications. This includes M&E mechanisms and media tracking reports.
8. Creating a platform for data collection, complaints and queries that can be translated into information for action and decision-making.
9. Developing skills and capacity as part of a comprehensive human resources strategy.
10. Budgeting adequately for an effective communication function.

There is a need for a structured, ongoing communication vehicle to undertake the immense task of convincing citizens that 10 years of land reform have not been wasted, and that the major challenges will have been addressed by 2014 through South Africans working together. The existing communications capacity in DLA and CRLR should be strengthened and developed to enable stronger, clearer, more concise and more appropriate messaging.

Almost all stakeholders expressed their frustration at struggling to get the information they needed. According to one respondent, 'the majority of beneficiaries don't know where to go for assistance'. The proposals set out in this section seek to provide solutions that will enable different stakeholders to connect with SIS operations. Success depends on addressing a number of issues.

12.1.1 Well-designed infrastructure

This includes clear systems for:

- information-gathering and research at operational level;
- storage and processing of raw data; and
- collation and dissemination of information to different parties in the appropriate form.

These systems must be managed by structures to house all the communication functionalities and provide a single client contact point where queries can be addressed.

12.1.2 Improved information flow

This involves compiling accurate information for different stakeholders and proactive media management.

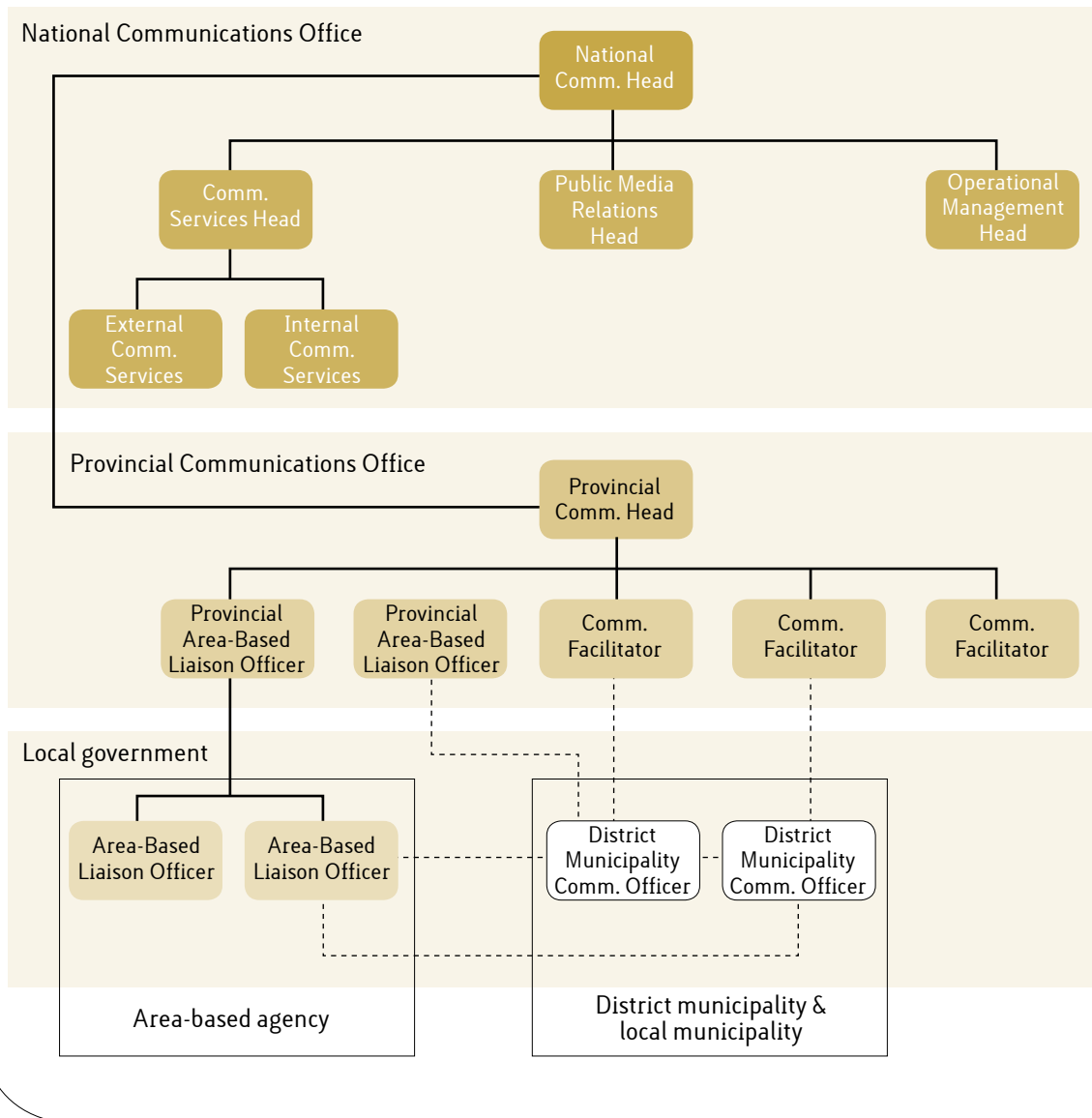
12.1.3 Information content management

This entails processing information into appropriate formats relevant to the needs of different stakeholders and developing appropriate communication tools for each stakeholder category.

12.1.4 Channel management

This includes identification of channels to disseminate information appropriate for each stakeholder category

Figure 13: The proposed national, provincial and local communications structure



and ongoing management of information content, messages, channels and tools.

12.1.5 Branding

This requires the development of a SIS brand to effectively elevate the profile of the programme, and proactive and skilful management of the SIS brand.

12.1.6 Internal capacity development

For the systems and structures to function effectively, there must be investment in human resource management and training.

12.2 The National Communications Office

The communications strategy calls for the development of a National Communications Office headed by a National Communications Head responsible for driving intergovernmental relations on a national level, promoting forums, and developing collaborative communications strategies with relevant national government communications departments within DLA, NDA, DEAT, DWAF, DTI and the Government Communication and Information System (GCIS). Their powers would include facilitating memoranda of

understanding between relevant chief directorates and following up on action taken.

It is envisaged that National Communications would comprise three distinct portfolios: Communications Services, Public/Media Relations and Operational Management, and that Communications Services be further divided into Internal Communications and External Communications. The heads of Internal Communications and External Communications would manage formal communications channels. The Public/Media Relations Head would be responsible for managing the public image of SIS and creating a healthy relationship with the media and the Operational Management Head would be responsible for logistical and operational management of the National Communications Office.

The National Communications Office will be tasked with the responsibility of driving the more strategic aspects of the communication process. These responsibilities will include:

- publicity and media management;
- branding, design and advertising;
- events and exhibition management; and
- sponsorships.

12.3 Provincial communication

Any communications activity on a national level will have to be rolled out at provincial level, since critical service delivery takes place at provincial level. It is envisaged that Provincial Communications Offices will comprise two portfolios staffed by Communications Facilitators (2–5 officials, depending on the number of projects) and Provincial Area-Based Liaison Officers (3–6 officials, depending on the province's needs). Communications Facilitators will be tasked with providing information and facilitating private sector involvement (e.g. investment by banks and the involvement of NGOs, farmers' associations and co-operatives). Provincial Area-Based Liaison Officers will be tasked with solving critical formal and internal communications problems, and be mobile, enabling area-based agencies to access the information they need. These officials will liaise with district and local municipality communications officers, act as linking agencies, report on progress and challenges

at grassroots level, which will, in turn, inform future messaging needs, and update the information management strategy.

12.4 Making information available – a review of options

One of the criticisms of the current situation is that there is no clear point of contact for SIS information. Currently, a beneficiary has to address queries related to agriculture, water, forestry, etc. to separate departments.

Various options are available which could make this information more accessible. These include:

- appointing Area-Based Liaison Officers to the staff of area-based support entities;
- establishing provincial walk-in centres; and
- putting in place a National Call Centre.

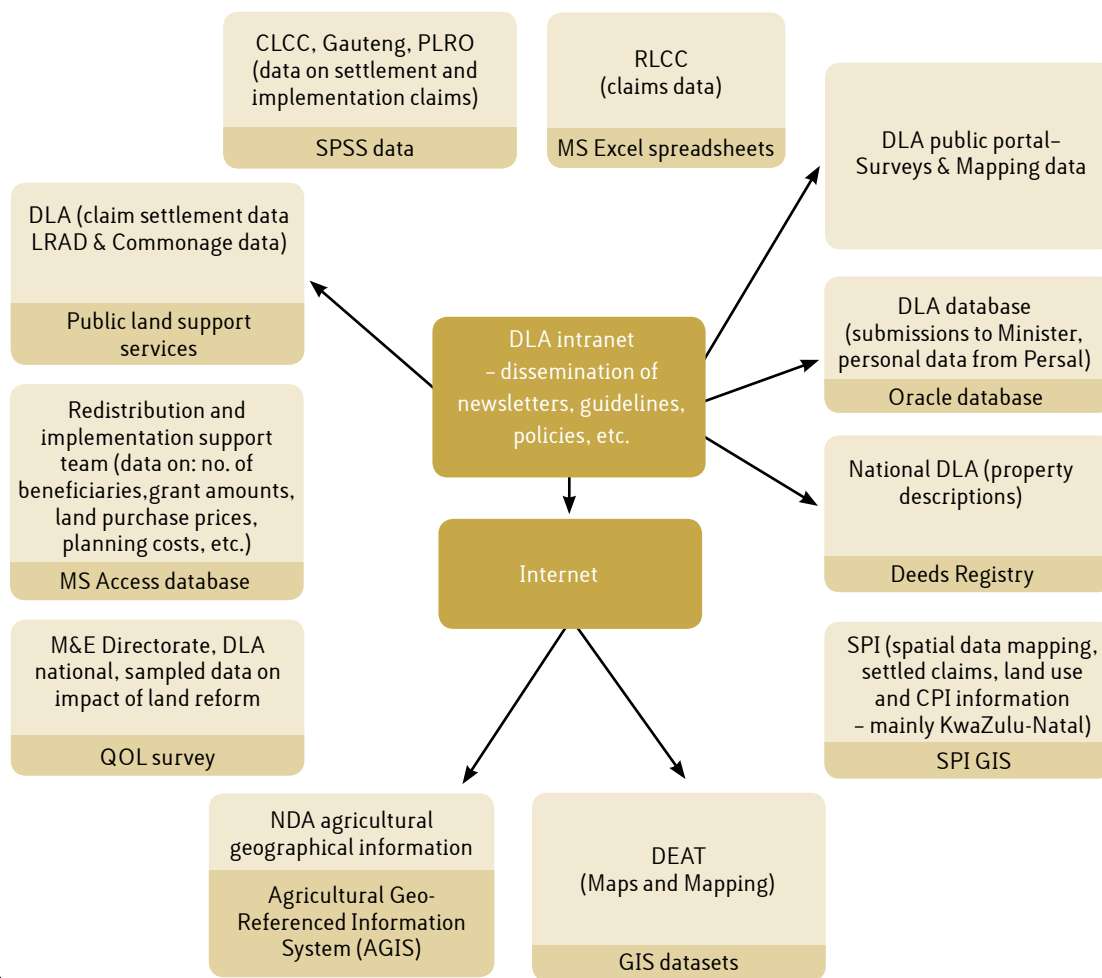
12.5 Gearing up to communicate the finalised SIS Strategy

Once the SIS Strategy proposals have been refined and become part of the DLA's operational framework, the proposals contained in the communication strategy will need to kick in and the campaign put in place to communicate the new approach to the provision of integrated support services to all the relevant stakeholders.

13 Managing information, monitoring and evaluation for improved decision support

Within the DLA, there are currently several systems supporting M&E and providing support for decision-making. However, these systems are not integrated

Figure 14: DLA information management systems*



* Based on a restricted set of information made available to SDC.

and operate in isolation from one another, as illustrated in Figure 14. Furthermore, these systems are deployed on different architectures, but capture very complementary data. More detail is contained in Chapter 13 of the base document.

Figure 14 represents SDC’s understanding of the information management systems which are relevant to the land reform work of DLA. It was not possible to present a full and accurate picture because DLA’s GITO withheld information for security reasons.

13.1 Current initiatives within DLA

DLA is currently standardising its information technology infrastructure and establishing procedures

and guidelines for information management across all areas of the Department. Its Master Information Systems Plan (MISP) provides an overview of the key information technology issues based on a general audit and a survey of user perceptions in DLA.

Business process analysis and re-engineering has been undertaken by DLA as part of a bigger resources alignment exercise under Project Tsoeletso to facilitate quality service provision to its clients.

A project is currently underway to remodel and upgrade the LandBase system. The first phase of the project is to prioritise Restitution data, given the pressing deadline facing the CRLR to conclude its work. It is DLA’s intention to later expand this new version of the LandBase electronic claim and validation system to include Redistribution and Tenure Reform.

A proposal has been made by the DLA GITO to review its software procurement protocol and implement 'enterprise information architecture' in order to formalise and standardise the information and technology structure of the Department. This includes investigating the feasibility of a call centre/helpdesk, and creating a storage area network to provide a common storage pool for the different database servers and allow the optimum use of unused capacity and a reduction in DLA's data storage costs.

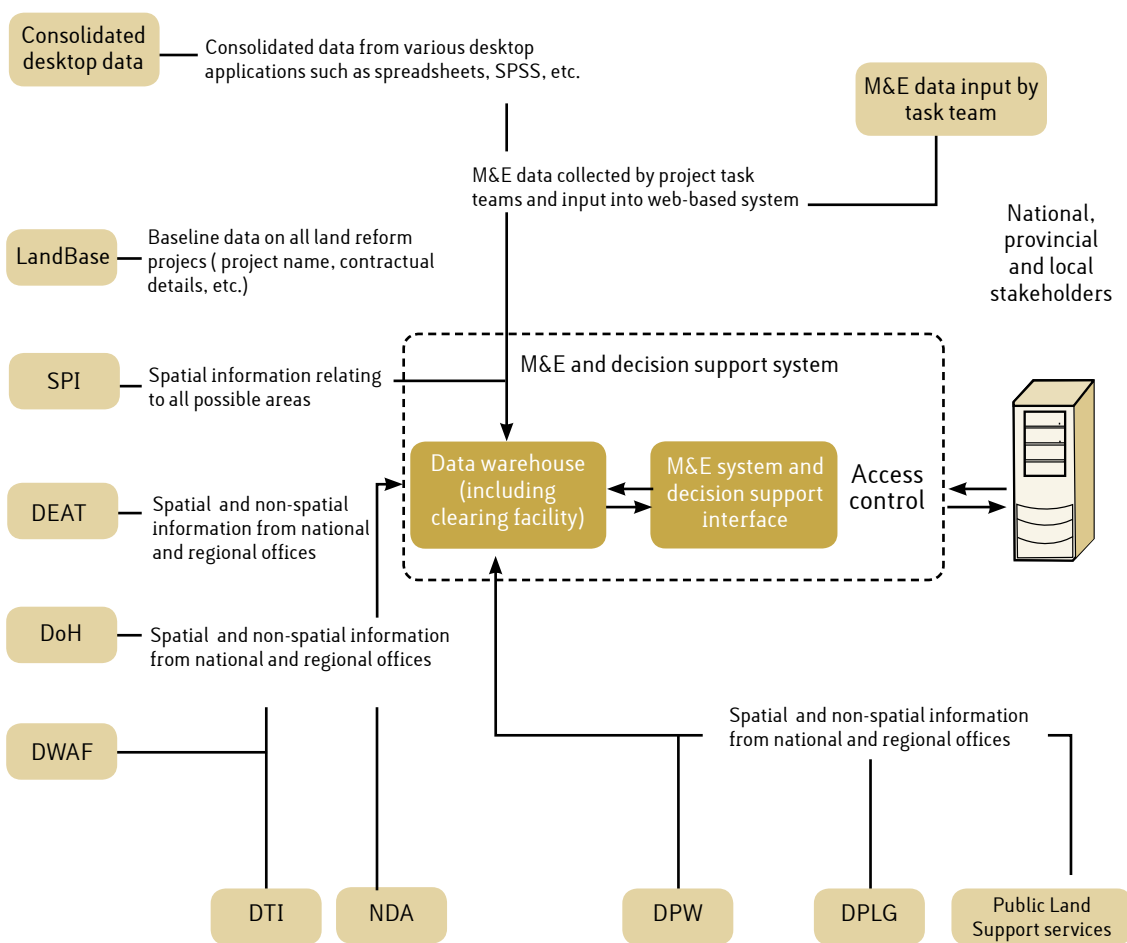
DLA is also spearheading the implementation of the Spatial Data Infrastructure Act to guide the quality capture, management and seamless sharing of spatial data. Work has commenced on establishing the National Spatial Data Infrastructure Framework.

13.2 Information management – where we want to be

The land reform programme requires an information management system that enables the key role-players and decision-makers to obtain an accurate and relevant picture of the current status of SIS in the various land reform projects, individually, regionally and nationally. Such an understanding is only possible if the information presented to the end-user is based on accurate and timely information that would then facilitate effective planning, management, analysis, monitoring and evaluation.

Figure 15 shows an overview of the proposed M&E and Decision Support System (DSS). It is a schematic

Figure 15: Proposed M&E and Decision Support System to integrate land reform information



representation of how land reform relevant (and critical) data sources are integrated seamlessly and on-the-fly to provide a centrally accessible system.

DSS users would access the system via a centrally accessible web portal. Typical users would be planners, M&E specialists, decision-makers in all the spheres of government, and the general public (with restrictions). All the data from the various sources would first go through a clearing process to ensure that data integrated with other data layers conforms to the quality specifications of the National Spatial Information Framework (NSIF), and that there is controlled access for different types of users. NSIF standards are being developed according to International Organization for Standardization (ISO) standards for information exchange. Since DLA is the lead department in the development of the NSIF, SPI would be the logical home for the portal.

The proposed structure would ensure that:

- data is obtained from the most competent mandated service provider;
- data is maintained by the relevant data custodian;¹⁵
- data quality is assured through enforcing compliance with national and international standards; and
- there is controlled access for different levels of users.

The proposed DSS data integration strategy involves continuous on-the-fly amalgamation of information from complex distributed databases run by various stakeholders under different systems and on different platforms (e.g. water resources information from DWAF and housing information from departments of housing). Data will be exchanged by the various relevant data custodians via a predefined set of data transfer and exchange protocols. The system will use service-oriented architecture (SOA) technology called 'web services', which allows computer applications to request software services over a network, and for those services to be delivered in a predefined format, regardless of system type.

Such a system would provide opportunities for:

- capturing, storage, retrieval at will, analysis and

presentation of spatial and non-spatial data in various formats;

- effective and efficient record-keeping and document management;
- seamless sharing of data among various internal and external stakeholders;
- discovering, exploring and exploiting diverse datasets from various stakeholder organisations;
- making use of spatial intelligence in decision-making;
- promoting learning at individual, group and organisation level;
- triggering appropriate indicators to allow for timely interventions and for identifying opportunities for resource optimisation;
- facilitating scenario-planning to empower project planners; and
- providing a knowledge and resource base to promote the effective use and sharing of what the various stakeholders know about land reform support through experience and practice.

13.3 The land reform decision support system prototype

A DSS prototype has been developed as part of this project to illustrate how such a system would work. The DSS is based on GIS data with a range of functionalities built in. Map data represented in the prototype can be viewed at different scales and associated levels of detail. These range from national scale maps right down to an individual project together with information on its ecological environment and existing infrastructure. This allows the application to serve a wide array of users, ranging from local SIS entities to district and provincial managers, national programme managers and policy-makers. The needs of users at each of the different levels determine the type of functionality available.

13.3.1 Local project-scale information

The most fine-grained functionality and specificity of information is available at the individual project scale.

Figure 16: DSS prototype screenshot of project-level information, eMpangisweni Restitution project, Zululand District, KwaZulu-Natal

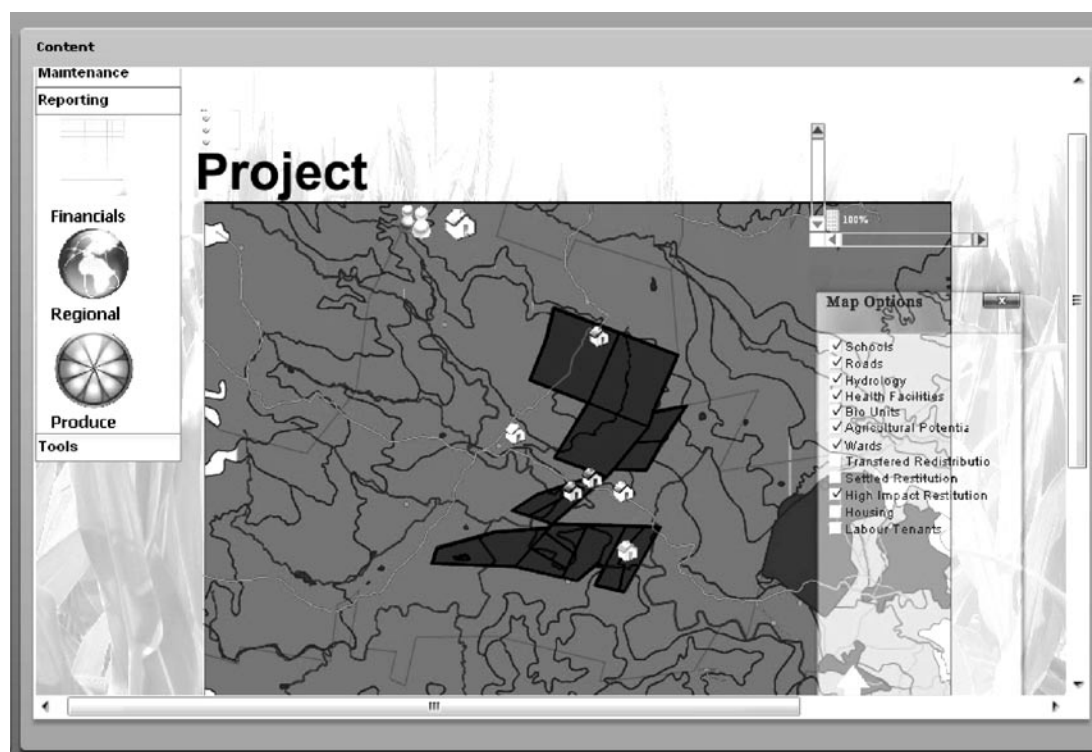


Figure 16 is a screenshot from the DSS prototype to illustrate the kind of detail available at project level, including:

- project name;
- project type (LRAD, Restitution, Commonage, etc.);
- participant profile; and
- information on project grants awarded, current budgets, and a copy of the CPI constitution as well as the associated rights determination arrangements.

It also includes information on:

- water rights;
- housing requirements;
- the percentage and location of arable land;
- ecologically sensitive areas; and

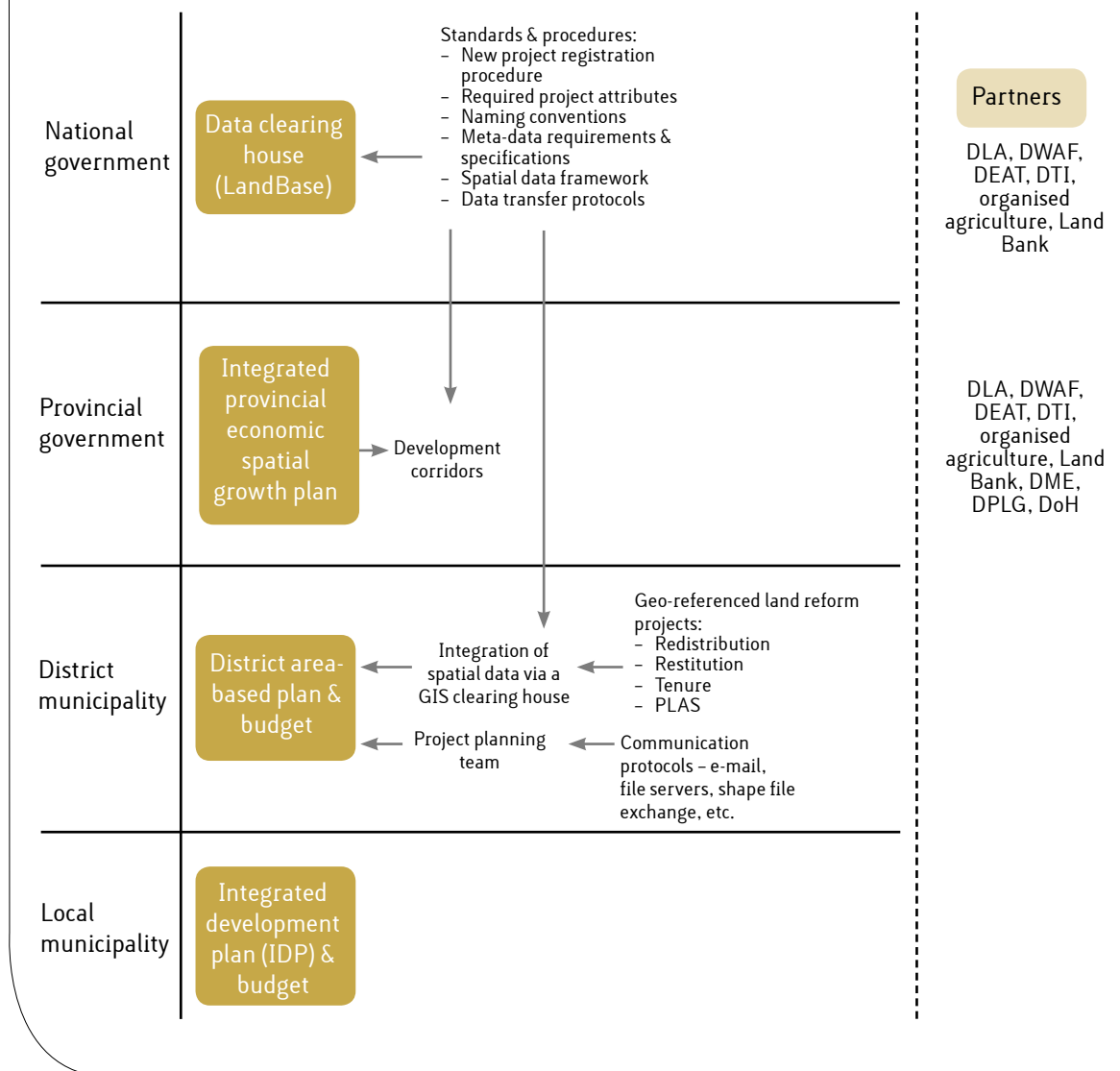
- the availability and location of existing schools and health facilities, relative to existing and proposed settlements.

13.3.2 District-scale information

The key thrust of the area-based planning approach is the development of district- and local-level land reform sector plans within the municipal IDP. This requires the aggregation of project-scale data and the computation of its significance for planning at municipal scale.

Data at this level is merged to provide an overview of the entire local/district municipality. At this level, system users require less spatial data but more data analysis functions, collaboration tools and document-sharing features. The focus is on the performance of projects within designated planning areas, progress and impact monitoring. This helps highlight areas and projects which are working well and those where problems may be emerging.

Figure 17: Schematic of the proposed Land Reform Information Management Support Framework



13.3.3 Provincial-scale information

This is the scale at which strategic decision-making takes place with respect to land reform in the province as a whole in relation to other development priorities. It is also the level where monitoring of the impacts of land reform on poverty, the local agricultural economy and related employment takes place.

13.4 The proposed Land Reform Information Management Support framework

Figure 17 provides a schematic view of the proposed Land Reform Information Management Support

Framework that links up the three spheres of government. Implementation of the framework would provide the following information management and decision support services:

- quick access to information on project-based collaborative efforts;
- an information infrastructure that supports intergovernmental land reform programme collaboration;
- a knowledge management framework to capture and access experiential learning; and
- the ability to track individual project progress and land reform support for the project via

performance appraisal and periodic evaluation of project milestones.

13.5 Management information strategic recommendations

An information management strategy should be in place to drive the SIS Strategy – one in which systems have been put in place to provide accurate and timely information that facilitates effective planning, management, analysis, monitoring and evaluation for decision-making.

To reach this vision, the following recommendations are made:

- build a data clearing house to allow for on-the-fly data extraction from custodian databases;¹⁶
- establish an interdepartmental team to use the Spatial Development Infrastructure Act as an instrument to integrate spatial data from all the various government custodians (SPI, Surveys & Mapping, Cadastral Surveys, NDA (AGIS), Municipal Demarcation Board, Deeds Office, Public Land Support Services, DEAT, DWAF, etc.);
- eliminate dependence on physical data registries and make data available in digital format; and
- consolidate information and knowledge assets into an online resource centre and make it the backbone of a strategy to communicate new approaches to providing SIS support to land reform projects and to create a knowledge-sharing organisational culture.

13.6 M&E strategic recommendations

The objective of the M&E strategy is to establish and make use of measurable and continuously refined indicators specific to land reform projects, and those indicators that monitor the land reform programme support process. The first set of indicators provides the means to ensure that individual projects are on track to meet project objectives. The second set provides the mechanism to monitor and evaluate the performance of personnel, service providers and systems put in place to support the land reform programme.

Using the SIS framework as a foundation, this section discusses the strategy that should be implemented in order to ensure that reliable and critical information is utilised in the M&E cycle during the SIS process.

Clearly the effectiveness of the decisions made by key settlement support role-players can only be as good as the information that supports these decisions, (i.e. the relevance and quality of the information gathered on the indicators for monitoring and evaluating projects).

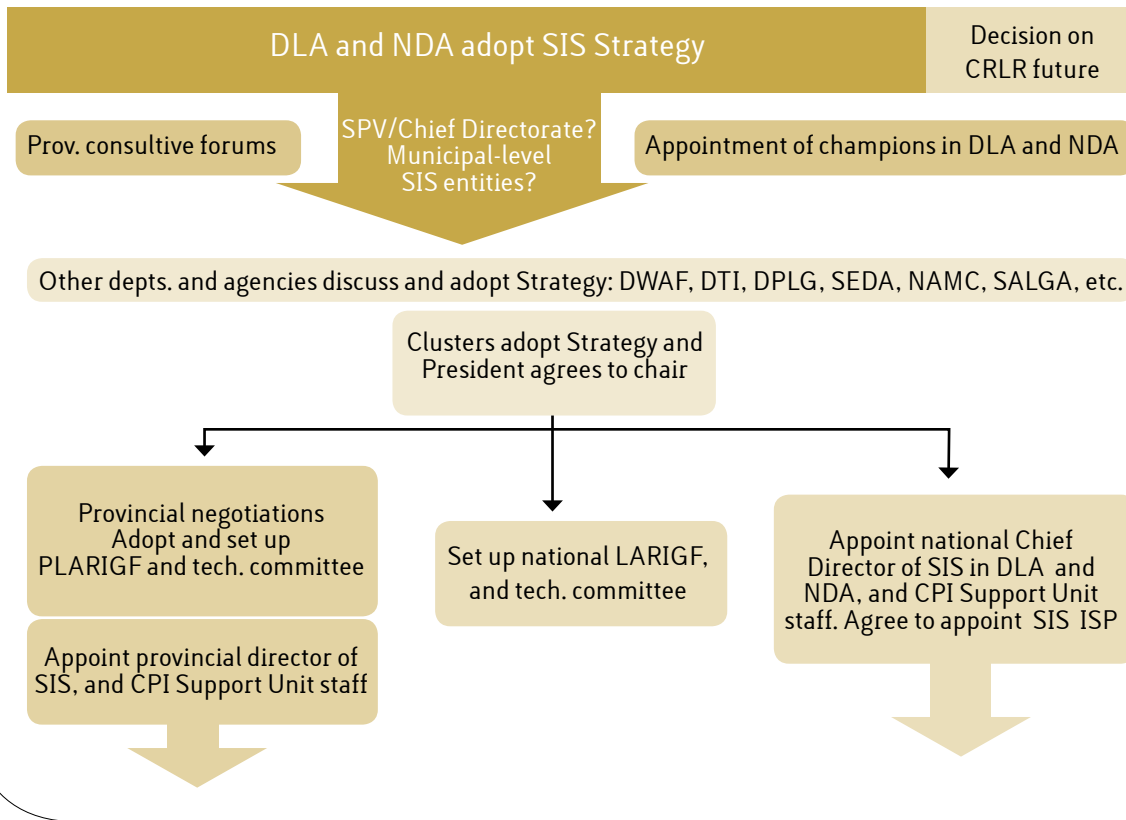
The critical point that the strategy needs to address is not only to provide for a set of measurable indicators that can be continuously refined but also, by so doing, to extend itself to support the higher objective of promoting efficiency and effectiveness into the SIS decision-making process. By extension, the strategic recommendations around settlement support M&E provide for the building of a core knowledge process within land reform projects.

Central to this M&E framework is the concept of data aggregation, without which sensible decision-making cannot take place. Data on indicators should be collected at the household and project level. This data can then be aggregated to the district level to provide information about the performance of the SIS strategy at the district level. Similarly, this data can be aggregated to the area, provincial and national levels to provide an overview of all the areas requiring additional attention and the areas from which resources can be reallocated.

Key recommendations include:

- developing and capturing an agreed set of indicators in partnership with relevant stakeholders;
- continually collecting social, institutional, environmental and economic data on the agreed set of indicators at various levels (project, area, district, provincial and national) to build an integrated set of time-series data;
- capturing data on the agreed set of indicators into an online information management system that is accessible to relevant stakeholders in the SIS process (this online capturing system will form an integral part of the proposed M&E

Figure 18: Essential initial decisions and organisational set-up



and Decision Support System by populating the system with continuous time-series data);

- continuously monitoring project implementation to ensure sustainability and growth;
- implementing a web-based M&E system (based on the designed prototype); and
- designing and implementing a web-based project resources centre to capture and retrieve project-specific information.

14 Rolling out the Strategy

Chapter 14 of the base document projects a possible roll-out process for the SIS Strategy. This is briefly summarised in Figures 18 and 19.

The roll-out of the Strategy is premised on its acceptance by DLA and partner departments, either as

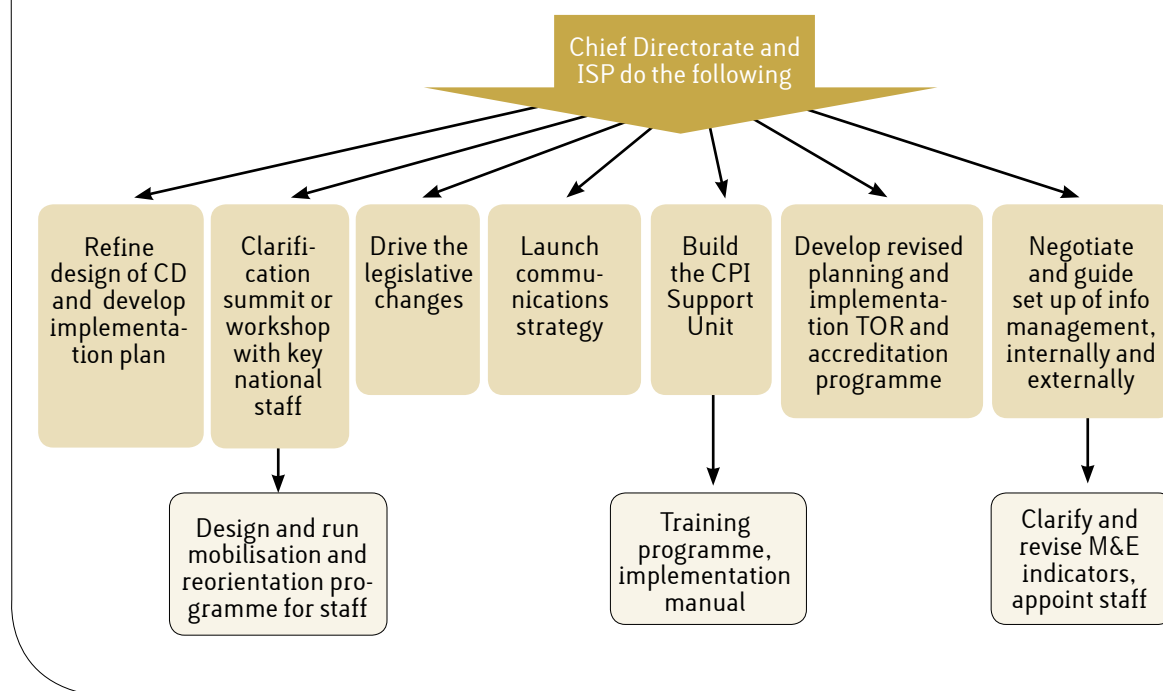
it stands or with amendments. Once DLA accepts the Strategy, it will need to decide on the most appropriate institutional option to roll it out. SDC recommends the establishment of a dedicated SIS Branch or Chief Directorate within DLA, although other options exist such as the utilisation of an existing SPV or the establishment of a new one.

The Strategy proposes the establishment of a National Land and Agrarian Reform Intergovernmental Forum which, given the strategic importance of the sector, requires oversight by the Presidency. The Strategy may need to be adjusted depending on the future of the CRLR.

The Strategy will require national champions within DLA and NDA in the interim while key decisions are taken. The Strategy proposes the appointment of an implementation service provider (ISP) to assist the Department with the roll-out process and the establishment of SIS structures at provincial level.

Figure 19 highlights the range of activities that need to be completed at national level to put the Strategy in

Figure 19: Key national processes once staff and ISP have been appointed



place. These include institutional design for the branch; getting other role-players on board and in tune with the new strategic direction; initiating amendments to the CPA Act and related legislation; formally launching the Strategy and related processes of communication; establishing the proposed CPI support unit; developing a training programme for CPI support staff and service providers; drafting a comprehensive TOR to guide the implementation of the new planning approach; and a related initiative to reorient and accredit service providers to undertake ABP and SIS service work. There is also the process of improving the management information system and developing M&E indicators and data collection processes to assess the impact of providing SIS services.

The processes at national level are mirrored at provincial level. In addition, there is the process of selecting start-up districts in each province to roll out the Strategy in an incremental way.

The focus of the work will be at the local level, which includes the establishment of district implementation forums and local level SIS service entities, the development of ABPs with integral SIS components within the selected district, stimulating the formation of local land reform associations, and facilitating

the process of dedicated support to projects and associations within the different areas outlined in the preceding chapters.

15 Conclusions

SDC has drawn on the knowledge and expertise of hundreds of people with first-hand experience of all aspects of the land reform programme. Their contribution to the formulation of the SIS Strategy has been invaluable.

There is widespread consensus amongst these diverse actors that a coherent evidence-based strategy to ensure effective settlement and implementation support is urgently required. As the local and international evidence attests, effective SIS is at the heart of any successful land reform programme.

The SDC has examined the evidence and incorporated ideas and proposals from many different sources to put forward the SIS Strategy which is detailed in this report for the approval of the Department of Land Affairs and its partners. Our challenge is now to ensure its implementation in priority districts and subsequent roll-out across the country.

Working as one to grow a better tomorrow
Ukubambisana ukuze sakhe ikusasa eliqhakazile
Re dira mmogo go fihlela isago e e botoka
Re sebedisana mmoho hofihlela bokamoso bo khanyang
Saamspan vir 'n helder toekomst

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Acts

- Communal Property Associations Act 28 of 1996.
- Constitution of the Republic of South Africa, Act 108 of 1996, as amended.
- Intergovernmental Relations Framework Act 13 of 2005.

Local Government: Municipal Systems Act 32 of 2000, as amended.

Marketing of Agricultural Products Act 47 of 1996, as amended.

National Environmental Management Act 107 of 1998, as amended.

National Water Act 36 of 1998.

Provision of Land and Assistance Act 126 of 1993, as amended (formerly known as the Provision of Certain Land for Settlement Act 126 of 1993).

Restitution of Land Rights Act 22 of 1994, as amended.

Spatial Data Infrastructure Act 54 of 2003.

Trust Property Control Act 57 of 1988.

Water Services Act 108 of 1997.

what they mean for weather patterns and rainfall distribution. Crop farmers require rainfall to be evenly spread throughout the growing season. Violent storms may deliver a significant percentage of an area's annual average rainfall in one event. While areas still may receive cumulative totals close to, or even in excess of their annual average rainfall, extreme weather events may deliver 50% of this in ways which are not conducive for farming.

Endnotes

- 1 Alternative approaches which involve only part of the land being allocated to commercial activity are clearly feasible and advantageous to individuals with an interest in the land.
- 2 There is some uncertainty as to whether DLA is legally obliged to provide post-registration support, other than in cases where CPA members ask the Director-General to intervene.
- 3 This process will need to be aligned with the land reform 'to-be' process which identifies Majuba District in KwaZulu-Natal as a possible pilot site for area-based planning (DLA 2006e).
- 4 Clearly, once programmes in the communal areas are rolled out, these goals should apply across the board, although they will need to be adapted to the social and legislative context of those areas.
- 5 The Programme is housed in DPLG (<http://isrdp.dplg.gov.za/>).
- 6 'Buildings become part of the land.'
- 7 See Section 79(1)–(3) and Section 80 *et seq.*
- 8 The significance of the violent storms is not so much the damage that they cause but rather what they mean for weather patterns and rainfall distribution. Crop farmers require rainfall to be evenly spread throughout the growing season. Violent storms may deliver a significant percentage of an area's annual average rainfall in one event. While areas still may receive cumulative totals close to, or even in excess of their annual average rainfall, extreme weather events may deliver 50% of this in ways which are not conducive for farming.
- 9 Degradation results from high-input and energy-intensive monocropping systems, as opposed to biologically intensive mixed farming systems, which rely on optimising organic recycling through intensive crop rotations, integrated soil nutrient management (ISNM), and integrated pest/disease management (IPDM). It can also result from overcrowding people on land which is unable to support their needs. There is a counter-argument to this position which holds that high population densities can support greater intensification in the use of resources, leading to improved land and natural resource husbandry as a result.
- 10 Wherever possible it is proposed that the audit be expanded to include all properties within the ABP area. This would enable an assessment of demographic trends specifically related to land reform and shed light on trends with respect to farm worker and farm dweller eviction and displacement. At the local scale, it needs to be understood what impact land reform itself is having on the displacement of farm workers and the extent to which land reform properties are absorbing displaced people as tenants. In some instances like eMpangisweni, a Restitution claim, many former workers have stayed on the property, but they are not formally regarded as beneficiaries of the trust and their numbers were not taken into account when calculating grant allocations. This has the effect of rendering them invisible on private land, but in need of services and support like any other member of the project.
- 11 Anton Cartwright is an independent resource economist with much experience in a spread of land and agrarian reform projects.
- 12 This will require consensus between the State and the private sector over what constitutes 'private' and 'public' goods and responsibilities.

¹³ Such a reorientation programme does not discount the inclusion of mentors and other service providers to provide higher-level expertise in support of the enterprises.

¹⁴ The Local Government: Municipal Systems Act will need to be amended to enable municipalities to assume this responsibility.

¹⁵ A data custodian is defined in Section 1 of the Spatial Data Infrastructure Act as an organ of

state or an independent contractor engaged in the exercise of a public power or performance of a public function which captures, maintains, manages, integrates, distributes or uses spatial information.

¹⁶ A data clearing house is a central location where data is sent, evaluated, and distributed to various clients according to predefined requirements.

