

# PROVIDING EFFECTIVE SETTLEMENT & IMPLEMENTATION SUPPORT FOR LAND REFORM

APRIL 2007

## STARTING POINTS

The Sustainable Development Consortium (SDC) was contracted by the Commission for the Restitution of Land Rights to develop an evidence based settlement and implementation support strategy to assist people regaining land rights through the Restitution programme. Our brief was subsequently expanded to include LRAD and commonage projects. The strategy development process has been funded and supported by Belgian Technical Co-operation.

The evidence framing the strategy is drawn from:

- **Diagnostic case studies that cover different elements of the land reform programme**
- **Thematic reviews and comparative analysis of the international land reform experience**
- **A field based learning programme that has involved land reform practitioners from different departments in reviews of selected projects**
- **A programme of technical support to selected projects**
- **A series of provincial consultative forums that brought together key provincial actors**
- **A review of the policy, legislation and regulations that impact upon different dimensions of land reform implementation**
- **Commissioned research on business models and institutional arrangements**
- **A review of current communication strategies and an assessment of the requirements to communicate a new integrated and area based strategy effectively to a variety of institutional actors**
- **Reviews of current M&E and decision support information and the design of new approaches**

This approach has enabled a comprehensive review of the factors impacting on the effectiveness of the land reform programme and has provided the building blocks for effective strategy development.

## ENSURING THE SUCCESS OF LAND REFORM - INTERNATIONAL PERSPECTIVES

The international experience highlights that successful land reform involves much more than the transfer of land. This is just the first step in a larger process which must ensure that new land owners have:

- **clearly determined and secure rights**
- **enhanced individual household livelihood security**
- **access to training, services, finance, business advice,**

### technical support and markets

At the same time land reform must be designed to:

- **reduce poverty, vulnerability and risk**
- **contribute meaningfully to local economic development**
- **ensure sustainable use of natural resources**

It is also clear that support to people acquiring land through

### Land Reform Settlement & Implementation Support Strategy Synthesis Document



...tive strategy development.

This document provides a highly compressed 4 page summary of the strategy.

A more in depth understanding of the strategy can be obtained from the 90 page synthesis document featured above.

A comprehensive 14 chapter base document has also been prepared which provides a detailed review of the evidence from the local and international experiences of land reform and which unpacks each element of the strategy.

a land reform programme cannot be conceptualised as a narrow technical issue added on at the end of the process. It has to be integral to the planning, transfer and post transfer phases.

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.

### ABOUT THE SDC



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LRC LEGAL RESOURCES CENTRE  
SINCE 1979



### STRATEGY ESSENTIALS

- **Reframing land reform as a joint programme of government**
- **Area based integrated planning**
- **Providing comprehensive support services**
- **Securing rights, enhancing livelihoods and enabling development**

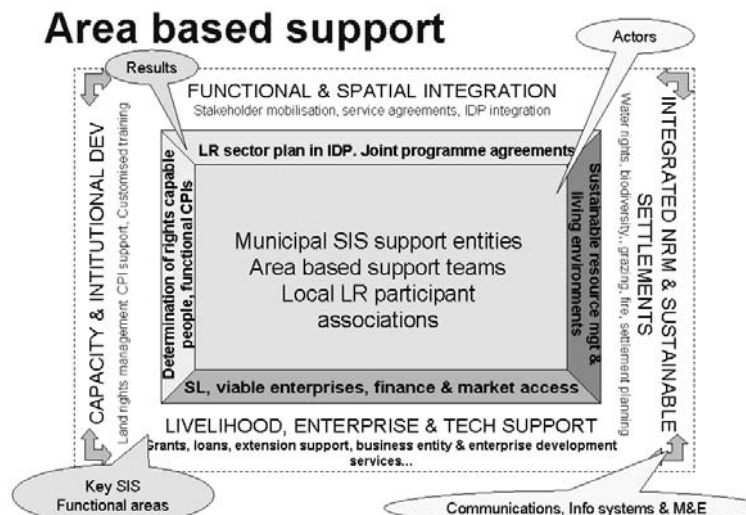
**A FRAMEWORK FOR EFFECTIVE SUPPORT**

The framework diagram highlights key strategic elements:

- Reframing land reform as a joint programme of government with the active involvement of land reform participants, civil society and the private sector
- Measures to secure effective alignment of government actors in different spheres
- Locating planning and support within a clear spatial framework and municipal IDPs
- Measures to determine, secure and manage land rights

- Training, capacity and institutional development
- Measures to ensure integrated natural resource management and sustainable human settlements
- Comprehensive front end services to enhance individual household livelihoods, develop enterprises, ensure access to finance, technical and business support

This is facilitated and enabled by the formation of dedicated Settlement and Implementation Support (SIS) entities, area based support teams interacting with local associations.



**AREA BASED PLANNING AND SUPPORT SERVICES**

**Land reform – front end services**

- Social**  
The profile of the participants – age and gender, skills relative poverty, social cohesion etc. Data on current livelihoods, assets, capabilities, health, education, vulnerability and risk.  
Ensuring social services – access to health services, schools, social grants and information
- Institutional**  
Clarification of membership Allocation of rights to ensure equitable access to land and resources  
Entry, exit and inheritance procedures  
Building of functional land holding and land rights management institutions  
Building local capacity to engage with external actors – government and non government.  
Development of local associations



**Capacity development**  
Development of structures and systems combined with comprehensive and customised skills development

- Natural and built environment**  
Environmental, land capability and sustainability assessment.  
Clarification of water rights and use; management of natural resources – grazing, biodiversity, invasive aliens, heritage, fire, forests, woodlands and minerals. Identification & management of environmental risk, rights, obligations and liabilities  
Infrastructure and sustainable service provision, human settlement/ township establishment – excising township area, surveying of individual erven, water, sanitation, roads, refuse, electricity
- Economic**  
Household livelihood support, enterprise planning, development and support at different scales – small production units through to large scale joint ventures.  
Provision of business and technical support services – access to finance, financial management and accounting, tax, labour legislation, levies etc.

The SIS strategy sets out to implode the 'silos' which currently characterise the delivery of Restitution, LRAD and Commonage.

Irrespective of their programmatic origin all projects within a designated area will be supported through an integrated approach.

This rests on clearly distinguishing different functions:

- Provision of front end support services
- Co-ordination of support at municipal and provincial scale

- National back end support to create an enabling environment for sustainable land reform

This also involves a shift from current fragmented project by project planning and implementation to an area based approach. Establishment of dedicated SIS Support Entities at local and district municipal levels will enable area based support teams to be put in place, tasked to co-ordinate services to project clusters which combine established projects with those still in the planning phase.

**SECURING RIGHTS AND BUILDING CAPACITY**

In this area the strategy is built on four key premises:

- People are at the centre of the land reform programme which must secure their rights, improve their livelihoods and build skills and institutional capacity.
- Project sustainability partly rests on clarity of membership, plainly defined land rights and entitlements backed by effectively functioning land and land rights management institutions
- 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, together with private sector and civil society partners

- People require a comprehensive gender aware programme of social development to ensure access to essential social, health and education services

Key strategy elements include improved household

profiling of land reform participants to establish a social and economic baseline; establishing a new CPI Support Unit at national level with dedicated staff within PLRO offices; amending the CPA Act to oblige the state to provide ongoing land rights management support to CPAs and Trusts; developing local associations to represent the interests of land reform participants.



Local level capacity development and learning processes are a key component of area based support

## INTEGRATED NATURAL RESOURCE MANAGEMENT

The SIS strategy is consistent with the sustainable development imperative contained in the National Environmental Management Act (No 107 of 1985). Economic and socio-political systems are reliant on the health of supporting ecosystem services.

Individual land reform projects and area based approaches involve all aspects of environmental management including water resources and wetlands, graz-

ing and arable land, forests and woodlands, biodiversity and threatened species, mineral resources, protected areas, and the management fire, drought and flood risk. Each of these activities and resources is covered by specific legislation. Once land is transferred new owners acquire rights, obligations and liabilities.

Key strategy elements include:

- Rollout of the approved but

yet unimplemented **DLA Guidelines and environmental and sustainability assessment tool**

- Institutional arrangements to ensure catchment and ecosystem based approaches to area based planning
- A much greater emphasis on risk identification and management within project planning processes
- A programme to inform new land owners of their environmental rights, obligations and liabilities



INRM links government departments and combines expert and local knowledge

## SUSTAINABLE HUMAN SETTLEMENTS

The SIS strategy sets out ways to secure substantial improvements in the social, economic and environmental quality of existing and future planned human settlements associated with land reform projects.

Key strategy elements include:

- Improving access to environmentally sound basic services

- Undertaking processes of township establishment where feasible to facilitate municipal responsibility for service delivery and maintenance

- Developing district service plans within municipal IDPs to ensure servicing of remote settlements where township establishment is not feasible

- Supporting the establishment and training of community based service enti-

ties to deliver and maintain services in areas where township establishment is not possible

The strategy identifies a range of measures to monitor factors impacting on settlement sustainability. Overall the strategy seeks to ensure that new settlements fit within municipal spatial development frameworks and the National Spatial Development Perspective.

## ENHANCING LIVELIHOODS, ENABLING DEVELOPMENT

The strategy sets out key elements within a new planning paradigm that simultaneously:

- Identifies measures to improve individual household livelihoods and expand their asset base

- Addresses small scale individual and group enterprise development
- Supports large scale capital and skills intensive joint venture and partnership arrangements

- Training and advice on low input permaculture and homestead agricultural systems

Partnerships between specialised development agencies, organised agriculture, commodity organisations and private sector consortia are better positioned to provide the sophisticated business management and technical support services required for larger scale ventures.

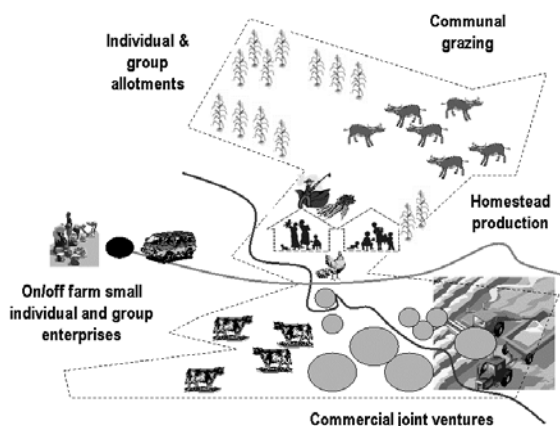
The strategy identifies appropriate roles for government, the private sector and NGOs in support of economic activities at different scales.

Government and NGOs are better positioned to provide a package of measures to improve individual household livelihood security including:

- Mafisa stock loan systems
- Provision of infrastructure for homestead gardens and livestock farming

The strategy highlights ways in which to link different projects together within an area to secure inputs and maximize competitive advantage. Local market scoping studies provide an important planning tool and make linkages with LED strategy.

### Supporting livelihoods and enterprises at different scales within a framework of clearly determined rights and benefits



**IMPROVING COMMUNICATIONS  
WORKING TOGETHER AS ONE TO GROW A BETTER TOMORROW**

A comprehensive communications strategy has been developed to communicate the new approach. This rests on:

- **Selection of a champion at senior level to drive the process**
- **Making SIS support a shared priority of key stakeholders and actors at different levels**
- **Developing a comprehensive and relevant 'brand' to communicate the new approach**
- **Providing network of contact points to enable people to access information**

The strategy outlines the communications infrastructure which needs to be put in place.

It envisages a National Communications Office which develops collaborative strategies with relevant government departments and Government Communication and Information Systems (GCIS)

The strategy envisages the appointment of area based liaison officers and provincial walk in centres to improve information flow.

Once the SIS strategy has been approved a multime-

dia, multilevel communications programme will be launched.

Overall the communications strategy emphasizes the shared responsibility that South Africans have for the success of the land reform programme.

*Ukubambisana ukuze sakhe ikusasa eliqhakazile*

*Re dira mmogo go fihlela isago e e botoka*

*Re sebedisana mmoho ho fihlela bokamoso bo khanyang*

*Saamspan vir 'n helder toekoms*



Improved two way communication is an essential factor contributing to the success of land reform

**MANAGING INFORMATION, IMPROVED M&E**

Effective settlement and implementation support depends on systems that provide accurate and timely information to facilitate effective planning, management, analysis, monitoring and evaluation for decision making. This component of the strategy outlines measures to:

- **Establish an interdepartmental task team to integrate spatial data from different government custodians**
- **Improve data sharing through a central data clearing house**

- **Eliminate dependence on physical data registries through the progressive digitization of data**
- **Consolidate information and knowledge assets into an online resource centre**

The SDC has developed a prototype land reform decision support system which is based on GIS data with an additional range of functionality. The prototype enables fine grained functionality at local project scale with the ability to access all relevant documentation on the project and track progress

against plans. It also enables district, provincial and national scale views which enable analysis of broader trends and the generation of progress reports.

With respect to M&E the strategy highlights a range of indicators which enable individual project assessment from social, institutional, economic and ecological perspectives as well as the means to monitor performance of service providers and systems put in place to support the land reform programme.

*Ukubambisana ukuze sakhe ikusasa eliqhakazile*

*Re dira mmogo go fihlela isago e e botoka*

**MAKING IT HAPPEN – INSTITUTIONAL OPTIONS**

The strategy is based on the premise that the institutional form will be a reflection of agreed SIS functions and agreement on who is best placed to undertake them.

The approach underpinning the strategy is that it is the function of the DLA to coordinate the provision of settlement and implementation support which it will do in the context of a joint programme of government in

partnership with the private sector and NGOs.

It is proposed that the hands and feet to implement the strategy are located within SIS Support Entities at local municipality level. These entities will enable formal representation of DLA, the Municipality, the DoA, other relevant government departments, together with representatives of local associations representing the interests of land reform projects

in the area, private sector partners and NGOs.

These entities may take different legal forms—municipal entities established in terms of the Municipal Structures Act, public entities or Section 21 non profit companies. Legal opinion is being awaited on the most appropriate entity. In practice it is anticipated that the most appropriate option will be selected to match the local and provin-

cial land reform context and that a variety of options may coexist in practice.

Back end services are provided by staff from a proposed new DLA Chief Directorate or SIS branch located within PRLO offices and District Support entities. A variety of options have been assessed including a Special Purpose Vehicle (SPV). Irrespective of which option is selected LRAD, Restitution and CASP operations will need to be integrated at provincial and local scales.