

# **LAND AND AGRARIAN REFORM PROGRAMME**

**FINAL REPORT FOR THE PERIOD OF  
JANUARY 2007-DECEMBER2009**

**TO  
BELGIUM DEVELOPMENT COOPERATION**

**Submitted by the**



## **LAMOSAS**

**Land Access Movement of South Africa**

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## **ACCRONYMS USED**

ABP	Area Based Planning
AGRIBEE	Agricultural Black Economic Empowerment
BBBEE	Broad based Black Empowerment Programme
CPA	Communal Property Association
CBO	Community Based Organisation
CEDAW	Convention on Elimination of All Forms of Discrimination against Women
CRLR	Commission on Restitution of Land Rights
CLARA	Communal Land Rights Act
DLA	Department of Land Affairs
ESTA	Extension of Security of Tenure Act
NLC	National Land Committee
RLCC	Restitution Land Claims Commission
IDP	Integrated Development Programme
IGR	Inter- Governmental Relations
ILC	International Land Coalition
PIE	Prevention of Illegal Evictions Act
LAMOSASA	Land Access Movement of South Africa
LRAD	Land Redistribution and Agricultural Development
LRC	Legal Resources Centre
SLAG	Settlement and Land acquisition Grant
SIS	Settlement Implementation Strategy
LED	Local Economic Development
RLTA	Restitution of Land Rights Act
NPO	Non Profit-Making organizations
PWAL	Promoting Women's Access to Land
NGO	Non-Governmental Organisation
GEAR	Growth, Employment and Redistribution Strategy
IMF	International Monetary Fund
PIE Act	Prevention of Illegal Eviction from and Unlawful Occupation of Land (PIE) Act
WSSD	World Summit on Sustainable Development
JDA	Johannesburg Development Agency

## 1. Overview

When the LAMOSA made the proposal to the Belgium Development Cooperation in 2004, it was in line with the National Livelihoods programme of the National Land Committee, the government's Land Reform Program and LAMOSA's core program, access to Land and Agrarian Rights.

LAMOSA works in four provinces namely NorthWest, Mpumalanga, Limpopo and Gauteng, LAMOSA was specifically funded to implement the program in the seven municipalities of the three provinces, excluding Gauteng. This funding enabled LAMOSA to build on the work it began in 1998, which focused on Restitution deadlines, social mobilization of Landless Farm Workers and Dwellers for access to Rights Sustainable Livelihoods Security in terms of Reconstruction and Development Program Framework policy framework and subsequent legislation and programs of the government. During this period LAMOSA established itself as an organization that dared to challenge post apartheid farm evictions and exploitation of Farm Workers, tenants and dwellers. Most importantly LAMOSA played an important role in continuous policy dialogues on the History of land reform, which raised awareness amongst the ignorant members of the society, especially the youth.

Success that stand out during this reporting period include the ultimate review of some policies and strategies, which was largely influenced by the resolutions of the 2005 National Land Summit, the ongoing interventions in the targeted Municipalities and areas of jurisdiction where LAMOSA has worked so intensively to pilot people centred people driven development at all four levels of government. In all the focus municipal areas, this challenging work has in almost all the cases handled managed to stop illegal farm evictions, and exploitation farm Labour. These successes have resulted in LAMOSA being seen as the voice of the land reform communities in the former Transvaal. Towards the end of last year agents of the South African Broadcasting Cooperation on Morning Live approached us to highlight the failure of post settlement support in Willow Park Zeerust, which was broadcasted with a follow-up of quarterly update until that community accessed the deserved infrastructure. The other case was in Free State with a case of "lack of access to ancestral graves" in a white farm in the Free State province, we provided with technical assistance and linked them to our sister organization the Free State Rural Development Association and Rural Legal Trust. A documentary was highlighting the refusal of white farmers to allow descendants of Farm workers and Dwellers to visit their ancestor's graves was shown thus putting the plight of Farm Dwellers and Workers on the National Agenda

This is the final narrative report of all activities conducted under Direct funding for Local NGO's on the basis of our proposal of January 2007 to December 2009. As stated in that contract, progress reports were submitted every semester and activities continued to focus on issues of post settlement support and livelihoods with Gender updates especially on women's access to land, all this emerged from the first phase of 2004-2006 activities. In this final narrative report, I am pleased to report that even though there have been challenges internally and externally, most of our activities have been successfully implemented. The most important and distinctive feature of this whole second phase of the project is the **advocacy and communication work** done by LAMOSA communities under the auspices of this project. The report will give a detailed explanation of this set of activities, including an assessment and suggestions for future work in this field. Finally, a tentative evaluation of the program and organisation as a whole, and some hints on its continuation beyond 2009.

**1.1 Political Context:** Land Reform policy is based on the Constitution of the Republic of South Africa, in particular Section 25 of the Bill of Rights, the so-called 'Property Clause'. Although the first sub-clause in Section 25 protects the properly rights of all from arbitrary interference, the eight subsequent sub-clauses (2-9) make it clear that the Constitution explicitly supports land reform, up to and including expropriation, and places a responsibility on the state to carry out such a programme of reform.

Three broad categories of reform are set out in the Constitution, in various legislation, and in government policy:

- **Restitution**, which provides relief for certain categories of victims of forced dispossession;
- **Redistribution**, effectively a system of discretionary grants that assists certain categories of people to acquire land through the market (under the so-called 'willing buyer, willing seller' policy); and
- **Tenure reform**, intended to secure and extend the property rights of all, especially the victims of past discriminatory practices who occupy state land under traditional leadership and communal areas, as well as farm dwellers on privately-owned farms

**1.2 Envisaged Targets and Delivery at the Commencement of this Program**

The total farmland of South Africa is approximately 100 million hectares (ha). The total white-owned farmland in 1994 was approximately 82 million ha. Under the Reconstruction and Development Programme of 1994, the ANC set a target to transfer 30% of white-owned land to the previously disadvantaged within five years. This would have amounted to approximately 24.6 million ha. Having failed to reach even one-tenth of this target (i.e. less than 3%) by 1999, the time-scale for reaching the official target was extended to 20 years (i.e. to 2014), and there is likelihood that the goal post will be further shifted to the year 2030. To date, approximately 3, 3 million ha has been delivered under all aspects of the land reform programme. This means that a total of 21.3 million ha must still be delivered by 2014 or 2.36 million ha per annum between 2006 and 2014. Given the slow progress to date, and the lack of any sign of a radically new approach, it is highly unlikely that anything close to the official target will be achieved by 2014.

**Summary of Land Transfers 1994-2006**

<b>Programme</b>	<b>Hectares</b>	<b>%</b>
Redistribution	1 477 956	43.8
Restitution	1 007 247	29.9
State land disposal	761 524	22.6
Tenure Reform	126 519	3.7
<b>Total</b>	<b>3 373 246</b>	<b>100.0</b>

*Source: Dept Land Affairs 2006*

Apart from the slow pace of land transfers, major challenges exist in the areas of securing equitable land rights for all and providing appropriate pre and post-transfer support to assist intended beneficiaries to use their land productively. The Department of Land Affairs admitted publicly that it has failed in this regard and in fact post settlement support was an after thought to them. In addition, Land reform beneficiaries are faced with other kind of challenges such as water rights, and other Commercial Pressures on land such mining versus farming.

### **1.2.1 Key challenges on Restitution**

This programme is a right based programme, which should not be affected by the Willing Buyer Willing Seller principle (WBWS), however it only addresses claims within the 13% of the state owned land, and does not touch the remaining 87%. The Restitution programme has had to deal with approximately 80 000 land claims, from community groups and individuals. Over 73 000 mostly urban claims have been settled to date, but the vast majority have been individual (i.e. family) urban claims that have been settled by means of cash compensation (i.e. without any restoration of land).

The remaining 6,000 claims are mostly large, community-based claims in rural areas, many of them spanning multiple farms of high value, where claimants are demanding the return of land. These claims are concentrated in the provinces of Northwest, Eastern Cape, KwaZulu-Natal and Limpopo. To date, less than 200 such claims have been settled by the return of rural land, so the challenges facing the restitution programme remain enormous, both in terms of land transfer and provision of post-transfer support.

Government has set a number of deadlines for the settlement of all outstanding claims, the latest of which is March 2008. It is highly unlikely that this deadline can be met, and the institutional uncertainty it has caused for the Commission on Restitution of Land Rights (which is currently due to be shut down in 2008) is highly detrimental to an orderly completion of the restitution process.

#### **1.2.1(a) Key challenges facing the Restitution programme included the following:**

- Sky Rocketing prices, instability of markets and complex negotiation with current landowners, and need for expropriation in some cases
- Lack of appropriate land use planning for high-value agricultural land;
- Ambiguous role of other key departments such as Local Government. No inter Governmental planning
- Conflicting claims and overlapping rights of claimants.
- Provision of pre and post-settlement support services to claimants
- Capacity building within Communal Property Associations and Trusts, in order to enable them to manage their affairs effectively
- Clarity on the role of traditional leaders, who have come to dominate many community claims
- Clarity on the methods for equitable division of benefits within claimant communities, and the need for external oversight.

#### **1.2.2 Key challenges facing Redistribution includes:**

Challenges facing land redistribution are similar to those of restitution, but also include matters relating to selection and acquisition of appropriate land, beneficiary targeting and project design.

- Slow acquisition of appropriate land
- Inappropriate ‘business planning’, especially for the poor;
- No Title Adjustments and subdivision of large farms;
- No provision of pre and post-settlement support:
- Lack of adequate extension and training services (by provincial Departments of Agriculture)
- Lack of integrated planning for Infrastructure (roles for Local Gov, Public Works, DWAF etc.)
- Lack of Access to small-scale credit, Access to farming inputs and markets farmers

### **1.2.3 Key challenges: tenure reform**

Tenure reform relates to the securing of rights for occupiers of commercial farms and communal areas. A study by Nkuzi Development Association suggests that up to one million farm dwellers have been removed from commercial farms since 1994, and that minimal protection is offered by the Extension of Security of Tenure Act (ESTA).

Key challenges in the area of tenure policy are:

- Overcrowding, and overlapping rights in communal areas and lack of clarity on individual rights.
- Ongoing eviction of farm workers and farm dwellers, without intervention by SAPS, DLA etc.
- Ongoing insecurity and slow progress with tenure reform for labour tenants;
- Stalled implementation of the Communal Land Rights Act (CLRA), which can be related to its poor designed, lack of consultation, widespread opposition, excessive powers for traditional leaders and lack of protection for women's land rights.

### **1.3 Policy Development Process**

Following the National Land Summit of July 2005, A range of far-reaching resolutions were taken but there has been little or no implementation of these resolutions to date and little change to land reform policy. Various Policy documents were developed, including foreign ownership of land, Expropriation Bill etc...

At the beginning of 2007, The post-summit process was initiated but collapsed together with multiple task teams (including representation from civil society organisations), a range of 'special advisors' on issues, such as a review of willing settler, willing buyer, and foreign ownership of land, but without any clear overall direction and little concrete output to date. Civil society got fed up with the way government officials have undermining their efforts by absenting themselves at meeting and last minutes changing dates. There was also a series of parallel processes at presidential level, duplicating the work of the National Steering Committee, and no resources was ever made available for the work of the National Steering Committee, therefore the NGO group had to subsidise with their time, but never appreciated.

Within DLA, internal processes with regard to new policies resulted on the following strategies been developed

- a. Area-Based Planning (ABP)
- b. Pro-Active Land Acquisition Strategy (PLAS)
- c. Settlement Implementation Strategy (SIS)
- d. Land and Agrarian Reform Project (LARP) etc

These have not yet become official policy, only strategies that we expected to be piloted. While there have been calls at the level of Minister and President for review of land reform policy, there appeared to be little political guidance on the direction the programme should now take. To date, progress on these strategies is muted, and we have seen now an introduction of the new framework called Comprehensive Rural Development Strategy (CRDS), the big question is, what happened to both LARP and SIS? Have we given ourselves a chance to try and test the strategies whether they could work or not before we jump for new ones? only the Department can respond. Annexed is LAMOSAs submission on the new strategy at both Provincial and National Consultative Meetings.

## **2. LAND AND AGRARIAN REFORM (BELGIUM FUNDED WORK)**

### **2.1 Program Objectives**

- To lobby and Advocate and for a Transformational land Reform program
- To facilitate Participatory policy research, development and dialogues at all levels of government and governance
- To Grow and nurture governance and institutional capacity through learning
- To ensure Participatory Monitoring And Evaluation of the Program through Social Audits

### **2.2 Activities**

#### **2.2 (a) Programme Activities at National Level Included:**

- 2 Advocacy trainings on SIS and ABP strategy reviews
- 1 National Study Tour on alternative farming e.g. Nguni Cattle Farming.
- 3 Annual General Meetings, preceded Provincial Planning and Summits.
- 3 Submissions at National Parliament, and portfolio committees
- 2 meetings with the ANC portfolio committee on Rural Development and Land
- Participated in AGRIBEE steering committee, still an ember of the committee
- Co Established the Provincial Growth and Redistribution strategy (PGRS) IN Northwest convened by the Provincial of Agriculture and Land Affairs
- Coordinated and Hosted the African Region Women's Land Link Academy

#### **2.2(b) Programme Activities at Local and Municipality Level included:**

1. Facilitated community meetings to introduce the Land and Agrarian Reform Forums Program in each community and advised them to form district forums where they could share experiences – civil society district committees have been established
2. Trained 6 communities on Mapping to assist their community profiling processes.
3. Facilitated the process of Community Rules and land use planning.
4. Organised inter-community and peer to peer learning exchanges
5. Facilitated linkages that would leverage the necessary resources for the effective land used, e.g. Barokologadi accessed funding from the National Development Agency (NDA) for their livestock farming business.
6. Convened Capacity Building and Training sessions of Communities in IDP and ABP Facilitated CSDI and MDG workshop in each district
7. Held several meetings with the Two Restitution Commissioners –, Limpopo and Mpumalanga Regional Land Claims Committee to sort out cross border conflicts (some areas claimed fall within the Limpopo Boundaries and most of claimants are still in Limpopo) to raise the issue of dominant claim and post settlement support
8. Met with Traditional Authorities to find ways and means of resolving conflicts, and stimulating dialogues on Patriarchy and importance of Traditional leadership in advancing the rights of women.
9. Mapped stakeholders in the District and local municipalities to in block resources and identify potential partners
10. Mobilised and organised communities to effectively take part in political structures especially ward committees effectively take part in

“Taking Parliament to the People” with the intention of highlighting our Belgium funded work and challenges on post settlement support and plight of farm dwellers.

11. Local to Local Policy Dialogues which was concluded by partner Dialogues to link claimants with potential partners to their work.

While there have been efforts to improve intergovernmental relations and integrate planning and delivery processes across different sectors, LAMOSA’s challenge was that many municipalities we work with remain weak and intergovernmental relations is totally fragmented.

Clearly the role of local government is central in land reform and rural development. Although LAMOSA works in six municipalities it has a very low profile (Except in the three municipalities in Northwest and Mpumalanga) in local government and its engagement is extremely limited. LAMOSA have engaged with District and Local Municipalities on a project by project basis and our success differs from project to project. It is acknowledged that cooperative governance is critical and has made attempts to coordinate and integrate development but at a project level.

After an extensive discussion with Jean Jacques Quatriat, the then Belgium Development Cooperation officer, it was agreed that the following District municipalities and communities should be identified as sites to implement the Belgium funded program. According to Jean Jacques, the targeted groups were still too much, and would prefer u targeting at least Municipality and 2 communities to maximise impact, however it was very difficult decision to make considering the nature of the organisation. The following sites was finally targeted for the implementation, however, the rest of the other communities were always included in national and district activities.

<b>Province</b>	Northwest
<b>Municipality Area and Communities</b>	Bojanala Platinum District Municipality Barokologadi Bakwena Ba tsetse
<b>Municipality Area and Communities</b>	Southern District: Ngaka Modiri Molema Uitkyk, Welgevonden Palmietfontein and Brackspruit. Motlatla and Bakwena Ba Mononyane

In addition to this communities, LAMOSA has organized other land claiming communities into the Mpahlalatsane Integrated Rural Development Program at a District level to create a platform for land claiming communities and landless people to collectively engage the Ventersdorp municipality in Integrated Development Planning, and both the provincial and national ministries.

<b>Province</b>	Limpopo and Mpumalanga( cross border )	
<b>Municipality Area and Communities</b>	<b>Sekhukhune District Municipality</b> Masha Makopole , Boomplats- Mashishing Communities (Jane Furse Region) situated in the Lydenburg local municipal and Mash Makopole(Kalfontein)	
<b>Municipality Area Communities</b>	<b>Midland District municipality</b> Moletele and Setlhare Communities (Mapulaneng Region) in the Botshabelo replicable patterns of post settlement Sustainable Communities	

Snap Shots of Some Cases dealt with

	<b>Community</b>	<b>Contact Person</b>	<b>Brief Developments</b>	<b>Belgium funded Interventions</b>
1.	Brokologadi ba Maotwe	TZ Molwantwa: 0834788655	<ul style="list-style-type: none"> <li>• The claim overlaps the Madikwe Game Reserve, and the Parks board tried to resist the claim</li> <li>• The land was restored in 2007, and the community has formed 7 different cooperatives and families donated a minimum amount of R2000.00 per household to kick-start their projects</li> <li>• The grants are not transferred as yet the community received a grant amount of R1.7M from NDA</li> <li>• The Provincial government and the Regional Land Claim Commissioner decided that the community would not have the Madikwe Game reserve and the Madikwe dam. Water from this dam is also still sold to neighbouring Botswana Government</li> </ul>	<ul style="list-style-type: none"> <li>• Assisted in restructuring of the committee to include the business sector</li> <li>• Capacity Building which resulted in resource mobilisation e.g. NDA funds and strategic partner</li> <li>• Facilitated annual Participatory Strategic Planning learning event</li> <li>• Provided technical support in project management</li> <li>• Provided advice and support in resolving social conflicts</li> </ul>
2.	Bakwena ba Tsetse	D Letlojane	<ul style="list-style-type: none"> <li>• About 280 land restitution claiming households who own plots and they have rented out portions of their plots to victims of post apartheid farm evictions</li> <li>• Challenges are overlapping rights, Overcrowding and lack of access to fundamental rights – bulk municipal services</li> </ul>	<ul style="list-style-type: none"> <li>• Training on dispute resolutions and land courts</li> <li>• Facilitated a community Rights, Citizenship and Democracy learning event</li> <li>• Provided support for participation in IDP processes Assisted Community to apply</li> </ul>

				for additional land
3.	Uitkyk CPA	A B Phiri	<ul style="list-style-type: none"> <li>• Uitkyk CPA has applied for restoration of 19 land portions (19) – one of the biggest land claims in the northwest province</li> <li>• To date only two portions had been restored to the Community, 4 portions about to be finalized.</li> <li>• Farmers on the 14 portions are abusing the provision of the constitution (Property rights) to delay the restoration of land , government lacks the capacity to expropriate the 15 farms</li> <li>• 20 households of farm workers and dwellers are squatting on the farm the DLA and the municipality have failed to provide alternative housing resulting in conflicts between Uitkyk CPA and landless squatters</li> <li>• Uitkyk CPA lacks the means of production necessary for working the restored land the DoA has failed to provide the necessary support forcing the community to lease the land to white farmers</li> <li>• Conflicts within the Uitkyk community as those who were not involved in the past 13 years of claiming the property want to take control</li> <li>• Community cannot resettle on the farm as the farm earmarked for residential settlement has not been restored</li> <li>• Lack of interest in agriculture by youth as their tertiary education focused on administrative skills</li> </ul>	<ul style="list-style-type: none"> <li>• Facilitated a Participatory Strategic Planning learning event – focusing on settlement planning</li> <li>• Facilitated development and design of Community Economic Development approach and plan</li> <li>• Facilitated a CSDI learning event</li> <li>• Supported community representatives to attend IDP processes</li> <li>• Provided technical and paralegal support re access to means of production – DoA</li> <li>• Facilitate conflict resolution – re landless farm workers</li> </ul>
	Goedgevonden	Thandiwe Lekopa 0836474691	<ul style="list-style-type: none"> <li>• Land Restitution Claiming Community of farmers, 350 households and about 500 landless households of farm dwellers who are victims of post apartheid evictions who lack access to the land redistribution</li> </ul>	<ol style="list-style-type: none"> <li>1. Facilitated 2 x communal land holding legal entity learning events</li> <li>2. Facilitated development of</li> </ol>

			<p>programme</p> <ul style="list-style-type: none"> <li>• Social conflicts related to overlapping land rights</li> <li>• High unemployment almost 50 %, most of the employed household heads work in urban town and only come at home at the end of the month</li> <li>• Most families survive on social grants</li> </ul>	<p>constitution</p> <ol style="list-style-type: none"> <li>3. Supported representatives to attend IDP meetings</li> <li>4. Facilitated hosting of Women day 2007 activities for all women in municipal area</li> <li>5. Facilitated training of committee members in board and governance activities</li> <li>6. Mobilisation and organization of landless households</li> <li>7. Facilitated a community CSDI and MDGs learning event</li> <li>8. Participated in Regional Land Claims commission land rights dispute resolution meetings</li> </ol>
	Brackspruit CPA	Mogomotsi Marole	<ul style="list-style-type: none"> <li>• Land restitution claimants about 390 households and 280 landless victims of post apartheid farm evictions</li> <li>• Conflicts related to land rights</li> <li>• Conflicts related to involvement and interference to land restitution processes by municipal councilors and people who are not land claimants</li> <li>• Conflicts related to Community Economic Development – mining enterprises exploiting the delays in settlement of claim by DLA</li> <li>• High unemployment almost 50 %, most of the employed household heads work in urban town and</li> </ul>	<ul style="list-style-type: none"> <li>• Facilitated 3 x community conflict resolutions meetings</li> <li>• Assisted with a community constitution and other core documents</li> <li>• Supported community to attend project Management courses</li> <li>• Supported representatives to attend IDP processes</li> </ul>

			<p>only come at home at the end of the month</p> <ul style="list-style-type: none"> <li>• Most families survive on social grants</li> <li>•</li> </ul>	<ul style="list-style-type: none"> <li>• Provided technical and paralegal support to CPA with regards to land restitution claim</li> </ul>
	Masha Makopole CPA		<ul style="list-style-type: none"> <li>• Claimed Kalkfontein, near Lydenburg and Groblersdal</li> <li>• Community consisting of about 530 claimants households</li> <li>• High unemployment, as a result mining companies are offering jobs in exchange of land and mineral rights</li> <li>• Social conflicts – Traditional Authority versus Communal Property Association (CPA)</li> </ul>	<ul style="list-style-type: none"> <li>• Facilitated 3 x Community conflict resolution meetings</li> <li>• Supported CPA to deal with other stakeholders such as mining company</li> <li>• Reviewed their constitution and held elections</li> <li>• Inducted their newly elected CPA and introduced them to their councillor</li> <li>• Linked then t Agriculture in Limpopo, Olive plantations,</li> </ul>
	Boomplats-Mashishing		<ul style="list-style-type: none"> <li>• The Community got the land after the Minister expropriation in 2002.</li> <li>• Several processes to include consultatnts to assist with a settlement plan failed</li> <li>• The community is not yet back in the land because they are advised so by the DLA and the Agriculture to wait for a proper town planning</li> <li>• The community went a head and leasd the land for grazing to willing farmers</li> <li>• They have also started with Chicken farming</li> </ul>	<ul style="list-style-type: none"> <li>• Trained the community on IDP'S, LED and basic management course</li> <li>• Assisted community to draft a lease contract for grazing</li> <li>• Reviewed their community rules on regulation of rights to ensure that income benefits everyone</li> </ul>

	<p>Moletele and Setlhare</p>		<ul style="list-style-type: none"> <li>• The Moletele claim is around Hoedspruit, and includes other parts of the Kruger National Park</li> <li>• Part of the land was restored to Traditional Authority even though they were not claimants</li> <li>• There is a dispute over one portion called Andover, which is an overlapping claim between the Sethare and Moletele, both our communities</li> <li>• LRC is representing the two claims and have so far facilitated talks between the commissioner, the land owners and the community.</li> <li>• There is hope that the remaining portions will be transferred soon</li> </ul> <p>Setlhare community had to struggle against local Municipality, who wanted to erect RDP housing and develop the land for redistribution to the public without realising that the land is under claim. The Municipality was ignorant of the claim and the stage, as the claim was already gazetted.</p>	<ul style="list-style-type: none"> <li>• Held several meetings with the both commissioners – Limpopo and Mpumalanga Regional Land Claims Committee to sort out cross border conflicts (some areas claimed fall within the Limpopo Boundaries and most of claimants are still in Limpopo) to raise the issue of dominant claim and post settlement support</li> <li>• Met with Traditional Authorities and LRC to find ways and means of resolving conflicts</li> </ul> <p>LAMOSa facilitated a meeting with the Midland Municipality, wrote letters to object and stop the development as according to section 33 of the constitution.</p>
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### **b) Program Outcomes**

- LAMOSAs contribution is valued and known to major stakeholders both at local national and international level
- Community has advances in Developing and Dissemination of relevant post settlement Advocacy Messages and policy submissions
- Empowered communities on processes of acquiring land and other developmental resources
- Informed communities on their rights to land and especially to the Municipalities Infrastructures Act and Intergrated Development Planning
- For the first time in tears, through local dialogues communities are engaging their local authorities without waiting for fieldworker or outside assistance

### **c) Challenges**

- The ad hoc nature of intergovernmental relations has resulted in poor service delivery at community level, including problems of duplication, unfunded mandates, and a general inability to forge collaborative partnerships or find common ground for joint action.
- Lack of enabling environment in terms of policy , resources as well as lack of consistency by the Department of Land Affairs and Agriculture (now called Rural Development and Land Affairs ) to implement agreements and resolutions, e.g Abandoning the LARP and SIS strategy
- Lack of Capacity in terms of staff turnout for both LAMOSAs, and the Department itself
- Knowledge about land reform at the Municipality Council level is still lacking, and political interference and politically deployed staff poses a challenge. Most Municipalities are struggling with accountability issues and are placed under administration, which shifts the focus away from resettling communities

Result	Activities	Deviation and Explanation	Impact
<p>Transformational Land and Agrarian Reform : Land Reform Implementation and Review</p>	<ul style="list-style-type: none"> <li>• Attended Post Summit Task Team meetings to operational resolutions of Land Summit</li> <li>• Mobilised Rural Women towards the World Congress on Rural Women in Durban</li> <li>• Attended he AGRIBEE steering committee to try and nationalise LAMOSA's community plans</li> <li>• Participated on Advisory Committee of the minister</li> <li>• Held 4 National AGMs preceded by Dialogues on Foreign ownership of land Community meetings</li> <li>• 5 day Advocacy training and planning</li> <li>• Facilitate community driven campaigns on               <ol style="list-style-type: none"> <li>1. Speed Up Land Restitution, say no to cash compensation, opt for land.</li> <li>1. Moratorium on evictions both urban and on Farms</li> <li>2. Save the seed Campaign, say no to GMO's</li> </ol> </li> <li>• Visit and enquiries to the land claims court and commission by the communities affected as well as evictions on farms.</li> <li>• Learning sessions on Tenure policies that exists, both communal and on farms</li> </ul>	<p>Not much except that the outcomes was not as expected. Post Summit processes collapsed as a result of lack of commitment by the DG of land Affairs and NGO's pulled out, see letter.</p> <ul style="list-style-type: none"> <li>▪ The Department had so many forums duplicating the work, and as a result, various conflicting processes ws observed Progressive Resolutions of the summit was undermined, however not all was lost as we saw the development of various strategies such as ABP, SIS, PLAS etc</li> <li>• Progressive Rural Women and Civil society organisation was sidelined and LAMOSA organised a protest and side event</li> <li>• Moratorium on Evictions is ongoing even though it seem to be ineffective as it</li> </ul>	<ul style="list-style-type: none"> <li>▪ In principle agreement to establish partnerships far transformational land reform reached</li> <li>▪ Land and support for claimants issues placed on the IDP'S and provincial agenda</li> <li>▪ Almost all eviction brought to the attention of LAMOSA were stopped.</li> <li>▪ LAMOSA chairperson who is a member of the community sits on the Ministerial Advisory Committee</li> <li>▪ Through participating in the local Municipal IDPs we have raised awareness on politician and policy implementers on the needs of planning for land reform beneficiaries</li> <li>▪ Organized land and Agrarian Reform forums at the District level involve politicians and policy</li> </ul>

		<p>is not legally binding and inhibited by some sections of the constitution.</p>	<p>implementers as well as farm owners and this has improved relations on farms. Local, District, provincial and National Land and Agrarian Reform Forums have been established</p>
<p>Rights Sustainable Livelihoods Security : Community Empowerment and Organising.</p>	<ul style="list-style-type: none"> <li>• Convene meetings at community level</li> <li>• Organise study tours and exchanges</li> <li>• Assist communities on channels for application e.g. filling an application form, listing beneficiaries and liaising with the department.</li> <li>• Capacity Building on IDP'S</li> <li>• Attended IDP activities</li> <li>• Stakeholder/role-players forum to formalize relationships</li> <li>• Received and dealt with referrals from Black Sash, Legal Aid Board, Wits Legal etc</li> <li>• Tenure Rights Workshop on Title Adjustments Act, CLaRA, ESTA, Inheritance Rights (International Gender Machineries, Labour Rights ect., Information dissemination on tenure and Human Rights Farm Visits Stakeholders meetings</li> <li>• Facilitate the process of land use planning.</li> <li>• Facilitate linkages that would leverage the necessary resources for the effective land used</li> </ul>	<p>Study Tours and Exchanges where done in the 2008/9 financial year, summer when we thought that weather conditions has improved to get most hours of the day, unfortunately the rainy weather dominated the season and the exchanges did not go as planned. Most of our visits where in-doors.</p> <p>IDP meetings are ongoing monthly activities Meeting with RLT aimed at creating an enabling and supporting environment for restitution communities as well as Farm Workers and Dwellers to access services of Potchefstroom Justice Center</p>	<p>207-2009 has seen most of our Major claims tracked and partially settled, see community reports above.</p> <ul style="list-style-type: none"> <li>▪ Ter training on Mapping exercise, some of our communities are busy profiling their households, and that will assist with beneficiary and non beneficiary audits. The issue of Landless Farm Dwellers and Workers has been put high on the agenda of Rustenburg municipality</li> <li>▪ Municipalities awareness of Farm Dwellers Housing</li> </ul> <p>The needs of Bojanala platinum District Farm Workers and Dwellers have been submitted to the Provincial DLA and Treasury department</p>

<p>Institutional Support and Governance at all levels of LAMOSA operations (Local, Regional and National)</p>	<ul style="list-style-type: none"> <li>• Facilitate development of rights based, non-stigmatising and non-discriminatory workplace policies.</li> <li>• Ensure that there are effective and efficient systems for programme monitoring and evaluation of policy implementation.</li> <li>• Ensure that there is appropriate human resource to implement the programmes</li> <li>• Improve human resources systems to facilitate the effectiveness of LAMOSA in dealing with the projected activities.</li> <li>• Monitor that HIV and Aids information dissemination in the workplace and in the field.</li> <li>• Explore sustainability options.</li> </ul>	<p>There was no need for deviation as this part was implemented</p>	<p>Recommendations from the evaluations, LAMOSA redrafted policies and procedures after a bard training.</p> <p>HIV/Aids ORGANISATION was invited to take part in the community rules workshop in Mapulaneng to ensure non stigmatisation of women and affected families</p> <p>Staff Development Programme is in place, and our field staff is attending courses with the University of Pretoria Continuing Education and short courses.</p> <p>Pastel Payroll training s done for all our personell, even though we are still relying on part time bookkeepers.</p>
<p>Increased Monitoring and Awareness of the Marginalized especially Farm workers and rural women’s rights</p>	<ul style="list-style-type: none"> <li>• Facilitate an active monitoring process of the land redistribution particularly to the vulnerable groups</li> <li>• Ensure that women and vulnerable groups benefit from the re-distribution</li> <li>• Promote a human rights culture and social development on farms</li> </ul>		<p>Emergence of an alliance of NGO and CBOs working in the NW province to monitor progress made against advocacy plan</p> <p>All our communities were represented at the AGM and ensured that their activities are on the agenda of LAMOSA Received pamphlets “your</p>

			guide to parliaments and disseminated to Farm Workers and Dweller – important amongst these were parliament on the working of parliament committees
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#### **4. Tentative Evaluation and future possibilities**

The State has a numerous alternatives to test and options to follow:

1. Either to maintain the Status Quo, which will not demonstrate creative leadership nor solve the problems that have been identified. or
2. Modify the policy so as to increasingly take into account the high rates of urbanisation and the décline in the agricultural sector. This would result in an increased focus on both rural and urban land reform and housing in urban areas, which can be linked to employment opportunities, training and skilling of beneficiaries.
3. Look towards fostering intergovernmental re ;lations and an integrated approach to land reform, housing and job creation, encouraging small scale organic farming in the rural areas with increased emphasis on the LED programmes in the urban areas. This in turn implies an emphasis upon integrated planning and the review and upgrading of IDPs in all Municipalities in order to create synergies between the private and public sectors.
4. Utilize the resources held by the NGOs to work with government and the private sector to channel funds and development into those programmes and priority areas identified in the IDPs
5. Reduce the time and amount of red tape that investors and developers have to face in order to bring their projects to fruition. This could start with allocating funding resources to strengthen Civil Society organisations, prompt payment by all Government Departments and municipalities to the SMME and BEE service providers, so ensuring growth in this sector.
6. Even if land is a national competency, the planning and implementation of land reform must cut across national, provincial and local spheres of government, and has to be further reinforced by the area based planning approach (ABP).
7. Measures to make co-operative governance feasible, practical and functional have to be at the centre of any strategy seeking to involve different government actors in the provision of settlement and implementation support.

## Conclusions

For effective Land and Agrarian Reform Forums to be implemented, we need the necessary political will and support; indications are that this programme has raised awareness amongst politicians and policy implementers and with the relationships LAMOSA has established with the new minister, and hoping that the new Director General of DLA will also buy into this programme we are of the opinion that legislation will be put into place next year to ensure that all key stakeholders support this initiative.

Overall we believe that the program has achieved more than we expected, also raised the profile of LAMOSA to its rightful place - center stage in the Land And Agrarian Reform sector. The fundamental for are not yet in place for a transformative land and agrarian reform that will create livelihoods, alleviate poverty and grow the economy. The current 'vision' of land reform remains largely conservative – based on existing farm units and 'commercial' models of agriculture - and does not address the needs of the rural poor for food production.

Land reform is being hampered by inappropriate policy frameworks, severe lack of capacity within the Department of Land Affairs and the Commission on Restitution of Land Rights to take advantage of the open windows in the current policy framework. Little effective support for land reform beneficiaries is being provided by many provincial Departments of Agriculture and local municipalities.

Key questions that will define South Africa's land reform programme still have to be answered:

- Which land should be targeted – high potential land, land in areas of high population?
- How will land be acquired – on the market, through negotiation, by expropriation?
- Land for whom – existing farmers or the landless, those with resources or the very poor?
- Land for what – subsistence or commercial farming, on a large or small scale?
- Who will provide support – state, private, neither?

These fundamental questions, which were ducked in 1994, now need to be addressed. This will require a radical redesign of the redistribution programme, in particular. Any new approach must fully involve intended beneficiaries and civil society structures in all aspects of design and implementation, and state support should respond effectively to stated needs of beneficiaries.

