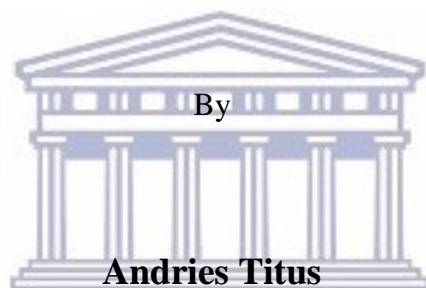


**A Public Participation Perspective of the Process of Post-Settlement
Support in Elandskloof**

A mini-thesis submitted in partial fulfilment of the requirements for the
Master's Degree in Public Administration (MPA)



UNIVERSITY *of the*
WESTERN CAPE
School of Government

Faculty of Economic and Management Sciences

University of the Western Cape

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November 2017

DECLARATION

I, Andries Titus declare that *A Public Participation Perspective of the Process of “Post-Settlement” Support in Elandskloof* is my own work and that it has not been submitted previously to any university or institution of higher learning. All the sources of information specified in this work have been duly acknowledged; both in the text and in the bibliography.

ANDRIES TITUS.....

26 NOVEMBER 2017.....



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Thanks and praise to the Almighty who granted me the opportunity and courage to study at the University of the Western Cape.

I extend my gratitude to my previous colleagues at Surplus People Project for their support and for providing accommodation and a motivation to ensure that I complete my thesis.

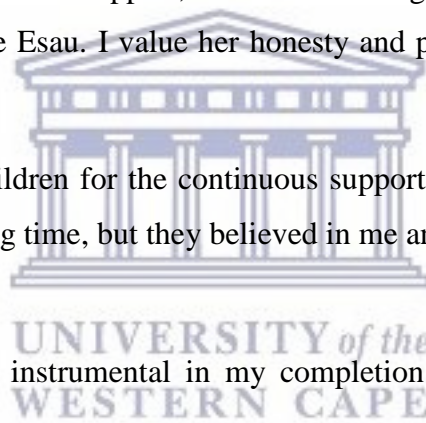
I would like to thank the special people who assisted me with the fieldwork and their input, to make the thesis possible.

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To all my friends who were instrumental in my completion of this degree, I extend my sincere thanks.



DEDICATION

I would like to dedicate this thesis to Gabiba Mokadam, Programme Co-ordinator at the Division for Lifelong Learning at the University of the Western Cape, who helped me and encouraged me since I started at the University. She did everything in her power to enable me to get a decent education and never stopped believing in me. Without her advice and inspiration, I would never have been able to study at the University. I will always remember her contribution to my lifelong learning exercise.



ABSTRACT

Since the dawn of South African democracy in 1994, extensive laws and policies have been introduced to facilitate transformation in the political, social and economic spheres. While South Africa has been lauded world-wide for its detailed and sophisticated constitution, many cases attest to the challenges of implementing the stipulations of the constitution, laws and policies. Arguably, constitutional rights and entitlements do not automatically result in a better life for ordinary citizens post-apartheid. Moreover, restitution processes towards addressing the atrocities of apartheid are fraught with challenges. The process of land restitution is an example that illustrates the numerous challenges in implementing laws and public policies in South Africa. Restitution is one of the three pillars of land reform – the other two are land redistribution and land tenure reform – that were introduced by the African National Congress (ANC) -led government to secure land rights to black people in South Africa. Land reform is essential to bring about political and economic development and the South African government has committed itself to transforming land ownership to reflect the democratic realities and to redressing the history of dispossession and exclusion suffered by the black majority of South Africans. While the transfer of land and settlement of claims have been processed gradually, growing evidence shows that this does not simply translate into development, poverty reduction or reconciliation.

Policy-makers and scholars have debated why this is the case, and have sought to identify what the shortcomings are in how post-settlement support was designed and delivered to those who have received agricultural land. Post-settlement support refers to the transfer of skills to recipients to enable the sustainable management of key natural resources and to secure water rights through government's programme of water allocation reform. It also relates to equipping recipients with the skills to produce goods and services. Other areas of support entail the development of institutions that manage land rights and benefits, access to housing, services and roads, access to health, education and social development benefits, in a transparent manner (DLA, 2007:iii). Appropriate and meaningful post-settlement support is therefore dependent on access to finance, equipment, technical support, community engagement and business support.

This thesis examines the challenges and successes of restitution in South Africa with a specific focus on post-settlement support. The community of Elandskloof is presented as a

case study to illustrate the reasons why the restitution of land has made a limited social and economic contribution to the livelihoods of the Elandskloof community. More specifically, the researcher uses a participatory perspective to conceptualise the challenges of post-settlement support in Elandskloof. The study employs qualitative techniques to analyse and interpret the experiences of people currently residing at Elandskloof, previous leaders of the Communal Property Association (CPA), the officials from the Department of Rural Development and Land Reform (DRDLR), officials from the municipality and the consultants appointed as planners for Elandskloof. The main findings suggest there are numerous shortcomings with the implementation of the land reform programmes, specifically the post-settlement support for restitution beneficiaries. However, the study suggests that giving land back to their rightful owners must be accompanied by the building of human capacity, infrastructure development, and agricultural training and investment opportunities for the youth.



KEY TERMS AND CONCEPTS

Land Reform

Post-Settlement Support

Land Restitution

Communal Property Association

Land Tenure

Land Redistribution

Participation

Human Capital

Integrated Development Plan

Elandskloof



LIST OF ACRONYMS AND ABBREVIATIONS

AsgiSA	Accelerated and Shared Growth Initiative for South Africa
CPA	Communal Property Association
CRLR	Commission on Restitution of Land Rights
CSIR	Council for Scientific and Industrial Research
DARDLA	Department of Agriculture, Rural Development and Land Administration
DG	Director- General
DIF	District Intergovernmental Forum
DLA	Department of Land Affairs
DRDLR	Department Rural Development and Land Reform
ECPA	Elandskloof Communal Property Association
ESC	Elandskloof Steering Committee
IDP	Integrated Development Plan
ISRDS	Integrated Sustainable Rural Development Strategy
LRAD	Land Redistribution and Agricultural Development
LCC	Land Claims Court
MTP	Mediation and Transformation Practice
NDA	National Development Agency
NDP	National Development Plan
PIF	Premier's Intergovernmental Forum
PLAS	Proactive Land and Acquisition Strategy
PRLO	Provincial Land Reform Office
RADP	Recapitalisation and Development Programme
RDP	Reconstruction and Development Programme
RLCC	Regional Land Claims Commission
SALGA	South African Local Government Association

SIS	Settlement and Implementation Support
SPP	Surplus People Project
SSDP	Settlement Support and Development Planning



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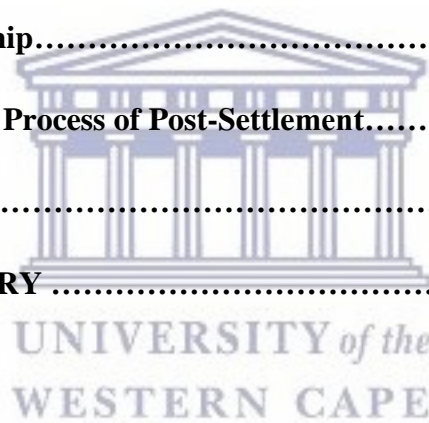
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CHAPTER 1

INTRODUCTION

1.1 BACKGROUND TO THE STUDY

The 1913 Natives Land Act and the 1936 Native Trust and Land Act are legislation that dispossessed black people of their forefathers' land. According to the 2011 census (StatsSA, 2011) the country's population is 51 770 560, of which 26 581 769 (51.3%) are female and 25 188 791 (48.7%) are male. Africans are in the majority at just over 41 million, comprising 79.2 % of the total population. The Coloured population is 4 615 401 (8.9%), while there are 4 586 838 (8.9%) whites. The Indian/Asian population stands at 1 286 930 (2.5%). In 2011, the category of "other" was included in the Census, and accounts for 280 454 or 0.5% of the total (StatsSA, 2011). The distribution of land in South Africa is a discussion in the public domain that received attention from different political parties. Political leaders of the Economic Freedom Fighters (EFF) and the African National Congress (ANC) used community platforms and raised the land question as the main reason for the inequalities we face in the country. The President of South Africa, Jacob Zuma said on national television during April 2017 at his birthday party that the government must return the land to the majority of the people who it belongs to in ensuring the inequalities are addressed in the country. This dispossession contributed to generations of black people effectively being excluded from the South African economy. In 1994, as a result of colonial dispossession and apartheid, 87% of the land was owned by whites and only 13% by blacks. By 2012 post-apartheid land reform had transferred 7.95 million hectares into black ownership (Nkwinti, 2012), which is equivalent, at best, to 7.5% of formerly white-owned land. Whites as a social category still own most of the country's land and redressing racial imbalances in land ownership is land reform's most urgent priority. (Walker, 2007).

Restitution addresses the legacy of forced removals by restoring land to those disposed of property since the Natives Land Act of 1913. The Restitution of Land Rights Act 22 of 1994 (RSA, 1994), one of the first pieces of apartheid reform law (Hargreaves & Eveleth, 2003), states that a person or community was entitled to lodge a claim for restitution of that property by 31st December 1998.

In its Reconstruction and Development Programme (RDP) Policy Framework document of 1993, the ANC declared that: “A national land reform programme is the central and driving force of a programme of rural development”. The RDP set a target of distributing 30% of agricultural land within five years after the start of democratic governance. In order to address the unequal land distribution, the new government introduced a Comprehensive Land Reform Programme in 1997, addressing each of the constitutional requirements, namely the three pillars of land restitution, land redistribution and land tenure reform. Restitution involves the return of land to people who were dispossessed after 1913, the year of the first Land Act, which legalised land dispossession on a large scale. Redistribution of land aimed to address the highly skewed ownership of land along racial lines. Tenure reform aimed to strengthen the rights of people whose land tenure is insecure as a result of discriminatory laws and practices in the past: farm workers, labour tenants and rural households living on privately owned land, and people living in the former homelands (now called communal areas), under the authority of traditional chiefs (Cousins, 2013:1).

Land carries a powerful political charge, as is the case in neighbouring Zimbabwe, which had a similar pre-democracy history to South Africa. It was for this reason as well that reconciliation was seen in 1994 as one of the important motivations for resolving the land question. A second motivation for land reform is the belief that redistribution of farmland, together with other rural development programmes, can make a significant contribution to poverty reduction. The ANC asserts that the success of land redistribution will be improved if there is greater oversight over land, farming equipment and technical skills transfer to the beneficiaries of land reform (ANC, 2017). It further argues that institutional capacity needs to be improved with regards to accurate record keeping and the removal of uncertainties with regard to the roles of various overlapping public sector bodies involved in land reform.

According to the White Paper on South African Land Policy (DLA, 1997:49), the goal of the restitution policy is to provide other restitutionary remedies to the vital process of reconciliation, reconstruction and development.

The Interim Constitution of the Republic of South Africa, 1993 Chapter 3, Section 8(b) (RSA, 1993) stated that any person or community dispossessed of rights in land before 27 April 1994, under any law which would have been inconsistent with the right to equality, had it been in operation at the time of the dispossession, may claim restitution rights. It makes provision for a qualification criterion for restitution claims, the establishment of a

Commission on the Restitution of Land Rights (CRLR), and provides for the powers of courts in restitution matters. The Restitution of Land Rights Act 22 of 1994 (RSA, 1994) was thereafter enacted, signing into law the establishment of the above-mentioned Commission on the Restitution of Land Rights, whose functions are to solicit and investigate claims for land restitution and to prepare them for settlement by the Minister or adjudication by the Land Claims Court (LCC). The LCC is empowered to make orders on the validity of land claims, and the form of restitution or redress that should be provided to claimants who meet the requirements for restitution (DRDLR, 2013). Given the above, this study examines one of the first restitution cases, namely the case of the Elandskloof community. In spite of returning the land to its rightful owners in 1996, nothing has changed significantly for the community in terms of economic empowerment and the productive use of land. For this reason it is important to delve into the experiences of this community in the hope of understanding what went wrong.

1.2 BRIEF INTRODUCTION TO ELANDSKLOOF

Elandskloof was the first land restitution case in the Western Cape in post-apartheid South Africa where the land was returned to the community. For many it was a symbol of hope for a post-apartheid society facing far-reaching political, social and economic change.

Elandskloof is situated approximately 200 kms from Cape Town and 17 kms from Citrusdal, a small area of land in the Cederberg. It is a rural area of the Western Cape. The Elandskloof Communal Property Association (ECPA) was created with the main responsibility of taking over the ownership of the land. On the 15th October 1996 the Land Claims Court ordered the restoration of the land in the Land Claims Court judgement for the restoration of land. Elandskloof was therefore the first case of a Communal Property Association (CPA) being used as a juridical person to hold land in South Africa. This specific CPA, however, became dysfunctional and more than ten years after the land was handed over, due to power struggles and conflict around decisions about resources, the community remains divided because of these conflicts and general mistrust. The ECPA was placed under the administration of the Director General of Land Affairs on the 18th October 2005 because the relationship between community leaders and beneficiaries of land collapsed. The Communal Property Associations Act 28 of 1996: Section 13 (RSA, 1996a) states that in the event of maladministration or

insolvency, a CPA may be placed under the administration of the Director General, or it may be liquidated (Barry, 2009:2).

It is more than ten years since ECPA was placed under administration and the land is in a very poor condition. Before being placed under administration, the community harvest was profitable and the buildings were in a good condition. The ECPA used to employ nine permanent workers to work in the orchards. Community members participated in harvesting fynbos and individuals with livestock used sections of the land for grazing. The buildings are now vandalised and no community activities such as song festivals and concerts happen in the buildings anymore.

1.3 RESEARCH PROBLEM CONTEXTUALISED

Restitution, once granted, is rights-based, and the law provides for either the restoration of land rights or cash compensation to the victims or people forced off their landed property. In South Africa, since the introduction of land reform legislation and policies, about 80 000 land claims were lodged by 1998, most of them related to urban plots. In the case of rural claims, much larger areas of land and groups of people are involved; therefore the process is far more complex and intricate. After a claim to rural land has been validated, the government negotiates a purchase price with the owner of the land, and the claimants must develop an approved business plan for how they will use the land when they take possession of it. While the framework may be in place, the administration under the ANC-led government faces numerous challenges typical of new democracies and in essence the government was unprepared for the issues relating to resettling communities which had been forcefully driven apart decades earlier. With time, it became apparent that true restitution involved much more than returning their forefathers' land to a community. It encompasses amongst other things, an integrated approach (that includes all relevant stakeholders) to resettling communities dispossessed under the apartheid regime; the transfer of skills, knowledge and capacity to local leaders and beneficiaries of land; and the provision of adequate infrastructure to restore the human dignity of the community and beneficiaries.

In South Africa, land reform is undertaken by the Department of Rural Development and Land Reform (DRDLR), previously the Department of Land Affairs (DLA), while post-settlement support is the responsibility of the Department of Agriculture, Forestry and

Fisheries (DAFF) and water supply is the responsibility of the Department of Water and Sanitation. These three departments find it difficult to work together in an integrated way to support the beneficiaries of land reform (Cousins 2013:2).

There is no consensus in the Commission on the Restitution of Land Rights (CRLR) on its role after a settlement agreement has been signed and after land has been transferred, or on its strategy to exit from projects. This debate in the ranks of the commission has been described as volatile. A few individual Regional Land Claims Commission (RLCC) staff and commissioners along with a number of non-governmental organisations have spearheaded the argument that restitution must be integrated with a development process, and that it is important to draw in other line departments when such planning is done. Some CRLR staff are opposed to this, holding the view that the role of the commission is purely to settle claims, not to engage in development. Only three RLCCs have established Settlement Support and Development Planning (SSDP) units with dedicated staff and there is no national policy framework in place to guide this aspect of the CRLR's work.

The land restitution legal and policy framework has been ineffective in facilitating real transformation for those who were forcefully removed from their land under apartheid. According to Sibisi (2015), while the democratic government continues land reform processes to redress social justice, less attention has been paid to offering post-settlement support for people who acquired land identified as suitable for agricultural production and development. Many scholars and writers have castigated the government for its inability to facilitate post-settlement support. They claim that this neglect has resulted in the failure of the land reform programme (Cousins & Walker, 2015). Some of the challenges related to post-settlement support in particular include the inability of new beneficiaries to access market opportunities; the widespread underutilization of productive and communal land; and the lack of sustainable farming amongst new black farmers (RSA, 2012.National Development Plan 2030).

Against this background, part of the problem can be attributed to the absence of post-settlement support by government which has led to the new land beneficiaries being unable to use land productively and as the basis for sustainable livelihoods. Three key areas of post-settlement support were not implemented by government. Firstly, institutional support to legal entities such as Communal Property Associations (CPAs) was lacking. Secondly, agrarian reform that facilitates access to agricultural training, production and market access

was not implemented. Disadvantaged communities know how to work on the land but lack the skills of managing agricultural land in a profitable and productive manner. Thirdly, the need for assistance with improving access to infrastructure and services was not satisfied.

To this end, the CPA has an important role to play in facilitating relations amongst various stakeholders with respect to the process of land restitution and post-settlement support of new beneficiaries. In the case of Elandskloof however, it seems that the CPA was an impediment to facilitating the process of post-settlement support. The CPA of Elandskloof has the attitude of knowing everything and being able to do everything. The underestimation of the knowledge and wisdom of the land beneficiaries, who lacked formal education, was a big mistake, as the CPA gave their friends and family members preferential treatment. An example was the appointment of the farm manager, who was the treasurer of the CPA, and his brother-in-law became the farm foreman. Another example was when the chairperson's brother-in-law, who was also the deputy chairperson, became the building contractor to restore the church and the parsonage and his friend was appointed to provide administrative support. All those people were not part of the Elandskloof community, but lived in areas outside of Elandskloof. For example, the treasurer lived in Ravensmead while his brother-in-law lived in Paarl; the chairperson lived in Atlantis while his brother-in-law lived in Worcester. The CPA also believed they did not need the assistance and advice of the commercial farmers to train new farmers and transfer agricultural skills. The treasurer, who was also the farm manager, believed that he had all the skills and training to do the financial management and that his brother-in-law as farm foreman had the practical skills and training to operate the farm since he worked on farms in Paarl for years and had enough experience to do the farming activities. Those were some of the issues that created mistrust and conflict amongst the land beneficiaries and the CPA committee. The election of the CPA members was based on their professions and positions they held in the private sector and in government. The CPA chairperson was a school teacher, the deputy chairperson was a pastor, and the treasurer was a senior official at Old Mutual. They were the decision-makers of the CPA and since some land beneficiaries showed a huge respect for them and did not necessarily differ with them, their views and opinions became decisions.

The table below illustrates the assets that the community inherited when receiving the land in 1996. Currently the citrus, pear and peach trees are not in productive use and community members rather make fire wood from the citrus and peach trees. The pear orchard still shows potential for producing some harvest, but it needs to be maintained and properly prepared.

Over the years, several fires demolished the mountain fynbos and the grazing land. These fires occurred mainly due to the negligence of the community members and children. In the first few years the Elandskloof community utilized the orchards, mountain fynbos and grazing land in a productive and profitable manner and the livelihoods of the community members were improved through those processes. Unfortunately, over the past 12 years the conditions of those profitable agricultural activities were neglected and are currently in a very poor condition. Before this land was returned to its original owners, it was utilised in a productive way.

Table 1: Assets inherited by the Elandskloof community in 1996

	Asset/s	Extent
1	Citrus trees	15.62ha
2	Pear trees	11.96ha
3	Peach trees	1.86ha
4	Grazing area	1000ha
5	Mountain Fynbos area	2100ha
6.1	Residential dwellings (208)	300m ² - 1220m ²
6.2	Shop (1)	85m ²
6.3	Church (1)	213m ²
6.4	Parsonage (1)	216m ²
6.5	Cemetery (1)	2630m ²
6.6	Primary School (1)	288m ²

Source: Rumbull, 2009:7.

The restitution claimants of Elandskloof returned to their place of birth but in some cases the houses were demolished or damaged. That resulted in many claimants erecting informal housing structures, without access to basic services.

1.4 PURPOSE OF THE RESEARCH STUDY

The primary purpose of this study is to examine the process of post-settlement support with a view to illustrating the effect of public participation and stakeholder engagement on community development in Elandskloof.

More specifically, the study aims to:

1. Examine the scholarly debates and theories on public participation with a view to develop a theoretical and conceptual framework through which to understand the problem of post-settlement support.
2. Examine the legislative and policy framework for land restitution and post-settlement support in South Africa.
3. Present a contextual background to the case of the Elandskloof community.
4. Identify and critically discuss the challenges and strengths inherent in the process of post-settlement support, as they relate to the Elandskloof community.
5. Present and critically discuss the main findings and conclude the study.

1.5 RESEARCH QUESTIONS

1. How has the Elandskloof community experienced land restitution?
2. What kind of post-settlement support was provided to the Elandskloof community?
3. To what degree were these initiatives coordinated across various government departments?
4. How was stakeholder engagement facilitated through the process?
5. What lessons can be learnt from the experiences of the Elandskloof community?

1.6 GUIDING ASSUMPTIONS

1. Simply returning land to communities dispossessed under apartheid is insufficient to guarantee development and progress for communities. Attention needs to be given to post-settlement support to facilitate the successful transfer, use and management of land.
2. Although cooperative governance is entrenched in the Constitution of the Republic of South Africa (RSA, 1996b), the case of Elandskloof illustrates the effect of poor inter-

governmental relations on the community's ability to resettle, use the land productively, and live a better quality of life in general.

3. Dissonance over stakeholder interests and priorities can affect post-settlement support from the state.
4. The land reform legislation makes provision for the creation of local structures known as Communal Property Associations (CPAs). The main purpose of these structures is to facilitate cooperative relations between the affected communities, government and other stakeholders. In the case of the Elandskloof community however, the CPA was the source of in-fighting and conflict between the local community, government and stakeholders. This affected the post-settlement process negatively.

1.7 RESEARCH METHODOLOGY

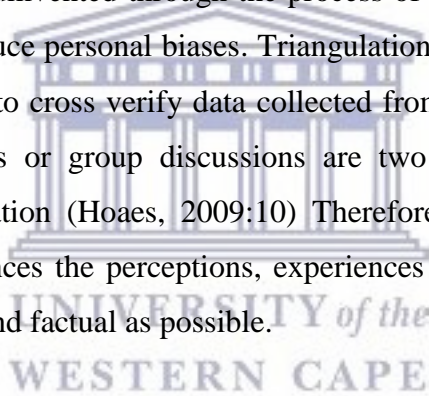
A case study is a research approach that is used to generate an in-depth, multi-faceted understanding of a complex issue in its real life context. The case study approach is particularly useful to employ when there is a need to obtain an in-depth appreciation of an issue, event or phenomenon of interest, in its natural real life context. It is important to understand and explain the links, pathways and outcomes resulting from a policy or service development. Case studies can be used to explain, describe or explore events or phenomena in the everyday contexts in which they occur. The case study approach can offer additional insights into what gaps exist in its delivery or why one implementation strategy might be chosen over another (Crowe, 2011:1). The area of Elandskloof was selected as a case study because it was the first restitution case in the Western Cape within the new democratic South Africa but it remains largely underdeveloped, twenty-one years after the Elandskloof community received the land.

The researcher applies qualitative techniques, as this approach is best suited to underpin the research and interpret the data. This approach is also used to explore, understand and describe the experiences, ideas, beliefs and values of the Elandskloof community and the process of land restitution and post-settlement support. Primary and secondary data sources were relied upon. Primary data sources include in-depth interviews, focus group discussions and personal observation. Secondary data includes journal articles, books, unpublished conference papers, government reports, minutes of CPA meetings, etc.

Interviews enable face-to-face discussions with human subjects. An interview schedule of questions was drawn up. Close-ended questions were used for asking and receiving answers regarding the Elandskloof case in order to eliminate speculation. Close-ended questions tend to produce short answers, enabling more efficient data management and analysis. Interviews were conducted with members currently living in Elandskloof. In-depth interviews were also conducted with former committee members of the ECPA. The evolution of the ECPA, the relationship with government, as well as various challenges experienced over the years, are some examples of matters that were probed in the interviews. In addition, other key interviewees included representatives from the Department of Rural Development and Land Reform (DRDLR), and the Cederberg Municipality. Rumbull and Partners (2012), who were appointed by the DRDLR as consultants to do the technical planning on Elandskloof, were also included as participants in the interview process.

Focus group discussions were conducted with the youth, previous youth leaders and the elders of the community of Elandskloof. Three focus group discussions were conducted with previous members of the youth organisation in Elandskloof, while existing youth members and elders were interviewed in separate focus groups. To ensure that the focus groups participated without intimidation and were comfortable to share their experiences and express their views, the participants were separated into focus groups according to age. The age categories included youth between the ages of 20-35. While the National Youth Policy 2015-2020 categorises youth as those between the ages of 14-35, the researcher identified youth between the ages of 20-35. In the Elandskloof community youth are basically recognised as such from the age of 20 and not younger. Other interviewees included previous youth leaders aged between 40-55 who are living in Elandskloof; and elders in the community aged 60 and older. The researcher was of the view that the inclusion of parents and the elders would add valuable insights. In the case of previous youth leaders, their experiences and involvement could be used to encourage the current youth members to participate in the current situation on Elandskloof and take ownership of their future. The elderly group could explain and share their wisdom and knowledge about their role and tradition before they were removed in 1962 and provide insights on the measures that were in place to farm the land productively and profitably in the past. For the sake of progress and to ensure that the information was true, the groups were interviewed separately because they usually blamed the different age groups for the lack of development in Elandskloof.

The researcher's own personal experiences were also relied upon in conducting the study. He has intimate knowledge of Elandskloof and has been an actor in the land claim and subsequent attempts at development of the area. The researcher's parents are direct beneficiaries of the Elandskloof land restitution claim, having been evicted in 1962 and subsequently returned to Elandskloof in 1997. During the early 1990s the researcher was elected as the youth leader of the community and was actively involved with social mobilisation, networking and negotiations in fighting to get Elandskloof back. In 1995 when the ECPA was established the researcher was elected as deputy secretary of the first committee of the Elandskloof Communal Property Association and continued to serve on the ECPA until it was placed under administration. From 1997 until 2012 he worked as a fieldworker and activist with the Surplus People Project (SPP). The researcher is currently employed at Cederberg Municipality and is not involved with Elandskloof at this stage. The perception could arise that this history could lead to bias when interviewing about some of the harder issues. This is circumvented through the process of triangulation, where different sources are relied upon to reduce personal biases. Triangulation can be understood as the use of multiple methods in order to cross verify data collected from a particular method (Sibisi, 2015:57). In-depth interviews or group discussions are two common methods used for collecting qualitative information (Hoes, 2009:10) Therefore, the use of interviews and focus group discussions balances the perceptions, experiences and interpretations to ensure that the study is as impartial and factual as possible.



1.8 RATIONALE OF THE STUDY

Two reasons influence the choice of the case study on land restitution and post-settlement support. It was the first land restitution case in the Western Cape under a new democratic political dispensation. While individuals were given back their land, the case illustrates the complexities associated with the implementation of laws and policies, as beneficiaries are not necessarily better off since resettling in Elandskloof. Land reform is an integral part of rural development, which is one of the priorities of the South African government. Restitution is a constitutional obligation of government and needs to address social inequalities in South Africa as well as accelerate economic transformation. At the same time, land reform programmes need to be holistic in their approach through considering issues of restitution and post-settlement.

While there have been other restitution cases to date, Elandskloof remains largely underdeveloped twenty-one years after being handed over to members of the community, who were evicted in 1962. It is important that the challenges and success stories be shared amongst South Africans who are recipients of land through the restitution process and that some important lessons emerge as the state continues to engage with other restitution claimants. Other restitution communities can learn through this case study about how to keep the state accountable in the implementation of their policies regarding post-settlement support and communities can learn to take ownership of their situation and implement their own development initiatives. The government announced that restitution claims will be re-opened for those who missed the deadline of 1998 and thus many lessons can be learnt by the new claimants from the Elandskloof case study.

Since the NDP's proposed District Land Committees, it is important that the experience and lessons from Elandskloof be shared in these structures, for future planning and implementation of future restitution claimants.

1.9 LITERATURE REVIEW

According to Hall (2003:1), restitution was meant to address the loss of land rights. These rights to restitution were established through Sections 25-27 of the 1996 Constitution, which prescribes restitution for loss of property, where people were dispossessed after 1913. "A person or community dispossessed of property after 19th of June 1913, as a result of past racially discriminatory laws or practices if entitled, to the extent provided by an Act of Parliament, either to restitution of that property or equitable redress" (RSA, 1996b). Notwithstanding these stipulations, the land reform programme of South Africa is a political issue that is often addressed by the current political leadership.

Consequently, South Africa's major challenge with reference to transformation in the context of land concerns the process of implementation and the dynamics between stakeholders. Arguably, part of the tragedy with the story of land reform in South Africa is that the country does not have officials in the Department of Rural Development and Land Reform (DRDLR) who are capable of turning the legal framework, structures, plans and dreams into reality. Rather, their involvement has been described as destructive and has become an important source of conflict, polarisation, frustration and mistrust (De Jager, 2008:2). Furthermore,

Sibisi (2015:31) argues that despite all post-settlement programmes employed by the DRDLR and other role players to offer support services, the land reform farms still lack relevant support to utilize the land productively and sustainably. This is a result of poor co-ordination amongst key service providers, inappropriate support and indistinct frameworks of the post-settlement support needed to be implemented. In addition, claimants need to understand their role and keep government accountable in enforcing the legislative framework influencing land reform. This has proven problematic particularly in the context of the establishment and functioning of Communal Property Associations (CPAs). CPAs are landholding institutions that were established under the Communal Property Associations Act No. 28 of 1996 (RSA, 1996a). CPAs were created for groups who needed to organise themselves as legal bodies in order to be able to receive title deeds to land under the restitution and redistribution programmes (CLS, 2013). By January 2007 a total of 952 Communal Property Associations (CPAs) had been registered. The former DLA's Communal Property Association's registrar, however, 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 of recipient communities.

The Council for Scientific and Industrial Research (CSIR, 2005) commissioned to investigate the alleged dysfunctionality of the CPAs, did a literature review and from that developed an assessment framework which they piloted and then applied in the field. The review assessed 25 CPAs comprising 19 CPAs, five trusts and one company. The review found that while five CPAs had totally collapsed, the majority of CPAs were partly functional from an institutional perspective, but were largely or totally dysfunctional in terms of the 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 often below what is required (SDC, 2007). In none of the cases where CPAs or trusts had received income from leases for example, had this been paid out to members. Members had not been able to hold these institutions to account. No official agency has taken responsibility for capacitating the CPA committee, empowering the members to hold the committee accountable, or overseeing implementation of the Settlement Agreement (Hall, 2007:16).

The aforementioned example highlights the importance of, inter alia, effective community leadership in driving land restitution and its benefits in local communities. Leaders serving on the Communal Property Association's structures require training on their role and

responsibilities to implement the objectives of those community structures. Beneficiaries have to possess knowledge of their rights and exercise those rights. Officials have to be empowered with adequate knowledge and skills to fulfil their roles and responsibilities to the benefit of ordinary citizens.

Previous research found that restitution communities and other enterprises as part of their restitution claims are confronted with two main challenges, namely access to sufficient and timeous finance as well as the lack of appropriate governance capacity to manage the intricacies of project level challenges. According to (Masoka, 2014:56) both restitution and redistribution projects in the post-settlement support phase are experiencing operational difficulties or are considered dysfunctional. Masoka (2014) further argues that the reasons behind such a situation are attributed to the following:

1. Insufficient training and skills transfer to beneficiaries receiving title to land;
2. Failure to assess the land use needs from the persons who receive the title to land in relation to the capacity and potential of the land;
3. Poor intergovernmental relations between the private sector and civil society;
4. Identification of important role-players and stakeholders too late in the process;
5. Lack of funding;
6. Lack of capacity and skills on the part of government to develop and implement business plans; and
7. Lack of access to infrastructure, finance, markets.

Becoming a beneficiary of land reform should be self-selective. The role of the state, then, should be limited to providing land purchase grants and settlement support services, which demand both budget and human resource capacity, both of which appear to be critically lacking in the course of the land reform programme in South Africa.

In this regard, the Premier's Intergovernmental Forums (PIFs) and District Intergovernmental Forums (DIFs) are now recognised bases for determining joint programmes, and for enabling shared prioritisation, strengthening co-operative governance and ensuring programme and budget alignment (SDC, 2007). These platforms need to be used to lobby and network for post-settlement support but must also be used to identify challenges that officials face in providing support to restitution beneficiaries.

Post-settlement support influences decision-making across various spheres of government and levels of community. In the case of service delivery to recipients for example, the Integrated Development Plans (IDPs) are key tools in the planning and delivery of municipal services and related infrastructure support. They play a powerful role in decisions and issues such as budgets, land management and the promotion of local economic development. An IDP is a five-year strategic development plan that guides development at the local sphere. For this reason, the IDP cannot be separated from restitution, as it provides feedback and important linkages between the needs of a given community and municipality.

An Integrated Development Plan is a super plan for an area that gives an overall framework for development. It aims to co-ordinate the work of local and other spheres of government in a coherent plan to improve the quality of life for all the people living in an area. It should take into account the existing conditions and problems and resources available for development. The plan should look at economic and social development for the area as a whole. It must set a framework for how land should be used, what infrastructure and services are needed and how the environment should be protected

All municipalities have to produce an Integrated Development Plan (IDP). The municipality is responsible for the co-ordination of the IDP and must draw in other stakeholders in the area who can impact on and/or benefit from development in the area. (The Municipal Systems Act No 32 of 2000.)

Community members must participate in meetings to ensure their needs are raised and captured in the IDPs. Reviewing of the IDP must happen regularly to make sure the needs are receiving the attention they deserve.

In everything that was taken from the black communities, sadly, the land is the only thing that can be returned. Owning land does not mean survival, nor does it alleviate the amount of suffering black people endured, but it does provide the foundation and platform for the black communities to redefine themselves (*City Press*, 2015:12). Land reform remains a burning and contested issue in South Africa. Recent government debates in South Africa focused on the way in which land is being resituated, with some arguing for the principle of land expropriation to be applied as opposed to employing the principle of 'willing seller, willing buyer'. Notwithstanding the importance of such discussions, the focus of this study is to examine and understand the reasons why the Elandskloof case (one of many case studies illustrating the challenges inherent in land restitution) has not yielded positive outcomes for the beneficiaries of land.

1.10 ETHICAL CONSIDERATIONS

The issue of restitution is both personal and political from the researcher's point of view. Given the conflict and mistrust among Elandskloof members, the researcher strives to uphold the ethical standards of the University of the Western Cape (UWC) by setting the participants

at ease and creating an environment of trust where confidentiality is maintained. Participation in the research is voluntary and participants are allowed to withdraw from the study at any time. Confidentiality is ensured by a confidentiality clause and personal details are recorded only as proof of fieldwork. Everyone taking part in interviews are required to sign a prior consent form, containing all necessary information to facilitate giving their fully informed consent. Participants were presented with information on the nature and purpose of the research. Their responses are treated confidentially and anonymously. Transcribed interviews and recordings are stored in a locked office, which only the researcher has access to. The recordings were deleted after the interviews have been transcribed. After five years the transcribed interviews will be destroyed.

1.11 ORGANISATION OF CHAPTERS

The mini-thesis is organised into six chapters.

Chapter 1: This is the introductory chapter, outlining the background of the study; case study area; research problem; purpose of the study; research questions; guiding assumptions; research methodology; and the rationale of the study. It also provides a preliminary literature review and highlights the relevant ethical considerations.

Chapter 2: This chapter discusses public participation processes and briefly explains stakeholder theory.

Chapter 3: The chapter presents the legislative framework governing the land issue in South Africa and reflects on post-settlement support to land reform beneficiaries.

Chapter 4: This chapter introduces the case study area by providing a historical background of the area. In addition, it provides an overview of current day Elandskloof and its people.

Chapter 5: This chapter concludes with the key findings. The focus of the study is to determine what contribution land restitution has brought to the livelihoods of the Elandskloof community.

Chapter 6: The final chapter focuses on an engagement with the literature in the context of the main findings of the study, summarises the key discussion areas and concludes the study.

CHAPTER 2

DEVELOPING A PARTICIPATORY PERSPECTIVE THROUGH WHICH TO UNDERSTAND THE PROBLEM OF POST-SETTLEMENT SUPPORT

2.1 INTRODUCTION

The merits inherent in policies and laws of land reform in South Africa are numerous. Amongst others, land reform can contribute to alleviating poverty and addressing inequality; facilitate more equitable participation in the labour market; address the remnants of oppressive and discriminatory regimes; and return dignity to oppressed communities. However, for land reform to contribute to these aforementioned outcomes, involvement of stakeholders in general and ordinary citizens in particular, in the land reform process is fundamental. In this context, this chapter illustrates, through an examination of scholarly debates, the importance of citizen participation in modern-day democracies; identifies and explained the different forms that participation can take; and presents the conceptual framework for understanding citizen participation within the context of the study.

2.2 INTRODUCING THE CONCEPT OF PUBLIC PARTICIPATION

Contemporary conceptions of democracy extend beyond citizens merely exercising their universal suffrage by granting representatives the right to make decisions on their behalf. Ordinary citizens are in fact endowed with rights that require them to be more involved in activities that previously fell within the domain of those elected to power. Contemporary definitions not only require citizens to become involved in policy-making processes of the state, but also encourage them to exercise vigilant oversight over the state. This changing political arrangement brings the construct of citizenship, rights and duties to the fore. Hadenius (2001) distinguishes between two types of citizenship, namely, democratic citizenship and weak citizenship. Democratic citizenship is viewed as encompassing both individual and collective traits. Accordingly, the individual is seen as possessing certain attitudes that propel political activity and contribute to active citizenship. These attitudes include a “developed political interest, a desire to become involved, and a wish to exert influence” (Hadenius 2001:18). In addition, Hadenius argues that active citizenship entails openness, tolerance, broad-mindedness and rationalist and deliberative styles of rhetoric. At the collective level, democratic citizenship is less about the individual and more about

relations between individuals. This level of citizenship is dependent on trust, identity, mutual cooperation and solidarity. In this regard, Hadenius draws on the work of Putnam (1993) who emphasizes the influence of associational life on the extent to which communities demonstrate their civic-ness.

Buss et al's (2006) focus is more on types and processes of participation and how these can yield meaningful citizen involvement in public policy processes. They argue, however, that in spite of extensive efforts to make participation more inclusive, reform in the democratic processes have not yielded significant change (Buss et al, 2006:7). This, in their view, has resulted in widespread attention to building and re-building democratic institutions in both developed and developing countries. In this context democratic reforms centre on, amongst others, international promotion of democratic systems in war-torn regions and developing countries; efforts to decentralise government decisions to the level closest to the people; and enhancing accountability, transparency and anti-corruption measures (ibid). Improving the processes of citizen participation therefore contributes to more direct, deliberative and participatory democracy; redistributing power so that marginalised and vulnerable groups are included; enhancing credibility and legitimacy of the state; managing conflict and building consensus more amicably; and gaining insights into citizens' perspectives on state programmes and policies (Buss et al, 2006:9-11).

Haynes (2001) refers to citizenship and participation in the context of democratic consolidation. Democratic consolidation, as pointed out by him, is a contested construct. Haynes directs attention to the work of various scholars who have defined democratic consolidation. Accordingly, for some, a country's democracy is consolidated where an election is lost by the government of the day and won by its opposition. At the next election that government loses its power to the opposition who will then form the new government. For others, democracy is consolidated when "all major political actors take for granted the fact that democratic processes dictate governmental renewal" (Haynes, 2001:36). Ultimately, democratic consolidation is viewed as involving:

"Ad hoc patterns of democratically orientated behavior that eventually develop into the accepted way – both for political elites and the mass of ordinary people – of 'doing' politics...The system is underpinned by legal guarantees and extensive protections for individual and group freedoms, secured by and through the

workings of an independent, impartial judiciary... A competent state bureaucracy – necessary to carry out state policies – is vital (Haynes, 2001:37-38).”

The above quote highlights as the features of a consolidated democracy: (i) generally accepted, democratically orientated political rules; (ii) stable, durable, democratic institutions; and (iii) a wide-range of state-guaranteed civil and political rights, upheld by the rule of law. Moreover, Haynes (ibid) adds that a country’s chances of achieving democratic consolidation are dependent on the interrelation of political, economic and international factors. A country’s political culture, civil society and political society are included amongst the political factors viewed as important in consolidating democracy. Therefore an ethos that encourages citizens to exercise their rights and responsibilities; institutions, structures and processes that facilitate relations between the state and ordinary citizens; and strong social networks; are fundamental to the deepening of democracy.

Whether it is that participation is illuminated in the context of mutual cooperation towards a common objective or whether it is about the deepening and consolidating of democracies, scholarly debates emphasize the importance of ordinary citizens engaging with government and its institutions.

2.3 PARTICIPATION AND ITS IMPLICATIONS

Public participation is the mantra of governments the world over. In fact, scholars consider a healthy civic culture as essential to the quality of democracy (Putnam & Goss, 2002; Crystal & DeBell, 2002). Crystal and DeBell (2002:113) observe the importance of civic life as follows, “democracy cannot survive without a populace oriented toward civic life, ready to form associations, discuss problems, and cooperate in the pursuit of common ends.” Along these lines and following the negotiations process in South Africa leading to the advent of democracy in 1994, a framework for participation has been established, the legislative framework and policy writing of all spheres of government is of primary importance to ensure transparency and participation from citizens of our country. Role-players like the media, civil society, community-based organisations (CBOs), non-governmental organisations (NGOs) and religious institutions have been acknowledged in the policy participation processes of South Africa. The world over, public institutions appear to be responding to the calls voiced by activists, development practitioners and progressive thinkers for greater public involvement in making the decisions that matter and holding governments to account for following through on their commitments. Yet, what exactly

‘participation’ means to these different actors can vary enormously (Cornwall, 2008:269) and has been the source of contestation for many (Kabeer, 2005). Communities must always try to lobby and network institutions and individuals who can hold governments to account and ensure that they deliver on their promises. It is however important that these communities participate actively in the processes from the beginning to develop pride and take ownership of the process.

Arnstein’s (1969) ladder of participation is one of the best-known models for participation. Originally developed in the late 1960s, it retains considerable contemporary relevance. ‘Citizen control’ appears at the top of the ladder, with a category of ‘non-participation’ at the bottom, in which therapy and manipulation are placed. Arnstein’s point of departure is the citizen on the receiving end of projects or programmes. She draws the distinctions between ‘citizen power’ which includes citizen control, delegated power and partnership, and tokenism in which she includes consultation informing and placation. Consultation is widely used, north and south as a means of legitimating already-taken decisions, providing a thin veneer of participation to lend the process moral authority.

In the recent public participation processes of the Cederberg municipality, the Mayor mentioned in the Ward 4 meeting and his foreword of the draft IDP document, that we engage with the public participation processes because the Systems Act requires us to do so. He went further to say that the municipality does not have money to address the needs that the community raised, but that he would ensure that the municipality honoured the basic service delivery obligations like electricity, refuse removal, water and sanitation and roads.

Generally, public participation seeks and facilitates the involvement of those potentially affected by or interested in a decision. This can be in relation to individuals, governments, institutions, companies or any other entities that affect public interest. The principle of public participation holds that those who are affected by a decision have a right to be involved in the decision-making process. Public participation implies that the public’s contribution will influence the decisions. (Public Participation - Wikipedia, p1).

The characteristics of the eight rungs of public participation are illustrated below by Arnstein (1969):

1. *Manipulation:*

In the name of citizen participation, people are placed on 'rubberstamping' advisory committees or advisory boards for the express purpose of educating them or engineering their support. Instead of genuine citizen participation, the bottom rung of the ladder signifies the distortion of participation into a public relations vehicle by powerholders.

2. *Therapy:*

In some respects group therapy, masked as citizen participation, should be on the lowest rung of the ladder because it is both dishonest and arrogant. Its administration – mental health experts from social workers to psychiatrists – assumes that powerlessness is synonymous with mental illness. On this assumption, under a masquerade of involving citizens in planning, the experts subject the citizens to clinical group therapy. What makes this form of participation so invidious is that citizens are engaged in extensive activity, but its focus is on curing them of their pathology rather than changing the racism and victimization that create their pathologies.

3. *Informing:*

Informing citizens of their rights, responsibilities, and options can be the most important first step toward legitimate citizen participation. However, too frequently the emphasis is placed on a one-way flow of information – from officials to citizens – with no channels provided for feedback and no power for negotiation. Under those conditions, particularly when information is provided at a late stage in planning, people have little opportunity to influence the programme designed for their benefit. The most frequent tools used for such one-way communication are the news media, pamphlets, posters and responses to inquiries.

4. *Consultation:*

Inviting citizens' opinions, like informing them can be a legitimate step toward their full participation. But if consulting them is not combined with other modes of participation, this rung of the ladder is still a sham since it offers no assurance that citizen concerns and ideas will be taken into account. The most frequent methods used

for consulting people are attitude surveys, neighbourhood meetings, and public hearings.

5. *Placation:*

It is at this level that citizens begin to have some degree of influence though tokenism is still apparent. An example of placation strategy is to place a few hand-picked worthy poor on boards of Community Action Agencies or on public bodies like the board of education, police commission, or housing authority. If they are not accountable to a constituency in the community and if the traditional power elite hold the majority of seats, the have-nots can be easily outvoted and outfoxed.

6. *Partnership:*

Partnership can work most effectively when there is an organised power-base in the community to which the citizen leaders are accountable; when the citizens group has the financial resources to pay its leaders reasonable honoraria for their time-consuming efforts; and when the group has the resources to hire (and fire) its own technicians, lawyers, and community organisers.

7. *Delegated Power:*

Negotiations between citizens and public officials can also result in citizens achieving dominant decision-making authority over a particular plan or programme. Another model of delegated power is separate and parallel groups of citizens and power-holders, with provision for citizen veto of differences of opinion cannot be resolved through negotiation. This is a particularly interesting coexistence model for hostile citizen groups too embittered toward city hall, as a result of past collaborative efforts to engage joint planning.

8. *Citizen Control:*

Demands for community controlled schools, black control, and neighbourhood control are on the increase. Though no one in the nation has absolute control, it is very important that the rhetoric not be confused with intent. People are simply demanding that degree of power (or control) which guarantees that participation of residents can govern a programme or an institution, be fully in charge of policy and managerial aspects, and be able to negotiate the conditions under which outsiders may change them.

In the context of South Africa, over the past few years, self-mobilisation, in the researcher's view, has contributed results in the demands of the people. If workers demand an increase in

their wages, for example, they do it through self-mobilisation which forces the bosses to adhere to some of their demands. The Congress of South African Trade Unions (COSATU) is crucial in using the self-mobilisation type of participation. Through the researcher's involvement on farms during the past years, he experienced that the private sector, like the commercial farmers on farms, enforces the manipulative type of participation on their farms. Farmers will identify workers who will protect their interest and give them senior positions in the workplace or on farming committees. Workers do not have any decision-making powers on the farm, but must implement the rules (made by the farmer), like entrance to the farms, hours of visiting family members, use of facilities like sports grounds and halls and working hours. People who are on the farm committees or workers' committees get paid better than their colleagues and have more material incentives. This type of participation can also be classified as passive participation or participation for material incentives.

In the context of restitution beneficiaries, they can be exposed to all the different types of the participation characteristics. However, this study asserts that through interactive participation, self-mobilisation participation and participation by consultation, they were successful in their process of returning to their land. It is therefore important to reflect and learn through one's own experiences and different types of participation to ensure that one continues with what was successful and provided positive results. Since people received what they fought for, they got into a passive participation process. They expected everything to be done by outsiders and did not take ownership for their own development. People fought through self-mobilisation but when they received the land they failed to use the land productively since post-settlement support was lacking.

Why do communities not use the same approach when fighting to get the land back? Government might value the demands of participation groups if it addresses the challenges the country faces in a sustainable manner. Although our society is divided into those who have power and those who do not have power, the challenges we face impact on all citizens. One example is the fact that crime does not ask if you are rich or poor; it can happen to everyone in this country. Therefore participation is important and must continue if we want social justice and transformation in our country. However, the form and shape of participatory models, the extent to which ordinary citizens have a voice in matters affecting their everyday lives, and the outcome of the process of citizen engagement are key to the ideals of public participation being met.

Arnstein's ladder of participation implies change in the manner in which public officials perform their roles, functions and responsibilities. Evidently, the closed bureau described by Max Weber is no longer appropriate or suitable within the context of modern-day democracies. More recent debates and discussions on the state and its institutions have adopted a focus that extends beyond the internal efficiencies emphasized by Weber. For example, Pollitt & Bouckaert (2004:75) implicitly refer to citizen participation when they observe that a more flexible, responsive, result-focused and competent civil service is needed. The model of reform that they propose highlights the inclusion of various stakeholders in public policy decision-making processes. They identify an external orientation towards citizens' needs and desires; the introduction of consultative approaches that augment representative democracy and allow for direct representation of citizens' opinions; the exercise of administrative discretion that facilitates the achievement of results instead of mere compliance of rules and regulations, as important elements and/or principles of the revised model of public administration (Pollitt & Bouckaert 2004:99-100).

Box (1998) refers to the complementary benefit of participation by stating that citizen participation enables "a balance between efficient, rational service provision and open, democratic processes that allow citizens to govern their communities" (Box 1998:2). He views citizen participation as the means to a closer relationship between the citizen, the practitioner and the legislator that will ultimately contribute to improved service delivery. He furthermore advocates that this relationship can positively impact the perceptions and opinions that citizens have and/or may have of both appointed and elected officials. Gaventa (2004a) also observes the value in citizens participating in decision-making processes. He adds that citizen participation calls for new forms of engagement between citizens and government. Meaningful participation by citizens is however, dependent on equal access to participatory structures and processes, knowledge and understanding of local problems, knowledge of planning, policy making processes, knowledge of basic rights and statutes (Gaventa 2004a:28). In addition, the activity of monitoring and evaluating government performance by ordinary citizens can be a daunting one. Nonetheless, the benefits of monitoring and evaluation on the performance of government have the potential to enhance service delivery and improve relations between government and citizens.

Butcher and Massey (2003:1) refer to the "commitment to modernizing the public service" towards a customer orientation. They state that governments in many Western liberal democracies have aspired to introduce more "flexible, market-based" approaches to public

administration (2003:2). At the same time they note that while experiences among such countries were varied, the underlying objective of transformation was on reshaping “rigid, hierarchical 19th century bureaucracies into more flexible, decentralized, client responsive organizations” (Butcher & Massey 2003:2). Butcher and Massey (2003) identify a number of factors that have led to the modernisation of the public service. Of particular interest in this context is the public pressure on government to respond more appropriately to their needs. As a result of the increasing disillusionment with state agencies, the agenda to modernise the agencies of the state has focused on placing consumers at the centre of service delivery arrangements (Butcher & Massey 2003:2).

The ideals espoused by scholars such as Pollitt, Bouckaert and Butcher illuminate the importance of government responsiveness to citizens’ needs through engaging the latter on matters of policy and decision-making. Therefore approaches such as that of neo-Weberian scholars place ‘service to the public’ as one of the fundamental drivers of change in both the developed and developing world. In 1991 the British government, under the leadership of Prime Minister John Major, introduced the Citizen’s Charter to enhance the standard of public services and increase responsiveness to citizens (Butcher 1997:55). The key elements of the Charter included the setting and publication of service standards, access to information, the provision of choice where practicable, regular consultation with service users, courtesy and helpfulness, etc. Evidently, the principles and ideals of citizen participation require that politicians and civil servants/government officials reconsider how they perform their key roles, functions and responsibilities.

In the case of South Africa, several regulatory frameworks point to the public sector creating an enabling environment through which engagement between civil servants and ordinary citizens is facilitated. Chapter 4 of the Municipal Systems Act, No 32 of 2000 Section 16 states that, “A municipality must develop a culture of municipal governance that complements formal representative government with a system of participatory governance, and must for this purpose to encourage and create conditions for the local community to participate in the affairs of the municipality. It is therefore important that the community must be informed and involved in the preparation, implementation and review of the Integrated Development Plan of the municipality. Communities must also participate and give inputs of the preparations of the municipal budget to ensure the community needs are addressed. Municipal officials are constantly reminded about the importance of the *Batho Pele* principles which clearly illustrate that the people come first. The principle of *Batho Pele*

refers to consultation, service standards, access, courtesy, information, openness and transparency, redress and value for money. As government officials, it is important to reflect these principles in their behaviour and attitude if officials really care for the communities they serve. These principles add to the morals and values of human beings and are good ingredients in the hearts and souls of all human beings. If citizens adhere to the *Batho Pele* principles, a better society will be developed and participation processes will ensure ownership, pride, trust and unity amongst communities.

2.4 STAKEHOLDER THEORY

In the above context, stakeholder theory provides a useful conceptual framework through which to consider the challenges inherent in facilitating citizen participation as it relates to the focus of this study. Stakeholder theory is defined as a theory of organisational management and business ethics that addresses morals and values in managing an organisation. It acknowledges the involvement of other parties, including employees, customers, suppliers, financiers, communities, government bodies, political groups, trade associations, and trade unions in how an organisation functions and delivers its products and/or services. Stakeholder theory is distinct from other theories of organisational management because it addresses morals and values explicitly as a central feature of managing organisations. We integrate theory and research from disparate areas to develop a descriptive stakeholder theory. We (1) show that at any given organizational life cycle stage, certain stakeholders, because of their potential to satisfy critical organizational needs, will be more important than others; (2) identify specific stakeholders likely to become more or less important as an organization evolves from one stage to the next; and (3) propose that the strategy an organization uses to deal with each stakeholder will depend on the importance of that stakeholder to the organization relative to other stakeholders. (Jawahar and Mclaughlin, 2001) The outcome of cooperative activity and the means to achieving these ends are critically examined in stakeholder theory in a way that they are not examined in many theories of strategic management. Managing for stakeholders involves attention to more than simply maximising stakeholder wealth. Attention is primarily given to the interest and well-being of those who can assist or hinder the achievement of an organisation's goals and objectives. Stakeholder theory is managerial in that it reflects and directs how managers operate rather than primarily addressing management theorists and economists. The focus of

stakeholder theory is articulated around two core questions (Freeman, 1994). First, it asks, what is the purpose of the firm? This encourages managers to articulate a shared sense of the value created by the organisation, and what brings its core stakeholders together. This kind of focus is intended to direct the resources and capacities of the organisation towards achieving its main goals and objectives, and in some instances generating outstanding of performance. Second, stakeholder theory asks, what responsibility does management have to stakeholders? This pushes managers to articulate how they want to do business. More specifically, what kinds of relationships they want to establish and need to create relevant stakeholders in order to deliver on their purpose (Freeman et al, 2004.) These authors also argue that managers must develop relationships, inspire their stakeholders, and create communities where everyone strives to give their best to deliver the value of the firm's promises.

While stakeholder theory is traditionally focused on private sector organisational contexts, it is applicable within the context of how the state and its institutions function and are structured. The reference to organisational purpose and relationships between stakeholders are two important principles that inform the process of public participation. In the first instance, the reforms alluded to earlier and their impact on how public officials behave *vis-à-vis* ordinary citizens, bring to the fore the primary reason for the public service's existence, namely to provide and deliver quality services to all citizens. In the second instance, there is an ideal two-way relationship between the policy makers and the people (stakeholders). Stakeholders should contribute to inputs in policy formulation and should be given the opportunity to evaluate the efficacy of public policies (Somollo et al, 2014). As early as the mid-1950s the importance of the voice of the ordinary citizen in policy formulation resounded. Accordingly, Easton (1957) observed that the survival of a political system is dependent on how it relates to its environment (1957:386). He conceived of this interrelationship as an input/output model where citizens' interests and needs are categorised as inputs to the system. In turn, the services delivered by government are viewed as the outputs. In the case where government's outputs do not satisfy the interests and needs of citizens, the survival of the political system is threatened. Consequently, stakeholder theory refers to the involvement of all relevant stakeholders in the process of decision-making that allows for an articulation and consideration of needs and interests from an everyday lived experience. Nyamu-Musembi (2005) succinctly describes this as, "an approach to needs, rights and priorities that is informed by the concrete experiences of the particular actors who are involved in, and who stand to gain directly from, the struggles in question" (2005:31).

Communication is very important in the policy process to ensure that stakeholders have the opportunity to do research, assess, monitor and evaluate the policy processes. If stakeholders are informed about any developments and programmes, they will support them and take ownership. If citizens are excluded or ignored it creates tensions and conflict amongst citizens. It is important that leaders must not become arrogant and disrespectful to the needs of the communities they serve. The power of communities cannot be underestimated and public servants must not take communities for granted with their attitudes and behaviour. The discourse on public participation in general and stakeholder theory more specifically, changes the way in which civil servants perform their duties and responsibilities. Greater attention to involving the ordinary citizen in decision-making processes of the state is now required.

2.5 RURAL DEVELOPMENT CHALLENGES IN COMMUNITIES

People are motivated by a wide range of factors to initiate or participate in development projects. There are residents and outsiders who are keen to make a positive impact on the lives of the disadvantaged, while others are out to exploit the situation for their personal gain. Even though the changing global and local situation obliges the impoverished communities to become proactive in enhancing the quality of their lives appropriate external financial and human resources for the survival and success of rural projects are required. There is a general agreement that, even if community-based development projects were to arise from bottom up, they would still need the support from external development agencies. However, most rural communities do not have the expertise or know-how to assess the credibility of organisations and therefore, they are vulnerable to exploitation. Hence, some projects have failed as a result of mismanagement of funds, nepotism and substantial corruption. Factors impeding the success of rural development projects include political, physical, infrastructural, socio-economic and cultural constraints (Makafone & Gray, 2007). Although the authors raised the above points in 2007 the challenges faced by rural communities are still the same. To illustrate the point it is important to reflect on some of the work of the Centre for Law and Society on Communal Property Associations (CPAs). They raised the following challenges with CPAs.

1. CPAs can and do work, especially for poorer members, but socio-economic pressures on them are huge. While the CPA Act has been poorly implemented, it remains an important option.

2. CPAs are extremely under-resourced legal entities compared to sectional title estates and companies; and they operate in a wide variety of social contexts.
3. There has been very limited support and oversight of CPAs from the government, and lack of communication between officials and CPAs.
4. In some areas where traditional authorities are present, traditional leaders have tried to undermine the functioning of CPAs as they see them as challenging their authority.
5. Long delays in transfer of title to a CPA undermine the authority of a CPA committee and the uncertainty that ensues allows opportunities to challenge or take control of the CPA.
6. In some CPAs there is abuse of power by the committee and powerful CPA members. Committees are sometimes unaccountable. But it is not clear who CPA members can appeal to when conflict or abuse occurs.
7. Substantive rights of CPA members are often not clearly specified. Women's land rights are often particularly vulnerable and insecure.
8. The processes by which CPA's is set up and offered assistance pay little attention to land tenure, realities and dynamics on the ground. Many CPAs have constitutions that have been 'cut and pasted' from other CPAs, and are therefore out of sync with local land tenure practices. They establish rules that are impossible for people to comply with (Centre for Law and Society, 2015:2)

In different debates about the land question and the profit and production of the agricultural products the issue of subsidies is raised. Some of the reasons why the white commercial farmers are successful with the production of the land are because they were subsidised by the apartheid government. If the democratic government really wants to ensure land reform is successful they must make funds available to subsidise the black farmers to ensure sustainable agriculture production. All land reform beneficiaries should be subsidised until they are self-sustainable. One element that is of cardinal importance in land reform is support given to new owners of land to become productive users of such land. Post-settlement support involves training, access to credit, on and off farm infrastructure, access to markets, subsidizing agriculture insurance and extension services. It is time to invest more on farmer support and adopt working strategies, which in my view should be adopted through public private partnerships. (Njara&Mfuywa, 2017)

2.5 CHAPTER SUMMARY

This chapter presented and examined scholarly debates on public participation and its importance in modern-day democracies. Evidently, the involvement of ordinary citizens in general and specific stakeholders in particular, is necessary to facilitate effective and efficient public policy implementation. The work of scholars such as Easton (1957) highlighted the importance of citizen participation in the political system through his input/output model. On the one hand, citizens' interests and desires must be provided for through facilitating their participation in the political process. On the other hand, the effective response of state institutions to the demands of citizens is dependent on the extent to which these institutions have appropriately interpreted and delivered on citizens' demands. Arnstein (1969), in her theory on participation, enumerates the typologies of participation from the most participative form to the least participative form. Accordingly, she draws distinctions between citizen power which includes citizen control, delegated power and partnership, and tokenism in which she includes consultation and placation. Finally, the concept of stakeholder theory is brought to the fore. To this end, values and morals that drive the process of participation are highlighted as imperative to enabling a process of equal empowerment and opportunity for engagement. The two principles of organisational purpose and relationships are identified as key to an effective process of engagement amongst stakeholders. A clear understanding of the purpose of the public sector and mutual cooperation towards the achievement of this common purpose are key ingredients to a meaningful process of participation. Another point raised in the chapter is the challenges of the CPAs. The CPAs can be successful if they are aware of their role and responsibilities and if they understand it. Therefore it is important that government must put measures in place to build the capacity of the CPAs and equip them with the resources needed to make the land reform program successful. It is important that with the establishment of a legal entity like the CPAs more work needs to be done to ensure they are relevant and know what is expected from them.

The following chapter reflects on the different legislative framework that was implemented to address the land question in South Africa. It briefly explained the post-settlement support for land beneficiaries.

CHAPTER 3

THE LEGISLATIVE AND POLICY FRAMEWORK FOR LAND REDISTRIBUTION

3.1 INTRODUCTION

The aim of this chapter is to present the legislative and policy frameworks affecting land issues in South Africa. The chapter is organised into two parts. The first part focuses on the historical context where land owners were dispossessed of their land due to the apartheid policy of separatist development. The second part of the chapter focuses on the regulatory framework towards the redistribution of land and related entitlements. Thirdly, the chapter discusses post-settlement support and the different arguments and experiences of authors around it.

3.2 A HISTORICAL CONTEXT FOR UNDERSTANDING LAND RESTITUTION IN SOUTH AFRICA

3.2.1 The Native Land Act 27 of 1913

The *Native Land Act* laid the foundation for apartheid and territorial segregation and, for the first time, formalised limitations on black ownership. The Act introduced ethnic differentiation based on the mistaken belief that differentiation between dissimilar races are fundamentally desirable. (Kloppers and Pienaar, 2014:680.) According to Section 1 of the Act:

a native shall not enter into any agreement or transaction for the purchase, hire or other acquisition from a person other than a native, of any such land or of any right thereto, interest therein, or servitude there over; and

a person other than a native shall not enter into any agreement or transaction for the purchase, hire, or other acquisition from a native of any such land or any right thereto, interest therein, or servitude there over.

In any country, citizens are required to adhere to the legislative framework. The *Natives Land Act* clearly used the colour of the skin of a human being to discriminate against them on the

ground of land access. We therefore cannot underestimate what these discriminatory laws did to the black population of South Africa before 1994. The estimated 13% of the South African land that was reserved for black South Africans was the land that could not be utilized to generate maximum profits.

3.2.2 The Native Trust and Land Act 18 of 1936

The *Native Trust and Land Act* made provision for the establishment of the South African Native Trust, a state agency to administer trust land, and “to be administered for the settlement, support, benefit, and material welfare of the natives of the Union.” The Act abolished individual land ownership by black people and introduced trust tenure through the creation of the South African Development Trust, which was a government body responsible for purchasing land in “released areas” for black settlement (Kloppers and Pienaar, 2014: 682).

The Act stripped black South Africans of the right to their own land or even to live outside demarcated areas without proper authorisation by the relevant authorities. This Act supported the aim of racial segregation which benefited only the white population.

3.2.3 The Group Areas Act 41 of 1950

The *Group Areas Act of 1950*, described as the “second wave” of evictions, was used by the National Party government to forcibly remove black, Coloured and Indian people from designated “white areas” (Kloppers and Pienaar, 2014:682). According to Schoombie 1985

Group areas legislation functions essentially through the control of ownership of immovable property, and of the occupation and “use” of land and premises on the basis of race.

Kloppers and Pienaar (2014:682) further argue that the aim of the Act was to provide for the establishment of group areas and for the control of the acquisition of immovable property and the occupation of land and premises. The Act established three groups of people – a white group, a ‘native’ group and a ‘Coloured’ group. Based on the creation of these groups, the Act made provision for the establishment of group areas designated for the exclusive use and ownership of members of a particular group.

3.2.4 The Group Areas Act 36 of 1966

This Act complemented the *Group Areas Act of 1950*. The aim of the Act was to consolidate the law related to the establishment of group areas and to regulate the control of the acquisition of immovable property and the occupation of land and premises. The Act shows numerous similarities with the *Group Areas Act of 1950* and also established three groups for the purposes of the Act: white, 'Bantu' and 'Coloured' groups (Kloppers and Pienaar, 2014:685).

These land acts treated the majority of people like they did not belong in their own country and only focused on enriching and protecting the interests of white people. Self-motivation participation processes contribute to pressurise the government to scrap the acts that only benefit the white population. Since the discriminatory laws did not add any meaningful contribution to the lives of the black communities, they motivated themselves and stood united to fight against the discriminatory laws.

The next session briefly discusses the measures that were put in place to address the discriminatory land laws. It further discusses the legislative framework that was put in place to address the land question in South Africa just before the advent of democracy in 1994 and thereafter.

3.2.5 The Abolition of the Racially Based Land Measures Act 108 of 1991

After the unbanning of the African National Congress and the release of Nelson Mandela, the National Party government of President F.W. de Klerk had to affect measures to end the centuries of apartheid – a system supported by the Land Acts discussed in the preceding paragraphs. The *Abolition of Racially Based Land Measures Act* was promulgated in order to bring an end to the Land Acts, and came into operation on 30 June 1991. This Act was promulgated to,

... repeal or amend certain laws so as to abolish certain restrictions based on race or membership of a specific population group on the acquisition and utilization of rights to land; to provide for the rationalization or phasing out of certain racially based institutions and statutory and regulatory systems repealed the majority of the discriminatory laws. (Kloppers and Pienaar, 2014:687).

3.3 REGULATORY FRAMEWORK FOR ADVANCING LAND RESTITUTION IN SOUTH AFRICA POST-1994

3.3.1 The Three Branches of the South African Land Reform Programme

At present, the central thrust of land policy is the land reform programme. This has three aspects: land restitution, land redistribution and tenure reform. What is very significant to note from the White Paper of South Africa Land Policy (DLA, 1997) emphasises that “the success of these elements of the programme is dependent in the long run on more than merely access to land”. To ensure that land restitution achieves its intended outcomes, it needs to provide institutional support to the beneficiaries of land (Xaba & Roodt, 2016). Most of these established institutions such as the commercial farmers’ associations, state departments and the private sector have access to resources. Markets for the agricultural products transport to the markets, accredited training institutions and water resources are also available. Working relationships with these institutions is important and need to be based on core values and principles. Honesty, transparency, trust, willingness to learn and sharing experiences are very important in the establishment of good and strong relationships with a specific focus on making the land reform programme successful. This must not only be done because it is guided by the legislative framework of our country, but because it is the right thing to do to ensure we create a prosperous country where we share the land amongst those who need it. The provision of support services, infrastructural and other development programmes are essential to improve the quality of life and the employment opportunities resulting from land (DLA, 1997:9). The strategic thrust of South Africa’s land reform programme remains unclear. Agricultural and land policies have not been linked effectively. Little support has been provided to black smallholder farmers and no land reform farms have been officially sub-divided. (Cousins, 2016). The author also mentions that evidence suggests that about half of rural land reform projects have brought improvements in the livelihoods of beneficiaries, but often these are quite limited. It is unclear how many recorded “beneficiaries” still reside on or use transferred land, or benefit from the land reform in any way. He further argues that institutions such as Communal Property Associations and Trusts, through which land reform beneficiaries hold land in common, remain poorly supported and are often dysfunctional.

It is the view of this researcher that although the strategic goals and vision of land policy in South Africa looks very good on paper, it is important to determine the successful

implementation thereof and to support the beneficiaries of land reform after they have received land (post-settlement support) as they are central in that.

3.3.1.1 Land Restitution

The *Restitution of Land Rights Act 22 of 1994* (RSA, 1994) creates a right to restitution for people dispossessed of land rights after 19 June 1913 as a result of racially discriminatory laws and practices. According to Hall (2003:1) “Restitution was meant to address the loss of land rights”. These rights to restitution were established through Sections 25-27 of the 1996 Constitution (RSA, 2016b) which prescribe restitution of property after 1913. “A person or community dispossessed of property after 19 June 1913 as a result of previous racially discriminatory laws or practices is entitled, to the extent provided by an Act of Parliament, either to restitution of that property or to equitable redress.” (RSA, 1996b:12).

Notwithstanding these stipulations, the land reform programme of South Africa is a political debate issue that is often addressed by the current political leaders of the different political parties. Restitution is intended to achieve the following outcomes:

- Substantial numbers of claimants who fulfil the criteria in the Act receive restitution in the form of land or other appropriate and acceptable remedies.
- The restitution process does not lead to major disputes of conflict.
- Public confidence in the land market is maintained.
- Frameworks are developed for claims and demands that fall outside the Act (Hall, 2003:3).

The influence of land reform on the social and economic transformation of the country is widely acknowledged. In South Africa, however, as a result of the apartheid regime, black people have been farming for generations, but still live in poverty. Many of the inequalities created and maintained by apartheid still remain in South Africa. Income inequality has worsened since the end of apartheid, but it has begun to deracialise somewhat. Between 1991 and 1996, the white middle class grew by 15% while the black middle class grew by 78%. The country has one of the most unequal income distribution patterns in the world: approximately 60% of the population earns less than R42,000 per annum, whereas 2.2% of the population has an income exceeding R360,000 per annum. Poverty in South Africa is still largely experienced by the black population. Despite ANC policies aimed at closing the poverty gap, blacks make up over 90% of the country’s poor at the same time they are 79,5%

of the population (Durrheim et al, 2011: 17, World Socialist Website, 2004, StatsSA, 2006) White farmers are prosperous while black farmers are struggling in conditions of abject poverty. Therefore, land reform does not only relate to the introduction of policies and laws toward redress and restitution, but also pertains to a clear and coherent understanding and enforcement of the policy making process and its implications. Implementation is the final test to ensure policy is successful or a failure. This country might have the best Constitution in the world that leads to the best policies, but if the implementation and the enforcement of it fails, the government is wasting time, money and misleading the nation. The involvement of the public is very important in the policy making processes. It is therefore critical to ensure that the civil servants, community leaders, private sector and local beneficiaries are informed about policies and legislation that might impact on their livelihoods. If citizens are not part of a process, they do not own it and cannot defend it with pride, but rather try to ignore it and not adhere to the objectives of the policies. In some counties, public participation has become a central principle of public policy making. In the UK it has been observed that all levels of government have started to build citizen and stakeholder engagement into their policy-making processes. This may involve large-scale consultations, focus group research, online discussion forums, or deliberative citizen juries. There are many different public participation mechanisms, although these often share common features (Rowe and Frewer, 2005).

3.3.1.2 Land Redistribution

Chapter 2 of the Constitution of the Republic of South Africa (the Bill of Rights) is a cornerstone of democracy in South Africa and it affirms the democratic values of human dignity, equality and freedom. “ The state must take reasonable legislative and other measures within its available resources, to foster conditions which enable citizens to gain access to land on an equitable basis” (RSA, 1996b: Act 108:12).

The land redistribution policy was aimed at allocating land to the landless, rural poor, farm workers and emerging black farmers. Land redistribution took several forms, including group settlements combining housing with some agricultural production, group production, commonage schemes and on-farm settlement for farm workers and farm dwellers. The initial purpose of land redistribution was to eradicate poverty and not to change the racial profile of the large scale commercial agricultural sector. (Hall, 2004:a). From the period 1995 to 1999, the land redistribution programme was implemented through the Settlement and Land Acquisition Grant (SLAG) that provided a grant to poor people, usually groups, to purchase

land for settlement and agricultural purposes. (Masoka, 2014:34). The author explains that a grant mechanism to a maximum of R15 000 per household was used to purchase land from willing sellers which was later, in 1998 increased to R16 000 per household (DLA, 1997). Beneficiaries were encouraged to pool together these funds to purchase white-owned farms for commercial agricultural purposes which they would have been able to do individually because of the relatively high cost of farms (Rungasamy, 2011:9). A range of additional financial resources supported the basic grant such as the planning grant, facilitation and dispute resolution services. The approach was application-based and did not involve proper acquisition of land by the state for subsequent resettlement (that is, it was demand rather than supply driven). To group people together for the sake of statistics is irresponsible and a waste of resources and money. Public officials' performance and successes are sometimes determined by numbers hence they will not follow any criteria that will give them an indication that people can farm with passion and commitment. They will just complete application forms for land access and submit it for funding. To ensure funding is enough they will group people together and create conflicts amongst them, because sometimes people did not even know what they applied for. If people want to make farming successful it must be in their nature, they must have the passion and love for it. Because the majority of the South African population are poor and black they will accept any programme or project to change their livelihoods. Grouping people together who do not have the same vision and interest is a recipe for failure. The limited evidence from existing land reform projects suggests that large groups do not translate into effective production or distributable benefits, and many collapse into individual production. (Lahiff, 2007b). Misunderstanding, conflict and mistrust will occur and this creates chaos. This programme did not make provision for post-settlement support but rather prioritised land delivery over agrarian transformation.

3.3.1.3 Land Tenure Reform

Land tenure reform aims to provide people with secure tenure where they live or farm, to prevent arbitrary evictions and to fulfil the constitutional requirements that all South Africans have access to legally secure tenure in land. In order to address the tenure insecurity of labour tenants and farm workers, specific legislation has been enacted and is being used to prevent evictions by owners of the commercial farmland on which these categories of people live. The *Labour Tenants Act No 3 of 1996* (RSA, 1996c) provides for the protection of the rights of labour tenants and gives them the right to claim land. The *Extension of Security of Tenure Act (ESTA) of 1997* (RSA, 1997) aims to protect people who live on the land with the consent

of the owner or person in charge, against unfair eviction and to create long-term security through on-or-off site settlement assisted by a government grant and help from the land owner (Manenzhe, 2007:21).

The Constitution stipulates that, “A person or community whose tenure is legally insecure as a result of past racially discriminatory laws or practices is entitled to be provided by an Act of Parliament, either to tenure which is legally secure or to comparable redress” (RSA, 1996b: Act 108). Cousins (2000:13) argues that the impact of this rights-based legislation has been more limited than expected, partly because of capacity constraints on the part of the state and partly because of the inability of poor farm dwellers to access legal services (Cousins, 2000). According to the White Paper on Land Policy (DLA, 1997), the Act is underpinned by the following principles:

- the law should prevent arbitrary evictions and expropriation of land;
- existing rights of ownership should be recognised and protected; and
- people who live on land belonging to other people should be guaranteed basic human rights.

In general it is challenging to implement these legislation and policies. Those farmers who implement the regulatory framework appoint very good lawyers and labour consultants to implement the laws to their benefit. Since there is not a mind shift of some farmers to invest in the improvement of the livelihoods of poor black farmers, they use any resistance mechanism to evict farmers. There is also a lack of human capacity in the officials who are supposed to enforce the implementation of the legislation. Access to farms is also challenging because farmers close their gates and use trespass notices to ensure nobody enters their premises.

3.3.1.4 Communal Property Associations (CPAs)

CPAs are land holding institutions established under the *Communal Property Associations Act No. 28 of 1996* (RSA, 1996a). Beneficiaries of the land reform, restitution and redistribution programmes who want to acquire, hold and manage land as a group can establish legal entities to do so. The CPA Act provides for government registration of CPAs and also government oversight to enforce the rights of ordinary members. (CLS, 2013:1).

Furthermore, the document argues, since the land reform programme would involve the transfer of land from the state and private landowners to South Africans previously

dispossessed of their land, a legal entity needed to be created through which land reform beneficiaries could acquire, hold and manage property. The new legal entities needed to accommodate and be able to adapt to a range of *de facto* land-holding practices, many of which were group-based. Section 9 of this Act refers to the principles to be accommodated in the Constitution, which state the following:

Section 9(1): The constitution of an association shall be consistent with the following principles:

- (a) Fair and inclusive decision-making processes, in that -
 - (i) all members are afforded a fair opportunity to participate in the decision-making processes of the association.
- (b) Equality of membership, in that -
 - (i) there is no discrimination against any prospective or existing member of the community, directly or indirectly, and, without derogating from the generality of this provision, on one or more of the following grounds, namely race, gender, sex, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture or language: provided that a constitution may reflect the rules of a community with regard to the age at which a member may attend and vote at meetings of the association and the age at which a member may receive an allocation of land rights;
- (c) Democratic processes, in that all members have the right –
 - (i) to receive adequate notice of all general meetings of the association;
 - (ii) to attend, speak at and participate in the voting at any general meeting.
- (d) Fair access to the property of the association, in that -
 - (i) the association shall manage property owned, controlled or held by it for the benefit of the members in a participatory and non-discriminatory manner.
- (e) Accountability and transparency, in that -
 - (i) accountability by the committee or committees to the members of the association is promoted;
 - (ii) the committee members shall have fiduciary responsibilities in relation to the association and its members, and shall exercise their powers in the best interests of all the members of the association, without any advantage to themselves in comparison with other members who are similarly placed.

Section 9(2): The constitution of an association shall be interpreted in a manner which is consistent with the spirit and objectives of the principles referred to in subsection (1) (RSA, 1996a).

During a Parliamentary process the Committee was briefed by the Department of Rural Development and Land Reform (DRDLR) on the performance of Communal Property Associations for March to December 2015. In all 1 483 Communal Property Associations (CPAs) had been registered since the passing of the Act and 48 were registered in the 2015/2016 financial year. The CPAs had been afflicted by a number of problems and the Department had taken steps to address them by the establishment of CPA District Fora to serve as a platform to share experiences. 138 CPAs received training and the scope of the Land Reform Management Facility had been extended to include support and regularization. Three CPAs were placed under administration for gross dysfunctionality, lack of accountability and misuse of finances. 125 CPAs had been supported towards compliance for the year 2015/16. The challenges that led to the loss of land were disputes amongst community members, sales concluded without proper consultation of without the knowledge of community members. Land validly sold must be deregistered. There were 18 provisional CPAs and processes were under way to turn them into permanent ones. (Parliamentary Monitoring Group, 2016)

At the Parliamentary process the Deputy Minister of Department Rural Development and Land Reform replied that he did not think that the CPAs were in a serious challenge. He argues that the country had a young democracy and there was lack of activism among the people after 1994. A thriving democracy was not one where people folded their hands and looked unto the Government for everything. The CPAs were holdings that were administered on behalf of the communities. There was a lack of activism that waited on the South African Government to do everything and the problem was that the Department was not in every community to see what was going on. One of the members of parliament said that there were many CPAs that lost land due to factors other than conflict among CPA members. The Director General then replied on this statement and said that the Department had to look at the root causes. It was true that conflict among the members was not the only reason. Resources were also an issue. The Director General also said that the Department tried to list the different intervention to strengthen the capacity of the CPAs. The issue of awareness was very important, if the CPAs were aware of their fiduciary duty, it would approach the Department, who would then when necessary appoint forensic investigation and attorneys to interdict the looting of the accounts.

If committee members or leaders in communities adhere to and implement the principles in the constitution of the CPAs that guides them, then conflict, mistrust, miscommunication, dishonesty and all other negative effects will be eliminated. Therefore it is very important that awareness raising and building the capacity of community members must happen to ensure that land reform is successful implemented in the country.

3.4 POST-SETTLEMENT SUPPORT

From the above discussion it is clear that an extensive policy and legislative framework is in place to facilitate the return of land to people dispossessed under apartheid. However, with much of the focus placed on the process and phases of land reform, not much attention has been given to what happens to individuals and/or communities once their land is returned. In addition, the return of communal properties presents even more complexities than in the case of individual beneficiaries. As mentioned previously, the SLAG programme was regarded as ineffective and was a failure, according to Masoka (2014:35). This resulted in the birth of the Land Redistribution for Agricultural Development (LRAD) programme which was to become the primary mechanism for land redistribution. This programme was designed to assist historically disadvantaged South Africans to access land specifically for agricultural purposes, to become progressive farmers and to improve the nutrition and income of the rural poor (MALA, 2001). In essence, the LRAD programme aims to improve the livelihoods and quality of life of the beneficiaries as well as to stimulate the growth in the agricultural sector (MALA, 2001). Thus, the broad aim of LRAD is to contribute more significantly to the agricultural market and to broaden the target group of beneficiaries including emerging black farmers (Rungasamy, 2011:42). Lahiff (2001) argues that despite the programme's potential to contribute significantly to economic development, the programme had particular limitations (Lahiff and Rugege, 2002) which were, the poor design of the projects, the lack of post-settlement support for land beneficiaries and the reluctance of government departments to take responsibility for communication about their function and role to ensure post-settlement support happens.

Due to the above identified problems associated with the LRAD, in 2005 the government introduced the Proactive Land Acquisition Strategy (PLAS) to replace LRAD (Masoka, 2014:37).

In terms of PLAS (DLA, 2007:6), the programme was state-driven and the state proactively targeted land and matched that with the demand for land. The state acquired land through

expropriation, auction and market transaction or negotiated transfer, based on a quantified or un-quantified need or demand rather than providing grants to beneficiaries which would enable them to purchase land (Kloppers, 2012:68). Thus, the state can buy suitable land that is available on the market on offer before or after beneficiaries have been identified (DLA, 2007).

According to the strategy document (DLA, 2007) since its inception in 2005, the programme has undergone major reviews and changes. As such it seems to be more effective in comparison to its predecessors due to the following key factors:

- the programme is state-driven;
- the government is able to acquire land in the nodal areas and in the identified agricultural corridors and other areas of high agricultural potential to meet the objectives of Accelerated and Shared Growth Initiative of South Africa (ASGISA);
- it improves the identification and selection of beneficiaries and the planning of land on which people would settle;
- it ensures maximum productive use of land acquired;
- the clubbing of beneficiaries into a small place of land is avoided; and
- the approach is primarily pro-poor and is based on purchasing productive land that is suitable for particular agricultural activities that government would like to promote *vis-à-vis* redistribution, and/or because it is an especially good bargain (Masoka, 2014:39).

Access to land by rural people should be seen as being an essential human right and as showing respect for human dignity, because it provides the rural poor with the possibility of access to shelter, food, employment and improved livelihoods. To locate restitution outside of broader reform would be a mistake because after land has been restored, people have to enter into the agricultural trade in competition with the commercial sector, building relationships with those who currently manage and own the land. People who lived in Allandale after the evictions, have working relationships with the surrounding commercial farmers because some of them hold foreman positions on the surrounding farms. The land itself is not “restored” land in perpetuity. Land reform in this context has to address the gap between the rich and the poor in South Africa as well as rural poverty, underdevelopment, unemployment and inequalities in South Africa. It is regarded as a key asset for poor people. In having access to

land and other services, the social aspects of the lives of land reform beneficiaries will be improved.

The success of any land reform programme is dependent on the comprehensive post-settlement support given to land reform beneficiaries after they have acquired land. The main objective of land reform in South Africa is to bring about just and equitable transformation and land rights. According to the White Paper on Land Policy (DLA, 1997:7), this objective has a number of dimensions. Firstly, land reform should address the “gross inequality in landholding”. Secondly, it should provide “sustainable livelihoods in ways that contribute to the development of dynamic rural economies”. Thirdly, particular attention should be given to the “needs of marginalised groups, especially women, in order to overcome past and present discrimination”, and finally, that citizens in general, and citizens from rural communities in particular should participate in a meaningful way in the design and implementation of land reform policies.

To this end, it seems that the problems of land reform with reference to post-settlement support are partly influenced by public participation. More specifically, the nature, form, roles and responsibilities of the CPA and the dynamics within and between the CPA and its stakeholders may affect the experiences of beneficiaries of land.

A rigorous post-settlement support strategy is needed in ensuring that beneficiaries of land are successful and harvest the fruits of the sacrifices made by many South Africans. According to Rungasamy (2011:52) an assessment done by the Department of Agriculture (DoA) in 2004, found that between 60-70% of land reform projects, both in restitution and redistribution projects, in the post-settlement phase were experiencing operational difficulties or were considered dysfunctional. The reason behind such a situation was attributed to the insufficient training and skills transfer to beneficiaries who received the land, poor intergovernmental relations as well as between the private sector and civil society and the late identification of stakeholders in the process.

Many of the restitution claims involved the restoration of land. Critical issues raised by academics and critics of land reform include the following: programmes which were limited to the mere transfer of land were generally associated with limited equity. Effective control over productive resources, especially land and water, by the rural poor is crucial to their autonomy and capacity to construct a rural livelihood and to overcome poverty. This is largely because in many countries a significant portion of the income of the rural poor still

comes from farming, despite far-reaching livelihood diversification processes that have occurred in the different places over time. As a result, lack of control over land and water resources is strongly related to poverty and inequality. (Lahiff, 2007a). However, major investments in complementary investment, training, technical assistance and provision of resources beyond the land transfer are fundamental to the attainment of greater equity and efficiency benefits (Manenzhe, 2007:11).

To ensure effective, efficient and economical outcomes in any project or programme it is important to build the capacity of human beings. It is important to invest in the youth through training and provision of resources in order to be successful with access to land for productive and profitable outputs. South Africa's agricultural education sector is failing to produce a new wave of farmers and agriculturalists, with fewer young people being drawn to study agriculture as a career. In addition, colleges and universities are producing under-experienced job candidates, while a lack of training among unskilled and semi-skilled workers is preventing the sector from building from the bottom up. What the government is doing, is far from adequate. It is not pushing through the numbers, nor is it getting the quality right (Joubert, 2013).

The key lesson (Tilley, 2007) that can be drawn from the international experience is that, irrespective of the political or historical milieu, the transfer of land alone is not sufficient and requires buttressing by settlement support provision from a range of institutions and sectors. In the absence of ongoing support and capacity building, new land owners will run the risk of being set up to fail. For development activities on acquired land to be sustainable and to impact positively on the lives of beneficiaries, a comprehensive, responsive and ongoing interaction between those requiring and determining the support they require and those providing such support, is needed (Hoaes, 2009:56). Institutions, internal or external, as well as social and economic relations are critical in land reform: change in material factors such as land, water infrastructure, technology and knowledge could help poverty reduction. Change in material factors implies changes in the social and economic relations as well as in institutions that give the poor greater control over their environment. Further investment by the state in support of beneficiaries is extremely important (Manenzhe, 2007:3). Academics and land rights activists have raised the question of the absence of post-settlement support as a critical gap in South African land reform, thus undermining the developmental potential of land reform (Lahiff, 2001; Hall, 2003; Wegerif, 2004).

Adams (1995) and Griffin et al (2003), cited in Tilley (undated) note that if the objective and scope of land reform are to improve rural livelihoods or facilitate integration into local or global economies, if land reform is to go beyond the mere transfer of land and the narrow focus on technical and agricultural production support to new landholders, then it is necessary to pay attention not only to the immediate support needs of claimants but also to wider agrarian reforms such as infrastructure development, technical support, the provision of credit and access to finance, and the regulation of input and commodity markets in ways that favour support and small-scale farmers and new landholders.

Regardless of how land is acquired, substantial investments are needed to provide investments in infrastructure, extension services, access to inputs including credit, and access to markets – what has been termed ‘post-transfer support’ or ‘post-settlement support’. (Hall, 2004a). Academics and land rights activists have raised the question of the absence of post-settlement support as a critical gap in South African land reform, thus undermining the development of land reform (Manenzhe, 2007:4).

The issue of the people, who have worked that land for generations and ended up without any assets from their activity, is making role players nervous. An integrated approach to deal with post-settlement support is needed to ensure that the government addresses the land question in a manner that addresses poverty reduction, job creation and inequalities. The state, commercial farmers and land beneficiaries will benefit from post-settlement support because in future it will reduce pressure on the state because social welfare might not be a burden on the state when land beneficiaries become self-sufficient. It is very crucial in this day and age that all institutions in this country need to identify the reasonable steps and interventions jointly to achieve meaningful support for land beneficiaries on all levels of society.

Hall (2003:18) argues that the absence of post-settlement support has led to serious problems in as far that the new owners of land are unable to use land as a basis for earning their livelihoods. She further identified institutional support to legal entities as another key area of support for land beneficiaries. Andrew et al (2003:22-23) argue that weak institutional capacity and conflict have a direct, debilitating impact on the ability of beneficiary groups to develop and implement land use management strategies and make productive use of their resources such as the acquired land. Hall (2003:16) further argues that there are many contestations on decisions on land use and how such decisions are made. In addition, general problems regarding representations and feedback to the community in general, and access

issues have been seen as a problem for weak and dysfunctional institutions. Better approaches and attitudes can have a positive impact on the support provided by the state for the land beneficiaries and other role players if their human capacity were built. Institutional support cannot be ignored and must also be seen as a key factor in the post-settlement support phase. It is true that an uninformed person is a dangerous person and this can be changed through capacity building around the institutional arrangements by the role-players. The aforementioned example highlights the importance of, *inter alia*, effective community leadership in driving land restitution and its benefits in local communities. It is this researcher's view that leaders serving on the Communal Property Associations' structures require training on their roles and responsibilities to implement the objectives of these community structures.

Jacobs (2003) identified key functional areas of support for land reform beneficiaries. These include extension services (farming advice), skills development and capacity building, including training and mentoring programmes; financial assistance in the form of grants and credit to assist with farming operations; infrastructure support such as irrigation and fencing; and access to markets, ranging from local sales which are mainly informal to marketing arrangements with commodity organisations (Manenzhe, 2007:27). While this researcher agrees with some of the areas of support that Jacobs refers to, the fact that most of the land beneficiaries used to be farm workers on the land for most of their years, cannot be ignored. These farm workers established relationships with the commercial farmers and they worked together on a daily basis to ensure the farming operations are sustainable, productive and profitable. Farming advice, irrigation and fencing are activities that land beneficiaries who worked on farms might not need if they were doing it successfully when they worked on the land. Although it is important to identify key functional areas for post-settlement support, it is also important to learn from the experiences of farm workers who have become land beneficiaries. It is a reality that some farm workers does not have the necessary education to manage a farm profitably, but it must be acknowledged that they have the skills, competencies and experience to ensure that the farm is productive and sustainable. Many of the farm workers started working on the farms since a very young age and acquired farming-specific skills. Technical skills are required to run the farm as a business but the passion, commitment and experience of many farm workers cannot simply be ignored in order to be a successful farmer. Combining the technical skills with the experiences of farm workers can be a very good ingredient for a successful farming business. This combination can be

established if the farm workers who are land beneficiaries have the power to engage the commercial farmers with whom they have a long working relationship, are allowed to request their technical support.

Previous research (Geyer & van Rooyen, 2009:102) found that restitution communities are confronted with two main challenges, namely: access to sufficient and timeous finance; and the lack of appropriate governance capacity to manage the intricacies of project-level challenges. Becoming a beneficiary of land reform should be self-selective, meaning that those who were dispossessed of their land should be given the choice to decide on whether they want to be financially compensated for the land or whether they want the land returned to them. The role of the state then, should be limited to providing land purchase grants and settlement support services, which demands both budget and human resource capacity, both of which appear to be critically lacking in the course of the land reform programme in South Africa. To ensure that the state addresses the two main challenges raised by Geyer and van Rooyen (2009), it is important to facilitate partnerships with the commercial farmers. The state and land beneficiaries alone cannot provide the budget and human resource capacity. There needs to be facilitation processes with the aim of convincing the private sector (commercial farmers) that they have a moral and social responsibility to be supportive to those beneficiaries who received land. Also critically important is for the land beneficiaries to take ownership and develop pride by participating in the building of relationships with the commercial farmers for post-settlement support. This researcher is of the view that there are some commercial farmers who might be willing to provide financial support, technical skills and human resource capacity, but they need to be identified and approached. Therefore it is important that land beneficiaries reach out to those commercial farmers and request support and assistance. However it is very important that land beneficiaries who used to work with the commercial farmers and built strong working relationships must be the ones leading this approach. Good working relationships are built on trust and honesty and commercial farmers might only trust people that they have known for quite a time. Therefore, the land beneficiaries who are not known by the commercial farmers must stay outside this process. It is in the best interest of the farming communities (land beneficiaries and existing commercial farmers) to work together and be supportive of each other. Both the land beneficiaries and the existing commercial farmers are supposed to understand and know this. According to Sibisi (2015:21), the Recapitalisation and Development Programme (RADP) is the post-settlement support given to all types of dormant land reform beneficiaries who acquired land and also

agricultural reallocated properties, since 1994 (Binswanger-Mkhize, 2014; DRDLR, 2013). The support primarily focuses on infrastructure development, organisational human capacity development and other incentives required for the survival of farming. The objectives of the RADP are to increase production, ensure food security, facilitate the process of emerging farmers' development to commercial farming, impart skills to new emerging farmers, create job opportunities and establish rural development monitors (DRDLR, 2013).

The Department of Rural Development and Land Reform (DRDLR) has employed a number of strategic approaches to achieve the RADP provision of mentors for mentorship; joint management approach; strategic partnership approach and contract farming and concessions. The RADP recognises that beneficiaries require vast engagement in training, finance and networking with suppliers of inputs for successful farming (DRDLR, 2013). The mentors employed by the DRDLR are farmers who have experience in commercial farming (DRDLR, 2013). It is this researcher's view that although this framework exists for farmers to participate in the mentorship programme; they need to adhere to the supply chain processes of government. That will create a situation whereby one might exclude the farmers with the real knowledge, love, commitment and passion for farming, from the mentorship programme. In this researcher's experience, some farmers who are passionate about farming, like the neighbouring farmers around Elandsloof, are not keen to be on a database of government. They feel that it is too much effort to establish a business venture and to join the agricultural associations to deal with their duties outside their practical farming operations. Since they see the database as a tendering process, they are not interested and refer to it as 'corrupt operations'. It is therefore important that although this framework is in place, that beneficiaries of land restitution and commercial farmers do not need to wait for a framework to be supportive of each other, but to do it for the success of social cohesion and because it is the right thing to do.

Post-settlement support influences decision-making across various spheres of government and levels of community. In the case of service delivery to recipients, for example, the Integrated Development Plans (IDPs) are key tools in the planning and delivery of municipal services and related infrastructure support. It plays a powerful role in decisions and issues such as budgets, land management and the promotion of local economic development. An IDP is a five-year strategic development plan that guides development at the local sphere (DPLG, 2009:6). For this reason, the IDP cannot be separated from the restitution process, as it provides feedback and important linkages between the needs of a given community and

municipality. Community members must participate in municipal meetings to ensure that their needs are raised and captured in the IDPs. A review of the IDP must happen regularly to make sure that the needs receive the attention they deserve. It is thus in this process at local level that the farming communities must be united and sing the same chorus.

Current land policy assumes that local government will be the leading role player in service delivery after the transfer of land to beneficiaries (DLA 1997). Yet local government policies and programmes give only marginal attention to this. Across the country, many land reform beneficiaries are unable to access municipal services such as water, sewerage, electricity and roads after land transfer. This has been exacerbated by the confusion in the local government as to whether the local municipalities are allowed to provide services on private land or whether they are not obliged to do so. (Manenzhe, 2007:28). In most land transfers there are divisions and conflict amongst the farming communities. Local government officials used this scenario as an excuse for not assisting the land beneficiaries or for passing the responsibility to the Department of Rural Development and Land Reform (DRDLR).

Van Zyl et al (1996:3) argue that the success of land reform in South Africa should be tested against its ability to address equity in land distribution and livelihood upgrading, reduction of poverty, creation of rural employment and income-generating opportunities. Van Zyl et al further argue that in the post-settlement era, issues around sustainability, improvement of livelihoods of beneficiaries, creation of employment etc., are crucial. It is evident that land access is just one factor, but the land access must be complemented with the support services so that the success of land reform can be realised. According to Van Zyl et al these services have to re-orient towards land reform beneficiaries. These services include research, extension, information, credit, input provision and output markets. Beneficiaries' ability to make effective and productive use of land acquired during land reform will depend among other things on construction of complementary infrastructure suitable for smallholder agriculture; change in the pattern of utilisation of land; and clear delineation of responsibility for production outcomes. In many cases lack of capital prevented beneficiaries from significantly increasing the efficiency of production. This researcher agrees with the argument of Van Zyl et al, therefore it is important to reflect and come up with ideas, but more importantly, these ideas need to be changed into reality. This can only happen if there is a common understanding between the commercial agricultural sector, land reform beneficiaries, all spheres of government and role-players involved in land reform. If they can work together as a collective and be supportive to build the agricultural sector, the

infrastructure and human resource development, the land question can be dealt with successfully. Blame and shame will not help in this crucial period of our country where access to land is very important to the majority of the citizens of South Africa.

Studies have shown that land reform beneficiaries experience numerous problems regarding access to complementary services such as infrastructure support, farm credit, agricultural inputs, training extension advice and access to markets for farm outputs and ploughing services and also assistance with production and sustainable land use (Hall, 2004b; HSRC, 2003; Wegerif, 2004). According to Jacobs (2003) land reform in South Africa since 1994 has helped some rural people to gain access to land for a range of purposes but land-based livelihoods strategies and support after land has been transferred have been neglected by the state. Since the state has a lot to do to address the injustices of the past, it will be unfair to expect only the state to assist the land reform beneficiaries. Those who benefited from apartheid and who own the majority of the land must come to the table and add value. Invitations went out to the rich to be supportive towards the land reform beneficiaries who experience the numerous problems as mentioned by Hall (2004a; 2004b); however, they have been reluctant and resisted against the change of land ownership. This researcher believes that the relevant stakeholders must continue engaging the commercial farming sector to assist land reform beneficiaries with the challenges and problems they experienced. However, the involvement and participation of beneficiaries in the planning of infrastructure and services is a critical element in land reform. (Manenzhe, 2007:24).

3.5 CHAPTER SUMMARY

The first part of the chapter focused on the historical context of land with its emphasis of dispossession of land, from the majority of the population in South Africa to the minority. It illustrates how legislation was developed to force black people to be evicted from their ancestors' land before our democracy in South Africa. This forced removal of black people created the opportunity for the white minority population to own more than 80% of land in South Africa. The legislative framework that was used before democracy shows that the discriminatory laws infringed on the human dignity of black people and land was allocated to people on the basis of their race. It was therefore important for South Africa to heal the division of the past through a process of negotiation and the development of a legislative framework that will address the land inequality and the discrimination on the basis of race.

The democratic South African government therefore developed a legislative framework that will address the redistribution of land to the majority of the population and the owners of the land. The second part of the chapter discussed the legislative framework that addresses the land question in South Africa post-1994 through the three legs of land reform. The first component of land reform is the land redistribution programme which aims to allocate land to the rural poor, emerging farmers and landless people. Tenure reform is the second part of the land reform programme, that stipulates the rights and responsibilities of farm workers, farm dwellers, farm owners and labour tenants of agricultural land. Tenure reform further aims to prevent arbitrary evictions of farm workers and farm dwellers from the farms. The third leg of the land reform programme discussed in this chapter is the restitution programme, which focuses on the redress measures applied to people who were dispossessed of their land in 1913 and thereafter, as a result of racially discriminatory laws. The details of these three legs of the land reform programmes are outlined in the Constitution of the Republic of South Africa (RSA, 1996b).

The chapter also reflected on the establishment of a legal entity, the Communal Property Associations (CPAs) that hold and manage the land on behalf of the beneficiaries. It reflected on the oversight role of government to enforce the rights of the ordinary members of the land beneficiaries. The last part of the chapter discussed land restitution and post-settlement support and the different programmes that were developed to address post-settlement support. It also reflected on the views of different authors regarding the involvement and participation of land beneficiaries and the challenges encountered after land beneficiaries received the land. The chapter briefly referred to the working relationships between land beneficiaries and commercial farmers, on whose land they used to work. It reflected on the critical role this relationship could play with regards to post-settlement support, if approached correctly.

The next chapter explain the case study of Elandskloof and depends mostly on the participation observations and conversations with Elandskloof community members who are informed about the history of Elandskloof.

CHAPTER 4

THE CASE STUDY AREA: ELANDSKLOOF COMMUNITY

4.1 INTRODUCTION

This chapter explains the history of Elandskloof and also reflects on the developments that took place through the process of restitution. Most of the reflections are based on minutes of meetings and workshops that were held by the various institutions involved in Elandskloof. Reflections are also based on the knowledge of the researcher and observations through the process.

4.2 CASE STUDY AREA: ELANDSKLOOF

4.2.1 History of Elandskloof

Approximately 200 kms from Cape Town and 17 kms from the town of Citrusdal, lies Elandskloof – a small area of land nestled in the Cederberg Mountains. This land was bought by the Dutch Reformed Mission Church from two joint owners, Stefanus du Plessis and Andries Janse van Rensburg (Anderson & Smith, 1992). The Church acquired the initial portion of ‘inner’ Elandskloof land of 718 ha on 12 June 1862 and the surrounding mountainous portion of 2 421 ha in 1900 (Pienaar, 2006). The main objective of the church was to establish a missionary station. The land’s inhabitants, many of whom were the descendants of the ‘first nation’ Khoi and San people, had practiced individualised subsistence farming and kept animals over generations. During the period of Dutch settlement at the Cape in 1652, the indigenous Khoi pastoralists lived a semi-nomadic existence where they lived in kraals along the Oliphant’s River. This peaceful existence came to an end as colonists appropriated the most fertile land along the river valleys. A series of oppressive laws by the Dutch and then by the British colonialist authorities from the 17th to 19th centuries subjugated the Khoi into labour relationships with white farmers.

Various pieces of legislation such as the 1913 Natives Land Act and the 1936 Native Trust and Land Act had effectively dispossessed black people of their forefathers’ land. Due to

these racially-skewed policies, a small minority (12.6% of the population) owned 87% of the land, while the majority of South Africans were concentrated on overcrowded pieces of land reserved exclusively for black people (Van Zyl et al, 1996). This dispossession contributed to generations of black people being excluded from the South African economy. When the church sold the land to two white neighbouring farmers for R34 000 in 1962 (Jordaan, 1998), the community was effectively dispossessed of their ancestral land. The farmers started evicting the Elandsklowers soon after property transfer. Many of the Elandsklowers settled in different towns around the Western Cape while a core group settled on a farm approximately 7 kilometres from Elandskloof, called Allandale. Their eviction stories suggest an inhuman element. This dispossession also entailed the loss of their homes, farms and many animals they owned. The mission land was declared a 'whites only' area, partly to ensure that the community could never return. According to a respondent, the son of the leading activist and pioneers of 1962 whose account painted a gruesome story of what happened on that fatal day when the community's crops were burnt and their livestock and poultry either impounded or killed (Anderson & Smith, 1992:9). The community of 76 households was finally forced to leave Elandskloof on 12 September 1962 (Mayson et al, 1998; Anderson & Smith, 1992:10). This dispossession also entailed the loss of their homes, scorched farms and any animals they owned. They only received a shocking 10% of the land they lost (approximately 4 000 hectares from a total of 40 000 hectare) as Phase 1 of the restitution process. The mission land was declared a 'whites only' area under the Group Areas Act (1950), partly to ensure that the community could never return. The community of 76 families, around 600 people, was then separated and scattered throughout the Western Cape. Another respondent who was a young child when his family was forced to leave their home with only blankets they could grab to escape the raging evacuation fire, gave a verbal account of some of the things those families went through. In the immediate aftermath of being dispossessed, some families were forced to live in the bush, waiting along the streets to be picked up by white farmers in search of farmworkers and later were forced to move from farm to farm until they found alternative places to settle. Neighbouring farmer Daniel du Plessis gave permission for around 40 displaced families to stay on his farm, Allandale, situated approximately 12 kms from Elandskloof. These 40 families started working on the surrounding farms of Elandskloof and built good working relationships with the commercial farmers. Apparently the farmer had empathised with the evicted community because he and his forefathers had attended the mission school at Elandskloof (Barry, 2009). Since their removal, a core group of community

members led by a certain Mr Januarie, had continued to rally together in efforts to reclaim their formerly scorched land.

On 13 December 1996 the land was transferred to the Elandskloof Communal Property Association (ECPA), with the list of 308 members (Barry, 2009). At an emotional ceremony on a national public holiday, the Day of Reconciliation, 16 December 1996, the Minister of Land Reform, Derrick Hanekom, handed over the title deeds to the community, in addition to promising them a tractor on his return to Elandskloof – provided that the farm was thriving (Mayson et al, 1998; Friedman, 1996).

4.2.2 Community Leadership

Since their removal, a core group of community members had continued to rally together in efforts to reclaim their land. Driven by confidence in political climate changes in the 1990s the Allandale group pursued their objective. They participated in processes to get their land through the involvement of the church leaders of the Moravian church and built networks with stakeholders. Assisted by two NGOs, the Legal Resources Centre (LRC) and the Surplus People Project (SPP), the group submitted a claim to the Land Claims Commission under the *Restitution of Land Rights Act 22 of 1994* (RSA, 1994). With land reform being high on the agenda of the new democratically-elected ANC-led government, negotiations for the restitution of land started. Finally, after a lengthy six-year period, on 15 October 1996 the Land Claims Court ordered the restoration of the land in the first ever Land Claims Court judgement for the restoration of land. The Elandskloof community has chosen the option of restitution over monetary compensation precisely because they believed that the government would put measures in place to support them in making a success of their land.

The community of Elandskloof was able to take legal ownership of their land on 13 December 1996 by using a Communal Property Association (CPA) as a juristic person, in whom ownership was registered. On 2 December 1995 nine committee members were elected to ensure that the Elandskloof community established a legal entity as prescribed by the *Communal Property Associations Act 28 of 1996* (RSA, 1996a) in order to participate in the negotiations for the return of their land. On 12 October 1996 the Elandskloof Communal Property Association (ECPA), which would take ownership of the land, was established. In terms of the ECPA's Constitution, a management committee of nine is elected to serve a two-year term. The mandate of the ECPA is to “adjudicate its membership, to manage its assets, to resettle the community, to provide appropriate infrastructure, housing and other social

services, and to develop agriculture and other economic opportunities (Mayson et al, 1998). Meetings with all claimants were regularly held at Elandskloof, including potential members who lived in other towns and who drove long distances to attend those meetings.

4.2.3 Factors affecting the process of Post-settlement

The land reform process and resettlement of beneficiaries at Elandskloof proved to be a complex process, from its inception. There were numerous challenges right at the beginning, some of which were not anticipated. The key reasons cited by community members for the lack of development on the land, are lack of commitment and unfulfilled promises on the part of the state, lack of financial resources, ongoing disputes of who the rightful beneficiaries of land and resources should be, nepotism, favouritism in land and resource allocation, poor community organisation and cohesion as well as tensions between the community living at Elandskloof and those living outside of Elandskloof. There was a decision by the land beneficiaries that those who lived in other areas and had no intention of returning to Elandskloof could not realistically expect to be given land. There was no final beneficiary membership list because some of the land beneficiaries were of the view that the CPA included their friends and relatives who were not beneficiaries of the ECPA on the membership list. Those friends and relatives were not entitled to be members and land beneficiaries of the ECPA. That subsequently impacted negatively on the relationship with government officials, the authority of the ECPA, community cohesion, agricultural developments and service delivery. Some of the people who were not members and land beneficiaries attended community meetings and because they had friendly relations with the CPA committee. It created a situation whereby members who were not beneficiaries of Elandskloof also wanted to become members and had the approval of those consultants and government officials because they were allowed to participate in the affairs of the community. Government officials and consultants were not sure who were members of the ECPA and in some cases supported the view and opinions raised by those who were not entitled to land or to participate in the community meetings.

Engagement amongst stakeholders was also affected by various challenges. Firstly, most of the discussions and engagement with committee members, consultants and government officials took place in Cape Town, through the medium of English. Many of the committee members and land beneficiaries did not have formal schooling nor did they speak English. Moreover, the geographical distance between Elandskloof and Cape Town impacted on

committee members' ability to attend meetings. Those issues contributed to many members feeling excluded from the process. Due to the lack of engagement between government, consultants, CPA members and other stakeholders, conflict and mistrust arose. There was a strong feeling amongst committee members that the government officials were not complying with the stipulations of laws and policies and simply ignored the voices of the people. In turn, that impacted on the ability of the government to appropriately consider the needs and interests of land beneficiaries as they resettled in Elandskloof.

According to Barry (2009) community members were angry and believed that the state had repeatedly lied to them and had not delivered on what they perceived to be promises of resources and assistance.

The issue of housing is a particularly sensitive one. A common sentiment is that: 'Restitution means getting back what you lost, not just the land.' The handover ceremony created considerable expectations from the state, while many of the operational matters of settling had not been addressed. It was thought that agricultural projects in the area would provide job creation. However, the community's expectations were unmet due to the realities of a lack of financial resources, poor community organisation, tensions within the community around who the actual beneficiaries of the land should be, the grouping together of community members with seemingly different agendas, conflict among the community coupled with the fact that there was antagonism from the beneficiaries who had remained in Cape Town but who seemingly had a voice in decision-making in Elandskloof.

While the Elandskloof community had acted in solidarity in exercising their rights to claim back their land, in-fighting between land beneficiaries and amongst stakeholders negatively affected the handover process and the land beneficiaries' ability to resettle. Since the Elandskloof community successfully regained the land, they struggle to resettle due to various reasons like the CPA committee who does not want land beneficiaries to wait until the promised houses have been built and the infrastructure installed. Land beneficiaries had many expectations upon resettling, particularly since that was arguably the first successful land restitution case in the Western Cape. It was anticipated that the newly settled community would thrive and become self-sustainable. There was the expectation that the 308 families of Elandskloof would qualify for the Restitution and Settlement Planning Grants. They also expected that the dream of "reconciliation, reconstruction and development" would be

realised after the transfer of the land and that all three spheres of government (national, provincial and local) would play a critical role in the process.

Unfortunately, due to many factors, including community in-fighting, state uncertainty, bureaucracy and a critical lack of skills, those expectations were not realised. Most people who had remained in the area after their families were evicted, wanted to return to Elandskloof. The families who had settled and worked in Allandale could not use the land for their own agricultural purposes. They were keen to return to Elandskloof, because they would then own the land, they would be able to use the land to grow food, as well as provide grazing for their livestock and other animals, become economically self-sustainable, job creation potential will be explored and dependence on social grants reduced. The Allandale families believed that since they had worked for the commercial farmers, those farmers would be supportive with the transfer of agricultural technical skills. Many community members were disgruntled by the fact that their wishes were disregarded by the state and the CPA. The lack of certainty over the status of different families and individuals caused substantial tension amongst community members and stakeholders, which in turn led to many of the current problems experienced by the community of Elandskloof in the process of resettling on their ancestral land.

Some events that occurred impacted negatively on the community, like the sizes of the allocated plots hindered the orderly resettlement at Elandskloof. Soon after the handover ceremony at the end of 1996, the Allandale farmer insisted that the Elandsklowers on his property return to Elandskloof, seeing that they had their own land. An early conflict arose between the CPA committee and land beneficiaries when some of the Allandale group illegally occupied existing farm workers' houses, which the ECPA main committee had set aside for Elandsklowers who were involved in the commercial operations on the farm. Those farm workers' houses were supposed to be occupied by the permanent workers of the ECPA. That was one of the first incidents where the state intervened by providing mediation and dispute resolution services to address conflicts at Elandskloof.

In-fighting between the various groups and sub-groups resulted in competition for land, resources and power. Community meetings often degenerated into chaos, with the legitimacy of the committee and the decision-making processes being questioned. Meeting venues and meeting times were deliberately miscommunicated or not announced at all, with meetings convened at distant places far from the community in order to exclude some members as part

of the power dynamics. Decisions which were made at community meetings would later be disregarded by those who held different opinions on who had the right to be part of decision-making, based on their 'flawed' membership. Those decisions would then have to be overturned – a pattern which would further impede development and community cohesion in Elandskloof. Lack of communication and commitment at the onset between the state departments resulted in the state being unable to deliver on community expectations. Commercial agricultural operations ceased, harvestable resources and the land itself were appropriated by community members, the management committees collapsed and accounts were not paid.

Conflicting personal interests *vis-à-vis* community and/or land beneficiary interests further intensified in-fighting and resettlement. What negatively impacted the resettlement challenge was that the small group who had originally led and driven the restitution process, portrayed themselves as victims of an injustice to effect the restitution, perceived themselves as being marginalised by better educated people once the hope of restitution became a realisable reality. Thus, instead of community cohesion in seizing an opportunity for empowerment, the Allandale group continued to immobilise development to the point that the ECPA management structures were dysfunctional from the onset. Some individuals of the Allandale group who returned to Elandskloof ignored the roles set up by the ECPA committee and did as they believed was right in their view.

They went into the orchards and harvested oranges and pears for their own households, they established their own market for the fynbos and sold it without the knowledge of the ECPA committee. Since some individuals of the Allandale group believed that because of their engagement with the relevant stakeholders and fighting spirit they did not have to adhere to the rules set up by the ECPA since it was done without proper consultation and the lack of participatory processes.

Where the rights-based approach can be criticised, is that the community themselves were supposed to formalise the obligations of communal property institution rights holders. Communal land holding systems, be they formal legal entities such as sectional title systems or customary systems, carry an obligation to the daily functioning of the communal entity. At the onset the planning consortium and the Elandskloof leadership attempted to develop plans and strategies through participatory processes. However, the failure of those can be attributed primarily to internal conflicts. The risks of Elandskloof becoming dysfunctional were very

high from the onset, and given the pressures on government to deliver quantifiable land reform and restitution outputs at the time, some of the land reform and restitution projects could be expected to fail.

What was needed was a means to commit ECPA members to fulfil their obligations, especially to adhere to rules and agreements and make regular contributions to the management and administration of the ECPA as an entity, otherwise the ECPA could become insolvent and the normal legal processes would ensue with a second wave of evictions ensuing. Therefore, conflict hindered the functioning of the ECPA, as well as successful implementation of development projects, such as a Land Reform Housing Project. The Provincial Land Reform Office (PLRO) intervened and an application was made to the Cape Town High Court for a court order to place the ECPA under the administration of the Director General (DG) of the Department of Land Affairs. On 18 October 2005, the High Court granted an order in favour of the Department of Land Affairs (DLA).

In a stable situation, the medium term risks of a project such as Elandskloof succeeding in attaining these high level emancipatory and empowerment objectives, and the functional objectives of a socially coherent community and economically independent agricultural entity are immense, let alone in a rapidly changing post-conflict society. The structural issues which underlie much of the internal conflict arguably rendered it impossible for community leaders to drive a coordinated development plan or for external agents to assist them effectively. There is only enough land and agricultural potential to sustain a small number of people and thus coalition formation and competition for access to land and resources should be expected. Additional to this are the difficulties of reconstructing a community which had been dispersed in a brutal manner, with family feuds resurfacing after resettlement. Therefore amidst these challenges in 2006, Elandskloof was placed under the administration of the Director General of Land Affairs and Agriculture. The intention of the Provincial Land Reform Office (PLRO) was to administer Elandskloof, facilitated by the Mediation and Transformation Practice (MTP), until the Elandskloof Communal Property Association (ECPA) was empowered to take over the management of their affairs. Several service providers were involved in compiling status and planning documentation and implementing projects, i.e. the Departments of Agriculture, Economic Development and Tourism, Local Government and Housing, Water Affairs and Forestry, Land Affairs as well as Cape Nature, the Cederberg Municipality, the West Coast District Municipality and various other trusts and private companies. This illustrates the importance of transparency, honesty, and the relevant

skills and expertise needed to plan for a project like Elandskloof. The relevant stakeholders who understand the dynamics and challenges regarding such projects should have been identified before the settlement process and participated in the resettlement plans of Elandskloof. Some of the key state officials and stakeholders involved in the resettlement process did not have the necessary skills, knowledge and experience to do the proper planning for the Elandskloof project.

4.2.4 Current realities

The residents who currently reside in Elandskloof are 117 households and there are no daily activities happening at this stage regarding the development of the land. However, informal relationships are continuing with land beneficiaries and neighbouring commercial farmers about assistance with small pieces of land for planting. The previous commercial farm owner of Elandskloof assists with ploughing of small fields and water supply. After the orange season, residents of Elandskloof work on surrounding commercial farms and on neighbouring farms. Some of the Elandskloof residents are appointed permanently on the surrounding farms while some are holding foreman positions on those farms. Currently in Elandskloof a young school teacher took the initiative to bring people together, particularly those who were not part of the Elandskloof eviction process in 1962, and is trying to build unity amongst the residents living in Elandskloof. There are no government officials, NGOs or any other stakeholders involved in the affairs of Elandskloof and the community agrees that administration is not the answer for the Elandskloof development. They believe the best way forward is to unite as a community and take the Department to court for not adhering to and implementing the court decision when Elandskloof was placed under administration.

4.3 CHAPTER SUMMARY

This chapter introduced the case study of Elandskloof by briefly discussing the history of the farm and the dispossession that the community experienced during 1962 when they were forcefully removed from the farm, based on racial discriminatory laws. At the dawn of democracy, individuals previously dispossessed of their land took advantage of the policies of land reform and claimed back their land in Elandskloof. However, this process was not without its complexities and challenges. Notable were tensions and conflict amongst stakeholders, exclusionary participatory processes and conflicting personal interests. The lack of infrastructure development to facilitate resettlement was also highlighted. These are some of the issues that led to the community in-fighting and tensions that are discussed in the

chapter. Poor communication and the unequal participatory processes in decision-making processes led to conflict and hindered the functioning of the ECPA. That created a situation whereby the state applied to the Cape Town High Court and placed Elandskloof under administration. The intention of placing Elandskloof under administration was to empower the Elandskloof beneficiaries to manage the farm and their own affairs. The chapter concludes by referring to the current situation in Elandskloof and the involvement of the residents living in Elandskloof to build their own future. It mentions the importance of unity amongst the residents to ensure that they hold the government accountable even if it needs to do so through a court process.

Chapter 5 focused on the interviews conducted with relevant stakeholders involved with the Elandskloof case and examined the contribution made by land restitution to improve the livelihoods of the Elandskloof community.



CHAPTER 5

FINDINGS

5.1 INTRODUCTION

The main purpose of this chapter is to present the responses and narratives of the participants interviewed. As mentioned elsewhere in the thesis, the researcher relied on in-depth interviews, personal observations and focus group discussions to elicit experiences, insights and viewpoints from those involved in the Elandskloof case. The participants included direct beneficiaries of land, government representatives and consultants. Due to the researcher's close involvement in the community, a research assistant assisted with conducting the interviews in instances where respondents were not comfortable with the researcher being present. The first part of the chapter presents the responses from the focus group discussions with the youth, children of beneficiaries and the land beneficiaries themselves. The second part of the chapter presents the narratives of participants as these emerged from the in-depth interviews. To this end, the researcher interviewed government officials, the project consultant and former CPA members.



5.2 FINDINGS

5.2.1 Background to Focus Group Discussions

The researcher conducted three focus group discussions with residents from Elandskloof community. The focus group discussions were organised according to age and experience related to land restitution. The first focus group was targeted at the youth of Elandskloof. While the National Youth Policy 2015 – 2020 categorises youth as those between the ages of 14 – 35, the researcher identified youth between the ages of 20 -35. In the Elandskloof community youth are basically recognised as such from the age of 20 and not younger. This focus group had 13 participants. It was important for the researcher to explore the views and insights of this group as the youth are the future generation of South Africa, and in particular the youth of Elandskloof are the future community members and recipients of social welfare entitlements and related constitutional benefits. The second group was aged between 40 - 55 and was probed on their experiences of the land restitution process that emerged post-1994. This group comprised of people whose parents were dispossessed of land in Elandskloof.

Therefore they had first-hand experiences of the effect of land dispossession on their parents. The third and final group comprised of individuals who were evicted from Elandskloof in 1962 and were aged 60 and older. The second and third focus group comprised of 9 participants each. An interview schedule comprising of a set of 9 questions guided the focus group discussions. In general the questions probed the participants' experiences of the process of land restitution. In the light of understanding the problem of post-settlement support, guiding questions probed included the effects of land restitution on economic and social development, the role of the CPA on the process of land reform and the role and support of government agencies in facilitating the process of land restitution.

5.2.2 Focus Group of youth between the ages of 20 and 35 years

In probing the youth's experiences of the land restitution process in Elandskloof, two main issues emerged in the context of post-settlement support. These are discussed below.

5.2.2.1 Citizen Participation

One of the first things that emerged from the focus group with the youth related to the conflict amongst stakeholders that included their parents, grandparents, government departments and commercial farmers. It seems that conflict resulted from differences of opinions about developmental opportunities for the youth. For example, the youth desired recreational and sporting facilities. They claimed that many of them were talented in sports such as rugby and netball but had no opportunity to pursue these interests due to the lack of infrastructure. Some of them blamed government for the lack of opportunities for the youth in the area. The feeling amongst them is that government must create programmes and opportunities to assist them in developing Elandskloof. Although some of them tried to engage the officials from government by writing letters for support, their letters have been ignored because they received no responses.

Another issue that emerged from the focus group discussions related to the perceived lack of voice of the youth. In the Elandskloof community a very conservative culture of child-parent relationship exists, where children are seen as subordinate to parents. In this respect, the youth believed that they were denied the opportunity to participate in community decision-making processes and/or that they were less equal than older community members in relation to the exercise of their citizenship. They were of the view that the older generation often excluded them by constantly dwelling on the 1962s mind-set, an event that is acknowledged,

but the feeling is unanimous that it is long past. The 1962s mindset refers to the people who experienced the hardship of the removal from Elandskloof in 1962 and they believed that since they made the sacrifices and experienced the loss they have more authority than people who did not face eviction in 1962. The lack of receptiveness of the elders to change was emphasized by some in the focus group discussions. One of the young women accurately voiced her concerns by saying, “the elders do not want children to assist them. They are not open to change. Everything is stuck in history of 1962” (Focus group 9th August 2016). The youth also referred to the lack of communication between themselves and the elders of the community, resulting in feelings of abandonment and exclusion from critical processes related to land restitution and post-settlement support. They cited conservative values and norms of child-adult behaviour, as one of the main reasons for their lack of participation in the developments in Elandskloof. All of them were of the view that elders must be respected and if you differ from them in meetings or in conversations it is a sign of disrespect.

5.2.2.2 Infrastructure Development

The lack of a tarred road leading into Elandskloof meant that it was inaccessible to most modes of transport. While most of the youth are employed as seasonal workers in the surrounding citrus factories, they have aspirations to work elsewhere or to study. There is, however, very little opportunity for most of them to pursue these dreams. A few youth said they were able to farm and had applied to the Department of Rural Development for funding to initiate agricultural projects, but had received no feedback. Essentially the youth of Elandskloof are disillusioned and frustrated at the lack of opportunities and facilities. Their grandparents attended school in Elandskloof and the school building is still there. They were of the view that their children must also attend school in Elandskloof. Their views are that it is not fair for school children to be awake at six o’ clock in the morning to go to school and be back home at half-past three in the afternoon, while they can attend school at Elandskloof. They still believe government can create a better life for them by creating sport facilities, upgrading and opening of the school and job creation opportunities in Elandskloof. Despite a strong desire to remain on the land and contribute to its development, they are pessimistic about the future. No youth interviewed for this study expressed a desire to leave Elandskloof and build a life elsewhere. (Focus group, 9th August 2016).

5.2.3 Focus Group Discussions of participants between the ages of 40 and 55 years

A number of issues emerged from the focus groups discussions with participants in this age category. Some of the issues were similar to those raised by the youth, but far more detailed in understanding the impact insofar as land restitution and post-settlement support is concerned.

5.2.3.1 Citizen Participation

Many of the participants referred to the negative effect of conflict and community in-fighting on the land restitution process. In fact, they responded that they were reluctant to attend community meetings because of the in-fighting of their parents that bring division amongst them. They recalled that at Allandale the community stands together and contributes financially in the fight to get Elandskloof back. Nowadays the same people who were united at Allandale are divided and they put the blame on jealousy and fighting about resources and the division created by the state and the ECPA committee members. One of the group members mentioned the fact that they used to harvest wild flowers, buchu, made wood and had concerts as part of sustaining their livelihoods. Since the place was placed under administration, those opportunities does do not exist anymore. The administrator does not come to Elandskloof regularly, but wants to make the decisions about their livelihoods. Because of the division in the community they cannot agree on an exit strategy for the administration. They thought that the administrator would add value to the Elandskloof development, but in their view the administrator just misused their role and abused their power. Some of their children are part of the youth but they just want to socialise and show no interest in Elandskloof. Those children are just happy to have a roof over their heads, even if it is a shack. When they attend community meetings and want to participate, they are insulted by the older generation who were evicted in 1962. The generation of 1962 is the people who suffer from the eviction and lost there livestock and their human dignity were infringed on. A remark was made that the only way Elandskloof will develop is when some individuals from 1962 pass on, because they are hampering development at Elandskloof.

They speak about Elandskloof with great fondness and nostalgia and feel grateful to have a place to call their own. Although none of them had experienced the evictions of 1962 and not all of them were born in Elandskloof, they also insist that they would choose the land over a financial settlement any day. Seven of them are married and have children in their twenties, who grew up in Elandskloof. All nine participants agreed that it was time for the older

generation to allow the youth to participate in the development of Elandskloof. One of them recalled the role they as youth played in Allandale to unite the community and how they could participate in the struggle to claim the land back. He explained that, after every meeting with Surplus People Project and Legal Resources Centre in Cape Town, they gave a report-back to the whole Allandale group on a Saturday, when everyone was available. People showed respect and were allowed to differ on issues until consensus was reached. He continued by explaining how the youth of Allandale raised funds by collecting, every Friday, a R5.00 (five rand) from the households in Allandale for transport and workshop costs. In the discussions they reflected on the leadership training they attended and how it built their confidence. Four of the participants believed that because of the leadership training they attended in Allandale, they currently hold supervisory positions at their work places. (Focus group, 13th August 2016).

The group said that since their return of Elandskloof they do not actively participate in the development of the farm. Their argument is because of the in-fights amongst the older generations who in most cases are their parents. It is sad for them, and they never expected that the conflict would be so tense amongst the elders. They admitted that while the issue of community conflict and strife amongst Elandsklowers is well documented in opinion papers and studies, as well as in the minutes of countless community meetings, there is a feeling amongst certain community members that these old divisions are no longer that strong. One reason for this is that many of the original evictees had passed away and that issues of ‘true membership’ and family feuds are not as strong amongst their descendants. The group strongly believes that the administration process must be stopped and that Elandskloof can manage and develop their own land. Since some of them are working on the surrounding farms they believe that the commercial farmers will assist them with the productive and profitable use of the land if they were allowed to. It is their sense that the officials of the state do not have the will, commitment and passion to create a better future for the Elandskloof community. (Focus group, 13th August 2016).

5.2.3.2 Infrastructure Development

The group agreed that life is harsh in Elandskloof and a far cry from what the community expected when they returned. They asserted that they would choose restitution over a cash settlement any day. Whereas money would be spent within a short space of time, they would always have the land, where they want to work and secure a future for their children. All of

them grew up in informal housing like shacks and are used to it, but complained that their ‘Wendy’ houses and shacks were not properly insulated and in winter they faced many hardships such as flooding and dampness, which resulted in illness and sometimes death. The winter of 2013 had indeed claimed an extraordinary number of lives from the tiny community. They mentioned that some community members were also very emotional about the fact that they were forced to bury their dead in water-soaked graves, with no assistance or acknowledgement of their problems from the government.

They said that each occupied home has an outside tap and some households have managed to redirect the water into their homes by making plumbing adjustments. The absence of waterborne sewerage systems and the lack of sanitation is a particularly sore point for community members. People are frustrated at having to live in undignified circumstances with more than one family sharing ablution facilities.

The community had received an electricity supply, only within the last two years, which they agreed was much appreciated and made a vast improvement to their quality of life. (Focus group, 13th August 2016).

5.2.4 Responses from the Focus Group with participants between the ages of 60 years and older

Two main issues emerged from the discussion, namely infrastructure development and community engagement, or citizen participation.

5.2.4.1 Citizen Participation

There was a strong feeling in the group discussing the youth needs, the importance of getting more involved in Elandskloof affairs and taking the lead in building unity amongst the Elandskloof community. One of the group members felt that only the youth could ensure that the potential of Elandskloof development became a reality. He interpreted the ‘non-attendance of meetings by the youth’, as a lack of interest, since they did not even bother to attend community meetings. The youth’s community involvement was almost non-existent, according to one of the respondents. The participants felt that a complete overhaul in the community’s approach to youth participation was needed, especially in the agricultural sector and as aspiring entrepreneurs. They were prepared to engage the commercial farmers of the surrounding farms, whom they knew very well, having worked for them, to assist the youth with job opportunities on their farms and to transfer their technical skills to the youth. They

said that much depended on the willingness of the youth to learn and be prepared to make sacrifices (Focus group, 13th August 2016).

The key issue that emerged from the focus group discussions was that the participatory processes of the community were dominated by the people who were evicted during 1962 and they excluded the youth because of the conservative culture of the community. Also, what impacted on the participatory processes, were the power dynamics between the people who lived in Allandale and those who lived in the different towns around the Western Cape. Infrastructure development, like the tarring of the roads, sanitation and building of houses, is a very important issue that was raised in the group discussions. There was a lack of trust, ownership and honesty amongst the land beneficiaries and that led to the dysfunctional nature of things at Elandskloof.

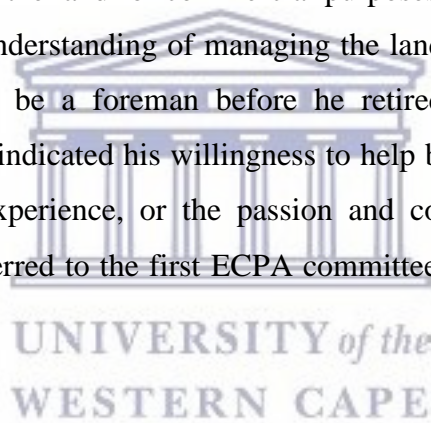
5.2.4.2 Infrastructure Development

Beneficiaries highlighted several issues related to the lack of infrastructure after resettlement. Due to its historical relationship with the Elandskloof community, the Dutch Reformed church donated R500 000 (Five hundred thousand rand) in 1997 to the land beneficiaries. According to the focus group participants R200 000 was for the restoration of the church, R200 000 for the restoration of the pasture and R100 000 for agriculture. The money was supposed to be managed by the members of the ECPA. However, they never benefitted as a community from that donation. According to some responses, only the chairperson and his family members, who were part of the ECPA benefitted from the projects. The CPA was responsible for the restoration of buildings while the treasurer ran the agricultural part. The construction work at the building was very poor and the orchards were not maintained sustainably. One person in the focus group believed that if the money was spent and used properly, it would have made a huge difference in the buildings and the orchard, but the people responsible used the money without proper consultation with the land beneficiaries.

Poor road infrastructure was another constraint mentioned by participants. According to community members the gravel road was scheduled to be tarred in January 2005 but to date it remained as it was since the community received their land back. Various options to fund the tarring of the road have been considered by the community, including government funding and funding from commercial farmers who frequently use the road to collect their produce. However, those ideas have not yielded positive outcomes for the community.

Infrastructure to support the development of agricultural land was another factor that emerged from the focus group discussions. Implements and vehicles had either been lost or were in a state of disrepair. Orchards that previously blossomed and produced in abundance had fallen into a state of distress. No income was being generated to support agricultural development. The key reasons cited by community members who participated in the focus group discussions include a lack of commitment and unfilled promises on the part of the state, a lack of financial resources, ongoing disputes of who the rightful beneficiaries of land and resources should be, nepotism and favouritism in land and resource allocation, poor community organisation and cohesion, tensions between the community living at Elandskloof and those living outside. Most of them used to work on farms and understand farming activities and are well-known to the commercial farmers.

In the view of the focus group it is important to work with the commercial farmers to gain knowledge on how to manage the land for commercial purposes, since working the land may not necessarily facilitate an understanding of managing the land as a business. According to one participant who used to be a foreman before he retired, he spoke to his previous employer, a farm owner who indicated his willingness to help but who did not want to work with people who have no experience, or the passion and commitment to make farming successful. Apparently he referred to the first ECPA committee members (Focus group, 13th August 2016).



5.3 IN-DEPTH INTERVIEWS WITH GOVERNMENT OFFICIALS, THE CONSULTANT AND MEMBERS OF THE CPA

The next section of the chapter focuses on the narratives of participants interviewed based on their roles, functions, experiences and responsibilities insofar as the process of land restitution is concerned. Participants interviewed included government officials, members of the CPA and the consultant who was appointed to design the development plan for Elandskloof. Two separate interview schedules were used to guide the interviews. The CPA members were asked questions related to their specific roles, functions and responsibilities on the association. The government officials and consultant were asked similar questions since the latter was appointed by the Department of Rural Development and Land Reform (DRDLR) and essentially represented the interests of the department in their interactions with the community.

5.3.1 Interviews with Government Officials

5.3.1.1 Department of Rural Development and Land Reform (DRDLR)

A senior official of the Department of Rural Development and Land Reform was interviewed regarding the administration period at Elandskloof. He had been involved with the Elandskloof case since 2005. His previous experience of working on community projects was from 1999-2002. He worked on housing projects for BTS Engineering & Management on a project in Delft, outside Cape Town. After that he was appointed as Communications Officer for the Government Communications and Information Systems Unit.

5.3.1.1.1 Citizen Participation

He mentioned that in October 2005 the administration order was granted to the Department of Land Affairs (DLA) to be the administrator of Elandskloof. As part of the order being granted the Director General (DG) was appointed and the DG delegated powers to the Provincial Director of the Department of Land Affairs in the Western Cape. They appointed an agent Mediation and Transformation Practices (MTP) to manage the day-to-day affairs of Elandskloof. The Senior official was responsible for managing the agent (MTP). According to the senior official they developed a short and long term plan in consultation with community members who attended the meetings for Elandskloof. Part of the short term plan was to manage the conflict and regroup the community in terms of membership and operational issues from 2005-2008. As part of that, the DRDLR had to ensure that the agent (MTP) managed Elandskloof within the constitution of the CPA, to ensure regular meetings and to ensure that decisions were taken pertaining to the business of the CPA. He said that it was difficult to point out just one problem in the Elandskloof case as the challenges were numerous. The desire for development by the CPA and community members was delayed by conflict around membership. To bring the 1962 generation together to agree as to what Elandskloof should become in more modern times, remains a big challenge (Interview with DRDLR official, 18th July 2016).

According to the senior official, the Department of Rural Development and Land Reform objective was three-fold. One was to facilitate an agreement between the stakeholders with reference to membership of the CPA. The second objective was to complete the planning phase of the housing project. To date, between 90-95% of the planning is complete, however the building of the houses has not been met or even started. Thirdly, the objective was to

revive and re-establish new orchards and an agricultural unit for job creation and tourism. This is still a work-in-progress (DRDLR official interview, 18th July 2016).

The senior official recounted that since 2009 AGMs were held annually as well as special AGMs between 2010 and 2014 for special cases. There were no committees in existence so they introduced a ward system where they divided Elandskloof into different wards in order to set a committee in place. The committee members were representing different block areas where residents lived and were not a decision-making committee. They only made recommendations to the administrator. Those efforts failed because the recommendations were not implemented and the committee felt that their voices were ignored, but the DRDLR continued bi-weekly meetings in the beginning. Most of the committee members felt that they wanted to make decisions and not be used as rubber stamps. Since 2015 Elandskloof formed a committee comprising of different groupings in the community and those groups were made up of different sectors: youth, emerging farmers and other stakeholders. In the view of the DRDLR official, the committee has been successful because they attended and participated in the Elandskloof affairs. Until recently, in February 2016 they had regular meetings once a month with the Department of Rural Development and Land Reform in the Western Cape.

The main challenge is that members of the CPA are spread around the province, making it difficult to get them all in one venue, as some are in the outposts of Piketberg, Ravensmead, Worcester, Klein Karoo, Bokkeveld, Wellington and Paarl districts. As part of other committee engagements there were regular meetings (interview with DRDLR official, 18th July 2016).

5.3.1.1.2 Infrastructure Development

The few success stories of Elandskloof regarding development initiatives are mainly after 2009. The first was the water issue: to provide a temporary solution by upgrading the pipeline. With support from the Cederberg Municipality, the only other highlight was that DRDLR in partnership with Eskom completed the electrification of the informal structures - a positive milestone (interview with DRDLR official, 18th July 2016).

5.3.1.1.3 *Post-settlement Support*

The official of the DRDLR said that no formal training occurred, but members of the CPA attended workshops at Provincial and National level. The MTP gave informal training and the Department of Agriculture facilitated training focussing on agricultural management and operations.

He is of the opinion that post-settlement support can be done in many ways. Recently post-settlement has been located in the Recapitalisation Development Unit of the Department. In the Elandskloof case, after the commission has settled the claim, it was handed over to the Department of Land Affairs in the Directorate Land Reform. Their main objectives were housing provision and creating economic development and capacity development especially when their role changed. The aim was to capacitate people by providing housing and to ensure economic sustainability through encouraging agricultural development like planting of vegetables, constructing pig stalls and devising tourism opportunities like hiking and developing camping sites.

He recalled that the cry for administration came from the CPA. The court order was then granted. According to the senior official they supported training, services of agents in rebuilding the community and the department financed it. It also financed the planning of the housing project.

In his opinion, monitoring and coordinating successes and challenges are tricky. With Elandskloof one of the key challenges was to permanently appoint human resources to execute implementation. Some of the milestones have been achieved. The difficulty in managing is the biggest challenge of the 1962 mind-sets. The decision in AGMs and the special AGM was that membership rules need to be implemented. The Cederberg municipality is monitoring the planning for the development and the Engineering section plays a crucial role. He specified that regular meetings will be used as a tool to monitor whether decisions are implemented.

The first budget for planning, according to him, was initially R 1.9 million and the second budget was R 2.1 million. Then the department invested in R 1.8 million, initially for housing. This budget was only for the planning phase and design of houses and not for the actual building of the houses. The DRDLR's initial budget was R 12 million, for 110 housing

units. Currently there is a budget of R 8 million allocated for development of farming activities.

According to the senior official the current objectives are to establish 30 hectares of citrus trees with a strategic partner, and to ensure the building of phase 1 of 110 housing units in terms of post-settlement support (DRDLR official interview, 18th July 2016).

5.3.1.2 *Official of Cederberg Municipality*

Since the municipality delivers services like refuse removal from Elandskloof, it was important to understand the involvement of the local municipality regarding the Elandskloof development. The senior official in the local municipality at Cederberg participated in the interview session. Her duties entail the provision of services, roads, electricity, sanitation and planning as well as waste management. She stated that the municipality was assisting the community of Elandskloof (interview conducted, 21st July 2016).

5.3.1.2.1 *Infrastructure Development*

In an interview with the senior official at Cederberg Municipality she said that service delivery has been slow in Elandskloof. She said that when the community received their land they had expectations that the state would provide modern infrastructure such as housing, sanitation, electricity, waste removal and running water. Many community members perhaps did not understand the prerequisites for such infrastructure or the mandates of the different state departments. According to her the Department of Rural Development and Land Reform had approached the municipality to take over the provision of services once houses had been built. She mentioned that the building of houses falls under the realm of rural development and that they had already done planning but that the challenges were securing funding for the conclusion of the housing development project. Her opinion was that the biggest challenge in the Elandskloof case is the fact that the community has been waiting for housing development since they received their land back. The lack of road infrastructure and the provision of basic services were also challenges, in her view. She argued that the community needs a reservoir for water provision and proper sanitation facilitation. In her view, it is an achievement that the community received their land back through the restitution process. The biggest milestone in the Elandskloof case, in her opinion, was when the planning for the housing development commenced, as it gave the community hope that a housing

development would ultimately come through. The planning phase is 90% complete due to her involvement. Other support is currently provided by the Department of Rural Development and Land Reform (interview with Cederberg Municipality senior official, 21st July 2016).

5.3.1.2.2 Post-settlement Support

In her view, post-settlement support is the integrated provision of services, water, roads, parks, gardens, waste management, housing development and ensuring that there are open spaces. According to her, the planners should also include in their development planning the encouragement of job creation and the creation of space for local economic development. The main issue of not providing support from her department is the issue of private land. Provision of services need revenue and it is currently not payable by Elandskloof. The Council has assisted with refuse removal, which is subsidised by users who pay, from other areas. For the municipality the issue of sanitation is a particularly sensitive point, as community members have to resort to undignified measures, such as relieving themselves in a bucket or in the surrounding bush, which has implications for the environment (interview with Cederberg Municipality senior official, 21st July 2016).

According to the official, the municipality has tried, several times, to get the Department of Rural Development and Land Reform to fast track housing development, by stating the importance of the project. She indicated that she was monitoring and coordinating her successes and challenges by means of minutes of meetings held, record-keeping and sending documents to involved parties. There are files for Elandskloof and this project is managed by Town Planning, which acts as an implementing agent.

The official said that the municipality did not have a budget available for restitution cases but that the DRDLR has a R 12 million budget allocation for the housing project. That number is for the top structure, which includes the installation of the bulk services like roads, sanitation, water and electrification for Phase 1. The plan for the project is based on a list of individuals, but the budget is only for the housing top structure and services for Phase 1. Phase 2 will incorporate additional people who will get serviced plots. Before the municipality takes over the services of housing development, her division needs to know that the proposed standards are in line with the municipal standards. According to the Director of Engineering and Planning Services they are currently waiting on funding from the DRDLR to finalise the planning phase where detailed designs of the bulk of the infrastructure required, can be completed. She said the fact that resettled families had chosen to live at the sites of their old

family homes, proved to be a challenge for basic service delivery such as water, sanitation, electricity and waste removal. Her view is that it is a common challenge, as slow service delivery has been due to a lack of dedicated funding. Administrative problems such as staff turnover, as well as regularly revised developmental plans, have also resulted in a lack of service delivery to the community. She emphasised that the gravel access road would cost many millions of rands to upgrade and that the local farmers who regularly use the road were reluctant to invest their personal funds into Infrastructure development. It is her view that the state of the current road makes Elandskloof inaccessible to many outsiders, which impacts on the social lives of Elandskloof inhabitants (interview with Cederberg Municipality senior official, 21st July 2016).

5.3.1.3 Interview with Planning Consultancy Firm

5.3.1.3.1 Citizen Participation

An interview was conducted with one of the Project Managers on 29th July 2016. She is responsible for planning, which involves feasibility studies, business plans and heritage studies. Her responsibility as Project Manager is the oversight of the housing and infrastructural plans for submission to the local authorities relating to human settlements. Those plans include the designs of the farms for services, industrial plots, agricultural land, cemeteries and the tourism initiative. The concept is broad as it deals with the need for residential development, specifically for the low-high income range of ownership or rental sectors.

The consultancy firm developed a business plan for Elandskloof development, provided support at meetings and facilitated workshops for community input on planning, structural support and social issues facing the community as well as their expectations of the housing project. If there is a subsidy quantum, the community will then determine what areas to prioritise as the most important issues for people, if they obtained top structures and plots.

The biggest challenge at Elandskloof is that the community is in conflict, but this official is of the opinion that the conflict originated because the one thing they desire does not materialise – to have a permanent structure in the form of housing to live in (interview with Project Manager, 29th July 2016). There is a lot of talent, potential, experience and knowledge, and somehow it has been kept in the area but has not been unlocked. She realised

that people had faith in the goal and people took things forward in their own ways, either personally or through structures, which were either community-based or government-based. She believes that if everyone perseveres and ensures that Phase 1 of the planned settlement project is implemented, it will also establish a platform to heal some of the hurt and address some of the jealousy or conflict. It might not be as straightforward, it might flare up again and they might take the process forward. Something that has not yet been acknowledged is the patience of some members. What concerns the official is that a whole generation has come to pass and the new generation might have a different approach. According to her, they have not made provision for that yet. There has been a simple principle in development initiatives – it is crucial to take the initiative and be proactive. She has been involved in rural development and people take the lead in rural development. They take up leadership positions, with varying degrees of success. Some unschooled people showed remarkable initiative and took up amazing positions, not only in their own homes (interview with Project Manager, 29th July 2016).

A big milestone in the Elandskloof case is how to move forward. The community members have stated clearly what they want. That in itself is a major achievement and it is close to being accepted as a majority vote in the AGM. The community has held information meetings where community needs and priorities around the implementation of settlement projects are discussed. Phase 1 is to provide for those living there (interview with Project Manager, 29th July 2016).

5.3.1.3.2 *Post-settlement support*

The Project Manager's take on post-settlement support is that all stakeholders should continue to be involved and that it is linked to skills development. People would be able to move forward based on their skills and they would even be able to run their own businesses. That would, however, require some community building. There is a community but they are not acting in support of each other all the time.

The Project Manager's division monitors and coordinates their successes and challenges in implementing the business plan, checking on the outcomes and comparing it to what the community thinks. The business plan is updated annually, after the evaluation. There are also meetings among professional teams who check the outcomes. Sometimes the meetings are manageable, sometimes there are uncontrollable situations because the participation

processes become disruptive and are sometimes violent (interview with Project Manager, 29th July 2016).

She mentioned that aside from a few informal income-generating activities on the part of individual households, there is no formal work to be found in Elandskloof. Most community members work as seasonal workers on surrounding farms or at the citrus factories in town, for six months of the year. Poverty levels are high on the farm and many families are dependent on various government grants, most notably child support grants, disability grants and old-age pensions (interview with Project Manager, 29th July 2016).

According to the Project Manager, the current Phase 1 business plan's budget is R 1.2 million, but the initial budget for all the plans was far more than R 24 million. That included the building of some farming infrastructure, all human settlement, agriculture and the legal matters around beneficiaries. While everybody owns the farm, the issue of individual titles remains thorny. The Project Manager's division's future plans for the Elandskloof case after the plans are approved include the building of the first house of the total of 110 planned under Phase 1. After all 110 houses have been built; Phase 2 will make provision for the rest of the 210 houses to be built.

In the Project Manager's view, Elandskloof has the potential to be successful, if the basic needs of the community are addressed, when settlement has been established. It would be good to resettle 320 houses and to manage Elandskloof as an asset, because then the government would have established a small town to address their housing backlog. Then they need to work with the different groups and their aspirations. The younger generation may want to focus on agriculture. Some people would want to use their homes as holiday homes or even sell them if they are not living there. The older generation may want to manage their property as a farm (interview with Project Manager, 29th July 2016).

5.3.1.4 *Interviews with former ECPA Committee Members*

5.3.1.4.1 *Former ECPA Member 1*

On 6th August 2016 the researcher interviewed a member of the ECPA who had served on all the committees since the ECPA was formed. She also used to be a committee member of the group who lived in Allandale. She was 57 years old and worked at the factory as a section

manager. Since she understood community participatory processes very well, her interview was very formal and focused. However, she indicated that she wanted to talk about everything that happened with the Elandskloof process and needed the research assistant to be patient with her. For many years she was quiet but was part of most of the participatory and stakeholder engagement processes.

(a) Citizen Participation

She recalled how the Allandale group worked together and was united in fighting for the return of the land. In her opinion, community conflict was created by those who did not participate in the struggle to claim Elandskloof back, but only got involved when they realised that the fight of the Allandale group would bring success. She strongly believed that because of the first interim Elandskloof elective committee in 1995, things got out of hand. She cited the example of the court case against the residents of Allandale during 1992 when the owner of Allandale started an eviction case against the leaders of Allandale, to evict them. Fortunately for the Allandale group the court decided to postpone the eviction case against the Allandale community until they received their Elandskloof land back. She always reminds the interim Elandskloof committee of the court case during the negotiation processes and of the return of Elandskloof, but the interim committee said that point cannot be discussed as it had nothing to do with Elandskloof.

One of the other participants discussed her experience as a member the ECPA. She described the relations between members as lacking honesty, trust and transparency. In her view, one of the reasons for the ECPA's failure to facilitate relations between ordinary members, land beneficiaries, and other relevant stakeholders, related to the problem of nepotism. People were assigned portfolios in the ECPA because of who they were related to as opposed to what experience and knowledge they brought to the structure. Therefore, the ECPA did not serve its purpose and failed to function effectively. She believed that if the elected ECPA committee members adopted the approaches and attitudes of the Allandale group, Elandskloof would be a better place today. She said that there was no trust and honesty amongst the leadership of the first ECPA, whilst the Allandale leadership was united and worked together with openness and trust. However, she was of the view that the previous ECPA committee under strong leadership was on the right track. According to her, under the previous ECPA leadership the focus was more on Elandskloof and stakeholders had to go to

Elandskloof to discuss projects; the leadership did not go to Cape Town for meetings and discussions (interview with ECPA member, 6th August 2016).

The ECPA member said that at the time when the application to place Elandskloof under administration started, she supported it. She said that the committee and community members who did not participate in the fight for the return of Elandskloof and who did not live in Allandale and Elandskloof, created a situation of disrespect and mistrust. She did not participate much in committee meetings because she took minutes. However, most of the time she disagreed with the decisions made, even when she was part of the meetings. Out of respect for the elders, she just listened. Although she supported the decision to place Elandskloof under administration, she did not expect the situation in Elandskloof to worsen. In her opinion, the first officials who dealt with the administration processes of Elandskloof understood what to do and established community structures to ensure that they participated in decision-making processes, as stakeholders.

Unfortunately, after those two key officials resigned from the Mediation and Transformation Practices (MTP) and were replaced by two younger people who did not understand community development, the processes started going wrong. Those young persons did not involve the community in decision-making processes and their behaviour and attitudes were very different in relation to the previous ones. She said that after the MTP left Elandskloof, things became even worse because the official from the DRDLR used to be an administrative clerk, but they appointed him to administer Elandskloof. According to her, the main reason that the administration process failed, was because of the incapacity of the officials that were involved in the administration of the Elandskloof process and that they did not understand land reform or community development. She believed that if they had appointed capable people who had an understanding and experience of land reform and community development, the administration process would have been successful. She did not think that the current Elandskloof members were capable of dealing with the Elandskloof challenges because they were too divided. Her feeling was that the youth ought to get involved, receive training about community development programmes, leadership and conflict management, financial management and agricultural management. She believed that as soon as the capacity of the youth had been built, they could make a success of Elandskloof. She asserted that they have the potential to do so, since most of them had passed matric; but then the elders must support them and encourage the youth to get involved.

Since she occupied a senior position at the orange factory, she strongly believed that the commercial farmers would assist the youth with technical support to use the land productively and make it profitable. The surrounding farmers showed their willingness in the late 1990s but they were rejected by the dominant leaders of the ECPA. She strongly believed that the commercial farmers would be supportive, but that the land beneficiaries working on their commercial farms should approach them for their technical support, and not people living outside Elandskloof, since they are also conservative and worked only with people they knew and could trust. She emphasized that working relationships are built on trust (interview with ECPA member, 6th August 2016).

(b) Infrastructure Development

She kept the minutes of all the meetings and recalled the different times the ECPA went to other provinces, like the Northern Cape and Eastern Cape to visit housing projects. In her view, the development of the Elandskloof housing project came to a halt after the state did not honour its commitments. The former Minister of Land Affairs said that his department would provide everything for Elandskloof, which included houses, water and sanitation and a tractor. The ECPA had submitted all the documents required by his department, for the infrastructure development during 1997, as agreed. She said that after the 1999 government elections, the new Minister of Land Affairs said that they would not build houses as part of any infrastructure developments, because the Department Land Affairs had already bought the land for Elandskloof. According to the ECPA member, the new Minister argued that the different state departments must do their duties, for example, the Department of Housing must build houses, the Department of Water Affairs must build dams and water pipe-lines and the Department of Agriculture must buy tractors. She strongly believed that because of the Cabinet re-shuffle and the resultant change in the Ministers and government officials, the plans that they had worked on, would collapse. Her argument was that if the Elandskloof community were united, they could have forced the government to deliver on their promises, but because of the division and conflict amongst community members and ECPA committee members, the government used the division and conflict to their advantage (interview with ECPA member, 6th August 2016).

5.3.1.4.2 Former ECPA Member 2

This 62 year-old person had served on the ECPA before it was placed under administration. His late father was the community leader who started the fight with the Elandskloof group for

the return of their land. He had his own business for more than twenty years and was very successful according to his account, because of his relationship with the stakeholders relevant to his business.

(a) Citizen Participation

According to the former member of the ECPA, before the administration process, Elandskloof was on the right track with their developmental initiatives. He believed that the residents who live in Elandskloof should be the focus of the restitution process and that the people from outside Elandskloof should not be part of the decision-making processes. In his view, there was no guarantee that the land beneficiaries from outside Elandskloof would not move back to Elandskloof. He felt that it was not fair to those who were living in the wet and cold conditions during the winter at Elandskloof, to be dependent on the decisions of people who do not live in Elandskloof. He also did not believe in formal community engagements but preferred that practical work be done. He cited an example of commercial farmers, who do not sit in meetings and workshops the whole day, but are busy on their farms. He strongly believed that if the community is occupied with development activities like agriculture, tourism and economic opportunities, there would be minimal conflict. According to him, many meetings and workshops create unnecessary misunderstandings and conflict and people want to impress each other with big words and sentences. He argued that if opportunities were created for the community to work and be busy, they would not have time for gossiping and dragging each other's names through the mud.

The former ECPA member believed that if the administration process was dealt with correctly and if the Department of Land Affairs adhered to the court order, it would have worked. He was of the opinion that the people who were appointed to handle the administration used the money to enrich themselves. He said that when he was removed as chairperson, the bank balance of the ECPA was R96 000 and the community did not owe money to any institutions. According to him, the current bank balance is negative, money is owed to Eskom and the plough, tractors and vehicles are broken. His opinion remained that the administration processes were used to enrich friends and the community was misled by the officials of the Department of Land Affairs. He strongly believed that if the Elandskloof residents started working on the land and built unity amongst themselves, Elandskloof could provide very good economic opportunities for the youth. He asserted that government officials and NGOs did not care for the people but rather built corrupt relations amongst

themselves to enrich each other. According to him, the Elandskloof community could only keep government and other stakeholders accountable if they worked together and started planting and buying their own bricks to build their houses. In his view, since there is too much corruption in government, the current administration has to be removed. However, before that happens, the Elandskloof community should appoint a lawyer and claim for the loss of income since Elandskloof was placed under administration. In his opinion, losses have been suffered in the orchards, buildings, fynbos income and tourism. He felt strongly that the Elandskloof community who had lost family members because of their poor living conditions, should lay criminal charges of murder and infringing on people's human dignity (interview with ECPA member, 7th August 2017).

(b) Infrastructure Development

According to the former ECPA member, many infrastructural projects could have been executed if he were still the chairperson. He said that he did not support the administration application but that the community members from Ravensmead, Vredenburg, Worcester, Ceres and Elsie's River were not united behind him. He strongly believed that if they did not go to the courts and police and laid charges against him for theft and corruption, houses would have been built in Elandskloof, under his leadership. The former chairperson said that he had several meetings and discussions with leaders within the ANC government around the Elandskloof developmental needs. According to him, he ensured that agricultural training was given to the youth, but the participation of the youth was poor. He mentioned that youth members from the surrounding farms attended the agricultural training since the Elandskloof youth showed no interest or their parents and family members did not want them to attend the agricultural training. He also mentioned that if he were still on the ECPA, the entrance road of Elandskloof would have been paved or tarred, because he knew the Member of Parliament who made the commitment to improve the road conditions, when he was responsible for public works.

He recalled the visit that he organised to get the Premier of the Western Cape to start a *buchu* project and to invest in Elandskloof with tourism opportunities. According to him, he ensured that the Department of Water Affairs made a commitment to build a dam and to improve the water infrastructure for Elandskloof. He expressed his disappointment in the beneficiaries who do not live in Elandskloof, for stopping all those projects, due to personal reasons and jealousy. He expressed his belief that if one is raised by one's parents to be honest,

hardworking and trustworthy, one could make a success of things in Elandskloof, which is the main reason why his business is very successful. Most of his income for his business comes from the surrounding commercial farmers in the area. Since he has a working relationship with them, he cuts the trees on their farms for firewood and transports their workers to town on a weekly basis. He strongly believes that the commercial farmers would be supportive of the agricultural part of Elandskloof if they were approached for assistance. He emphasized the importance of inherent moral values and principles and their reflection in one's behaviour towards others (interview with ECPA member, 7th August 2017).

5.4 GENERAL INFORMAL DISCUSSIONS AND OBSERVATIONS

Recent interviews with both older and younger community members revealed a community tired of conflict and there is a sense that people would rather just roll up their sleeves and get to work in order to restore Elandskloof and make the land productive again. Community members reported that when their land was reclaimed, they were promised that housing and other physical infrastructure would follow. However, to date the state had not provided them with houses or provisions to build their own homes. Some families had gone ahead and built houses close to or on the foundations of their old family homes. Others had built structures without the required housing plans. In terms of other community infrastructure, the old school building had been renovated and was used for occasional meetings and youth activities. The children of Elandskloof get bussed to school in Citrusdal every day. The historical church building, which the first inhabitants of Elandskloof helped build, was renovated but has been vandalised by the youth and has fallen into disrepair and is no longer used. Observations also show that there is no involvement of any stakeholders like NGOs and CBOs in Elandskloof. Participation processes do not happen and people are working in isolation without proper consultation with community members. Elandskloof residents do not trust the government and get assistance from commercial farmers with their farming activities like ploughing of pieces of land for the planting of crops. Sometimes there is also not trust amongst the beneficiaries, because of previous negative experiences.

5.5 CHAPTER SUMMARY

A number of key issues emerged from the focus group discussions, in-depth interviews with relevant stakeholders and the personal observations of the researcher. For the sake of brevity, these issues were grouped under the headings of stakeholder conflict and infrastructure development. From the responses it is evident that stakeholder conflict and in-fighting are affecting the settlement of beneficiaries and their families in Elandskloof. Land beneficiaries were conflicted over many things, some of which included, how members were appointed to the ECPA, the process of identification of and agreement on community priorities, and conflicting interests of community leader's *vis-à-vis* community interests. To this end, the responses of various stakeholders highlight the complexities inherent in facilitating meaningful engagement where different interest groups are involved. Moreover, the chapter highlighted how a conservative community culture hampered the creation of inclusive participatory spaces. The youth, for example, perceived resettlement to Elandskloof in the context of access to adequate housing, schools, recreation facilities and basic services. However, for the older generation, resettlement in Elandskloof provided an opportunity to primarily access the land for agricultural purposes and economic development. Due to the conservative perceptions held by the older generation about the voices of the youth in decision-making processes, the participatory spaces did not facilitate constructive engagement between the stakeholders. Therefore, the needs and interests of the youth were not taken into consideration in the development of the project plans for Elandskloof. The lack of infrastructure development was another key issue that emerged from the focus groups and interviews. Evidently, development to facilitate people settling in Elandskloof and the development of agricultural land was lacking. Housing projects had not yet begun, with access to basic services such as water, sanitation and electricity being recent developments. The road leading into and out of Elandskloof is poor, and land beneficiaries do not possess the knowledge to manage the land for commercial purposes. In addition, the absence of mentoring or support from commercial farmers has had a negative effect on the new beneficiaries' ability to manage the land as an entrepreneurial venture.

The final chapter engaged with the literature and concludes the study with recommendations for further research in the future.

CHAPTER 6

MAIN FINDINGS AND CONCLUSION OF THE STUDY

6.1 INTRODUCTION

This chapter is organised into three parts. First, it serves to remind the reader of the main aims and objectives of the study, the guiding assumptions and the research questions that guided the course of the study. Second, the chapter summarises and discusses the main findings of the study. To this end, the chapter engages with the findings through an integrated discussion that takes into consideration the theoretical debates on citizen participation and stakeholder theory. Finally, the chapter concludes with suggestions for future research.

6.2 AIMS AND OBJECTIVES OF THE STUDY

The primary purpose of this research was to examine the process of post-settlement support with a view to illustrating the effect of public participation and stakeholder engagement on community development in Elandskloof.

More specifically, the study aimed to:

- Examine the scholarly debates and theories on public participation with a view to develop a theoretical and conceptual framework through which to understand the problem of post-settlement support.
- Examine the legislative and policy framework for land restitution and post-settlement support in South Africa.
- Present a contextual background to the case of the Elandskloof community.
- Identify and critically discuss the challenges and strengths inherent in the process of post-settlement support, as it relates to the Elandskloof community.
- Present and critically discuss the main findings and conclude the study.

6.2.1 Main research questions

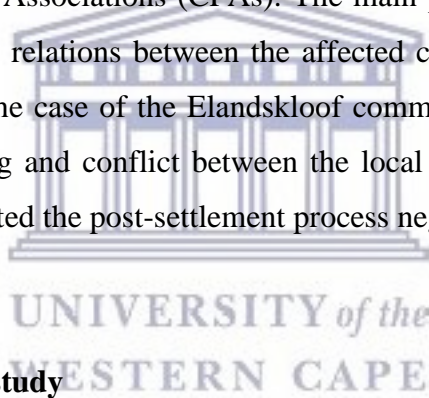
The study was guided by the following research questions:

- How has the Elandskloof community experienced land restitution?

- What kind of post-settlement support was provided to the Elandskloof community?
- How was stakeholder engagement facilitated through the process?
- What lessons can be learnt from the experiences of the Elandskloof community?

6.2.2 Guiding assumptions

1. Simply returning land to communities dispossessed under apartheid is insufficient to guarantee development and progress for communities. Attention needs to be given to post-settlement support to facilitate the successful transfer, use and management of land.
2. Dissonance over stakeholder interests and priorities can affect post-settlement support from the state.
3. The land reform legislation makes provision for the creation of local structures known as Communal Property Associations (CPAs). The main purpose of these structures is to facilitate cooperative relations between the affected communities, government and other stakeholders. In the case of the Elandskloof community however, the CPA was the source of in-fighting and conflict between the local community, government and stakeholders. This affected the post-settlement process negatively.



6.2.3 Main findings of the study

In reflecting on the theoretical chapter, the nature of liberal democracy is such that it requires the exercise of rights and duties of citizenship through the creation of formal participatory structures, processes and systems that facilitate engagement between the state, citizens and relevant stakeholders. This brings two things to mind. Firstly, that the exercise of citizenship is dependent on the behaviour and attitudes of ordinary citizens and relevant stakeholders. As highlighted by Hadenius (2001), citizenship can be described as democratic or weak. Democratic citizenship as contrasted against weak citizenship, involves amongst others, political interest, communitarian action and knowledge of state processes, systems and structures. Therefore, the exercise of citizenship requires that communities identify and consolidate individual experiences, skills and knowledge (attributes) to advance the interests of the community. To this end, the values of openness, tolerance, broad-mindedness and deliberative styles of rhetoric are emphasized. Therefore, at the collective level democratic

citizenship is less about the individual and more about relations between individuals and how these foster communitarian action. However, this level of citizenship is dependent on trust, identity, respect, mutual cooperation and solidarity.

Secondly, the literature raised awareness of the nature of spaces of engagement. Buss et al (2006) for example, refers to the redistribution of power, enhanced legitimacy and credibility of the state and its institutions, and the fostering of cooperative relations in solving societal problems, as some of the advantages emerging from the creation of participatory spaces. Given the above, participatory spaces can serve to facilitate meaningful engagement between relevant stakeholders or frustrate the voices and interests of stakeholders.

It is clear from an examination of the laws and policies geared at land restitution, that the importance of public participation is acknowledged. In Chapter 3, for example, the regulatory framework depicts a two-fold approach to the process of land restitution. The RSA Constitution of 1996 (RSA, 1996b), the Restitution of Land Rights Act 22 of 1994 (RSA, 1994) and the Labour Tenants Act of 1996 (RSA, 1996c) are focused on facilitating the restitution of land to those previously dispossessed of their land under apartheid. In the second instance, the state has made arrangements to facilitate the engagement of all relevant stakeholders in the process of land restitution through the introduction of the Communal Property Associations Act No.28 of 1996 (RSA, 1996a). Therefore, under ideal conditions, the land restitution process should result in land beneficiaries receiving their land back, resettling in communities and contributing to economic development and growth.

However, the case of the Elandskloof community illustrates how adversarial relationships and exclusionary participatory spaces can affect the outcomes of policies and laws intended to contribute to community development in general. More specifically, issues related to power dynamics, conflicting community interests, mistrust and poor communication between the Elandskloof community, government officials and other relevant stakeholders negatively affected the principles of mutual cooperation, solidarity, trust, identity and respect embedded within the ideal-type participatory model. On the one hand, the issues listed above emerged from conflict within the community. On the other hand, these issues emerged from conflict between community members and relevant stakeholders.

6.2.4 Conflict within

Two sub-issues emerge when reflecting on the “conflict within.” These relate to traditional values and community in-fighting. In the case of traditional values, the responses from the youth and their parents suggest that a conservative culture prevailing amongst the community elders where the voices of children are “not to be heard,” suppressed the youth’s interests. To this end, the desires of the youth for access to recreational facilities or schools in closer proximity were not necessarily identified as a priority for development, on the part of some community members and government representatives. In addition, an assumption was made that the youth would be interested in pursuing farming and/or agricultural activities as their forefathers had done. On the contrary, the responses from the youth focus group suggest that they viewed resettlement in Elandskloof as a place of residence and not necessarily a place where they would prosper economically through their involvement in agricultural activities. This phenomenon highlights the importance of values of tolerance and broadmindedness in stakeholder engagement and its impact on meaningful participatory spaces. Moreover, the responses that emerged from the youth and parent focus groups suggest that the community elders were resistant to change by lingering in the “1962 mindset.” The “1962 mindset” refers to the people that were evicted in 1962 from Elandskloof and still believe in the tradition and cultural affairs of the way they do activities on Elandskloof before the eviction occurred in 1962. They also are of the view since they suffered the most and lost everything they must be treated better than those who did not experience the hardship of the eviction.

Community in-fighting was another issue that emerged very strongly from the responses across the focus groups. Clearly community in-fighting is the antithesis of mutual cooperation. For example, some of the respondents highlighted how the community, whilst in Allandale, consolidated their collective efforts in the hope of resettling in Elandskloof. In fact, the community, including the youth, exuded attributes of cooperation, active participation in community meetings, respect for different opinions, agreement based on consensus, to mention but a few in cooperating towards getting back the land in Elandskloof. However, since the repossession of communal land, community members have been at loggerheads with each other. Seemingly, the fight over limited resources has resulted in in-fighting. The issues pertaining to membership on the ECPA, perceptions that ECPA members’ interests conflicted with those of land beneficiaries, and that ECPA members used their positions to enrich themselves and/or family members, further exacerbated community in-fighting. To this end, the values of “shared sense of purpose” and “responsibility” come to

mind. The responses of most participants suggest that the ECPA did not effectively facilitate engagement across and between stakeholders. Consequently and when reflecting on its purpose as per the CPA Act of 1996 (RSA, 1996a), it did not fulfill its responsibility in facilitating and managing the process of post-settlement support for the community of Elandskloof. Section 9(d) of the Communal Property Association Act, 1996 (RSA, 1996a) states that, (i) the association shall manage property owned, controlled or held by it for the benefit of the members in a participatory and non-discriminatory manner; (ii) a member may not be excluded from access to or use of any part of the association's property which has been allocated for such member's exclusive or the communal use except in accordance with the procedures set out in the constitution; and (iii) the association may not sell or encumber the property of the association, or any substantial part of it, without the consent of a majority of the members present at a general meeting of a situation (RSA, 1996a: Section 28).

These sections mentioned in the Act clearly stipulate the importance of participatory processes to ensure transparency in decision-making processes of the members. It encourages the engagement of members to ensure ownership of decisions taken. The role, purpose and responsibility of the ECPA as per the CPA Act of 1996 (RSA, 1996a) were to ensure that fair and inclusive decision-making processes happen, there is equality of membership, democratic processes took place, fairness in the access to the property of the association and accountability and transparency are happening. Moreover, the response of a former member of the ECPA with respect to his view that community engagement was a time-wasting exercise was disconcerting. He was of the view that more could have been done if people were actively getting things done, rather than sitting in meetings. Thinking about the principle of a "shared sense of purpose," the role and influence of the chairperson is vital in facilitating discussions between relevant stakeholders and reaching agreement on what the purpose of the ECPA is, in the context of the land restitution process, in general and post-settlement support, in particular.

6.2.5 Conflict between

The reflections influencing "conflict between" relates to the relationships and engagement between Elandskloof community members, government departments, the administrator and the project consultant. In this regard, the main issue contributing to conflict between the community and stakeholders external to the community is that of infrastructure development. Infrastructure, in view of the responses from participants, referred to housing, access to basic

services and technical support to encourage agricultural development of the area. People had resettled in Elandskloof in the hope that they would have a better life than they had in Allandale. However, the informal housing that existed in Allandale continued in Elandskloof, with land beneficiaries and their families erecting informal housing structures as shelter. Political reshuffling, inadequate budgeting, the lack of human resources and different perceptions of what post-settlement entailed, contributed to delays in the implementation of the housing project. For example, one of the government officials interviewed referred to the lack of human resources to administer, implement and monitor development after the community settlement in Elandskloof. Another respondent referred to the lack of funding to complete the housing project. Hence, whilst money was apportioned to housing development, it was insufficient to complete the housing project. The “1962 mindsets” also emerged from the interviews with government officials. This issue of the “1962 mindsets” that emerged across the responses seems to have affected stakeholder engagement in that it suppressed the principles of broadmindedness and tolerance, key to meaningful stakeholder engagement.

Support for agricultural development was another area of contestation between the community and other relevant stakeholders. To this end, government departments had not been successful in and/or focused on facilitating relations between land beneficiaries and commercial farmers in the surrounding areas to assist with the development and transfer of technical skills and knowledge to enable land beneficiaries to manage the land as a business. Additionally, short-term budgeting seems to have stifled plans for development. As in the case of the housing project, the development of agricultural farming was dependent on a phased-in approach. According to the initial cost projections, the complete development of Elandskloof would exceed R24 million. However, the phased-in approach seems to have limited the implementation of development plans to funding available at that moment in time.

6.3. LESSONS LEARNT, CONCLUSIONS AND AREAS FOR FUTURE RESEARCH

6.3.1 Lessons learnt

According to Arnstein’s ladder of participation, the case of Elandskloof shows that the members were not engaged in a meaningful way. In addition, the voices of the future generation of Elandskloof were not considered, due to conservative mindsets by the elderly.

Therefore the principle of those who are affected the most, must be at the forefront of participatory processes, must be heard and cannot be ignored. Arnstein's ladder of participation is still relevant and applicable today, from local government level to national government since participatory processes are used to adhere to the legislative framework requirements. Hence, ordinary citizens are at the receiving end in most of the policy development processes. The interview sessions with the former ECPA members of the Elandskloof community and the community members illustrate how the participatory processes were manipulated and consultative processes were fraudulent and not necessarily inclusive. The experiences of the youth who felt excluded and who were not well informed about their rights and responsibilities allowed the conservative mindset of the 1962 members to manipulate their involvement in the affairs of Elandskloof. Since they are the future generation, it was important for their voices to be heard and not just used as rubber-stamps.

Therefore, a learning example was that the 1962 group could be classified in a similar manner as the group therapy participation ladder, since they came across as dishonest and arrogant. The youth are the most affected by any decision of government institutions and are supposed to be at the forefront of the participatory processes. The latter must be a principled decision for citizen participation, because public participation implies that the public's contribution will influence the decisions. Therefore, it is very important to put measures in place that encourage youth involvement to ensure citizen control.

Buss et al's (2006) argument that improving the process of citizen participation therefore contributes to, (i) more direct, deliberative and participatory democracy; (ii) redistributing power so that the marginalized and vulnerable groups are included; (iii) enhancing credibility and legitimacy of the state; (iv) managing conflict and building consensus more amicably; (v) gaining insights into citizens' perspectives on state programmes and policies. These principles are aptly demonstrated in the case of Elandskloof, particularly with regard to the youth. However, citizen participation without redistributing power internally at a community level, as demonstrated with the youth of Elandskloof in relation to the 1962 mindset, can render broader processes of citizen participation in state development processes ineffectual.

Stakeholder engagement is also very crucial in any development initiative. However, it must be built on morals and values. Gaventa (2004b) argues that meaningful participation by citizens is dependent on equal access to participatory structures and processes, knowledge and understanding of local problems, knowledge of planning, policy-making processes,

knowledge of basic rights and statutes. In the South African context, the *Batho Pele* principles are good ingredients for ensuring that the morals and values in society are upheld. As the interview sessions with the residents of Elandskloof demonstrated, stakeholder engagements took place with commercial farmers of the surrounding farms and because they were built on morals and values, good relationships between the commercial farmers and the Elandskloof residents developed. In contrast, the relationship with the members not living in Elandskloof is sour with no trust between them and the commercial farmers.

The commercial farmers and the youth are very important and relevant stakeholders in the case of Elandskloof and both need to be included in all the participatory processes to ensure a successful case. That was illustrated throughout the interview processes with former members of the ECPA and the Elandskloof beneficiaries who live in Elandskloof. Relevant stakeholder engagement and participatory processes can contribute and add value in a sustainable manner if communications amongst them happen on the basis of the values and principles of honesty, trust, mutual respect, equality, transparency, accountability and fairness. The youth could be exposed to the agricultural development opportunities through the relationships developed with their parents and the commercial farmers. Conservative values and norms of child-adult behaviour rob them of effective and efficient participatory opportunities.

Citizens should use their power to ensure that people are treated fairly and in a consistent manner. Those with the decision-making power of membership must implement decisions made by the beneficiaries without fear or favour if it is the right decisions. It is important to be popular for making the right decisions rather than to be popular for making the wrong decisions. That will ensure that respect, honesty and trust is earned by leaders and government officials if they could confront the situation of the membership issues of the case and not ignore it. There would have been much more appreciation and many unnecessary delays in development opportunities would not occur. Those entrusted with the responsibility of changing the lives of the citizens they serve, must act in a manner that is not biased, undemocratic, dishonest, conflictual, disrespectful, manipulative and abusive of their positions, as experienced in this case study.

6.3.2 Conclusion

The peaceful, negotiated transfer of power in the South African case meant that government had to adopt a far more consultative and participatory approach. Past policies were a major cause of insecurity, landlessness, homelessness and poverty in South Africa. Land is an important and sensitive issue to all South Africans. It is a finite resource which binds all together in a common destiny. As the cornerstone for reconstruction and development, a land policy for the country needs to deal effectively with, (i) the injustices of racially-based land dispossession of the past; (ii) the need for a more equitable distribution of land ownership; (iii) the need to reduce poverty and contribute to economic growth; (iv) security of tenure for all and; (v) a system of land management which will support sustainable land use patterns and rapid land release for development (DLA, 1997).

Stakeholder relationships and participatory processes with citizens, government officials or other relevant institutions need to be established on core values, morals and principles. That will ensure that there is trust, transparency, respect, consultation, redress and understanding amongst the role players. Tensions, conflict and misunderstandings will be eliminated if human beings are treated fairly, with justice and equality. Nonetheless, there remains a clear need for continued involvement by government and NGOs in supporting the CPAs with capacity building programmes, knowledge and skills transfer, business advice, and dispute mediation and resolution. An important consideration is the possible establishment of a post-settlement support unit, effecting equitable distribution of benefits in the interests of the Elandskloof community, as well as in the wider South African communities.

Post-settlement support influences decision-making across various spheres of government and levels of community. In the case of service delivery to recipients for example, the Integrated Development Plans (IDPs) are key tools in the planning and delivery of municipal services and related infrastructure support. It plays a powerful role in decisions and issues such as budgets, land management and the promotion of local economic development. The same spirit that exists with the struggle to get Elandskloof back, should guide the community's ongoing participation and lobbying of stakeholders to support the development of Elandskloof. They should be able to produce agricultural products for themselves and for the markets and gain access to financing, equipment, technical and business support. They require support to develop institutions, which manage land rights and related benefits in a

transparent manner. They also need housing, services, roads, as well as access to health, education and social development benefits.

The impact of land reform on the social and economic transformation of the country is widely acknowledged. In South Africa, however, and as a result of the apartheid regime, black people have been farming for generations, but still live in poverty. White farmers are prosperous while black farmers are struggling in conditions of abject poverty. Institutional support cannot be ignored and must be seen as a key factor in the post-settlement support phase, involving citizen participation as well as the relevant stakeholders. This case study highlights the importance of, *inter alia*, effective community leadership in driving land restitution and its benefits in local communities. Leaders serving on the Communal Property Association structures require training on their roles and responsibilities to implement the objectives of the land reform policies, in the interests of beneficiaries.

The findings indicate the frustration of the youth of the Elandskloof community because their dreams for Elandskloof did not materialise. They were dreaming of sports facilities, a school, job opportunities and modern infrastructure. One of the big concerns is the dynamics with stakeholders' engagement and participatory processes at Elandskloof because there is no trust amongst the elderly people and this creates conflict amongst the beneficiaries. Another concern they raised is the lack of transparency, honesty, openness and equal participation of beneficiaries, CPA leaders and external stakeholders. The poor planning by the government on the completion of the project also adds to the dynamics because the planning was done through community engagement and stakeholders. This inadequate planning on the part of the state did not achieve the community priorities and contributed to the distrust and lack of confidence in the state's participatory plans and structures. Post-settlement support for the community is supposed to provide agricultural, farming, housing and infrastructure development. Some land beneficiaries want to improve their livelihoods through agricultural farming activities while others just want a house with basic infrastructure like a toilet, running water, tarred roads and a place they can call their own. State officials with conflicting and self-interest are hampering the dreams of the land beneficiaries.

Several of the youth members' parents work on the surrounding farms and have built good working relationships, built on trust, with the commercial farmers. Some youth members are of the view that the commercial farmers are keen to help them with farming techniques and equip them with training and the capacity to ensure the agricultural activities of Elandskloof

become profitable and productive. However, the older generation who experienced the eviction from Elandskloof in 1962 is still gripped by the “1962 mindset” that is still alive at Elandskloof. Their dominance in the community meetings and during stakeholder engagements is very conservative and is enforcing itself on the youth.

Since the youth is the future generation and the bearers of Elandskloof’s welfare, it is important to encourage their involvement in the participatory processes of Elandskloof and to build networks with relevant stakeholders. If they could create a culture of care, togetherness, openness and transparency, putting people, ethical leadership and morals first, the youth could ensure that Elandskloof became the place everyone was dreaming about. Elandskloof’s young people were born and bred in the rural areas, where they were taught good behaviour to ensure peace, stability and prosperity in their communities. The young people of Elandskloof are the only ones who can ensure that prosperity is restored in Elandskloof. They need to understand their history and culture and not operate like a tree without roots. The only time that government leaders listen to and intervene in communities is when there is true community involvement and unity amongst stakeholders and community members. It is therefore important for leaders in government, the private sector and civil society to work together in making the land reform programmes successful.

This thesis referenced different chapters and sections of the Constitution of the Republic of South Africa (RSA, 1996b). Currently there appears to be widespread condemnation amongst the citizenry about the President of South Africa and the fact that he does not honour his Constitutional mandate. This thesis demonstrates that the responsibility to uphold the values and principles as enshrined in our Constitution is not only incumbent on the President, but on every single civil servant in our country. Civil servants are not pro-active and aggressive enough to pursue the objects of the Constitution. Over the past number of years there have been many efforts by both political leaders and civil society to ensure the implementation of a legislative framework that addresses the imbalances of the past and eradicates the legacy of apartheid. Political and administrative leadership need to create an environment within which these Constitutional obligations are adhered to. South Africa is well-known for social mass action as a participatory process to enforce stakeholder relationships in delivering the goods to the citizens.

Since the land question is raised on different public platforms, it is important to learn from the Elandskloof process. Although the legislative framework is in place to address the land

question, the findings in this thesis illustrate that there is a lack of commitment on the part of government officials and community members to participate actively in bringing sustainable solutions to the problems experienced by beneficiaries. The involvement of and relationship building with stakeholders and community members is crucial in all participatory processes. The participatory processes must be equal and fair opportunities must be created for everyone in the community to be heard.

The youth must participate in the Elandskloof matters and shape their own future; no one else will do it for them. It is therefore important that future research interrogates the role of the youth in participatory processes that impact on their future. It is equally important to create a platform where relevant stakeholders, like the commercial farmers, are engaged and encouraged to assist the development of the land reform programme. A culture of pride, ownership, trust, honesty, passion and commitment must be facilitated and developed amongst the future generation of our country.



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APPENDIX A

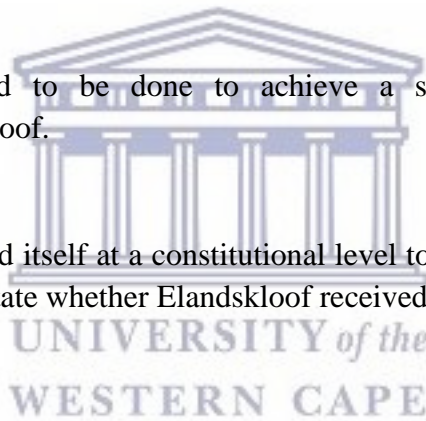
Questionnaire/Questions – Elandskloof Community Members



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INTERVIEWS COMMUNITY MEMBERS IN ELANDSKLOOF

1. What is your view regarding the Elandskloof restitution process? Was it worthwhile?
2. Since restitution, is the process still on track?
3. The reconciliation and development of Elandskloof should have been the main focus after the restitution process was completed according to the Restitution Act. In your opinion was this objective achieved? Motivate your opinion.
4. What responsibilities did the CPA have in implementation of the land reform policies and was the committee successful in achieving its objective.
5. In your view what need to be done to achieve a successful reconciliation and redevelopment in Elandskloof.
6. The government committed itself at a constitutional level to the restitution, reconciliation and land tenure process. State whether Elandskloof received any specific support from the state at the onset.
7. Is there any ongoing support from government? Specify any constructive development.
8. Since placed under administration is there any progress in development at Elandskloof.
9. Suggest in your personal opinion how the reconstruction and development process can be driven more effectively.



APPENDIX B

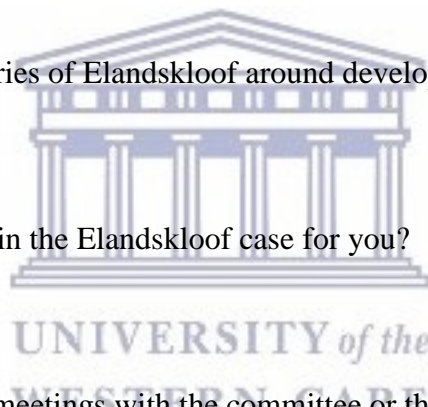
Questionnaire/Questions – Government Officials



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INTERVIEWS WITH GOVERNMENT OFFICIALS:

- 1 Explain your role in your department
- 2 Are you involved in the Elandskloof case, be specific?
- 3 How long are you working with this community and what is your previous experience?
- 4 What are the biggest challenges at Elandskloof?
- 5 Mention a few success stories of Elandskloof around development initiatives
- 6 What was a big milestone in the Elandskloof case for you?
- 7 How regular do you have meetings with the committee or the community members?
- 8 What skills or training did the committee or community received?
- 9 Explain your knowledge about post settlement support.
- 10 What support did the Elandskloof community received from your department?
- 11 How do you monitor and coordinate your successes and challenges?
- 12 What is the budget that department have available for restitution cases?



13 Do your department have any future plans for the Elandskloof case?



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APPENDIX C

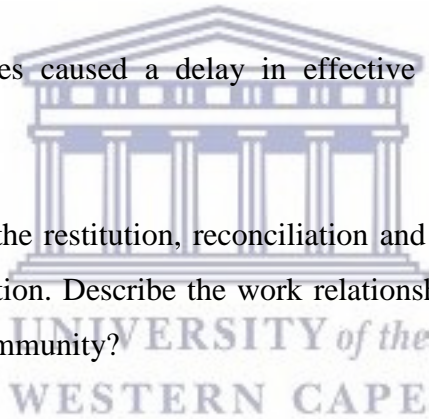
Questionnaire/Questions – Former ECPA Members



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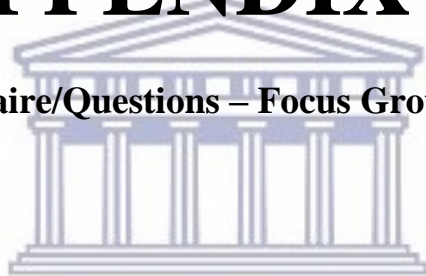
IN-DEPTH INTERVIEWS WITH CPA COMMITTEE MEMBERS OF THE ELANDSKLOOF COMMUNITY:

1. In which capacity did you serve on the CPA?
2. What was your personal experience regarding the CPA operations?
3. What is the historic background to the purpose and constitution of the CPA?
4. What is your personal view with regard to the role and responsibility of the CPA?
5. In your view did the CPA provide the appropriate structures that would achieve the objective of reconciliation and redevelopment?
6. What factors or challenges caused a delay in effective implementation of the CPA objectives.
7. Governmental support in the restitution, reconciliation and redevelopment processes are guaranteed in the constitution. Describe the work relationship between the CPA and the state, The CPA and the community?
8. What specific support was provided by the state to the CPA to achieve its policy and pro-actively drive its implementation?
9. Do you think there is a change in circumstances of Elandsklowers since administration period?
10. What in your opinion is crucial for the success of the Elandkloof case?
11. Do you receive any support from the municipality?
 - a) If yes what kind of support.
 - b) If no, why not?



APPENDIX D

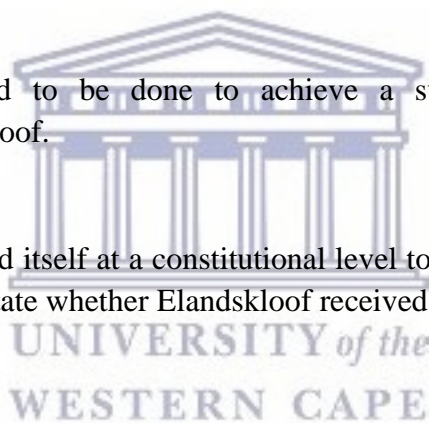
Questionnaire/Questions – Focus Group Discussions



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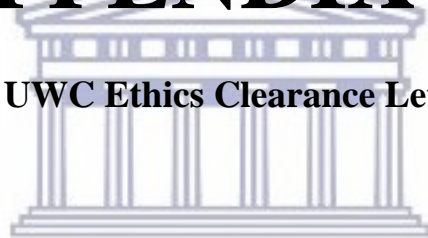
Focus Group Discussions

1. What is your view regarding the Elandskloof restitution process? Was it worthwhile?
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9. Suggest in your personal opinion how the reconstruction and development process can be driven more effectively.



APPENDIX E

UWC Ethics Clearance Letter



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DEPARTMENT OF RESEARCH DEVELOPMENT

17 March 2016

To Whom It May Concern

I hereby certify that the Senate Research Committee of the University of the Western Cape approved the methodology and ethics of the following research project by:
Mr A Titus (School of Government)

Research Project: Post settlement support for restitution claimants in South Africa after 1994.

Registration no: 15/7/172

Any amendments, extension or other modifications to the protocol must be submitted to the Ethics Committee for approval.

The Committee must be informed of any serious adverse event and/or termination of the study.

*Ms Patricia Josias
Research Ethics Committee Officer
University of the Western Cape*

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a place to grow, from hope
to action through knowledge