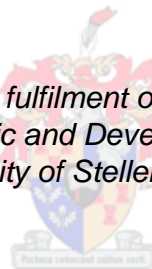


An output based evaluation of delivery of land reform in South Africa over the period 1994 - 2010

by
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*Thesis presented in partial fulfilment of the requirements for the
degree Master of Arts in Public and Development Management at the
University of Stellenbosch*



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December 2011

DECLARATION

By submitting this thesis electronically, I declare that the entirety of the work contained therein is my own, original work, that I am the authorship owner thereof and that I have not previously in its entirety or in part submitted it for obtaining any qualification.

Signature: Helga Links

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ABSTRACT

Land reform as a topic has engendered universal debate. In certain parts of the world, land reform is seen as the redistribution of property or rights in property for the benefit of the landless, tenants and farm labourers but in others it has been a tool of oppression. Worldwide, land reform arose mainly because of inequalities of resources or in other to control resources. In South Africa, the need for land reform started as early as 1658, where blacks were not afforded equal opportunities as white people and therefore were forced off farm land and properties. Since, 1994 when South Africa's first democratic Government came into power, one of its goals was to redress the injustices of the past and give back land to the previously disadvantaged people through various land reform programmes.

The goal of this study is to evaluate the delivery land reform programmes of South Africa, namely: Land Restitution, Land Redistribution and Land Tenure Reform. The impact of land reform is not measured in this thesis. This research is however focussed on answering the following question: To what extent has land reform achieved its intended output?

Land reform in South Africa could be viewed as an act of development, as it focuses on meeting the basic needs of the marginalised and underdeveloped people, which is in turn an objective of development. Marginalised and underdeveloped people as well as communities need land in order to ensure that their living conditions improve.

Programme evaluation is used to evaluate land restitution, land redistribution and land tenure reform in order to determine the successes and failures of the land reform programme in South Africa. Land reform has mixed opinions on whether the programmes have been implemented effectively and efficiently. The process has received criticism, even though land has been restored and redistributed to claimants and beneficiaries, it has not been occurring at a fast enough pace.

OPSOMMING

Grondhervorming is 'n onderwerp wat universeel bespreek word. In Suid-Afrika, word grondhervorming gesien as die herverdeling van eiendom of regte in eiendom vir die voordeel van die grondlose, huurders en plaaswerkers. Wêreldwyd, het grondhervorming ontstaan hoofsaaklik as gevolg van ongelykhede van hulpbronne. Die behoefte vir grondhervorming in Suid-Afrika het so vroeg as 1658 begin, waar swartes nie gelyke geleentheid gegun was soos blankes en was gedwing om hulle plaasgrond en eiendomme te verlaat. Sedert, 1994, toe Suid-Afrika se eerste demokratiese regering aan bewind gekom het, was een van sy doelwitte om die ongeregtighede van die verlede reg te stel en grond aan die voorheen benadeelde mense deur middel van verskeie grond hervormingsprogramme terug te gee.

Die doel van hierdie studie is om die lewering van die grondhervorming programme van Suid-Afrika te evalueer, naamlik: Grond Restitusie, die Herverdeling van Grond en Grondbesit Hervorming. Die impak van grondhervorming word nie in hierdie tesis gemeet nie. Hierdie navorsing is egter gefokus om die volgende vraag te beantwoord: In watter mate het grondhervorming die beoogde uitsette bereik?

Grondhervorming kan gesien word as 'n daad van ontwikkeling, aangesien dit fokus op die basiese behoeftes van die gemarginaliseerde en onderontwikkelde mense, wat op sy beurt 'n doelwit van ontwikkeling is. Gemarginaliseerde en onderontwikkelde mense sowel as gemeenskappe moet land besit om te verseker dat hul lewensomstandighede verbeter kan word.

Program evaluering word gebruik om Grond Restitusie, die Herverdeling van Grond en Grondbesit Hervorming te evalueer ten einde die suksesse en misluktings van die grondhervormingsprogram in Suid-Afrika te bepaal. Grondhervorming het gemengde menings oor die vraag of die programme doeltreffend en effektief geïmplementeer word. Die proses ontvang kritiek, alhoewel land herstel en versprei aan grondeisers en begunstigdes is, gebeur dit nie op 'n vinnig genoeg pas nie.

ACKNOWLEDGEMENT

This research project would not have been possible without the support of many people.

I would like to firstly thank God for His unfailing love and helping me throughout this process. I would also like to express my gratitude to my supervisor, Prof. Johan Burger who was abundantly helpful and offered invaluable assistance, support and guidance.

Special thanks go out to my parents; Francis and Hillary Links who stood by me and always encouraged me to persevere and complete everything I start. I would like to express my love and gratitude to my dad, mom and sister, Carlyn Links as well as my friend's Lynette Anderson and Brynne Fortuin for their understanding and endless love, through the duration of my studies.

This degree is dedicated to my dad, Francis Links who was unable to complete his bachelor's degree due to a chronic illness.

TABLE OF CONTENTS

Declaration	ii
Abstract	iii
Opsomming	iv
Acknowledgement	v
Table of Content	vi
List of Figures	x
List of Tables	xi
Acronyms	xii
Chapter 1: Introduction	1
1.1 Background	1
1.2.1 Problem Statement and research question	4
1.3 Purpose and Significance of Study	4
1.4 Definition of constructs	5
1.4.1 Defining Development	6
1.4.2 Defining Land Reform	6
1.4.3 International Experiences of Land Reform	7
1.4.5 The Land Reform Policy	8
1.4.6 Land Reform Programmes	8
1.4.7 Land Reform Status	10
1.5 Research Design and Methodology	11
1.5.1 Research Design	11
1.5.2 Methodology	12
1.6 Outline of Chapters	13
1.7 Conclusion	15
Chapter 2: Theoretical Perspective and Literature	16

2.1 Introduction	16
2.2 What is Development?	16
2.3 Land Reform as an act of development	19
2.3.1 Defining Land Reform	19
2.3.2 Defining Land Reform as a Policy	21
2.3.3 Defining Land Reform as a programme	21
2.3.3.1 The Land Redistribution Programme	22
2.3.3.2 The Land Restitution Programme	24
2.3.3.3 The Land Tenure Reform Programme	24
2.4 Overview of land reform internationally	25
2.4.1 Nationalisation	25
2.4.2 Land-to-the-tiller reform	26
2.4.3 Land Reform in Russia	27
2.4.4 Land Reform in Africa.	27
2.4.5 Land Reform in Asia	29
2.4.6 Land Reform in South America	29
2.5 Evaluation and Land Reform	31
2.6 Summary and Conclusion	33
Chapter 3: The Need for Land Reform in South Africa	36
3.1 Introduction	36
3.2 Background and Historical overview of Land	36
3.3 Policy and Legislative Context of Land Reform	38
3.3.1 Introduction	38
3.3.2 Background to Land Reform Policies and Legislation	38
3.3.3 Land Reform Policies and Legislation	41
3.3.3.1 The Constitution of the Republic of South Africa Act	43

3.3.3.2 The White Paper on Land Policy (1997)	43
3.3.3.3 The Provision of Land Assistance Act 126 of 1993	44
3.3.3.4 The Communal Property Associations Act 28 of 1996	44
3.3.3.5 The Land Reform (Labour Tenants) Act 3 of 1996	44
3.3.3.6 The Interim Protection of Informal Land Rights Act 31 of 1996	44
3.3.3.7 The Extension of Security of Tenure Act 62 of 1997	45
3.3.3.8 The Communal Land Rights Act 11 of 2004	45
3.3.3.9 The Development Facilitation Act 67 of 1995	45
3.3.3.10 The Commonage Policy	46
3.3.3.11 Policy on Expropriation in terms of Act 126 and	46
3.4 The Land Reform Programme in South Africa	47
3.4.1 The Land Redistribution Programme	47
3.4.1.1 Land Redistribution for Agricultural Development	48
3.4.2 The Land Restitution Programme	50
3.4.3 The Land Tenure Reform Programme	50
3.5 General Progress on Land Reform in South Africa	51
3.6 Summary and Conclusion	53
Chapter 4: Programme Evaluation and Methodology	55
4.1 Introduction	55
4.2 What is Programme Evaluation?	55
4.2.1 Defining Programme Evaluation	55
4.2.2 The Purposes of Programme Evaluation	56
4.2.3 The Adaptation of Programme Evaluation	57
4.2.4 Accountability in Programme Evaluation	59
4.2.5 Main types of Concerns addressed by Programme Evaluation	60
4.2.6 Typical Evaluation Questions	61

4.2.7 Challenges of Programme Evaluation	64
4.2.8 Programme Improvement	64
4.3 Summary and Conclusion	65
Chapter 5: Evaluating the South African Land Reform Programme	68
5.1 Introduction	68
5.2 Evaluating the Land Reform Programme	68
5.2.1 Introduction	69
5.2.2 Description of Programme	69
5.2.3 Questions developed for Evaluation	71
5.2.4 Evaluating Land Reform in South Africa	74
5.2.4.1 Evaluating Land Restitution	74
5.2.4.2 Evaluating Land Redistribution	80
5.2.4.3 Evaluating Land Tenure Reform	87
5.3 Summary and Conclusion	89
Chapter 6: Conclusion and Recommendations	91
6.1 Introduction	91
6.2 Conclusion	91
6.3 Recommendations	94
Reference List	102

LIST OF FIGURES

Figure 3.1: Land reform Legislation and Policies

Figure 5.1: Cumulative Claims Settled from 1994 to 2008

Figure 5.2: Amount of Land Restored to Claimants from 2001 to 2009

Figure 5.3: Land Restored vs Budget Spent

Figure 5.4: Land Redistribution (land delivered to beneficiaries)

Figure 5.5: Land Redistribution in South Africa: Actual vs Target

Figure 5.6: Land Reform (Actual Expenditure)

LIST OF TABLES

Table 1.1: Choices facing evaluators

Table 3.1: Land Redistribution Programme Outputs

Table 4.1: Main types of concerns addressed by evaluators and associated methods

Table 4.2: Typical Evaluation Questions

Table 5.1: Aims of Land Reform Programmes

Table 5.2: Questions used for Evaluation

Table 6.1: Recommendations for Land Restitution in South Africa

Table 6.3: Recommendations for Land Tenure Reform in South Africa

Table 6.2: Recommendations for Land Redistribution in South Africa

ACRONYMS

ANC	African National Congress
CBO	Community-Based Organisations
DLA	Department of Land Affairs
DOA	Department of Agriculture
DTI	Department of Trade and Industry
ESTA	Extension of Security and Tenure Act
FWES	Farm-workers equity sharing projects
GEAR	Growth, Employment and Redistribution Strategy
GIS	Geographic Information Systems
ICT	Information and Communication Technologies
INRA	National Institute for Agrarian Reform
LRAD	Land Redistribution for Agricultural Development
LRCF	Land Reform Credit Facility
NGO	Non-Government Organisations
NLC	National Land Committee
PLAAS	Institute for Poverty, Land and Agrarian Studies
PLAS	Pro-Active Land Acquisition Strategy
RDP	Reconstruction and Development Programme
RSA	Republic of South Africa
SACP	South African Communist Party
SLAG	Settlement / Land Acquisition Grant
STATS SA	Statistics South Africa
UN	United Nations

US	United States
USSR	Union of Soviet Socialist Republic
ZANU-PF	Zimbabwe African National Union- Patriotic Front

Chapter 1: Introduction

1.1 Background

Apartheid divided the population of South Africa into separate groups according to colour, each with a different political and social position within the system (Waldo, 1991:18). Racist distinctions and forms of exploitation and oppression existed in South Africa since the beginning of colonial occupation. Every aspect of peoples' lives was regulated according to the population group to which they were officially assigned (Waldo, 1991:18).

Burger (2010:5) argues that colonialism had three features impacting on development patterns, namely monopolisation of resource utilisation by large companies with rights granted by the colonising nations; creation of wage labour to support these enterprises and imposition of systems of law and order to suit colonisers. These features had and arguably still have grave consequences for development.

Firstly, in the rivalry between colonising forces such as Britain and France, it was important for colonisers to maintain a strong presence in order to retain their access to the cheap raw material and expanded outlet for their manufactured goods offered by the colonies. These presences were established through political, administrative and legal structures of authority, as well as the granting of legal rights to large companies from home to monopolistically produce, use land, labour and even impose taxes. The activities of these companies destroyed traditional land tenure patterns and squeezed out traditional agriculture in favour of what the markets of Europe demands. These export-orientated "cash crops" therefore pushed out local self-sufficient food production and forced those who lost their land to sell their labour cheaply.

Secondly, the enterprises with their big demand for labour not only had the people that lost their land at their mercy, but also communities who had to find cash to pay taxes imposed by the colonial authorities. However, even these sources provided inadequate labour and therefore large-scale forced labour migration started

occurring, which created a large wage-labour force consisting of displaced and exploited people. This process had a very profound effect on urbanisation (Davids *et al*, 2009:8).

The agriculture sector was central to the apartheid ideology of inequalities (Hanekom, 1998). White control of land and its unequal distribution were two of the main bases of the apartheid system and of the wealth and power at the disposal of the white minority (Waldo, 1991:18).

The scale of dispossession of those who originally inhabited South Africa is evident in the laws by which land had been apportioned. The Native Land Act, Act of 1913 (RSA, 1913) and the Native Trust and Land Act, Act of 1936 (RSA, 1936) designated just 13,7 percent of the country as set aside for Africans (Waldo, 1991:18). The process, by which the mass of people who occupied the land, were dispossessed of it and excluded from access to it, was a continuous one (Hanekom, 1998:12). In most of the country, they were driven off the land by force of arms or they were reduced to the status of tenants on land owned by white farmers for whom they worked (Hanekom, 1998:12). The imposition of taxes, which could not be paid by the blacks, also played a part in forcing the people off the land. The legislation of 1936 prevented Africans from acquiring new land outside the areas allocated to them (Hanekom, 1998:13). Anyway the taxes make it such that it made more economic sense for blacks to be farm workers rather than land owners.

The implementation of segregated ownership and use of land meant the forced eviction and relocation of very large numbers of people (Waldo, 1991:19). Estimates of the number of people relocated since 1950, range from two to three million or higher (Waldo, 1991:19). Since 1960, about six hundred and fourteen thousand people were removed in the process of clearing prime land of black people for the exclusive use of white people (Waldo, 1991:19).

Legislation adopted in 1956, illegalized African tenancy on farms owned by white farmers (Waldo, 1991:19). This affected both labour and cash tenants. As a result, between 1960 and 1974, about a million and a half tenants and their families were

forcibly removed from agricultural land owned by whites and sent to Bantustans (Waldo, 1991:19) (See also Thwala, 2003).

By the mid-1980's, Government found it less easy in forcing more Africans off land because of local and international pressures. Therefore, by consolidating and extending the Bantustan boundaries, resistant communities were incorporated into them. This meant that they were made to live under Bantustan administration without actually being removed. From about 1979, with African National Congress (ANC) struggle for liberation activities, the regime initiated a major programme to promote the repopulation of selected rural areas by whites (Waldo, 1991:20).

“Since 1994, our democratic Government led by the ANC tried to consolidate political power, stabilize and contain the counter-revolutionary threat and embarked on a major socio-economic transformation process” (The SACP, August 8, 2009).

The Government of South Africa has land policies in place. The centre of land policy is the land reform programme, which has three main parts to it, namely; Land Restitution, Land Redistribution and Land Tenure Reform (RSA, White paper on South African Land Policy, 1997:7).

“The Government's redistribution policy has undergone a number of shifts since 1994.” “From 1995-1999, it was implemented largely by means of the Settlement / Land Acquisition Grant (SLAG), which provided a modest grant to poor people, usually in groups, to purchase land on the open market.” “In August 2001, the Department of Land Affairs (DLA) launched a revised programme, Land Redistribution for Agricultural Development (LRAD). This programme has been promoted by the DLA as a flagship programme through which it would pursue the objectives of land redistribution” (Jacobs *et al*, 2003).

The purpose of this research will be to evaluate the delivery of land reform in South Africa's and its main programmes, namely; land restitution, land redistribution and land tenure reform.

1.2 Problem Statement

1.2.1 Problem Statement and research question

The South African Government has various land reform policies and programmes in place, in order to redress the injustices of the past (May, 2000:241).

This research is however focussed on answering the following question: To what extent has land reform achieved its intended output?

Overall, the Land Reform Programme has proven to be a slow and complex process. Government has set a target of redistributing 30 percent (85 million hectares) of white-owned commercial land by 2014. In 2010, Government has found itself defending its record on delivery as only 7 percent of white-owned commercial land has been redistributed since 1994.

1.3 Purpose and Significance of Study

The main purpose of this study is to describe and evaluate the Land Reform Programme and the core elements thereof, namely; land restitution, land redistribution and land tenure processes of South Africa. This study is done in order to make recommendations on land reform and its programmes.

The sub-questions surrounding this theme are as follows:

- How does land reform in theory serve the objectives of development?
- What is the historical context of the land reform process in South Africa?
- What are the reasons for the importance and need of the land reform process in South Africa?
- What current land reform policies and legislature does Government have in place to redress the injustices of the past?

- What problems have arisen during the development and implementation of the land reform process?
- What output in land reform was achieved between 1994 and 2010?
- How can the land reform process in South Africa be improved?

The researcher uses programme evaluation to evaluate land restitution, land redistribution and land tenure reform in order to determine the successes and failures of the Land Reform Programme in South Africa.

The first goal of this study is to conceptualize land reform, restitution, redistribution and tenure reform in the context of South Africa. Secondly, a theoretical and literature review on land reform will be discussed. The concept of development and the objectives thereof will be discussed. This paper will also undertake an inquiry on whether land reform in theory serves the objectives of development and whether land reform could be viewed as an act of development.

A historical description and explanation of land ownership in South Africa and how this provide reasons for the need for land reform in the country will also be discussed.

This [thesis](#) will discuss Evaluation Theory. The technique of output evaluation will be applied in the thesis. Furthermore, programme evaluation and its methodologies are explored as well. The Land Restitution, Redistribution, and Tenure Reform Programmes will be evaluated by the researcher. Finally, recommendations will be provided by the researcher in order for South Africa to improve its Land Reform Programme.

1.4 Definition of constructs

In this section, the constructs of land reform as development, a definition of land reform, international experiences, policies and programmes and the land reform status are discussed.

1.4.1 Defining Development

Stewart *et al* (1997:1), states that: “development may be defined as positive social, economic and political change in a country or community. Development arises in response to the gross inequalities and also absolute poverty which are generated by the world economy”.

Development in South Africa was outlined in 1994 through the Reconstruction and Development Programme (RDP) by the African National Congress (ANC). The main development objectives of the RDP were meeting the basic needs of the citizens, redistributing resources and job creation through public works (ANC, 1994).

It is important to understand the concept of development and the objectives thereof, as land reform are supposed to serve the objectives of development by addressing the basic needs of people. Land is viewed as one of the most basic needs of people who are marginalised and underdeveloped. In fact, land is a factor of production. This concept is explored in detail in chapters which follow.

1.4.2 Defining Land Reform

In some parts of the world, land reform is seen as the redistribution of property or rights in property for the benefit of the landless, tenants and farm labourers. Although in parts of the world it could be used by governments as a political tool of oppression and ordering (Arogundade, 2006:3).

Adams (1995:1) viewed land reform in Africa as “an example of land reform where the primary concern was correcting the imbalance of agricultural land as Africa has a history of subsistence farming”. Jacoby (1971:24) saw land reform or agrarian reform as “frequently used terms to denote any integrated programme that aims to reorganise the institutional framework of agriculture in order to facilitate social and economic progress in accordance with the philosophy, values and creed of the community concerned”.

The United Nations (UN) defined land reform as “comprising an integrated programme of measures designed to eliminate the obstacles to economic and social development arising out of defects in the agrarian structure” (Jacoby, 1971:24). Millions of black African farmers were forced to crowd onto plots too small and with “soil qualities too marginal for even subsistence farming” (Baines, 2001:1).

According to Prosterman *et al* (1990:3), “Land reform is generally understood to refer to a rapid process of transfer of land rights to landless individuals and communities”. Land reform however varies across from one nation to another. In South Africa, “the importance of land reform arose from the scope of land dispossession of black people which took place at the hands of white colonizers” (Department of Land Affairs, 1997:9).

1.4.3 International Experiences of Land Reform

Land reform has been a major issue internationally. Land reform arose in Russia, because of the Russian Revolution and the socialization of agriculture was a prerequisite for attaining communism (Ghonemy, 1984). In countries like Namibia and Zimbabwe, racial policies resulted in discriminatory land policies. In Zimbabwe, the process of land redistribution has resulted in the collapse of the country’s commercial agriculture sector. This was due to the land being transferred from white farmers to black farmers who had little farming experience and inadequate equipment (Ghai *et al*, 1983). In Nigeria, The Land Use Act of 1978 was used to revoke freehold land ownership and to make it easy for government to expropriate oil rich land of the Niger-Delta a situation that has almost created a guerrilla war between the Nigerian State and the people of the Niger-Delta (Arogundade, 1996).

In Asia, agitation has been mainly for redistribution among landless laborers. The reason for this was for the security of tenure, the elimination of middlemen, oppressive rents, and interest (Powelson, 1987). Land reform in South America was a major problem. This was due to huge tracts of land, which were in the hands of inexperienced laborers. In Cuba, land reform was one of the main platforms of the

revolution of 1959. Large holdings were expropriated by the National Institute for Agrarian Reform (INRA) (Geisler *et al*, 1984).

As seen above, land reform internationally arose for various reasons, mainly due to inequalities of resources. This topic is discussed further in the Chapter which follows.

1.4.5 The Land Reform Policy

Land is an important and sensitive issue to the citizens of South Africa as well as most of the other peoples of the world. “It is a finite resource which binds all together in a common destiny” (Hanekom, 1998:15). As a cornerstone for the Reconstruction and Development Programme, the Land Policy of South Africa has to deal with: “the need for a more equitable distribution of land ownership; security of tenure for all; the need for land reform to reduce poverty and deal with the land dispossession” (Department of Land Affairs, 1997:7).

1.4.6 Land Reform Programmes

At present in South Africa, the core of land policy is the land reform programme. The Land Reform Programme has three aspects, namely:

- Land Redistribution,
- Land Restitution, and
- Land Tenure reform (RSA, White paper on South African Land Policy, 1997:7).

1.4.6.1 The Land Redistribution Programme

According to the White Paper on South African Land Policy (RSA, 1997:38), the Land Redistribution Programme aims to provide the disadvantaged and the poor with access to land for residential and productive purposes. One of the key issues which were faced was how to help the disadvantaged people to access the land market. Various options were either cash grants, diminishing finite interest subsidies, equity-sharing projects and the land reform credit facility, (LRFCF). The Land Redistribution Programme is discussed in greater detail in chapters which follow. The success or failures of the programme is discussed by the researcher as well.

1.4.6.2 The Land Restitution Programme

This first component is a legal process whereby people who can prove that they were dispossessed of their land after 1913, can regain their land and receive due financial compensation for it. This gave beneficiaries legal footing to stand on to make sure they were able to lay claim on either land made available for redistribution of funds allocated for compensation. The Government drafted new policy documents such as the RDP and the White Paper on South African Land Policy (RSA, 1997) which were used to ensure that the various land reform measures were in place.

The Restitution Act made provision for the setting up of a Commissions and a Land Claims Court which was established in 1995. According to Coetzee *et al*, (2002:308) “the Commission’s role is to investigate all land claims and the Land Claims Court’s task, is to endorse or reject all settlement agreements.” The Restitution Programme started off in 1994 and proceeded at a slow pace. In 1998 the programme was reviewed and several adjustments were made to speed up the administrative process which was slowed down by legal aspects.

The Land Restitution Programme is discussed in greater detail in chapters which follow. The success or failures of the programme are discussed by the researcher as well.

1.4.6.3 The Land Tenure Reform Programme

“Land tenure reform aims to protect people from evictions and provide them with long-term security on their land to encourage people to invest in the development or their land,” (National Land Committee, 2006).

According to the White Paper on South African Land Affairs (RSA, 1997:64), tenure reform provided security of tenure in various ways. This referred to the following:

- Awarding independent land rights
- Securing lease agreements

- Protection against eviction
- By membership of a group based system of land rights or
- Through private ownership.

Land tenure reform is particularly complex and policy development for this programme had to be done with great care. The Land Tenure Reform Programme is discussed in greater detail in chapters which follow. The success or failures of the programme are discussed by the researcher as well.

1.4.7 Land Reform Status

The slow pace of land reform can be projected to continue, as research shows that targets set by Government are not being reached effectively.

- The restitution process was slow. During the financial year 2004/2005 approximately 887 093 hectares of land was restored to claimants. This was followed by a huge decrease in land restored during the financial year 2005/2006. During 2006/2007, the amount of land restored to claimants increased, but from 2007 to 2009 it decreased again.
- The Land Redistribution Programme has been labelled as slow and inefficient. Only 7 percent of the land out of 30 percent has been transferred and redistributed to date. It has taken Government sixteen years to redistribute 7 percent of white-owned commercial land and there are just over three years left to reach the target of redistributing 30 percent of farmland by 2014.
- The Tenure Reform Programme is complex and slow. The services provided to the recipients are beneficial, as the process is complex. In terms of evictions, only 405 cases were resolved in 2009, as opposed to 1556 cases in 2003 (DLA, Annual Reports, 2002/2003 & 2008/2009).

The result of the policy changes was speeding-up the settlement of claims. However, most rural claims were not taken into consideration. Approximately 25.2 percent of national expenditure went to actual land purchases (Hargreaves & Eveleth, 2003:85-86). Even though policy changes aimed at speeding up claims, recent research shows that fluctuations in settling of claims and redistributing land have occurred since 1994 till 2010.

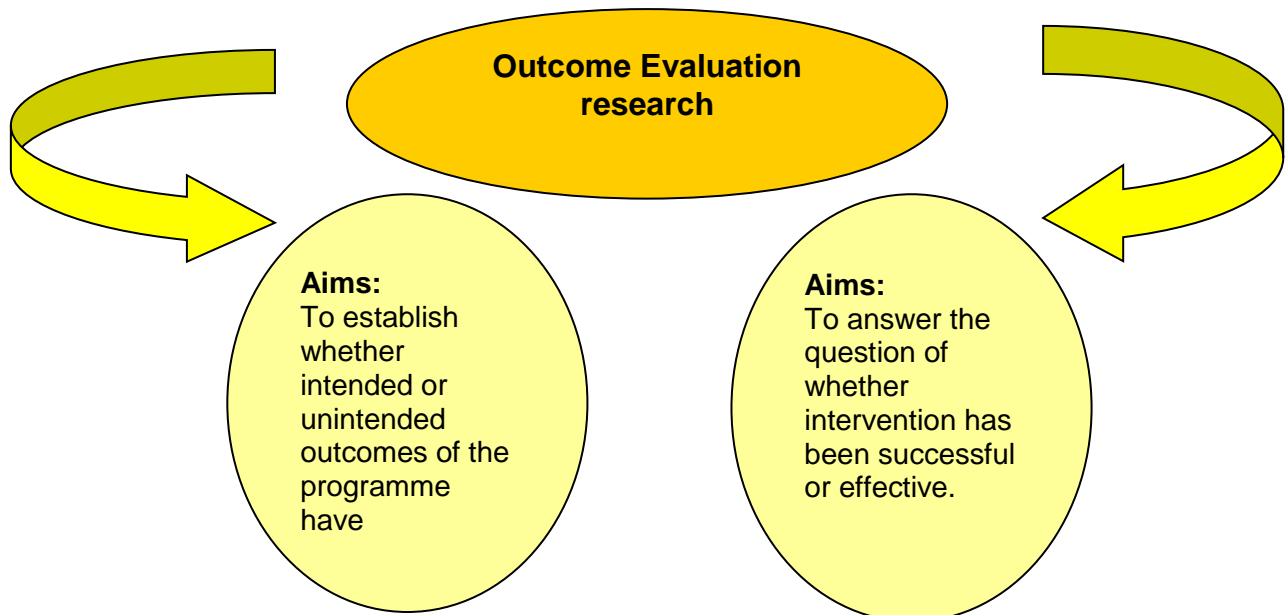
This concludes the perspectives of the Land Reform Programme in South Africa.

1.5 Research Design and Methodology

1.5.1 Research Design

The research design of this proposed study will consist of Evaluation Research: experimental and quasi- experimental outcome studies. This has been illustrated in **Figure 1.1** below:

Figure 1.1: Research Design Model



According to Mouton (2001:160); "Outcome evaluation research aims to answer the question of whether intervention (programme, therapy, policy or strategy) has been successful or effective. The main aim of outcome or product evaluation is to establish whether the intended (and unintended) outcomes of the programmes have materialized. This would include immediate or short-term product and outcomes, as well as long-term outcomes (or the so- called "impact" of the programme)". However, for the purpose of this thesis, output or product, rather impact is measured; this would require more comprehensive longitudinal research.

The analysis is “structured and more quantitative”. Qualitative methods will be used in the proposed study as well.

The study will be empirical. Both primary data and existing data will be used. Numerical and textual data will be used in the study as well as historical studies.

The researcher of this proposed study will use the evaluation research design, due to the fact that the aim of the study is to evaluate the Land Reform Programmes to establish whether the intended (and unintended) outcomes of the programme have materialised. Focus on the success and failures of the Land Reform Programme will also be of importance.

1.5.2 Methodology

Firstly, a literature study involving historical and current literature on the subject of land reform is required, in order to familiarise oneself with the topic. Various books, policies and legislature, journals, newspaper articles and Internet sources will be consulted by the researcher.

As part of the methodology, the researcher will aim to gain inputs from various “subject matter experts” such as the Commissioner of Land Affairs in Cape Town and general administrative workers within the Department of Land Affairs. This will be done in order to make the research more feasible, as well as giving the researcher guidance throughout the research process.

Evaluation as a research method was also used by the researcher. The following Table 1.1 explores methods researchers could use to conduct research.

Table 1.1 Choices facing evaluators

Evaluation design	Data Collection	Data analysis	Getting evaluation information used
What are the evaluation questions?	What are the primary data sources?	What analytical techniques are available (given the	How should evaluation findings be packaged for

Evaluation design	Data Collection	Data analysis	Getting evaluation information used
		data)?	different audiences?
What comparisons are needed?	How should data be collected?	What analytical tools will be most appropriate?	Should specific recommendations accompany evaluation reports to encourage action?
What measurements are needed?	Is sampling required?	In what format will the data be most useful?	What mechanisms can be used to check on implementation of recommendations?
What “breakouts” (disaggregation’s of data) are needed, e.g. by facility or type of client?	Where and how?		
	How large a sample is needed?		
	How will data quality be ensured?		

(Cloete & Wissink, 2000: 214)

Cloete and Wissink, (2000: 217) say that: “Evaluation therefore depends on the availability of evaluation data both on the status quo *ante* (so-called baseline-data-before the policy project was initiated) and at the cut-off point that signals the end of the evaluation period (so-called culmination data) “ .

1.6 Outline of Chapters

The study has six Chapters which have been outlined below:

Chapter 1: Introduction

This Chapter introduces the study. It includes the following subsections: background to the study; problem statement, purpose and significance of the study; definition constructs; research design and methodology and it will also give an outline of Chapters.

Chapter 2: Theoretical Perspective and Literature Review

In Chapter Two, the concept of development is explained by the researcher. Development objectives are outlined and create a basis to explain land reform as an act of development. Land reform is then defined and illustrates that its programme in theory serves the objectives of development, as land is a basic need for any person. The Chapter also defines land reform as a policy. This will provide the researcher with insight with regards to the land reform policies and legislatures. The researcher will discuss the Land Redistribution, Land Restitution and Land Tenure Reform Programmes. International experiences of land reform will be discussed by the researcher. Brief discussions of other countries will help the reader develop an understanding of the reasons for land reform in other countries, the level of success or failure of land reform and the reasons for success or failure of land reform in other countries. Lastly, evaluation is discussed by the researcher. This provides an understanding of why evaluation is important to evaluate the success and failure of a programme like land reform.

Chapter 3: The Need for Land Reform in South Africa

Chapter Three focuses on establishing the need for land reform in South Africa. Firstly, the background and historical overview of land reform in South Africa will be discussed. This will be followed by looking at the market-based “willing buyer-willing-seller” approach as well as various other policies and legislation relating to land reform. Furthermore, the researcher discusses the various land reform programmes in detail. General progress on land reform is also discussed by the researcher.

Chapter 4: Programme Evaluation and Methodology

Chapter Four discusses programme evaluation and the methodology used to evaluate programmes. Firstly, programme evaluation will be defined. This will be followed by discussing purpose of evaluation, the adaptation of programme evaluation accountability in programme evaluation, and the main type of concerns addressed by programme evaluation. The output of land reform is evaluated in this thesis. Typical evaluation questions used in programme evaluation are provided by

the researcher. Lastly, some challenges of programme evaluation are discussed, as well as what is necessary for programme improvement to happen.

Chapter 5: Evaluating the South African Land Reform Programme

Chapter Five focuses on evaluating the Land Reform Programme in South Africa. Programme evaluation methodologies were used in order to evaluate whether a programme like land reform succeeded or failed. This was done by using various toolkits from Rossi and Wholey, as described in the previous chapter.

Chapter 6: Conclusion and Recommendations

In the final chapter, the researcher will conclude the study and will provide recommendations for the improvement of the Land Reform Programmes in South Africa.

1.7 Conclusion

Land reform has been criticized as being a complicated issue and the implementation of programmes by Government has been criticized as being too slow. The following chapter will provide a theoretical framework of land reform and this will lay the foundation for the chapters which follow.

Chapter 2: Theoretical Perspective and Literature

Review

2.1 Introduction

In this chapter, the concept of development is explained. Development objectives are outlined in order to create a basis to explain land reform as an act of development. Land reform is then defined to illustrate that its programme in theory serves the objectives of development, as land is a basic need for the underdeveloped and marginalised. The underdeveloped and marginalised need land as a form of empowerment and as a way to ensure self-sustenance. The chapter also defines land reform as a policy. This serves to provide the insight with regards to the land reform policies and legislatures. The researcher will also discuss the Land Redistribution, Land Restitution and Land Tenure Reform Programmes.

International experiences of land reform will further be discussed. Discussions of other countries will help the reader develop an understanding of the reasons for land reform in other countries, the level of success or failure of land reform and the reasons for success or failure of land reform in other countries.

Lastly, evaluation is discussed to provide an understanding of why evaluation is important to evaluate the success and failure of a programme like land reform.

The following section discusses the concept of development and its objectives and how land reform relates to it.

2.2 What is Development?

This section discusses development as well as its objectives. The section also briefly discusses land reform and how it serves the objectives of development.

According to Todaro (1997), the term “development” is defined “as both a subjective and objective sustainable increase in the quality of life of an individual or a community”. This implies that:

- It is not an end product, but a continuous process of improvement in living conditions.
- It has both subjectively perceived and objectively determinable dimensions (a state of mind and a physical reality).
- It should be durable, which implies that it must empower people to improve their own conditions themselves over a long period, in a relatively independent way.
- It needs a balanced or synchronized improvement in different policy sectors (social, cultural, economic, political, organizational and technological), and in the areas of both basic life-sustaining and higher order needs in order to be durable (Cloete & Wissink, 2000:77-78).

“Development is not the development of an area or of things such as roads and railways, but it is a total life transformation. The entire development process has a human and emotional quality and function” (Cohen & Uphoff, 1980:216). Oakley and Marsden, (1984:10) feels that “development must entail the liberation of human beings”. This “liberation” could refer to building human capacity.

Cloete and Wissink, (2000:78) says that: “The primary task of Government is to create optimal conditions for sustainable development. A Government’s policy objectives should therefore keep track of needs and demands in its society, and adapt to changing levels of development in that society” .

According to De Beer and Swanepoel, (2000:72-73) “Development addresses the poverty of people. Development must be holistic, therefore it is “all-encompassing” and it should take place through projects”.

Stewart *et al* (1997:1), states that: “development may be defined as positive social, economic and political change in a country or community. Development arises in response to the gross inequalities and also absolute poverty which are generated by the world economy”.

Ackoff however argues that society should understand that there is difference between growth and development. Ackoff, (1993) says: “The appropriate end of a social system is development, not growth. Our society doesn’t yet understand the distinction between them. You can develop without growing, and you can grow without developing” (The Deming Library, Vol. 21).

As alluded in Chapter 1, the ANC outlined the concept of development through the RDP in 1994 and the main development objectives focussed on meeting the basic needs of people, redistributing resources and job creation (ANC, 1994).

The Growth, Employment and Redistribution Strategy (GEAR) was implemented by Government in 1996, which emphasized economic growth, jobs and redistributing resources (DTI, 1996).

The main objectives of development vary and can be categorized according to the ANC’s Reconstruction and Development Programme (1994) as follows;

- Meeting the basic needs of people: access to land, access to food, access to clean water, access to housing, access to education, access to electricity
- Eradicating poverty
- Improving social circumstances of people
- Improving economic circumstances of people
- Job creation
- Redistribution of resources
- Empowerment of people
- Gender empowerment
- Telecommunications
- Transport
- Infrastructure (roads, street lights)

The Land Reform Programme of South Africa serves some of the objectives of development in theory, as land is one of the most basic needs of people, especially the marginalised, underdeveloped and rural poor. The Land Reform Programme

arose in response to the inequalities of access to land by historically disadvantaged people. Land reform can be viewed as a form of development, as the country is trying to improve the land issues that were unjustly dealt with by the apartheid Government.

The following section discusses land reform as an act of development.

2.3 Land Reform as an act of development

In the following sections and its sub-sections, land reform is defined to orientate the reader on the subject of land reform. Furthermore, land reform as a policy and programme are discussed briefly, as both land reform policies and programmes were borne out of unfair socio-economic circumstances and lack of access to land in the past.

The unfair and discriminatory circumstances of the previously disadvantaged therefore encouraged the post-apartheid Government, to evaluate the critical situation of land reform, drawing up policies and creating programmes (land redistribution, land restitution and land tenure reform), to improve the overall situation of land reform in the country.

In South Africa Land reform is viewed as an act of development, as it focuses on meeting the basic needs of the marginalised and underdeveloped people, which is in turn an objective of development. Marginalised and underdeveloped people as well as communities need land and capacity in order to ensure that their living conditions improve. Poor and underprivileged people lack financial resources in order to sustain their lives. Farming is important to the poor, as they are able to produce their own fruit and vegetables, which contributes to their daily diet. The fruit and vegetables grown could also be sold and therefore contributing to the financial upliftment of the poor, therefore enabling the poor to grow. The following sub-section focuses on defining land reform to orientate the reader on the subject matter.

2.3.1 Defining Land Reform

In South Africa, land reform was seen as the redistribution of property for the benefit of the landless, tenants and farm labourers.

The United Nations defined land reform as “comprising an integrated programme of measures designed to eliminate the obstacles to economic and social development arising out of defects in the agrarian structure”, (Jacoby, 1971:24) as millions of black African farmers were forced to crowd onto plots too small and with “soil qualities too marginal for even subsistence farming” (Baines, 2001:1).

Adams (1995:1) viewed Africa as “an example of land reform where the primary concern was correcting the imbalance of agricultural land as Africa has a history of subsistence farming”. Jacoby (1971:24) saw land reform or agrarian reform as “frequently used terms to denote any integrated programme that aims to reorganise the institutional framework of agriculture in order to facilitate social and economic progress in accordance with the philosophy, values and creed of the community concerned”. According to Prosterman *et al* (1990:3), “Land reform is generally understood to refer to a rapid process of transfer of land rights to landless individuals and communities”.

Moyo (1995:73) defined land reform as “a change in the legal or customary institution of property rights and duties, which define the rights of those who own or use agricultural land.” There is a direct link between land reform and ownership as the latter refers to rights representing varying degrees of control: “the right to possess, use, manage, earn an income from, lend, transfer or sell, as well as to pass these rights on to others” (Moyo, 1995:73).

Overall, land reform as an act of development has common denominators with the objectives of development in theory, which focuses on meeting the basic needs of people, especially the historically disadvantaged people. As development focuses on improving the lives of people, so does land reform. Owning land gives people a sense of empowerment and a sense that their socio-economic status is improving. An objective of land reform is eradicating poverty, which similarly ties in with an objective of development, focusing on assisting the poor to get out of the poverty trap.

The following sub-section discusses land reform as a policy and why the need for land reform policies arose in South Africa.

2.3.2 Defining Land Reform as a Policy

Land reform varies from one nation to another. In countries like Namibia and Zimbabwe, racial policies resulted in discriminatory land policies.

In South Africa, “the importance of land reform arose from the scope of land dispossession of black people which took place at the hands of white colonizers” (Department of Land Affairs, 1997: 9). The land reform policies were introduced by Government to address the issues of landlessness, lack of ownership, rights to property, empowerment and poverty.

Land was and is an important and sensitive issue to the citizens of South Africa. “It is a finite resource which binds all together in a common destiny” (Hanekom, 1998:15). People’s survival in most developing countries depends on their access to land, as “land is the primary means for generating a livelihood” (World Bank, 2003:xix). As a cornerstone for the Reconstruction and Development Programme, the Land Policy of South Africa has to deal with: “the need for a more equitable distribution of land ownership; security of tenure for all; the need for land reform to reduce poverty and deal with the land dispossession” (Department of Land Affairs, 1997:7).

The following sub-section focuses on the three main programmes of land reform.

2.3.3 Defining Land Reform as a programme

The following sub-section discusses land as a programme which has the Land Redistribution Programme, Land Restitution Programme and the Land Tenure Programme as sub-programmes of the over-arching programme.

The following sub-sections depict short definitions of the above-mentioned programmes and these sub-programmes will be discussed and reviewed in the chapters which follow.

2.3.3.1 The Land Redistribution Programme

According to the White Paper on South African Land Policy (RSA, 1997:38), the Land Redistribution Programme aims to provide the disadvantaged and the poor with access to land for residential and productive purposes. Its scope includes the urban and rural very poor, labour tenants, farm workers as well as new entrants to agriculture. Redistributive land reform is based on “willing-buyer and willing seller” arrangements and this will be discussed further in Chapter 3.

One of the key issues which were faced was how to help the disadvantaged people to access the land market. Various options were given to recipients in the form of Land Reform Credit Facility (LRCF), Diminishing Finite Interest Subsidies, Equity-Sharing Projects and Cash Grants, (RSA, Ministry for Agricultural and Land Affairs, 2001:5).

The Land Reform Credit Facility (LRCF): The LRCF was created with the purpose of attracting human capital and private sector finance into commercially feasible land reform projects. The LRCF could be viewed as a partial solution to the liquidity problem associated with conventional mortgage loans; by offering unsubsidized loans with graduated repayment schedules to commercial banks that finance, on similar terms; equity-sharing projects and land purchased by aspiring farmers (RSA, Ministry for Agricultural and Land Affairs, 2001:5).

Diminishing, Finite Interest Subsidies: This programme addressed the problem of poor people’s inability to get finance because of the effect of inflation on immediate costs and future earnings. The result of this is that the farmers have a cash flow problem which influences their debt repayments. This programme introduced a technique of dealing with the liquidity issue by graduating loan reimbursements by subsidizing interest charges at a declining rate over a fixed period of time (Niewoudt & Vink, 1995:509-517).

Equity-Sharing Projects: “Equity–sharing projects is a means of redistributing wealth and income while maintaining or improving agricultural performance,” (Eckert *et al*, 1996:693-712). The Farm-Workers Equity Sharing Projects (FWES) exists throughout South Africa. They are company operations where financial equity is owned by employees, former employers, investors and managers. Financial equity is in the form of shares which are tradable. These shares entitle them to cast votes for

directors. The shares also entitle these individuals to benefit from profits and capital grants made by the company. FWES projects often benefit from experienced management and they have had the ability to attract finance from venture capitalists as well as from commercial banks (Knight & Lyne, 2002). It also importantly helps maintain the status quo.

Cash Grants: Government introduced a policy of market liberalization between 1994 and 1999. The policy was implemented and focussed on market liberalization in commercial agriculture, as well as the settlement/land acquisition grant (SLAG). The SLAG programme provided previously disadvantaged Africans with a cash grant of R16 000 with which they could purchase land. Practically these grants were limited and in order for a farm which was being sold, many beneficiaries pooled their grants. These beneficiaries established legal entities to include each beneficiary in the ownership of the farm (RSA, Ministry for Agricultural and Land Affairs, 2001:5). SLAG's performance was unsatisfactory; therefore the Minister of Agriculture and Land Affairs re-designed the grant programme and a new programme called the Land Redistribution for Agricultural Development (LRAD) was implemented in the year 2001.

The Land Redistribution for Agricultural Development Programme: "The Land Redistribution for Agricultural Development (LRAD) can be described as a sub-programme of the Land Redistribution Programme. This programme has two distinct parts; firstly, there is the part that deals with transfer of agricultural land to specific individuals or groups. Secondly, there is the part dealing with commonage projects, which aim to improve people's access to municipal and tribal land primarily for grazing purposes. What these two parts of the sub-programme have in common is that they deal with agricultural land redistribution. However, they operate according to different financial mechanisms, different target groups, and different delivery systems" (RSA, Ministry for Agricultural and Land Affairs, 2001:5).

The LRAD and SLAG programmes contrasted in one aspect, in that with the LRAD Programme, beneficiaries do not have to be poor in order to qualify for a maximum grant of R20 000. Beneficiaries who had bigger loans to finance their farms and savings could qualify for bigger grants. Those who could afford to, had to inject capital debt and equity of R400 000 in order to qualify for a maximum grant of R100 000 (RSA, Ministry for Agricultural and Land Affairs, 2001:8).

2.3.3.2 The Land Restitution Programme

According to May (2000:242), the Land Restitution Programme aims to restore land back to those who were dispossessed of their rights to land since 1913, under racially discriminatory laws and practice in order to promote reconciliation and justice. The restitution cases are dealt with through the Land Claims Court and Commission, which was established under the Restitution of Land Rights Act, Act of 1994 (May, 2000:242).

The Land Restitution Programme also has activities which fall under the following four main headings:

- **Processing of Land Claims:** This involves publicising the land restitution process, assisting claimants, investigating, as well as mediating claims of groups and individuals.
- **Implementation of Court:** This involves implementing court orders by the department.
- **Claims outside the Restitution of Land Rights Act:** This involves a procedure for claims which are not part of the Act.
- **Communication:** On-going communication will happen from the department's side and the restitution process will be publicised. (RSA, White Paper on South African Land Affairs, 1997:53).

It is an aim of the Land Restitution Programme to re-integrate and reconstruct places bearing the scars of racial zoning (RSA, White Paper on South African Land Affairs, 1997:58).

2.3.3.3 The Land Tenure Reform Programme

“Land tenure reform seeks to improve tenure security of all South Africans. The Land Tenure Reform Programme includes a review of the current land policy, administration and legislation with a view to accommodating more diverse forms of land tenure” (May, 2000:242).

According to the White Paper on South African Land Affairs (RSA, 1997:64), tenure reform provided security of tenure in various ways. This referred to the following:

- awarding independent land rights
- securing lease agreements
- protection against eviction
- by membership of a group-based system of land rights, or
- through private ownership.

Land tenure reform is particularly complex and policy development for this Programme had to be done with great care.

The following sub-section will discuss why land reform arose in other countries.

2.4 Overview of land reform internationally

There are various types of land reform; “nationalisation” and “land-to-the-tiller” reforms will be discussed briefly. The land reform issue has been a major issue internationally. An overview of the history of land reform internationally will be discussed and countries like Russia, Zimbabwe, Namibia, Japan, India, Pakistan, Cuba, Nicaragua, Nigeria and Mexico will be viewed. Discussions of other countries will help the reader develop an understanding of the reasons for land reform in other countries, the level of success or failure of land reform and the reasons for success or failure of land reform in other countries.

2.4.1 Nationalisation

“Nationalisation is the process of taking private industries or assets like land into the public ownership of a national government. The nationalisation of agricultural land in Algeria, Morocco and Tunisia led to the majority of Europeans leaving North Africa. Nationalisation usually occurs for political and economic reasons” (Raimondo, 1994). Nigeria also through her land use decree of 1978 effectively nationalised all land in territory into public ownership vested in executive arms of her government (Arogundade, 1996).

In South Africa, for example; threats about nationalising land, have surfaced from the ANC Youth League (ANCYL) in 2010 and reports say that the ANCYL leaders are unhappy about the “willing buyer-willing seller” approach to land reform in South Africa. According to Mthembu (Mail and Guardian, June 18, 2011), “The “willing buyer-willing seller” approach to land acquisition has constrained the pace and efficacy of land reform. It is clear from our experience that the market is unable to effectively alter the patterns of land ownership in favour of an equitable and efficient distribution of land”. The ANCYL said that: “The alternative from the youth league is that we take the land without paying” (Mail and Guardian, June 18, 2011). There has been criticism against the ANCYL’s proposal to nationalise land reform. According to Steyn, (March 15, 2010) “A spokesperson for the Department of Rural Development and Land Reform, Elton Greeves said that the proposed plan to place the control of all productive farmland in the hands of the state was necessitated by the need to ensure land tenure for farm workers. This argument does not stand up to scrutiny. The fact is, that two laws already exist to ensure that security of tenure of farm workers, namely the Extension of Security of Tenure Act, Act 62 of 1997 (RSA, 1997) and the Land Reform (Labour Tenants) Act, Act 3 of 1996 (RSA, 1996).

2.4.2 Land-to-the-tiller reform

“Land-to-the-tiller reforms were established in the restructuring process which followed World War II, a major objective of land reform was to break up feudal estates and prevent the advance of communist revolution”. “Reforms in East Asia were comprehensive and created a class of independent property-owning peasants and alleviating poverty and landlessness” (Hayami *et al*, 1990). “Land reform in the Republic of China was based on Dr. Sun Yat-sen's doctrine of "land to the tiller". It had been carried out gradually and peacefully to ensure that land reform and regulations were feasible, efficient, reasonable and fair, thus accomplishing the goal of "of the tiller, and by the tiller" (Taiwan Provincial Administration Hall, 1996). “Beginning in 1953, this program was designed to enable tenant farmers to own the land they tilled, so as to increase farm production and farmers' income, as well as to transfer landlords' capital to help develop industrial construction”. “The policy of "nurturing industry with agriculture and developing agriculture with industry" laid a

solid foundation for Taiwan's rapid economic progress" (Taiwan Provincial Administration Hall, 1996).

2.4.3 Land Reform in Russia

The reason for land reform in Russia arose as a precondition for achieving communism. The socialisation of agriculture, meaning: "the collective ownership of all land partly through state farming, but mainly through collective farming under state control", was a prerequisite for attaining communism (Ghonemy, 1984).

Lenin, after assuming power decreed all land as state property in 1917. Approximately 25 million peasant holdings were seized by peasants, and it became estates. The level of success of achieving agrarian reform was partial, as all land became state property and peasants seized holdings and transformed it into estates. Peasants therefore had some rights to farm on their holdings.

After 1929, Stalin forced collectivization, which took the lives of approximately ten million people (Ghonemy, 1984). The promotion of voluntary collectivization was therefore ineffective.

Post World War II, the Eastern European Nation's implemented agrarian reforms following the Soviet model. The collapse of the Communist rule in Eastern Europe in 1989 and the disintegration of the Soviet Union in 1991, brought about movement toward privatisation of agriculture in the former republics of the USSR (Ghonemy, 1984). Once this happened, agrarian reform in Russia moved in a positive direction, as privatisation of agriculture empowered people who were once under Communist rule.

2.4.4 Land Reform in Africa.

The Government, under the rule of President Mugabe (Zanu-PF), wanted to speed up land transfers, as land was not being transferred from white farmers to black farmers "fast" enough. White farmers also failed to put their farms on the market as instructed. This in turn led to further failure in the land reform process of Zimbabwe. White farmers and their families were forced off their farms by the military and Zanu-

PF war veterans. This was done in violent and intimidating ways, leaving the white owners with no choice, but to hand over farms out of fear for their lives. The land reform problem still remains a delicate and sensitive issue in Zimbabwe today. After the war when Zanu-PF and Mugabe took over power. Britain which had hitherto colonized Zimbabwe offered to pay for the land that had been taken forcefully in the first place from black Zimbabwean in the colonial era. This agreement is known as the Lancaster agreement. Britain paid for a while but afterwards failed to pay claiming that they did not agree with how the Zimbabwean government was spending the money. Although Mugabe and Zanu-PF used this for their own political agenda the government did have a moral obligation to take back the land (Arogundade, 2008).

Land reform in Namibia arose because of racial policies, which resulted in discriminatory land policies. Land was owned by white farmers and needed to be redistributed to black owners. Land reform proceeded more gradually, which resulted in greater frustration on the part of the landless. The ownership ratio between white and black farm owners is still skewed. Land reform in Namibia aims at eradicating poverty and emphasizes equity, productivity and sustainability (Ghai *et al*, 1983). The land reform programme in Namibia has achieved a partial level of success, as the programme has been criticized as being slow.

In Nigeria, government wanted to control all the mineral rich lands of the Nigerian Federation so the Military Government under General Olusegun Obasanjo enacted the Land Use act/degree that removed freehold ownership of land and replaced it with a ninety-nine year lease hold. The highest title on land now became the certificate of occupancy which effectively allows the government to expropriate land that is mineral rich especially if it is oil. This has created problems in the oil rich Niger-Delta with militant group seeking resource control violently engaging the state and oil companies (Arogundade, 2008).

2.4.5 Land Reform in Asia

In Asia, agitation has been mainly been the reason for redistribution among landless labourers. The reason for this was for the security of tenure, the elimination of middlemen, oppressive rents, and interest (Powelson, 1987).

In Japan, during the Meiji Restoration from 1868 till 1912, agrarian reforms began. The reason for this was that feudal fiefs and stipends were abolished. Post World War II, the United States (U.S) occupation forces supervised land reform further. By 1949 over 89 percent of Japan's tenanted land had been transferred from absentee landlords to tenant cultivators (Powelson, 1987). Agrarian reform occurred earlier than countries like Zimbabwe and Namibia, for example. A level of success was achieved in Japan because land was transferred to tenants who were able to cultivate land for agricultural usage.

In the countries of India and Pakistan, similar programmes of agrarian reform were attempted, with less success. After the death of Gandhi, his successor founded the "Land-Gift Movement" and walked thousands of miles by foot to accept land as donations for the redistribution process (Powelson, 1987). Owners of land, especially agricultural land, found it difficult to give their land as "gifts" to Government without getting financial compensation for it.

2.4.6 Land Reform in South America

Land reform in South America was a major problem. This was due to huge tracts of land, which were in the hands of inexperienced labourers.

In Cuba, land reform was one of the main platforms of the revolution of 1959. Large holdings were expropriated by the National Institute for Agrarian Reform (INRA). Most were managed by Government officials and has not been redistributed. The remaining agricultural land is limited to a ceiling with tenants gaining ownership rights (Geisler *et al*, 1984).

In Nicaragua, agrarian reform under the Sandinistas resulted in expropriation of some large holdings in 1979. After initial collectivization, these holdings have been

progressively redistributed to individual farmers, including returning Contras after 1989 (Geisler *et al*, 1984).

In 1917, land reform in Mexico occurred as a result of the revolution. In 1952, a land reform law followed the Bolivian revolution. By 1970, approximately 45 percent of peasant families had received titles to land. Today, most of the peasant communities are land owners of small holdings, which are usually too small to make a substantial income; therefore they still have to work for their landlords to supplement their income (Geisler *et al*, 1984).

Land reform was therefore partially successful in Mexico, as peasant communities became land owners of small holdings. Owning land is one of the objectives of land reform worldwide. The peasant communities work their agricultural land and make a form of income, even though it is not substantial, progress in their socio-economic status is being made and their lives are improving.

Land reform world-wide, has had varying degrees of success and failure. Land reform is a very complicated and delicate phenomenon to deal with and everyone has their own ways of interpreting what land reform is, what land reform should be, and what land reform should achieve in order to be successful. Success in land reform could be ascribed to meeting development objectives. Restoring land to landless, marginalised, underdeveloped, poor people could be viewed as successful. Implementing programmes which help the poor, marginalised and underdeveloped people could be a way of ensuring that the land given to them is sustained and used in an effective and efficient way. This is a stepping stone for the poor, as they should be able to grow vegetable and fruit gardens as a source of food. Failure in land reform could refer to forced land removals, where people's lives are in danger. Land reform could be seen as failure if the programme is not implemented in an effective way. Land reform could be viewed as a failure if land promised to the marginalised and underdeveloped people is not redistributed to beneficiaries in the specified time-frame, as set by Government, as this leaves the poor feeling frustrated. If Government fails to meet the basic needs of the marginalised and underdeveloped, through a programme like land reform, then it can be viewed as a failure.

In order to measure the degree of success or failure of a programme, especially a programme like land reform, an evaluation process is needed. There are various evaluation tools and processes used in order to measure the outcome, success and failure of a programme.

The following sub-section discusses evaluation theory. It will provide a basis on why a programme like land reform needs to be evaluated.

2.5 Evaluation and Land Reform

The following section will discuss evaluation theory in order to create an understanding on how to determine the success or failure of a programme like land reform.

Scriven (1991) says that evaluation is: “A more straightforward approach is just to say that evaluation has two arms, only one of which is engaged in data-gathering and the other arm collects, clarifies and verifies relevant values and standards”.

According to Wholey *et al*, (2004, xxxiii) “Evaluation includes on-going monitoring of programmes, as well as one-shot studies of programme processes or programme impact”.

Rossi *et al*, (2004:16) describes the concept of evaluation as: “A description of the performance of the entity being evaluated and some standards or criteria for judging that performance”.

A more complex definition of evaluation has been given by Fox and Meyer (1995) and it states that evaluation is: “The use of a policy-analytic research method or technique to measure performance programmes so that the continuous change in activities can be determined with a view to improving effectively, especially their impact on the conditions they are supposed to change; also the systematic measurement of performance in terms of specific policies, guidelines and procedures; passing judgement on others, assessing blame or praise; the use of

research techniques to measure the past performance of a specific programme- in particular the programme's impact on the conditions it seeks to modify- for the purpose of changing the operation of the programme so as to improve its effectiveness of achieving its objectives” .

Evaluation according to De Beer and Swanepoel (2000: 148) assesses the following:

- The project (what was achieved)
- The process (how the product was achieved)
- The degree of positive change (quality).

Within the evaluation process, the results must be quantifiable. De Beer and Swanepoel (2000: 156) says that “this does not mean the assessment of only the tangible, physical results such as financial statements, but also the invisible results such as the degree of change in attitudes and perceptions (qualitative). The process should be monitored continually, corrective steps taken where necessary and possible problems anticipated. Evaluation should be done on an on-going basis to identify deviations and make recommendations for improvement “ .

Cloete and Wissink, (2000: 217) says that: “Evaluation therefore depends on the availability of evaluation data both on the status quo *ante* (so-called baseline-data-before the policy project was initiated) and at the cut-off point that signals the end of the evaluation period (so-called culmination data) “ .

The evaluation of the land reform programme can be difficult as it is a very complex process. Land reform has three main programmes which can be evaluated by Government in order to determine the success or failure thereof. These are; land redistribution, land restitution and land tenure reform. It is important to remember that land reform as a whole is a very delicate process and risks failure if the programmes are not implemented in an efficient and effective way by Government. Land redistribution, land restitution and land tenure reform have to be evaluated according to a set of standards or criteria in order to judge the performance of the programmes.

Land Redistribution Programme was to afford the poor with land for residential and productive purposes in order to improve their livelihoods. The programme intended to assist farm workers, labour tenants, urban and rural poor and emergent farmers. One of the key problems faced by Government was how to help the historically disadvantaged people to access the land market. The idea of Government to provide the poor with land for residential and productive purposes started out as being ambitious, as unrealistic time-frames were set and therefore time-frames had to be moved by Government in order for goals to be reached. Providing the poor with land for residential and productive purposes improves their lives by empowering them and making them financially independent. The Land Redistribution Programme's performance will be evaluated in chapters which follow.

The Land Restitution Programme aims at giving back land to people who were dispossessed of their land after 1913. People are liable to receive financial compensation or to gain a physical piece of land. The Land Restitution Programme is complex and a lot of administration processes are involved in order to make the programme a success. The programme is effective, in that it addresses the needs of the problem and the correct group of people are targeted. Because the programme is complex, it requires time to roll-out and it requires knowledgeable, skilled employees in Government. In-depth attention will be given to this programme in terms of performance and progress, in chapters which follow.

The Land Tenure Reform Programme aims to protect people from evictions and provide them with long-term security on their land to encourage people to invest in the development of their land. The Land Tenure Reform Programme is a complex process and needs efficient staff members to deal with the administration and legal processes. The Land Tenure Reform Programme will be discussed further in chapters which follow.

2.6 Summary and Conclusion

The Chapter above discussed the various concepts. Firstly, a theoretical analysis on development was provided by the researcher. According to De Beer and Swanepoel,

(2000:72-73) “Development addresses the poverty of people. Development must be holistic, therefore it is “all-encompassing” and it should take place through projects”.

Stewart *et al* (1997:1), states that: “development may be defined as positive social, economic and political change in a country or community. Development arises in response to the gross inequalities and also absolute poverty which are generated by the world economy”.

The Land Reform Programme of South Africa serves some of the objectives of development, as land is one of the most basic needs of people, especially the rural poor. The Land Reform Programme arose in response to the inequalities of access to land by historically disadvantaged people.

Land reform can be viewed as an act of development, as the country is trying to improve the social, economic, political and infrastructural problems of the past. Government as a whole has been prioritising problems of land reform, poverty, gender inequalities, empowerment and infrastructural inequalities that were unjustly dealt with by the apartheid Government.

The concept of land reform was therefore discussed by the researcher, as well as how land reform serves the objectives of development.

The need for the South African Government to develop a land reform policy was discussed briefly. Three main programmes of land reform, namely; land redistribution, land restitution and land tenure reform were discussed by the researcher.

Land reform in other parts of the world was discussed by the researcher in order to develop an understanding of the reasons for reform worldwide. Reasons for land reform, level of success achieved and reasons for success, or failure of land reform were discussed.

Furthermore, an evaluation theory was discussed in order to create an understanding on how to determine the success or failure of a programme like land reform.

This then brings to conclusion this particular chapter. The following chapter discusses the need for the Land Reform Programme in South Africa.

Chapter 3: The Need for Land Reform in South Africa

3.1 Introduction

This chapter will focus on establishing the need for land reform in South Africa. Firstly, the background and historical overview of land reform in South Africa will be discussed. This will be followed by looking at various policies and legislation relating to land reform. Next, the various land reform programmes are discussed in detail. General progress on land reform is then finally investigated. This is followed by the summary and the conclusion of the chapter.

3.2 Background and Historical overview of Land

Reform in South Africa

“Relocation and segregation of blacks from whites started as early as 1658, when the Khoi were informed that they could no longer dwell to the west of the Salt and Liesbeck rivers, and in the 1800’s when the first reserves were proclaimed by the British and the Boer Governments” (Thwala, 2003:2).

Land has been a focus point for many wars from ancient times. The struggle in South Africa started with the early settlers. Many wars followed which destroyed the indigenous African social structures and deprived them of their land and cattle which formed the foundation of their way of life. The land which was under white control was either given to white settlers or it became state property. This process was first under the British colonies, and then the Union of South Africa which was established in 1910, (Harsch, 1987:10).

Many Africans were pushed off their land entirely, either into designated “native reserves” or to labour in the newly opened gold and diamond mines. Many others however remained on their land, shorn of their rights, to till the soil for the new white land owners. Most of the Africans engaged in sharecropping. This was preferred to wage labour since it enabled them to retain access to at least some land for their own use. When Independent African peasants started to thrive, and with their profit

bought more land, much alarm was caused for the state, (Bundy, 1983:14). This posed a threat to the overall white land monopoly. Mine owners and their employers were likewise worried as this was seen as an alternative means of livelihood. It would drastically reduce the number of Africans willing to present themselves for employment in the mines and urban areas. The 1913 Natives Land Act sought to re-establish the power of the white farmer by prohibiting an African from owning or purchasing any land except in the reserves (Thwala, 2003:2).

The Development Trust and Land Act, Act of 1936(RSA, 1936) was approved and it allotted land reserves to people, as squatting was illegal. It laid out the legal framework for South Africa's skewed and segregated pattern of land ownership. Africans were outsiders in their land of birth.

Thousands of black families were driven from their land which belonged to their ancestors, all because they lacked a title deed or their sharecropping contracts were not seen as valid in terms of the new laws. Because of this, overcrowding in former homelands occurred and the Bantustan system was developed during this period. Between 1960 and 1980, approximately 3.5 million Africans were removed by force and they were relocated to homelands and black townships (Human Awareness Programme, 1989).

Populations in black areas increased tremendously and from 1970 to 1983, the population in QwaQwa increased for example, from 25 334 to 500 000 people (Indicator SA, 1989).

The Land Acts all had one common denominator, and that was to reduce Africans to Proletarians (Coetzee *et al*, 2002:291). This is but a very small sketch of the situation in South Africa during the struggle for freedom. Control over land is one of the central pillars upon which South African society has been built. It underlies the denial of black political rights and made possible the system of migrating labour controls. Control over land is not only control over a productive resource; it is control over the lives of people (Sachs, 1990:3).

The history of South Africa illustrates the level of inequality in resource allocation in the country (Thwala, 2003:3). Therefore, the need for land reform in South Africa arose. This set the stage for the Democratic Republic of South Africa to challenge

the many wrongs of the past. “Due to various factors for example, the emergence of an independent trade union movement, and concerted international political pressure, the apartheid plan started to disintegrate” (Coetzee *et al*, 2002: 291).

In 1991, various legislation, were implemented to abolish land segregation. “When in 1994 South Africa’s first democratic Government was forced to deal with a situation where almost 13 million of South Africa’s 40 million residents lived in the former homelands and that over 80 percent of rural people were living in poverty” (Turner & Ibsen, 2000:2).

As discussed in Chapter 1, Government’s redistribution policy has undertaken a few changes since 1994. Between 1995 and 1999 the policy was implemented by means of the Settlement / Land Acquisition Grant (SLAG). The SLAG was meant to offer a humble grant to the poor, generally in groups in order to buy land on the open market. In August 2001, the Department of Land Affairs launched a revised programme, Land Redistribution for Agricultural Development (LRAD) which was promoted as a flagship programme to try and undertake the objectives of land redistribution (Jacobs *et al*, 2003).

3.3 Policy and Legislative Context of Land Reform

3.3.1 Introduction

The following section will deal with land reform in its policy and legislative context. Firstly, a summary of the land reform policies will be given, followed by an in-depth look at the various policies and legislation, which are relevant to the land reform process.

3.3.2 Background to Land Reform Policies and Legislation

The following sub-section discusses the background to land reform policies and legislation.

During the 20th century, many governments developed land reform policies to meet objectives and to try and deal with the demands and tensions around land in a controlled way (Wegerif, 2004). “The World Bank declares that the ‘market-led agrarian reform’ to be a complementary policy to other approaches to land reform, specifically the conventional state-led mechanisms” (Borras, 2005:91). According to Borras (2005:91), ‘market-led agrarian reform’ is a “policy model founded on the ‘willing buyer-willing seller’ principle whereby landlords are paid 100 percent cash for 100 percent market value of their land and where peasant beneficiaries shoulder 100 percent of the land cost”.

The ‘willing buyer-willing seller’ approach however received criticism internationally as well as nationally. Riedinger, a scholar that sought to discredit the World Bank approach, argued some of the following points against the ‘willing buyer-willing seller’ approach:

- “A market-based approach to agrarian reform will redistribute little land and benefit few landless families”.
- “A market-based approach to land reform is likely to be unaffordable to the would-be beneficiaries because the ‘market-value’ of land exceeds the agronomic value of the land”.
- “If implemented, large-scale market-based agrarian reform will drive up land prices, effectively excluding poor farmers from the benefits of reform”.
- “Would-be beneficiaries of market-based agrarian reform lack access to affordable private credit markets to finance their share of the land cost”.
- “The empirical record of market-based reforms offers little evidence that this approach will result in rapid or significant redistribution of land”.
- “Uncertainty in the agricultural sector can best be addressed by a clear commitment to rapid completion of conventional compulsory acquisition-based agrarian reform” (Riedinger *et al*, 2000).

However, in South Africa, the government used the ‘market-based land reform’ (Riedinger *et al*, 2000), or ‘market-led agrarian reform’ (Borras 2000), as an

overarching policy framework to guide land reform in South Africa, as enunciated and encouraged by the World Bank in the early 1990's.

South Africa's land reform policies started with the Reconstruction and Development Programme and The Constitution of the Republic of South Africa, Act 108 of 1996 (RSA, 1996) in 1994 and 1996 respectively. "The RDP document, which became the election manifesto of the ANC in its 1994 election campaign, was drawn up by activists from the liberation movement, but clearly showed some of the influence of the World Bank and other advisors. It was also heavily influenced by the compromises that were being negotiated in order to facilitate the relatively peaceful change of regime in South Africa" (Wegerif, 2004).

Even though the South African government used the World Bank's "willing buyer-willing seller" approach as a principal policy and guideline, the government soon questioned the approach. According to Lahiff (2001), "the Ministry of Agriculture and Land Affairs preliminary review of the redistribution programme in December 1999 claimed that marginal land was bought at exorbitant prices, turning white landowners into instant millionaires. A year later, the Minister and the Director General of the Department of Land Affairs again attributed the delay in land reform to high prices demanded by landowners, once more raising the threat of expropriation while simultaneously defending market-based solutions". Lahiff and Scoones (2001) state that: "Both restitution and redistribution have suffered from over-reliance on market mechanisms to acquire land and cumbersome and ineffective bureaucratic processes". The "willing buyer-willing seller" approach in itself is therefore one of the reasons for the slow progress of land reform in South Africa.

Land reform has been justified constitutionally. Existing property rights are protected under Section 25(1) of the Constitution. "However, Section 25(4) goes on to say 'the public interest includes the nation's commitment to land reform'. Sub-sections 25(5), (6) and (7) require the state to take legislative and other measures to ensure land reforms" (Wegerif, 2004). Thus the Constitution, while placing some constraints on the methods that could be used, mandates land reform, allows for expropriation, and allows compensation at less than full market value (Lahiff & Rugege 2002).

The White Paper on South African Land Policy (1997), states that the vision of the “Land policy and Land Reform Programme is one that contributes to reconciliation, stability, growth and development in an equitable and sustainable way” (Department of Land Affairs, 1997:7).

“The programme elaborated in the White Paper comprises Redistribution, Tenure Reform and Restitution Programmes, as required by sub-sections 25(5), 25(6) and 25(7) of the Constitution respectively” (Wegerif, 2004). “Restitution sets up a legal and administrative process, governed by the Restitution of Land Rights Act, Act 22 of 1994 (RSA, 1994), to restore rights in land to people who can prove that they were dispossessed of such rights after 19 June 1913 due to racist laws or policies of former Governments”(Wegerif, 2004). From the 1950’s to the 1980’s, these people together with their households were subjected to forced removals (Department of Land Affairs, 1997).

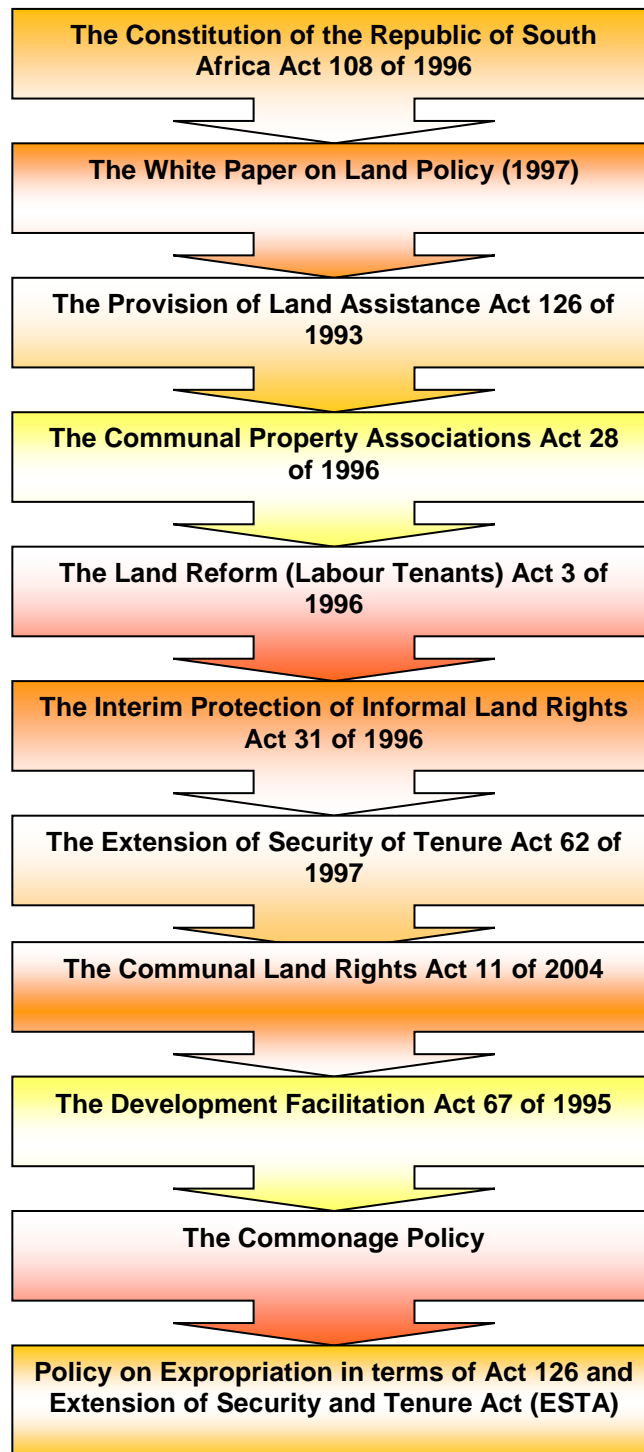
Land claims settled so far have not contributed significantly to unraveling apartheid spatial planning. The majority of claims have been settled through financial compensation, not the return of land (Hall 2003: 26-35). This will be explored in chapters which follow.

“Tenure reform has two distinct aspects to it, one dealing with improving the security of tenure for those living on other people’s land, primarily farm dwellers on commercial farms, and the other aimed at providing legally secure tenure for people living on communal land, primarily in the former Bantustans” (Wegerif, 2004). “A number of new laws have sought to give at least procedural rights to black farm dwellers, but have done little to give people their own land or long-term security of tenure” (Wegerif, 2004). The President signed the Communal Land Rights Act, Act 11 of 2004 (RSA, 2004) on July 14, 2004 (Cousins & Claasens 2003; Sparks 2004). The following sub-section discusses land reform policies and legislature.

3.3.3 Land Reform Policies and Legislation

The following sub-section illustrates the various policies and legislature, which are relevant to land reform in South Africa, in Figure 3.1.

Figure 3.1: Land reform legislation and policies



3.3.3.1 The Constitution of the Republic of South Africa Act

108 of 1996

The Constitution of South Africa (RSA, 1996) is a law and it determines the procedure which has been used to settle claims.

This was what South Africa's multiparty constitutional negotiators approached when determining how to reverse the wrongs done to millions of people. The first step was to draw up a Constitution which gave the landless people rights. There are three fundamental rights clauses on land reform written in the Constitution. This alludes to; enabling citizens to gain access to land equitably, people and communities whose tenure is legally insecure can get it back legally or through comparable redress, people or communities who lost their land after 1913 can either regain the property through restitution or through equitable redress.

This gave beneficiaries legal ground to stand on to make sure they were able to lay claim on either land made available for redistribution or funds allocated for compensation.

The Government drafted new policy documents which were used to ensure that various land reform measures were in place. These new policy documents were in agreement with the international standards set by the UN on guaranteeing equality of rights to property for all.

3.3.3.2 The White Paper on Land Policy (1997)

Land reform in South Africa started because black people's land was dispossessed by white colonizers (Waldo, 1991:21). Blacks in their millions were obligated to vacate their lands and settle in areas of land which were over-crowded (Waldo, 1991:21).

The White Paper on Land Policy (RSA, 1997), focuses on creating measures which reduces poverty, redresses the injustices of the past and contributes to Governments' Growth, Employment and Redistribution Strategy. The White Paper on Land Policy (RSA, 1997), deals with distributing land ownership more equitably,

securing tenure and using land reform to deal with land dispossession and poverty (Department of Land Affairs, 1997:7).

3.3.3.3 The Provision of Land Assistance Act 126 of 1993

The aim of this Act was to designate certain land and regulate the subdivision of such land, as well as regulating the amount of people settling on it. It also provided financial assistance for the acquisition of land as well as securing tenure rights (The Provision of Land Assistance Act 126, Act of 1993 (RSA, 1993). This act was amended in the year 2000 and this was done in order to speed up the land reform process (The Provision of Land Assistance Act 126, Act of 1993 as amended by Act 11 of 2000 (RSA, 2000).

3.3.3.4 The Communal Property Associations Act 28 of 1996

The purpose of the Communal Property Associations Act 28, Act 28 of 1996 (RSA, 1996) was to help communities to create juristic persons which would be known as communal property associations. These associations were formed in order to acquire, hold and manage property on a basis agreed to by members of a community (The Communal Property Associations Act 28, RSA, 1996).

3.3.3.5 The Land Reform (Labour Tenants) Act 3 of 1996

The purpose of the Land Reform (Labour Tenants) Act, Act 3 of 1996 (RSA, 1996) was to provide tenure security to labour tenants inhabiting private land (farms); giving the labour tenants the right to apply to acquire complete ownership of the land they reside on and make use of.

3.3.3.6 The Interim Protection of Informal Land Rights Act 31 of 1996

The purpose of the Interim Protection of Informal Land Rights Act, Act 31 of 1996 (RSA, 1996) was to be responsible for and protect the tenure rights of those people who lived on land (for example; land giving to them by the Chief of the village), have informal rights to the land. The Act provides temporary protection of certain rights to land.

3.3.3.7 The Extension of Security of Tenure Act 62 of 1997

The aim of this Act was to protect the tenure of farm workers and people living in rural areas as well as their rights to reside on the land. The Act supports them to obtain long-term secure tenure rights on the farm they are living on or in another place. The Act controls the conditions and circumstances under which people whose right of tenancy has been terminated, may be evicted. The Act also protects farm workers and people residing in rural areas against arbitrary evictions (The Extension of Security of Tenure Act, Act 62 of 1997 (RSA, 1997)).

3.3.3.8 The Communal Land Rights Act 11 of 2004

The aim of this Act was to provide for legally securing the tenure of people by transferring communal land to communities living there, (especially those from KwaZulu-Natal Ingonyama land and former homelands) or by granting similar redress on the initiation of the Minister (The Communal Land Rights Act, Act 11 of 2004 (RSA, 2004)).

3.3.3.9 The Development Facilitation Act 67 of 1995

The purpose of this Development Facilitation Act, Act 67 of 1995 (RSA, 1995) was to introduce extraordinary measures to facilitate and speed up the implementation of Reconstruction and Development Programmes and projects in relation to land reform.

The Development Facilitation Act, (RSA, 1995) also provided for establishing a development and planning commission for the purpose of advising the Government on policy and laws concerning land development at national and provincial levels. Another purpose was to provide for the establishment of development tribunals, which have the power to make decisions and resolve conflicts in respect of land development projects (The Development Facilitation Act, RSA, 1995).

3.3.3.10 The Commonage Policy

The term municipal commonage is traditionally given to land owned by a municipality or local authority that was usually acquired through state grants or from the church (Municipal Commonage: Policy and Procedures, 1997).

Municipal commonage provides opportunities for land reform primarily because it is public land, which does not need to be acquired. There is an existing institution that can manage the land. Needy residents live next-door and have certain rights to this land. A reallocation of commonage to poor residents, who wish to supplement their incomes, could help address local economic development and provide an inexpensive land reform option. However, there are a number of constraints, primarily related to the fact that not all local authorities are willing to assist poor residents to obtain access to the commonage (Municipal Commonage: Policy and Procedures, 1997).

Apart from this, historical differences between races also means that certain individuals within the communities are not always happy to see concessions of commonages granted to needy members because of the impact of this on property values or prestige of the communities (City of Cape Town, 2007).

3.3.3.11 Policy on Expropriation in terms of Act 126 and Extension of Security and Tenure Act (ESTA)

Expropriations are complex processes and there is a procedural framework to which the Minister should adhere to. The property owner should be given a hearing and a notice of expropriation, as well as a memorandum justifying the expropriation. The land owner has twenty-one days to respond to the notice and once this time period has lapsed, the minister can proceed with expropriating the property. The amount, time and manner of compensation, as well as the date of expropriation should be delivered to the property owner.

The State takes possession of the property on date of expropriation and the beneficiaries can move onto the land. A conveyancer must be appointed to assist in

transferring the property onto the name of the beneficiaries (Policy on Expropriation in terms of Act 126 and ESTA, Act 126 of 1997, RSA, 1997).

3.4 The Land Reform Programme in South Africa

The following section discusses the Land Reform Programmes of South Africa.

3.4.1 The Land Redistribution Programme

The following sub-section discusses the Land Redistribution Programme of Government.

According to the White Paper on South African Land Policy (RSA, 1997:38), the Land Redistribution Programme aims to afford the poor and historically disadvantaged with access to land for productive and residential purposes. The range of the programme includes farm workers, poor (urban and rural), labour tenants and new entrants to the agricultural market. Redistributive land reform is based on willing-buyer and willing-seller arrangements (White Paper on South African Land Affairs, RSA, 1997: 43).

According to the White Paper on South African Land Policy (RSA, 1997:380), “access to land will be achieved for a significant number of eligible people, assisted by grants and services provided by Government”. The redistribution programme must achieve the following outputs as illustrated in Table 3.1:

Table 3.1 Land Redistribution Programme Outputs

Land Redistribution Programme	Outputs to Achieve
Equality in distribution of land	A more equitable distribution of land and therefore contributing to national reconciliation and stability;
Reduction in land conflicts	Substantially reducing land-related conflict in areas where disputes are endemic;
Solve problem of landlessness	Help solve the problem of landlessness

	and pave the way for an improvement in settlement conditions in urban and rural areas;
Improve economic conditions	Enhance household income security, employment and economic growth throughout the country;

(White Paper on South African Land Affairs, RSA, 1997:38).

Assistance to enable beneficiaries to meet basic needs and utilise the land in a sustainable way is also needed (White Paper on South African Land Affairs, RSA, 1997:38).

The delivery system is there to establish statutory and non-statutory land reform institutions with community facilitation, planning and implementation skills, managed by people well informed about the opportunities that land reform provides for economic advancement (White Paper on South African Land Affairs, RSA, 1997:38).

3.4.1.1 Land Redistribution for Agricultural Development Programme (LRAD)

Since 2001, the LRAD Programme has been introduced with the aim of promoting commercial agriculture (Lahiff, 2003). The LRAD followed the Settlement/Land Acquisition Grant (SLAG), which previously provided disadvantaged Africans with a cash grant of R16 000 with which they could purchase land. These grants were practically limited and many beneficiaries pooled their grants.

The LRAD Programme differs from SLAG in a number of respects. “Firstly, by making grants available to individuals rather than to households, it substantially increases the level of grant funding obtainable, since each adult in a household can apply and in theory three adults would obtain R20 000 each (total of R60 000)” (Jacobs *et al*, 2003). However, in order for individuals to receive a grant size of R20 000, they must be able to contribute R5 000. The more a potential beneficiary

can contribute, the more he or she will qualify for in grant size (up to R100 000). Contributions made can be in form of cash, assets or loans, as well as the beneficiaries own labour up to a maximum of R5 000 (Department of Land Affairs, 2001:8-9).

“Secondly, the approval and implementation of projects have been decentralized to provincial and district level, and closer cooperation is expected between various Government departments and spheres of Government, with an enhanced role for district municipalities and provincial departments of agriculture” (Jacobs *et al*, 2003).

Beneficiaries are expected to identify their own land, decide on the grant size they would like, develop a business plan and show proof of their own investment in the project. Land targeted for redistribution is to be purchased from public or private sources and continues to be on the basis of the willing-buyer, willing-seller approach (Department of Land Affairs, 2001).

LRAD grants can be used for the outright purchase of freehold land or for leasing land with an option to purchase, as long as such land will be used at least partially for agricultural purposes”. “It can also be used to contribute towards investments in land”. “People living in communal areas, with secure access to agricultural land, can apply for the grant to make productive investments in their land, such as the development of infrastructure or land improvements” (Jacobs *et al*, 2003).

The aim of the redistribution programme of Government is to redistribute 30 percent of white-owned commercial farmland by 2014. By 2008, only 5 percent of land was redistributed. The redistribution programme is complex and it is moving slowly. The redistribution programme will be evaluated by the researcher in chapters which follow.

The following sub-section will discuss the Land Restitution Programme.

3.4.2 The Land Restitution Programme

The following sub-section will discuss the Land Restitution Programme of South Africa.

According to May (2000:242), “the Land restitution policy aims at restoring land back to people who were stripped of their land rights since 1913, under laws which were motivated by racism and discrimination and practice in order to promote reconciliation and justice”.

Besides rural claims, there are also urban claims. The Restitution Programme aims at initiating a procedure of re-integrating, reconstructing towns and cities, as well as healing the boundaries set by racial zoning (White Paper on South African Land Affairs, RSA, 1997:58).

The Land Restitution Programme is complex and has proven to be slow. The chapters which follow will evaluate the success or failures of the Land Restitution Programme.

The following sub-section discusses the Land Tenure Reform Programme.

3.4.3 The Land Tenure Reform Programme

“Tenure reform seeks to improve tenure security of all South Africans. This programme includes a review of the current land policy, administration and legislation with a view to accommodating more diverse forms of land tenure” (May, 2000:242).

Security of tenure is delivered in various ways, namely; awarding of independent land rights, securing lease agreements, protections against eviction and by membership of a group-based system of land rights through private ownership (White Paper on South African Land Affairs, RSA, 1997:64).

Land tenure is a particularly complex process and care should be given when developing or updating policies for tenure reform. Land tenure reform will be evaluated in chapters which follow.

The section above showcased a variety of information on Government's land policies and Reform Programmes. The following section will discuss the general progress on land reform in South Africa.

3.5 General Progress on Land Reform in South Africa

Land reform started out slow. According to the Annual Reports of the Department of Land Affairs, Government has been trying to achieve its goals and objectives for the Land Reform Programme. There have been mixed opinions about land reform and these will be discussed below as well as in chapters which follow.

The slow pace of land reform can be projected to continue, according to budgetary trends that consistently allocate about one-third of one percent of national expenditure to the Department of Land Affairs (DLA) and land reform experiences many difficulties (Mayson, 2002: 1). They were as follows:

- The Restitution Programme was slow and inefficient. By the end of 1999, only about 3000 claims had been settled out of a total of 62 455 registered claims. During the financial year 2004/2005 approximately 887 093 hectares of land was restored to claimants. This was followed by a huge decrease in land restored during the financial year 2005/2006. During 2006/2007, the amount of land restored to claimants increased, but from 2007 to 2009 it decreased again.
- The Redistribution Programme had redistributed less than 2 percent of South African Farmland by 1999. The Land Redistribution Programme has been labelled as slow and inefficient. Only 7 percent of the land out of 30 percent has been transferred and redistributed to date. It has taken Government sixteen years to redistribute 7 percent of white-owned commercial land and there are just over three years left to reach the target of redistributing 30 percent of farmland by 2014.

- The Tenure Reform Programme had implemented significant farm tenure reform laws, but implementation and monitoring were weak, and previous homeland areas remained under interim arrangements. The services provided to the recipients are beneficial, as the process is complex. In terms of evictions, only 405 cases were resolved in 2009, as opposed to 1556 cases in 2003 (DLA, Annual Reports, 2002/2003 & 2008/2009).

One of the most important limitations of current land reform policies was Government's ideological approach to land reform. The possibilities regarding land reform were constrained by Constitutional principles which stressed the market as a regulatory mechanism. The effect of providing for a "willing-buyer willing-seller" framework of implementation, and "fair and just" compensation for existing landowners, and expensive land transfers. Also, land reform projects take extended periods of time to negotiate, thereby frustrating communities seeking to buy land.

According to the Annual Report of the Department of Land Affairs, (2006/2007:15), "It was clear that the department still faced a serious challenge in achieving the target of redistributing 30 percent of white-owned commercial agricultural land by 2014".

In an attempt to address this challenge, the department resolved to increase its target to 3,1 million hectares of land with 2,5 million thereof to be delivered through the Land Redistribution Programme and the rest by the Land Restitution Programme in 2006 (Department of Land Affairs, Annual Report of 2006/2007:15).

Whilst the Department has not achieved its annual redistribution target, the actual delivery has been 258 890 hectares of land to 9 405 beneficiaries. This means that the previous year's target of 152 445 hectares of land has been exceeded by about 70 percent. This was due to the Pro-active Land Acquisition Strategy (PLAS), (Department of Land Affairs, Annual Report of 2006/2007:15).

The commission has settled 2 772 claims against its targets of 3 243 in the year (2006/07) under review. However, virtually all other targets for the outputs reflected in its strategic plan for the year under review, have been met. These include State

land released for restitution purposes and settlement support processes of land claims with the development aspect facilitated to ensure sustainable development on claimed / alternative agricultural land restored to restitution claimants (Department of Land Affairs, Annual Report of 2006/2007:15).

The result of the policy changes was speeding-up the settlement of claims, but this fluctuated over the years. The increasing public pressure on Government for the rapid increase land delivery has brought with it a growing demand for the services of the department during the period under review (2006/2007). It has become apparent that both the human and financial resources at the disposal of the department do not match the demand for services required by our clients (Department of Land Affairs, Annual Report of 2006/2007:15).

This concludes the perspectives in terms of the various land reform programmes undertaken by the State.

3.6 Summary and Conclusion

Land has been a focus point for many wars from ancient times. Land is held not just as factor of labour but as a source of spiritual connection to the ancestors (Ngugi, 1964). The struggle in South Africa started with the early settlers. Many wars followed which destroyed the indigenous African social structures and deprived them of their land and cattle which formed the foundation of their way of life (Harsch, 1987:10). In 1991, various legislations were implemented to abolish land segregation. "When in 1994 South Africa's first democratic Government was forced to deal with a situation where almost 13 million of South Africa's 40 million residents lived in the former homelands and that over 80 percent of rural people were living in poverty" (Turner & Ibsen, 2000: 2).

The Land Reform Programme, articulated by the ANC, experienced a few changes since 1994 and these were discussed in Chapter 1 and in the chapter above.

As discussed above, the need for land reform in South Africa arose since 1658, where blacks were forcibly removed off farm land and properties. Since, 1994 when

South Africa's first democratic Government came into power, one of its goals was to redress the injustices of the past and give back land to the previously disadvantaged areas through various land reform programmes.

The general progress of land reform started out slow. According to the annual reports of the Department of Land Affairs, Government has been trying to achieve its goals and objectives for the Land Reform Programme. In South Africa, experiences within the different programmes of land tenure, redistribution and restitution differ.

The following chapter will focus on programme evaluation which will set the foundation for evaluating the South African Land Reform Programme in chapters which follow.

Chapter 4: Programme Evaluation and Methodology

4.1 Introduction

This chapter will discuss programme evaluation and the methodology used to evaluate programmes. Firstly, programme evaluation will be defined. This will be followed by discussing the purposes of programme evaluation, the adaptation of programme evaluation, accountability in programme evaluation and the main type of concerns addressed by programme evaluation. Typical evaluation questions used in programme evaluation are provided by the researcher. Lastly, some challenges of programme evaluation are discussed, as well as what is necessary for programme improvement to occur.

4.2 What is Programme Evaluation?

The following section will provide the reader with an understanding of what programme evaluation is, how it can be adapted, the main type of concerns addressed by evaluators and its associated methodologies. Typical evaluation questions with its methodologies are provided by the researcher. The challenges of programme evaluation are also discussed briefly by the researcher.

This is of relevance, as it creates a foundation to understand how programmes are evaluated and possible methodologies used in order to evaluate whether a programme has been successful or is a failure. It is necessary to investigate the effectiveness of a social programme like land reform. For the purpose of this research, the Land Reform Programme of South Africa is evaluated in the chapter that follows.

4.2.1 Defining Programme Evaluation

The following sub-section focuses on defining programme evaluation.

According to Rossi *et al*, (2004:16) “Programme evaluation is the use of social research to systematically investigate the effectiveness of social intervention programmes in ways that are adapted to their political and organisational environments and are designed to inform social action to improve social conditions”.

“Programme evaluation consists of the systematic description and judgements of programmes and to the extent feasible, systematic assessment of the extent to which they have the intended results” (Wholey, *et al*, 1994; Perry, 1996:557).

Fox *et al*, (1991: 129) says that “programme evaluation measures the performance of a project operation. The methodology emphasises the extent to which projects meet their approved objectives in a well-managed and cost-effective manner “.

The following sub-section discusses the purposes of programme evaluation.

4.2.2 The Purposes of Programme Evaluation

The following sub-section discusses the purposes of evaluation. According to Rossi *et al*, (2004:34) “Evaluations are initiated for many reasons and these are as follows:

- They may be intended to help management improve a programme;
- Support advocacy by proponents or critics;
- Gain knowledge about the programme’s effects;
- Provide input to decisions about the programme’s funding structure or administration;
- Or respond to political pressures.

“One of the first determinations an evaluator must make is just what the purposes of a specific evaluation are and this is not always a simple matter”. “A statement of purposes generally accompanies the initial request for an evaluation, but these announced purposes rarely tell the whole story and sometimes are rhetorical”. “Evaluations may be routinely required in a programme situation or sought simply because it is presumed to be a good idea without any distinct articulation of the sponsor’s intent” (Rossi *et al*, 2004:34).

The following sub-section discusses the adaptation of programme evaluation.

4.2.3 The Adaptation of Programme Evaluation

The following sub-section discusses the adaptation of programme evaluation, as every programme needs to be adapted as programme needs, goals and outcomes varies.

“The core task of the programme evaluation is to construct a valid description of programme performance in a form that permits incisive comparison with the applicable criteria”. “Failing to describe programme performance with a reasonable degree of validity may distort a programme’s accomplishments, deny credit for its successes, or overlook shortcomings for which it should be accountable”. “An acceptable description must be detailed and precise” (Rossi *et al*, 2004:16).

As stated earlier, programme evaluation uses social research methods to investigate the effectiveness of social programmes. Social programmes, according to Rossi *et al*, (2004:17) are: “Activities whose principle reason for existing is to “do good”, that is to ameliorate a social problem or improve social conditions. It follows that it is appropriate for the parties who invest in social programmes to hold them accountable for their contribution to the social good”.

“Programme evaluation is not a cut-and-dried activity, but evaluators must rather tailor or adapt the initial evaluation plan to a particular programme and its circumstances and then typically revise and modify their plan as needed”. The specific form and scope of an evaluation depend primarily on the following:

- Its purposes and audience,
- The nature of the programme being evaluated,
- The political and organisational context within which the evaluation is conducted (Rossi *et al*, 2004:18)

Rossi *et al*, (2004:18-19) say that: “the evaluation plan is generally organised around the questions posed about the programme by those who commission the evaluation, called the evaluation sponsor and other stakeholders like individuals, groups or

organisations that have a significant interest in how well a programme functions". "These questions may be stipulated in a very specific way, fixed terms that allow little flexibility, as in a detailed contract for evaluation services". "More often, the evaluator must negotiate with the evaluation sponsors and stakeholders to develop and refine the questions". "Although these parties presumably know their own interests and purposes, they will not necessarily formulate their concerns in ways that the evaluator can use to structure an evaluation plan" (Rossi *et al*, 2004:18-19).

Rossi *et al*, (2004:18-19) says that: "An evaluation must provide information that addresses the issues that matter, develop that information in a way that is timely and meaningful for the decision-makers and communicate it in a form that is usable for their purposes". "One important form of evaluation research is that which is conducted on demonstration programmes, which are social intervention projects designed and implemented explicitly to test the value of an innovative programme concept. In such cases, the findings of the evaluation are significant because of what they reveal about the programme concept and are used primarily by those involved in policy-making and programme development at levels broader than any one programme" (Rossi *et al*, 2004:21) .

Scriven (1991) says that: "An evaluation intended to furnish information for guiding programme improvement is called a formative evaluation, because its purpose is to help form or shape the programme to perform better". "The audiences for formative evaluations typically are programme planners, administrators, oversight boards, or funders with an interest in optimising the programme's effectiveness". "The information desired may relate to the need for the programme, the programme's design, its implementation, its impact, or its efficiency". "The evaluator in this situation will usually work closely with programme management and other stakeholders in designing, conducting and reporting the evaluation" (Rossi *et al*, 2004:34-35).

The following sub-section discusses accountability in programme evaluation.

4.2.4 Accountability in Programme Evaluation

The following sub-section discusses accountability in programme evaluation.

Accountability is of utmost importance in any programme that is being evaluated. “Programme managers are expected to use resources effectively and efficiently and actually produce the intended benefits”. “An evaluation conducted to determine whether these expectations are met is called a summative evaluation because its purpose is to render a summary judgment on the programme’s performance” (Scriven, 1991).

“The findings of summative evaluations are usually intended for decision makers with major roles in programme oversight like the funding agency, governing board, legislative committee, political decision maker, or upper management”. “Such evaluations may influence significant decisions about the following:

- Continuation of the programme,
- Allocation of resources,
- Restructuring, or
- Legal action

“For this reason, they require information that is sufficiently credible under scientific standards to provide a confident basis for action and to withstand criticism aimed at discrediting the results”. “The evaluator may be expected to function relatively independently in planning, conducting and reporting the evaluation, with stakeholders providing input, but not participating directly in decision making”. “In these situations, it may be important to avoid premature or careless conclusions, so communication of the evaluation findings may be relatively formal, rely chiefly on written reports and occur primarily at the end of the evaluation” (Rossi *et al*, 2004: 36).

The following sub-section discusses the main types of concerns addressed by programme evaluation.

4.2.5 Main types of Concerns addressed by Programme

Evaluation

This sub-section focuses on the main concerns addressed by programme evaluation.

“The questions an evaluation is designed to address fall into recognisable categories. Evaluators have developed relatively distinct conceptual and methodological approaches for these different issues” (Rossi *et al*, 2004:62).

The main types of concerns addressed by evaluations and the associated methods are illustrated in **Table 4.1** below:

Table 4.1 Main types of concerns addressed by evaluators and associated methods

Type of Concerns	Methods
The need for services	Needs assessment
The conceptualisation and design of the programme	Assessment of programme theory
The implementation of a programme	Assessment of programme process, also called process evaluation or programme monitoring
The programme’s outcomes	Impact assessment
The programme’s efficiency	Efficiency assessment

(Rossi *et al*, 2004:62)

“In practice, much evaluation planning consists of identifying the approach corresponding to the type of questions to be answered, then tailoring the specifics to the programme situation” (Rossi *et al*, 2004:62).

The following sub-section focuses on typical evaluation questions used in programme evaluation.

4.2.6 Typical Evaluation Questions

The following sub-section discusses typical evaluation questions which could be used in programme evaluation.

According to Rossi *et al*, (2004:77) “Well-formulated evaluation questions are very concrete and specific to the programme at issue and the circumstances of the prospective evaluation”. Some of the more common questions have been summarised according to themes in **Table 4.2** and are as follows:

Table 4.2 Typical Evaluation Questions

Questions	Methods
<p>Questions about the need for programme services:</p> <ul style="list-style-type: none"> • What are the nature and magnitude of the problem to be addressed? • What are the characteristics of the population in need? • What are the needs of the population? • Which services are need? • How much services are needed, over what time period? • What service delivery arrangements are needed to provide those services to the population? 	<p>Needs Assessment</p>

Questions	Methods
<p>Questions about the programme's conceptualization or design:</p> <ul style="list-style-type: none"> • Which clientele should be served? • Which services should be provided? • What are the best delivery systems for the services? • How can the programme identify, recruit and sustain the intended clientele? • How should the programme be organised? • What resources are necessary and appropriate for the programme? 	<p>Assessment of Programme Theory</p>
<p>Questions about programme operations and service delivery</p> <ul style="list-style-type: none"> • Are administrative and service objectives being met? • Are the intended services being delivered to the intended persons? • Are there needy but unserved persons whom the programme is not reaching? • Once in service, do sufficient numbers of clients complete service? • Are the clients satisfied with the services? • Are administrative, organisational, and personnel functions handled well? 	<p>Assessment of Programme Process</p>

Questions	Methods
<p>Questions about Programme Outcomes</p> <ul style="list-style-type: none"> • Are the outcome goals and objectives being achieved? • Do the services have beneficial effects on the recipients? • Do the services have adverse side effects on the recipients? • Are some recipients affected more by the services than others? • Is the problem or situation the services are intended to address made better? 	<p>Impact Assessment</p>
<p>Questions about Programme Cost and Efficiency</p> <p>Are resources used efficiently?</p> <p>Is the cost reasonable in relation to the magnitude of the benefits?</p> <p>Would alternative approaches yield equivalent benefits at less cost?</p>	<p>Efficiency Assessment</p>

Rossi *et al*, (2004: 77-78)

Burger, (2010:41) says that: “In a consolidated format, most of the above questions are variations on the theme of,” “Is what’s supposed to be happening actually happening?” Rossi *et al*, 1999:98. “In order to answer the question, the evaluator can construct a conceptual model of how the programme is supposed to work and the connections between its various activities and functions and the social benefits it is intended to produce” (Burger, 2010:41).

The following sub-section discusses the challenges experienced in programme evaluation.

4.2.7 Challenges of Programme Evaluation

The following sub-section discusses the challenges experienced by the evaluator in programme evaluation.

According to Rossi *et al*, (2004:29) “Programme evaluation in practise presents many challenges to the evaluator. Programme circumstances and activities may change during the course of an evaluation, an appropriate balance must be found between scientific and pragmatic considerations in the evaluation design, and the wide diversity of perspectives and approaches in the evaluation field provide little firm guidance about how best to proceed with an evaluation”.

The problem of programme evaluation according to Fox *et al*, (1991: 129) is that if the objectives, design, management or reporting requirements of a programme fall short of minimum requirements standards, the programme may not be evaluable. Rossi *et al*, (2004:16) says that: “Failure to describe programme performance with a reasonable degree of validity may distort a programme’s accomplishments, deny it credit for its successes, or overlook shortcomings for which it should be accountable”.

The following sub-section discusses programme improvement.

4.2.8 Programme Improvement

The following sub-section discusses programme improvement.

Scriven (1991), says that: “An evaluation intended to furnish information for guiding programme improvement is called a formative evaluation, because its purpose is to help form or shape the programme to perform better”. “The audiences for formative evaluations typically are programme planners, administrators, oversight boards, or funders with an interest in optimising the programme’s effectiveness”. “The information desired may relate to the need for the programme, the programme’s design, its implementation, its impact, or its efficiency”. “The evaluator in this situation will usually work closely with programme management and other

stakeholders in designing, conducting and reporting the evaluation” (Rossi *et al*, 2004:34-35).

“Evaluation for programme improvement characteristically emphasizes findings that are timely, concrete and immediately useful”. “Correspondingly, the communication between the evaluator and the respective audiences may occur regularly throughout the evaluation” (Rossi *et al*, 2004:36).

Because of the nature of land reform as discussed in Chapters Two and Three, the focus of the thesis is not on land reform as an act of development, but on the output of land reform. Outcome is viewed as important. So it is the impact of land reform on development rather than land reform as an act in itself.

The following section summarizes and concludes the chapter.

4.3 Summary and Conclusion

The chapter above provided the reader with an overview of programme evaluation and its methodologies.

“Programme evaluation consists of the systematic description and judgements of programmes and to the extent feasible, systematic assessment of the extent to which they have the intended results” (Wholey *et al*, 1994; Perry, 1996:557).

Fox *et al*, (1991: 129) says that “programme evaluation measures the performance of a project operation. The methodology emphasizes the extent to which projects meet their approved objectives in a well-managed and cost-effective manner”.

Programme evaluation uses social research methods to investigate the effectiveness of social programmes. Social programmes, according to Rossi *et al*, (2004:17) are: “Activities whose principle reason for existing is to “do good”, that is to ameliorate a social problem or improve social conditions”.

The concept of programme evaluation and methodologies associated with it were described by the researcher. Attention was given to various methodologies, namely:

- Needs Assessment
- Assessment of Programme Theory
- Assessment of Programme Process (Process Evaluation or Programme Monitoring)
- Impact Assessment
- Efficiency Assessment

Rossi *et al*, (2004:18-19) says that: “the evaluation plan is generally organised around the questions posed about the programme by those who commission the evaluation, called the evaluation sponsor and other stakeholders like individuals, groups or organisations that have a significant interest in how well a programme functions”. “These questions may be stipulated in a very specific way, fixed terms that allow little flexibility, as in a detailed contract for evaluation services”. “More often, the evaluator must negotiate with the evaluation sponsors and stakeholders to develop and refine the questions”. “Although these parties presumably know their own interests and purposes, they will not necessarily formulate their concerns in ways that the evaluator can use to structure an evaluation plan” (Rossi *et al*, 2004:18-19).

Accountability is of utmost importance in any programme that is being evaluated. “Programme managers are expected to use resources effectively and efficiently and actually produce the intended benefits”. “An evaluation conducted to determine whether these expectations are met is called a summative evaluation because its purpose is to render a summary judgement on the programme’s performance” (Scriven, 1991).

Scriven (1991), says that: “An evaluation intended to furnish information for guiding programme improvement is called a formative evaluation, because its purpose is to help form or shape the programme to perform better”. “The audiences for formative evaluations typically are programme planners, administrators, oversight boards, or

fundings with an interest in optimising the programme's effectiveness". "The information desired may relate to the need for the programme, the programme's design, its implementation, its impact, or its efficiency". "The evaluator in this situation will usually work closely with programme management and other stakeholders in designing, conducting and reporting the evaluation" (Rossi *et al*, 2004:34-35).

Not every programme is the same; therefore programme evaluators should adapt an evaluation plan according to a particular programme, its needs and circumstances. Typical evaluation questions used by evaluators were provided by the researcher. Furthermore, challenges experienced in the process of programme evaluation were discussed.

The need to describe programme evaluation in this chapter was important as it provided the reader with an understanding of how programmes are typically evaluated. The associated methodologies used to evaluate the success or failure thereof was provided by the researcher. This was necessary in order to evaluate land reform as a programme. Programme evaluation is therefore necessary for any development initiative or programme like land reform.

The following Chapter 5 investigates and evaluates the effectiveness of the Land Reform Programme in South Africa.

Chapter 5: Evaluating the South African Land Reform Programme

5.1 Introduction

The concept of programme evaluation and methodologies associated with it has been described by the researcher in the previous chapter. Various methodologies were discussed, namely:

- Needs Assessment
- Assessment of Programme Theory
- Assessment of Programme Process (Process Evaluation or Programme Monitoring)
- Impact Assessment
- Efficiency Assessment

Not every programme is the same; therefore programme evaluators should adapt an evaluation plan according to a particular programme, its needs and circumstances.

The following chapter will focus on evaluating the Land Reform Programme in South Africa. Programme evaluation methodologies were used in order to evaluate whether a programme like land reform succeeded or failed. This will be done by using various toolkits from Rossi and Wholey, as described in the previous chapter.

5.2 Evaluating the Land Reform Programme

Descriptions of land restitution, land redistribution and land tenure reform are provided. The questions used for evaluating the three main land reform Programmes of South Africa are provided by the researcher as well. Furthermore, the Land Reform Programmes are evaluated to determine as to whether the Land Reform Programme in South Africa is succeeding or failing.

5.2.1 Introduction

As stated in Chapter 2, “Programme evaluation is the use of social research to systematically investigate the effectiveness of social intervention programmes in ways that are adapted to their political and organisational environments and are designed to inform social action to improve social conditions” Rossi *et al*, (2004:16).

Therefore, the researcher will investigate the effectiveness and progress of the Social Intervention Programme of the Land Reform Programme.

5.2.2 Description of Programme

The following sub-section describes South Africa’s Land Reform Programme.

The fundamental part of land policy is the Land Reform Programme. The Land Reform Programme has three parts to it, namely: land restitution, land redistribution, and land tenure reform (RSA, White paper on South African Land Policy, 1997:7).

Table 5.1 illustrates the aims of the above-mentioned programmes.

Table 5.1 Aims of Land Reform Programmes

Name of Programme	Aims of Programme
Land Restitution	<ul style="list-style-type: none"> • Programme aims to restore land back to those who were dispossessed of their rights to land since 1913. • Under racially discriminatory laws and practice in order to promote reconciliation and justice. • The restitution cases are dealt with through the Land Claims Court and Commission, which was established under the Restitution of Land Right Act, Act of 1994.
Land Redistribution	<ul style="list-style-type: none"> • Programme aims to provide the disadvantaged and the poor with access to

Name of Programme	Aims of Programme
	<p>land for residential and productive purposes.</p> <ul style="list-style-type: none"> • Its scope includes the urban and rural very poor, labour tenants, farm workers as well as new entrants to agriculture. • Redistributive land reform is based on willing-buyer and willing seller arrangements.
Land Tenure Reform	<ul style="list-style-type: none"> • Aims to improve tenure security of all South Africans. • This programme includes a review of the current land policy, administration and legislation with a view to accommodating more diverse forms of land tenure.

(Sources: May 2000:242, White paper on South African Land Policy, RSA, 1997:38)

Table 5.1 above illustrates that land reform has been designed to redress the injustices of the past. It aims at improving the social conditions of people. It also focuses on providing land to people, who could in turn use the land for cultivation and farming, therefore contributing to their own economic upliftment. Cousins, (2009) says that “The Land Reform Programme in South Africa is tremendously complex and ambitious. The complexity of the programmes has been evident in yearly targets and goals been shifted from one year to the next. These targets have been moved since the Mbeki administration from 1999 to 2014”. Therefore, it is Government’s goal to redistribute 30 percent of white-owned agricultural land by 2014. But the question remains: Are there efficient systems and competent people in place, in order to achieve goals set by Government? The progress of land reform has been slow as a whole.

The following section will look at various questions developed in order to evaluate the overall progress of the Land Reform Programme in South Africa.

5.2.3 Questions developed for Evaluation

The following questions have been developed and adapted from Rossi's book and will serve as the basis for evaluating the progress of land reform in South Africa.

Table 5.2 Questions used for Evaluation

Land Reform Programme	Method	Questions
Land Restitution	Needs Assessment	<ul style="list-style-type: none"> • What are the nature and magnitude of the problem to be addressed? • What are the characteristics of the population in need? • What are the needs of the population? • Which services are needed? • How much service is needed, over what time period? • What service delivery arrangements are needed to provide those services to the population?
	Assessment of Programme Theory	<ul style="list-style-type: none"> • Which clientele should be served? • Which services should be provided? • What are the best delivery systems for the services? • How can the programme identify, recruit and sustain the intended clientele? • How should the programme be organised? • What resources are necessary and appropriate for the programme?
	Impact Assessment	<ul style="list-style-type: none"> • Are the outcome goals and objectives being achieved? • Do the services have beneficial effects on the recipients? • Do the services have adverse side effects on the recipients? • Are some recipients affected more by the

Land Reform Programme	Method	Questions
		<p>services than others?</p> <ul style="list-style-type: none"> • Is the problem or situation the services are intended to address made better?
	Efficiency Assessment	<ul style="list-style-type: none"> • Are resources used efficiently? • Is the cost reasonable in relation to the magnitude of the benefits? • Would alternative approaches yield equivalent benefits at less cost?
Land Redistribution	Needs Assessment	<ul style="list-style-type: none"> • What are the nature and magnitude of the problem to be addressed? • What are the characteristics of the population in need? • What are the needs of the population? • Which services are needed? • How much service is needed, over what time period? • What service delivery arrangements are needed to provide those services to the population?
	Assessment of Programme Theory	<ul style="list-style-type: none"> • Which clientele should be served? • Which services should be provided? • What are the best delivery systems for the services? • How can the programme identify, recruit and sustain the intended clientele? • How should the programme be organised? • What resources are necessary and appropriate for the programme?
	Impact Assessment	<ul style="list-style-type: none"> • Are the outcome goals and objectives being achieved? • Do the services have beneficial effects on the recipients? • Do the services have adverse side effects

Land Reform Programme	Method	Questions
		<p>on the recipients?</p> <ul style="list-style-type: none"> • Are some recipients affected more by the services than others? • Is the problem or situation the services are intended to address made better?
	Efficiency Assessment	<ul style="list-style-type: none"> • Are resources used efficiently? • Is the cost reasonable in relation to the magnitude of the benefits? • Would alternative approaches yield equivalent benefits at less cost?
Land Tenure Reform	Needs Assessment	<ul style="list-style-type: none"> • What are the nature and magnitude of the problem to be addressed? • What are the characteristics of the population in need? • What are the needs of the population? • Which services are needed? • How much service is needed, over what time period? • What service delivery arrangements are needed to provide those services to the population?
	Assessment of Programme Theory	<ul style="list-style-type: none"> • Which clientele should be served? • Which services should be provided? • What are the best delivery systems for the services? • How can the programme identify, recruit and sustain the intended clientele? • How should the programme be organised? • Which resources are necessary and appropriate for the programme?
	Impact Assessment	<ul style="list-style-type: none"> • Are the outcome goals and objectives being achieved? • Do the services have beneficial effects on

Land Reform Programme	Method	Questions
		<p>the recipients?</p> <ul style="list-style-type: none"> • Do the services have adverse side effects on the recipients? • Are some recipients affected more by the services than others? • Is the problem or situation the services are intended to address made better?
	Efficiency Assessment	<ul style="list-style-type: none"> • Are resources used efficiently? • Is the cost reasonable in relation to the magnitude of the benefits? • Would alternative approaches yield equivalent benefits at less cost?

Rossi *et al*, (2004: 77-78)

The questions shown above will be answered in the following section on evaluating the Land Reform Programme.

5.2.4 Evaluating Land Reform in South Africa

The Land Reform Programme in South Africa has been criticized to be complex. The following sub-sections will discuss the various sub-programmes of the Land Reform Programme, namely: land restitution, land redistribution and land tenure reform.

5.2.4.1 Evaluating Land Restitution

- **Needs Assessment**

The nature and magnitude of the problem to be addressed in land restitution is huge and complex, as this programme focuses on restoring land back to people who were dispossessed of their land rights since 1913, under racially discriminating laws. The population in need are classified as blacks and coloureds in South Africa. The greatest needs of these populations are to get back land or financial compensation for the land that was unfairly taken away from them since 1913. The restitution process started out not aiming to meet any target for redistribution of land, and successful land claims could be settled with returning land, alternative land, and

various forms of compensation or payment of cash (Department of Land Affairs, 1997:52–7).

Therefore, efficient administrative assistance would be needed and should be provided to the claimants. Some claimants unfortunately lack the knowledge and understanding of the restitution claiming process. These services are integral for the success of the compensation of land or financial compensation for people who have been prejudiced through dispossession. The Land Restitution Programme has a strategy in place, according to the White Paper on South African Land Affairs (RSA, 1997:53); Government has set itself the following time limits:

- A 3-year period for the lodgement of claims;
- A 5-year period for the Commission and the Court to finalise all claims;
- A 10-year period for the implementation of all Court orders.

As seen above, the time periods are ambitious and unrealistic, as many challenges would arise due to the complexity of the Land Restitution Programme. Trying to back date land dispossessions would be complex if sufficient records have not been archived by Government in an efficient and comprehensive way. Claimants would also have to be in some possession of proof that their family owned the dispossessed land.

Service delivery from the Department of Land Affairs, Land Claims Commission and Land Claims Courts are integral to the ultimate success of this programme. Therefore, Government has to have efficient and effective service delivery arrangements and frameworks in place, in order to provide services to the people.

- **Assessment of Programme Theory**

The clientele to be served are the black, coloured and Indian individuals or families who were dispossessed of their land since 1913. The services provided to the clientele are as follows:

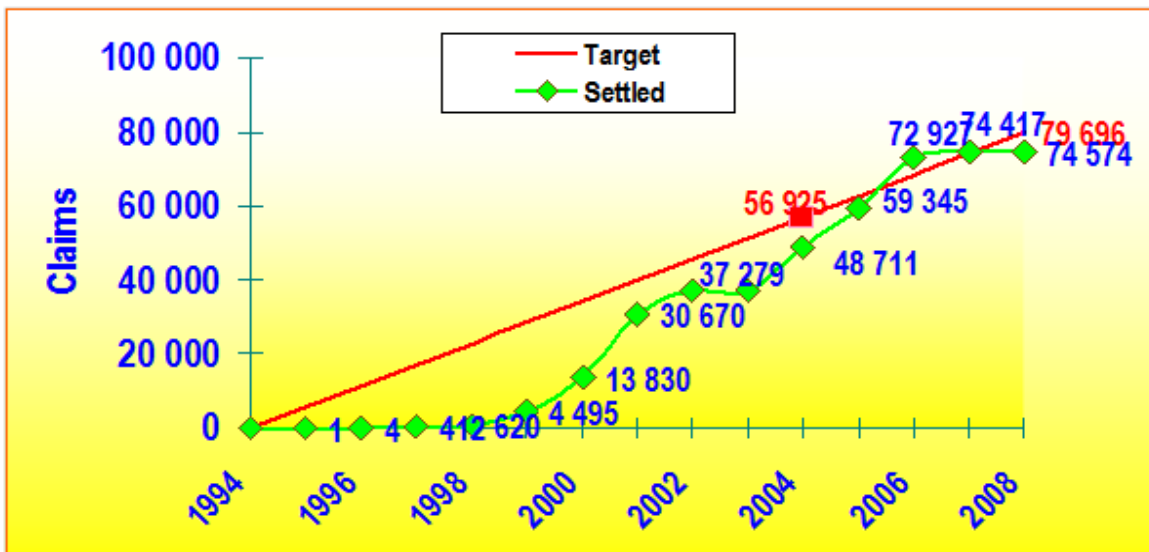
- The Processing of Land Claims: The Commission would help with assisting claimants with making claims; making claims a priority and they would assist in publicising the Land Restitution process.
- Implementation of Court Orders: Court orders will be implemented by the department, and the department will monitor the implementation of the court orders.
- Claims outside the Restitution of Land Rights Act: Procedures for claims that are not in the Act will be dealt with by the department.
- Communication: Communication is of importance and the department will publicise the restitution process (White Paper on South African Land Affairs, 1997:53).

The department has appointed researchers to assist the Commission to identify, recruit and sustain the intended clientele. Sufficient records providing evidence of clientele who had ownership of dispossessed land, is of utmost importance. Appropriate technology, knowledgeable staff members, GIS systems, finances and dispossessed land are the main resources needed and necessary in order to make the Land Restitution Programme progress in an effective way.

- **Impact Assessment**

Assessing the impact of the Land Restitution Programme is complex, as land claims can be settled with financial compensation or the return of land (Department of Land Affairs, 1997:52–7). The Department of Land Affairs has set targets in order to assess whether good progress is being made with their programmes. An effective way of measuring the success of the Land Restitution Programme is comparing the targets set to settle claims as well as the amount of land restored back to claimants with time-frames. Figure 5.1 below shows the amount of claims settled and its actual targets over a 14-year period (1994-2008).

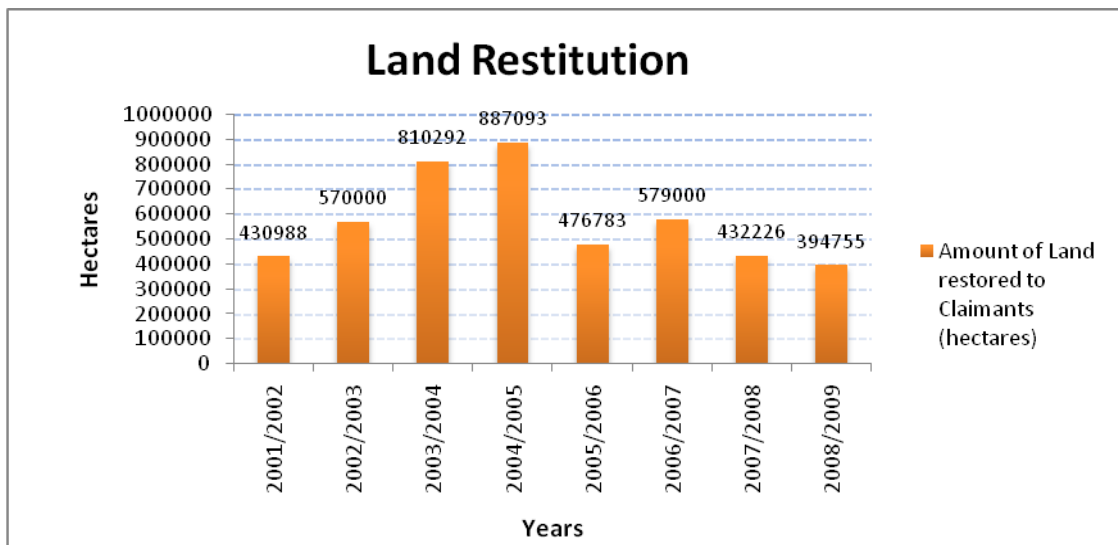
Figure 5.1 Cumulative Claims Settled from 1994 to 2008



(Source: Department of Land Affairs, 2006/07 Annual Report to the Select Committee on Land & Environmental Affairs, 6 November 2007. PowerPoint presentation)

Figure 5.1 above shows that between the years 1994 and 2000, the land claims process started out very slow. From 2001 to 2004 an increase in claims were settled and the process started to speed up. Between 2004 and 2008, more claims were being settled, as the Commission became more target-driven, therefore forced to perform on duties. Claims increased by 25 863 for the four-year period between 2004 and 2008. Cumulatively the Land Claims Commission has settled 74 417 claims out of its target of 79 696 in South Africa. In 2008, the Commission speculated that the remaining 5122 claims would not have been settled as targeted (Department of Land Affairs, 2006/07:25).

The following Figure 5.2 depicts the amount of land restored to claimants from 2001 to 2009.

Figure 5.2: Amount of Land Restored to Claimants from 2001 to 2009

(Source: Department of Land Affairs, Annual Reports: 2001-2009)

Figure 5.2 above shows that land restored back to claimants varied over the years from 2001 to 2009. From 2001 to 2005, land restored back to claimants increased yearly. In the financial year 2004/2005 approximately 887 093 hectares of land was restored to claimants. This was followed by a huge decrease in land restored during the financial year 2005/2006. During 2006/2007, the amount of land restored to claimants increased, but from 2007 to 2009 it decreased again.

Reasons for stifled progress in Figures 5.1 and 5.2 could allude to challenges in rural areas. The impacts in rural areas are greater than that of urban areas. The recipients are therefore left frustrated and unhappy when processes are slow. Rural recipients are affected in a negative way as opposed to urban claimants. Rural claimants often don't have the resources to monitor their claims and have to travel far distances to get information needed. Urban claimants on the other hand, are able to visit respective departments in their areas of jurisdiction, as Government departments are more accessible to them.

Accessibility is a huge problem in terms of resources and infrastructure available to the poor. The nature of the process is complex, therefore requires time, especially when dealing with rural claimants. There could be disputes with claimant communities, therefore stifling the programme in making progress. Conflicts with traditional leaders about boundary and jurisdiction disputes could also hinder the process from making progress. Some claimants become untraceable, especially in rural areas. A reason for this could be migrating workers who move around from one

place to another for work during certain seasons. The high cost of land could also be stifling the progress of the Land Restitution Programme. The country went through an economic recession from 2007 to 2009. This could be a reason for slowing down the process, as land was more expensive during this time period.

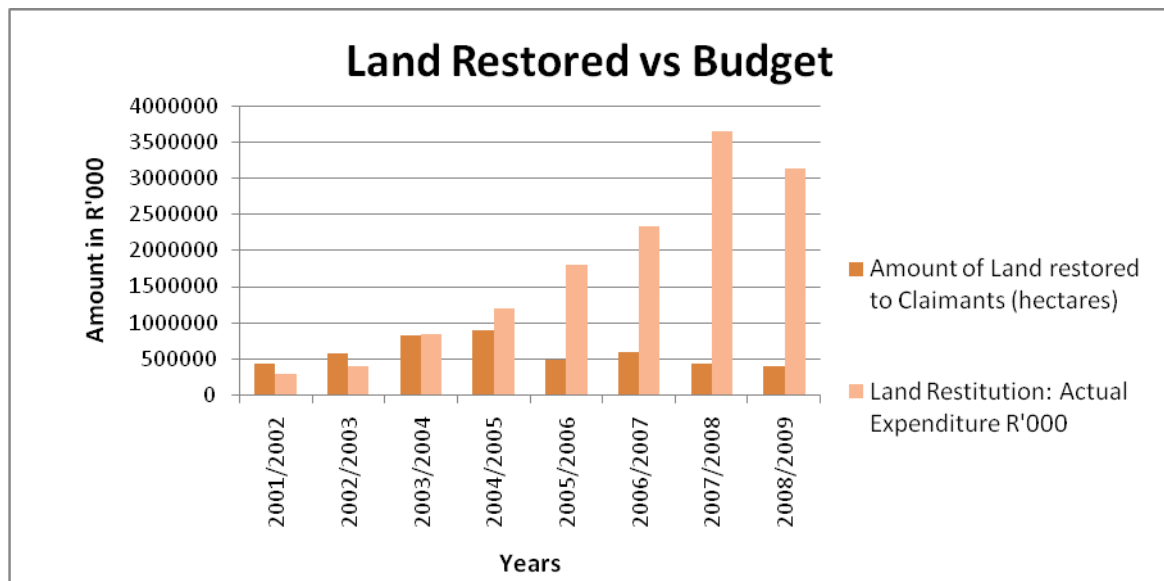
Land which is a basic need for the development of people and a country has been restored to claimants since 1994. Developing land for subsistence farming could assist the poor in sustaining their food security, if trained in an effective way. Emerging farmers could sell their products in order to earn money, therefore contributing to their own financial independence. Infrastructure would also need to be upgraded and supplied in rural and urban areas, as people need basic infrastructure in order to survive.

The services of the Land Claims Commission and Land Claims Court have been slow in general. According to the Land Claims Commission (2008:27), service delivery systems are always monitored frequently and the commission tries to improve their services on an on-going basis.

- **Efficiency Assessment**

The Land Restitution Programme has been criticized to be slow and inefficient. Therefore available resources are not being used to its maximum potential. The following Figure 5.3 shows how much money is being spent in relation to the amount of land restored back to claimants.

Figure 5.3 Land Restored vs Budget Spent



(Source: Department of Land Affairs, Annual Reports: 2001-2009)

Figure 5.3 shows that the amount of budget spent for land restitution from 2001 to 2005 in relation to the amount of land restored to claimants corresponded. This was not the case from financial years 2005/2006 to 2008/2009. Actual expenditure for the Land Restitution Programme increased, but the progress in restoring land back to claimants decreased. In 2007/2008 over R3 billion was spent on the Land Restitution Programme and only 432 226 hectares of land was restored back to claimants. Budgets made available for the Land Restitution Programme is therefore not used in an effective and efficient way to speed up the process.

The following sub-section evaluates the Land Redistribution Programme.

5.2.4.2 Evaluating Land Redistribution

- **Needs Assessment**

The nature and magnitude of the problem to be addressed in the Land Redistribution Programme has proven to be complex. The characteristics of the population in need are as follows: people should be disadvantaged and poor, people should be urban and rural very poor, women, labour tenants, farm workers, black, coloured and indian farmers, as well as new entrants to agriculture. Redistributive land reform is based on willing-buyer and willing-seller arrangements.

The population needs access to land for productive as well as residential purposes. The services needed by the population are as follows: land acquisition, transfer, assistance with basic needs provision, land development and the delivery system.

The programme aimed to achieve the RDP goal of redistributing 30 percent of farmland in the period, from 1994 until 1999. The Redistribution Programme had redistributed less than 2 percent of farmland by 1999 (National Land Committee, 2006).

Service delivery in the Land Redistribution Programme is important, as the process is complex. Government needs to provide effective services with the land acquisition process, transfer and assist with basic needs provision, as well as land development. Trained staff is integral for ensuring that the programme is executed and implemented in a strategic and effective way.

- **Assessment of Programme Theory**

The clientele to be served in the Land Redistribution Programme are as follows: previously disadvantaged, rural and urban poor, black farmers, coloured farmers, Indian farmers, labour tenants and new entrants into the agricultural market. The clientele is therefore very diverse in nature and the services to be provided to them could become complex if not executed properly.

Services to be provided to the clientele vary according to the needs of the individual or group. Government provides assistance to the clientele in need and are as follows: land acquisition, transfer, assistance with basic needs provision and land development. Government also assists the clientele with the provision of assistance to groups to establish legal entities to purchase and lease land. Assistance to enable beneficiaries to meet basic needs and utilise the land in a sustainable way is also needed.

“The best delivery system for services are to establish statutory and non-statutory land reform institutions with community facilitation, planning and implementation skills, managed by people well informed about the opportunities that land reform provides for economic advancement” (Cousins, 2009).

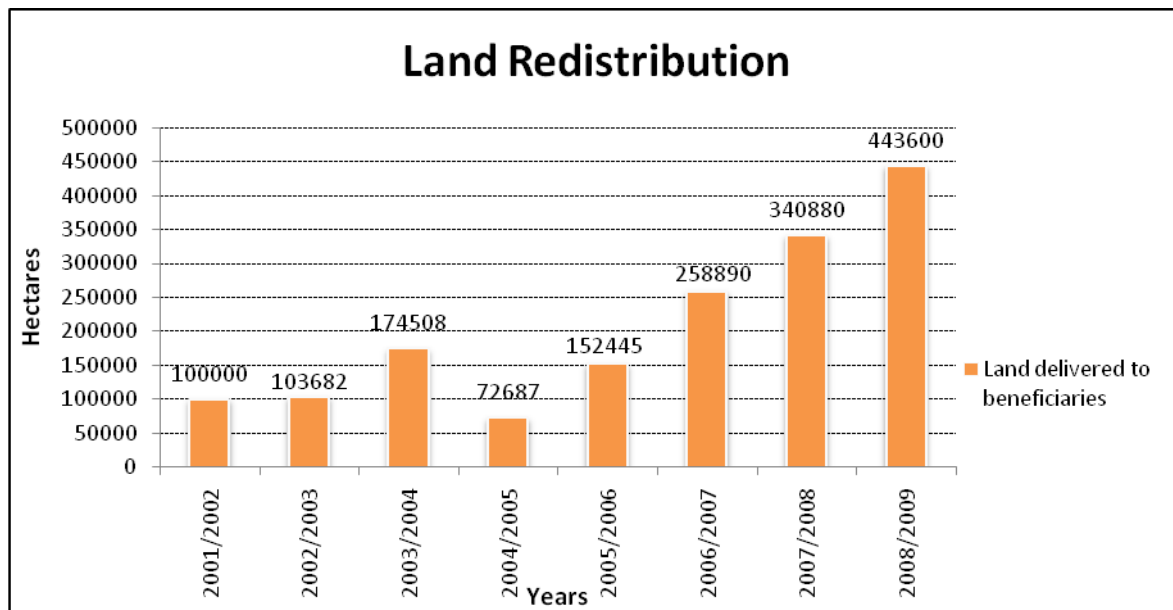
The Land Redistribution Programme has criteria to identify, recruit and sustain potential clientele. Additional staff members who have strong research skills should be employed and trained in order to execute duties in an efficient way. A national database of potential clientele should be collated according to the criteria established by the programme.

Resources necessary and appropriate for the success of the Land Redistribution Programme are vast and are as follows: Municipal land, agricultural land, competent well-trained staff, and skilled land profilers with GIS or geomantic skills, financial resources, researchers, effective administrative systems, well-developed databases and efficient Information and Communication Technologies (ICT) systems.

- **Impact Assessment**

“Outputs and goals of the redistribution programme are not being achieved at a fast enough pace. The programme has received criticism for being slow to achieve its goals effectively. By 2008, for example, only 5 percent of commercial farmland had been redistributed to black beneficiaries through a combination of the Redistribution and Restitution Programmes” (Cousins, 2009). The following Figure 5.4 illustrates the amount of land delivered to beneficiaries through the Redistribution Programme.

Figure 5.4: Land Redistribution (land delivered to beneficiaries)



(Source: Department of Land Affairs, Annual Reports: 2001-2009)

Figure 5.4 above shows that progress has been made in terms of delivering land to beneficiaries via the Land Redistribution Programme. From 2005 to 2009 there has been a steady increase in redistributing land (291 155 hectares) to beneficiaries. Even though land has been redistributed, it is not occurring fast enough. According to the Sunday Times (12 September 2010), “Government has managed to redistribute 7 percent of the 82 million hectares of white-owned commercial farmland to blacks and is unlikely to meet the target of transferring 30 percent of land by 2014”.

The services rendered by Government in assisting the programme could be beneficial to the beneficiaries. What Government is trying to achieve, like providing a more equitable distribution of land, help solve the problem of landlessness, assist in making a way for the improvement in settlement conditions in urban and rural areas for the poor and enhancing household income security, employment and economic growth, throughout the country, is good on paper.

Land redistribution has contributed to development in South Africa. Development objectives are being reached in terms of redistributing land back to beneficiaries, but at a slow pace. The Land Redistribution Programme has tried to assist beneficiaries in improving living standards, as well as trying to improve income security and employment. Development in the country is occurring, but not at a fast enough pace,

as there are many poor people who need to get out of the poverty-trap. Land redistribution is focussed on redistributing land to beneficiaries and should the programme improve, development in South Africa will be enhanced.

Effective systems need to be in place for implementation to occur and to make a better impact on the programme.

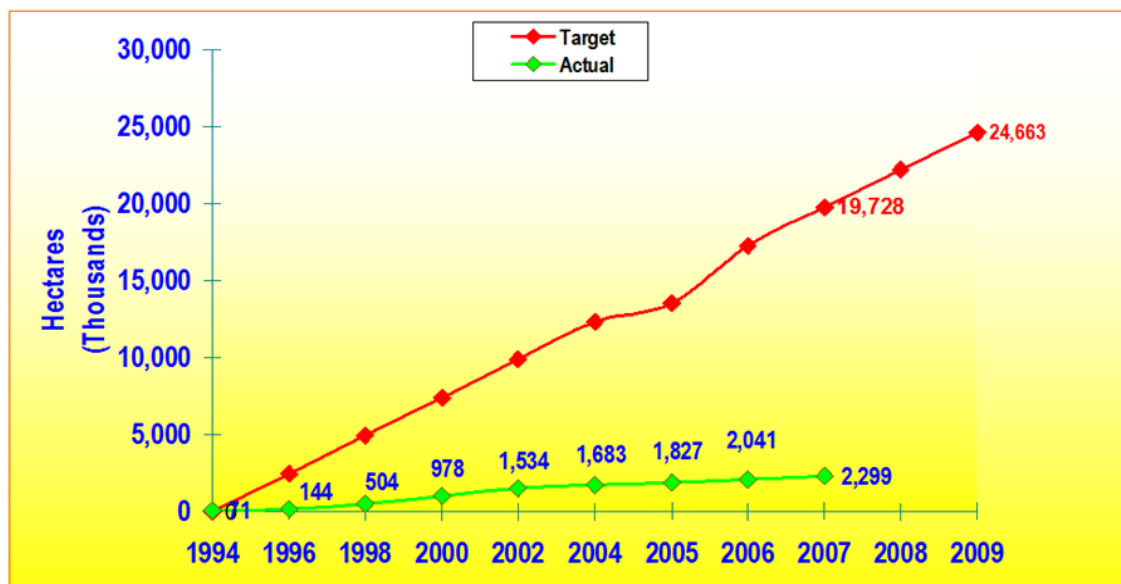
Landless people on the waiting list of this programme are impacted immensely, as they cannot do anything, but wait for optimistic outcomes. The process could take years before their applications are dealt with and settled. The rural poor suffer more than urban poor because of the lack of resources in rural areas.

On-going monitoring and evaluation processes are in place to provide a better and more effective service to the beneficiaries.

- **Efficiency Assessment**

Resources are not being used efficiently, as the slow progress of the Redistribution Programme is proof thereof. Figure 5.5 illustrates how much land has actually been redistributed from 1994 to 2009 against the targets set by Government.

Figure 5.5: Land Redistribution in South Africa: Actual vs Target



(Source: Department of Land Affairs, 2006/07 Annual Report to the Select Committee on Land & Environmental Affairs, 6 November 2007. PowerPoint presentation)

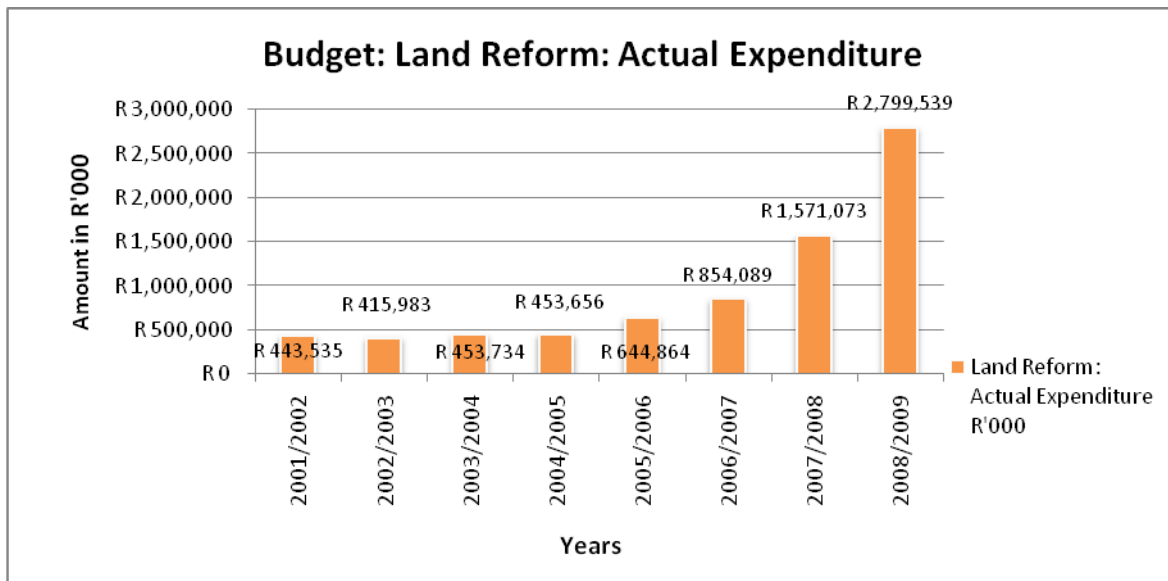
Figure 5.5 shows that Government has not been meeting its targets effectively and efficiently in redistributing land to beneficiaries. From 1994 to 2007, only 2,299million hectares of land have been redistributed. The target up till 2007 was set at 19,728million hectares, therefore leaving a shortfall of 17,429million hectares of land that should actually have been redistributed. In 2007, only 258 890 hectares of land was redistributed as opposed to Government's target of 2,5million hectares.

Since targets have not been reached in an effective and efficient way, staff capacity needs to be increased, as there is a high turnover of staff members. In addition to this, staff needs to be trained on a continuous basis, to keep them up-to-date with new systems.

Agricultural land transferred to beneficiaries should be cultivated with technology that is effective and efficient. Land, a very important resource, should be sustained in an effective way to benefit future generations and in order for sustainable development to occur. According to Boyle (The Sunday Times, 12 September 2010), The Minister of Rural Development and Land Reform, Gugile Nkwinti said that, "nearly a third of land redistributed had already "leaned back" to white owners, meaning the effective transfer of land was only 4.5 percent. At least nine out of ten working farms transferred to new owners had stopped producing". Minister Nkwinti also said that "In South Africa, one can't reform land ownership without taking from one person and giving to another. A priority would be to keep white farmers on the land and farming in order for them to mentor emergent farmers, teach and continue to farm, as they are an important resource in South Africa's agricultural community, as well as economy" (Sunday Times, 12 September 2010).

Figure 5.6 below shows the actual expenditure for the land reform (Redistribution and Tenure Reform Programmes) from 2001 to 2009.

Figure 5.6: Land Reform (Actual Expenditure)



(Source: Department of Land Affairs, Annual Reports: 2001-2009)

Figure 5.6 above shows that Government's actual expenditure on land redistribution and land tenure combined, has increased over an eight-year period. Since land redistribution has been criticized to be slow, Government has been increasing actual expenditure on resources to try to speed up the process. During the 2008/2009 financial year, approximately R2, 8 billion was spent of the Land Redistribution and Land Tenure Reform Programmes. The budget does not reflect the amount of land redistributed, as only 443 600 hectares of land was redistributed during the 2008/2009 financial year.

As illustrated in Figures 5.5 and 5.6, the Land Redistribution Programme has not been as effective and efficient as it should have been. Targets set by Government in terms of redistributing land have not been reached, although budgets were spent in order to speed up the process.

The Land Redistribution Programme has not been as successful as it should have been according to targets set. The process is complex and slow, therefore Government is unable to reach goals and targets set. Land redistributed to black farmers have not been successful, as nine out of ten working farms transferred to new owners had stopped producing altogether. If 30 percent of white-owned commercial land needs to be transferred and redistributed by 2014, then Government has a long way to go in terms of service delivery. Only 7 percent of the land out of 30 percent has been transferred and redistributed to date. One has to

bear in mind that the 7 percent referred to, is the cumulative amount transferred in a 16-year time period. Government therefore has less than just over 3 years to redistribute 23 percent of land through its Land Reform Programme.

5.2.4.3 Evaluating Land Tenure Reform

- **Needs Assessment**

As land reform is known to be a complex programme as a whole, tenure reform is no different. Tenure reform strives to deliver security of tenure in various diverse ways. The population in need for this programme refers to those individuals and communities or groups who were stripped of their land rights in the past. The population in need requires the awarding of independent land rights, secure lease agreements and protection against eviction. Some of the population are members of a group-based system of land rights. Others require private ownership of land.

Services needed by the population for tenure reform is land registration, support and administrative assistance. The process is lengthy and Government assistance is needed to speed up the process, especially amongst the rural poor. Government has a framework in which services have been developed to support the individuals, groups and communities in need.

- **Assessment of Programme Theory**

The clientele that should be served are those individuals, groups and communities who were stripped of their land rights in the past. Because of the complexities of land occupation and earlier dispossession, a very complex set of land laws were developed.

There is a very strong administrative function needed for the Tenure Programme. The services being rendered to the clientele involves mediation for land rights, especially for situations where conflict arises. The programme could identify, recruit and sustain clientele by researching archived documents. Government could also mobilise the clientele by advertising with all forms of media, as well as having road shows in rural areas. NGO's play a very important role in land tenure reform. The services offered by NGO's are as follows:

- Providing legal advice and representation regarding land disputes with others, such as landowners, and within communities;
- Facilitating community processes and providing training and advice;
- Mediating disputes with various parties, including landowners, often informally; and
- Engaging in broader policy formulation, including lobbying Government (Bosch, 2005)

The most important resources needed for the Tenure Reform Programme are land, finances, competent, well-trained staff, effective databases and good ICT systems.

- **Impact Assessment**

The Tenure Reform Programme has been slow. The strong emphasis on land rights meant that much time had to be spent in assessing and identifying people's land rights. Goals and objectives of this Tenure Programme are being achieved, but at a slow pace. The services provided to the recipients are beneficial, as the process is complex. In terms of evictions, only 405 cases were resolved in 2009, as opposed to 1556 cases in 2003 (DLA, Annual Reports, 2002/2003 & 2008/2009). The rural community would be at a disadvantage as administrative offices are huge distances away from the areas where they reside.

Land tenure reform has had an impact on development in South Africa, as people are getting land rights, which is a basic need in the country. The Land Tenure Programme has been slow because of its complex nature. Recipients of the programme are being empowered, as receiving rights to land gives a sense of accomplishment. Recipients should use the land in a beneficial way in order to contribute to their own economical and personal development.

Government as well as NGO's are continuously monitoring and evaluating the Tenure Reform Process. In this way, services could be improved on an on-going basis and goals of the programme could be achieved within the specified time-frame created by Government.

- **Efficiency Assessment**

The Land Tenure Programme has been labelled as slow. Resources available are therefore not used to its full potential. Government should however prioritise land reform as a whole, as it has been criticised as not being a priority for National Government and Treasury, as budgets allocated for the Land Reform Programme are low in relation to other programmes of the State.

5.3 Summary and Conclusion

The chapter focussed on evaluating land reform in South Africa. Attention was given to the three main programmes, namely: Land Redistribution, Land Restitution and Land Tenure Reform.

The Land Reform Programme overall has been progressing slowly and are not reaching the goals and objectives, as set out for each programme.

In land restitution, the process started out slow between the years 1994 and 2000. Between the years 2001 and 2008, the Commission became more driven to meet targets, therefore pressurizing employees to perform their duties optimally. In 2008, the Commission speculated that the remaining 5122 claims would not have been settled as targeted (Department of Land Affairs, 2006/07:25).

Government has not been meeting its targets effectively and efficiently in redistributing land to beneficiaries under the Land Redistribution Programme. The Land Redistribution Programme has not been as successful as it should have been according to targets set. Land redistributed to black farmers have not been successful, as nine out of ten working farms transferred to new owners had stopped producing altogether.

As land reform is known to be a complex programme as a whole, tenure reform is no different. The Tenure Reform Programme has been slow. The strong emphasis on land rights meant that much time had to be spent in assessing and identifying people's land rights. Resources available are therefore not used to its full potential.

This concludes Chapter 5 which focussed on evaluating the Land Reform Programmes in South Africa. The following chapter will conclude the research project and recommendations will be provided by the researcher.

Chapter 6: Conclusion and Recommendations

6.1 Introduction

This chapter will conclude the research document, as well as provide recommendations for improving land reform in South Africa.

6.2 Conclusion

The need for land reform in South Africa started as early as 1658 (Thwala, 2003:2), where blacks were not given the same opportunities as whites in the country and their properties and farm land was taken away from them. Since 1994, when South Africa's first democratic Government came into power, one of its goals was to redress the injustices of the past and give back land to the previously disadvantaged people through various land reform programmes. The general progress of land reform started out slow, but some progress has been made. According to the Annual Reports of the Department of Land Affairs (2001-2009), Government has been trying to achieve its goals and objectives for the Land Reform Programme. In South Africa, experiences within the different programmes of land tenure reform, redistribution and restitution differ.

The Land Reform Programme's service delivery varies according to area, whether it is in a rural or urban area, there are obvious differences in time taken to implement certain programmes. There have been mixed opinions on the Land Reform Programme overall and these will be highlighted below.

According to Boyle, the Government of South Africa is far too slow in implementing its programme for land reform (The Sunday Times, September 12, 2010). The market-driven "willing-buyer/willing-seller" approach championed by the World Bank and incorporated into the RDP, had continually shown its inability to deliver real land reform across Africa (Van der Walt, 2000:19). The basis for the failure of the policy is its inability to address the underlying class relations that produce and reproduce unequal patterns of ownership (Van der Walt, 2000:19).

The Land Reform Programme failed in redistributing 30 percent of land by 1999 (Van der Walt, 2000:19). This goal was shifted to 2014 in order to give Government more time to deliver on services promised to the people who rightfully deserve it.

Unfortunately, between 1994 and 1999 only 2 percent of commercial farmland was redistributed. From 1994 to 2007, only 2,299million hectares of land have been redistributed. The target up till 2007 was set at 19,728million hectares, therefore leaving a shortfall of 17,429million hectares of land that should actually have been redistributed. In 2007, only 258 890 hectares of land was redistributed as opposed to Government's target of 2,5million hectares. By 2008, only 5 percent of commercial farmland was redistributed in South Africa (Cousins, 2009). By 2010, only 7 percent of the 82 million hectares of land was redistributed since 1994.

According to Boyle (The Sunday Times, September 12, 2010), The Minister of Rural Development and Land Reform, Gugile Nkwinti said that, "nearly a third of land redistributed had already "leaned back" to white owners, meaning the effective transfer of land was only 4.5 percent. At least nine out of ten working farms transferred to new owners had stopped producing".

The Land Redistribution Programme has not been as successful as it should have been according to targets set. The process is complex and slow, therefore Government is unable to reach goals and targets set. If 30 percent of white-owned commercial land needs to be transferred and redistributed by 2014, then Government has a long way to go in terms of service delivery. Only 7 percent of the land out of 30 percent has been transferred and redistributed to date. One has to bear in mind that the 7 percent referred to, is the cumulative amount transferred in a 16-year time period. Government therefore has less than just over 3 years to redistribute 23 percent of land through its Land Reform Programme.

The Land Redistribution Programme has tried to assist beneficiaries in improving living standards, as well as trying to improve income security and employment. Development in the country is occurring, but not at a fast enough pace, as there are many poor people who need to get out of the poverty-trap. Land redistribution is focussed on redistributing land to beneficiaries and should the programme improve, development in South Africa will be enhanced.

The land restitution process has been labelled as inefficient and bureaucratic. Land restored back to claimants varied over the years from 2001 to 2009. From 2001 to

2005, land restored back to claimants increased yearly. In the financial year 2004/2005 approximately 887 093 hectares of land was restored to claimants. This was followed by a huge decrease in land restored during the financial year 2005/2006. During 2006/2007, the amount of land restored to claimants increased, but from 2007 to 2009 it decreased again.

Accessibility is a huge problem in terms of resources and infrastructure available to the poor. The nature of the process is complex, therefore requires time, especially when dealing with rural claimants. There could be disputes with claimant communities, therefore stifling the programme in making progress. Conflicts with traditional leaders about boundary and jurisdiction disputes could also hinder the process from making progress. Some claimants become untraceable, especially in rural areas. A reason for this could be migrating workers, who move around from one place to another for work during certain seasons. The high cost of land could also be stifling the progress of the Land Restitution Programme. The country went through an economic recession from 2007 to 2009. This could be a reason for slowing down the process, as land was more expensive during this time period. The Land Restitution Programme has reached some level of success over the years.

Land restitution has contributed to development in South Africa. Land, which is a basic need for the development of people and a country, has been restored to claimants since 1994. Emerging farmers could sell their products in order to earn money, therefore contributing to their own financial independence. Infrastructure would also need to be upgraded and supplied in rural and urban areas, as people need basic infrastructure in order to survive.

The Land Tenure Reform Programme had implemented farm tenure reform laws, but implementation and monitoring of the process were weak, and previous homeland areas remained under interim arrangements. Partial success has been achieved through the Land Tenure Reform Programme.

Land Tenure Reform has had an impact on development in South Africa, as people are getting land rights, which is a basic need in the country. The Land Tenure Programme has been slow because of its complex nature. Recipients of the

programme are being empowered, as receiving rights to land gives a sense of accomplishment. Recipients should use the land in a beneficial way in order to contribute to their own economical and personal development.

The rising public pressure on Government for the speedy increase of land delivery has brought about a growing demand for the services of the Department. Since land reform has been slow, it has become evident that resources available to the Department, both human and financial, do not match the demand for services required from clients (Department of Land Affairs, Annual Report of 2006/2007:15).

According to Boyle, (The Sunday Times, September 12, 2010) “The Minister of Rural Development and Land Reform, Gugile Nkwinti wants legislation in place in a year’s time to limit the amount of land a farmer can own, in order to speed up redistribution”. Boyle also says that, “Provisions in the pipeline would apply to existing South African and foreign land owners, forcing some to offload portions of their productive land, or share it with black partners” (The Sunday Times, September 12, 2010). But, would this mean that South Africa is creating a Land Reform Revolution and does this mean that South Africa is heading in the direction of potential “forced removals” like Zimbabwe?

6.3 Recommendations

The following Tables 6.1 to 6.3 will provide recommendations in order to improve the Land Reform Programme in South Africa.

Table 6.1 Recommendations for Land Restitution in South Africa

Land Reform Programme	Method	Recommendations
Land Restitution	Needs Assessment	<p>Government has to have efficient and effective service delivery arrangements and frameworks in place, in order to provide services to the people.</p> <ul style="list-style-type: none"> • Efficient administrative assistance would be needed and should be provided to the

Land Reform Programme	Method	Recommendations
		<p>claimants.</p> <ul style="list-style-type: none"> • Knowledgeable staff members should be hired to deal with the process. • On-going training of human resources is needed, as the process has been labelled as complex.
	Assessment of Programme Theory	<p>The theory to execute the programme has been followed, but there is room for improving systems, therefore Government needs to revise programme theory on an on-going basis.</p> <ul style="list-style-type: none"> • Government has to appoint researchers to assist the Commission to identify, recruit and sustain the intended clientele. • Sufficient records providing evidence of clientele who had ownership of dispossessed land is of utmost importance and this should be kept up-to-date. • Government should invest in appropriate technology, knowledgeable staff members, GIS systems, and ICT systems relevant for the programme.
	Impact Assessment	<p>In order for Government to create a positive impact in executing the Land Restitution Programme, Government needs to address the challenges that stifle the programme from progressing faster.</p> <ul style="list-style-type: none"> • Government should pay special attention to rural areas, as it has been reported that more urban claims have been settled as opposed to rural claims. • Government should therefore bring services closer to the people in rural

Land Reform Programme	Method	Recommendations
		<p>areas, as they lack the resources to travel far distances to towns.</p> <ul style="list-style-type: none"> • Mobile units could be constructed in rural areas, where officials could assist claimants with their claim processes on an on-going basis, • Accessibility of Government to the poor is a huge problem in terms of resources and infrastructure available to the poor. Therefore the Department needs to make itself more visible and available in rural areas. • Disputes with claimant communities need to be dealt with faster, as it impacts the progress of the programme. • Conflicts with traditional leaders about boundary and jurisdiction disputes could also hinder the process from making progress and needs to be dealt with effectively by Government. • Government should find solutions to keep track of movement of claimants, especially the migrant workers.
	<p>Efficiency Assessment</p>	<p>The Land Restitution Programme has been criticized to be slow and inefficient. Therefore available resources should be used to its maximum potential.</p> <ul style="list-style-type: none"> • All spheres of Government should be pro-active to assist the programme in reaching its targets. Local Government should provide better services, as they are closest to the people at grassroots level. • The amount of money being spent in

Land Reform Programme	Method	Recommendations
		<p>relation to the amount of land restored back to claimants does not correspond. Therefore, Government should use budgets more efficiently to achieve better results and speed up the process.</p> <ul style="list-style-type: none"> • Staff members should be trained regularly and their work should be target-driven, therefore creating a need to perform optimally. • Government should also invest in efficient ICT systems and databases to deal with the complex land reform process. • Technology is of utmost importance in all of the Land Reform Programmes.

Table 6.2 Recommendations for Land Redistribution in South Africa

Land Reform Programme	Method	Recommendations
Land Redistribution	Needs Assessment	<p>Government needs to adhere to the promises made to people in the past.</p> <ul style="list-style-type: none"> • Government needs to assist people with basic needs provision. • Government should assist in the development of land of beneficiaries. • Knowledgeable staff members are of utmost importance to the success of the programme. Therefore Government should provide incentives to try to retain the staff members.
	Assessment of Programme Theory	For service delivery to speed up, Government should establish statutory and non-statutory land reform institutions.

Land Reform Programme	Method	Recommendations
		<ul style="list-style-type: none"> • Community facilitation, planning and implementation skills are needed. • This should be managed by people well informed about the opportunities that land reform provides for economic advancement. • Government should also establish stronger relationships with NGO's, CBO's and private organisations to assist the Land Reform Programme in speeding up.
	Impact Assessment	<p>Services rendered to beneficiaries should have a great impact on the progress of the Land Redistribution Programme.</p> <ul style="list-style-type: none"> • Services rendered to beneficiaries have not been as effective as was anticipated and Government should improve on this by providing on-going monitoring and evaluation of all resources involved in the programme. • Communication between Government and the people should also improve, as rural beneficiaries are at a disadvantage as opposed to urban beneficiaries, because of their lack of resources. • People at grassroots level should participate in Government programmes, so that they can feel and be empowered.
	Efficiency Assessment	<p>Since targets have not been reached in an effective and efficient way, Government should increase its resources in order to be more efficient.</p> <ul style="list-style-type: none"> • In order for Government to be more efficient, Government should consider land expropriation in order to accelerate

Land Reform Programme	Method	Recommendations
		<p>its distribution.</p> <ul style="list-style-type: none"> • As there is a high staff turnover in the Department, staff capacity needs to be increased and training of new members of staff is of utmost importance. • Better administration should occur within Government. • Agricultural Colleges should provide assistance to Government in training emerging farmers.

Table 6.3 Recommendations for Land Tenure Reform in South Africa

Land Reform Programme	Method	Recommendations
Land Tenure Reform	Needs Assessment	<p>Since Land Tenure is complex, effective systems need to be in place to deal with the complexity of the programme.</p> <ul style="list-style-type: none"> • Government needs effective administration systems to deal with the awarding of independent land rights, secure lease agreements and protection against eviction. • ICT systems are integral to the success of the programme and Government should invest in the latest systems in order to speed up the Land Tenure Programme.
	Assessment of Programme Theory	<p>A complex set of land laws was developed by Government and therefore Government should make sure that assistance by CBO's and NGO's are readily available to speed up the process of Land Tenure Reform.</p> <ul style="list-style-type: none"> • NGO's should therefore provide more assistance with legal advice.

Land Reform Programme	Method	Recommendations
		<ul style="list-style-type: none"> • NGO's should also help with disputes with communities and land owners. • NGO's should facilitate community processes and provide training advice to community members. • NGO's should assist Government with mediating disputes with landowners. • NGO's should also assist Government in engaging in broader policy formulation, including lobbying Government.
	Impact Assessment	<p>In order to create a bigger impact in solving cases in rural areas, Government should bring services closer to the people.</p> <ul style="list-style-type: none"> • As the overall Tenure process takes long, Government should establish administrative offices with competent staff members in rural areas. In this way, more cases could be dealt with faster.
	Efficiency Assessment	<p>The Tenure Reform Programme should use its resources which are available efficiently.</p> <ul style="list-style-type: none"> • Since there are plenty of legal processes involved with Tenure Reform, Government should invest more of its budget in outsourcing functions to consultants and lawyers. In this way the private sector is also held accountable for achieving results. • Staff members should be target-driven and Government should incentivise their performance. • Administrative systems and ICT systems should always be updated on an on-going basis.

Overall, Government should continuously re-assess their policies to see whether it is effective and improve on those areas where there are downfalls. The Government of South Africa should also learn from the mistakes of other developing countries who have already implemented land reform processes.

“Area-based planning for agrarian reform is imperative. This should integrate redistribution, restitution, tenure reform, infrastructure development and small farm support will be key to the success of Government’s Land Reform Programme” (Cousins, 2009).

It is a reality that the whole land reform process in South Africa has been complicated and lengthy. The process has taken long to reach its targets. It is therefore, up to the citizens of South Africa to participate in activities as well as support the Government in its efforts to restore the unequal distribution of land in South Africa.

Since the thesis did not aim at measuring impact or outcome, further research would be required to measure the impact and outcome of land reform. A more comprehensive longitudinal research on the subject matter is recommended.

In order to avoid the experiences of countries like Zimbabwe, recipients of land claims need to be equipped with the necessary skill for managing the lands that they receive. Economically, it is not just enough that people get land back but is also very important that land with economic value is put to optimum use.

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