

# The Effect of Land Restitution on Sustainable Livelihood: The Case of Tale Ga-Morudu Communal Property Association

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**Abstract:** The purpose of this study was to examine the effect of land restitution on sustainable livelihood with reference to Tale Ga-Morudu CPA. Communal Property Associations (CPAs) were introduced as a legal entities and custodian of the restituted land in South Africa to improve the living conditions of beneficiary households of the land restitution. This study employed survey design and data was collected from 45 randomly selected respondents using a semi-structured questionnaire. The study found that the CPA has adopted and implemented land use and development plan with various types of land use management composed of agricultural activities and other alternative land uses, namely, game farming, contract livestock grazing, contract crop cultivation, rental and strategic partnership. However, food gardens, resettlement and poultry enterprises of direct land use management were planned and yet not implemented by the CPA. The CPA has made some progress in terms of creating access to land, cultural wellness, employment opportunities and skills development. However, the CPA has underutilised its communal resources such as arable land, recreational facilities and game farming. It should minimise dependency on contract farming by developing and adopting other land use plans such as food gardens, strategic partnership and resettlement. It should also emphasise on income generation and distribution, education, integration of women and youth in the CPA and food security.

**Keywords:** Communal property association, Land restitution, Land use plan, Rural livelihood

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## 1. Introduction

During the colonial and apartheid era, a number of legislative measures were introduced to halt the ownership of land by black majority, especially the agricultural land in South Africa (Barry, 2011; Kloppers & Pienaar, 2014; Sjaastad, Derman, & Manenzhe, 2013). The implementation of atrocious measures during colonial and apartheid era has resulted in extremely skewed land ownership and land use patterns in South Africa. One of such policy measure was The *Native Land Act* 27 of 1913 which was executed to prohibit the native black South Africans from occupying and acquiring land in their own country. Another legislative was The *Native Trust and Land Act* 18 of 1936 which was also introduced to enforce racial segregation by stripping the right of non-white South Africans to own land or to live outside demarcated areas. Furthermore, The *Group Area Act* 41 of 1950 was a horrendous legal instrument used to remove black, coloured and Indian people by force from designated White areas. Consequently, the majority of South Africans were systematically marginalised and discriminated

from accessing the means of production, particularly agricultural land.

After 1994 when the democratic government came into power, it adopted a comprehensive land reform program to redress past imbalances. The reform was a lawful process which was guided by relevant policies and legislations (Department of Land Affairs, 1997). The Constitution of Republic of South Africa of 1996, section 25 (7) grants the right for individual or community dispossessed of property after June 1913 as a result of past racially discriminatory laws or practices and entitles to restitution of that property or to equitable redress. The Land reform is focused on three core measures such as land redistribution, land restitution and tenure right. The land redistribution aimed at redressing inequality by providing black people with access to land for either productive or residential purposes; while land restitution is intended to return land to the original owners who were forcibly removed from their land. The land tenure provides labour tenures with secure tenure meaning ownership or occupancy rights of land (DLA, 1997).

The emphasis of this study is on one of the land restitution initiatives called the Communal Property Association (CPA). This model was established as landholding institution (Cousins & Hornby, 2002) on behalf of groups within a community who mobilize and organize themselves as legitimate groups to obtain title deeds to land under the restitution scheme (Republic of South Africa, 1996). *The Communal Property Act* of 1996 provides for the registration of CPAs; guideline for CPA constitution; outlines minimum oversight procedures required of the government in respect of CPA (Kloppers & Pienaar, 2014). The primary purpose of CPAs is to improve the life of its beneficiary community. Hence, it is imperative for CPAs to adopt and implement a diversified land use strategy with a view to achieve sustainable livelihood. The diversification of land use strategies could have an impact on wellness of the beneficiaries through changes in production or return investment (Hall, 2007; Lahiff, Maluleke, Manenzhe, & Wegerif, 2008). Studies have been done regarding the impact of land reform programs, more specifically the effectiveness of land restitution related CPAs. Previous research focused much on the governance of CPAs, the impact on poverty alleviation, and factors contribute to its effectiveness. It has been noted that inadequate research has been done on land restitution related CPAs and sustainable livelihood in rural areas of South Africa. Therefore, this study addressed the question, "what is the effect of land restitution related CPAs on sustainable livelihood?" to broaden the current knowledge on land reform in South Africa.

In light of the above context, the overall objective of this study was to examine the effect of restitution related CPAs on rural livelihood with reference to Tale Ga- Morudu CPA in Blouberg municipality, Limpopo province. In particular, this study investigates the various types of livelihood benefits derived including, income generation, cultural wellbeing, food production, skills development, employment creation and access to natural resources by beneficiaries. The Tale Ga-Morudu CPA was established in 2004 for the purpose of acquiring, controlling and managing 17 progressively settled and awarded farms, which were restored back to the original owners of the land.

## **2. Literature Review**

The concept livelihood entails the means of survival or making a living, which suggests that people can

use various means such as employment, income, land, natural resources, skills, finances and produced food to make a living (Shackleton & Hebinck, 2011). CPAs as land holding entities should develop and implement strategies on how the land will be utilised and by whom. Hall (2007) suggests that CPAs have to make decision on the following issues: develop appropriate land use plan by engaging relevant experts; consider direct use of land resource for food production and income generation than depending on joint ventures and partnerships; Keep record of a baseline data of its members to monitor changes on livelihoods derived from land use; and develop a comprehensive business plan that considers the needs and priorities of its members. Manenzhe and Lahiff (2007) advise CPAs to plan for different types of land use to enhance sustainable livelihood such as residential settlement, crop cultivation, grazing for livestock, harvesting of natural resources, game farming, tourism, leasing out of land, strategic partnerships, accessing financial resources such as credit and savings, recreational facilities and other agriculturally related activities.

### **2.1 Conceptualising Restitution and Sustainable Livelihood**

Restitution is described as a right-based program, conceived as a form of restorative justice that is ingrained within a community-based natural resource management system (Fourie cited in Fourie & Schoeman, 2010). Sustainable livelihood refers to various types of assets or capitals within a community such as: human capital (education and skills); social capital (infrastructure and assets); physical capital (money and loans); natural capital (land, water and vegetation) (Fourie & Schoeman, 2010). It is evident that CPAs have potential impact on sustainable livelihood which could be determined by the extent of adoption of diverse land use strategies on restituted land.

### **2.2 The Implementation of Land Restitution and CPA's**

Obeng-Odoom (2012) argues that land reform in South Africa have not been as effective as promised. On the other hand, Ayuk (2007) pointed out that land reform has resulted in change in access to land, but not much in economic development such as in income, employment, nutrition and education. On the other hand, Cousins, & Dubb (2013) argue that many land reform projects have improved the

incomes and livelihoods of those who received land despite inadequate government support for planning and production, and in face of severe resource constraints. Regarding CPAs, there are about 14 success cases recorded in different part of the country in terms of CPAs level of compliance and whether its members derive benefits from their ownership of land (DRDLR, 2017/2018). The reasons for success include: Compliance with governance; Maintaining production on their farms; Income generation activities; Employment creation; Paying out dividend annually to its members; Engaging strategic partnership.

There is a widespread agreement that the communal resource model as part of land restitution was not effective enough to achieve the purpose of land reform, which is increasing production towards local economic development and overall improvement of the livelihood of beneficiary households. (Sjaastad *et al.*, 2011; Bary, 2011). To support this view, Dikgang & Muchapondwa (2013) found that restituted land by claimants has no positive effect on poverty alleviation. However, a positive link to greater access to nature is established. The reasons for failures include: lack of functioning of the governing committee, conflicts within the committee, lack of skills, poor leadership are major causes for the failure (Dikgang & Muchapondwa, 2013; Bary, 2013).

According to Aliber & Cousins (2013), in South Africa at present, there is near consensus that land reform has been unsuccessful; broadly land reform is criticized for its slow pace and its performance regarding the livelihoods and production outcomes. Overall the impacts of land reform on the livelihood of beneficiaries have been mixed ranging from failed, modest to substantial improvements (Aliber & Cousins, 2013). It can be argued that there are mixed views over the achievement of land restitution related CPAs on the livelihood of its beneficiary members. Some researchers acknowledge the contributions of CPAs to improve household livelihoods (Andrew, Ainslie, & Shackleton, 2003; Shackleton & Hebinck, 2011). On the other hand, many CPAs have successfully claimed and restored their land but some were dysfunctional or failed to achieve their intended objectives. A study done by the Department of Land Affairs covering 179 restitution projects in South Africa revealed that of the 128 projects with agricultural developmental aims, 83% (106) did not achieve their objectives (Aliber, Maluleka, Manenzhe, Paradza, & Cousins, 2013). A study done by Barry (2011) illustrates the case

of dysfunctional CPA, the Elandskloof. The case of Elandskloof shows that commercial agricultural operations was ceased, harvestable resources and land itself was grabbed by community members, the management committees collapsed, and accounts were not paid.

Fourie & Schoeman (2010) explored the progress made with the implementation of the Nkumbuleni Land Claim in KwaZulu-Natal and concluded that the attainment of sustainable outcomes in post-settlement restitution support continues to be a challenge to policy-makers, as claims remain unsustainable. Poor communication between stakeholders, the narrow role municipalities play in restitution and conflicting governance structures between "traditional councils versus municipal councils" are seen as the main drivers of program failure. The most prominent challenges faced by land restituted CPAs is infighting and financial management (DRDLR, 2014/2015). For instance, Rama CPA was formed by claimants who acquired land in the North West just outside Ga-Rankuwa. When the land was restored there was a quarry operating on it. Problems started after the second executive committee was elected. A few months after the elections the committee had to co-opt a member because one committee member had resigned. Tension and infighting intensified when the co-opted member systematically got rid of the elected committees and co-opted his own committee members.

The Barolong community successfully claimed land just outside Potchefstroom area in North West. They opted for a CPA as their preferred type of land holding entity. After a year of operating the CPA collapsed because of widespread mismanagement. The members of the executive committee and the ordinary members used and sold the assets of the CPA for their personal gain. The Department intervened without success and applied for an Administration Order (DRDLR, 2014/2015). According to Lahiff *et al.* (2008) the failure of land reform is that planning for land use does not allow for diverse land use which encourages indirect land uses such as contract farming, rentals and partnership rather than more direct use of restituted land. Furthermore, land use should also offer beneficiaries the opportunity to harvest natural resources. Emphasis also falls here on the need to consider the direct use value of agriculturally related resources if rural livelihoods have to be properly measured. For example, members can produce maize, vegetables and groundnuts for consumption

and fetch firewood, collect thatch, medicinal plants and sand to build houses. The importance of direct use value is stressed by Dovie (2001) who assessed all incomes and direct use values and found that land based activities (livestock, cropping and natural resources) accounted about 57% of the total annual value per household.

As mentioned above, several challenges have been encountered by CPAs in South Africa. These include: poor implementation of CPA due lack of managerial and technical capacity. Another challenges faced by CPA are related to poor post-settlement support which resulted in lack of human, financial, material and information resources. It was equally important to mention limited support and oversight from the relevant government department and bodies. Other challenges included: lack of communication between officials and CPAs; the influence from traditional authorities trying to undermine the functions of CPAs. According to Centre for Law and Society (2015), the following are key constraints affecting CPAs performance:

- Long delays in transfer of title to a CPA undermine the authority of a CPA committee, and the uncertainty that ensues allows opportunists to challenge or take control of the CPA.
- In some CPAs there is abuse of power by the committee and powerful CPA members and neglect or abuse of ordinary members. Committees are sometimes unaccountable. But it is not clear who CPA members can appeal to when conflict or abuse occurs.
- Substantive rights of CPA members are often not clearly specified. Women's land rights are often particularly vulnerable and insecure.
- The processes by which CPAs are set up and offered assistance pay little attention to land tenure realities and dynamics on the ground. Many CPAs have constitutions that have been 'cut-and-pasted' from other CPAs, and are therefore out of sync with local land tenure practices. They establish rules that are impossible for people to comply with.

### **3. Methods and Materials**

The case study, Tale Ga-Morudu CPA, was established in 2004 in terms of the *CPA Act No 28 of 1996*

for the purpose of acquiring, controlling and managing 17 progressively settled and awarded farms. The population of this study include all 235 beneficiary members of Tale Ga-Morudu CPA households who are distributed among five settlements, namely Langlaagte/Vergelegen, Matekereng, Ga-Mankgodi, Letswatla, and Mamoleka. This study adopted a survey research design and 45 respondents out of 235 were selected using a random sampling technique. A structured questionnaire was to collect data from the sample unit of 45 households. The questionnaire was administered in person by the researcher and respondents who cannot read and write were assisted in filling the questions. It was composed of variables and related questions as identified in the conceptual framework. The data collected were coded and categorised for simple descriptive analysis using statistical software SPSS. The results were cross-examining in the light of relevant theories and literature review.

### **4. Results and Discussion**

This section presents results from the survey under the following subheadings: biographical profiles of respondents, income generated, cultural wellness, employment opportunities, skills transfer and other livelihood benefits derived from natural resources and game hunting.

#### **4.1 Biographical Details of Respondents**

The demographic profiles of households reveal that 73% (33) of the respondents were males whereas 27% (12) were females respectively. The average age of respondents was 45 years. And 56% (25) were within the age category of 51 years and above. The finding highlights the fact that rural women and youth were marginalised and inadequately represented in the CPA. A total of 56% (25) of the respondents were found to have no formal education; while 31% (14) of the head of household have some primary education and only 13% (6) of the heads of the households possess some secondary education. In rural areas, the level of education is very low attributable to inadequate access and higher level of poverty.

On average each household has nine dependents. This entails that traditional rural household has large family size owing to illiteracy, lack of knowledge and cultural influences. A total of 67% of respondents reported that they had opportunities

to generate additional income from off-farm means, including social grants (old age pension and child support grants), wages and spaza shops. Rural households support themselves with diversified livelihood mechanisms in order to minimize risks associated with farming.

#### 4.2 Income Generated from Different Types of Land Use Management

The finding indicates 49% (22) of respondents reported that the income they generate from both farming and off-farm activities cannot sustain their family in terms of their various household expenses such as medication, food and utensils. The finding from the survey showed that 73% households knew that the CPA has made income from various types of land use even though they did not know how much was generated by the CPA from the restituted land. The CPA generates income from contract farming, rentals and strategic partnership. All the beneficiary households 100% (45) indicated that the dividends from indirect types of land use were not distributed to beneficiaries hence they did not benefit.

#### 4.3 Cultural Wellness of Beneficiaries Derived from Restituted Land

This question was meant to assess contribution on the cultural wellness of the households as well as their sense of satisfaction that they had because of access and ownership of their forefathers' land. According to the finding 60% (27) of households indicated that they had access to perform rituals on the restored farms. About 22.2% (10) of households strongly disagreed, meaning they did not agree to ritual practices on the restituted farms. Some of rituals involved calling on ancestors that had passed away and was commonly practised to dispel bad luck, for protection, praying for good health for family members, asking for good rain and wealth. These rituals often involved slaughtering of goats, sheep or cattle.

#### 4.4 Livelihood Benefits Derived from Natural Resources and Game Hunting

Almost 89% (40) of the respondents indicated that they were allowed to collect firewood all the time; whereas 47% (21) have access to medicinal plants all the time. These include natural resources roof tiles, sand, stones and fence materials from the restituted farms. Respondents were also asked to indicate if

they hunted game animals (kudus, impalas, springboks, zebras and rabbits) for their own consumption. According to the findings, 98% (44) of beneficiary households did not benefit from these animals as well as game in Wonderkop Game Reserve because the CPA Constitution did not protect and enforce the households' right to freely hunt game for meat consumption. Respondents were also asked to determine whether they had access or to what extent they fished in Glen Alpine dam. According to the finding, 80% (36) of beneficiary households did not have access to fish from Glen-Alpine dam.

#### 4.5 Employment Opportunities and Skills Transfer by Contract Farming

Contract farming was practised by two commercial farmers who leased some 135 hectares from the CPA in order to cultivate crops such as tomatoes; potatoes; pumpkins and maize. The finding shows 38% (17) of the respondents were fully employed by the contract farmers; while 29% (13) were seasonally employed. The seasonal employment opportunities included harvesting of seasonal crops while full time workers engaged in preparing the soil for cultivation, maintenance work on machinery irrigation system and fence, supervision of workers, operation of tractors and transporting goods. This was a meaningful contribution because 235 people had taken advantage of employment opportunities created contract crop farming for additional income. In addition, Saltlake guesthouse employed 4 domestic workers while livestock grazing created jobs for 54 herders. Additionally, 48% (22) of the respondents claimed that they had received crop cultivation skills from contract farming. It shows that contract farming is an important strategy in terms of building capacity of beneficiary community.

### 5. Conclusion and Recommendations

The CPA land use and development plan 2007 proposed eight different types of land use management composed of agricultural activities and other alternative land uses, namely, food gardens and resettlement; game farming, poultry enterprises; contract livestock grazing; contract crop cultivation; rental and strategic partnership. The study, however, highlighted that food gardens, resettlement and poultry enterprises of direct land use management were not practised by the households. The failure to implement all of them was due to a lack of post settlement support programme in the form

of capital input, technical skills, mentoring as well as an omission from the CPA Constitution to protect and enforce use rights for households.

Despite inadequate post-settlement support, the CPA had substantially improved cultural wellbeing and access to natural resources by the beneficiary households by developing their sense of ownership and exercising their right to perform rituals at graves on farms. Other types of indirect land use managed to generate income which the CPA committee said all revenues were saved in the CPA account, but households did not benefit from accrued dividends or lease of land where their rights were not protected in the CPA Constitution at all. It was also found that income generation and food production failed to meet the expectation of beneficiary households. However, the CPA had achieved moderate impact on employment creation and skills development regarding crop production. It can be concluded that the CPA was underutilizing and inadequately managing most of its arable and irrigable fields. It initially planned to allocate land for contract crop farming and food gardens. Livestock grazing contributed very little to the wellness of the households.

This study recommends that the CPA should compile a socio-economic profile of all households in order to enable the CPA to know the needs of their households. It needs to promote inclusive approaches to involve groups, women and youth, within the beneficiary community that have been excluded from making decisions by providing them with opportunities, resources and support they need to be empowered.

For the households of this CPA to systematically implement resettlement and food gardens and other agricultural activities, it is of cardinal importance that complimentary support services be sought from Rural Development and Land Reform together with Limpopo Department of Agriculture and the Local Municipality to develop a comprehensive strategy for a pilot project on one of the arable and irrigable farms.

The CPA and Limpopo Department of Economic Development, Environment and Tourism should review their co-management agreement with a purpose to develop short, medium and long term objectives in a five-year development plan. Those should address the sustainable use of the resources biased towards households' livelihoods

of employment, skills development, progressive shares and investment; increased hunting packages and empowerment of households through small groups' ownership of game.

The CPA should together with the local municipality, Department of Water Affairs and Sanitation and Limpopo Department of Economic Development, Environment and Tourism initiate a consultative forum that will among others, consider a co-management agreement over Glen Alpine dam and its natural resources.

The current underutilised farm houses should be allocated to stakeholders and eligible households for pilot food gardens and resettlement.

The majority of households do not have cattle, it is therefore recommended that the CPA develops a programme to distribute pregnant heifers, weaners and bulls to small groups of households starting with those who do not have cattle in order to encourage them to become livestock farmers who will use their own farms for grazing rather than leasing them out to non-owners.

The CPA should develop transparent and accountable leadership to enable fair distribution of dividends and to maintain the benefits derived from restituted land such as cultural wellness, livelihood, employment and skills transfer through promotion of direct land use strategies on its farms.

The Department of Rural Development and Land Reform should strengthen post-settlement support in terms of training, extension services, management capacity, skills development and adequate resources.

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