PERSPECTIVES ON THE RESTITUTION PROGRAMME WITH SPECIAL REFERENCE TO THE MAMAHLOLA COMMUNITY IN THE MARULENG LOCAL MUNICIPALITY OF LIMPOPO PROVINCE.

by

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Dedication

To God be the Glory

Declaration

I declare that *Perspectives on the Restitution Programme with special reference to the Mamahlola Community in the Maruleng Local Municipality of Limpopo Province* is my own work and that all the sources that I have used or quoted have been indicated and acknowledged by means of complete references; this work has not been submitted before for any other degree at any other institution.

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Letsoalo MMM (Ms)   Date

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Abstract

The purpose of this study is to investigate perspectives of the restitution programme with special reference to the Mamahlola community in the Maruleng Municipality of Limpopo Province in South Africa. The community is among the many who were dispossessed of their land during the apartheid era. After a long struggle, empowered by new legislation passed on the country's attainment of democracy in 1994, the community received their dispossessed land back. Based on a qualitative research design, the study uses semi-structured interviews to collect data. Three focus groups participated in the study. These consist of the Banareng ba Letsoalo Tribal Council, the Maruleng Local Municipality Ward 9 Ward Committee and the Mamahlola Communal Property Association. The findings of this research reveal that, ironically, the land restitution programme did not bring any improvement to the livelihoods of the Mamahlola community, as would have been expected. Instead, it raised accusations of financial maladministration, poor communication, mistrust, conflict and divisions within the previously homogenous community. The study recommends that the Department of Rural Development and Land Reform and the Department of Agriculture should play oversight roles in all settled restitution claims relating to food production, to ensure continuity and proper financial management. Secondly, it recommends that beneficiaries should be trained in skills relevant to land activities to ensure that the owners of the land work the land. Thirdly, the settlement plan should include an employment plan for the beneficiaries to ensure that they also benefit from the land; and lastly, the issue of the distance between the current location and the claimed land needs to be addressed as part of the settlement plan, as it seems to have contributed significantly to the failures of the Mamahlola project and contradicts the objectives of the restitution programme.

KEY CONCEPTS

Agrarian reform, Communal Property Association, empowerment, land reform, land restitution, social capital, social cohesion, sustainable livelihoods.

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CHAPTER 1: INTRODUCTION AND BACKGROUND

1.1 Background of the study

Land is a key issue in eradicating poverty, food insecurity and addressing other inequalities amongst the various social classes of the nation and yet access to land, ownership, control and land use is a contentious political issue; especially in the poorer regions of the world. Land reform-equitable distribution of farmland can be a powerful strategy for promotion of both economic development and environmental quality (Boyce, Rosset & Stanton. 2005).

Internationally, land reform was forced on to the development agenda in order to abolish the undemocratic concentrations of power that were based on uneven land ownership patterns.

The modern history of land tenure in Latin America starts with the colonial period establishing a landed elite that controlled very large estates using a labour force of smallholder peasants, the so-called "minifundists". For this elite, land was key as the basis for wealth, political power and social prestige. This land tenure system remained in place up to the early 1900s. By then, the land tenure system was highly unequal, many lands were used extensively and owner absenteeism was common (Barraclough, 1973).

In their analysis of the history of Latin American land reforms between 1950 and 1990, Albertus & Menaldo (2010) show that heavy redistribution was more likely to be implemented by autocratic regimes, and that it was the regimes that engaged in more redistribution early in their tenures that remained longer in power. (De Janvry, Sadoulet & Wolford, 2001).

Mexico's agrarian reform was one of the most important and paved the way for other Latin American countries' land reforms. It took place at the beginning of the century, resulting in significant changes to what had been the predominant agrarian regime. Other countries, like Cuba, Bolivia and Nicaragua also

experienced critical social transformations, while Peru, Chile, Ecuador, Costa Rica and Colombia undertook more moderate types of reforms (Teubal, 2009). Land reform in Latin America plays a central role in the understanding of twentieth-century regional socioeconomic and political processes. After the Second World War, countries like Japan, Taiwan and South Korea implemented the model of land-to-the-tiller when tenants became owners of the land that they had previously farmed as tenants. (Bruce, 1993).

Griffin, Khan & Ickowitz (2002) argue that these countries had the common characteristics of scarcity of land, high prevalence of tenancy and unequal distribution of land. Therefore, land scarcity was the basis for land distribution. Land reform was based on buying land from those who owned more land than the law entitled them to own.

Countries like China and Vietnam implemented more radical land reform programmes that involved the transition from collective to private models of cultivation. These have been associated with large increases in productivity in China (McMillan, Whalley & Zhu, (1989); Lin, (1992) and Vietnam (Que, 1998; Ravallion & van de Walle, 2002).

The post-independence era in Southern African countries called for redistributive land reforms which could not be ignored, and post-colonial governments have attempted to address this problem through an array of land reform initiatives (Borras, 2003: 367). Equitable distribution of land became a major political and economic development issue that made headlines in the 1980s and 1990s.

Access to land, especially for the rural poor, has been an issue amongst other challenges since the start of independence in the 1960s. The Rwandan genocide, the Zimbabwean crisis, and conflicts in South Africa and the Darfur crisis are some of the challenges that increased this pressure. These conflicts have been attributed to the severe pressure on land and its unequal distribution (Sekeris, 2010).

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In Namibia in 1990, nearly 52% of arable land was held under freehold title by whites and 48% remained in the communal lands (Werner, 2003). Namibian land reform was pursued to bring about equitable land distribution, promote sustainable economic growth and to reduce poverty and decrease income inequality.

According to Toulmin & Quan (2000), land ownership was central to the fight for independence in Mozambique. The adoption of a Structural Adjustment Programme in 1987 signalled the beginning of the shift in the regime of rights to land in Mozambique. The National Land Policy, adopted in 1995, recognised customary rights over land, including the various inheritance systems and the role of local community leaders in the prevention and resolution of conflicts. The objectives of the policy are:

- to create conditions for the development and growth of local communities; and
- to promote investment in rural areas through the involvement of the private sector (Norfolk & Tanner, 2007)

In Zimbabwe, the land question was high on the political agenda in the 1980s. According to Moyo (1995), the re-emergence of land reform on the development agenda in the mid-1990s and the re-launching of the resettlement programme mark the latest phase of a conflicting relationship between peasants, Government and global institutions.

South Africa is no exception when it comes to issues of inequalities in land ownership. During the colonial era, land ownership in South Africa was characterised by inequalities - with 93% of the land in the hands of whites who constituted only 12, 6% of the total population, while black people occupied only the remaining 7% of the land space (Hall, 2003). The apartheid regime introduced various pieces of racially discriminatory legislation to deprive black people of the opportunity to own land. The Natives Land Act of 1913 was the foundation of other racially discriminatory laws of the time.

The Group Areas Act of 1950 divided people according to racial groups and decided where these groups should reside.

These policies not only impacted on land ownership but also contributed significantly to high levels of poverty as they diminished the peasant lifestyle of black people.

"While the majority of South Africans strive for an end to apartheid, the government is desperately trying to find new ways of preserving and extending the life of minority rule. It divides urban people from rural, employed from unemployed, 'legal' from 'illegal', male from female, enfranchised from disfranchised, white/coloured/Indian from African, and African people into ten different ethnic groups" (Platzky & Walker, 1985:68).

For most people, their livelihood strategies were disrupted and they had to adapt to a labour system which demanded skills that they did not possess. "At the core of South Africa's social history lies the transition of a majority of her people - the rural African population – from their pre-colonial existence as pastoralists-cultivators to their contemporary status" (Bundy, 1971:1).

According to Xuma (1941), the significance and urgency of land reform in South Africa is heightened by the kind of historical processes of racialized dispossession of African rural land which left the black indigenous people deprived of a "fundamental basis" for their livelihoods. Thus, land reform is a necessary instrument, not only for addressing historical injustices but also as part of a statist intervention aimed at eradicating poverty, food insecurity and other social ills in rural communities.

The justice dimension of land reform dates to the violation of human rights that accompanied the dispossession of African rural people of their land and forced their removal from black urban areas. The Natives Land Act of 1913 was the pillar of all other discriminatory land laws that followed.

The Natives Land Act, Act 27 of 1913 was passed to allocate only about 7% of arable land to Africans and to leave the more fertile land for whites. The law created reserves for Blacks and prohibited the sale of territory in white areas to Blacks and vice versa. Policies like the Natives Administration Act of 1927, the Development Trust and Land Act of 1936 and the Group Areas Act of 1950 were also approved, in a bid to buttress white supremacy over land.

The aim of the Group Areas Act was to put in place legal provisions for specific areas where different population groups could own property; reside and work, as a way of controlling the influx of blacks into the cities. The introduction of the Promotion of Bantu Self-Government Act of 1959 fully launched the policy of separate development and the establishment of the Bantustans (Levin & Weiner, in Bernstein, 2010).

The foregoing indicates that the dispossession of land rights of the black majority occurred through a "protracted and complex process of direct coercion and indirect pressures spanning more than three centuries" (Hall, in Walker, Bohlin, Hall & Kepe and 2010:18). Direct coercion occurred through, and was underpinned by, legislative provisions that legalised displacement of indigenous people from their ancestral land to what were formalised ethnic "homelands" or "Bantustans". These were scattered across South Africa.

With the British and the Boers competing for land on one hand, and white commercial farmers and the newly established mining economy, on the other, the demand for labour increased. The tactic to ensure the availability of a labour pool for the colonial administrators was to force indigenous peoples off their land and thereby destroy what the former leader of the African National Congress, Dr A.B. Xuma, described as the "fundamental basis of all wealth and power", i.e., "ownership and the acquisition of free title to land"

Source: https://www.sahistory.org.za…/presidential-address-dr-ab-xuma-14-december-1941.

Bundy (1988) calls this process "depeasantisation" or "deagrarianisation". Its primary objective was to undermine the relatively successful and independent black peasantry. As Walker *et al.* (2010) state, the forcible removal of black communities from their land and the resultant pressures to explore other modes of livelihood transformed what were hitherto independent farmers into landless tenants who had to sell their labour to the emergent white commercial farmers, mines and factories to derive a living.

Those who could not be absorbed by the mines, farms or factories were variously calibrated as the "discarded" or "surplus" people and were confined, through influx control systems, to the homelands (Platzky & Walker, 1985 in Walker *et al.*, 2010: 18).

In short, colonial state policies attempted to reconfigure the livelihood and land tenure systems of the indigenous populations in ways that served the interests of the dominant classes (Hall, 2004).

Bundy (1971: 236) claims that, "At the core of South Africa's social history lies the transition of a majority of her people - the rural African population – from their pre-colonial existence as pastoralists-cultivators to their contemporary status" as landless labourers. The historical sketch of land alienation above became the stimulus for the promulgation of new laws immediately after the attainment of democracy in South Africa in 1994. Land reform in general, and land restitution in particular, formed part of the concerted efforts in which the "new" South Africa set out "to right the wrongs of the past: to redress unjust dispossession and to heal" (Walker *et al.,* 2010:17) "by redistributing land to black South Africans, to transform the structural basis of racial inequality" (Hall, 2004: 213).

Being the centre of a programme of rural restructuring in terms of transforming social and economic relations, land reform is argued to provide a platform for a structural basis for broad-based pro-poor development (Kariuki, in Daniel *et al.*, 2010).

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The role of land reform acquires particular significance when seen against the backdrop of chronic rural poverty: 70% of rural people lived below the poverty line, among them nearly a million farm workers and their dependants, plus nearly a third of South Africa's population crowded into less than 13% of the land, in the former "homelands" (May & Roberts, 2000; RSA, 2001).

The point advanced here is that land alienation did not only lead to spatial displacement, it also resulted in the disruption of the modes of livelihood for most indigenous people, thereby calling for their adaptation to a migrant labour system which demanded a suite of skills which they did not possess. Thus, land reform seeks to attend to the fragilities that inhere in rural economies arising from the apartheid era discriminatory policies and their repercussions. Hence, it is crucial to promote social development and economic opportunities through open access to land and by changing the ways in which people and institutions deal with land.

According to the White Paper on South African Land Policy (DLA, [Department of Land Affairs], 1997), land reform aims to:
- redress the injustices of apartheid;
- foster national reconciliation and stability;
- strengthen economic growth; and to
- improve household welfare and alleviate poverty ((DLA, 1997).

The foregoing indicates that the critical importance of agrarian reform in the rural areas and, in particular in South Africa's former homelands, has been recognised and advanced, following the acknowledgement that equitable land redistribution is a powerful strategy for promotion of both economic development and environmental quality in these areas (Boyce, Rosset & Stanton, 2005). The land reform programme focuses on reviewing the redistribution, restitution and tenure reform programmes (Kariuki, in Daniel *et al.*, 2010) detailed as follows:
- redistribution, "to provide the disadvantaged and the poor with access to land for residential and productive purposes";

- restitution, "involves giving back land, or compensating people fairly for land, that the government removed from people and communities because of racially discriminatory laws after 1913";
- tenure, "to improve and extend the way that land can be owned, occupied and used by all South Africans" (Kariuki, in Daniel *et al.*, 2010: 345).

Each of these three components of land reform in South Africa is enshrined in the country's Constitution (section 25, subsection 4), which not only empowers the state to pursue a programme of land reform, but also of reforms to bring equitable access to all of South Africa's natural resources (The Constitution, 1996). Developed within the Comprehensive Rural Development Programme (CRDP)[1], land reform has been conceived as a beacon of growth for rural South Africa.

The CRDP defines rural development as "…enabling rural people to take control of their destiny, thereby dealing effectively with rural poverty through the optimal use and management of natural resources" (DRDLR 2009:4). The primary objective of the CRDP is the creation of "vibrant, equitable and sustainable rural communities" (Ibid.3). One of the key pillars of the CRDP is sustainability or the enhancement of the land reform programme which encapsulates land tenure, restitution and tenure reform.

The focus of the current study is land restitution, a programme that has become the central pillar of a wide array of legislative and programmatic interventions by South Africa's post-apartheid state to deracialise landownership (Hall in Walker *et al.*, 2010:20).

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1. *The CRDP uses a three-pronged strategy: agrarian transformation, rural development and land reform. The framework document spells out a range of ambitious and very specific programmatic interventions that make up each of the three pillars of the CRDP (Kariuki, 2010).*

The key focus of restitution has been to expedite the processing of settled land claims and the resolution of outstanding claims, whilst the focus of redistribution and tenure reform has been to develop cost-effective alternative models of redistribution. The objective in both programmes is to reverse the racially-biased patterns of land ownership in rural and urban areas. The Constitution relates specifically to the land restitution programme and states that a person or community dispossessed of property after 19 June 1913 because of past racially discriminatory laws or practices is entitled, to the extent provided by an Act of Parliament, either to restitution of that property or to equitable redress.

The Restitution of Land Rights Act, Act 22 of 1994 provides for the establishment of a Land Claims Commission responsible for receiving the land claims. The Act also provided for the establishment of the Land Claims Court whose principal responsibility was to deal with disputes regarding land claims referred by the Land Claims Commission. The Act allowed people to lodge their land claims with the Land Claims Commission by 31 December 1998. If the claims were found eligible after the investigations, the claimants were accordingly compensated in any just and equitable redress as stipulated by the Act. Land restoration was one of the forms of redress.

1.2   The geographical case study of the research

This study was conducted in the Mamahlola Community which lodged a land claim on 28 December 1998, claiming the land from which they were forcibly removed between 1957 and 1958. This community exemplifies the developmental apathy that has continued to calibrate South Africa's rural areas during the last twenty-three years, despite noticeable growth in the country's urban metropolises. The economic stagnation that endures in many of South Africa's rural areas, as it does in Mamahlola, is attributed to limited access to land.

Hence, land restitution has become a fitting exercise in a context in which poverty and spatial developmental inequality are said to be undergirded by the historical legacy of skewed land ownership. (Bundy, 1988).

Having been earmarked in historical records as one of the communities that suffered from flagrant dispossession of their land by the colonial rule, Mamahlola became a natural target for the restitution programme and has accordingly successfully made a lodgement of their claim to their lost land. Bundy (1988) states that Mamahlola was one of the communities that was widely publicised as having been affected by forced removals in the 1950s and waged fierce resistance to this dastardly act with little success. Letsoalo & Rogerson (1982) add that residents of the Mamahlola Community were forcibly removed in the process of clearing the 'Black Spots'. The community was resettled on the farm, Metz, which is located about 73km from Mamahlola, as shown in Figure 1 below):

Figure 1: Geographic location of Mamahlola community
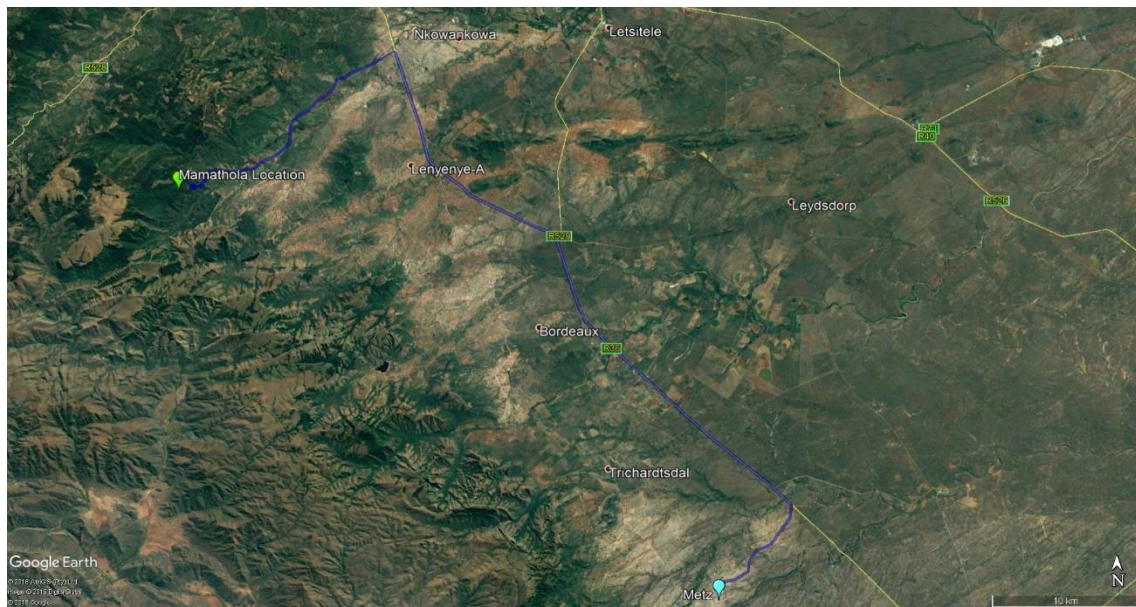
Source: https:// earth.google.com/Mamathola Accessed: 7 April 2017

Prior to their relocation, the Mamahlola people were a vigorous agrarian community engaged in the production of fruit and vegetables. Most community members were farmers, either on a commercial or subsistence basis.

Household incomes were supplemented by remittances from the labour migrants who worked in the mines, farms or factories in the nearby Tzaneen during the apartheid years in South Africa. However, those who worked as labour migrants constituted a small fraction of the livelihood system in the area. (Letsoalo & Rogerson, 1982)

On 11 February 2001, the Mamahlola land claim was settled and a total of 14 portions to the value of R43 million in the farms, Murle Brooke 651 LT, Mamathola 609 LT, Manvein 612 LT, Litswalo 642 LT, Mamathola's Location 635 LT, was restored to the community. The land was held in title by the Mamahlola Communal Property Association (CPA).

The Communal Property Act No. 28 of 1996 created the opportunity for groups of people to form juristic persons, to be known as Communal Property Associations, in order to acquire, hold and manage property on a basis agreed on by members of a community in terms of a written constitution; and to provide for matters connected therewith (Department of Justice and Constitutional Development, 1996). The resulting Communal Property Associations (CPAs) have become a cornerstone of the Land Reform Programme.

Since 1996, the number of CPAs has been steadily increasing and currently constitute landholding institutions established under the Communal Property Associations Act No. 28 of 1996 (The CPA Act). However, there are several CPAs which have experienced increased organisational problems resulting in some degrees of dysfunctionality in these organisations. In 2001, the Department of Land Affairs set up a Communal Property Association Task Team to assess the performance of CPAs. The Task Team identified that organisational performance in the administration of tenure of security should be the chief focus for assessment. As a result, indicators for tenure security were developed. The need for closer inspection of the institutional arrangements within which the CPAs are embedded was also highlighted. These challenges come to the fore when one looks at the Mamahlola CPA.

The Mamahlola CPA has reportedly experienced several of the widely reported challenges that have hampered several property associations across the country. For instance, in a speech given in Polokwane in August 2006, the then Minister of the Department of Rural Development and Land Reform, Ms Lulu Xingwana, said that, "At one stage Mamahlola was at the brink of collapse" Van Rensburg (2016:1) but that it had begun to turn around due the department's intervention which included putting the CPA under the administrative radar of the Vumelana Advisory Fund through the so-called community-private-public partnerships.

The Minister did not substantiate her claim about the "collapsing" Mamahlola CPA but her remarks echoed the general media perception that this CPA was undergoing difficult times. Van Rensburg (2016:1) reports that the Mamahlola land claim was one of the major symbolic land transfers in the early 2000s, but that it had subsequently become an emblem of the land reform programme's failures with the pre-existing farm and timber plantations collapsing due to underinvestment.

Despite the fact that these may be circumstantial claims for which it may be difficult to find evidence to refute or confirm, they have engendered broader debates which transcend the local-based assessments of the success of the CPAs. In addition, they have triggered debates about whether such "new" models of acquiring and redistributing land as the Proactive Land Acquisition Strategy (PLAS), that have come to replace the original "willing buyer, willing seller" (Lahiff, 2007), fulfil the objectives of restitution as contemplated in the various legislative provisions underpinning the general land reform agenda in the country.

1.3   Motivation and significance of the study

From an experiential position, one can plausibly argue that a study on land reform is an emotive subject, as it touches on what, for many South Africans, is an existential issue. As Dr A.B. Xuma, indicates that acquisition and ownership of land is the "fundamental basis" of all wealth and power. Source:

https://www.sahistory.org.za…/presidential-address-dr-ab-xuma-14-december-1941.

This injunction inspires one to study land reform not just as an academic enterprise but as a necessary process which has a fundamental imprint on livelihoods. As is shown in the literature review, several questions have arisen regarding the extent to which a range of new policies and the accompanying land acquisition and redistribution interventions, address the challenges identified with earlier land reform models and what the perceptions of the people who are part of, and thus, affected by, these processes are.

The experience of the researcher, having worked in the then Department of Land Reform under the Restitution programme, is that the land claims processes are fraught with frustration-inducing hurdles. These have raised questions about whether the way land restitution is executed meshes with the legislative provisions that undergird the restitution on one hand, and what the people themselves think and expect to be the normative benchmark.

In the circumstances described above, documentation of the perspectives of the Mamahlola community is warranted. The findings of this research are envisaged to help the Department of Rural Development and Land Reform and other stakeholders interested in the land restitution programme, to fine-tune their approach to the general land reform exercise and to bring it in line, not only with the latter and spirit of the legislation, but also to capture the imagination of the people for whom land reform is intended. The lessons learned from this case study could provide an understanding of the key issues that need to be attended to in South Africa's land restitution programme.

A study of this nature has both policy and theoretical significance. Policy wise, the researcher hopes that the study will generate insights that add to existing knowledge about the land restitution programme and how best to implement it to address the aspirations of the people concerned.

This dimension of the study is vital, especially as one acknowledges that even though restitution of land in South Africa has been a milestone for many communities who lost their land in the past, the process has been fraught with many challenges. As a result, this study hopes to contribute to policies that deal with land restitution; especially to the post-settlement support programmes which, as is shown in Chapter Two, are hampered by several challenges.

There are several cases that have been documented and the experiences of each community or claimant have their unique features. For that reason, the researcher believes that the experiences of Mamahlola are relevant to many institutions that are actively involved in supporting beneficiaries of land reform and those who may still be in the process of seeking redress through their own claims. In other words, the study might also contribute to the strategies for customer care services and processes of finalising other land claims.

The outcome of the study is important to the researcher's personal learning as she works in the field of community development and has an interest in land reform programmes.

Theoretically, the present study seeks to extend the application of the Sustainable Livelihoods Theory into land reform and to test the extent to which restoration of land could contribute to a revival of what have become fragile modes of livelihood.

In other words, does the collective ownership of land, as a collective capital, result in the enhancement of people's ability to create economic opportunities for themselves? If so, how, and if not, why?

1.4   Problem Statement

Land restitution forms part of a multi-pronged rural development strategy whose primary objective is to enhance the capacity of rural-based communities to create opportunities for livelihood.

The importance of land restitution can be appreciated when one acknowledges that rural areas carry a disproportionate burden of poverty, principally as a result of apartheid-era spatial geography.

Inequitable access to and ownership of land in rural areas mimic the discriminatory distribution of land with, in 1996, 13% of the population (also classified as white) owning and controlling over 80% of farmland, whilst 76.7% of the population, classified as African, had access to less than 15% of agricultural land, with fragile tenure security (Kariuki, in Daniel *et al.*, 2010: 346).

The remainder of apartheid spatial geography and its impact on rural livelihoods becomes apparent when we cast our lens on the Limpopo province. According to May (2000), Limpopo was the province with the highest number of poor households – a total of 61, 9%. Poverty in the province is primarily driven by fragile rural livelihoods whose diversity, complexity and depth are constrained, especially by inadequate access to land (May 1996, Kepe 1997, Shackleton & Shackleton 1997, Cousins 1998).

The limited access to land is problematic when looked at in terms of the significance of agricultural wages, which, despite forming a negligible portion of the overall income of rural dwellers, remain the most crucial livelihood strategy for the rural poor, and especially rural women (Macro Economic Research Group [Merg]).

It is against this backdrop that the government's Comprehensive Rural Development Programme (CRDP) developed a three-pronged strategy with a range of ambitious and very specific programme activities that make up each of its three pillars, viz: agrarian transformation, rural development and land reform (Ibid.). The current dissertation focuses on the third pillar of the CRDP, namely, land reform. Land reform also consists of three broad domains of which land restitution is part.

To redress the legacy of skewed land distribution patterns, the state's endeavour was to redistribute 30%, or 24.6 million hectares, of white-owned agricultural land by 1999, through both grant-based redistribution and a right-based restitution programme. At the end of 1999 however, less than a million hectares had been transferred which translates to approximately 1.2% of white-owned farmland. The target date was then revised to 2014 (Jacobs *et al.*, 2003: 5, cited in O'Laughlin, Bernstein, Cousins & Peters, 2013: 8). Still, only 7.2% (6.3 million hectares) had been transferred in March 2011, leading to a further revision of the target date to 2025 (O'Laughlin *et al.*, 2013: 8).

The foregoing indicates that South Africa's land redistribution and restitution programmes have suffered from several setbacks which include, according to Thwala (2010:3553), the World Bank's model of "market assisted land reform to acquire land and cumbersome and ineffective bureaucratic processes." Thwala's (2010:3553) verdict is that the land tenure system "has failed to address the chaotic system of land redistribution in the communal areas of the former homelands, prevent eviction of long-term tenants on white-owned farms or halt the encroachment of private business interests onto communal property resources."

Focusing on restitution, critics have argued that the South African state's record for land-based restitution has been generally mediocre (Walker *et al.*, 2010). The CRLR (2007: 61) (cited in Walker *et al.*, 2010: 3) reveals that even though land restitution has been placed at the forefront of redistributive land reform, many of the land claim settlements have been in the form of financial compensation rather than the restoration of land and that there has been a preponderance of urban as opposed to rural claims.

These challenges have given rise to a situation where the formal ownership of restored land does not necessarily give claimants unrestricted rights of access to their land, as many of the restitution settlements have involved the obtainment of high-value agricultural enterprises and prime conservation areas (Kepe in Walker

et al., 2010: 236). The Mamahlola community land claim reifies the argument presented here.

In this community, the claimants have not taken up the option to settle on the land restored to them, but have, through their CPA, exercised usufruct over the land, a situation which has raised this author's curiosity as to whether such a status was what many of the claimants envisaged, on one hand, and whether this is consonant with the state's development plans for the rural areas, on the other.

Hall & Kepe (2017:1) are scathing in their critique of the land reform programme, arguing that it is in a state of "flux" and even in "crisis". According to these scholars, land redistribution is not constrained merely by the constitutional settlement and protection of private property or by the World Bank's market-based land reform formula of the 1990s but, in addition, the argument continues, it is "constricted" by several policy shifts that have resulted in a twisted land reform, based on the criteria of commercial "viability" and governed by state officials, consultants and agribusiness strategic partners "concerned with surveillance and control of 'beneficiaries' in 'projects'" with fragile tenure "on un-divided commercial farms" (Ibid.p.1) that currently fall under the jurisdiction of the state.

This argument aptly captures the dynamics of land ownership that apply in the Mamahlola community.

Inspired by the status quo in the Mamahlola community, as by many land restitution cases across the country (especially those that have been settled), the aim of the current study is to understand the perspectives of members of the Mamahlola Community about the restitution programme.

Authors like Hall & Kepe (2017:1) are of the view that the capitalist logic of land reform, which has extended from market participation, to acquire the land in expectation of commercial production, or to use the land in ways which secure

land tenure for the poor, is a far cry from the vision of land reform aimed at restructuring South Africa's rural areas to establish a smallholder class with independent and secure land rights.

Whereas this study provides a brief legislative underpinning of the restitution processes, it is biased towards the need to understand perceptions of the impact of land restitution on livelihoods. The researcher was inspired to take this investigative trajectory following claims that the land claims and land restitution process in post-apartheid South Africa is a conflicted one (Walker *et al.*, 2010:1); and that South Africa's land reform is "in flux – and, arguably, in crisis" (Hall & Kepe, 2017:1). Hall & Kepe (2017) repeat Cliffe's (2000) view that land redistribution is "constricted", in addition to the constitutional settlement and protection of private property, "by old-fashioned modernist" orthodoxies still current in South Africa (Cliffe 2000: 273).

The present study is an attempt to close this gap. Using a sustainable livelihood theoretical framework, the study investigates the perspectives of the Mamahlola community on the restitution programme.

1.5   Aims and Objectives

The aim of the study is to investigate the perspectives of the Mamahlola community in relation to the restitution programme. The objectives of the study are:

- To understand the Mamahlola Community's perspectives of the contribution made by the restitution programme to its livelihood;
- To investigate the factors that shape the perspectives of the Mamahlola community in relation to the restitution programme; and
- To identify strategies that could be used to improve the effectiveness of the restitution programme.

1.6   Research Questions

The key questions which guide the study are:

- What are the perspectives of the Mamahlola Community regarding the contribution of the restitution programme to its livelihood?
- What factors shape the perspectives held by the Mamahlola Community regarding the restitution programme?
- What are the recommendations to government for dealing with other restitution claims?

1.7   Outline of the research

Chapter One: Introduction and background

Chapter one presents the introduction of the study, the background and motivation, the significance of the problem, the problem statement, the aims and objectives of the study and lastly, it outlines the research questions of the study.

Chapter Two: Literature review

This chapter defines the main concepts, reviews literature on the restitution programme and various opinions of the restitution process.

Chapter Three: Research methodology

This chapter describes the research paradigm and design of the study. It identifies the target population and explains the sampling method used. In addition, it presents the data collection and analysis methods.

Chapter Four: Presentation and interpretation of findings

Guided by the objectives and research questions posed for the study, this chapter presents and interprets the research findings.

Chapter Five: Conclusion and recommendations

Chapter five concludes the study and makes recommendations. It also identifies any areas for further research.

1.8   Conclusion

This chapter presents the background to this study. It starts by giving a synopsis of the origin of Land Reform Programme in South Africa and continues to identify the motivation, the significance of the study, the problem statement, the aims and objectives of the study and the research questions. It concludes by presenting an outline of the research.

The following chapter (chapter two) explores the literature on land restitution in detail. It revisits the history of land reform in South Africa and its record. There is focus on land restitution - the subject of the study.

Chapter 2: Literature review

2.1 Introduction

This section defines some of the concepts used in the dissertation and reviews literature on South Africa's agrarian reform. Considering the diversity of the literature on this subject matter, the key focus is on that which examines land restitution in the country. This literature is presented in five broad domains.

The first cluster presents international experiences of land dispossession. The literature covers countries like Latin America, China and Japan.

The second cluster looks at the Southern African experiences of land reform with highlights from Zimbabwe, Mozambique and Namibia.

The third cluster looks at South African experiences of land dispossession during the apartheid years and the resultant impoverishment of black indigenous peoples. One of the notable scholars on this topic is Bundy (1988). This strand of literature traces the origins of what has been termed the "land question" in South Africa back to the arrival of the Dutch in the Cape in 1652 (Thwala, 2010). The primary argument presented in this literature is that land alienation was a stratagem for the colonial administrators to proletarianise the hitherto self-sufficient peasants.

The fourth strand of literature explains the dimensions of South Africa's land reform programme in terms of its legislative and institutional framework, its implementation pillars and its successes and failures, and the factors that underpin the failure of the redress obligations (see, for example, Walker *et al.*, 2010).

Lastly, and related to the fourth strand, is literature that looks at the transformation of the land reform programme and the resultant changes that constrict the South African state's ability to use land reform as a transformative vehicle, especially in the rural areas encumbered by poverty and underdevelopment.

The main argument of this literature is that a new government policy is urgently required to regulate landownership, because the principle of "willing buyer-willing seller" promotes free market logic to a programme with huge constitutional imperatives.

The ensuing discussion is organised around these strands. In addition, the research explicates the theoretical framework that undergirds the present study, i.e. the Sustainable Livelihood Theory.

2.2 Definition of concepts

2.2.1 Agrarian reform

Agrarian reform is defined not only as a redistribution of land but also as the provision of infrastructure, services and sometimes, a whole programme of redistributive and democratic reforms (Jacobs, 2010:266).

2.2.2 Communal Property Associations

The Communal Property Associations (CPAs) are landholding institutions established under the Communal Property Associations Act No. 28 of 1996 (The CPA Act). CPAs are established in order to acquire, hold and manage property on a basis agreed to by members of a community in terms of a written constitution; and to provide for matters connected therewith.

2.2.3 Empowerment

Page & Czuba (1999) define empowerment as a multi-dimensional social process that helps people gain control over their own lives. It is a process that fosters power (that is, the capacity to implement) in people, for use in their own lives, their communities and in their society, by acting on issues that they believe to be important.

2.2.4 Land Reform

Land reform is defined as the redistribution of property or rights in land for the benefit of the landless, tenants and farm labourers (Warriner, 1969 in Adams, 1995).

2.2.5 Land restitution

Land Restitution refers to the programme of land reform that provides for the restitution of land rights to persons or communities who were dispossessed of rights to land after 19 June 1913, in terms of racially-based laws or practices (DLA 1997).

2.2.6 Social capital

According to Putman (1995:664-665), "social capital (or social networks) refers to social connections and the attendant norms and trust" or "features of social life-networks, norms, and trust - that enable participants to act together more effectively to pursue shared objectives".

2.2.7 Social Cohesion

The Department of Arts and Culture in South Africa defines social cohesion as the degree of social integration and inclusion in communities and society at large, and the extent to which mutual solidarity finds expression among individuals and communities (http://www.dac.gov.za) Accessed 10/10/2017.

Larsen (2013) defines social cohesion as the belief held by citizens of a given nation/state that they share a moral community which enables them to trust each other.

2.2.8 Sustainable livelihoods

According to Chambers & Conway (1992:7), a livelihood comprises the capabilities, assets (stores, resources, claims and access) and activities required for a means of living; a livelihood is sustainable when it can cope with and recover from stress and shocks, maintain or enhance its capabilities and assets and provide sustainable opportunities for the next generation; and which contributes to the net benefits of other livelihoods at local and global levels and in the short- and long-term.

2.3 International experiences of land reform

Internationally, land reform was forced on to the development agenda in order to abolish the undemocratic concentrations of power that were based on uneven land ownership patterns. The modern history of land tenure in Latin America starts with the colonial period establishing a landed elite that controlled very large estates using a labour force of smallholder peasants, the so-called "minifundists". For this elite, land was key as the basis for wealth, political power and social prestige. This land tenure system remained in place up to early 1900. By then, the land tenure system was highly unequal, many lands were used extensively and owner absenteeism was common (Barraclough, 1973).

In their analysis of the history of Latin American land reforms between 1950 and 1990, Albertus & Menaldo (2010) show that heavy redistribution was more likely to be implemented by autocratic regimes and that it was the regimes that engaged in more redistribution early in their tenures that remained longer in power (De Janvry, Sadoulet & Wolford, 2001).

Mexico's agrarian reform was among the most important and paved the way to other Latin American countries' land reforms. It took place at the beginning of the century, resulting in significant changes to what had been the predominant agrarian regime. Other countries like Cuba, Bolivia, and Nicaragua also experienced critical social transformations, while Peru, Chile, Ecuador, Costa Rica and Colombia undertook more moderate types of reforms (Teubal, 2009).

Land reform in Latin America plays an undeniably central role in the understanding of twentieth-century regional socioeconomic and political processes. After the Second World War, countries like Japan, Taiwan and South Korea implemented the model of land-to-the-tiller wherein tenants became owners of the land that they had previously farmed as tenants. (Bruce: 1993).

Griffin *et al.* (2002) argue that these countries had common characteristic of scarcity of land, high prevalence of tenancy and unequal distribution of land. Therefore, land scarcity became the basis for land distribution. Land reform was based on buying land from those who owned more land than the law entitled them to own.

Countries like China and Vietnam implemented more radical land reform programmes that involved the transition from collective to private models of cultivation. This has been associated with large increases in productivity (McMillan *et al.*, 1989; Lin, 1992) and Vietnam (Que, 1998; Ravallion & van de Walle, 2002).

2.4 Southern African experiences of land reform

The post-independence era in the Southern African countries called for redistributive land reforms which could not be ignored and post-colonial governments have attempted to address this problem through an array of land reform initiatives (Borras, 2003: 367). Equitable distribution of land became a major political and economic development issue that made headlines in the period in the 1980s and 1990s.

Access to land, especially for the rural poor has been an issue amongst other challenges since the start of independence in the 1960s. The Rwandan genocide, the Zimbabwean crisis, and conflicts in South Africa and the Darfur crisis are some of the challenges that increased this pressure. These conflicts have been attributed to the severe pressure on land and its unequal distribution (Sekeris, 2010:1).

In Namibia in 1990, nearly 52% of arable land was held under freehold title by whites while 48% remained in the communal lands (Werner, 2003). Namibian land reform aimed to bring about equitable land distribution, promote sustainable economic growth and reduce poverty and lower income inequality.

According to Toulmin & Quan (2000: 285), land ownership was central to the fight for independence in Mozambique. The adoption of a Structural Adjustment Programme in 1987 signaled the beginning of the shift in the regime of rights to land in Mozambique. The National Land Policy adopted in 1995 recognised customary rights over land, including the various inheritance systems and the role of local community leaders in the prevention and resolution of conflicts.

In Zimbabwe, the land question was high on the political agenda in the 1980s. According to Moyo (1995), the re-emergence of land reform on the development agenda in the mid-1990s and the re-launching of the resettlement programme in Zimbabwe mark the latest phase of a conflicting relationship between peasants, Government and global institutions.

2.5 The historical and political context of land restitution in South Africa

When the ANC-led government came into power in 1994, it was confronted with redress obligations which needed urgent attention. One of the crucial issues for attention was land redistribution and land tenure reform. The urgency of this matter must be understood in the context of skewed land ownership patterns that obtained in the latter part of the 1900s.

Lahiff (2007:1578) indicates that at the end of apartheid, roughly 82 million hectares of commercial farm land (86% of total agricultural land, or 68% of the total land surface area) was in the hands of some 60 000 white land owners, while over 13 million black people, the majority of whom were poverty-stricken, remained crowded into the former homelands, where their rights to land were generally vague and the system of land administration was in disarray.

The patterns of land ownership, described in the foregoing, explain why contemporary South Africa's rural areas, compared with urban areas, carry a disproportionate burden of poverty. This disparity in the spatial composition of poverty bears the imprint of apartheid spatial geography at the centre of which was the dispossession of African rural land and the forcible removal of populations (Kariuki, in Daniel et al., 2010:346). This destroyed the fundamental basis upon which their lives hinged. This destruction mainly came in the form of "deagrarianisation" or, what some scholars, like Fay (2003) term, the abandonment of agriculture as the mainstay of many African pre-colonial polities.

Many researchers trace this livelihood shift, i.e., the move away from agriculture, in the 1940s, or even earlier, to the relocation and concentration of people into Bantustans and a deliberate process of "depeasantisation" (Bundy, 1978). This process was expedited through the creation of "labour pools" to supply the emergent mining industry, the commercial farming sector and factories and resulted in the marginalisation of black farmers, while white farmers were heavily subsidised (Fay, 2003). Moreover, the so-called policy of "betterment-schemes" that placed people in villages and zoned land for particular uses served to separate and distance households from their fields and contributed to their further disuse (Ibid.).

A historical appraisal of the flagrant alienation of African people's land during the twentieth century is vital, as it heightens our appreciation of why land restitution has been a critical issue in the post-apartheid dispensation. Section 25 of the Constitution of the Republic of South Africa of 1996 is devoted to the restitution of land rights. Section 25(7) of the Constitution, as mentioned above, establishes as a right: "A person or community disposed of property after 19 June 1913 because of past racially discriminatory laws or practices is entitled, to the extent provided by an Act of parliament, either to restitution of that property or to equitable redress".

Several scholars (e.g., Hall, 2007; Hall & Dodson, 2010, in Walker *et al.*, 2010) who provide a background to land seizures and support the necessity of redress also support the view that land restitution should be understood against the legislated dispossession of land, especially through the notorious Native Land Act of 1913 or the colonial practice of leasing land outside of designated rural "scheduled" areas.

A reading of Aliber *et al.*, (in Walker *et al.,* 2010) indicates the significance of the land restitution programme as a redress instrument. As Walker *et al.*, (2010:61) argue, there are "high hopes", particularly that it "redress the injustices of the past" and 'contribute to the objectives of tenure security, land distribution, and rural development", linked to the land reform objectives. Kariuki (in Daniel *et al.*, 2010) concurs that restitution forms part of a broader land reform programme.

Whereas the like of Walker *et al.*, (2010), Kariuki (in Daniel *et al.*, 2010) and Hall & Dodson (2010) converge on the point that restitution forms the main focus of land reform, Mostert (in Walker *et al.*, 2010:61) takes a cautious position. According to Mostert, despite the fact that South Africa's land reform legislation has two objectives: (i) to make good the injustices of past spatial discrimination based on race and (ii) to address the massive underdevelopment resulting from such policies, the aim of restitution has been widely understood as falling within the ambit of the first objective. This means that its primary motivation is to address the hardships caused by displacement after 1913. For Mostert, this emphasis has resulted in restitution being "mistakenly" perceived as forming the "heartbeat" of land reform. While he agrees that restitution is a programme to correct injustices, he says, in addition, that it should also be used to overcome "physical, emotional, and psychological loss suffered by those who were dispossessed" Mostert (in Walker *et al.,* 2010:76). These losses, in part, manifested in the destruction of African land-based modes of livelihoods, and principally, their agricultural practices of livestock rearing and mixed crop cultivation.

Shackleton & Luckert (2015:1061) argue that, despite the assault by apartheid policies on African indigenous modes of livelihood, farming continued to provide an important source of livelihood and security for black rural families. These authors' survey of agricultural production in the Eastern Cape Province indicates that many people in the rural areas still identify themselves as "farmers", undertaking arable and livestock farming. This revelation indicates the centrality of land restitution for South Africa's rural dwellers. Land restitution is important not only for its redress obligation but also as a key strategy to enhance rural livelihoods in the country.

The central point advanced by the historical analysis of land loss is that restitution is a "rights-based programme" in which those dispossessed of their land or "their descendants have an enforceable right, confirmed in the Constitution, to restoration of, or compensation for, property that was unfairly taken" (Hall & Dodson, 2010:21).

What is presented in the foregoing are the discursive and practical justifications for land restitution in South Africa.

Research also shows the fundamental obligations attached to the land restitution programme. The researcher is of the view that this understanding should be brought to the fore, as it provides a benchmark against which land restitution processes in Mamahlola (the geographical case of the present study) can be measured. The following section delineates the salient contours of the restitution programme with a focus on critiquing its legislative and institutional framework.

2.5 The legislative framework and institution of the restitution programme: a critique

The above paragraphs show that land restitution is a response to the loss of black land rights in South Africa which occurred through a "protracted and complex process of direct coercion and indirect pressures spanning more than three centuries" in South Africa (Hall, in Walker *et al*., 2010:18).

This response was underpinned by a robust legislative and instructional framework which was erected and enacted by the post-apartheid ANC-led government. This research looks at literature which, according to Hall (2010), delineates the "parameters and practices" of land restitution in South Africa.

The researcher has considered this literature to understand the process and the efficacy of the processes through which the post-apartheid state has sought to bring "into the public eye images of rural communities returning from the periphery to the site of their demolished homes", a "happy but transitory moment that marks the culmination of the claiming process and the start of the work of reconstructing communities and livelihoods" (Ibid).

The Restitution of Land Rights Act of 1994 was the first law passed by the ANC-led government of National Unity that set out to redress the legacy of apartheid rule. This Act affirms the right to restitution and defines the process by which those who were deemed eligible could lodge their land claims. Further, the Act established two institutions to spearhead the process, viz, a Commission on Restitution of Land Rights (CRLR) and a Land Claims Court (LCC).

Established in 1995, the CRLR was tasked with driving the restitution programme in several ways including: assisting claimants in lodging claims, investigating the validity of claims and preparing claims for settlement on adjudication. Post-settlement support for claimants who had their land restored to them was initially the responsibility of the Department of Land Affairs (DLA). The CRLR was placed under the authority of national land claims commissioners (RLCCs) responsible for its work in the provinces. However, from 2006, the system was decentralised with the RLCCs exercising substantial authority over the process (Hall, in Walker *et al.*, 2010: 21). The LCC was established in 1996 as a specialist court to approve claims, grant restitution orders and adjudicate disputes based on investigations presented to it. Appeals against judgements of the LCC could be made to the Supreme Court of Appeal or, in specific circumstances, to the Constitutional Court.

Details of the legislative and institutional parameters of the restitution programme can be read in Section 25 of the Constitution of the Republic of South Africa and the Restitution of Land Act 22 of 1994.

The current research only provides skeletal details of the foregoing, hoping that these suffice to introduce the reader to what Hall (2010:22) calls the parameters and practices of restitution in South Africa. Of further concern in the present section is consideration of the existing commentaries on this legislative framework.

In looking at what the existing literature says about the legislative and institutional frameworks undergirding land restitution, a Ministerial Review of the restitution programme by Du Toit, Makhari, Garner & Roberts (1998:12) is a good starting point. In this review Du Toit *et al.* identify an array of factors impacting on the restitution process. These include the legal and procedural intricacies of the Restitution of Land Rights Act. These complexities, they argue, led to the "evacuation of administrative authority" and the "disempowerment of claimants" and the proliferation of claimants which stemmed from the way in which the Act was interpreted and framed.

This resulted in a "wide allocation of the right to claim" and meant that even a single dispossession could surface "scores of conflicting descendants" and make the processing of claims an "impossibly tedious task".

Referring to the operation of the land claims court and its relationship with the Land Claims Commission, Du Toit *et al.*, (1998) allude to the "headmaster" role of the court which, through the mechanism of pre-trial meetings, would often highlight the inadequate preparation of claims referred to the court. Hall (2003) makes the point that a further ambiguity in the claim process arose in relation to post-settlement support. Historically, there has not been any agreement with the Land Claims Commission about where its role begins and ends (Ibid.).

Much of the initial focus on post-settlement support was on development, facilitating and ensuring that other government departments and municipalities were part of the picture. Hall (2010) further elaborates on the on-going debates about the complexities attendant on the restitution processes, not only in South Africa, but also in other Southern African countries. Two complexities are worth examining here, for the purposes of this dissertation.

First, Hall says that the eligibility criteria set out by the Restitution of Land Act are contentious. The Act states that eligibility is contingent on: a person or community having been dispossessed of property after 1913, due to racially discriminatory laws or practices, and not having been adequately compensated; or the direct descendants or deceased estates of such people (sec. 2[1]) (p. 22). Debates about eligibility have also brought to the fore disagreements about what constitutes a "community" and what measures, in terms of jurisprudence; qualify the description of being discriminatory. These disagreements point to what Hall sees as an impetus to the development of jurisprudence which seeks to redefine what were essentially former freehold land owners; albeit without private titles. He states that the major limitations on eligibility arise from the 1913 cut-off date for land dispossession and the then 1998 deadline for the lodgement of claims, arguing that both have been "energetically contested" (Hall 2010:23).

The researcher does not dispute the justificatory discourses advanced by the state for these dates, other than to say that they are widely documented and provide a keyhole understanding of the complex dynamics attendant to land restitution as an instrument of fairness and redress for historical injustice.

The second constraint, according to Hall (2010:25), is the limitation on which property is being restored. Dodson (in Walker *et al.*, 2010:273) concurs with Hall's view, arguing that the land claims processes have been beleaguered by "complex" dynamics.

These dynamics, the argument continues, are underpinned by a multiplicity of factors, the first of which involves contestations about what is being restored, i.e., whether it is the land, and if so, a need for the realisation "that land was not the only thing that was lost". As Mostert (in Walker *et al*., 2010:273) aptly posits, "What was destroyed … was a whole way of being, a set of community relations, and a system of authority … a broader system of economic relations and livelihoods of which land was but a part."

Hall's (2010:25) postulation repeats Du Toit's (2000:75) earlier description of the restitution programme as one that was not only slow but was riven with ambiguities as to what was being delivered, the vision, aim and policy that drove delivery and the purpose of the programme. Du Toit (2000:75) emphasises the fact that most of the claims, which have taken up 80% of the claim total, have been urban claims, yet these were primarily individual claims which accounted for about 0.3 million people. On the other hand, rural claims are primarily community claims which account for 20% of the claim total that could impact as many as 3.5 million people.

Du Toit (2000:82) draws on the inevitability of disagreements associated with the restoration of land, drawing on Ziseck's concept of "the loss of the loss" which entails the recognition that "people never had what they thought they had lost". This complexity is compounded by the existence of a wide range of stakeholder claimants, usually former owners of the land, but eventually tenants and in some instances, claimant organisations, national governmental organisations, non-governmental organisations and varied racial groups.

There is also a challenge related to different expectations of the key objectives of land restitution for the dispossessed: monetary compensation or restoration of the land? In a study of post-settlement support towards sustainable restitution in Covie (a settlement established in 1884 as a woodcutters' location), Conway & Xipu (in Walker *et al*., 2010:135) cite one of the residents of this settlement, Oom John, as saying,

"The land is more important than money. If you take money, after five months, it is gone. With land; you have land to leave for your children".

Yet, even when land is returned, the question remains about for what purpose it should be used. This question gains traction when considered in the context of the present study in which, after the settlement of their claim, the residents of the Mamahlola community transferred the land title to their Communal Property Association. Whether this was an ideal arrangement for the ordinary people in the community is one of the ancillary questions posed in the present investigation. Sato (in Walker *et al*., 2010:228) says that land restitution means "different things to different landowners."

It is this lack of consensus, Sato contends, that has also complicated restitution negotiations, and even engendered communal conflicts after restitution. Worse still, the state seems unclear about what should happen with restored land, i.e., whether the land should be used for development and productive use or whether it should be part of a larger land reform process.

The location of restored land seems to add to the already complex nature of the restitution process. Walker (in Walker *et al*., 2010), for example, says that the location of the land makes a difference, especially in terms of shaping claimants' expectations and desires regarding what the restored land could be used for and whether monetary compensation is considered ahead of the land. Walker continues to say that the lack of unanimity with regard to the preferred compensatory measures amongst diverse groups may arise from generational differences. For example, the argument continues, for the elderly, time may play a role in claimants' decision-making because many older people who file claims, fear that they may die before receiving their land, and so choose to accept a monetary compensation instead.

The following section continues the discussion regarding the legislative and practical challenges inherent in the restitution programme in South Africa.

The focus, however, is on the restitution process itself and an analysis of the extent to which it has achieved what it set out to attain.

2.6 The restitution process: a critique

Besides the explication of the complexities relating to issues such as the definition of eligibility for the lodgement of claims and what is restored, some literature is critical of the land restitution process, especially in relation to the participation of claimants themselves. The key question posed is whether the restitution process has been a success or a failure.

Hall (in Walker *et al.*, 2010:32) points to the real achievement involving the "mass settlement of urban claims through cash pay-outs alongside a handful of alternative attempts to rebuild urban spaces". According to this author, even though the restoration of land to those who were dispossessed of it has been modest, the highlights of South Africa's land restitution programme include the restoration of land to rural communities such as the Khomani San in the Northern Cape. Hall (2010:33) further contends that "the relatively rapid settlement of urban claims with cash compensation is undoubtedly the major success of restitution thus far." Yet, he continues, this success has exerted undue pressure on "urban claimants to accept standard cash pay-outs that bear no relation to the value of what was lost or its current market value" (Ibid.). Hall lists a range of limitations of restitution, arguing that cash compensation has been mocked as "cheque-book" restitution (Ibid.). The CRLR (2008) concedes that, while claims have been settled in this manner, remarkably little attention has been paid to what this money has meant in the people's lives, how it has been spent, and the degree to which cash compensation has been experienced as redress. Hall (in Walker *et al.*, 2010) goes on to say that the disconnection between restitution and reparation, as seen from the separation of restitution from the work of the Truth and Reconciliation Commission, established in 1995 with a mandate to deal with gross human rights violations during the apartheid era, is problematic.

Hall says that restitution has exposed the wider contradictions of the land and agrarian policy. Poor communities are expected to emulate existing production systems in the capital-intensive farming sector and to compete with established commercial farmers and the progressively powerful and oligopolistic or oligarchic agribusiness sector Hall (in Walker *et al.*, 2019:35).

Unlike the orientation of agricultural policy, which has been to withdraw state interventions, restitution has seen the intrusion of the state in land markets. The role of the state as both facilitator of land restitution and as a policy maker, has given rise to tensions that play out in the relationship between the rights-based restitution programme and wider economic policy in rural community claims where high-value agrarian land is claimed by large, sometimes amorphous or heterogeneous groups.

As Aliber *et al.* (in Walker *et al.*, 2010) argue, unlike the land redistribution programme where self-selecting would-be farmers apply for land, restitution offers the state little scope to decide which people should benefit and which land should be targeted. This critique of restitution accords with Hall & Kepe's (2017) view that the land reform programme as a whole, and not just restitution, has been captured by elite interests, a scenario that has led to the intrusion of capitalist interests in the whole kaleidoscope of agrarian and land reform. Hall & Kepe (2017) maintain that the problem is that capitalist logic of land reform has extended from market participation (to acquire land) to expectations of commercial production (to use the land) in ways which militate against secure land access for the poor.

Hall & Kepe (2017) point out that when beneficiaries clearly cannot invest in and operate commercial farms, they are side-lined in favour of agribusiness that can do so. The result, these scholars continue, is a two-tiered land reform in which some (white-owned) agribusinesses garner handouts from the state, while poor families and communities who have accessed state land are left with insecure tenure and livelihoods.

Walker *et al.*, (2010) speak of "imperfections" and "significant ambiguities" in the land restitution programme and criticise it for its failure to take a more "imaginative approach" to the Cato Manor case, while Wegerif (in Walker *et al.,* 2010:100) is scathing in his critique of land restitution as currently formulated and implemented in South Africa. This scholar says that land reform is "failing", and that land restitution is "neither returning sufficient amounts of land to people nor facilitating the effective use of the little land returned".

Conway & Xipu (in Walker *et al.*, 2010:139) criticise the "restitution process for being long, laborious, and bureaucratic, often creating frustration and conflict". In a similar vein, Bohlin (2010:128) writes about Kalk Bay and Knysna claimants whose "fragile" faith in the restitution process diminished to the point where their "waning confidence" affected their decisions.

However, Aliber, Maluleke, Thagwana, & Manenzhe. (2010:303) maintain that the blame for some of the challenges in the restitution programme must be apportioned to the claimants themselves. They describe the Limpopo province "claimant communities as generally driven by internal conflict." They talk of differences regarding land use options within claimant groups and lament the apathy among claimants regarding, not only the land restored, but also about the day-to-day involvement in agriculture on the restored land. This apathy is seldom examined in agrarian and land reform scholarship. The present dissertation seeks to close this gap.

According to Aliber *et al.* (2010:), some claimants who have interests either in relocation or farming, tend to prefer arrangements in which "a small core of interested individuals" run the farms while others, who live in different circumstances, prefer something else. This sets the scene for conflict which could be resolved by catering for both subsistence and commercial farming models within the same projects.

While the foregoing outlines the major challenges inherent in the land restitution programme, other scholars attribute these challenges to South Africa's land reform agenda in toto.

Lahiff (2013) places the complexities in the land reform arena in manifold discourses on land reform and its key objectives in South Africa, arguing that there is a powerful lobby of both conservatives and liberals who have argued for the preservation of the existing, large scale commercial agricultural sector, albeit with varying degrees of concessions to the need to increase black participation within the sector. This position draws support from land owners, naturally, powerful business interests, and more surprisingly, Lahiff says, from elements from within the Department of Agriculture and the ANC itself.

The second option is the one advanced by the World Bank. It pushes for land reform of landholding and the agricultural sector via the market. This position has drawn support from a range of academics and policy analysts both within South Africa and internationally. The argument is that South Africa's large-scale commercial sector is inefficient and that it should be restructured to allow the emergence of more "farming size" farms which will be predominantly owned and run by black people who are eager to enter and expand within the agricultural sector. In support of the view that South Africa's land reform programme is beleaguered by policy and target ambiguities, Hall (2013:18) questions whether land reform is about the expansion of rural settlement options and diversification of livelihoods, or the creation, in the commercial farming areas, of a small farming class, or deracialisation of the large commercial farming sector. Hall says that the concerns seem to be more about supporting the emergence of farmer settlements than about the restoration of land rights to the 19 million (16 million people in the former Bantustans & nearly 3 million people on commercial farms) black South Africans with insecure rights.

In short, land restitution suffers from the same policy and target ambiguities as the broader land reform agenda, leading to lack of clarity about what it is that it

ought to achieve. As Aliber, Maluleke, Manenzhe, Paradza, & Cousins (2013:287) point out that the failure of some land reform projects is because of the way reform brings people and land together. They say that "there is lack of clarity as to whom land reform is for and what it is trying to accomplish" (Aliber *et al.*, 2013:287).

Aliber and his colleagues' verdict is that there is a problem with the dominance of the large-scale commercial farming model which side-lines other diverse and worthwhile ways of using the land in the context of land reform. This status quo forces people to "adhere to someone else's script" and denies people "an opportunity to take initiative and use their ingenuity" (Aliber *et al.*, 2013: 288).

The following section examines the impact of land restitution on rural people's livelihoods. In doing so, the focus is on what is found in literature regarding this impact and the section presents arguments that show both the positive and negative impacts of land restitution on the livelihoods of claimant individuals and communities.

2.7 The restitution process and its impact on livelihoods

O'Laughlin *et al.* (2013:13) say that an attempt to establish whether there is a correlation between the restoration of land rights and the improvement in livelihoods is predicated on several assumptions. For example, people with farming skills do not have land, or sufficient land to make a living and that the existing land and water resources of South Africa can sustain rural livelihoods for many small-scale farmers. For these scholars, whatever the symbolic meaning of land reform, land is the means to an end and it has many uses and benefits for different categories of the poor, beyond farming enterprises. Therefore, distributive justice in Southern African conditions, as elsewhere, demands a direct redistribution of wealth. In the present context, wealth redistribution has come about by way of restitution of land rights to those who were dispossessed of their land through coercive legislation. However, there is still the question of whether land restoration has led to material improvements in rural dwellers' lives.

PLAAS (2006:3) notes with concern that the "central problem in assessing the impact of land reform on livelihoods is the paucity of post-settlement evaluation studies", arguing that, "impact is hampered by the absence of baseline data …, a lack of agreed indicators, and the lack of longitudinal panel data (cited by Aliber *et al.*, 2013: 291).

In looking at the "Impact of Land Restitution and Land Reform" in South Africa, Hall (2007) contends that there is little agreement in terms of the indicators of "success" of land reform, with most attention paid to hectares of land transferred, and the number of beneficiaries, and little or no attention paid to the livelihood benefits generated in either quantitative or qualitative terms. Simply put, there is lack of data. Even where there have been studies, impact evaluation has been hampered by the absence of baseline data on the socio-economic status of beneficiaries entering the programme, a lack of agreed upon indicators and the lack of longitudinal panel data (Aliber *et al.*, 2013).

Despite the absence of quantitative and qualitative evidence regarding the livelihood impact of restitution, there is a rapidly growing body of knowledge of project case studies.

The most noteworthy of these are studies by the Community Agency for Social Enquiry (CASE) (2006). One of the CASE studies is noteworthy because it includes all the 179 restitution projects that involved a settlement and a development component, at the time of the current study. The study quantifies patterns of success and failure, based on qualitative assessments at project level, in a manner that small studies were unable to do. One of the study's main findings, for instance, was that, of the 128 projects with agricultural development aims, 83% had not achieved their developmental aims. Approximately nine per cent (12) had practically achieved their agricultural developmental aims but were not generating any income. A further five per cent had partially achieved their agricultural developmental aims and were generating income.

However, this five per cent of projects were not making a profit and were not sustainable at the time of the CASE study (CASE, 2006, cited by Aliber *et al.*, 2010: 291-292). The CASE study did not focus on the impacts on livelihoods but aptly argued that successful projects would contribute positively to livelihoods while unsuccessful projects would not. The study attributed restitution project failure to several factors. These include the lack of post-settlement support, lack of money and equipment, lack of skills (both technical and managerial), lack of appropriate legal structures and infighting.

In short, the CASE (2006) study reveals that the majority of projects were dysfunctional in that little, if any, production was being pursued, with only one of the projects achieving its developmental goals. Following the CASE study, several scholars criticise the impact, not only of land restitution, but also of South Africa's land reform programme in general. In terms of restitution, some scholars point to failures and raise questions about the extent to which restitution can address food insecurity in the rural areas. Aliber *et al.* (2010) criticise the CASE study as falling into the trap of "over-determining" failure and they suggest that if government were to stick to its commitment to sound project planning and adequate support of restitution projects post settlement, success could be registered.

Aliber and his colleagues (in Walker *et al.*, 2010) use the four case studies to summarise and compare the livelihood impacts at Shimange, Muvungeni, Munzhedzi and a cluster of several land claims in the Levubu Valley. All of these are in the eastern part of the Makhado Local Municipality and were settled after the year 2000 (Aliber *et al.*, 2010: 293). These scholars argue that even though these communities are in geographical proximity, their circumstances differ greatly. They say that the actual and potential benefits of restitution in these communities include various combinations of cash profits, own-consumption benefits (food produced and consumed by beneficiaries), increased wealth (e.g., through livestock and tree stock and land itself), rental income and improved residential circumstances.

Aliber and his colleagues point out that at Shimange, while a few claimant households were deriving significant own consumption benefits and some modest cash profits, the clear majority derived no benefit at all.

At Muvungeni, a somewhat larger fraction of claimant households was deriving own consumption benefits, while a handful were building their wealth as a result of access to improved grazing. However, although claimant households in this community received rental income, it was modest and was not distributed to all member households.

At Munzhedzi, it emerged that a large number of households were benefiting mostly in terms of modest own consumption benefits and many more in improved residential circumstances, despite the lack of services in this community.

At Levubu Valley, these scholars' verdict is that claimants were likely to derive rental income, despite its being modest (Aliber *et al.*, 2010:298). The findings of Aliber *et al.*, (2010) replicate those of the DLA (1998) cited in Comay & Gordon, (2000). The Quality of Life Report that found "very little improvement" in the lives of communities within land reform projects. The DLA found that in some cases communities were worse off in terms of access to basic services (water, electricity, sanitation, health care and education facilities) on the new land compared with their previous settlement (Comay & Gordon, 2000). Thwala (2010) concurs with the DLA that a number of case studies reveal major problems in terms of inadequate infrastructural development, poor service provision and unrealistic business planning in post-settlement projects. Aliber *et al.* (2013:287) survey several case studies through which they confirm widespread failure and collapse of land reform projects, but they also say that there are "numerous instances of people being able to improve their lives, thanks to land reform".

According to Aliber and his colleagues (2013), these examples are diverse and relate to different components of the land reform programme.

They further say that claim failures in the land reform and agrarian scholarship are exaggerated sometimes "innocently". However, sometimes this happens due to malicious intentions and sometimes it is due to deeply ingrained stereotypes or due to overly prescriptive notions of what constitutes "success". In the first instance, they say that the failure rate is not as high as the much-quoted figure of 90%, initially publicised in 2010 by the Minister of Rural Development and Land Reform.

Finally, some scholars are of the view that the limitations of the restitution programme, in so far as its livelihood impact is concerned, relate to the post-settlement agrarian model currently dominant.

The hegemonic model is that which places importance on group and co-operative farming which, as Binswanger-Mkhize (2014) contends, is a major cause of the poor performance of land reform programmes in South Africa.

Thus, much of the blame for post-settlement project failure has been apportioned to the Communal Property Associations (CPAs).

Binswanger-Mkhize (2014) suggests that while the CPAs are "an appropriate form of owning the land", they are not effective for agricultural production, unless they consist of small groups of family members or friends. The CPAs, the argument continues, often face "insurmountable problems" with no incentives for labour, management and input investment. Thus, few are farming successfully, with half of the projects having brought little or no improvement to the lives of beneficiaries, chiefly because of poor planning and lack of effective support. This poor performance, according to Binswanger-Mkhize (2014), is consistent with the theory of cooperation and with global experience (Deininger, 1995; 2003).

This approach was abandoned over 20 years ago all around the world and any productive cooperatives that survived were subdivided (De Janvry et.al. 2001).

Binswanger-Mkhize's (2014) findings echo those of earlier research (e.g., PLAAS, 2006, Hall, 2007) which point to the limitations of CPAs in land restitution. Hall (2007) gives the example of the restoration of the Zebediela citrus farm in Bjatladi – widely described as the largest citrus producer in the Southern Hemisphere.

Hall claims that this restitution claim led to the establishment of a strategic partnership between the Bjatladi CPA (the claimant and now owner of 5, 903 ha of property), the Zebediela Workers' Trust and a strategic partner called Henley Farm Properties (Pty) Ltd. These three entities constituted the operating company, where Bjatladi owned 30% of shares while the other partners, the Workers' Trust and the strategic partner, owned 15% and 55%, respectively. The strategic partner bought the shares while the other entities had shares transferred to them.

However, the PLAAS' diagnostic analysis of the limitations on communities' use of restored land, indicates that settlement agreements, like the Bjatladi CPA's relationship with Henley Farm Properties (Pty) Ltd., imply that partnerships were the only permissible use to which land could be put and that access to land by members for other purposes such as cultivation, grazing rights or residential purposes fell outside the scope of the settlement agreement and outside the terms of restitution awards (Bjatladi Diagnostic Study, 2006:16). This view is convincingly advanced by Hall (2007) who, based on her analysis of the impact of land reform, observed that, inter alia, the majority of beneficiaries across all the restitution projects received no material benefit whatsoever from restitution, whether in the form of cash incomes or access to land; that when the land is used in which dysfunctional legal entities are involved, these may prevent members from realising the benefits of access to land in the form of livelihoods; that strategic partnerships represent high risks for claimants whose only livelihood benefit is to come from a combination of rental and dividend payments, which often are not forthcoming; and finally, that direct access to land to allow beneficiaries to graze their own livestock and to cultivate individual fields for their

own benefit - even where this occurs alongside commercial production – is the most secure source of improved livelihoods (Hall, 2007:16-19).

In this section, the researcher has sketched the existing discourses about the livelihood impact of the restitution programme. The literature review indicates that there is no consensus about the impact of the restitution programme. Much of the challenge in trying to measure impact, relates to the scarcity of baseline data regarding the socio-economic status of claimant individuals or communities, before entering the programmes. Even when data is available, disagreements still abound about what the actual indicators of "success" and/or "failure" should be.

South African literature on land reform suggests that the Sustainable Livelihood approach provides an appropriate instrument for measuring the impact of land and agrarian reform interventions. This study adopts this approach which it explicates as follows.

2.8 Theoretical framework: The Sustainable Livelihood Approach

This study utilises the Sustainable Livelihood (SL) approach to understand the perspectives of the Mamahlola community in relation to the restitution programme, especially in examining the contribution made by the restitution programme to the livelihoods of members of the Mamahlola Community.

This theoretical resource is deployed in recognition of the fact that, as Hall (in Walker *et al.*, 2010) concisely put it, "Those living in communal areas were compromised, and their livelihoods disrupted by both 'betterment planning' - forcing people into villages – and by the dumping of 'surplus' people into the homelands, which led to overcrowding and widespread conversion of grazing and arable land into residential plots." (Hall, 2007:34) The question is whether the restoration of land has helped to reverse the damaging constraints that were placed on the residents of Mamahlola by restricted access to land.

The concept of "livelihoods" surfaced in the international development literature in the early 1990s, following Chambers & Conway's seminal report, Sustainable Rural Livelihoods: Practical Concepts for the 21st Century (Chambers & Conway, 1992). These scholars are credited with having introduced the term "sustainable livelihoods", a term which, despite giving rise to a burgeoning literature remains contested (Horsley, Prout, Tonts & Ali, 2015:370). Despite the contestations, the term Sustainable Livelihood "consolidated into an approach" or many very similar approaches that were developed and implemented by inter-governmental organisations such as the United Nations Development Programme with the UK Department for International Development (DfID), perhaps the best-known supporter of the SL framework. Scoones (2009) notes that following its adoption by the DfID and other inter-governmental organisations, there has been a proliferation of SL research across all sectors, including water and natural resource management.

However, an important step forward was linking changes in natural capital (the environment) with social and economic dimensions. Underlying the SL framework is the belief that people can draw on a range of capital assets to further their livelihood objectives (DfID, 1999, cited in Scoones, 2009).

The SL literature draws attention to the concern that livelihoods should not only improve because of policy intervention, but also that they should improve in a sustainable manner. The well-publicised "livelihoods' pentagon" depicts the dimensions of livelihoods and the inter-dependent relationships between five dimensions of livelihood assets or capitals, which are popularly known as the resource base of the people, namely:

1. Financial capital: savings, gold/jewellery, access to regular income, net access to credit insurance;
2. Human capital: labour power, health and nutritional status, skills, education and knowledge;
3. Natural capital: access to land, water, wildlife, flora, forest;

4. Social capital: which refers to those stocks of social trust, norms and networks (relationships) that people can draw upon to solve common problems, and which are mediated through kin networks and group memberships;

5. Physical capital: mainly infrastructure and assets, e.g., houses, vehicles, equipment, livestock and tree stock (Hall, 2007).

Hall (2007) explains that the United Nations Development Programme (UNDP) uses a hexagon, rather than the traditional pentagon, with the addition of political capital as a sixth dimension of livelihood assets. The South African literature on land reform suggests that outcomes or indicators of sustainable livelihoods should include (based on Andrew, Ainslie, & Shackleton, 2003; May & Roberts, 2000):

1. More income – from marketed produce, wage employment, increased regularity of income, and more egalitarian distribution of income;

2. Increased well-being – improved access to clean drinking water and to sanitation, improved housing, ownership of household items, and access to fuel for cooking;

3. Reduced vulnerability – improved access to social infrastructure such as schools and clinics and increased mobility;

4. Improved food security (from self-provisioning and increased disposable cash income) resulting in improved nutritional status; and

5. More sustainable use of the natural resource base.

This dissertation utilises this current, South African adaptation of the pentagon livelihood approach in examining the contribution made by the restitution programme to the livelihoods of the Mamahlola Community.

2.9 Conclusion

In this literature review section, the researcher delineates the key findings of existing scholars on land reform, with a focus on restitution. The research looks the key motivations for restitution and the legislative, as well as institutional,

frameworks underpinning this programme. This framework was then critiqued, looking at the way it shaped the notions of eligibility and the extent to which the restitution programme has been implemented, its successes and its major limitations. The chapter is summed up by reviewing literature relevant to discourses on the livelihood impact of land restitution on land claimants. This part of the literature review is of critical relevance to the present study, given the investigative focus.

The following chapter (Chapter 3) focuses on the methods used for generating empirical data for the present study.

Chapter 3: Research methodology

3.1 Introduction

This chapter describes the research paradigm, design and methods and methodology used in the present study. It identifies the target population and explains the sample and the sampling method used. In addition, it outlines the approaches used for generating and analysing data, and it justifies the utilisation of these methods.

3.2 Research paradigm

Research paradigms are sets of beliefs and practices, shared by communities of researchers, which regulate inquiry within disciplines. The following discussion indicates that the question of epistemology and ontology deals with the assumptions about the way in which knowledge can be known (epistemology) and the nature of reality (ontology) (Bunniss & Kelly, 2010: 360).

Ontology is the study of being (Crotty, 1998: 10). Ontological assumptions are concerned with what constitutes reality, in other words, what is. Researchers need to take a position regarding their perceptions of how things really are and how things really work. Epistemology is concerned with the nature and forms of knowledge (Cohen & Manion, 1994:7). Epistemological assumptions are concerned with how knowledge can be created, acquired and communicated, in other words, what it means to know. Guba & Lincon (1994: 108) explain that epistemology asks the question: what is the nature of the relationship between the would-be knower and what can be known?

Interpretivism gained ground following Dilthey's (1977) thesis in Miles & Huberman (1994:8) which states that human discourse and action could not be analysed using the methods of natural and physical science. Dilthey argues that, as opposed to the natural sciences, understanding, in the human sciences, is the only appropriate interpretive method (Kelly, 1999: 400-401).

Blumer (1969: 2 in Flick, 2015: 24) suggests that the "interpretive paradigm" is embodied by three discursive paradigms of symbolic interactionism, namely: (1) "that human beings act toward things on the basis of the meanings that the things have for them..."; (2) That the meaning of such things is "derived from, or arises out of, the social interaction that one has with one's fellows ..."; and (3) "that these meanings are handled in, and modified through, an interpretative process used by the person in dealing with the things he encounters."

The paradigms of symbolic interactionism are seen in that interpretivist research attempts to understand subjective and dynamic human experiences holistically and within a defined socio-cultural context (Bunniss & Kelly 2010; Miles & Huberman, 1994).

As Kvale (1996) argues, it is impossible to understand human action without understanding the context or the framework within which people interpret their thoughts, feelings and attach meanings to their actions. This understanding involves the researcher entering the participants' socio-cultural settings, observing their traditions, norms, roles and values and the behaviour in these settings and the meanings they attach to the things they do or believe in. This interest in meanings, processes and understanding from the perspective of the subjects within their socio-cultural context results in qualitative research being descriptive or interpretivist in nature.

An interpretivist approach (or interpretivism) is used in the current study because it is consistent with the qualitative research design used.

3.3 Research design

Babbie & Mouton (2014: 69) write that a research design is central in the formation and execution of social enquiry. These writers say that researchers can only "increase [their] chances of reaching valid and truthful results" if their research questions are "properly" phrased and responded to.

The key to formulating "proper" research questions, to use Babbie & Mouton's (2014:69) phraseology, is "the need to decide, from the outset, on the research design and methodology."

Thus, this section sheds light on the research design used in the present study and justifies the use of this particular research design. It begins with a definition of what a qualitative research design is.

Creswell (2007:37) provides a definition of what qualitative research design means by writing that "qualitative research begins with assumptions, a worldview, the possible use of a theoretical lens, and the study of research problems inquiring into the meaning individuals or groups ascribe to a social or human problem...". Incorporated in Creswell's definition, is the idea that qualitative research is based on the observations and interpretations of people's perceptions of different phenomena in their natural settings.

It is this multiplicity of perspectives and experiences in which qualitative researchers are interested, hence Stiles' (1993: 596) concise observation that qualitative research is characterised by the poly-dimensionality of experiences.

In a qualitative research design, the experiences of people are interpreted or constructed, whereas quantitative approaches attempt to discover a stable external reality (Terre Blanche & Durrheim, 1999; Vanderstoep & Johnston, 2009). This means that in qualitative research, knowledge is co-produced by the research subjects and the researcher through a dynamic interview process. However, the participant remains at the centre so as to permit an understanding of their experiences and interpretations in their own words, while the role of the researcher is to listen carefully, as the interviewee is considered a story teller rather than a respondent.

The specific research design used in the current study is the qualitative research design developed by Glaser and Strauss (1967:18), Grounded Theory notion.

These scholars believe that the crucial elements of sociological theory are often best found using a qualitative method. A qualitative research design embodies a wide array of methodological practices which include ethnography, case studies, phenomenology, journalism, literature, or a mixture of methodological practices (Denzin & Lincoln, 2005:5). Wicks & Whiteford (2006:2) write that one of the celebrated characteristics of qualitative enquiry is its four distinct conceptual dimensions: context specificity, emic perspectives, iterative nature and power relations.

These scholars point out that the interaction that occurs between the researchers and the researched during the interview process allows for the emergence of new and even unpredicted findings, as opposed to a quantitative design in which the direction of research cannot change once data collection has commenced. It is this flexibility, according to Flick (2015) that enables a researcher's reconstruction of the situation of the participant as accurately as possible, what Miles & Huberman (1994) call the collection of data that are near to the situation that obtains on the ground.

The objective of this study is to explore the perspectives of the Mamahlola community members in relation to the restitution programme. The inductive qualitative design called for an acceptance of Mamahlola land claimants' subjective experiences, beliefs, viewpoints, representations and interpretations as valid knowledge (ontology); and the conviction that these subjective beliefs could be studied by listening to their individual narratives in relation to those of the group as a whole. In this regard, Cooper & Schindler (2003) clarify that a qualitative approach is a method that gives or provides detailed and in-depth information. It is concerned with understanding what the interpretations are at a particular point in time and context. It explores how people experience and interact with the world. Studying the community members' subjective views required non-adherence to a deductive approach but the deployment of an inductive approach in which no *a priori* hypotheses or universally valid laws guided the study (Strauss & Corbin, 1990; Janesick, 2003).

A case study was considered the most appropriate method to use as the study focuses specifically on the perspectives of the Mamahlola community in relation to their experiences of the restitution programme. A case study is an empirical inquiry about a contemporary phenomenon, set within its real-world context (Yin, 2009 in Maree 2016: 81).

Thus, the data collection techniques used were those which enabled the description, interpretation and reconstruction of the experiences of land claimants and their perspectives regarding the impact of the restitution programme on their livelihoods, in addition to their views on how the whole restitution programme unfolded (Denzin & Lincoln, 2003: 247).

As clarified later in this chapter, focus group discussions were used for generating empirical data for analysis. Using focus group discussions for data collection meant that the researcher simultaneously adopted the roles of researcher and the primary instrument for both collecting and analysing data (Terre Blanche & Kelly, 1999). This means that there was no distance between the research process and the researcher, thus enabling the collection of rich and thick data which generated an in-depth understanding of the experiences of the land claimants in the Mamahlola community.

In short, the utilisation of qualitative research was informed by a desire for investigative flexibility to enable the researcher to explore the many perspectives of the Mamahlola community members regarding the restitution programme. As Leedy & Ormrod (2005) write about the usefulness of qualitative research, the objective of this research is not to discover a single indisputable truth, as would be the tradition in positivist science, but to gain an understanding of the different perspectives of respondents on the restitution programme. This is subject to the respondents' interpretations.

This meant that the researcher approached the community with an open mind, setting aside the common narratives and assumptions about land claimants and their perceptions of the restitution programme, as undertaken in other parts of South Africa, as fully as possible.

However, as Gray (2009) observes, while the study was framed by an inductive reasoning approach because the researcher sought to construct generalisations and relationships by analysing the data collected from the Mamahlola land claimants, the researcher used the Sustainable Livelihood Approach to provide guidance with "outlines, stabilities and significances" in the data collection process (Gray, 2009: 224).

An understanding of the personal experiences of the participants is central to this approach and this involves the researcher's listening carefully to each respondent's personal narrative.

A qualitative research design was identified as the most appropriate design for this study as it merges with the purpose as well as the ontological and epistemological assumptions of the current study.

The land issue is a contentious and intricate phenomenon as described by authors like Lahiff (2013) and Hall (2010:25), who highlight some of the limitations of the restitution processes through which property is restored. Dodson (in Walker *et al.*, 2010:273) concurs with Hall's view, arguing that the land claims processes have been beleaguered by "complex" dynamics.

Understanding the history of land disposition in the Mamahlola community and the emotions involved, required an in-depth study emphasising people's "lived experience". Hence, a qualitative design is well-suited for locating the meanings people place on the events, processes and structures of their lives (Miles & Huberman, 1994:10; Janesick in Denzin & Lincoln, 1994:215) and for connecting these meanings to the social world around them.

The current debates on the expropriation of land without compensation inspired the researcher to undertake a qualitative study so as to relate the findings of the study to those of the committee facilitating this debate.

In short, a qualitative research design, and the accompanying interpretivist approach, is used because of its advantages: (1) it enables the study of "*naturally occurring, ordinary events in their natural setting*s" thereby opening a clear view of what "real life is like" (Miles & Huberman, 1994: 10; Guba, 1990; Guba & Lincoln, 1994; Neuman, 2011, cited in Khan & Manderson, 1992: 225); (2) it is non-manipulative, unobtrusive and non-controlling, open, holistic, and inductive because it involves the researcher's engagement in the details and specifics of the data to discover important dimensions and interrelationships (Durrheim, 2002); and (3) it emphasises people's "lived experience". Hence, it is well-suited for locating the *meanings* people place on the events, processes and structures of their lives (Miles & Huberman, 1994: 10; Janesick in Denzin & Lincoln, 1994:215) and for connecting these meanings to the *social world* around them.

3.4 Data collection methods

As shown in the preceding discussion, qualitative research covers a wide spectrum of techniques which include interviews, observation and documentary analysis (Strauss & Corbin, 1990:27; Creswell & Clark, 2011; Creswell, 2013: 160). Interviewing is a primary way of collecting data in qualitative research by directing the participant to respond to specific research questions. This study used semi-structured interviews for generating data. According to Welman & Kruger (2005: 167), semi-structured interviews offer a versatile way of collecting data. Semi-structured interviews, they say, may be used when no other method is available or appropriate.

Curtis & Curtis (2011:31) note that, "The interview is a specific form of conversation where knowledge is produced through interaction between an interviewer and an interviewee."

This approach to data generation, Cohen & Manion (1994) note, is distinct from the questionnaire in which the respondent is required to respond to and/or record his/her responses to a set of questions.

According to Welman *et al.* (2005:166), in a semi-structured interview, the researcher has a list of themes and questions to be covered although these may vary from one interview to the next. The semi-structured interview guide provides a clear set of instructions for interviewers and provides reliable, comparable qualitative data.

In this study, the researcher developed a semi-structured interview guide in line with the research questions. The guide was used to solicit data but did not limit the responses to the guide.

The participants did not have to answer the questions in the order of the interview guide. Semi-structured interviews allowed the participants freedom to express views, using their own words in their preferred language.

Specifically, the research used focus group discussions which are an established qualitative method of data collection which is even more useful than observation. Bryman (2016) defines a focus group as a form of group interview in which there are several participants; where there is emphasis on a fairly tightly defined topic in the questions. Furthermore, Flick (2015: 266) defines a focus group as, "A research method used in market and other forms of research, in which a group is invited to discuss the issue of a study for research purposes." Neuman (2011) defines a focus group as a group of people informally "interviewed" in a discussion setting following a qualitative research technique.

The main advantage of focus groups is that they facilitate the generation of large amounts of data on a researcher's topic of interest within a short space of time.

According to Welman & Kruger (2005: 203), focus groups enable participants to discuss their opinions and experiences in such a way that consensus of opinion regarding the research problems can be reached.

The dynamic interaction which occurs amongst group participants may help to uncover important constructs, which may be lost with individually generated data (Greef, 2005). In this way, focus groups elicit a fuller, deeper understanding of the phenomenon being studied (Kingry, Tiedje & Freidman, 1990: 1284, cited in Greef, 2005: 319).

The disadvantage, Kvale (1996:101) points out, is that group interaction reduces the researcher's "control of the interview situation and the result may be relatively chaotic data collection with difficulties for systematic analysis of the cacophony of voices". Nonetheless, this study utilised focus groups to draw on the many land claimants' views, attitudes, beliefs, needs and experiences in a group setting. In other words, the focus group discussions enabled data to be collected regarding the collective land claimants' views of the impact of the land restitution programme.

In preparation for the focus groups, the researcher wrote letters to each of the identified structures requesting permission to conduct an interview. All the structures responded positively in writing and all the letters were filed.

At the beginning of each focus group discussion, the researcher explained the aims of the study to the respondents and gave them the opportunity to ask questions. The researcher also explained to the groups the ethical considerations binding her, as the researcher, and their freedom not to participate in the study if they did not wish to.

According to Khan & Manderson (1992), two approaches are used to compose groups: (i) sufficient homogeneity to facilitate comparison between groups, and (ii) sufficient diversity within groups.

The first approach seeks to encourage a sense of well-being and belonging in order to reach some consensus on the subject. The second approach proposes that bringing together people with various roles, differing experiences and diverse backgrounds might yield unexpected, varying and broad-ranging, yet robust and meaningful, results. The researcher applied the two approaches in this study as a way of not only diversifying the groups, but also broadening the scope of the results.

In applying the first approach, the researcher interviewed the 3 structures (ward committee, traditional council and the CPA) to create an enabling environment for comparing the results among these groups. In the second approach, the researcher targeted young people between the ages of 25 and 40, who were not part of any community leadership structure. In applying the second approach, the researcher aimed for broad results as the respondents were from different backgrounds that would incorporate differing experiences. The focus groups were composed of both men and women, although men were more represented, especially in the structures.

Participants are typically selected to participate in qualitative research based on transparent criteria, such as their knowledge, life-experience, particular characteristics or role in a group/community (Khan & Manderson 1992). This approach to sampling is called 'purposive'. All focus groups were conducted in the Sepedi language, the language preferred and spoken by most of the Mamahlola community members.

Methodologically, focus group interviews involve a group of 6–8 people who come from similar social and cultural backgrounds or who have similar experiences or concerns. They gather together to discuss a specific issue with the help of a moderator, in a particular setting where participants feel comfortable enough to engage in a dynamic discussion for one or two hours. The aim of focus groups is not to reach consensus on the discussed issues.

Rather, focus groups "encourage a range of responses which provide a greater understanding of the attitudes, behaviour, opinions or perceptions of participants on the research issues" (Hennink 2007:6). In this study, the focus groups were made up of between 5 and 8 members, with most participants between the ages of 30 and 75.

In the composition, preparation and interviewing of the groups, the researcher was influenced by what Bhana (2009) identifies as important features of a focus group interview:

- It enables in-depth discussions and involves a relatively small number of people;
- It is focused on a specific area of interest that allows participants to discuss the topic in greater detail;
- Interaction is a unique feature of the focus group interview;
- A moderator, who is often also the researcher, introduces the topic and assists the participants to discuss it, encouraging interaction and guiding the conversation;
- The moderator plays a major role in obtaining good and accurate information from the focus groups; and
- The participants usually have shared social and cultural experiences (such as age, social class, gender, ethnicity, religion and educational background) or shared particular areas of concern.

During the interviews the researcher ensured that all group participants were comfortable and felt acknowledged. She also made sure that the recording equipment was working properly (actually recording) and she noted any non-verbal communication of participants. Interviews were taped, translated into English and transcribed for coding and analysis. In addition, she kept regular field notes, recording informal conservations and observations in the field. These notes added a rich dimension to the analysis of the empirical data.

3.5 Population and Sampling

3.5.1 Population

A population refers to the entire group of people, events or things of interest that the researcher wishes to investigate. An element refers to a single member of a population. The research problem relates to a specific population that encompasses the total collection of all units of analysis about which the researcher wishes to draw specific conclusions (Welman & Kruger, 2005: 52).

The population for this study is the Mamahlola community which is made up of 6350 individuals occupying 1645 households (Statssa, 2011). This figure includes households that are not necessarily claimants or beneficiaries of this claim, having joined the community after disposition. However, the target population was all households of claimants and beneficiaries in the area because they had all successfully lodged a land claim but not all households were selected. This is discussed below.

The unit of analysis are individual claimants from various households as the focus groups were not conducted at household level. Individual members were approached to participate in the groups, as individuals and not as representatives of their particular household.

3.5.2 Sampling

Sampling is the process of selecting/drawing data from many sources, i.e. from a variety of people, objects, textual materials, audio-visual and electronic records (Leedy & Armrod, 2005:145). The most appropriate sampling method for this study is purposive sampling, also known as judgmental sampling. Maree (2007:178) states that purposive sampling is used in special situations where sampling is done with a specific purpose in mind. Purposive sampling is also used to identify particular types of cases for in-depth investigation to gain a deeper understanding of the issue under investigation (Neuman, 2011).

The participants were identified as each member of the group who had played a role during the processing of the claim and was still playing a role in the management of the farms; except for the interim committee. This was in keeping with the primary aims of focus groups - to describe and understand meanings and interpretations of a select group of people to gain an understanding of a specific issue from the perspective of the participants of the group (Liamputtong 2009).

Other focus groups were made up of claimants who had experienced the removal from their land. The perspectives of this focus group were crucial as they did not only relate to the restitution process. They were also able to contribute their first-hand experiences and their losses.

The groups were requested to share their perspectives of the impact of restitution on the livelihoods of the community, job creation, the post-settlement support and the CPA "*locus-standi*" on the restored properties. The researcher hoped to gather different perspectives, as the groups played different roles in the management of the farms and in the community at large.

Purposive sampling was deemed appropriate for this study and the sample was chosen, based on who would be appropriate for the study because of the specific roles played during the lodgement, facilitation and management of the land claim. The targets for this sampling method were the former Interim Committee, the CPA, Traditional Leadership, the Ward Committee and the claimants themselves. The interim committee could not be interviewed due to the unavailability of the few members remaining.

3.5.3 Sample size
A total of 30 participants was used as a sample in this study. The sample was clustered in the following manner:
- 5 Former Interim committee members;
- 5 CPA Sampling size members;

- 5 members of the traditional council;
- 5 ward committee members;
- 10 community members.

3.6 Data analysis approach

This section describes the data analysis approach used in the current study. It explains that even though there is no rigid recipe for analysing qualitative data, only guidelines, a thematic analytical method was used. Thus, the section begins by defining what data analysis means and the process that was followed in analysing the empirical data obtained.

De Vos (2005:339) defines data analysis as "the process of bringing order, structure and meaning to the mass of collected data". Cooper & Schindler (2003:455) concur and say that data analysis is the process of collecting, reducing and summarising the researcher's collected data. Data analysis enables the researcher to organise and bring meaning to a large amount of data collected. Neuman (2011:419) suggests that all the data: the field notes, interview transcripts and documents should be available and be completed without missing anything. Before the data can be analysed, it must first be edited to identify errors and oversights with the objective of ensuring accuracy, completion and consistency (Cooper & Schindler, 2003:455).

The researcher used the hermeneutic approach to data analysis which involves the following sequence: interviewing participants and tape recording the interviews with the permission of the participants, the transcription of the taped interviews, listening to the recordings to verify their correctness, making a summary of each interview with each focus group, writing the story of each focus group and noting the themes, their actual words and those of the researcher. Principally, the researcher used the rubric suggested by Miles & Huberman (1994) which follows four sequential steps of data management: reduction, data display, conclusion and verification.

Miles & Huberman (1994) write that data management entails the researcher looking at the overall data collected and deciding how to package it to begin the analysis process.

Data management in this study involved considering the observational notes taken during focus group discussions and the tape recordings and transcribed interviews. From the transcripts, the researcher extracted quotes to substantiate participants' varied perspectives on specific issues. The researcher then utilised Miles & Huberman's method of data reduction. This involved a process of selection, focus and simplification of data. On sifting through focus group transcripts, the objective was to condense the varied experiences and views of the Mamahlola land claimants into a comprehensive narrative.

Once the data had been reduced, as described above, the next step undertaken was the data display process which involved discerning emergent, systematic or recurring patterns and interrelationships (Miles & Huberman, 1994). It is at this stage that, in addition to the themes that had been found during the data reduction strategy, the researcher formulated large themes which related most closely to the research questions and the themes which she had pre-formulated in the focus group guides (Terre Blanche *et al*., 2006). The last of Miles & Huberman's (1994) suggested data analysis stages is drawing conclusions and verification. They observe that the meanings discerned from data should be tested for their plausibility, hence the term verification.

In this study, verification involved going back to the field notes, as this was the simplest verification process. The most complex, however, involved checking the researcher's interpretations against those of existing research, especially concerning the claimants' intersubjective views regarding the land restitution programme.

3.7 Conclusion

A qualitative research design was selected as the most appropriate method for this study because the underlying purpose of the research was to solicit the perspectives of the participants on the entire restitution programme.

The target population was all those households in the area because they had all successfully lodged a land claim.

The chapter also describes the data collection method. The use of focus groups was explained and the rationale for their use was clarified in detail.

The chapter also explicates the data analysis methods, indicating that because the study was of a qualitative nature, a thematic analysis was applied

Chapter 4: Presentation, Analysis and Interpretation

4.1 Introduction

The purpose of this chapter is to present, analyse and interpret the data, collected in the field of the research, and the perspectives of the respondents on the restitution programme.

The interview guides developed for each of the three focus groups were administered and the answers to the following research questions outlined in the first chapter of this study were elicited.

- What are the perspectives of the Mamahlola Community regarding the contribution of the restitution programme to their livelihoods?
- What factors shape the perspectives held by the Mamahlola Community regarding the restitution programme?
- What are the recommendations to government in dealing with other restitution claims?

The three focus groups were the traditional council, the ward committee and the communal property association committee. The other focus groups could not be interviewed due to their unavailability.

4.2 Presentation of findings

The findings of the study are based on the case study that this dissertation focuses on. Many studies have been conducted on the restitution programmes in different areas but none has focused on the views and perceptions of the Mamahlola community as beneficiaries of the restitution programme. Therefore, the researcher has investigated, presented, analysed and interpreted the findings from the focus group interviews held with the traditional council, ward committee and the communal property association of Mamahlola community.

Through the interviews, the study reveals that the perspectives on the restitution programme of these three groups differ which might have been influenced by the demographics of the members of the groups.

It is therefore critical to start presenting the findings of each group by highlighting the composition of each, which to some extent might have impacted their responses.

4.2.1 Composition of the Letsoalo Tribal Council

Although the chief is part of the traditional council, he does not sit in the council when matters are discussed. He is always briefed after the council's proceedings and only consulted in cases where the council needs his advice.

The traditional council is made up of headmen from the four sections of the village and the two special advisors appointed by the Chief. The secretary of the tribal office also serves as the secretary of the tribal council. It should further be noted that the secretary is the only woman on the council.

Of the seven members that represented the tribal council, only two members said to have completed matric.

4.2.2 Composition of the Ward Committee

Chaired by the Ward Councillor, the ward committee is comprised of mainly young men and women, most of whom have completed matric. The councillor is the only professional in the ward committee. Unlike the tribal council, the ward committee has a fairly balanced gender representative membership.

4.2.3 Composition of the Communal Property Association

The CPA is mostly comprised of men, with only one woman, who is the additional member in the committee. The majority of the members are professionals, some still working and some retired.

4.3 Data Analysis

The interview with the tribal council revealed that they had little information about the restitution programme. Surprisingly, none of them knew that there was a Restitution Act nor remembered the cut-off date when the claims were lodged,

never mind the other processes that needed to be followed after lodging a claim. They indicated that their interest was more in the finalisation of the process and the benefits thereof.

What is of interest, was their ignorance of the fact that the claim was lodged by another individual, not the chief, as they believed the land belonged to the chief. This they said, took away the chief's power over the land and made the CPA conduct itself as if it had more power than the chief.

There was some knowledge of the settlement options available in the restitution programme, although the only two mentioned were restoration of the land and financial compensation. While some members of the tribal council strongly believed that the community should have opted for financial compensation which could have avoided the current experiences. Other group members indicated that the land is more important than money. Although the group had different views about the restitution option, they agreed that land restoration is the best option but argued that the land should be managed by the chief, not the CPA.

The traditional council's opinion of the restitution programme shows that the council was more interested in the benefits from the programme and that they feel extremely disheartened that things had not turned out as they had anticipated. There was substantial consensus amongst the traditional council about the failure of government to ensure that the community benefited from the restored land. In their opinion, government was supposed to ensure that there was proper management of the farms after handing over and should not have allowed the former CPA to manage the farms. This, they believed, could have stopped the former CPA from plundering the funds, intended to manage the farms, for their own benefit.

Although the tribal council noted that there was no relationship between them and the former CPA, there seemed to be hope for the new CPA.

They indicated that the CPA calls meetings to update the traditional council on developments on the farms.

The council reported that the former CPA misused funds and vandalised some properties on the farms. In the words of one of the traditional council member "it is only the wise ones who would benefit from the land". This expressed anxiety that the new CPA might act like the previous one. Now that there was a new CPA, the council indicated that they were eager to start seeing the benefits as the new CPA had signed a lease agreement with a company that would be using the land.

The traditional council was very vocal on the question of what was restored in relation to what had been lost. There was consensus amongst members of the traditional council that it was not only the land that was lost but that people had also lost their property, livestock and crops that still needed to be harvested. According to the council, restoration of the land alone was not enough; the community should have been compensated for all the hardships and trauma of being forcefully removed and being placed on unknown land. While acknowledging that restitution is a programme to correct injustices of the past in relation to land, Mostert (in Walker *et al.*, 2010:76) says that it should also be used to overcome "physical, emotional, and psychological loss suffered by those who were dispossessed." These losses, in part, manifested in the destruction of African land-based modes of livelihood, and principally, their agricultural practices of livestock rearing and mixed crop cultivation. He aptly suggests, "What was destroyed … was a whole way of being, a set of community relations, a system of authority … a broader system of economic relations and livelihoods of which land was but a part, and which gave its function and value."

The distance between the current location and the restored land has impacted negatively on the livelihoods of the community. The triball council indicated that prior to dispossession, the community had easy access to Tzaneen which provided job opportunities and a market to sell their farm produce.

In addition to being far from town, the current location, Metz, is not as fertile as the Mamahlola area and does not offer any job opportunities. The location of the land makes a difference, especially in terms of shaping claimants' expectations and desires regarding what the restored land could be used for and whether monetary compensation should be considered ahead of the land (Walker *et al.,* 2010). Travelling to Tzaneen now costs about R100 for a return trip which makes it difficult for people to commute on a daily basis.

The fact that the community is currently settled about 73km from the restored land denies them the opportunity to work on the farms or to access to the fresh farm products which could assist in reducing poverty.

The tribal council recommended that government when settling land claims, should strengthen the post-settlement support to ensure that it does not only restore the land but that it also provides farm implements. This should be accompanied by a strong management team supported by government, as beneficiaries were selfish and only the shrewd ones benefited from the programme. The recommendations of the traditional council resonate with the findings of the CASE (2006) audit on the various restitution projects in Limpopo. This shows that there is a strong correlation between the degree of support from the state and non-governmental institutions and the livelihood outcome of projects.

4.4   Data from the ward committee

The ward committee members showed some knowledge of the restitution programme, although they also were not familiar with the process from lodgement to settlement. Although not in detail, more of the ward committee members knew of the objectives of the restitution programme than did the members of the tribal council, especially after the indication that they were not in close working relationship with the CPA. Without hesitation, the ward committee indicated that the community made a good decision in opting for restoration of the land, as they considered land to be the wealth for the next generations.

On the subject of how the land in question impacts on their livelihoods, the ward committee members indisputably indicated that the restitution programme had not in any way contributed to the livelihoods of the community; instead it had raised conflict between the former CPA and the community. The ward committee indicated that the community expected to get jobs and other benefits from the farms but this was not the case.

The farm workers employed by the previous owners continued working while the new owners of the land remained jobless. Although there were a few security guards from the community that are employed at the farms.

The ward committee members disclosed their disappointed on what they say is poor post-settlement support from government, which painted a poor picture of the restitution programme. The situation resulted in some people regretting having taken the option of land restoration and wishing they had opted for financial compensation. This, they felt, could have benefited everyone and not just the few who were currently working on the farms, and the CPA.

Although the poor relationship between the previous CPA and other community structures resulted in the community losing trust in the current CPA, the ward committee felt that the leasing of the farms was the best decision made by the CPA. In addition, in their opinion, to improve communication and transparency, the CPA should invite the ward committee to their meetings to give them updates into the matters relating to the farms. The CPA should present all the financial statements from the time of the handing over of the land to the community. The ward committee felt that it was being side-lined by the CPA, due to misunderstandings of the role of the ward committee in the community. Instead, the CPA held meetings with the traditional council to acquaint them with the developments on the farms.

Notwithstanding their negative opinions on the restitution programme, the ward committee commended the restitution programme as one of the government's best programmes and said that it needs to be supported. According to the ward committee, all communities who receive their land back through the restitution programme should lease the land and use the benefits to educate the community and establish development initiatives to alleviate poverty.

4.5 Data from the CPA

Data from the interview with the CPA shows that the CPA was conversant with the restitution programme and all the processes that needed to be followed from lodgement until settlement of the claim.

The CPA commended the government for introducing the restitution programme as a way of correcting the unjust practices of the previous regime. In their appreciation, the CPA also highlighted the challenges that they face as custodians of the land which hinder the achievement of the objectives of the restitution programme to improve the livelihoods of the beneficiaries.

One critical challenge raised by the CPA on the restitution programme, was government's expectation that communities would immediately take over the operations of the farms without proper capacity building in management and technical operations. According to the CPA, this is what led to the collapse of the one national pride - the production of tropical fruits, and the hopes and dreams of the people of Mamahlola.

This view is also expressed by Hall *et al.* (2004:35) who says that "poor communities are expected to emulate existing production systems in the capital-intensive farming sector and compete with established commercial farmers and progressively powerful and oligopolistic or oligarchic agribusiness sector." The above-mentioned challenges resulted in the mismanagement of funds, loss income and cancellation of contracts with some clients, because of poor production and conflict between the former CPA and the community.

A new CPA had to be elected, taking over the dilapidated farms and developing strategies to resuscitate them.

Upon taking over, the new CPA had to deal with the debts accumulated over a period of about 6 months; workers' wages had not been paid, Eskom was not paid for electricity and the Greater Tzaneen Municipality was also owed for water, rates and taxes. Production was poor, as most of the implements were not operational and there were no funds to purchase seedlings, packaging materials or to transport the produce to the local markets. The new CPA signed a 25-year lease agreement with a partner who agreed to assist in paying off some of the incurred debts. The consequences of the agreement are that the community will not receive all payments for the lease until the lessor has recovered all the money used in paying off the debts.

However, the community is angry, demanding that the beneficiaries should be employed on the farms but the national labour laws do not allow new owners to dismiss the workers left by the previous owners. As a result, the beneficiaries cannot be employed on the farms.

The new CPA also alleges that the workers started looting the farms as a way of venting their grievances for not receiving wages for months. In addition, neighbouring communities exacerbated the theft on the farms. Only 4 members of the Mamahlola community are employed on the farms, as security guards, to look after the interests of the community.

Due to poor production and the new strategies, like the lease agreement to revive the farms, some workers had to be retrenched. This resulted in the matter being reported to the Commission for Conciliation Mediation and Arbitration (CCMA) and the new CPA had to pay the retrenched workers. Another challenge arose from the retrenchments. Some of the workers who resided on the farms refused to vacate the houses and continued to consume water and electricity without making any payment.

Furthermore, the new CPA raised the challenge of interference by other community structures, especially those of the communities neighbouring the farms who claimed to represent the interests of the workers.

The new CPA also raised the issue of poor working relations between the new CPA and the ward committee which was also highlighted by the ward committee members. Although the new CPA indicated that there was no reason why they were not working closely with the ward committee, they acknowledged the poor relationship.

The CPA reported that they expected the Maruleng Local Municipality, where the community currently resides, to provide support to the CPA, as the community falls within its jurisdiction. However, according to the new CPA, there is a good working relationship between them and the Greater Tzaneen Local Municipality (GTZ) municipality, where the farms are located. The GTZ made an arrangement with the new CPA to pay R50 000 towards settling the incurred electricity bill on a quarterly basis until the bill is settled.

Despite all the challenges raised, the new CPA is content with the community's option for land restoration rather than financial compensation. There is a commitment to and hope for improving the performance of the farms and to raising more money to develop the current location.

The new CPA made some recommendations as to how government could deal with claims of this nature in future in a way that the challenges faced by the Mamahlola community could be minimised:
- Capacity building of the new CPA is highlighted as the critical element in the success of any restitution project;
- There should be close rapport with the officials from both rural development and agriculture to deal with post-settlement support issues;
- The new CPA should receive financial support for the administrative matters relating to the management of the land; and

- The Department of Rural Development should give the claimants the title deeds, as it raises suspicions of fraud when the title deeds remain with the department.

4.6 Conclusion

In this chapter, the researcher presents, analyses and interprets the findings of the investigations on the perspectives of the Mamahlola Community on the restitution programme.

It is clear that the members of the Mamahlola new CPA have a better understanding of the restitution programme than the other focus groups that participated in this study. The new CPA has plans for improvement and hopes for the future that the restitution programme will improve the livelihoods of the community. Poor post-settlement support from government was emphasised as the main deterrent of the success of the restitution programme.

The next chapter concludes and makes recommendations for strategies that could be used to improve the performance of the restitution programme.

Chapter 5: Conclusion and recommendations

5.1 Introduction

This chapter summarises the critical findings that emerge from the study and reaches conclusions and makes recommendations about ways in which government could deal with other restitution claims of this nature so as to improve people's livelihoods. The chapter also mentions the limitations of the study, as well as how the study contributes to literature.

The study focuses on perspectives on the restitution programme with special reference to the Mamahlola community. A qualitative research design was adopted, using a semi-structured interview guide to collect data. Three focus groups participated in the study and responded to questions, in line with the interview guide.

It should be noted that the restitution claim by the Mamahlola community contributed to an increase in the number of previously dispossessed people now owning land, especially agricultural land. However, land ownership in this case seems not to be yielding positive changes for the improvement of the community's livelihoods.

The following paragraphs summarises the findings of the study in relation to the study objectives outlined in the first chapter:

- **Objective 1: To understand the Mamahlola Community's perspectives of the contribution made by the restitution programme to its livelihoods:**

The finding of this research is that the restitution programme has not brought any of the expected improvements to the livelihoods of the Mamahlola community. All the focused groups share the same sentiments that the restitution programme has not brought about any changes to the livelihoods of the community.

This coincides with the finding advanced by Hall (2007:16) who, based on her analysis of the impact of land reform, observes that, inter alia, the majority of beneficiaries across all the restitution projects receive no material benefit whatsoever from restitution, whether in the form of cash incomes or access to land. Hall further observes that when land is used by dysfunctional legal entities community members are prevented from realising the benefits of access to the land in the form of livelihoods, that strategic partnerships represent high risks for claimants whose only livelihood benefit would come from a combination of rental and dividend payments, which often are not forthcoming, and finally, that direct access to land to allow beneficiaries to graze their own livestock and to cultivate individual fields for their own benefit - even where this occurs alongside commercial production – is the most secure source of improved livelihoods (Hall, 2007:19).

The Bjatladi Diagnostic Study findings correspond with the findings of the current study, as the beneficiaries have not received any cash payment and since the settlement of the Mamahlola land claim in 2001, there has never been any benefit to the community. The study adopted the South African literature on land reform which suggests that outcomes or indicators of sustainable livelihoods should include: more income, increased well-being, reduced vulnerability, improved food security and more sustainable use of the natural resource base (Andrew, Ainslie & Shackleton (2003); May & Roberts (2000).

According to the findings of the study in relation to this objective, the restitution programme has not made any contribution to the livelihoods of Mamahlola community as is also suggested by the South African literature on the indicators or outcomes of sustainable livelihoods.

- **Objective 2: To investigate the factors that shape the perspectives of the Mamahlola Community in relation to the restitution programme:**
The findings of the study in relation to this objective relate to several factors which are expanded in the following paragraphs.

Scholars like Hall (2010:25) and Dodson (in Walker *et al.*, 2010:273), concur with the view that the land claims processes have been beleaguered by "complex" dynamics.

These dynamics are underpinned by many factors, the first of which involves contestations regarding what is being restored, i.e., whether it is the land, and if so, a need for the realisation "that land was not the only thing that was lost."

There are several studies whose findings correspond with the findings of this study. The most noteworthy of these is the study conducted by the Community Agency for Social Enquiry (CASE) (2006). The study attributes restitution project failure to several factors, including the lack of post-settlement support, lack of money and equipment, lack of skills (both technical and managerial), lack of appropriate legal structures and infighting.

Hall (in Walker, 2010:35) says that restitution has shown up the wider contradictions of the land and agrarian policy wherein poor communities are expected to emulate existing production systems in the capital-intensive farming sector and to compete with established commercial farmers and the progressively powerful and oligopolistic or oligarchic agribusiness sector, a view that was emphasised by the new CPA. This was not possible as the new CPA did not have the agricultural nor managerial skills to ensure the sustainability of the farms. As a result, production was poor in terms of volume and quality. There was no income but rather an accumulation of debt and later, workers could not be paid.

Scholars, like Hall & Kepe (2017), find that the problem is that capitalist logic of land reform has extended from market participation (to acquire land) to expectations of commercial production (to use the land) in ways which militate against secure land access for the poor. These scholars point out that when beneficiaries clearly cannot invest in and operate commercial farms, they are side-lined in favour of agribusiness that can do so.

The result, these scholars continue, is a two-tiered land reform in which some (white-owned) agribusinesses garner handouts from the state, while poor communities who have accessed state land are left with insecure tenure and livelihoods.

Binswanger-Mkhize (2014) echoes those findings of earlier research (e.g. PLAAS, 2006, Hall, 2007) which point to the limitations of CPAs in land restitution. Hall (2007) gives the example of the restoration of the Zebediela citrus farm in Bjatladi – widely described as the largest citrus producer in the Southern Hemisphere. She says that this restitution claim led to the establishment of a strategic partnership between the Bjatladi CPA, the workers and the Henley Farming Group. However, the PLAAS' diagnostic analysis of the limitations of community use of restored land indicates that settlement agreements imply that partnerships are the only permissible use to which land could be put and that access to land by members for other purposes, such as cultivation, grazing rights or residential purposes, fall outside the scope of the settlement agreement and outside the terms of restitution awards (Bjatladi Diagnostic Study, 2006:16).

The Mamahlola community is no exception to the findings of the studies highlighted above, as the land is currently leased and the community does not have access to use the land in any way.

Another important finding of this study, which seems to add credence to the already complex nature of the restitution process, is the issue around the location of the restored land versus the current location of the claimants. Walker (in Walker *et al.*, 2010), for example, says that the location of the land makes a difference, especially in terms of shaping claimants' expectations and desires regarding the use of the restored land. Some of the respondents indicated that the fact that the restored land is far from their current location prohibits them to work the land to or have access to its produce.

Binswanger-Mkhize (2014) suggests that while the CPAs are "an appropriate form of owning the land", they are less useful for agricultural production. The CPAs, the argument continues, often face "insurmountable problems" with incentives for labour, management and input investment. Thus, few are farming successfully with half of projects having seen little or no improvement in the lives of beneficiaries, chiefly because of poor planning and lack of effective support.

As Mostert (in Walker *et al.*, 2010:273) aptly posits, "What was destroyed … was a whole way of being, a set of community relations, a system of authority … a broader system of economic relations and livelihoods of which land was but a part, and which gave it function and value."

This view is supported by the findings of this study, where some of the beneficiaries argue that they should have opted for monetary compensation rather than the land. The issue around the new CPA not involving the traditional leadership in its affairs relates to the issue of community relations and systems of authority which have come about as part of the restitution programme. The traditional leadership feels undermined on an important issue that they should be leading.

- **Objective 3: To identify strategies that could be used to improve the performance of the restitution programme:**

There are studies whose findings on the restitution programme differ from the findings of this study. These studies could also be used to guide the strategies to improve the restitution programme.

Aliber (in Walker *et al.*, 2010) use four case studies to summarise and compare livelihood impacts: Shimange, Muvungeni, Munzhedzi and a cluster of several land claims in the Levubu Valley in Limpopo Province. These scholars argue that the actual and potential benefits of restitution in these communities include various combinations of cash profits, own-consumption benefits (food produced and consumed by beneficiaries), increased wealth (e.g. through livestock and

tree stock, and land itself), rental income and improved residential circumstances. Aliber (2010) and his colleagues point out that at Shimange, a few claimant households were deriving significant own-consumption and some modest cash profits. However, a clear majority derive no benefit at all.

One can argue that the proximity of the claimants in the four case studies above to the restored land provides an opportunity for them to profitably use the land, unlike in the Mamahlola case, where the claimants are about 75km from the restored land. It is not practically possible to work the land because people would have to commute that distance every day.

It can be concluded from this research that the provision of land alone is not enough to ensure productive use of the land and to have a positive impact on people's livelihoods.

Because the CPA occupied two crucial positions, playing both referee and player, it was not a surprise that within a short space of time, the farms collapsed. There is a need for capacity building of the beneficiaries in both management and technical skills relevant to the business being undertaken on the land. Provision of post-settlement support is critical for any restitution project to succeed.

The results of the study answer the first research question, as it is clear from the findings that the restitution programme has in no way contributed positively to the livelihoods of Mamahlola community.

The study also answers the second question on the factors that influence the Mamahlola Community's perspectives on the restitution programme. The issues around the lengthy process involved in settling the claim, the debates around what was lost and what has been restored seem to be some of the issues that influenced the perspectives of members of the Mamahlola community.

The distance between the claimed land and the current location has also been raised as a factor that could have influenced Mamahlola Community's perspectives on the restitution programme. The role of the CPA as the entity holding the land on behalf of the community versus the role of the traditional authority also gives rise to conflict within the community.

The study has achieved its objectives of examining the contribution made by the restitution programme to the livelihoods of the Mamahlola community. Furthermore, it has investigated the factors that shape the perspectives of Mamahlola community in relation to the restitution programme.

The study has also identified strategies that could be used to improve the performance of the restitution programme and these may affect the direction of the recommendations.

5.2 Limitations of the study

The following are some of the limitations of this study:

The study focused on the Mamahlola community which raises limitations of generalisability. The findings of this study cannot be generalised as the results are more subjective experiences and engagements with the Mamahlola community on the restitution programme.

The use of focus groups in this study could have resulted in other members of the focus groups not being able to express their perspectives freely because of they felt intimidated by other members of the group.

Although the study intentionally used a qualitative research design and used focus group discussions for collecting data, the method was time consuming and costly, resulting in a delay in the completion of the study.

On one hand, the researcher is a member of the Mamahlola community and is familiar with almost all the respondents.

On the other hand, she worked for the then Land Claims Commission. These factors made it difficult for her to remain objective as she was familiar with the developments in relation to the issues within the community. The researcher's experience in the restitution programme also influenced the analysis of the responses, especially on the question of the restitution process.

5.3 Recommendations

Based on the findings of this research, the following recommendations are made: Firstly, the Department of Rural Development and Land Reform and the Department of Agriculture should play an oversight role in all the settled restitution claims relating to food production, to ensure that there is continuity and proper financial management;

Secondly, as part of the settlement plan, beneficiaries should be trained in skills relevant to the activities on the land to ensure that the owners of the land work the land;

Thirdly, the settlement plan should include an employment plan for the beneficiaries to ensure that they also benefit from the land; and

Lastly, the issue of the distance between the current location and the claimed land needs to be addressed as part of the settlement plan, as it seems to have contributed significantly to the failure of the Mamahlola project and contradicts the objectives of the restitution programme.

5.4 Contributions of the study

The study has enhanced the theoretical level of knowledge in the existing literature and theory on land restitution and its contribution to sustainable livelihoods. The study also contributes to the development of strategies to deal with other claims of a similar nature, thus influencing policy.

Although there many studies have been conducted on the land restitution programme, there has been no study conducted in the Mamahlola community focusing on their perspectives on the restitution programme. This study provides findings that are unique to the Mamahlola community which may be used to augment other studies of a similar nature.

5.5 Concluding remarks

The purpose of this study was to investigate the perspectives on the restitution programme with special reference to the Mamahlola community. Following the qualitative research design, the study used a semi-structured interview guide to collect data.

The findings of this research reveal that the restitution programme did not bring any improvement to the livelihoods of the Mamahlola community, instead it raised accusations of financial maladministration, poor communication, mistrust, conflict and divisions within the previously homogenous community.

These findings should inform other similar studies and policy development of strategies to address some of the findings of this study.
The study also makes recommendations related to issues of post-settlement support to beneficiaries of the restitution programme.

The study has achieved its objectives and was able to respond to the research questions raised during the initial stages of the research.

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Annexures

ANNEXURES	
ANNEXURE A	Ethics Committee Clearance Certificate
ANNEXURE B	Approval from University
ANNEXURE C	Letter of consent from Banareng ba Letsoalo Tribal Authority
ANNEXURE D	Letter of consent from Mamahlola CPA
ANNEXURE E	Letter of consent from Maruleng Ward 9 committee
ANNEXURE F	City Press article on: Land reform goes private
ANNEXURE G	Interview Guides

University of Limpopo
Department of Research Administration and Development
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TURFLOOP RESEARCH ETHICS
COMMITTEE CLEARANCE CERTIFICATE

MEETING: 02 November 2017

PROJECT NUMBER: TREC/370/2017: PG

PROJECT:

Title: Perspectives on the Restitution Programme with special reference to Mamahlola Community in Maruleng Local Municipality of Limpopo Province

Researcher: MM Letsoalo
Supervisor: Prof TM Moyo
Co-Supervisor: N/A
School: School of Economics and Management
Degree: Masters of Development

PROF TAB MASHEGO
CHAIRPERSON: TURFLOOP RESEARCH ETHICS COMMITTEE

The Turfloop Research Ethics Committee (TREC) is registered with the National Health Research Ethics Council, Registration Number: **REC-0310111-031**

Note:
i)   Should any departure be contemplated from the research procedure as approved, the researcher(s) must re-submit the protocol to the committee.
ii)   The budget for the research will be considered separately from the protocol.
          PLEASE QUOTE THE PROTOCOL NUMBER IN ALL ENQUIRIES.

Finding solutions for Africa

MASTER OF DEVELOPMENT PROGRAMME

To	:	**To Whom It May Concern**
From	:	**Dr Milondzo** **Acting Programme Manager (MDEV)**
Date	:	**22 March 2017**
Subject	:	**PERMISSION TO COLLECT DATA FOR RESEARCH PURPOSE**

Dear Sir/Madam

This serves to confirm that **Ms Letsoalo MMM (201221790)** is registered as a part-time student at **Turfloop Graduate School of Leadership (TGSL)**, in **Master of Development Programme (MDEV)**.

She is currently conducting research for her mini-dissertation. As part of the requirements to complete her mini dissertation, she needs to collect data in line with her research topic, please allow her leave from 22- 26 May 2017.

The title of her dissertation is: **"Perspectives on the Restitution Programme with special reference to Mamahlola Community in Maruleng Local Municipality of Limpopo "**.

Any assistance you can offer to the student will be most appreciated.

Thank you.

Dr KS Milondzo
Acting Programme Manager (MDEV)

> TURFLOOP GRADUATE SCHOOL
> OF LEADERSHIP
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>
> **DIRECTOR**

Finding solutions for Africa
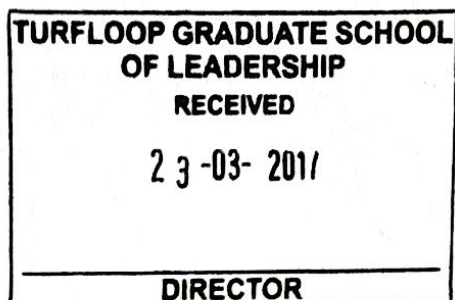
BANARENG BA-LETSOALO
TRADITIONAL COUNCIL

LIMPOPO PROVINCE - MOPANI DISTRICT

P.O. BOX 219
MOETLADIMO
0891

Date: 20-03-2017

ENQ : BANARENG BA-LETSOALO T/C

: 071 656 7763/072 373 8200

Email : letsoalotradc@gmail.com

Fax no. : 086 4400 723

ATT : MODJADJI LETSOALO

UNIT 308 PETE'S PLACE

174 FRANCIS BAARD STREET

PRETORIA

0001

MADAM

REQUEST TO CONDUCT A STUDY ON THE PERSPECTIVES ON THE RESTITUTION PROGRAMME

THE BANARENG BA-LETSOALO TRADITIONAL COUNCIL HAS NO OBJECTION AND ACCEPTS YOUR REQUEST TO CONDUCT THE ABOVE MENTIONED PROGRAMME.

YOUR PRESENCE IS HIGHLY APPRECIATED

REGARDS,

LETSOALO M.G

SECRETARY

P.O BOX 64
MOETLADIMO
0891
03rd MARCH 2017

MODJADI LETSOALO
UNIT 308 PETER'S PLACE
174 FRANCIS BOARD STREET
PRETORIA
0001

SIR / MADAM

The CPA acknowledged receipt of your letter dated the 15th februay 2017 wherein you requested to be allowed to conduct a research.

The CPA gives you permission to go ahead with your research.
They will only wait for you to give them the date on which you will start

We hope to hear from you soon

Yours faithfully
Secretary of the CPA
Mr Letsoalo TA : Contact no: 0721321529
Chairperson

DATE: 20 March 2017

Enquiries: MODIBA M.J.

Contact: 0765658855

TO: UNIVERSITY OF LIMPOPO

RE: PERMISSION TO UNDERTAKE RESEARCH

This letter serves to confirm that LetsoaloModjadji has been granted permission to conduct her study with the Ward Committee of Ward 9 of Maruleng Municipality.

The request received is for undertaking a research on the perspectives on restitution programme with special reference to Mamahlola Community in Maruleng Local Municipality of Limpopo.

Yours in Service Delivery

Modiba MJ

MODIBA M.J.

Land reform goes private

Oct 23 2016 06:08

Dewald Van Rensburg

City Press

Polokwane - An initiative to match land reform beneficiary communities with private investors is trying to revive the ill-fated Mamahlola land claim in Limpopo.

It was one of the major symbolic land transfers in the early 2000s, but subsequently became an emblem of the land reform programme's failures with the pre-existing farm and timber plantations on the land collapsing owing to underinvestment.

Now the Mamahlola land is one of 40 projects taken on by the Vumelana Advisory Fund, a private sector initiative to create so-called community-public-private partnerships.

Legally, community land claims require a registered communal property association (CPA) that owns the land.

According to Vumelana's CEO, Peter Setou, the fund has taken on 40 projects representing vast tracts of land restored to communities throughout the country.

Partnerships with investors have been concluded on 12 of these, covering 64 407 hectares of restored land and drawing in about R464 million in investment.

Projects under negotiation cover another 55 044 hectares, according to statistics provided by Setou.

This does not represent all the land the communities own, but the portions packaged as projects.

Vumelana is a legacy project of the Business Trust, a fund created by big business in the 1990s to finance development projects. It wound itself down in 2011 and endowed Vumelana with R117 million.

"When we started out, the hope was that a deal would take less than 12 months, but it often takes two years," said Setou. "You have to first get the CPA into shape," said Setou

The community's CPA needs a proper constitution and a legitimate process for taking resolutions to avoid infighting.

The idea is in essence that the investor enters into a long-term lease, paying the CPA rent. The CPA then also takes an equity stake in the enterprise using the land, while the community's members get preference for jobs.

Vumelana's process involves evaluating the land and then packaging it as a commercial proposition that goes out to tender.

A tender for the Mamahlola land was issued this month.

The Mamahlola land has played a significant role in both the forced removals of apartheid and the land restoration project since democracy.

The community fought against their relocation from 1956 to 1958 in what was then regarded as a significant public test for Hendrik Verwoerd's apartheid policy.

The Mamahlola land claim was awarded 43 years later in 2001 with much ceremony, but it soon became an emblem of the failure of rural land restoration.

By 2003 the Mamahlola land was placed under judicial management.

The government then brokered the Mamahlola's first partnership with a private partner, a company called SA Farm Management, which did similar deals with other land reform beneficiary communities.

SA Farm Management was liquidated in 2008.

Judicial management was only lifted in 2014, giving the community back control of the land.

The request for proposals from Vumelana, issued this month, described the dire state of the land.

Of the 3 566 hectares owned by the community, 549 hectares used to be irrigated orchards and 600 hectares a timber plantation.

Currently, there are 156 hectares of mango trees that are usable, while reservoirs, pump stations and houses on the property have largely been destroyed.

If both of these operations were restored, the investor could generate revenues of R68 million and profits of R28 million, claims the request for proposals put out by Vumelana this month.

Vumelana projects have had a bias towards tourism with eight completed deals involving setting up game farm lodges or other tourism infrastructure.

Two were agricultural in nature with two more involving forestry projects.

Of the 28 projects under negotiation, 11 involve the previous owners of the restored land as the investors looking to lease back the land and partner with the CPA, said Setou.

RESEARCH TOPIC: PERSPECTIVES ON THE RESTITUTION PROGRAMME WITH SPECIAL REFERENCE TO MAMAHLOLA COMMUNITY IN MARULENG LOCAL MUNICIPALITY OF LIMPOPO.

FGD 1 – CPA

QUESTIONS

1. How did you come to know about the restitution programme?
2. What were your first thoughts when you heard of the restitution programme?
3. What is your understanding of the programme?
4. Please describe your journey (in detail) from the time that you decided to lodge a claim

    Your story could include information on some of the following issues:
    a. Gathering of evidence required in lodging such a claim
    b. The challenges (if any), that you may have experienced in the process
    c. The entire process of preparation and submission of the claim and dealing with various stakeholders
    d. Your experiences with different government and non-government institutions in terms of their facilitating or not facilitating your efforts
    e. What factors enabled you to succeed or fail?

5. Describe the land that has been restored to you in terms of size, suitability for what kind of farming activities?
6. Now that the community is given back their land, what are you experiences in managing the land?
7. Are there any challenges that you have experienced in utilising it? If so, please explain in detail.
8. What kind of support have you received from i. government ii. non-government organisations? iii. Private sector iv. Community-based organisations v. your own community vi. Your own household
9. What factors have facilitated your utilisation of the land?
10. What factors have hindered (if applicable), your utilisation of the land?
11. Explain in detail, how you and your household or family members have benefited from the programme

12. What are the benefits of the restitution programme in Mamahlola community?

13. What were your expectations from the programme?

14. Explain in detail, what would you recommend to government in dealing with restitution claims of the same nature?

FGD 2 – Traditional Leadership

Questions

1. What is your opinion on the restitution programme?
   - Lodgement
   - Processing
   - Settlement
   - Post settlement support
2. What were your expectations when the claim was settled?
3. What is your view about what was lost and what was restored?
4. As traditional leadership, what is your opinion about the CPA as a management structure of the land?
5. Describe your relationship with the CPA?
6. If you were managing the farms, what is it that you would do differently?
7. What kind of benefits are you expecting from the land?
8. In your opinion, how does the distance between your current location and the restored land contribute to the livelihoods of the community?
9. What is your role in the management of the land?
10. What recommendations would you make to government in dealing with claims of your nature?

FGD 3 – Ward Committee

Questions

1. What are your views about the restitution programme?
2. In your opinion, what could have been the best settlement option for the community?
3. Do you think the current location and the restored land have any impact on the livelihoods of the community?
4. What is your view about the CPA managing the land on behalf of the community?
5. What kind of support is the municipality providing to the community?
6. What is the relationship between the CPA and the municipality?