



Land Access and Participatory Territorial Development

Report of workshop on Area-based and Territorial Approaches to Land Reform

held at the

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Pretoria
South Africa**

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Report of workshop on Area-based and Territorial Approaches to Land Reform. Pretoria, South Africa 3-4 May 2006.

The workshop was held at the Independent Development Trust (IDT) office¹ in Tshwane and organised by the Natural Resource Institute (NRI), Nkuzi Development Association (Nkuzi) and Human Sciences Research Council (HSRC).

Day One, 3rd May 2006.

1. Welcome and Introductions

The workshop started at 10.30 with the welcoming of all present by Tshililo Manenzhe of Nkuzi.

Tshililo explained that the workshop is important in the light of an increasing interest in the idea of utilising area-based approaches to overcome some of the challenges of making land reform work in South Africa.

All the participants introduced themselves and the organisations they were from. The participants ranged from land forum members and local government officials to senior donor and government officials (see Annex 3, Attendance list).

Julian Quan of NRI added his own thanks all those who were in attendance at the workshop and expressed his appreciation for the level of interest shown by so many people. He added a specific welcome to the Department of Land Affairs (DLA) and Commission for the Restitution of Land Rights (CRLR) staff who would be sharing their perspectives on the issues. Julian thanked the Integrated Sustainable Rural Development Programme (ISRDP) and IDT staff and management for providing the venue and Nkuzi for organising the workshop as well as HSRC who assisted in organising the workshop.

2. Background and Purpose Of The Workshop

Julian went on to explain the background and purpose of the workshop. This workshop is part of a study being carried out in South Africa and Brazil under the management of NRI with finance provided by the United Kingdom Department for

¹ IDT made available the meeting room at no cost and assisted with refreshments, the organizers appreciate their support.

International Development (DFID). In South Africa the study is being conducted in partnership with HSRC and Nkuzi and the project has linked to some of the ongoing work of these two organisations.

This workshop is an opportunity to consider some of the initial findings and to begin to identify the key learning and consider the policy implications. There has been a growing interest in South Africa in exploring area based approaches to land reform and the possibilities of developing closer linkages between land reforms and the Integrated Development Planning (IDP) processes that take place at municipal level (For example discussions and resolutions at the National Land Summit held in July 2005 and the President's State of the Nation address in February 2006). Increasingly people are seeing the potential for a more decentralised delivery of land reform which responds effectively to local needs and priorities and links with local economic development. This must also involve a greater participation by beneficiaries, civil society organisations and other stakeholders in the planning and management of land reforms and post-settlement support. Julian expressed the hope that findings from this project will contribute to the debates and to policy development.

The workshop will be an opportunity to hear about the case studies supported by this project in Sakhisizwe municipality in Eastern Cape and Makhado in Limpopo. The workshop will also benefit from an opportunity to hear:

- A policy perspective from DLA;
- Summaries of the findings of two other studies managed by HSRC looking at the progress of land reform in specific municipalities of Western Cape and Free State;
- An outline of some key findings from Latin America and specifically, Brazil on territorial approaches to land reform and rural territorial development (an integrated, decentralised and participatory approach which is gaining ground as an emerging new paradigm for rural development in Latin America and also in Europe); and
- How the ISRDP in South Africa is addressing land issues, rural and agricultural development and the lessons that might be learnt in developing more integrated, decentralised approaches to land reform in South Africa.

The workshop is structured in two roundtable sessions, the first will assess the progress and impact of land reforms nationally and in various districts and the second will look at attempts to link land reform with territorial and local economic development approaches.

2.1 Notions of 'Territory'

To ensure that all participants started from a common understanding Julian shared a few ideas on the notion of “territory” and “territorial development”, which has given this workshop its title, and their possible relevance in South Africa (see Annex 8 for the presentation)².

Territory in its simplest conceptualisation refers to the geographical spaces occupied and used by particular social groups and/or under the control of specific political authorities. In that sense it is a relevant concept for South Africa, in that the claims made over particular land areas and natural resources by different indigenous, ethnic and kin groups are territorial in nature.

Territorial development is a new approach to rural development focussing on specific geographical areas and regions. We could refer to programmes for the social and economic development of local municipalities, the IDPs as “Territorial Development” programmes, in that they are managed by the municipalities, they seek to take into account the full range of opportunities, constraints and priorities and they are drawn up in consultation with communities and interest groups living within their boundaries. This is very much what Rural Territorial Development Programmes in Latin America and in less developed regions of Europe are trying to do.

Land reform, however, presents both challenges and opportunities to the IDP processes, because, up to now it has been managed by central government. As a result the rationale for this workshop is to provide an opportunity:

- to examine the progress and impacts land reform has had in specific municipalities, and
- consider the opportunities offered by territorial approaches in Latin America, the ISRDP process in South Africa and Nkuzi’s Area based Land Reform Initiative (ALRI).

It is worth noting that the idea of ‘Territory’ and ‘Territorial Development’ are much more established in Spanish, Portuguese and French than they are in English and so they have much greater currency in political and development thinking in the countries where those languages are used.

We must, however, avoid getting caught up in terminology, at the end of the day the issues are about the alignment of government programmes managed at different levels and in different sectors, together with public and private investments and with

² Throughout this report there are references to the Annexes that contain the presentations made during the workshop. What is captured in the report itself is some of the additions made by the speakers and the questions and discussions, please look at the Annexes for more details of the actual presentations.

the support of NGOs and civil society within broadly agreed frameworks. These frameworks, similarly to the IDPs, seek to open up space for dialogue between different interest groups, in particular creating opportunities for the poor and the less powerful to make their voices heard.

With this in mind the objectives of this workshop are to discuss:

- how land reform can contribute to more sustainable and socially inclusive local economic development; and
- debate how local development planning processes might assist the delivery of land reforms in South Africa.

A few questions were asked such as if there had been successes in taking this approach to land reform in South America. It was also noted by the same participant that in South Africa we have to take into account the complexity of resolving the history of land dispossession and bringing the required transformation in the society. Another question related to the role of social movements in territorial approaches to land reform in particular in Brazil.

Julian explained that territorial initiatives often grew out of social movement action to try and claim or define territories; more of this will be explained in the presentation on Brazil. Territorial approaches have emerged out of an alliance of progressive elements in the federal government and social movements, such as the MST and other social movements, who are working together to deal with often conservative local authorities.

One participant asked for more consideration of the natural resource base and went on to argue that this should be one of the most important defining issues for determining a territory. This also means that some of these natural resources base issues may make the territories very large. Food security as a key issue and first priority and once having that sorted out can then build on to do other things.

Julian responded that of course one must consider the natural resource base, but that should not become a consideration that overrides all others.

Roundtable 1. Assessing Progress on Land Reform

Lucas Mufamadi took over as the Chairperson of the session.

3. Input by DLA.

The speaker, Tumi Seboka of the DLA, was there to give a policy perspective from the South African government. Lucas said that if we are to talk of any initiative to find solutions to the challenges of land reform we must start with an understanding of the policy environment within which we work.

Tumi said she was presenting on behalf of Dr Sibanda the Chief Director for Policy and that she hoped to give a sense of what the DLA is thinking in terms of policy guidelines and directions (see Annex 4 for presentation).

She noted that recently the DLA has moved to speaking of land and agrarian reform rather than separating the land and agriculture issues.

Tumi explained that she is aware there may be interest in this workshop in the extent of achievement of land reform in relation to particular 'territories', but figures she has available for land reform progress are at a national level.

She also clarified that the figures for the settled restitution claims are as of January 2006.

In terms of policy reform Tumi noted that there is a Presidential directive to review the willing-seller willing-buyer approach and this is underway within the DLA, stakeholders will be informed in due course. DLA is now exploring options for a proactive approach in particular to acquiring land. Related to this they are looking at the concept of development corridors and the opportunity to acquire land within particular development areas.

DLA is looking seriously at ways to improve partnerships to make land reform work. One way of doing this is to work more with land forums and municipalities.

They are also looking at better ways to ensure post settlement support is provided to ensure sustainability of transferred land; this process is ongoing within DLA and the Land Claims Commission.

Questions and comments:

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- 1- Curious about beginning consultation and review over the willing-buyer willing-seller approach, but thought it was resolved at land summit that this approach was being thrown out?
 - 2- What is the thinking and process for looking at integration of land reform into IDPs as instructed by the President in his State of the Nation in February this year?
 - 3- Is there any thinking about amending the property clause?

Answers:

- 1- By September the DLA want to be able to make a statement on the issue around willing-buyer willing-seller. From there the DLA will have to consult as they cannot really decide alone on something like that.
- 2- The issue of integration with the IDP process is one of planning. The DLA has been studying this in the last months and plan to engage in information sessions on IDPs and start to prioritise land reform targets in line with IDPs and to start engaging with municipalities and provincial institutions responsible for development targets to ensure the incorporation of land reform into IDPs.
- 3- There is no clear expressed intention at this stage to tamper with the property clause. The reviews of land reform such as of willing-buyer willing-seller approach that area currently underway are taking place within the current constitutional framework. Only if there is found to be a need to really look at the property clause will this be done.

4. Elliot Case Study

Michael Aliber of HSRC presented the case study on Elliot district in the Eastern Cape.

The study was done also with Patrick Masika who could not be present. HSRC did the study due to the high level of land transfers in that area. They did not have an area-based approach or territorial approach in their minds, but in discussions with Julian of NRI he recognised the possible link to his area of exploration. What has happened in Elliot is in many ways a de facto area-based approach by the DLA in the district. (see Annex 5 for presentation).

Land delivery in the Eastern Cape has been measured according to magisterial district. The reasons for this are not clear, but perhaps it is due to the relationship between the land registration system and the magisterial districts and the way that magisterial boundaries are also essentially divided along racial lines, with former white magisterial

districts and black magisterial districts in the former homelands and therefore land in white areas is what one needs to redistribute.

Elaborating on what DLA did Michael explained that they realised they needed to overcome white farmer resistance and targeted some prominent farmers who then became examples to others. They also approached an agri-eastern cape leader who got involved in an equity share scheme and became enthusiastic about land reform. He would share a platform with DLA to preach the benefits of land reform. Although this farmer was not from Elliot, he was from neighbouring district; it was felt he had a positive impact.

Many economists would theorise that more land reform would by creating an exogenous pressure/demand for land would lead to increased land prices, but this has not been the case in Elliot. In Elliot land prices per hectare have been dropping with increased land reform. This seems to echo some evidence from other parts of the country that seems to show that land prices are going down with land reform.

Part of environment that Michael emphasised is the consolidation of farms into larger and fewer farms with fewer farmers controlling more and more land. At same time there are less and less workers. In this context Michael speculated that perhaps the purpose of land reform should be or is to stop the decline in the number of livelihoods resulting from the ongoing changes in commercial agriculture.

Without recognising it as such DLA in Eastern cape took some kind of territorial approach in that they looked for an area with opportunity, promoted land reform in that area and it worked.

Land reform is not really in the IDP at Elliot and the Municipality does not see it as their business. They see themselves dealing with service delivery and believe delivering services to farms is just too expensive. It is therefore not really a priority for the Municipality. Another factor is that many beneficiaries come from another municipality so they are seen as a burden more than a benefit for the Municipality.

Questions and comments:

1. Very useful input, are HSRC intending to follow up in that area and in other districts?
2. It is important to ask in whose perspective an Area-based approach is defined and who defines the area. If communities define it they may often see it differently from the municipal boundaries.

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3. One must bear in mind (I was involved in the process and land valuations myself) a wide range of factors that affected the land prices, things like the changes in fuel prices and crop values, land prices in have recently shot up.

Answers:

- 1- We do intend to go back and follow up in Elliot this year and are now doing two other studies in two other districts that will also be presented here today.
- 2- We have not really done justice to the area-based approach or view that was superimposed on the model. We can see though that there would have to be collaboration in this area with the neighbouring Sakhisizwe Local Municipality, but the sort of problem that will emerge is that Sakhisizwe is not even in the same district.
- 3- More work needs to be done on the assessment of changing land prices and the range of factors including land reform that affect them.

5. Theewaterskloof Case Study

Presentation by Edward and Karin Klienboo from PLAAS on a case study from the Western cape – Theewaterskloof local municipality. (see Annex 6 for presentation)

Consultants on the IDPs in the area suggested in writing that the population figures of 10% growth per annum be ignored as they are too horrible to contemplate and there was no way to plan for this kind of rapid population growth.

The researchers explained that they have deliberately included the continued loss of land rights going on in the area as this is one of the main developments in as far as land reform and land rights are concerned and must therefore be taken into consideration. Evictions have been identified as a key issue in this area that is seen by some as an evictions hotspot. They also include some farmer's initiatives that have taken place outside the DLA land reform programme.

The research is an area-based land research, but there is no such thing as an area-based land reform in the area. There is no such thing as a local strategy to address the needs, challenges and opportunities specific to the area. Nevertheless they have found value in using the notion of a particular area as a lens through which to look at land reform. One obvious example of the way that more local interaction could help is

the way some high profile projects in the area are known nationally, but have not impacted on learning and as examples in the area.

They found very negative attitudes from farmers and agricultural officials to land reform and the notion that poor people and small farmers can make use of land.

Questions:

- 1- When saying there is no policy targeting the unique problems of the area who do you expect to take a lead in coming up with this policy? The Municipality? The DLA nationally?
- 2- On the negative land reform (evictions and land dispossession) how does this fit with the purpose of the study to look at impact on livelihoods and development of land reform?
- 3- There is a study going on at UCT looking at community philanthropy, what do they see as potential for private sector and philanthropy in making land reform work?

Answers:

- 1- It is probably the DLA's responsibility to create opportunities for finding local solutions as the Municipality not really in a position to do this, but local stakeholders do need to be involved. District land reform approval committees are there and district land reform strategies have been discussed, but it is not filtering down to local levels and locals lack the skills and understanding to take it forward.
- 2- Evictions are probably the most important land issue in the area even if it is not the main focus of the study.
- 3- Many see the equity share schemes as the only approach that is feasible given land costs and the capital requirements of farms so the preferred approach of DLA and farmers is to buy into existing farming operations.

6. Maluti-a-Phofung Case Study

Input on Maluti-a-Phofung study by Stephen Greenberg and Ann Evelyth (see Annex 7 for presentation).

The study is a study still under way so they have not carried out full data analysis yet. This presentation is based on the scoping exercise done as the first phase of the project.

Increased capitalisation of agriculture in the area may be bringing greater income to farms, but also much greater costs and it is not necessarily improving livelihoods of farm owners or workers. There has been a sharp decline in agricultural employment, despite an increase in agricultural output an increase in agricultures share of GGP. There have also been job losses in other sectors. One reason for job losses is the decline in government support to the sector and to manufacturing in the area. There used to be support to manufacturing in the former homelands as part of apartheid policies, but this has fallen away over the last years.

People in the area need food and do not get it while land owners are not all using fully utilising their land. One could look at interventions such as more local marketing for local producers.

There is a history to how a territory is constructed. In this area the construction starts with black people being pushed into the mountains and then others being dumped into the area, leading to an extremely crowded area. There are issues of how land reform can create a united territory and what kind of territory.

The Qwaqwa farmers scheme that was established as part of Bantustan consolidation in the 1980s has formed the basis for post apartheid land reform and even now referred they farmers in the land reform programme are referred to as the Qwaqwa farmers. So the land being transferred in the name of land reform is state land and there is basically no transfer of white owned land going on.

Black tenant farmers who were doing ok as subsidised farmers on the old schemes where they 'leased' land are now failing with the privatisation of land as they were pushed to take bank loans in order to buy the land. Some have collapsed with the banks foreclosing to recover debts. The DLA is now considering using LRAD grants to bail out these farmers by providing grants that will essentially be used to pay debts. There has also been some discussion about finding new ways to subsidise these farmers through cooperative or other means.

There are more than fifty people coming to the Provincial Department of Agriculture office in the area every month looking for ways to get land. Clearly there is a demand and interest in land that is not being met at present.

Questions and comments:

- 1- What measure was used to say tenant farmers were 'successful'?
- 2- Municipalities do not include land reform in IDPs as they do not have information on what land is going to be released. Projects would not become white elephants if they had more information to plan support. Municipalities also get struck with projects as on the land identified there are land claims. Clearly there needs to be an alignment of land reform with IDP priorities.
- 3- Are we talking about resettling people or land reform? We are kind of missing the point sometimes in creating economic transformation in context of economic decline. Along with land reform we need market reform and institutional reform and a focus on economic growth in the area.
- 4- What are the barriers to people getting into land reform and into farming that were referred to?

Answers:

- 1- The farmers were not labour tenants, but tenants on state land. We have not analysed all data, but there is clear evidence of a decline in production and investment since taking land bank loans as they were now facing an extra cost that has to be covered from somewhere.
- 2- We agree with the need to make a link between land reform and other developments; that is not happening in this area yet. The experiences show the need to incorporate land reform into IDPs and Local Economic Development (LED) strategies and the need to know what land is available and matching that to needs.
- 3- There is a need to not only accommodate differences in the potential of different areas, but also to accommodate in land reform products the difference between farmers.
- 4- The main barrier to new farmers is the lack of capital to get into farming and in addition be able once in production to cope with risks. There is also a problem of getting access to markets. It is important to think more broadly about how land reform and farmers in each area can link up to address their difficulties.

Session 2: Working Group

[Facilitated by Marc Wegerif – Nkuzi]

The previous session has afforded participants and opportunity to get input in terms of what is happening in so far as land reform in South Africa is concerned. In this session participants are addressing the following question: **What are the challenges and opportunities for delivery of land reform in South Africa in the context of territorialism.** The previous session has begun to bring up some of the issues in so far as the challenges are concerned.

The facilitator proposed that instead of breaking into groups, participants engage in discussion for ten minutes (in pairs) highlighting some of the challenges and opportunities for land reform delivery. This was done and the discussions in pairs, some people formed groups of three or four went on for longer than the planned ten minutes.

7. Report Back From Groups - Challenges and Opportunities

Challenges

- Balancing and accommodating the interests of different land reform beneficiaries
- Lack of capacity to implement strategies at a local level (various institutions involved).
- Misalignment of objectives among different actors (i.e. Municipalities and DLA)
- Municipalities are unwilling to release prime land for land reform.
- The lack of cooperation and participation of different stakeholders including farmers and business.
- Lack of integrated plan for land reform at a municipal level and lack of coordination (land reform not part of the IDPs).
- Aspirations of municipalities and the traditional leaders. Is there a common ground between the two?
- Lack of post settlement support.
- Lack of common data-sets and different demarcation of areas to be serviced by different service providers making coordination and even just compilation of information difficult.
- One needs to quantify the natural and human potential in the area and the economic opportunities, not just look at agriculture.

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- There is question about from where planning and land reform should be driven. Should it be planned from national or should the national be directed by the local needs and plans?
 - Are there environmental impact assessments in land reform?
 - One reason Municipalities do not plan for land reform is that land claims settlement is a long process that cannot be time framed. It is hard to put that in the IDP with no clear time frames. But getting this information and doing land audits of all land in the Municipality is important.
 - There is a lack of entrepreneurial skills.
 - Lack of skills including some life and organisational skills.
 - Lack of flexibility in the current approach, it does not allow for the alternatives.
 - Land reform is not system oriented it does not manager to looking at agriculture and the social aspects of reforms.
 - Land reform and development goes together – land reform should be implemented locally – demand be from a local level.
 - Current financial architecture: procedures for release of finances for land reform do not support local and flexible solutions.
 - In whose eyes is the development that we are talking about judged? For example there is research that says we should not give land to the black people and should push people to the urban centres and provide housing in the urban centres. Some define this as development. But who should define development?
 - Land reform has created community dynamics that are difficult to deal with e.g. Conflicts in legal entities and with traditional authorities. Municipalities can't deal with these situations.
 - Lack of pressure from social movements and their weaknesses is allowing land reform to continue to be undermined and slow.
 - It is important to define the individual versus the groups rights.
 - Sector and line departments do not participate in the IDP processes. This must be improved. What happened to the Development Facilitation Act (DFA) and Land Development Objectives (LDOs)?
 - There is a lack of continuity at the local level.
 - Limited options for land reform in terms of policy environment and programmes.
 - Land Reform (Restitution in particular) brings people with different with different objectives / diverse interests together into forced marriages that rarely work.
 - Poverty is a major problem; the evidence is in the conflicts among communities.
 - Slow process.

Opportunities:

- Although municipalities have limited capacity there are things that they could do such as land audits.
- The commodity approach is an opportunity – one could target specific commodities that can work and need to be strengthened within each area.
- There is potential for municipalities to generate income through land reform e.g. through the sale of services to the beneficiaries and from national government transfers to support land reform.
- Integrated of services at a local level - it makes services accessible such as the one stop shop concept.
- Ownership and realism are opportunities that arise from an area-based approach – local level land reform can be fully owned by the participants and local stakeholders and can be responsive to the specific realities of each area.
- Strategic partnerships that could be formed.
- Decongest homeland areas.
- Look at other livelihoods and business development opportunities.
- Create space and resources for municipalities to do something; this could come as an incentive for municipalities.
- Plan land reform delivery at a local level and plan and implement post-settlement at a local level. This can be more responsive, but also more achievable than planning for every single project.
- Understand community dynamics.
- Possible contribution to local economic development.
- Challenge 'brokers' to begin and support area-based land reform initiatives.
- Responding to real local issues can help to cut out the politics and ideologies and make debates more realistic. (There was some disagreement and debate about the idea of cutting out the politics. Politics and ideologies are important and cannot be done away with. Leaving politics can lead to the maintenance of the status-quo. It was however agreed that local consultations can assist in getting stakeholders to deal with and respond pragmatically to real issues.
- Capacity building: the approach could help the municipalities to tap into the other avenues and sources of capacity and capacity building.
- More efficient use of resources.
- Bring synergies between development initiatives.
- Area-based approach can get people thinking about land reform as land reform rather than as a set of DLA products and lead to an holistic approach rather than the current piecemeal approach.

8. Learning from the ISRDP

Signet Mashego the manger of the Integrated Sustainable Rural Development Programme (ISRDP) gave a presentation on learning from the ISRDP where he shared the latest report to cabinet on the programme (see Annex 9 for the presentation).

The program came in 2000 as a strategic intervention to address the question of government departments conducting themselves in silos. The program depends on the existing budgets of the govt departments and intends to get the departments contributing to integrated development. The report was given to the cabinet in January to highlight progress and impact. This is still a new programme that is intended to run for a total of four years.

There have been challenges around participation in the ISRDP and in the nodes where the ISRDP is being piloted. The DLA is participating, but not to the level that would be liked. People represented there are not capacitated or do not have authority to deal with the challenges. Sector departments also fail to commit the required resources. What they would like is to see the sector/line departments fast tracking the allocation of funds to the nodal interventions.

This programme is dependant on other government departments. The Intergovernmental Relations Act (IGRA) should help as it guides the departments on their obligations in terms of support to other departments and such integrated initiatives.

Apart from making use of the LED and Municipal Infrastructure Grant (MIG) funding they might need to top slice funding to ensure support for integrated programmes.

Specific land reform challenges and opportunities:

- The challenge is mechanisms on how the various spheres of government must align. When implementers start to implement according to IDPs there will be a progress, at present they do not.
- It is critical that issues of land use must be catered for in the spatial and development plans.
- Structures at local Municipalities could assist in expediting the processes if given the support by the DLA and Land Claims Commission.
- Local government has adopted a developmental state approach; much as they are not yet equipped to perform this role the concept must be built on.

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- Undertaking environmental impact assessments (EIAs) on the basis of a geographical area could assist as all departments and initiatives will use the one EIA rather than the current scenario where every department does their own EIAs for every project.
 - Until all the actors see a role to play in the IDPs and cooperate in terms of the IGRA around land and agrarian reform there won't be any change.
 - DLA do not participate in the IDP processes and so do not inform the IDPs and the other development cycles being planned.
 - Post settlement support funds must not be centralized. They could be used in a more developmental way if located at the municipal level.
 - ASGISA and other related initiatives present opportunities if we can fit issues of land reform into them.
 - Land reform has to be positioned to address issues of local economic development.

Questions and comments:

1. How do we overcome the gulf between the various spheres of government and the institutional arrangements that hamper the carrying out of the plans?
2. Land reform is a highly interventionist strategy that deals with power relations. Are the ISRDP and IDPs instruments of transformation?
3. Groups versus individuals? You suggest that interventions need to be state led, but communities are left on their own.
4. IGRA governs the relations; please explain more of what the act provides for.
5. ISRDP is a pilot; will it at some stage come with recommendations that affect national policy and programmes?
6. Sector Departments are not coming to the party. What is Department of Provincial and Local Government (DPLG) thinking on real enforcement to getting stakeholders to honour agreements and commitments projects?
7. Do the 'big bosses' (referring to the political leadership) realise that there is a need for synergies? Is there any intervention at that level?

Answers:

1. The presentation gives progress on the program that is trying to overcome the gulf between spheres of government and so on. There is more work to be done, but we are trying to achieve this.
2. The land reform issues are state led and communities are left alone. The municipality complains that the Land Claims Commission works with communities and forgets the municipalities.

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3. Inter Governmental Relations Act (IGRA) – the framework was approved last year, based on chapter three of the constitution that defines how spheres of government should be interacting with each other, there is soon going to be a signing of protocols by the various government departments. It is a guideline on how government departments should work together and we hope to see monitoring of this in future.
 4. Progress has been made in aligning priorities. The financing protocol was signed in August 2005; it says that Departments need to indicate how they support the ISRDP nodes. Sector departments need to report on this to parliament by July 2006.
 5. There is also discussion of this in the Social Sector Cluster and the DGs sit in this cluster and discuss progress – there are many ways that they are trying to enforce compliance.
 6. ISRDP is already influencing national policies and programmes. For example project consolidate is borrowing a lot from the ISRDP.
 7. Integrated human settlement has to be part of the discussion.
 8. After 10 years the ISRDP will have learned a lot and shared lessons with various stakeholders. There will be clear proposals about how these lessons should be taken forward.

9. Brazilian Experience

Julian Quan of the NRI gave an input on the Brazilian experience of territorial approaches to development and land reform (see Annex 8 for presentation).

Julian reflected on the way that the IDP process correlates with the ideas of territorial development. In many ways it does and South Africa has an advantage that while there may not have been a lot of progress on the ground there is a supportive legislative and policy environment.

The present government has created a secretariat in the agrarian development ministry to support territorial approaches and deepen the participation of the civil society. Part of this is also trying to make links between the role of the market and the state in land reform and to try and build in links between land reform and post settlement support. They are also trying to bring the various departments together to support these initiatives.

The process has involved bringing groups of municipalities together into priority territories as the local municipalities in Brazil are very small (much smaller than in

South Africa) and have also tended to be dominated by conservative local elites (these are often also the land owners). This approach was driven in most areas by an alliance between land reform movements and progressive elements of the federal government. The idea was to try and bring resources through these new territorial formations for implementation. It is still an experimental programme.

Some of the emerging issues are the weak participation by municipalities, but on the positive side the growing experience and use of participatory budgeting. There are attempts to improve the role of the private sector, land owners and agribusiness although this is not very advanced at this stage.

Reflections for South Africa:

- South Africa could learn a lot from Brazil as they have been experimenting with this for a longer period.
- South Africa has the advantage of the basis of the IDPs that one should be able to use to support a territorial approach.
- Private sector involvement in South Africa is another advantage that could be built on; such partnerships are rare in Brazil.
- One of the key challenges is that the poor in South Africa have a weaker voice, whereas in Brazil strong social movements have been a driving force behind this approach and this has been critical in overcoming resistance from entrenched elite interests.
- One does need to link land reform to creating economic opportunities.
- Different stakeholders in South Africa need to agree and bring resources to specific sites where this can be properly tried, such as taking forward the Makhado initiative.

Questions and comments:

1. In looking at the conclusions is there a difference between South Africa and Brazil in how communities view collective versus individual action?
2. In Ecuador territorial approaches have worked where there has been a strong collective mindset (people see collective action as giving them more power) and strong social movements. This has been particularly the case in the Amazon regions where indigenous groups have a common history and face common struggles that they organise around.
3. On the role of social movements it looks like there is a closer collaboration between the movements and the government. How is business reacting to that?

Answers:

1. It seems clear that in South Africa territories will (and should) include a wider diversity of social groups and will not be homogenous. Part of the effort required is to bring people together.
2. Social movements in Brazil have often pushed for collective rights and there is a significant shift and possible changes in legislation in order to consider collective titling of some kind. It is hoped that territorial approaches can provide more coherent solutions to some of these issues.
3. Social movements have played a role in shaping the policies, but the new government that has close links with social movements has not improved the pace of land reform. There is still high demand for land, but given the change of government and a constitutional amendment, brought by the previous government to say that occupied land cannot be redistributed to the occupiers, there is a shift at present away from the strategy of land occupations as a tool to drive land reform.
4. Business has often reacted in a hostile way to social movements and the government collaboration with them. Territorial development has been used as a way to facilitate different groups having a chance to raise their voices.

Day 2

10. Recap on Day One.

Marc Wegerif of Nkuzi gave a short input on some of what had happened the day before and the issues he thought were important.

We got inputs from DLA and from various studies being undertaken. It was good to have information about what is actually happening out there and the reports showed the value in taking some kind of area-based approach, if only for sake of the research and having a way to assess progress without falling into the programme specific silos – redistribution, restitution and tenure reform. By looking at an area one can go in and look at what is happening with land, including issues such as evictions, without being channelled to look only at particular government programmes.

From the discussion and inputs, in particular on the challenges, it seems obvious that working in some way at the local level is going to be part of the solution – we need to explore more ways of doing land reform at the local level and linking it to LED.

We probably all still have slightly different understandings of what 'area-based' or 'territorial' approaches mean and really involve, this can be resolved and clarified further in due course, but what is encouraging is the sense of agreement in the group that this is worth trying.

It became clear that we need to be realistic about how long it takes and the resources involved. The example of the ISRDP is both encouraging, but also sobering given the resources and time that has been put in and it is still seen as a project in its early days.

Other participants made inputs on what they felt was important in day one.

There seems to be some consensus on the importance of trying territorial approaches, but it was also apparent that municipalities don't take much cognisance of land reform whether in the IDPs or otherwise. This underlines importance of providing assistance and resources to municipalities, to empower them and other local stakeholders to address land reform. The territorial approach is therefore potential quite useful although there will be challenges in implementation.

This approach has so many obvious benefits, we can easily all agree on broad principles, but it is not happening. We need to consider that if it is such a good idea, why isn't it already happening? What are the forces blocking it? It appears that whatever they are, they are greater than the promised advantages. We need to identify these roadblocks and focus on overcoming them.

Tumi from DLA responded to a query about the 'development corridors' concept by saying that it will focus on particular areas, looking at local resources and commonality of interests, not unlike the presentation yesterday regarding area-based approaches. There will be different focuses in different areas, depending on what is identified as a local strength, e.g. tourism in some areas or a particular kind of agricultural production. It will be driven by DLA and Department of Agriculture (DoA), together with other partners, including social movements where possible.

11. Learning From Makhado

Marc made a presentation on the experiences of trying an area-based approach in Makhado. He gave particular emphasis in his paper and presentation to the challenges that have been encountered. However Marc stressed that he is doing so in

order to try and understand the real constraints and come up with a way forward that can make such initiatives work (see Annex 10 for presentation).

In the discussion after the input Tumi of DLA confirmed that the Makhado experience was well received by the Ministry, which is one of the reasons that Minister decided to go ahead with the National Land Summit. In all we are doing to redefine approaches we are trying to think about, Makhado is an important reference point.

The development corridors is a related initiative aimed to address question of pace as well as quality of land reform delivery. The question of the proactive purchase of land is also linked to this. We want to be more responsive and reach a middle way between supply led and demand driven land reform, which is why want to focus on areas and look at opportunities at the local level. We are also looking at various instruments for acquiring land, depending on specific circumstances of the areas.

Marc was asked to give an impression about the timeframes, having started with Makhado as a pilot. How much time is still required? Should we continue as we are of having DLA as the lead agent? What about the involvement of other stakeholders? Issues of community empowerment need to be clearly addressed and Marc was asked for more clarity on this as well as the empowerment of municipalities.

Lazarus from the Limpopo Department of Agriculture said that Marc has emphasised the problem with a propensity in government to try and change people to fit into current farm structures, rather than changing farms to accommodate people's needs. This is fine, but sometimes the needs of the people may run contrary to the goals of land reform. What people want to do can have negative consequences – what if people want land for settlement and therefore need to raze a banana plantation to do so? Secondly, it is not easy to establish timeframes for the resolution of claims as it is a complicated process involving negotiations and sometimes court actions.

Rendani of National Treasury said it would have been interesting to have had a response from Makhado, especially since the paper is quite critical of them.

Leon from the Eastern Cape Department of Agriculture agreed with Rendani and emphasised that we need to be cautious about the general way that we criticise for example he said the presentation on Elliot needed to be careful about how it criticised the role of intermediaries in Elliot. He also said that in the civil service, we are governed by the Public Finance Management Act (PFMA). Acquisition of land through land reform is difficult through the PFMA, because does not conform to prescribed tendering process.

Elvis a counsellor from the Makhado Municipality said that these issues (raised in Marc's input) are not specific to Makhado. There are real difficulties and again because of the recent local government elections, there has been another change. He also explained that there are two types of counsellors – ward and PR (proportional representation). Ward counsellors are accountable to their (ward-based) constituencies, with the main focus being on service delivery. You will find that most ward counsellors don't have an interest in land reform, nor are they usually aware of where claims are, etc. The absence of land reform in IDPs reflects this.

Marc responded by suggesting that some of the questions Tumi had raised, such as around how to empower communities, should be addressed in the group discussions, because he doesn't have all the answers, we need to all contribute to finding solutions. Marc, however, proposed one basic principle: where people or groups or institutions are showing some initiative, using their own resources to take forward land reform and development, let's support that. We have to find ways to challenge that energy constructively and the current land reforms are failing to do this.

Nkuzi has gone as far as it can in Makhado. At this stage we need the government support to have the pilot properly implemented. Nkuzi cannot pilot this on its own, nor drive it we need the commitment of human resources and finance from the government to take it forward and a commitment to back the projects and interventions that arise from the process.

Lazarus has given us a very good example of the attitude of many officials. How can land reform not be responding to people's needs? People's needs should be given primacy.

Marc also stressed that the Land Claims Commission must be able to come up with some kind of timeframes, they have been dealing with land claims for long enough and have a deadline to complete all claims by 2008. Without at least an indication of the time when claims will be settled providing the required development support will be very difficult.

Marc encouraged the representatives from Makhado to respond as they saw fit, but also stressed that this is no an attack on Makhado, what is important is finding ways to take forward land reform and development and to do this we will have to be honest about the obstacles that need to be addressed.

The structural and procedural constraints, such as those that may be there in the PFMA, will need to be addressed so that government can more effectively support land reform.

Marc thanked Elvis for his candour in sharing the constraints and limitations of councillors and municipalities. It is important that we are realistic: being a developmental local government is a great concept, but what does it mean in practice? How do we make it meaningful and where does land reform come into it?

Group discussions

The workshop broke into two groups for each group to discuss two questions:

1. What are the key ingredients of successful area-based land reform?
2. What are the immediate and longer term practical steps that need to be taken to bring about an effective area-based approach to land reform in South Africa?

12. Reports from Groups – Ingredients and Steps

The following are the ideas that came out of the group discussions and were reported back to the workshop as a whole.

Group 1

Key ingredients of a successful area-based approach:

- Area based agricultural plan. In Free State they did try this in the ISRDP node; this will serve as a broad guide to farmers and municipalities.
- Practical decision making, which will need a proper data-base to do the planning. This has to be formatted into maps and at the end come to the level of producing enterprise budgets.
- Proper research first. It seems that there is a problem in development practice where consultant based planning is seen superior to community knowledge and input. Planning without the input of communities is not area-based. Any planning must take into consideration the beneficiaries; therefore arrangement of community participation is fundamental.
- Research to identify the participants and beneficiaries in a particular area. Look at what kind of land they need and what kind of land is there. Do needs assessment including training and infrastructural needs. Unpack

where every stakeholder comes from. The research should be people centred and of course the feasibility is a critical issue. After that research one could understand the complexity of the area and then act upon that.

- Sensitise the municipality and officials about the importance of land reform and its links to service delivery and LED.
- Need the funding to support these process and the outcomes to be in place and easily accessible, this will be provided from a national level.
- All stakeholders to be involved: building cohesion within the community for the long term benefit of the area and land reform in the area.
- Social and economic empowerment is essential. Community empowerment to engage in these processes must be part of this.

The following points were identified as relating specifically to Municipalities:

- The Municipality should be the coordination platform at an area-level. In the Western Cape District Assessment Committees exist for the approval of land reform projects; these could be built on to play a broader role in support of an area-based approach.
- There needs to be a land reform office in the local municipal area.
- Something needs to be done at a policy level to ensure that the departments are coming to the forums created and contributing. This cannot just happen due to the goodwill of certain individuals, it must be institutionalised.
- To get the municipality interested there should be funding for the Municipalities role in such initiatives.
- The municipality cannot run with projects, the larger community must also take the responsibility for project implementation. This requires the right project management approach.
- The Municipal needs a unit or department with the responsibility to deal with land reform within their area.

Group 2

Key ingredients of a successful area-based approach:

- Community ownership, popular participation, strengthening democracy and community driven development.
- Decentralised decision making.
- Participation of all key stakeholders inside and outside government.

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- Integration of plans and the contribution of different stakeholders around a vision for agrarian reform including clarity on the intended outcomes of a successful agrarian reform.
 - Communication, systems for effectively doing this - structures and institutional arrangements with clear responsibilities that are sustained overtime for consistency of engagement and approach;
 - Commitment with clear responsibilities incorporated in the policies and procedures.
 - Procedures for release of finance and resources to support a people driven area-based approach.
 - Local strategies, products and outputs are responsive to local needs and opportunities.
 - Proactive interventions to identify and mobilise demand.
 - Proactive needs and resources analysis – such as assessing the land available and its potential. This can involve GIS mapping, participatory community information gathering and research. The analysis will need to include costing all the options.

Group 1

Practical steps needed to make it happen:

1. The LCC and DLA needs to have a common approach. DLA is speaking of devolvement of powers to municipalities but the LCC is speaking of a national agency to handle all the post settlement issues. There is a policy issue that needs to be resolved.
2. Strategies how to convince the national authorities to be flexible, e.g. Performance management. How they need to reorientate themselves to the area-based approach/Adapting to variety of models coming up. The advocacy unit
3. Independent NGO advocacy strategy to convince the DLA
4. DLA to officially Pilot the area-based approaches in each province.
5. IDP – link land reform to IDPs, there will be a need for resources.
6. Community empowerment
7. Pilots, - how to do it, DLA does not have any resources to do in the
8. state land, public land and communal land could be part of the solution in land needs in the area-based approach
9. DLA, Municipality and Nkuzi – get people to work on the project and work on the facilitation and make things happen at Makhado.

Group 2

Practical steps needed to make it happen:

- We need to draw more on lessons from the land reform pilot projects, Amatola district and other experiences.
 - Delegation of powers to the local level.
 - Review systems of delegation and expenditure to support area-based approaches and local level decision making.
 - Municipalities to be measured on their contribution to area-based land reform.
 - Link to one stop shop, although as currently conceptualised it is limited in terms of it not being the proactive. A change of approach is needed.
 - Commitments need to be put in writing with clear roles.
 - Workshop councillors and traditional leaders on land reform in each area.
 - There is a need to decide on the institutional home for this, the group suggest in the long run this should be the municipality. It cannot rely on the many forums that meet and never meet again. Current district approval committees are very reactive to project applications.
 - One forum is needed at the municipal level to deal with the business of land reform in the municipal area, with a convening institution and regular meetings.
 - Task the Commission and DLA to be initial convenors of thee required forums.
- Possible stages to implementation:

- First step would be commitment of department (include commission) to this approach and testing the model as shown through a formal statements of commitments emerging from the strat-plan and top management meeting. This should then be coordinated from provincial level with an official, at least a Deputy Director, in the province.
- DLA needs to brain storm strategies at the most senior level, agree on who are stakeholders and then engage them. Relevant responsible officials must be tasked to engage stakeholders. It was noted that the response of municipalities depends on the seniority level of officials being sent.
- Chief Directors in each province need to go to all municipalities to brief them on this approach, then municipality will agree. In these discussions it will be important to agree on role of municipalities, such as them being convenor.
- DLA needs to get the DPLG on board to work with on this.

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- Identify pilot areas (Makhado should be one of them). A couple of willing municipalities are needed that have the political commitment and management ability to pilot the approach.
 - Reach agreement at highest level of DLA what is involved. What is agreed to move forward.
 - Convene also with strategic partners to get commitment at that level, (including districts)
 - We do not have to wait for all things or for all the top commitment to be there, if a forum is set up at a local level it should proceed and commitment will come over time.
 - In the pilots test alternative mechanisms of land acquisition.
 - The process needs to become rooted in each area as part of the responsibilities of local municipalities this requires:
 - Resources, for facilitation, secondment of staff, pockets of money to support flexible solutions that are identified.

Discussion

We will not be able to get all institutional arrangements in place at once so we should go ahead and start the pilots without all of them in place; other arrangements will follow and be informed by the experiences gained.

Political issues are there that have not come up in the debates in this workshop, for example tenure issues on communal land and the role of traditional authorities some of whom feel municipalities are trying to take land away from them. Now you talking about area based and they are not sure how this relates to their agenda and the way they see themselves as an interest group. Municipalities do not always have the ability to deal with these situations. Some of this will have to be dealt with in terms of the Communal Land Rights Act that also has its own implications.

It was noted that while there are backwards and forwards shifts in policy there is a general long term trend that is essentially towards decentralisation and this is shared across many levels and departments. This should give us courage as we are working 'with the tide' in terms of long term trends when we promote an area-based approach. There are still obstacles and a lot that needs to be done in terms of policy changes, but the trends seem favourable. We must take cognisance of other policy interventions such the 'one stop shop' and current post settlements debates and integrate area-based approaches with these initiatives.

Post settlement support has been discussed largely at the project level, but it must start to be seen more the area context and linked to debates on local economic development. The approach must be about creating an environment for success rather than trying to micro-manage projects.

Department of agriculture in Limpopo has appointed officers at a middle management level at every municipality in Limpopo. This will help and potentially in Limpopo the Department of Agriculture could be the key driver of new area-based approaches. Limpopo is at the cutting edge at the moment in terms of integrating land, agriculture and development issues and the provincial DoA is doing things such as seeking to employ DLA officials who understand land issues.

13. Way forward

Nkuzi will produce and circulate minutes/report of this workshop.

Senior policy makers know the problems and are tired of hearing the problems, they want to start hearing the answers. We should take the outcomes of this workshop along with specific recommendations to the most senior policy makers including DLA, DPLG, DWAF, and DoA.

HSRC, Nkuzi and NRI will put together a summary of a few pages outlining what has to be done, building on the discussions here and our experiences, and circulate this to all participants. This is to be used as a basis for going to discuss next steps with key policy makers, starting initially with DLA and the land claims commission.

As it seems that DLA is waiting to complete its policies in a number of areas, such as the corridors approach we need to engage these discussions, but not be dictated by them or wait for the internal processes of policy discussion.

We need more work and research on what is happening with programmes such as CASP and what we can learn from them.

There was a discussion about the need and value of publishing the research findings on area-based/territorial approaches. Advocacy needs to happen at a number of levels, there is always value in putting ideas and information clearly on paper as a formal record, but one must also go and knock on doors and talk to people. Documentation alone will not bring change if we are not also talking to people.

We should build on the work already being done and the organisation all represented here, in particular we have a number of the key institutions from Limpopo who can take this forward, so we all need to see how we take forward in our work and at different levels. We need the discussion with the officials in dept of agric in Limpopo and also with the municipalities.

14. Closure

Julian thanked all the participants for attending and the workshop closed with the wish being expressed by the organisers and some participants that these discussions get taken forward into practical actions to improve land and agrarian reform in South Africa.