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A CASE STUDY OF LAND RESTITUTION POLICY IMPLEMENTATION IN THE COMMUNITY OF BANOGENG

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CHAPTER ONE

INTRODUCTION, BACKGROUND AND PROBLEM STATEMENT

1.1 Introduction

This research investigates the challenges of land restitution, particularly in relation to the implementation of this process in South Africa in the post-1994 period, through a single case study. The land restitution policy forms part of the broader policy of extending the rights of land ownership to the previously disadvantaged groups in the South African population. Land reform policy of the South African government is aimed at transforming the land ownership patterns of the country and is pillared on three programmes: land restitution, land redistribution and the extension of security of tenure or tenure reform. Land restitution is the programme which is aimed at benefiting those individuals and communities who lost their land rights as a result of racially based laws and measures after 1913. To achieve this, land redistribution seeks to distribute about 30 per cent of white-owned commercial agricultural land to black people by 2014. Extension of tenure rights is primarily aimed at improving tenure rights of farm workers and those living on farms.

Restitution is defined in this context to mean “the restoration of a right in land; or equitable redress” (DLA, 1994:3). Taken further it can imply compensation for a violation of a right or an injustice as a result of discriminatory laws or practices. The restitution process is divided into various phases designed to fast-track the settlement of land claims. A broad outline of the restitution process includes lodgement and registration of claims; screening and categorisation; ascertaining of the validity of a claim; negotiations; approval of settlement between parties involved; and the implementation of the settlement framework (see Chapter 2).

An overview of whether a specific programme of restitution, that of the community of Banogeng, is being executed in a manner that meets the goals of

development (or not), and as espoused in the 1996 Constitution of the Republic of South Africa, is the subject of this study. These goals of development include, but are not limited to, poverty alleviation, housing, employment, access to clean water and sanitation, access to medical care and safety and security, education and care for the aged and physically disabled (Mbeki, 2004). It would thus be imperative for land restitution policy also to advance these basic developmental requirements. In its 2004 Election Manifesto (*A People's Contract to Create Work and Fight Poverty*), the African National Congress (ANC) noted these basic requirements as fundamental to the development of a people. The ANC's 2009 Election Manifesto (*Working Together We Can Do More*) addressed several measures that were also anticipated to bolster the land reform policy. Without specific mention of the restitution programme, the manifesto notes, for example that the ANC (2009) intends to:

> *Intensify the land reform programme to ensure that more land is in the hands of the rural poor and will provide them with technical skills and financial resources to productively use the land to create sustainable livelihoods and decent work in rural areas;…*
>
> *Review the appropriateness of the existing land redistribution programme, introduce measures aimed at speeding up the pace of land reform and redistribution and promote land ownership by South Africans.*

In discussing the merits and demerits of South Africa's restitution policy in this research report it is prudent to assess whether, from a policy perspective, the implementation of the restitution programme has been adequate to meet these challenges of poverty alleviation. Meeting these challenges might involve creating job opportunities for sustainable livelihoods, housing, access to clean water and sanitation, access to medical care, safety and security, access to education, and care for the aged and physically disabled, and ensuring environmental sustainability of projects on behalf of the beneficiaries. It is also worth establishing whether there are any particular factors that serve as hindrances to the realisation of a developmentally successful process of land

reform in South Africa. Thus, the implementation of land restitution must be seen as part of a broad process that occupies a central space in the socio-economic and political development of a society that has experienced disharmony, division and separate development, which were the hallmarks of the erstwhile apartheid state. Recounting the effects of apartheid and land deprivation, Khoapa (2007:27) notes that it (apartheid) created an "unjust distribution of resources, rapid population growth, increasing degradation of the environment and as a result many more were forced into destitution, diseases and despair".

1.2 Background

Denial of the right to own land by black people was one of the cornerstones of the apartheid oppression (Louw, 2007:12). The advent of democracy in South Africa brought hope to millions of South Africans – also to those who had been dispossessed of their ancestral land. The dispossession had occurred via the various legislative measures that the colonial and apartheid governments had put in place, notably the Black (or Natives) Land Act 27 of 1913[1] as a means of denying black South Africans their range of human rights such as the right to own land (or not to be dispossessed of the land on which indigenous South Africans and their forefathers had lived). Some of the most notorious and destructive additional pieces of legislation used to dispossess black people included the Natives Trust and Land Act of 1936 and also the much maligned Group Areas Act of 1950, which was used to effect removals in the urban centres around the country (Bernstein, 2005:5).

The Commission on Restitution of Land Rights was established following South Africa's 1994 democratic elections. During the Convention for a Democratic South Africa (CODESA) negotiations, which were aimed at establishing an interim constitution, the ANC adopted the willing-buyer-willing-seller approach

[1] The Black (or Natives) Land Act 27 of 1913 is legislation that came into effect on 19 June 1913 and according to which black Africans were not allowed to own or rent land outside of designated reserves.

contrary to the expectations of the majority of the population, who had hoped that nationalisation of the land would be the guiding principle towards a just land redistribution regime (Hall, 2003a:1). The Restitution of Land Rights Act 22 of 1994 provides the framework and circumstances under which development can take place in accordance with the principles enshrined in the Constitution (Scheepers, 2000:69). Granted, the mandate of the Commission is to resolve land claims lodged within a given timeframe, which was on or before 31 December 1998. The powers and functions of the Commission were established by the Restitution of Land Rights Act 22 of 1994, which also drew its inspiration from the preamble of the Constitution, which "recognises the injustices of our past", and notably section 25(7), which is emphatic on the need for restitution. These parts of the Constitution amplify the need for just and fair compensation to ensure a balance between public and individual rights (RSA, 1996:11). In this manner the legislative framework under which the land reform process is approached in South Africa is on the basis of creating an orderly land reform process which upholds the rights of all citizens.

From the perspective of the statement of the research problem (and also from a policy perspective), it emerges that when the restitution legislation was drafted little consideration was given to the implementation of the policy – and particularly not to the question of what would happen after the returnees had obtained title to the land. Many a question arose as to what kind of measures would be put in place to support the (essential) legislative framework that was created. For instance, no consideration was given to the number of beneficiaries who would opt for the return to the land rather than accept the option of monetary compensation. Further, the Department of Land Affairs (DLA) (from May 2009 onwards called the "Department of Rural Development and Land Reform" (DRDLR) following the reconfiguration of government as a result of the 2009 elections) emphasises in its mission that it seeks "to provide enhanced land rights to all South Africans, with particular emphasis on black people, which would result in increased income levels and job opportunities, productive land

use and well-planned human settlements" (DLA, 2009). From this, it can be deduced that the department realises the need for a well-planned coordinated and pragmatic approach with a developmental focus which will make these intentions realisable.

At the time of effecting removals, and in particular forced removals, during the era of the apartheid policy, there were fewer families per household than at the present time – the moment when the formerly land-dispossessed are given back their land and return to live on it, or accept the monetary compensation offered instead. Either way, families have since multiplied to the extent that the compensation package given in the post-1994 era and in the present will inevitably be insufficient and fall far short of addressing the socio-economic hardships of the present generation of beneficiaries. Similarly, the number of persons who upon restitution return to their land may also possibly exceed the number of people who can farm and make a living from the returned land. The research thus argues that these could be some of the unintended consequences of the restitution policy. This argument is pursued in relation to the community of Banogeng in the North West Province of South Africa.

The Banogeng community thus forms the unit of analysis for this study. Specifically, the Banogeng is the community of the farm formerly known as "Rietfontein No. 7" and later called "Portion 12" (a portion of Portion 3) of the farm Rietfontein No. 54 IP, situated in Lichtenburg District of the North West. The land in question is situated 15 kilometres in a south westerly direction outside of the town of Lichtenburg in the North West Province. The locality map of the farm is shown in Appendix A: "Locality map of the farm Rietfontein 54 IP, Lichtenburg, North West".

The community was removed from its ancestral land in 1976 by the then National Party government. The community thus lost its land rights as a result of past racial laws that applied at the time. This happened after the Banogeng had

refused to sell their land to white people who were eager to buy the properties. The notorious expropriation laws were invoked to effect the community's removal in the period from 1974 to 1975. In the post-expropriation period the land was divided into two portions and was used predominantly for agricultural purposes. The land was returned to the Banogeng beneficiaries on 18 October 2003 after successful processing of their land claim by the Regional Land Claims Commission: Gauteng and North West. The beneficiaries have since taken a decision not to physically return to the land but rather to use the land for agricultural purposes. They have nominated one of the claimants to be a caretaker to remain on the farm. There are seven families of farm workers who reside on the farm, whose needs of alternative accommodation in terms of the Extension of Security of Tenure Act 62 of 1997 (ESTA) have not been resolved yet. In 2003 the Minister of Land Affairs approved Restitution Discretionary Grants (now called "Restitution Settlement Grants" (RSGs)) totalling R999,000 for the Banogeng beneficiaries. The purpose of RSGs is to assist the claimants with relocation costs and for procurement of goods and services for improvements on the land once a claim has been approved for settlement. In the Banogeng case, this amount was used to purchase agricultural equipment, which was handed over to the claimants in late 2007.

The Banogeng land claim as a case study was selected for this research, on the basis that the case makes for a compelling analysis of the implementation of the restitution policy and of how the resolution of the land claim has been received by Banogeng community members. The land is 214 hectares in size and located within the maize triangle of Lichtenburg, Schweizer Reineke and Bloemhof. The project is characterised by the duality of the restitution programme and the tenure programme in as far as the rights of beneficiaries are concerned. The tenure rights that are referred to involve the other farm workers who have resided on the land for many years and whose accommodation needs are to be catered for by ESTA. The study also explores the possible contradictions between these two sets of rights.

1.3 Problem Statement

The majority of the population in South Africa was excluded from land ownership for many years. Land ownership patterns were manifest in the ratio of 87 per cent of land residing in the hands of the white minority population group, and the remaining 13 per cent reserved for black people or Africans.[2] This exclusion from land ownership of black people resulted in injustice and unfairness of land distribution.

Lambert (2000) observes that since the land reform project was introduced in the post-1994 era, there has been a slow pace of reforming the land skewness patterns. For instance, he points out that 42 per cent of people who live in the former homelands are forced to share 17 million hectares of land among themselves – which is only 14 per cent of the land in South Africa. Lambert (2000) noted at the time of his research that if the then pace of land reform was anything to go by, there was little hope that the target of distributing at least 30 per cent of white-owned agricultural land by 2014, which was first stated in the Reconstruction and Development Plan (RDP) in 1994, would be reached. At the time of his writing, less than two per cent of land had been redistributed (Lambert, 2000:15).

Progress in commitment to the redistribution of land up to 2008 suggests that, by the end of March 2007, approximately five per cent of white agricultural land had been distributed through the various land reform programmes (Lahiff, 2008). According to the report published by the University of the Western Cape's Institute for Poverty, Land and Agrarian Studies (PLAAS), restitution accounts for 45 per cent of the total land distributed to date and 55 per cent of land distributed hitherto has been distributed through the other land reform programmes, including the Settlement Land Acquisition Grants (SLAG) and the Land Reform

[2] The word "African" is used interchangeably with the word "black" to denote those people who were regarded as inferior to other races as defined under section 1 of the Population Registration Act 30 of 1950.

for Agricultural Development (LRAD), state land disposal mechanisms, commonage farm worker equity and the tenure reform programmes (Lahiff, 2008:1).

The introduction of land reform policy after 1994, with specific emphasis on the restitution policy, was aimed at redressing the imbalances that had resulted from forced removals and expropriation. However, on the implementation of the restitution policy, it appears that there are no clearly defined policy guidelines to drive an integrated and sustainable post-restitution programme – and, in particular, measures that would address the phenomenon of the high number of beneficiaries returning to the land upon the act of restitution. This has particular pertinence to the case study in question.

In the case of the Banogeng community, the original individual owners of this farm at the time of dispossession numbered 18. However, at the time of re-settlement, the original families had grown in numbers to 225 households (Mosegedi, Mtila & Sekhakhu, 2006:4-6). In all probability, this increase in the number of beneficiaries tended to have an effect on the carrying capacity of the land, making it more difficult to harmonise the two competing demands of settlement and continuing agricultural production on such land.

Other than returning a huge number of beneficiaries to the land – relative to the non-expendable size of land – seemingly the problem had also been compounded by the skills shortage on the part of the beneficiaries, the shortage of personnel with technical expertise within the Department of Land Affairs (DLA), and the institutional arrangements in the Commission on Land Restitution that are intended to deal with post-settlement issues, thus problems that arose after the community had been returned to the land.

Therefore, what remains a derivative pressing question is: To what extent does the problem of incapacity and non-alignment of institutional arrangements (as

evidenced in the lack of attention to this problem) within the Commission on Land Restitution contribute to the institutional inability to deliver sustainable re-settlement?

The conducting of this research is also essential for determining what has happened to the community of Banogeng in the period since its return to the land – in terms of any improvements (benefits) that the community has received in ensuring an improved quality of life. These issues are explored in detail to determine any development in lieu of the myriad of challenges experienced with the functioning of legal entities for beneficiaries, the level of requisite skills on the part of the returnees, their ability to productively utilise their restored land and the ever-rising input costs associated with farm production. The complexities created by disputes emerging as a result of the land being returned to its claimants, and the question of governance with regard to the right of control and authority over the land, are some of the pertinent issues that characterise the Banogeng land restitution process (see Chapter 4).

The roles of other stakeholders, notably the local municipality and the Department of Agriculture, whose role is central in the provision of post-settlement support (PSS), constitute an important issue to be investigated. Lahiff (2008) observes that, with more claims being settled, there has been increased acknowledgement that beneficiaries are receiving little support, beyond receiving title to the land, in the form of training, and financial support to establish productive enterprises for their livelihood (Lahiff, 2008:11).

1.4 Purpose Statement

The purpose of the study is to determine whether the land restitution programme, as implemented in the period of the late 1990s and 2000s, is adequately geared towards providing support and sustenance for beneficiaries, taking into consideration the high number of claimants returned to the land. It is also

necessary to ascertain whether in utilising the land the beneficiaries have been able to address the challenges of economic deprivation, which are poverty alleviation, landlessness and unemployment. The study highlights the achievements and shortcomings of restitution policy implementation by focusing on a case study of one of the resolved land claims, that of the Banogeng community in the North West Province of South Africa.

1.5 Research Questions

The research questions in this study are divided into primary and secondary research questions.

1.5.1 Primary Research Question

The primary research question is:

> To what extent have government policies, programmes and legislation regarding land restitution made provision for productive land use in the post-restitution phase, with specific reference to the Banogeng community in the North West Province?

1.5.2 Secondary Research Questions

The study poses the following three secondary research questions, all of which support the primary research question:

> What are the challenges experienced by the Department of Land Affairs and the Commission on Land Restitution, in particular, in ensuring a sustainable post-settlement restitution for the beneficiaries?

How has the restitution award package benefited the Banogeng community?

Is there a need for policy intervention for an integrated and sustainable post-settlement framework that takes into account the number of returnees relative to the size of the land?

1.6 Conceptual framework

The conceptual framework is provided to give the definitional understanding of the terminology and concepts that are used in this report. They include the terms below.

The term "**land restitution**" in the context of this study means the restoration of a right to particular land to those who were forcefully removed from their land after June 1913 as a result of the racially discriminatory practices or laws of the past (DLA, 1997:19).

The term "**racially discriminatory practices**" means practices, acts or omissions which were designed to prejudice certain racial groups of people.

The term "**Commission**" refers to the Commission on Restitution of Land Rights as established in terms of the Restitution of Land Rights Act 22 of 1994 as amended.

The term "**urban claims**" means a claim lodged for the restitution of rights in land lost for an urban plot or erf within a geographical area. Urban claims are generally smaller and involve individual families (Hall, 2003a:25).

"**Rural claims**" are those claims where 90 per cent of the claimants are located and where vast land parcels and portions of land are located (Hall, 2003a:25).

These are claims lodged for the restitution of rights in land lost for a rural portion(s) of land within a rural geographical area.

The term "**claimant(s)**" means the person or persons who lodged a claim for restitution of rights in land (DLA, 1994).

The term "**Communal Property Association or (CPA)**" means a landholding entity established in terms of section 8 of the Communal Property Association Act 28 of 1996 (DLA, 1996).

1.7 Legal framework

The legal framework here explains the legal instruments that were used to effect dispossessions as part of the erstwhile government agenda to deny black people their rights to own land. To that end, several laws were promulgated by the then South African government to give effect to the systematic dispossessions. Most notably these laws were:

- The Natives Land Act 27 of 1913, also known as the "Black Land Act": The Act came into being as a result of pressure from whites who complained to government that blacks were encroaching onto their territory. Through the passage of this Act reserves were created for black people. Also, as a result of this law, black people could not buy or rent property from whites. The Act was passed ostensibly to limit the tension between blacks and whites (Muller, 1981)
- Development Trust and Land Act 18 of 1936: The purpose of the Act was to expand the reserves for blacks to a total of 13, 6 per cent of the land in South Africa. The Act also sought to authorise the Department of the Bantu Administration and Development to eliminate the "Black spots", which were areas where black people resided that were surrounded by white-owned land (South African History Online, 2009).

- Group Areas Act 41 of 1950: This Act was promulgated to ensure the forceful separation of different population groups by residential location. This meant that a person of a particular race would not be allowed to stay where they chose to stay; instead, their race classification would determine where they would be allowed to stay. This Act was used to forcefully remove people who were staying where they were not allowed to stay (Boddy-Evans, 2009).

1.8 Legalised dispossession of Banogeng

According to the report of the Regional Land Claims Commissioner: Gauteng and North West regarding the historical dispossessions of the Banogeng land, the land was regarded as a so-called “Black spot” from which the black people residing on the property and other surrounding farms were to be removed in terms of the government policy of the time (RLCC, 2002:4). A notice of expropriation no. 785 of 1975 was an internal departmental notice issued by the then Department of Agricultural Credit and Land Tenure (DACLT), by which notice was given to the effect that Portion 12 (portion of Portion 3) of the farm Rietfontein No. 54 IP had to be expropriated.

The minutes of a meeting held on 2 November 1949 at Rietkuil between the then Commissioner for Native Affairs, Mr H.R. Van der Bergh of Lichtenburg, and 46 black people record that it was explained to the black people that they were residing on land which belonged to whites (RLCC, 2002:4-5). The meeting was attended by other black land owners of adjacent farms like Rietkuil and Biesiesvlei. The Commissioner explained the contents of the minutes of the head of the Native Affairs to the effect that those blacks were required to say when they were going to vacate their lands. Jacobus Mosiane – one of the original buyers of Portion 12 of Rietfontein – Abram Mosiane and Frans Digoamaje informed the commissioner of their intention not to vacate the land or to exchange it (RLCC, 2002). However, they were aware that the government had

the power to expropriate their land in the event that they refused to vacate the farms of their own free will.

From the foregoing it is clear that the government of that time was bent on relocating large numbers of black people in terms of its racial policy of clearing the so-called “Black spots” in areas designated for occupation by white people only. In clear and simple terms this constitutes discrimination on racial grounds. The DACLT, which effectively removed the claimants because they were reluctant to sell their properties to the then government, issued an Expropriation Notice No. 785/1975 (RLCC, 2002:5).

1.9. Legalised restitution for land beneficiaries

The legal framework that serves as the basis for guiding the land restitution process is, firstly, the Constitution of the Republic of South Africa, Act 108 of 1996 and the Restitution of Land Rights Act 22 of 1994. The Constitution states that “the state must take reasonable legislative and other measures, within its available resources, to foster conditions which enable citizens to gain access to land on an equitable basis” (RSA, 1996:12). Secondly, the Restitution of Land Rights Act 22 of 1994 provides a guiding framework for the “restitution of rights in land to persons or communities dispossessed of such rights after 13 June 1913 as a result of past racially discriminatory laws or practices” (DLA, 1994:1).

Owing to the interest that the slow pace of land reform has generated over the years, the land affairs director general has indicated that there is a need to review the White Paper on land policy and that any new policy initiative will be preceded by a national debate that will take into account the various needs of the landless communities. The needs identified so far include: beneficiaries who require land for sustenance farming, farmers who want to transition to becoming commercial farmers, and farmers who are commercially active and well-established commercial black farmers who require support (Blom, 2009:3). This

concern suggests that there is new policy thinking around how best land reform in general should be approached to obtain maximum benefit for land reform beneficiaries.

Although government has ensured that land reform stays firmly rooted within a legal and constitutional framework to ensure an orderly land reform process, it nevertheless faces growing concern over the slow pace of distributing land to the landless majority. In maintaining its legalistic approach, government has ensured that property rights of individual land owners are protected and that, where disputes around land issues arise, due legal processes are followed. It has also maintained the market driven “willing buyer, willing seller” approach at the time when the efficacy of this approach is being questioned (Bernstein, 2005:7-9). It must be noted that, since 2003, a number of policy shifts have taken place, notably an amendment in the form of the Restitution of Land Rights Amendment Act 48 of 2003, which aimed to empower the Minister of Land Affairs to expropriate land to further the aims of land reform where negotiations with land owners have failed (Bernstein, 2005:8).

1.10 Importance of the Study

The reasons for undertaking this study emanated from the wide range of concerns around the implementation of the restitution programme in the development of the lives of the land restitution beneficiaries, whose quality of life continues to be characterised by poverty and landlessness. The significance of the study exists in the context of the dearth of information and understandings regarding the sustainable implementation of the restitution policy in South Africa. In particular, there is still limited completed research on the extent to which the reforms have contributed to the reduction of poverty and underdevelopment. It is in these respects that this case study of the community of Banogeng hopes to make a scholarly contribution.

The policy of land restitution should be a vehicle for empowering communities which were previously barred from owning land. However, preliminary information seems to demonstrate that the relation between land restitution and development is neither singular nor simple. It is therefore important through a particular case study research project to assess how implementation of South Africa's current policies has been conducted as it relates to land restitution as part of the broader policy objectives of fighting poverty, fostering racial harmony and engendering the values of a just and equitable society.

1.11 Limitations of the Study

The study focuses on the beneficiaries in the Banogeng project and the officials of the DLA and the Commission on Land Restitution responsible for the implementation of the restitution programme. The focus is on the perceived challenges of implementing a sustainable restitution policy and whether the beneficiaries in the selected case feel that they were empowered to be self-sufficient as a result of the land being returned to them.

As the study focuses on a relatively limited group of respondents, caution is exercised about generalising the findings too widely. However, these respondents were chosen because they were expected to provide useful insights that could suggest broader trends. The focus of the study is largely on the trends and patterns of settlement planning on the part of the Commission on Restitution, in its facilitation of the implementation of the restitution programme. In addition, the case study methodology facilitates in-depth insights and these insights can usefully be applied to the field of the research problem. Nevertheless, it remains possible that one case study may differ from the next. The findings have therefore been interpreted in the context of this being a specific case study, namely that of the Banogeng restitution beneficiaries.

Further, numerous challenges were experienced in the course of conducting this study and these may have affected the outcome of the research. These include the following:

- Locating appropriate literature: Although there is some literature on land reform generally, this study was limited by a dearth of literature specific to academic discourse and of critical evaluation of the implementation of the restitution programme with specific reference to the aspects of the post-restitution phase.

- Translation issues: All but one interview were conducted in the beneficiaries' language (vernacular) – SeTswana and it was incumbent upon the researcher to transcribe the interview data into English. All reasonable precautions were taken to ensure the integrity of the translated responses. Also, most of the archive material was in the Afrikaans language and therefore had to be translated into English. Again, the researcher worked to ensure full accuracy. It is thus likely that these potential constraints have been minimised.

- Locality of the respondents: The respondents were scattered over a wide area and this affected the timelines established for the research. Most of the respondents reside in various villages in the North West and Gauteng provinces. It was difficult to schedule interviews to suit the time available for the researcher and the interviewees. The researcher believes that this problem was adequately overcome.

- Time and financial resources: The lack of available time and financial resources made it difficult for the researcher to travel with ease to conduct interviews, to the extent that this may have limited the amount of data gathered for this research project.

- Untraceable potential respondents: Some of the potential respondents, e.g. TRAC (Transvaal Rural Action Committee), could not be located as they no longer operate in the North West. It would have been useful to obtain their perspectives as they were at the forefront in providing advice to land claimants with the process of lodgement of claims.

1.12 Structure of the Report

The rest of this study is presented in the following manner:

Chapter 1: Introduction, Background and Problem Statement – The chapter dealt with the background on the subject of restitution as it is implemented in South Africa post-1994, and more specifically as it relates to the effect of the implementation on the Banogeng claimants in Lichtenburg in the North West Province.

Chapter 2: Literature Review on Land Reform and Restitution in South Africa - focuses on reviewing the available literature and draws from various scholarly writings in advancing the discourse around the restitution policy implementation and its effect on the lives of beneficiaries.

Chapter 3: Research Methods - provides the details of the research methodology used in developing the research project.

Chapter 4: Research Findings on Land Restitution in the case of the Banogeng Community – this chapter presents the research findings.

Chapter 5: Conclusions and Recommendations – this chapter concludes by summing up the work presented and making recommendations for a coherent policy intervention to address the gaps in the restitution policy implementation identified by the study.

1.13 Conclusion

This introductory chapter sketched the background to the vexing question of racialised landlessness and the accompanying impoverishment of the vast majority of the South African population. Against the background of a plethora of laws that were enacted as instruments of dispossessions and forced removals, the historical origins of the restitution policy and its role in responding to the myriad of challenges of landlessness as experienced by the majority of the population form the foundation of this study.

With the selection of the case study as a unit of analysis, this chapter has attempted to position the restitution policy within the legal framework in the form of legislative measures used to effect forced removals and the legislation that enabled beneficiaries to be returned to their land. The chapter further maintains that an orderly and a legally rooted land reform process is a precondition for ensuring sustainable settlements in the quest to bring about racial harmony and thereby de-racialise land reform.

CHAPTER TWO

LITERATURE REVIEW ON LAND REFORM AND RESTITUTION IN SOUTH AFRICA

2.1 Introduction

For the purpose of this research, the literature review is anchored in the arguments that concern the challenges of government's land reform programme in general and the restitution programme in particular, especially during its implementation phase. As this literature survey will indicate, the available literature does not sufficiently offer a vigorous interrogation of the issues pertaining to the effect or outcome of the re-settlement efforts for the restitution beneficiaries and the challenges they encounter once they have been resettled on the restored land. Most of all, the dearth of literature on the post-implementation phase of restitution cases has created a vacuum in scholarly knowledge. There is thus a need for an analysis that will contribute to the understanding of the problems that are encountered in the implementation of land restitution policy. As Ntsebeza and Hall argue, the problems of post-settlement support, and failure by the land reform beneficiaries to utilise the land adequately when it is given to them, suggest that these problems of post-settlement constitute much wider policy challenges that go beyond the land reform programme as it is currently conceptualised (Ntsebeza & Hall, 2007:88).

To begin with, this report seeks to explain how the implementation of the restitution policy within the Banogeng community was undertaken, viewed against the need to transform the material, social and economic conditions of this specific group of people.

The net effect of sketchy literature on the implementation of land restitution policy is that, in most cases, it appears that the issues of post-restitution implementation are dealt with on a trial-and-error basis by officials owing to the

lack of guidelines to inform the post-implementation approach. In 2007, the guidelines for the post-settlement support framework called "Settlement and Implementation Support (SIS) Strategy for Land and Agrarian Reform in South Africa" (CRLR, 2007a) were developed by the Sustainable Development Consortium supported by the DLA, the Commission on Restitution of Land Rights, the Belgian Development Cooperation, and the Belgian Technical Cooperation (CRLR, 2007a). Although this comprehensive strategy is a timely intervention in the wake of numerous restitution and redistribution projects failing to provide sustainable livelihoods for the beneficiaries, it is still too early to evaluate its effect and impact on the lives of the beneficiaries. This therefore undermines the rights of individuals and communities dispossessed of their land rights. Taking into account that restitution is more of an act of redressing the rights of individuals and communities, which remains the thrust of government policy, it appears that little regard was given to the evaluation and monitoring of the results of the implementation phase of restitution policy. This study seeks to make a contribution to addressing these omissions.

2.2 Legalisation of land dispossessions in rural communities

Scholarly literature succeeds in mapping and exploring several of the aspects of land restitution. The literature shows that land restitution benefits persons and communities dispossessed of rights in land by the operation of discriminatory laws and practices after 19 June 1913, to the exclusion of those whose land rights do not meet the applicable definition (Eales, Marcus & Wildschut, 1996:5). Land restitution is a socio-economic programme, and operates within the legislative framework as set out by the Restitution Act 22 of 1994 (see Chapter 1), as well as the Preamble[3] and sections 25(3) and 25(7) of the Constitution of

[3] The Preamble states that the Constitution was adopted as the supreme law of the Republic to ensure, among other things: "that the divisions of the past are healed and establish a new society based on democratic values, social justice and fundamental human rights. The Constitution was also adopted to ensure that the quality of life of all citizens is improved and that the potential of each person is freed".

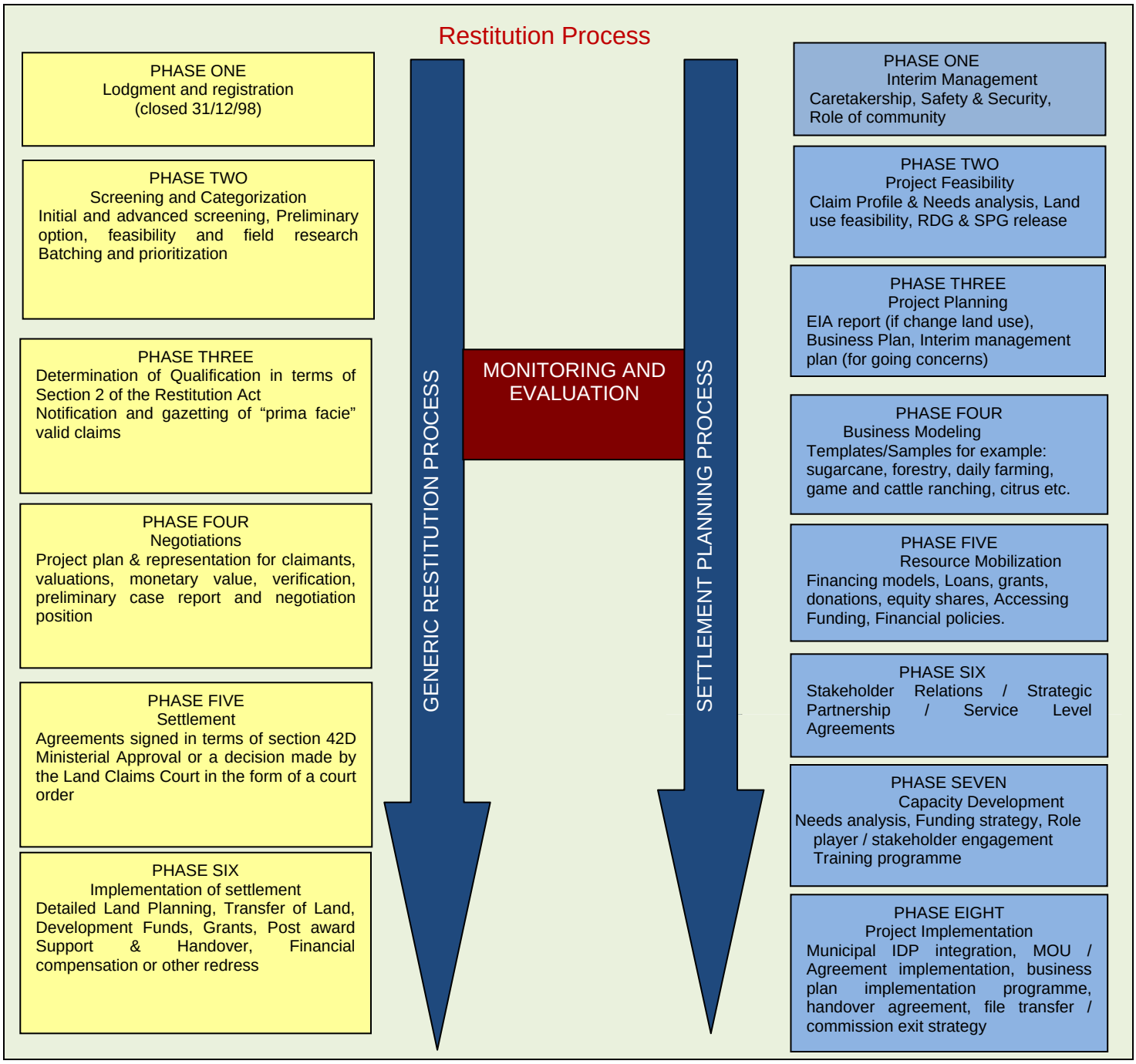
the Republic of South Africa Act 108 of 1996. The Restitution Act was passed on 2nd December 1994 (Tong, 2002:69).

Prior to the enactment of these progressive legislative measures land removals were formalised into the broader policies of subjugation and disenfranchisement of black people and thus became the cornerstone of apartheid policy. Lamenting the vigour with which the apartheid government enforced removals, Dugard (1983 as cited in Platzky & Walker, 1985:16) wrote:

> *Pretoria has set in motion the implementation of its ultimate fantasy – a South Africa in which there are no black South African nationals or citizens; a South Africa that cannot be accused of denying civil political rights to its black nationals for the simple reason that there will be no black South Africans, only millions of migrant labourers (or guest workers, as the fantasy sees them) linked by nationality to a collection of unrecognized, economically dependent mini-states on the periphery of South Africa.* [sic]

The ANC government realised the significance of addressing the landlessness experienced by the majority of the population. A land restitution commission was established to facilitate the process of giving back rights lost as a result of past racially motivated measures. In keeping with this commitment, a land restitution framework was established. Restitution of land is a vehicle for development and can contribute meaningfully in fostering reconciliation in the community (Everingham & Jannecke, 2006). The restitution business process entails various steps from lodgement of a claim and verification of beneficiaries to settlement agreements (see Table 1 for detailed steps in the restitution process).

Table 1. Restitution process



Source: CRLR (2007b)

Following the Community Perspectives on Land and Agrarian Reform in South Africa (CPLAR) project of the mid-1990s, Levin and Weiner agree that the land remains an invaluable resource for most rural communities and to that end many poor people regard it as a source for producing food, building a home, earning an income and being able to provide income and a livelihood for their families. Often, rural communities attach much value to land as the only source of sustenance (Eales *et al*., 1996:13). Central to this process of policy

implementation is the need to allow community participation in shaping policies that affect the lives of the beneficiaries even before the policy is implemented. Rural communities are often the worst affected groups in land reform. The CPLAR project also sought to create a platform to highlight the plight of this segment of society in terms of capacity building (Levin & Weiner, 1997:98).

The necessity for the establishment of a restitution mechanism to address the imbalances created by the racially motivated dispossessions cannot be overemphasised. That there appears to be scant literature around the notions of post-restitution suggests that there was a preoccupation with redressing the rights of ownership rather than with resolving the corresponding developmental rights of the dispossessed individuals and communities. The establishment of a restitution programme has provided relief to people whose land rights were violated. However, it is important for the beneficiaries to be enabled to participate in the process of developing solutions which will lead to meaningful restitution. The fact that communities attach significance to land as a valuable resource for self-sustenance and livelihood suggests that the implementation of a restitution policy should take this aspect into consideration and ensure that the implementation of policy responds to the communities' socio-economic needs, including the need for reconciliation.

2.3 Restitution as a vehicle for attaining reconciliation

James (2007:225) advances the argument that, in South Africa, conflicts involving land issues are primarily about race and to that end any proposed solutions to such conflicts will inevitably require that such racial tensions be confronted head-on and dealt with decisively. The author maintains that this tension has been heightened by public awareness of the Zimbabwean land reform experiences, where racial disharmony assumed high proportions of racial hatred. In South Africa land became a contested commodity between different racial groups and often defines relations between the various racial groups. It is

therefore no coincidence that land restitution became the rallying point of the ANC policies to underpin the political settlement reached at the Congress for Democratic South Africa (CODESA) talks of the early 1990s. In essence this was the precursor to a democratic political dispensation. Thus, the land restitution programme was born out of a political compromise that ushered in a new political dispensation. It was introduced with a view to promoting reconciliation and enhancing the development of those individuals and communities previously denied the right to self-determination as a result of racial discriminatory legislation.

Thus, redressing distortions created as a result of land planning based on apartheid policies is fundamental to long-term political stability and economic prosperity, and in this way to engendering national reconciliation (DLA, 1997:23). As stated, the key aim of restitution is to restore land in a manner that advances reconciliation, reconstruction and development (Lahiff, 2001:4). The process of transforming land ownership is a fairly complex one that is often difficult to traverse. The literature indicates that this difficulty finds expression in how the established commercial farmers relate to the restitution beneficiaries. Debates abound in South Africa on the necessity for equitable land reform policies, opposition to the restitution policy in some quarters notwithstanding. For instance, Du Toit (2004:165) argues against “double compensation” for the land beneficiaries. He suggests that section 2.2 of the Restitution Act does not allow for claimants to be restituted if there was compensation paid at the time of the removal. This section (2.2 of the Act) reads:

> No person shall be entitled to restitution of a right in land if -
>
> (a) just and equitable compensation as contemplated in section 25 (3) of the constitution; or
> (b) any other consideration which is just and equitable, calculated at the time of any dispossession of such right, was received in respect of such dispossession (DLA, 1994:3-4).

Although the Restitution Act is clear on the aspect of compensation, it nevertheless must be understood in a context of the violated rights rather than being quantified in monetary terms. The reality is that, with the dispossessions, the claimants lost more than they were compensated for, if they were indeed compensated (Mothibe, interview, June 20, 2008). This aspect is a subject of the Land Claims Court (LCC) deliberations in a number of court cases brought by land owners opposed to the land claims process.

The differences in opinion between the current land owners, the prospective beneficiaries and officials of the DLA are motivated by numerous factors, including lack of information and appreciation of equity for justice. Often this relationship is characterised by mistrust spawned by decades of prejudice due to racialisation of society (Du Toit, 2004). This lack of harmonious relations affects the smooth delivery of land reform as government and farmers engage in lengthy legal battles to resolve the claims, to the detriment of all the role players and planning that needs to take place. It appears that the Banogeng project was not immune to this particular experience.

In relation to South Africa, opposition to land reform in general and land restitution in particular is well documented. Mazower (1992) uses the experience of Chile, India, Nicaragua and Zimbabwe to highlight the challenges of land reform in developing societies. He contends that, in emerging democracies, the land question has assumed emotional proportions, and so it is with the South African case of land reform. His writing also gives special attention to the status of the poor communities in relation to factors like market access for agricultural produce and the unfair competition they face with established farmers.

Groenewald (2004) gives weight to this aspect when he asserts that the different role players do not have high regard for and give urgency to the land reform process. The restitution phases tend to be lengthy and, as a result, the process undermines the very same values of fairness, easy access to resources and the

speedy resolution of claims that many communities rely on for their food security. Access to resources by the previously disadvantaged groups as a factor can contribute to racial harmony and reconciliation through equality of access.

Equality is fundamental for entrenching the values of fairness, and social justice. Jaichand (1997) supports this argument and further highlights the significance of land restoration to those who were denied this basic and fundamental right that gives meaning to human dignity. In a sense Jaichand argues for a duality of land restoration and equality, as these provide a basis for social justice. The two concepts, he explains, are mutually exclusive, but one cannot be divorced from the other. The abolition of the Natives Land Act of 1913, the Native Trust and Land Act of 1936 and the Group Areas Act of 1966, and other discriminatory legislation that ensured black people became landless, was meant at levelling the playing field to ensure social justice (Jaichand, 1997:25). Attainment of these objectives of enabling landless black people to acquire land and thereby ensuring equity and social justice, he argues, will essentially serve as a foundation for the progressive realisation of racial harmony and reconciliation.

The land question in southern Africa is far from resolved, and this is also reflected in the literature. In one of the chapters in the book titled *Unfinished Business: The Land Crisis in Southern Africa*, Hall asserts that Zimbabwe and South Africa are well positioned to learn from each other for enhancing the land reform programmes in both countries. She argues that shared experiences (in both instances problems were related to colonialism) provide much-needed insights into the challenges of implementing a land reform programme within a politically charged environment, as events have proven in Zimbabwe (Hall, 2003b:256).

From the preceding paragraphs it appears that it is essential that the process of resolving all land claims be expedited, failing which the notions of equality, access, justice, and reconciliation become empty slogans. Although there is a

juristic and orderly approach to the implementation of land restitution policy in South Africa, there is a need to expedite the resolution of all restitution claims as efficiently as possible to ensure that the Zimbabwe experience is not repeated in South Africa. This sentiment is echoed by Molefe when he states that there is a "need to finalise all restitution claims in order for the department to be able to focus its energies on other departmental priorities, including strengthening settlement support for land reform beneficiaries" (Molefe cited by Yende, 2007:6).

2.4 Development-based policies to fast-track restitution

The report by the World Bank on *Land Policies for Growth and Poverty Reduction* highlights the need for policies on land that address both the difficulties of access to land by the poor and land use for creating opportunities for growth and reduction in levels of poverty (Deininger, 2003:1). The report highlights gaps in policy regarding land for development. It advocates land reform policies that are linked to the broader development objectives of government that respond to the development needs of the rural poor. However, the neo-liberal macro-economic policies that government has opted for have contributed to the slow pace of land redistribution in South Africa (Sihlongonyane, 2005:150).

According to Sihlongonyane, the market-driven land distribution principle of willing-buyer-willing-seller has not helped the cause of fast-tracking the process of land restitution, as government will need to contribute large sums of money for the acquisition of land for beneficiaries. Meanwhile the landowners continue to dictate the land prices at which government has to acquire land from them. Further, to amplify this, Sihlongonyane (2005) observes that the problem of capacity within the DLA and lack of support from other state departments do not make the situation any better. However, he does not mention the contradictions that are built into the whole process of land restitution, which are given teeth by the Constitution, and also the contradictions inherent in trying to reconcile the competing rights of communities that were previously dispossessed and of the

current property owners, whose rights equally enjoy constitutional protection. Given these competing rights, it is clear that delays will be inevitable. Signs of frustration with the poor implementation of the post-settlement phase of restitution have already started to show, with the widely reported directive by the then Ministry of Land and Agriculture Affairs (after the 2009 general elections the department is now known as the "Department of Rural Development and Land Reform") to enforce a "use it or lose it" policy (Hofstatter, 2009).

2.5 Towards a sustainable re-settlement framework

Pule (2009) observes that experience in land reform has shown that the provision of access to land alone, without the necessary and adequate support, has contributed to the collapse of once highly productive land reform projects and threatened the food security of beneficiaries. Hall (2007:3) maintains that, to date, much attention has been given to the number of hectares transferred to the beneficiaries and the number of those who have benefited from the restitution process and land reform projects in general. However, little attention has been given to the post-settlement support framework that can ensure that the restored land is productively used in a sustainable, efficient, and effective manner (DLA, 2006). This is the case especially where the community has chosen physical restoration of its land, with the necessary and required development of such land. Accordingly, stakeholders are on the basis of the type of post-settlement support that is required (DLA, 2006). Lahiff (2008) maintains that despite several attempts to address the challenges of post-settlement support, such as the introduction of the Comprehensive Agricultural Support Programme (CASP), the provision of access to micro financing through the Micro-Agricultural Finance Initiative of South Africa (MAFISA), and the establishment of post-settlement support units within the Commission on Restitution of Land Rights, the intended beneficiaries remain without the much-needed support to use the land they are given productively. This lack of post-settlement support is manifest across a wide range of restitution and other land reform projects. It is widely observed that

numerous studies undertaken hitherto point to a limited impact of interventions aimed at alleviating the lack of productive land use and at establishing livelihoods for households (Lahiff, 2008). The author argues that the failure of most land projects at the settlement phase is attributable to such factors as inappropriate planning, lack of capital, shortage of skills among the beneficiaries, lack of post-settlement support (PSS), lack of coordination of settlement support by local municipalities, group dynamics within and among beneficiaries, and lack of the necessary support from the relevant departments of agriculture (Lahiff, 2008:6). Masondo (2009) alludes to the extent of the collapse of restitution projects by stating that "government 'dumps' people on farms, giving them little or no financial or managerial support, and with no mechanisms to monitor farms or the progress of projects". It appears also that the problem is compounded by the long and systematic process of de-skilling that most land beneficiaries have experienced, to the extent that most have lost interest in farming as a result of betterment planning and similar special apartheid policies (CRLR, 2007b:9). This assertion is indicative of the extent of the problems faced in the restitution re-settlement process. In the report of the National Land Summit titled *A Partnership To Fast Track Land Reform: A New Trajectory Towards 2014*, a broad range of proposals, such as to identify policy measures that need to be taken with respect to fast-tracking land reform and agreement on an implementation plan (National Land Summit, 2005), is highlighted. The Land Summit was primarily convened to initiate discussions around the land and agrarian issues in which various stakeholders had an interest. The summit also served as a platform for deliberating these diverse interests, with a view to finding consensus on how land reform can be accelerated. Thus, the summit must be seen against the background of continuous debate to shape the desirable outcomes informed by these divergent views. In a way these debates substantially contribute to deepening the body of knowledge around factors that impede the implementation of sustainable restitution projects.

Also, emerging from the summit were concerns regarding the process of consultation prior to the summit. In light of this, delegates highlighted the need for consultation and community participation as essential in the process of developing solutions for affected stakeholders. Other proposals included the fast-tracking to "complete all outstanding restitution claims by 2008 with complementary support services provided to realise as far as possible the transformation and development potential of land claim settlement" (National Land Summit, 2005:59-60). Views expressed at the land summit acknowledged the challenges that beset the land reform process in general and restitution in particular.

It is common cause that the deadline for settling all restitution claims has been postponed three times (to December 2005, March 2008 and December 2008) in the past ten years (Blom, 2009). Ntsebeza and Hall (2007) maintain that it is quite unlikely that those that were tasked with negotiating the terms of the restitution programme at the CODESA talks had anticipated the nature of complexities and costs that the programme would require as it was implemented. Since the deadline for finalising all restitution claims by December 2008 could not be met, a new timeline has been set for 2011 for completing all outstanding claims. It is worth noting that the restitution process does not end with giving land back to its beneficiaries; rather, it is a long and complex process which involves mobilising resources, drawing up business plans for land use, and ensuring the availability of the development funds or Restitution Discretionary Grants (RDGs) necessary for ensuring restoration and livelihoods for the beneficiaries (Ntsebeza & Hall, 2007:94).

The land summit report succeeds in chronicling the impediments and challenges inherent in the land reform process. It is, however, not specific in developing specific targets and actionable time-bound proposals that will reverse the status quo, as evidenced by the intransigence on the part of the range of land stakeholders. It nevertheless assists in shaping discourse and its contribution to

understanding the constraints affecting the delivery machinery of the DLA and the Commission on Restitution of Land Rights cannot be overemphasised. The lack of specific targets and a coherent and implementable strategy remains one of the key aspects that requires attention for ensuring linkages between the resolution of the outstanding land claims and the support mechanism that takes care of those claims that have been resolved.

Often the land reform beneficiaries find themselves in a difficult position of having to contend with the demands set out by the national macro-economic policies, with the dire consequences of having to compete with other established farmers at export parity prices, although they are not sufficiently capacitated to compete equally with the rest (Bradstock, 2005). This is contrary to the ethos of development and highlights the contradictions that are prevalent in the process. The original deadline of receiving land claims was prescribed to be 31 December 1998. This meant that communities and individuals, who were estimated to be in their thousands, failed to lodge their claims on that date and were subsequently barred from lodging any further claims with the Commission, despite the reality that some of the claims may have merited consideration as being valid in terms of the law.

In his assessment, the former Chief Land Claims Commissioner, Thozi Gwanya, accurately captured the challenges that beset the Land Claims Commission when asserting that “(o)ur challenges with rural claims are the re-settlement of claimants on their restored lands, which in a number of ways is located far away from their current place of residence” (quoted in CRLR, 2006:6-7). Impetus must be given to bolster the implementation framework long before the land is restored to the beneficiaries in the form of forging ties and engaging with relevant stakeholders. The Inter-Governmental Relations Framework Act 13 of 2005 provides for this cooperation between the various tiers (spheres) of government, to ensure that the settlements are approached in an integrated manner that takes into account the aspects of sustainability.

The shortcomings alluded to above suggest that sustainable re-settlements are contingent upon a long-term plan of establishing a “handholding” entity, in the form of the Land Bank that will provide support for beneficiaries of land restitution (Hamlyn, 2006:4). Providing training for the beneficiaries is essential for developing their capacity to manage their land. Establishing linkages between the local beneficiaries’ structures and the local municipalities in the form of beneficiaries actively participating in the municipalities’ Integrated Development Plans (IDPs) will leverage much-needed resources that will enhance sustainable settlements. However, most of the restitution beneficiaries are not included in the IDP planning processes (Manyathi, 2006:7). This undermines the very essence of a process of community-led sustainable development.

The Municipal Systems Act 32 of 2000 obliges municipalities to engage the communities within their jurisdiction through the IDP planning processes, with the view of ensuring communities’ participation in decision making for sustainable development (Msengana-Ndlela, 2004). Also, the principle of IDP planning “encourages the various sectoral authorities to jointly collaborate in the decision-making process to fast track planning decisions on land reform projects” (Vurheni, 2007:7).

This study is also intended to serve as a catalyst in contributing to ensuring that settled projects are prioritised in the IDP processes of local municipalities, working together with the relevant Regional Land Claims Commission (RLCC) to ensure that the Settlement Planning Grants (SPGs) and the Restitution Discretionary Grants (RDGs) – which are development grants for land beneficiaries in terms of section 42c of the Restitution Act – are released timeously to enable the municipalities to plan settlements accordingly (DLA, 2007). That there were delays with the release of the RDGs in the Banogeng project was evident during the speech delivered by the Parliamentary Chairperson of the Portfolio Committee on Agriculture and Land Affairs, Reuben

Mahlaloga, when he called for the speedy intervention by the Commission to deal with community disputes to expedite the release of grants and stated:

> *As a matter of urgency the commission must establish pertinent conflict resolution structures which will deal with these issues, because as parliamentarians we are convinced that the commission has got capacity to deal with these challenges. As parliamentarians we are not going to tolerate the sufferings of our people. To tell us that grants have not been implemented due to conflicts within the communities is unacceptable, because if grants are not released they simultaneously compromise government services* (quoted in RLCC, 2008:4).

2.6 Conclusion

This chapter alluded to the dearth of analytical literature on the post-restitution phase of the programme and how this lack of data may adversely contribute to the predicament the beneficiaries face once they are returned to their ancestral land. Clearly, the literature emphasises the need for an integrated development approach in dealing with developmental issues. However, the current situation in most municipalities suggests that integrated development as envisaged in the Municipal Systems Act and other legislation points to the contrary. The minimal, and lack of, integration of restitution projects in the IDP processes of most municipalities involved with restitution claims has been identified as one of the weaknesses in ensuring sustainable restitution settlements. This lack of an integrated approach is largely attributable to the lack of collaboration between the Commission and the municipalities (Manyathi, 2006:6). Although the literature elucidates the inherent tensions between policy development, its implementation and the outcomes of restitution re-settlements, it nevertheless begins to illuminate the crucial role that post-settlement support has to play in contributing to the success of restitution and re-settlement.

CHAPTER THREE

RESEARCH METHODS

3.1 Introduction

It is essential to select among an array of available research methods an appropriate research method that will match the research objectives (Moore, 1983:9). Clough and Nutbrown (2002), citing the work of Kaplan (1973:93), argue that it is important to be clear about the object of investigation to determine the appropriateness of the research methodology to be used. Thus, in these authors' view, research methodology forms an important linkage with all other aspects of the research. They state that it "irradiates the whole of the research" (Clough & Nutbrown, 2002:31) and that the whole research process is methodical in a way. They extend this into linkages into the literature review by stating:

> *(T)he relationship of research questions to literature review is a matter of methodology; the relationship of literature review to fieldwork is a methodological issue; the relationship of the fieldwork to the analysis of data is a methodological concern; the relationship of the framework for analysis to the research report is methodological* (Clough & Nutbrown, 2002:29-32).

However, Kothari (1985) suggests differently, by stating that a difference exists between research methods and methodology, where the research methods concern methods or techniques that researchers follow in conducting social enquiry. Methodology, on the other hand, involves the route that is followed in solving a research problem. He asserts, perhaps in an obvious formulation, that the research approach must be aligned with the problem that is under investigation.

These considerations all directly informed the methodological choices that were made in the research design for the investigation of the impact of land restitution processes on the community of Banogeng.

3.2 The choice of research methods for the Banogeng case study

This study uses a combination of research methods. The main research methods for this study were the conducting of interviews, direct observation, and documentary analysis. These methods were used within the broader case study approach. The choice of the case study approach was prompted by the need to conduct an in-depth analysis and derive the related understandings that usually follow from thorough case studies. The choice of the methods of interviews, observation and documentary analysis followed from the need to solicit the opinions of mainly the Banogeng beneficiaries with regard to their perceptions of the land restored and what the act of their land restoration means to them. Direct observation enabled the researcher to establish a link between the beneficiaries' perceptions and the physical developments that had occurred on the land. Documentary analysis augments the two mentioned methods by virtue of exploring the historical dispossessions pertaining to Banogeng and any other documentary evidence in support of the hypothesis of the research.

In line with these choices of approach and research methods, three main research components are differentiated in the execution of the case study research process for this study. These components are specified in Table 2, in relation to interviews, observation and documentary analysis.

Table 2: Components in the case study research process		
Component 1	**Component 2**	**Component 3**
Interviews were conducted with identified stakeholders, i.e. DLA/RLCC personnel, Banogeng community members and other stakeholders, including officials at the North West Department of Agriculture, Conservation and Environment (NWDACE), and the Noordwes Korporasie (NWK).	Direct observation enabled the researcher to examine the physical aspects of the restored land and its general condition by way of conducting field research.	Documentary analysis provided valuable insights into the historical dispossessions and allowed the evaluation of available documentary evidence obtained from various sources on implementation of restitution policy and available information on the claimed land, Rietfontein 54 IP.

3.3 The choice of the case study approach to the Banogeng investigation

It was decided to use the case study approach for the investigation of the Banogeng community because case study methodology facilitates in-depth analyses of social phenomena. In support of this view, Kumar (2005) maintains that, unlike other approaches, which can potentially overlook important elements to be studied in research, case study methodology facilitates such choices of in-depth study. Kumar also notes that, through intensive interaction between the studied group and the researcher, there is a strong possibility of replicating the study by generalising the results to a specific case. That is a major virtue in selecting the use of case studies. Maree (2007:75) asserts that case studies enable researchers to consider not just the voice of one or two participants but

also the views of other relevant groups or stakeholders in a particular situation, as well as their interactions with one another. This provides the researcher with the understanding of different perspectives and dimensions embedded within the unit that is analysed. Case study methodology also provides the flexibility and independence that the researcher needs for approaching the research problem from different angles as he/she deems necessary (Manoj, 2004:17).

3.3.1 Motivation for the use of the case study approach

The advantage of the case study approach is that it does not rely on a single data-collection method but can be combined with other data-collection methods (Yin, 2003:4). Yin further states that the case study is the preferred method when the researcher is unsure of the phenomenon studied in relation to its context (Yin, 2003:4). In using the case study approach, the researcher is thus prompted by the advantages that can be derived from the method. Gupta (1993:29) mentions three advantages that case studies can bring. He asserts that case studies provide new and innovative ideas; they help in the formulation of hypotheses; and they facilitate the exploration of potential areas of new research. However, Gupta cautions against celebrating case studies as devoid of limitations, citing their potential lack of scientific rigour as a downside to this approach.

Case study methods can be said to be closely associated with evaluation research in that they can satisfy the three tenets of the qualitative research method: describing, understanding, and explaining (Tellis, 1997). Both case studies and evaluation research can be regarded as complementary to one another and are highly regarded by researchers. Gupta (1993:44) defines evaluation research as a type of research that attained prominence after the Second World War and that seeks to evaluate how developmental programmes perform after they have been implemented. Trochim (2001:30) supports this assertion on evaluation research and emphasises the usefulness of evaluating

feedback for decision making. He defines the process of evaluation research as “the systematic acquisition and assessment of information to provide useful feedback about some object” (Trochim, 2001:30).

Known types of evaluation research that can supplement the case study approach include concurrent, phasic or periodic and terminal evaluation. Concurrent evaluation takes place during the implementation phase of a project and thereby allows new ideas and directions to be incorporated into the implementation process of the project (Manoj, 2004).

Phasic or periodic evaluation is more suited to a project that is implemented in different phases and where evaluation research is conducted at the end of each completed phase of the project (Manoj, 2004:34). Its strength is in providing implementers with important information that enables them to take corrective measures before the next phase of the project is implemented.

Lastly, terminal evaluation is useful for evaluating the final phase of project implementation against the objectives and recommended processes for the implementation of the project (Gupta, 1993:44-45).

Other writers (Stake, 1995) and (Creswell, 2002) argue for the utilisation of various evaluation methodologies in conducting research. However, the object that is investigated will determine which research methodology will be relevant for yielding results that will give credibility and improve on the quality of research findings. The choice of the case study approach to the Banogeng investigation was aimed at gaining insights into the dynamics of the implementation of the restitution programme.

3.4 The choice and application of interviews, observation and documentary analysis

This section elaborates on the choice and the issues that arose in the implementation of the three research methods that were used to pursue the case study of the Banogeng community. It thus deals with the qualitative, in-depth interviews; the process of direct observation of the Banogeng community; and the accompanying documentary analysis.

3.4.1 Interviews

The use of interviews in research is a useful tool for collecting information. Specifically, interviews are an appropriate means of sourcing information pertaining to the opinions and impressions of respondents because they are quicker and generally easier for the respondents (Trochim, 2001:109). The proximity that is created through interviews is important to put the respondent at ease and to clarify any issue that may arise in the interview process. Yet, despite this reality of ease and accessibility, the choice of interviews as method is to be determined by their appropriateness for achieving the research objectives. The advantage in using qualitative, in-depth interviews to collect data is also that they allow for flexibility to ask different questions of different respondents (Bailey, 1987:174).

3.4.1.1 Selection of informants

There are various factors to consider before selecting respondents when conducting research. Respondents may be chosen because they have unique insights and some special contribution to make to the data to be collected, or by virtue of the positions they occupy (Denscombe, 1998). Respondents in the Banogeng case study were deliberately chosen on the basis that they are directly affected by the restitution process relating to their land. This means that their

insights are relevant in providing a perspective through their personal accounts of experiences and feelings about the act of the land being returned to them and what development they envisage. The Banogeng respondents selected for this study were identified on the basis that they represent the households of the 18 original buyers and owners of the land prior to dispossession. This choice of a representative sample allows for generalisation of research findings.

Qualitative, in-depth interviews were conducted mainly with the Banogeng beneficiaries and with officials of the Regional Land Claims Commissioner: Gauteng and North West in Mmabatho.

Other interview respondents were the extension officer of the North West Department of Agriculture, Conservation and Environment (NWDACE); an official of the Noordwes Korporasie in Lichtenburg; and a representative from the Ditsobotla Local Municipality (see Appendix C: “Schedule of interviewees”).

To enable the researcher to obtain valuable and appropriate information, unstructured interviews were preferred. The choice of unstructured interviews was made on the basis that the unstructured format assists in eliciting opinions from the various individuals in an event that there are unforeseen factors and circumstances; for example, language barriers could affect the outcome of the interviews. Unstructured interviews were also preferred because they are not conducted in a rigid and inflexible manner using a set of predetermined questions as is the case with structured interviews. The interviewer was therefore able to ask supplementary questions to follow up on the primary questions, where required. He could, in line with the argument by Kothari (1985:138), also exclude certain questions if he deemed this to be necessary. Conducting a face-to-face interview allowed the researcher to probe further and ask the respondents to clarify their answers where these answers seemed ambiguous (Goddard & Melville, 2001).

3.4.1.2 Operationalisation of the research interviews

In this case of this study, interviews were conducted with the relevant claimants and other stakeholders. This was done to determine the effect the returned land has had in enhancing the quality of life of the Banogeng beneficiaries. It was designed to ascertain how the restitution award has impacted (or not) on the community.

Very few members of the Banogeng community relocated to the restored land at the farm Rietfontein No. 54 IP after they were dispossessed of their land in 1976. Research findings for this research are therefore based on data that was collected by the researcher with identified respondents who were scattered far and wide. The Banogeng beneficiaries that were selected for interviews were thus visited at several locations in the North West and Gauteng. The majority of the beneficiaries still reside on the compensatory land at the village known as “Matile:, which is situated on the farm known as “De Hoop No. 60 IO”, in the registration division of Lichtenburg. Matile village is situated approximately 100 kilometres away from the farm Rietfontein No. 54 IP, from which they were removed.

Several questions were developed for the interviews with the different sets of respondents. The respondents were classified as follows (see Appendix C “Schedule of interviewees”), with the number of interviews in each category listed alongside the classification:

- Banogeng beneficiaries (claimants) – ten;
- Project managers at the Commission on Land Restitution – three;
- Official from the NWDACE – one;
- Official from the NWK – one; and
- An official of the Ditsobotla local municipality – one.

Interviews conducted with Banogeng beneficiaries were aimed at soliciting their views, attitudes, understandings and perceptions with regard to the act of their land being restituted. The Banogeng respondents included the chairperson and committee members of the Communal Property Association (CPA) responsible for the management of the Banogeng project – the legal landholding entity on behalf of the Banogeng. Officials in the Regional Land Claims Commission in Mmabatho were interviewed to provide insights into their role of facilitating the resolution of the claims. These officials are at the coalface of resolving land claims and have also facilitated the post-settlement support for the Banogeng. Other interviews were conducted with the extension officials at the NWDACE and the NWK to obtain information on their role of providing Banogeng claimants with advice on business plans and agricultural extension services. A total of 16 interviews were conducted for this study (see Chapter 4 below).

3.4.1.3 Questionnaire (interview schedule) design, question themes and conducting of the interviews

Questionnaire design is a critical aspect in the interview process because this is where the gathering of information will be achieved (Maree, 2007:158). In designing questions the researcher must also pay particular attention to the "… question sequence, wording of questions and response categories" (Maree, 2007:159). Maree (2007) further reminds us that different types of research interviews and different sets of respondents require different types of questions. In this case, the respondents were distinguished by their roles in the resolution of the land claim. Given these differing roles, it was inevitable that there would be a need to develop both a generic set of questions and specific questions for specific categories of interview respondents. The overall research questions guided the formulation of the interview questions.

The questions were phrased in such a manner that they were open ended and did not restrict the respondents so as to establish their views about their newly

acquired land (see Appendix D: “Schedule for qualitative interviews”). The respondents were requested to answer open-ended questions on the basis of interviews conducted using the “interview schedule” (the term used for qualitative interviews).

The researcher requested permission to use an audio tape recorder for the purpose of recording the interviews. A total of 16 interviews were thus conducted, recorded on a digital wave recorder and transcribed by hand and word-by-word afterwards. All interviewees spoke on the record, and granted permission to be quoted in this research report.

The general convergent interview themes centred on how the Banogeng community perceives the restitution award and whether it has benefited them or not; how factors within DLA/RLCC assist in the implementation of a sustainable re-settlement framework for the Banogeng or not; and how the role and contribution of other stakeholders in the post-settlement phase has assisted the Banogeng or not.

The questions listed below incorporate the main themes for the interviews of the three categories of respondents, i.e. the Banogeng community members, the DLA/RLCC personnel and the other stakeholders, including the officials at the NWDACE, Noordwes Korporasie and the Ditsobotla local municipality (also see Appendix D: “Schedule for qualitative interviews”).

Questions for the Banogeng community

Has the restitution award helped to improve your life? If so, how? If not, why not?

How has the community benefited from the restitution award, if indeed the community has benefited?

How does the community utilise the restitution award and the land?

What challenges does the community experience with the land awarded?

How does the community participate in the management of the land?

What skills do the community members have?

Questions for the DLA/RLCC personnel

What support mechanism does the DLA/RLCC provide for the post-settlement restitution framework?

What capacity does the DLA/RLCC provide for the restitution beneficiaries?

What challenges are being / have been experienced in the implementation of the restitution programme in relation to the Banogeng Community?

Questions for the other stakeholders e.g. municipality or the NWDACE

What kind of support, if any, does the local municipality or the NWDACE in the province provide for restitution beneficiaries? How is this support provided and how has it benefited the community?

3.4.2 Direct observation

Following the interviews conducted with various respondents, it became important to conduct direct observation to collect empirical data to verify and corroborate information gleaned from interviews by measuring things that can be observed “simply and directly” Babbie (2007). Observation is a useful approach when collecting primary data during the research process. According to Kumar (2005), observation is critical if one wants to learn about the community, where the members may not provide objective information owing to biases they may hold as active participants in the community under observation. When a researcher does not want to depend on people’s willingness to respond to questions, direct observation can be a useful technique (Taylor-Powell & Steel, 1996). Direct observation is similar to simple or non-participant observation. Simple or non-participant observation is the recording of events as observed by an outsider (Bless & Higson-Smith, 2000:103). This method was used in this

study as a means of supplementing the other methodologies mentioned in this study, which are interviews and documentary analysis.

When conducting direct or non-participant observation, the researcher is required to remain a passive observer while recording and drawing conclusions on the activities of the group (Kumar, 1996:106).

Direct observation formed an integral part of the research process in the Banogeng case study. In using direct observation as a means of gathering data, the researcher aimed at understanding the nature of problems and successes experienced by the beneficiaries after the land was returned to them. Direct observation assists in providing the researcher other perspectives and insights which may be overlooked by the interviewees. Where interviewees demonstrate reluctance to provide required information, direct observation becomes an invaluable approach. An inventory list of items which are on the farm was compiled to verify and corroborate the information provided by the beneficiaries and departmental officials during the interviews. The researcher visited Matile village, where the claimants had been relocated after dispossession, to conduct an *in loco* inspection of both the farm De Hoop 60 IP (Matile) and the farm Rietfontein 54 IP (Banogeng). The visits were conducted on 26 June 2008 and again on 22 November 2008, respectively. The purpose of the visits was to conduct an observation of the present location where the Banogeng community currently resides in relation to the settlement facilities and the land they acquired through the process of restitution. The Banogeng beneficiaries are currently settled at Matile with other community members from other chiefdoms, notably the Batlokwa, and are separated from these chiefdoms by a gravel road. The Banogeng people are settled on plots of land that belong to the Banogeng chiefdom under Chief Frederick Mosiane.

To illustrate the usefulness of direct observation, the observation visits showed that the community uses the land for residential accommodation, and the

reserved plots are used for subsistence farming activities, including livestock and poultry farming. The area lacks proper facilities such as water and sanitation and instead relies on boreholes and pit toilets as ablution facilities. The only reliable form of transport is the donkey carts used to ferry people around the village and a bus service, although its service is limited to peak hours in the morning and afternoon.

3.4.3 Documentary analysis

Creswell (2003:187-188) points out that documents can be accessed at a time convenient to the researcher and that they are an unobtrusive source of information. Documents are the oldest source of information used for research purposes. However, their common usage does not assume that information gleaned from documentary sources should be viewed as useful for research (Blaxter, Hughes & Tight, 2001:207). The authors argue that documentary analysis is necessary to provide the researcher with an overview of the material that is at his or her disposal and can be used to draw out data trends.

It was essential to consult various sources so as to enrich the report by tapping into the diverse opinions and schools of thoughts with differing and sometimes opposing views (see Chapter 2). Documents consulted in this project included newspaper articles, academic writings, journal articles and books. In particular, documentary analysis pertaining to annual reports of the Commission on Restitution of Land Rights, the Regional Land Claims Commissioner: Gauteng and North West and the DLA was conducted with a view to ascertaining how planning processes within the DLA link with improvements in the lives of the community. Electronic sources such as Internet sites and journal articles also provided valuable information.

A visit by the researcher to the National Archives in Pretoria to obtain historical information on the claim served as an important source to add to the

documentary information. Archival research was conducted on 24 February 2009 in Pretoria. Information on files at the archives provided valuable information regarding correspondences between the various departments that were involved with effecting the forced removals of the Banogeng from Rietfontein in the 1970s. Most important of these were the Files D188/1381/36 [Volume 1 & 2], which contained correspondences of the Commissioner of Native Affairs of the Department of Natives Administration. The information collected was then analysed (see Chapter 4. below).

3.5 Integration of data gathering methods into data analysis

As the study focused on qualitative data gathering, it is critical to integrate the various data gathering methods when analysing data to ensure that the findings are consistent with the hypothesis made. In this study the various data gathering techniques applied were the interviews, documentary analysis and direct observation to ensure that a qualitative assessment of the material gathered remains appropriate for the purpose of the study (Babbie, 2007:328). Observations were made through field research conducted at the farm and the current village of residence to establish comparisons between information gleaned from interviews and documents obtained from the various sources. This process enabled the researcher to conduct a qualitative data analysis and content analysis of information and material obtained.

3.6 Qualitative data analysis

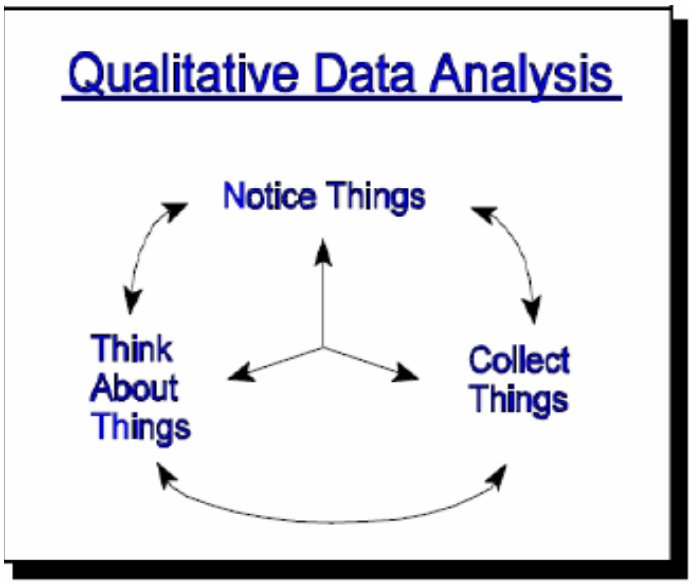
Bergold (2001) maintains that qualitative data analysis is concerned with analysing non-numerical data and that it focuses on human interaction, images and text documents. It is important for the researcher to be clear at the beginning of the research design stage how he or she will proceed with collecting the necessary information (Maree, 2007). This view is supported by Drummond

(1996), who writes that data analysis should be thought through as part of the planning phase of the research.

Bless and Higson-Smith (2000:137) aver that, in conducting data analysis, the researcher “detects any consistent patterns within the data”. Wilkinson (2000) on the other hand maintains that after the data has been collected it must be organised, cleaned and classified into batches and dated according to the time it was received. Only after the data collected in the current research had been classified could it be analysed to determine how respondents perceived the size of the land they were returned to in respect of the increased number of returnees to be accommodated on the property. The analysis consisted of establishing trends that existed among the various respondents to the research questions.

3.7 Approach to data analysis for the Banogeng case study

There are a variety of approaches, techniques, processes and procedures from which researchers can choose to interpret, explain and understand qualitative data collected on people and situations (Maree, 2007:99). Although these qualitative data analysis techniques and approaches have different procedures, they nevertheless share some common elements in that they try to establish how individuals attach meaning to situations by examining their perceptions, knowledge, understandings, views, experiences, feelings and attitudes (Maree, 2007). Qualitative data analysis is an iterative process that establishes linkages between collecting, processing, analysing and reporting on collected data. Seidel (1998) offers an illustration of this process by using a model called “noticing things, collecting things and thinking about things”. This model illustrates the data-analysis process and is presented below as follows (see Figure 1).



Source: Seidel (1998)

Figure 1. Qualitative data analysis

Seidel's model illustrates a cyclical approach to data analysis. By this is meant that, while the researcher thinks about the data that he or she has collected, simultaneously he or she notices interesting things or identifies gaps in the data collected. The researcher then decides to go back to collect or clarify issues that require clarification (Maree, 2007). The Banogeng case study was analysed using the "Content Analysis" approach, which is closely associated with this model.

The choice of data-analysis technique is key to the identification of themes which could assist in providing answers to the research questions. The choice of content data analysis provided insights into themes that enabled the researcher to understand the views, perceptions, and knowledge of the respondents in relation to the questions they were asked.

3.8 Content analysis

The method of content analysis as a data-analysis technique can be applied in any form of communication (Babbie & Mouton, 2001:383). For the purpose of this

study the strategy considered appropriate for data analysis is content analysis. The data analysis process includes both the “qualitative analysis which includes processes such as thematical and content analysis, and quantitative or statistical analysis” (Mouton, 1996:67).

Trace (2001) believes that content analysis can be applied to transcribed interviews and published texts. Content analysis is appropriate for analysing qualitative responses to open-ended questions in interviews (Maree, 2007:101). The type of content analysis applied is the qualitative data analysis, which essentially analyses the themes that emerge from messages transmitted through the face-to-face interviews as were conducted in the Banogeng case study. Neuendorf (2002:17) maintains that content analysis may be applied in any context, including in face-to-face interview situations. In explaining the importance of content analysis and categorisation of qualitative data analysis, Devlin (2006) maintains that content analysis offers a reductive and systematic analysis of qualitative data on written responses, which in the end leads to a thematic categorisation of such data. In this instance, themes were allowed to emerge as the analysis was carried out.

As Denscombe (1998:272) asserts, it is important always to look out for themes and interconnections that emerge in the process of conducting content analysis. This study used the three methods of collecting data: interviews, direct observation and documentary analysis, and as such the content analysis used was thematic in that emergent themes were identified by giving a detailed description of the settings and individuals since this is involved in a case study (Creswell, 2003:191). This becomes an appropriate tool for analysing the data collected for this study. The data analysis strategy was conducted parallel to the interview process. In the process of analysing the data, interesting things and gaps were identified and this prompted the researcher to follow up on those identified issues. The aim was to ensure the appropriateness of the data collected (Maree, 2007:104) to the research objectives of the Banogeng study.

Trace (2001) highlights the importance of allowing themes to emerge naturally from the data when using the content analysis technique when analysing data. This stands in stark contrast to the approach of imposing themes that are thought out well in advance or what Trace (2001) calls the "*a priori*" or preconceived themes.

In the case of Banogeng case study, the data was transcribed and analysed to allow emerging themes to be recorded. The themes were then examined further, in line with the research questions. The Banogeng case study content analysis focused on understanding the respondents' views and perceptions regarding five sets of themes: themes related to the perception of the Banogeng community of the restitution award and the extent to which it has benefited them, themes related to factors within DLA/RLCC that contribute to the effective implementation of a sustainable re-settlement framework for Banogeng, themes related to the extent that the role and contributions of other stakeholders in post-settlement have assisted Banogeng or not, themes related to the restoration of lost rights, and themes related to developmental post-settlement implementation. These themes are discussed in the following chapter.

3.9 Conclusion

The choice of the combination of the three methods of interviews, direct observation and documentary analysis provided valuable information for this study. This method allowed the researcher to be flexible in that when there were aspects emerging in the interview that needed to be clarified; interviews approach of gathering data provided the researcher the opportunity to clarify ambiguous responses where they occurred. With direct or non-participant observation it was easy to observe the physical state of the farm land with an *in loco* inspection conducted of the farm. Documentary evidence could easily be scrutinised to ascertain its relevance to the research questions, and information that was not relevant was discarded.

CHAPTER FOUR

RESEARCH FINDINGS ON LAND RESTITUTION IN THE CASE OF THE BANOGENG COMMUNITY

4.1 Introduction

The purpose of the study is to chronicle the successes and failures in the implementation of the restitution programme for the Banogeng community. This chapter presents the research findings of the study conducted. The study tried to ascertain the unintended consequences of the restitution process in that it appears that the crafters of legislation pertaining to the restitution programme did not sufficiently give due regard to the post-restitution process in as far as it relates to the effective re-settlement of beneficiaries in an event where the beneficiaries choose the option of land restoration. Effective re-settlement of beneficiaries in this instance would be to provide re-settlement of land restitution beneficiaries in a manner that would enable them to have access to basic services, including water and sanitation, and housing, and that would allow the integration of women in development as envisaged in the Declaration of Principles and Programme of action adopted by the World Conference on Agrarian Reform and Rural Development in 1979 (FAO, 2006).

As the background to this study indicates, the Banogeng community members were forcibly removed from their ancestral land by the former apartheid government. This happened against their wishes and the action virtually obliterated their social bonds and family connectedness. Having endured the agony of losing their property to the then government, they were left with little more than the clothes they wore on the day of removals. Giving account of what transpired in the removals in 1975, the claimants indicated during the interviews that they saw their families being loaded onto government vehicles and transported to far-away places to begin a new life (Maragelo, interview, June 21,

2008). The restoration of the land to them is thus seen as a process and a positive step towards redressing the painful and emotional experiences of the removals. The findings that are reported below shed light on experiences of the beneficiaries in the period beyond the official restitution act on the part of the affected beneficiaries.

The results below reflect the feedback that was obtained through interviews with several sets of Banogeng community stakeholders. As was reported in Chapter 3, ten Banogeng beneficiaries were selected for interviews on the basis of each member representing individual families of the 18 original buyers and owners of the farm, under whose name the property was registered before it was dispossessed in 1975. Further interviews were conducted with project managers for the Rietfontein 54 IP land claim at the Commission on Restitution of Land Rights, a representative of the NWDACE responsible for the extension support services, an official of the NWK, which is a body representing commercial farmers' interests in the Lichtenburg area, and an official of the Ditsobotla local municipality responsible for post-settlement issues and within whose jurisdiction the land is located. The inclusion of the NWK is important in that alternative perspectives were unearthed from this interview. These contributed to the researcher gaining a general understanding of discussions within the farming community in and round Lichtenburg where the Banogeng property is situated.

4.2 Perceptions of the Banogeng community on the restitution award and the extent to which it has benefited them

The interview responses shed light on the extent of beneficiary contentment regarding the act of having their land rights restored. The investigation also took particular note of how they perceive the restitution award in its entirety.

The Banogeng families have multiplied since the time of their removal. The original buyers of the farm were 18 in number, and by the time of restitution the

families had increased in number relative to the size of the land. They lack the requisite skills in farm management, and management in general. The beneficiaries are scattered far and wide and as a result have found it difficult to relocate to the land since most of them established stable families in the area to which they were relocated (Matile village) and elsewhere, after they were forcefully removed, in this way losing their land rights and their sense of communal belonging.

Ten out of the ten respondents expressed satisfaction with the land restitution process as a programme of government that seeks to redress past evils bequeathed by the apartheid legacy and also in as far as the restitution process has enabled them to successfully claim their land back. Nevertheless, all ten also expressed disappointment with the after-care phase of restitution as it is conceived in its current form, particularly as it relates to their land. By this they implied that, while government has provided them with the land, it has not provided them (or not provided them sufficiently) with other necessary and concomitant resources for beginning the process of effectively cultivating the land. These resources would include the fertilisers, diesel, and seeds that are required for farming. Accordingly, they reported that they had expected to be provided with training to ensure that they could acquire the necessary skills in farm management and agriculture to enable them to use the equipment provided. As affirmed by all ten claimants, no such training had been provided to the claimants at the time of gathering this information and this had disadvantaged them as far as their empowerment is concerned (Mosiane, interview, June 25, 2008).

One of the claimants lamented the fact that they had not been able to utilise the land. For example, this respondent stated: "*[When] the land was restored to us in 2003 we were hopeful during the land handover celebration that we and our children will enjoy the fruits of our land*" (Tshwaedi, interview, November 22, 2008).

The beneficiaries had very high expectations associated with the act of restitution. They expected government to provide infrastructure in the form of houses, social amenities, employment opportunities and transportation to enable them to commute between their farm and the nearby town. They (all ten of the respondents) had envisaged a situation where they would be relocated with their families to the farmland and provided with individual portions to begin a new life (Digoamaje, interview, November 22, 2008).

All the respondents were, however, concerned by the small size of the land relative to the high number of beneficiaries involved. They indicated that, as most of them had established families at the compensatory land (Matile village) and elsewhere, they had decided not to relocate *en masse* to the restituted land. This decision was prompted by the realisation that the developments they were expecting were not going to materialise as expected and this was compounded by having to share their land with other families of farm workers who had remained on the property after the land had been returned to the Banogeng beneficiaries. Instead they resolved that the land would rather be used for farming, although they would not stop anyone who wanted to relocate to the land if they so desired. One of the claimants, Molutsi, expressed reservations about all the claimants relocating to the land in the wake of the current situation, namely land without the necessary technical support and infrastructure to accommodate all the beneficiaries. He further stated that, since most of the claimants' generation consists of the elderly, the unemployed and pensioners, it would be difficult to start farming without the required training and inputs (Molutsi, interview, June 24, 2008).

Similarly, most of the respondents (nine of ten) emphasised that the Banogeng site of restitution and relocation lacked amenities and infrastructure. For example, there are no schools on or nearby the land, there is inadequate transport for reaching amenities, no houses for accommodation, and, generally, there is a lack of infrastructure. The former land occupants who were interviewed

for this study and who are employed, especially those that now reside in Gauteng, expressed their reluctance to relocate to the farm land of Banogeng owing to employment commitments and having established solid families in the cities. One of the respondents stated: “We grew up in Gauteng*; one is used to life here. It would be difficult to change the environment to start anew at our age*” (Maragelo, interview, June 21, 2008). This sentiment was also expressed by other respondents.

Half of the claimant respondents (five out of ten) indicated that they did not possess formal agricultural skills to begin the process of farming and cultivating the land. This observation is expressed succinctly by Nkashe when he stated that “*unlike in the olden days, today’s farming is highly advanced compared to the time when we stayed at Rietfontein*” (Nkashe, interview, June 26, 2008). Those that indicated that they had the necessary skills (five of ten) could not participate in farming as they were not sure how to commence with the process on their own.

All respondents (ten of ten) indicated that they would be happy if the government were to put measures in place to assist them to gain the skills needed to cultivate the land, thereby making it possible to use the farming equipment donated to them as start-up resources to use on the farm.

The respondents contended that while they commend the act of being given equipment, e.g. a tractor, ploughing machinery and a light delivery vehicle, they nevertheless could not do much in terms of putting the equipment to use as they lacked other concomitant resources like the diesel and fertilisers with which they could work the land. They indicated to the researcher that, instead, they had decided to lease the farm to a nearby farmer. During an *in loco* inspection, the researcher noted that the newly acquired farming equipment was safely stored in the store room and had not been used since it had been donated to them.

In addition, and in relation to the rights of farm workers and other post-dispossession, pre-restitution occupants of the land, the interview data shows that during the process of returning land to the rightful beneficiaries, government had not (or had inadequately) considered providing alternative land to these farm workers and other occupants. Thus, the beneficiaries had to share their restituted land with the farm labourers and their families, who all continued to reside on the land after the previous land owner vacated the property in 2003.

4.3 Factors within DLA/RLCC that affect the effective implementation of a sustainable re-settlement framework for Banogeng

From the interview data obtained from all the three officials of the Regional Land Claims Commission (RLCC): Gauteng and North West who were interviewed, it is evident that the lack of skilled personnel and the high staff turnover rate in the RLCC contributed to the slow pace of processing land claims, including the claim of the Banogeng community. Other challenges that affect the implementation of a sustainable post-restitution for the Banogeng include the lack of funds for the project.

That the Settlement and Implementation Support (SIS) strategy was only launched in 2008 is indicative that the mandate of the CRLR was only to settle claims and that post-settlement was an after-thought (Makipi, interview, June 22, 2008). The commission has also experienced an alarming staff exodus, despite attempts by the commission to retain staff through training and finding proper replacement of resigning personnel. Other challenges experienced by the RLCC pertain to the untraceable claimants. This compromises the process of verifying the beneficiaries and impacts negatively on the approval of restitution awards. This aspect also affected the deadline set to finalise all the outstanding claims (Mothibe, interview, 20 June 2008). The deadline for settling the claims was March 2008, which has since been extended to 2011.

Among other factors that affected the speedy process of settling the claim are those that pertain to the complexities among the Banogeng beneficiaries. The respondents stated that there were misunderstandings between the local chief and individual members of the Communal Property Association (CPA) on the roles and responsibilities regarding the management of the land on behalf of the beneficiaries. It appears that the local chief wanted to have more control of the land, while, on the other hand, the CPA insisted that the authority of control of the land was the exclusive responsibility of the CPA itself. One member of the beneficiaries asserts that the chief "*wanted to have more authority and say on the land as he has done at Matile for many years to the exclusion of the community*" (Mosiane, interview, June 25, 2008). By this he averred that the chief occupied huge plots of land at Matile village, some of which belonged to the claimants and that this had been a source of tension since the claimants had been relocated to the compensatory farm De Hoop. These misunderstandings necessitated intervention by the RLCC in Mmabatho, which resulted in the clarification of roles and responsibilities for both the chief and the CPA members. The chief was offered the position of an *ex officio* member of the CPA, a position that the chief welcomed (Mahura, interview, June 24, 2008). The CPA, on the other hand, was entrusted with the day-to-day management of the affairs pertaining to the land. In essence, the intervention of the Commission in the dispute resolution asserted the authority of both the chief and the CPA as being complementary to each other in ensuring stability in the project.

4.4 The role and contribution of other stakeholders for the Banogeng post-settlement

An interview was conducted with the official of the Ditsobotla district office of the NWDACE responsible for the Banogeng project. The district office is situated in Lichtenburg and provides extension services support to settled projects in and around Lichtenburg. Extension services are provided to land reform beneficiaries, with a view to assisting them to gain the necessary agricultural skills for farming

where the beneficiaries choose farming as an option. The respondent was tasked with facilitating the implementation of the business plan for the Banogeng beneficiaries. The respondent alluded to the fact that owing to delays regarding the release of Restitution Discretionary Grants (RDGs) it was not possible to provide the required assistance as any support required is contingent upon the release of the RDGs (Appelgreen, interview, June 26, 2008).

This respondent further indicated that the delays in releasing the grants had had an adverse effect on the project, specifically with regard to the planting season. He stated that "*the grants have not been released to initiate the implementation of pipeline projects, including the Banogeng, and this has placed the community in a precarious position, because they planted sunflower late in January 2005 and it was later destroyed by frost and there was no harvest*" (Appelgreen, interview, June 26, 2008).

The respondent concurred that the land was inadequate to cater for the needs of the beneficiaries owing to the high number of households involved relative to the size of the land. He further stated that the equipment provided to the beneficiaries was inadequate for meaningful ploughing of the fields on the farm (Appelgreen, interview, June 26, 2008). Appelgreen (2008) further indicated that he had advised the community to lease the farm to a private farmer for a period of two years while awaiting the release of the RDGs. He maintained that the RDGs were released after the business plan was finalised by the Department of Agriculture in 2006. The beneficiaries agreed to lease the farm for one year while the Commission and the Ditsobotla municipality finalised their planning processes in relation to the implementation of the agreed business plan.

4.5 Developmental post-settlement implementation

Greenberg (2009) argues that while it is plausible for government to redistribute land to those who were previously dispossessed under colonial and apartheid legislation, the

slow pace of delivering land to the landless has precipitated the crisis experienced in land reform. He further maintains that the situation is compounded by the lack of productive use of the land by those who benefited from government's land reform programme and the DLA/RLCC preoccupation with 'quantitative targets' without proper land use models for post-settlement. The views and opinions of various stakeholders pertaining to the post-settlement issues with regard to the Banogeng settled claim emerged during the data collection process and presented below.

4.5.1. Institutional factors that affect the delivery of sustainable post-restitution settlement in respect of Banogeng

The theme that emerged in exploring the institutional factors relates to the aspects that inhibit the implementation of the post-restitution programme in a manner that addresses the developmental needs of the beneficiaries. The respondents alluded to the inadequate support provided to the beneficiaries after the land was returned. This is also expressed in an interview conducted with an official of the RLCC: Gauteng and North West. The official stated that:

> (W)*e have established projects steering committees that meet on a monthly basis, where all stakeholders that we have identified continuously engage on settled projects. The identified stakeholders at the moment are the Department of Agriculture and the local municipality. We have not yet engaged the NGOs, but we will also bring them on board. Currently the challenge that we are having is that in the Ditsobotla local municipality there is no local economic development unit and the necessary funding for local economic development does not exist.* (Mahura, interview, June 24, 2008)

Although the respondent indicated that institutional arrangements are agreed upon by the respective stakeholders, e.g. with the local municipality, the

municipality has not managed to prioritise the Banogeng project in terms of allocating the necessary funds. It appears that the lack of funds and of the relevant unit; that is, the local economic development unit within the Ditsobotla municipality, is an inhibition (Mahura, interview, June 24, 2008). On the other hand, the Ditsobotla local municipality expressed its reservation by stating that:

> *Although the municipality has signed a memorandum of agreement with the Commission, the Commission has not provided the municipality with the details pertaining to the number of beneficiaries, how much is allocated for the restitution discretionary grants for Banogeng and information necessary for planning purposes to enable the municipality to intervene.* (Botlhoko, interview, April 24, 2009)

In continuation of the theme of institutional problems, some of the beneficiary respondents (seven of the ten) also averred that the tensions that exist between the traditional authority and the CPA have not been resolved. These tensions date back to when they still resided at Rietfontein No.7, before they were forcibly removed (see above). One of the respondents stated:

> W*hen the families were relocated, the 18 buyers had nominated one of their own to serve as headman, not necessarily to be a chief – a chief is born, not elected. The father to the current chief was such a headman. However, the current chief was elevated to the status of the chief and this has also contributed to the tensions that undermine the unity that is needed in the project*. (Nkashe, interview, June 26, 2008)

4.5.2 Measures to ensure sustainability of the Banogeng project

The key theme that emerged from this question related to the role of other stakeholders in the post-settlement phase of the Banogeng land claim is that, as stated by the respondent, a framework was established between the Regional Land Claims Commissioner: Gauteng and North West and other stakeholders, including the NWDACE and the Ditsobotla local municipality, aimed at ensuring sustainability of the Banogeng project once the land had been restored to the beneficiaries. All the Banogeng respondents indicated that the municipality agreed to incorporate the Banogeng project in the IDP processes. However, the municipality has cited lack of information on the available funds as an impediment to proper planning. The Commission has not yet provided the list of Banogeng involved in the project as well as the budget involved (Botlhoko, interview, April 24, 2009). The respondent from the municipality maintained that, without this information, it becomes difficult to plan for the sustainability of the project.

4.5.3 Interventions to mitigate the attendant challenges of returning a high number of restitution beneficiaries relative to the size of the land

The emerging theme in relation to this question suggests that the land is insufficient to accommodate the number of beneficiaries. The respondent from the NWK indicated that the land is insufficient for traditional enterprise farming (Diutlwileng, interview, June 26, 2008). To illustrate the fact of this anomaly, he indicated that the farm was appropriately used by the previous land owner as a single farmer on a 214 hectare portion of land, which incorporated the adjacent portion of land which was restored to the Batlokwa group of beneficiaries. However, the same practice cannot be replicated with 225 households. Also, the high costs of inputs make it impossible for the Banogeng beneficiaries to undertake farming on the scale similar to that of the previous land owner. The following illustrations by an official of the NWK, Nkwe Diutlwileng, obtained

during an interview conducted on 26 June 2008 in Lichtenburg, explains the situation that would arise if a farmer planted maize on 214 hectares of land:

- Input costs of R5,500 per hectare X 214 hectares = R1,177,000;
- The average potential yield of maize crop in Lichtenburg is 2,5 tons per hectare;
- Product price of maize is R2,000 per ton; therefore, 2,5 X 214 X 2000 = R1,070,000 (gross profit);
- In summary, a farming enterprise under these circumstances will be operating at a loss of – R107,000. (Diutlwileng, interview, June 26, 2008)

The above illustrations serve as an example of a possible scenario that would arise if the beneficiaries were to utilise the farm for maize crop farming on a 214 hectare size of land. Given the size of the land and the number of beneficiaries involved, the illustration suggests that the profit margins to be realised in this scenario will be negative. This observation is based on the assumption that the property is used with the aim of envisaged accrual of interest which would be shared among the beneficiaries. This is in contrast to the situation that existed when the land was occupied and used by a single farmer prior to the land being returned to the beneficiaries through the restitution process.

4.6 Conclusions

The key findings of this research project suggest that implementation of the land restitution policy in the Banogeng community has not yielded the results envisaged by the community at the time of the lodgement of their land claim. The findings presented above allude to the perception by the beneficiaries that the land restitution post-settlement phase has not fulfilled their developmental objectives, even if the land restitution process remains a necessary intervention the government has embarked upon. There is no doubt that the beneficiaries had

very high expectations with the advent of the restitution process. The critical role of key stakeholders, including the Ditsobotla local municipality, the NWDACE and the NWK, cannot be overemphasised. These stakeholders play an important role in ensuring a sustainable settlement framework in liaison with the DLA. Be that as it may, challenges were identified which point to a lack of a coordinated and synergistic approach in developing a sustainable post-settlement approach for the beneficiaries. As indicated, this lack of synergy has had an adverse effect on the post-settlement of the Banogeng project.

As the research has established, other challenges which affected the implementation of a sustainable restitution for the Banogeng included the lack of capacity within the DLA and the Commission on Restitution of Land Rights. This lack of capacity has been characterised by a high staff turnover and resignations, which affect the momentum and pace of resolving land claims. The challenges alluded to require that the stakeholders, particularly the local municipality, take leading roles in the issues of post-settlement within the integrated development process and framework. It is through the integration of the components and phases of restitution claims that a developmental and sustainable post-settlement implementation of restitution can be developed and guaranteed.

CHAPTER FIVE

CONCLUSIONS AND RECOMMENDATIONS

The research conducted for this case study was aimed at investigating the implementation of the restitution policy within the Banogeng community. The research question and the problem statement formed the basis for the study. The objective of the study was to establish the extent to which government policies, programmes and legislation regarding land restitution made provision for productive land use in the post-restitution phase to ensure developmental objectives, such as those of the Banogeng beneficiaries. Also, the study sought to establish the nature of challenges experienced by various stakeholders in the course of the implementation of the restitution programme in respect of the number of beneficiaries involved. This was undertaken by formulating questions which were used in gathering data. The data was subsequently analysed using the qualitative method of content analysis. Through the analysis of data content, themes were developed to identify relevance to substantiate the hypothesis of the study. Interview methods were supplemented with documentary analysis and direct observation. The use of the case study approach provided insights into the complexities of the restitution process and illustrated the contradictions in South Africa's process of land reform.

The research has shed considerable light on the challenges that are inherent in the implementation of the restitution programme, especially in the wake of scant literature on the impact of the restitution policy on transforming the lives of the affected communities and in this way giving meaning to their development objectives and fostering the spirit of reconciliation. It must be noted that this research was not intended to offer a final evaluation of the restitution policy for the Banogeng project owing to the fact that the project is still in the early developmental stages of post-settlement implementation. However, it was critical to identify challenges and contradictions that would arise in the course of

addressing some of the ills of the apartheid policy related to land dispossessions prior to 1994.

The use of the Banogeng case study highlights several challenges that require careful consideration if the post-settlement phase of restitution is to be meaningful to the beneficiaries and all stakeholders involved. First, the planning process for returning beneficiaries to their ancestral land must be preceded by an early engagement of all affected stakeholders in the restitution phases in order to sensitise them at that early stage to their expected roles. The early engagement process will ensure a harmonious process of resolving the claims with minimal disruption.

Secondly, the lead department, that is the newly configured Department of Rural Development and Land Reform, must ensure that a monitoring and evaluation framework is developed to monitor progress made regarding land claims in the post-settlement phase. To mitigate the challenges related to the capacity issues currently plaguing the DLA (and its successor department), it will be necessary to ensure that a staff retention strategy is developed for ensuring that key personnel with scarce skills are retained within the department. Most of the staff members working on restitution projects tend to leave the department in search of better employment opportunities in other departments owing to limited prospects of promotion within the DLA.

Thirdly, attention should be given to training restitution beneficiaries and land reform beneficiaries, in general, in various aspects of agricultural production. This research has indicated that training is essential to building the capacity of land beneficiaries to enable them to have a holistic appreciation of the challenges of farming in the 21st century, as most of the beneficiaries tend to assume that farming is an easy endeavour without due regard for the inherent complexities.

James (2007) affirms this assertion by stating that most of the land beneficiaries who receive land are those with the least motivation and ability to use the land and that this explains why most restituted and redistributed land remains underutilised. This is not surprising when the DLA proposes interventions ostensibly aimed at expediting the process of distributing land to black people, including the “use it or lose it” (Moalusi, 2009) policy and the reservation of land for South Africans with the view to limiting the purchase of land by foreign nationals (Gutto, 2007). It still needs to be seen whether these proposed measures will in any way contribute to accelerating the pace of land reform in South Africa.

Fourth, and lastly, the recent admission to the parliamentary committee by Director-General, Thozi Gwanya (Hamlyn, 2008), that “his department was not going to meet the targets set by politicians to achieve the 30 per cent target of transferring agricultural land to blacks by 2014” because of a lack of funds and capacity within the department, is indicative of a much deeper seated problem within the land reform sphere in general. Having stated that, it therefore becomes imperative that all stakeholders should be realistic in setting policy targets, taking into consideration the complexities that characterise a developmental state.

It is the contention of this research that the establishment of the restitution programme is a positive development to emerge out of discussions that ushered in a new democratic dispensation in South Africa. However, it is the finding of this study that the restitution programme and the Restitution Act itself are not a panacea for the developmental ills that continue to affect restitution beneficiaries in general and the Banogeng community, in particular. As the results indicate, the Restitution Act provided a basis for anchoring the rights of the previously dispossessed. Nevertheless, it does not mandate any institutions to prioritise the integration of restitution claims into their processes. That the land beneficiaries expected more than they received from the restitution of their land is indicative of the high expectations that restitution beneficiaries have had, especially those that

have opted for restoration of their properties. As conceptualised, the Act does not make provision for productive land use in the post-restitution phase. This was demonstrated in the case of the beneficiaries in the Banogeng community. This was despite the fact that the aims of the Act include the facilitation of development initiatives by bringing together all relevant stakeholders at the conceptualisation phase of post-settlement (Ziqubu, 2006:8). It is clear from the findings of this research project that the framers of the Restitution Act did not make room for developmental issues to weigh in heavily in their drafting of the Act. Further, it is the finding of this study that the current approach to the implementation of the restitution programme falls far short of upholding the notions of equity and redress. This clearly has the potential to undermine the goals of attaining national reconciliation and giving credence to the notion of "improving the quality of life of all citizens and free the potential of every person", as enshrined in the Constitution.

The research conducted for this case study suggests that the restitution process is positivistic in its approach as it tends to focus on addressing rights without necessarily addressing other aspects which are essential elements that give meaning to these rights. The report has highlighted the need for restitution policy to be implemented in a manner that is deemed sustainable. Policy makers should ensure that appropriate mechanisms, post-settlement policy frameworks, and a range of other facilitating conditions necessary to support a pool of aspirant farmers as land claims are resolved. Sustainable development also requires the presence of institutional mechanisms and a legal framework to support the implementation of such a desirable policy. Most importantly, it also requires the support of different stakeholders and institutions of civil society to work together in harmony for it to succeed. In other instances, it may also require reforming the legislation and the institutions that are instrumental to the implementation of the restitution programme. Successful implementation of a restitution policy will require human resources, and material and infrastructural resources. Although the implementation of the restitution policy remains a challenge in most

communities that emerge from situations of strife and conflict, it nevertheless requires continuous analysis by the lawmakers and policy implementers to determine the adequacy with which it is aligned to meet development imperatives of economic and social upliftment. Resettlement planning must be preceded by taking into account the number of beneficiaries to be resettled relative to the size of the land and its location in terms of proximity to public amenities like transport, health care facilities, schooling, recreational facilities and employment opportunities.

This study calls for further investigation and the establishment of a more developmental approach to restitution. This study has shown that the act of restoring communities back to the land is not an event, but rather a long drawn-out and complex process. This process seeks to restore not only people's land rights but also their livelihoods that have been exterminated for decades.

Finally, the research presented has succeeded in illuminating the challenges encountered in the restitution policy for the Banogeng. This research will assist both policy and decision makers to seek ways and means of ensuring that the settlement of restitution claims contributes to the broader goals of socio-economic development for the beneficiaries and, in the process, enable them to redress the racial inequalities and foster the spirit of national reconciliation.

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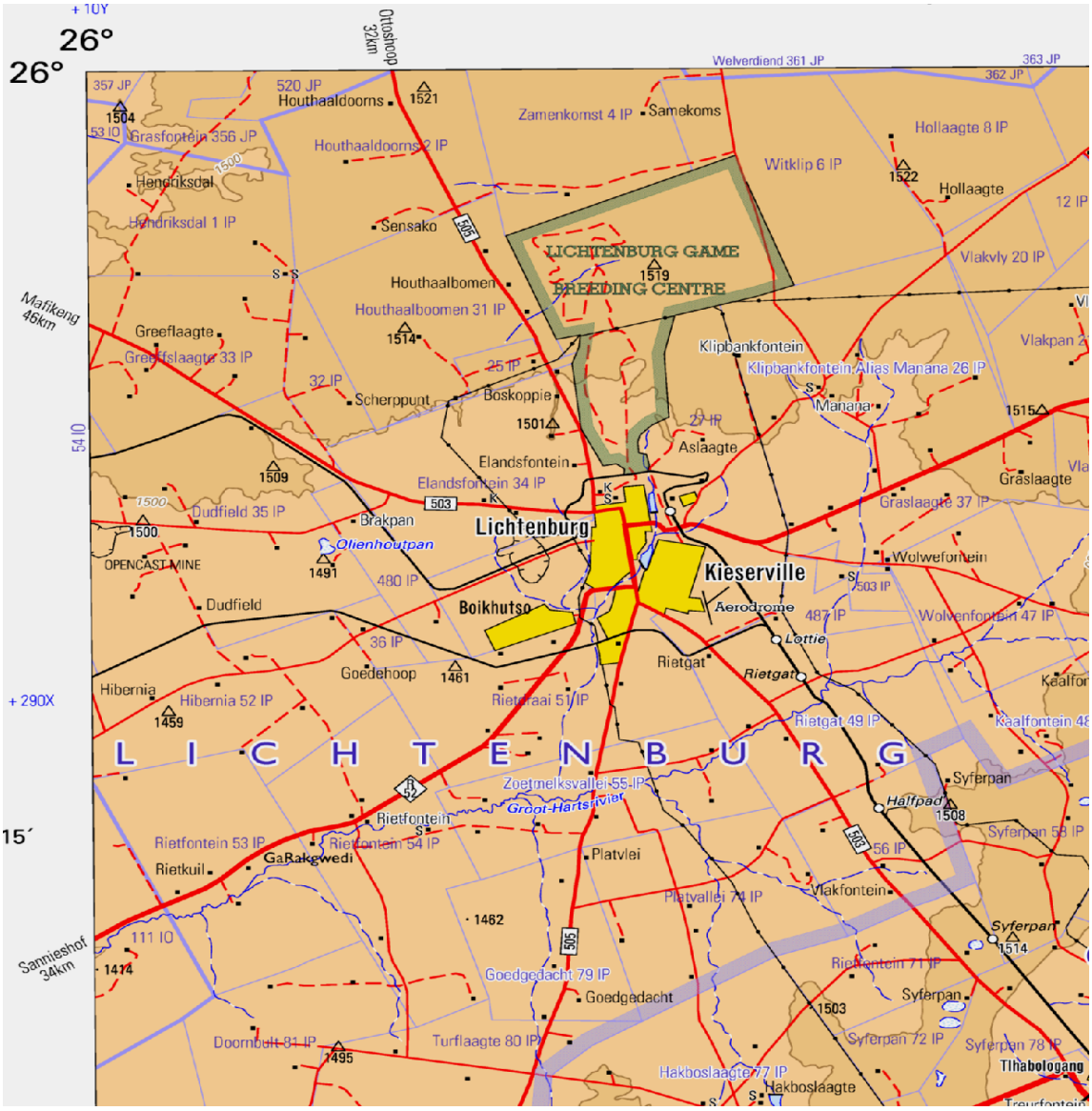
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APPENDIX A

LOCALITY MAP OF THE FARM RIETFONTEIN 54 IP, LICHTENBURG, NORTH WEST



Source: DLA (2002)

Figure 1. Locality map of Rietfontein 54 IP, Lichtenburg, North West

APPENDIX B

LETTER REQUESTING PERMISSION TO CONDUCT RESEARCH – EXAMPLE

P.O. Box 56054
ARCADIA
0007
20 June 2007

Ms. Tumi Seboka
The Regional Land Claims Commissioner: Gauteng & North West
Private Bag X03
ARCADIA
0007
Dear Ms. Seboka

REQUEST FOR CONDUCTING RESEARCH ON BANOGENG LAND CLAIM FOR ACADEMIC PURPOSE

I am writing to you to humbly request your permission to conduct interviews with yourself at your convenience regarding the implementation of land restitution policy. I am a student at the University of Witwatersrand (Graduate School of Public and Development Management) studying towards completion of a Masters Degree in the field of Public and Development Management. Conducting this research is an important requirement towards finalization of the degree on my part.

My research topic is "A Case Study of Land Restitution Policy Implementation in the Community of Banogeng". It is anticipated that the interviews will be conducted with you; selected personnel of the Commission on Restitution of Land Rights, notably project managers and senior managers who are instrumental in the resolution of the claims. Research findings will be shared with your office should you so desire.

It is my desire to conduct the surveys during August – September 2007. Exact dates will be confirmed once permission for the study has been granted.
I look forward to hearing from you.

Yours sincerely,
Muzi Mthembu
Student No. 9811893E
082 473 5643 (home) (012) 441-3583 (work)

APPENDIX C

SCHEDULE OF INTERVIEWEES*

1. Mr Kotsedi Mothibe – Deputy-Director: Post-Settlement Support, Regional Land Claims Commission: Gauteng and North West. Interview conducted on 20 June 2008 in Benoni, East Rand, Gauteng.
2. Mr Bradley Makipi – Project Coordinator: Bojanala District, Regional Land Claims Commission: Gauteng and North West. Interviewed on 22 June 2008 in Pretoria North, Gauteng.
3. Mr Mpho Mahura – Project Officer: Southern District, Regional Land Claims Commission: Gauteng and North West. Interviewed on 24 June 2008 in Mmabatho, North West.
4. Mr Oupa Mosiane – Chairperson of Banogeng CPA. Interviewed on 22 November 2008 at Matile Village, North West.
5. Mr Fistos Oupa Mosiane – Banogeng land claim beneficiary in Mafikeng. Interviewed on 25 June 2008 in Majemantsho, Mafikeng, North West.
6. Mr Charles Maragelo – Banogeng land claim beneficiary in Kagiso, Krugersdorp. Interviewed on 21 June 2008 in Kagiso, Krugersdorp, Gauteng.
7. Ms Elsie Lorato Maragelo – Banogeng land claim beneficiary in Kagiso, Krugersdorp. Interviewed on 21 June 2008 in Kagiso, Krugersdorp, Gauteng.
8. Mr Israel Ranchos Nkashe – Banogeng land claim beneficiary in Itsoseng, near Mafikeng. Interviewed on 26 June 2008 in Itsoseng, North West.
9. Mr Radiphala Molutsi – Banogeng land claim beneficiary at Rietfontein No.7. Interviewed on 24 June 2008 at Rietfontein 54 IP farm near Lichtenburg, North West.
10. Mr Monty Digoamaje – Banogeng land claim beneficiary at Matile Village. Interviewed on 22 November 2008 at Matile Village, North West.

11. Mr Laban Digoamaje – Banogeng land claim beneficiary in Matile Village. Interviewed on 22 November 2008 at Matile Village, North West.
12. Ms Sarah Tshwaedi – Secretary of the Banogeng CPA. Interviewed on 22 November 2008 at Matile Village, North West.
13. Mr Moses Mosiane – Banogeng land claim beneficiary at Matile Village. Interviewed on 22 November 2008 at Matile Village, North West.
14. Mr Nkwe Diutlwileng – Official at Noordwes Korporasie, Lichtenburg. Interviewed on 26 June 2008 in Lichtenburg, North West.
15. Mr Daniel Appelgreen – Extension officer of the North West Department of Agriculture, Conservation and Environment (NWDACE) at Lichtenburg District Office. Interviewed on 26 June 2008 in Lichtenburg, North West.
16. Mr Steve Botlhoko – Manager: Economic Development and Planning in the Ditsobotla Local Municipality, Lichtenburg. Interviewed on 24 April 2009 in Lichtenburg, North West.

*** Permission was requested and granted by all interviewees to be quoted in the report.**

APPENDIX D

SCHEDULE FOR QUALITATIVE INTERVIEWS

1. Name of respondent……
2. Occupation……
3. Gender……
4. Contact telephone……
5. Name of person dispossessed……
6. Relationship to the dispossessed person……
7. Relocation after removals……..……..
8. What skills are available in the household?……..…….....
9. How many people are formally employed in the household?..……..
10. What assets does the household possess? (E.g. cattle, sheep, goats, horses, chicken, movable implements etc, specify)……
11. Have you relocated to the restored land? If not why not?.....
12. How does the community participate in the management of the restored land?.....
13. How do the community members deal with disputes and what role does the department have in the process?.....
14. How has the family benefited from the restitution award?.....
15. What challenges are faced by the community since the land was restored?.....
16. What challenges are faced by your organisation in providing support for the restitution beneficiaries and how do you go about resolving them?.....
17. What is the role of the DLA/RLCC/NWDACE/NWK in providing assistance to the claimants with the land claim process? ……..
18. How does this assistance benefit land restitution beneficiaries and Banogeng in particular?.....

19. What measures, policies or programmes do you have available to you to deal with the influx of high number of returnees?……

20. How does the Commission deal with the farm workers on the land?.....

THANK YOU