

**The Land Claims Process in Limpopo Province:
A Case Study of the Makotopong Community, South Africa**

By

Kenneth Eli Moabelo

Submitted in partial fulfillment of the requirements for the degree of
M.Inst.Agrar (Land Development)

In the

Department of Agricultural Economics, Extension and Rural Development

Faculty of Natural and Agricultural Sciences

University of Pretoria

PRETORIA

November 2007

DECLARATION STATEMENT

I declare that this mini-dissertation submitted by me for M.Inst. Agrar. Degree at the University of Pretoria is my own independent work conducted under skillful guidance and supervision of study leader, and has not been previously submitted at any other University or Faculty. Copyright of this study lies jointly with the University of Pretoria and the Limpopo Department of Agriculture, who funded my studies.

Signature.....

Kenneth Eli Moabelo

ACKNOWLEDGEMENTS

I wish to express my appreciation to the following organisations and persons who made this mini-dissertation possible:

- a) This mini-dissertation is based on the Makotopong land claim. Permission to use material from the Limpopo Regional Land Claims Commission (RLCC) is gratefully acknowledged. The opinions expressed are those of the author and do not necessarily represent the policy of RLCC.
- b) The Limpopo Department of Agriculture for the financial support and the permission to use its facilities during the course of this study.
- c) The following people are gratefully acknowledged for their assistance during the course of study:
 - Prof. Johann Kirsten, my supervisor, for the guidance and support.
 - Mr. T.M Moila, Regional Land Claims Commission Project Officer, for the links and provision of necessary information of the Makotopong community.
 - Mr. M.M Mohlake of University of Limpopo for editing this document.
 - My family, especially my wife, Raisibe, my mother, Maselaelo Suzan, and my late father, Madumetša Gilbert, for the encouragement and support during my studies.

Kenneth Eli Moabelo

Pretoria, November 2007

The land Claims Process in Limpopo Province: A Case Study of the Makotopong Community, South Africa

BY

KENNETH ELI MOABELO

Degree: M. Inst. Agrar. (Land Development)
Department: Agricultural Economics, Extension and Rural
Development
Supervisor: Professor J.F Kirsten

ABSTRACT

There is growing concern in South Africa, especially amongst the rural landless population, regarding the pace and direction of land reform. Some communities have, for five years, been waiting for a decision from government on their land claim, which understandably creates anger, impatience and despair. Some farmers and current land owners have also expressed concern about the slow pace at which the land restitution claims are being processed, saying it hurts the way they conduct business. White farmers claim that the delay in the finalization of the claims against their farms made it impossible for them to spend money on improving their farms, for fear of not being compensated. Land claims have stalled investment in farming, which threatens agricultural production. Farmers also claimed that banks were refusing to give loans to those under claims. There exists a challenge with respect to the perception of land valuation/prices of agricultural properties and, at the same time, there has been dissatisfaction from the point of view of the Land Claims Commissioner that White farmers are demanding more than the true value of land. To date, there has not been any study to indicate a before-and-after situation of land claims, with post transfer service not properly documented.

This research report describes the process of rural land claims in the Limpopo Province of South Africa through a case study of Makotopong Communal Property Association (C.P.A) as outlined in the Land Reform Act. The case study focuses on developmental activities and access to agricultural services such as extension and identification of post-settlement services available to the community.

An unstructured questionnaire was used to obtain qualitative data from the committee members of the Makotopong CPA, Community members, RLCC project officers and project officers from Nkuzi Development Trust; a Non-governmental organisation assisting land reform beneficiaries.

The main findings of the research depict an inherent uniqueness of rural land claims compared to urban claims. This inherent uniqueness of rural claims contributes towards the slow pace of delivery of the restitution process. The period from lodgement to restoration of land rights is slow, thus leading to the deterioration of land because of the uncertain future of the previous owners. The post-settlement services which amongst others include capacity building, integrated project development, integration of various government departments', institutional arrangements and skills transfer is seldom in place when the land is eventually settled upon.

TABLE OF CONTENTS

Declaration statement	i
Acknowledgements	ii
Abstract	iii
Table of Contents	v
List of Tables	vii
List of Appendices	vii
Abbreviations/Acronyms	viii
CHAPTER 1: INTRODUCTION	
1.1 Background	1
1.2 Problem statement	6
1.3 Objectives	7
1.3 Methodology	8
1.4 Outline of research report	9
CHAPTER 2: AN OVERVIEW OF RURAL LAND CLAIMS	
2.1 Introduction	10
2.2 Land claims processes	11
2.3 Rural land claims in Limpopo province	12
2.4 Land valuation/Perception on land prices	17
2.5 Problem cases of claims settled	18
2.6 Collaboration with previous owners	20
2.7 Summary	20
CHAPTER 3: HISTORY OF THE MAKOTOPONG LAND CLAIM	
3.1 Introduction	22
3.2 History of Makotopong community	22
3.3 Land Claim Process	25
3.4 Summary	28

CHAPTER 4: FARMING ACTIVITY IN MAKOTOPONG CPA	
4.1 Introduction	30
4.2 Farming activities and profits made before and at transfer.	30
4.3 Current situation	31
4.4 Planned farming activities specified in the Business plan	33
4.5. Possible land utilisation options	34
4.5.1. Food plots	35
4.5.2. Livestock	35
4.5.3. Housing and services	36
4.5.4 Leasing of irrigation areas	36
4.5.5 Allocation of plots to Plot Owners	37
4.6. Views of stakeholders on the development plan	37
4.7 Activities after the adoption of the Business plan	38
4.7.1 Post-settlement support	39
4.8 How to save Makotopong	40
4.9 Summary	41
CHAPTER 5: SUMMARY AND CONCLUSION	
5.1 Summary	42
5.2 Conclusion	42
REFERENCES	44
APPENDICES	49

LIST OF TABLES

- Table 2.1 The Cumulative Statistics on Settled Restitution Claims 1995- 31
March 2007
- Table 2.2 Settled Restitution Land Claims for Limpopo
- Table 3.1 Land-Use in Makotopong

LIST OF APPENDICES

- Appendix 1 Location of Makotopong
- Appendix 2 Makotopong Land Claim Process Survey

LIST OF ABBREVIATIONS/ACRONYMS

ANC	African National Congress
CASP	Comprehensive Agriculture Support Programme
CDE	Centre for Development Enterprise
CLCC	Chief Land Claims Commissioner
CPA	Communal Property Association
CRLR	Commission on Restitution of Land Rights
DBSA	Development Bank of Southern Africa
DLA	Department of Land Affairs
IDP	Integrated Development Plan
LDA	Limpopo Department of Agriculture
LCC	Land Claims Court
LRAD	Land Reform for Agricultural Development
MCPA	Makotopong Communal Property Association
MVOC	Monetary Value of Land Claim
NLC	National Land Committee
PSLR	Partnership for Sustainable Land Reform
RDP	Reconstruction and Development Programme
RLCC	Regional Land Claims Commission
SAAU	South African Agricultural Union
SANDF	South African National Defence Force
TAU	Transvaal Agricultural Union

CHAPTER 1

INTRODUCTION

1.1 Background

Political and social processes in South Africa have shaped patterns of land ownership and use in South Africa. The Department of Land Affairs (1997) acknowledges in a white paper on South African Land Policy that the current landownership and land development patterns strongly reflect the political and economic conditions of apartheid era. Racially based land policies were a cause of insecurity, landlessness and poverty among black people and caused inefficient land administration and land-use. The past land policies resulted in disjointed system of land administration and thus restricted resource utilisation and development. Throughout the history of South Africa, nearly all ethnic groups have attached great emotional and political importance to the land. Politics of land are most important for the African majority. Forced removals and land dispossession since 1652, when the white settlers landed in South Africa, have been a fundamental aspect of oppression. The dispossession and denial of rights to land have resulted in the present unequal division of land and landlessness, which is a legacy of “apartheid”, responsible for the removal of people from areas capable of generating the greatest wealth, and resettled in lands that left them impoverished.

Prior to the elections in 1994, the African National Congress (ANC) pointed out in their Reconstruction and Development Programme (RDP) that land reform was to address the injustices of forced removals and the historical denial of access to land. That was to ensure security of tenure for rural dwellers, eliminate overcrowding and supply residential and productive land to the poorest section of the rural population (Sibanda, 2001).

The democratic government has stayed firmly within the constitutional framework on land issues, respected property rights, and assured landowners that South Africa will not go the way of Zimbabwe. The Bill of Rights in the Constitution of the Republic of South Africa guarantees existing property rights, but simultaneously places the state under constitutional duty to take reasonable steps to enable citizens to equitable access to land, to promote security of tenure and to provide redress to those who were dispossessed property after June 1913 as a result of past discriminatory laws or practices. It has adopted a demand-led and largely market-driven set of land reforms programmes, and has observed the principle of “willing-buyer willing-seller” in transferring land ownership from whites to blacks (Centre for Development and Enterprise, 2005: 11).

Land Reform is one of the most important instruments of development policy in underdeveloped economies, particularly those countries characterised by large inequalities in land ownership and known for their legacy of excluding people from ownership and control of agricultural land (Rawal, 2001: 611). The causes for government’s rural land reform programme and its scope and content were clearly set out in the initial policy document of Reconstruction and Development Plan (RDP) in 1994 which states that “land is the basic need of rural dwellers”. Apartheid policies pushed millions of black South Africans into overcrowded and impoverished reserves, homelands and townships. In addition, capital-intensive agricultural policies led to large-scale eviction of farm dwellers from their lands and homes. Land Reform has, therefore, the objective to give poor people ownership rights or permanent cultivation rights. It makes sense if – and only if - it increases the income, consumption and wealth (Binswanger and Miranda, 1990:342). This is the only criterion determining the success of land reform and ensuring a positive contribution to development outcomes.

South Africa’s constitution recognises and protects existing land ownership, but created an obligation to ensure land reform in Chapter 25 (the property clause) Chapter 25(1) No one may be deprived of a property except in terms of

law of general application, and no law may permit arbitrary deprivation of property(Republic of South Africa, 1996).

The following Land Reform Acts were passed by the new South Africa democratic government since 1994:

- *The Restitution of Land Rights Act* (Act No. 22 of 1994), which provides for the restitution of rights to land to those dispossessed of land in terms of racially based policies of the past;
- *The Development Facilitation Act* (Act No. 67 of 1995), which introduces measures to speed up land development, especially the provision of serviced land for low income housing;
- *Extension of the Security of Tenure Act, Act no 62 of 1997*, which is intended to ensure that the rights enshrined in the section 26(3) of the South African Constitution- prohibiting the evictions without court order are enforced.
- *The Land Administration Act* (Act No. 2 of 1995), which makes provision for the assignment and delegation of powers to the appropriate authorities;
- *The Land Reform (Labour Tenants) Act* (Act No.3 of 1996), which provides for the security of tenure of labour tenants and those persons occupying or using land as a result of their association with labour tenants; to provide for the acquisition of and land rights in land by labour tenants; and to provide for matters connected therewith;
- *The Interim Protection of Informal Land Rights Act* (Act No. 31 of 1996), is a mechanism to protect people with insecure tenure from losing their rights to and interest in land pending long-term reform measures.
- *The Communal Property Associations Act* (Act no. 28 of 1996) enables communities or group to acquire, hold and manage property under a written constitution; and
- *Communal Land Rights Act (Act no 11 2004)* Aim to provide for legal security of tenure by transferring communal land, including KwaZulu-Natal Ingonyama land, to communities, or by awarding comparable redress.

There are also other laws that relate directly and indirectly to land but that are managed /administered by departments other than the Department of Land Affairs. The South African Land Reform Programme rests on the following three legs: land restitution, land redistribution and land tenure reform (Sibanda, 2001: 2-3).

Land redistribution programme: This programme aims to provide both the disadvantaged and the poor with land for residential and productive purposes. The minimum Land Redistribution for Agricultural Development (LRAD) grant is R20 000 per household, and may increase to R100 000 according to the household own contribution. Land redistribution took several forms, e.g., group settlement with some production, group production, commonage scheme, on-farm settlement of farm workers. Lyne and Ferrer (2006: 261-278) indicated forms of land redistribution such as government grant-assisted land purchases, private purchases (mortgage loan and cash), and non-market transfers (bequests and donations).

Land tenure programme: This programme aims to provide people with secure tenure where they live, to prevent arbitrary evictions and fulfil the constitutional requirement that all South Africans have access to land legally. The Land Reform (labour tenant) Act, 1996 (Act no.3 of 1996) provides for the protection of the rights of labour tenants and gives them the right to claim land. The Communal Land Rights Act 11 of 2004, which provides for legal security of tenure by transferring communal land, including KwaZulu-Natal Ingonyama land, to communities, or by awarding comparable redress; to provide for the conduct of a land rights enquiry to determine the transition from old order rights to new order rights; to provide for the democratic administration of communal land by communities; to provide for Land Rights Boards; to provide for the co-operative performance of municipal functions on communal land; to amend or repeal certain laws; and to provide for matters incidental thereto.

Land restitution programme: This programme deals with claims lodged in terms of Restitution of Land Rights Act, 22 of 1994. The Act provides for the restitution of rights in land to persons or communities dispossessed of such rights after 19 June 1913 as a result of past discriminatory laws or practices; the establishment of Commission on Restitution of Land Rights and a Land Claims Court (LCC); and the provision of matters connected. The Commission on Restitution of Land Rights was constituted on 1 March 1995 with its mission being to: promote equity for victims of dispossession by the state, particularly the landless and the rural poor; to facilitate development initiatives by bringing together all stake holders relevant to land claims; to promote reconciliation through the restitution process; and to contribute towards an equitable redistribution of land rights. The role players in the restitution process include the Commission on the Restitution of Land Rights (CRLR), Chief Land Claims Commissioner (CLCC), the Regional Land Claims Commissioners as per province; and the Department of Land Affairs (DLA) which is a respondent in all restitution cases and land claims.

The CRLR is generally tasked to:

- a) Receive and acknowledge receipt of all claims for the restitution of rights in land lodged with or transferred to it in terms of the law;
- b) Take reasonable steps to ensure that claimants are assisted in the preparation and submission of claims;
- c) Advise claimants of the progress of their claims at regular intervals and upon reasonable request;
- d) Report to the court on terms of settlement in respect of successfully mediated claims;
- e) Define any issues that may still be in dispute between claimants and other interested parties with the view of expediting the hearing of claims by the court; and

- f) At regular intervals, take appropriate steps to make public information regarding the persons entitled to claim restitution of rights in land.

The Land Claims Court is the court of law that shall have all the powers of the constitution:

- a) To determine a right to restitution of any right in land in accordance with the Act;
- b) To determine or approve compensation payable in respect of land owned by or in the possession of a private person upon expropriation or acquisition of such land in terms of the Act. To determine whether compensation or any other consideration received by any person at the time of dispossession of right in land was just and equitable; and
- c) To determine any matter involving the interpretation or application of the Act and other land reform related acts.

1.2 Problem Statement

There is growing concern in South Africa, especially amongst the rural landless population, regarding the pace and direction of land reform. Some communities have, for five years, been waiting for the decision from the government on their land claim, something that creates anger, impatience and despair. Some farmers and current land owners have also expressed concern about the slow pace at which the land restitution claims are being processed, saying that it hurts the way they conduct business. White farmers claim that the delay in the finalisation of the claims against their farms made it impossible for them to spend money on improving their farms for fear of not being compensated. Moodie (2005), reporting on the eve of Land Summit in

Johannesburg, pointed out that land claims has stalled investment in farming, which threatens agricultural production. Farmers also claimed that banks were refusing to give loans to those under claim.

The process of claimants lodging their claims started at a snail's pace, leading to concerns that many eligible were unaware of the process. The undertaking by the Commission on the Restitution of Land Rights (CRLR), the Department of Land Affairs (DLA) and the National Land Committee (NLC) brought success in informing a large number of people about restitution and their right to claim. The turnover of claimants is not clear whether it was done for the sake of formality or a dire need to start farming activities.

If one looks at the process as stipulated by the Act, it goes without saying that the rural claims do have characteristics that make them unique and different to urban claims. It is these unique characteristic that retards restoration of land rights.

The valuation of land for compensation purposes has been one point of severe debate and is an aspect that does not auger well in the eyes of the previous land owners. At the same time, there has been dissatisfaction from the point of view of the land claims commissioner that white farmers are demanding more than the value of land. To date, there have not been any studies to indicate before-and-after situation.

1.3 Objectives

The general objective of this research is to study the processes of land claims especially rural claims in the Limpopo Province of South Africa. The study of the land claim processes will be confined to Makotopong Communal Property Association (CPA) in the form of a case study, as as to illustrate the consequences of slow conclusion of land claim, absence of post-transfer developmental activities and recommendations to save the Makotopong land claim.

The specific objectives of this research are to:

- Profile the Makotopong land claim in Limpopo Province of South Africa in a form of a case study;
- Profile the settled land claim, with emphasis on the facilitation of developmental activities and access to agricultural services such as extension;
- Identify post settlement services available to the community; and
- Provide recommendations for saving Makotopong CPA.

1.4 Methodology

An unstructured questionnaire was used to obtain qualitative data from the following: (Appendix 2)

- 5 Committee members of Makotopong CPA;
- 50 Community members who were residing at Makotopong when the removal was executed;
- 2 Limpopo Regional Land Claims Commission project officers; and
- 2 project officers from Nkuzi.

The advantage of an unstructured questionnaire is that respondents are in a better position to honestly relate and express their views. Gathered information can be used later to enhance intensive analysis through structured questionnaire (Ngqangweni, 1996).

The survey involved the following steps: (1) Questionnaire construction; (2) sample selection; and (3) data collection through informal open-ended interviews with the focus group.

1.5 Outline of Research Report

The research report contains an additional three chapters. The second chapter reviews the rural land claims in South Africa compared with urban claims in Limpopo Province. It includes also the distinct nature of rural claims, the problem case of land claims settled but everything going wrong, the general perception of land prices and cases of collaboration with previous owners. The third chapter provides the history of the Makotopong land claim, detailing the past existence, the motive to lodge a claim, settlement and the current situation. The fourth chapter outlines the farming activities in Makotopong CPA before and after the transfer. The final and fifth chapter is recommendations and conclusion for saving Makotopong CPA.

CHAPTER 2

AN OVERVIEW OF RURAL LAND CLAIMS

2.1. Introduction

Rural land claims, unlike urban claims, present characteristics that are unique and complex in nature. It is the inherent nature of rural claims that contributes towards the slow pace of delivery of the restitution process. Table 2.1 below depicts a comparison that can be drawn, which shows a greater margin between rural and urban claims. According to the Minister of the Department of Agriculture and Land Affairs, as on March 2007, the RLCC has settled 74 417 (93%) of the 79 696 claims, lodged by 31 December 1998 nationally. The number of hectares delivered through restitution is 1 067 152. The outstanding rural claims are 5 279, mostly in KwaZulu-Natal (1 822), Mpumalanga (971), Limpopo (700), Eastern Cape (600) and Western Cape (600) (Commission on restitution of land Rights, 2007:3).

This chapter focuses on the progress, comparison and nature of rural land claims in Limpopo Province. This chapter also covers the challenges of rural claims such as land valuation and collaboration with previous owners, which will be portrayed by the last part of the chapter, being problem case whereby a claim was settled but things went wrong.

Table 2.1: The Cumulative Statistics on Settled Restitution Claims 1995-31 March 2007

	Land Restoration	Financial Compensation	Alternative Remedy	Total Claims Settled	Beneficiaries Involved
Urban claims	15 439	47 726	2 477	65 642	483 3998
Rural claims	4 188	4 152	435	8 775	78 9055
Total	19 627	51 878	2 912	74 417	1 273 043

Source: Commission on Restitution of Land Rights- Annual report 2006/07

2.2 The Land Claims Processes

The need for restitution emanates from the forced removals in support of racial segregation that yielded great suffering and hardship in South Africa. Christiansen (1996) states that the land restoration process involves the return by administrative or adjudicative process of specific parcels of land to individual or communities who were unjustly removed in pursuance of racially-based legislation or policies.

According to Commission on Restitution of Land Rights Calendar (2003), in 1994, the South African government passed the Restitution of Land Rights Act, 22, last amended in 1997. The Act protects the rights of legitimate claimants to restitution and lays down the following rules for the acceptance of claims:

- Those individuals, families and communities who were forcibly removed from land due to racial laws;
- Only people who were forcibly removed from land after 19 June 1913 have rights to restitution;
- Even the rights of people who did not have title deeds at time of removal will be respected; and
- For the claim to be valid, it must have been lodged on or before 31 December 1998.

The claims process is composed of the following six phases (Commission on Restitution of Land Rights, 2007:8).

- **Phase 1.** Lodgement and registration. This phase considers claims lodged by 31 December 1998 wherein an acknowledgement is issued. The act stipulates that: Any person who or the representative of any community that is entitled to claim restitution of a right in land, may lodge such claim that shall include a description of the land in question, the nature of right in the land of that he /she or such community was disposed and the nature of the right or equitable redress being

claimed, on the form prescribed for this purpose by the Chief of Land Claims Commissioner.

- **Phase 2.** Screening and categorisation. Compliance with the Act is checked and establishes missing information. It is during this phase that field research is conducted.
- **Phase 3.** Determination of qualification. Claim is accepted or found not to qualify publication in the Government Gazette and relevant newspapers. Claimant and other parties are informed accordingly.
- **Phase 4.** Negotiations. A report is produced after the completion of investigation. Various options are presented to help claimants to make an informed choice.
- **Phase 5.** Settlement. During this phase, agreements are signed in terms of Section 42 D Ministerial approval or a decision made by the Land Claims Court (LCC) in the form of court order.
- **Phase 6.** Implementation of settlement. This phase includes detailed land planning, transfer of land, development funds, grants, post award support and handover financial compensation, or other redress.

According to the strategic direction of the Commission on Restitution of Land Rights the focus should be on the rural claims received. The rationale for this is not only because of the concentration of abject poverty in these areas, but also because a rural claim involves larger number of people. These claims are mostly community claims, whereas most urban claims are individual household claims, with some exceptions.

2.3 Rural land claims in Limpopo Province

The Limpopo RLCC statistics as on January 2007 indicates 5815 lodged claims before consolidation and 3654 claims lodged after consolidation. The number of rural

claims settled is 1571, with 1275 settled urban. The total of settled and dismissed claims stands at 2846. The outstanding claims are 808. (Personal communication)

Most of the land claims did follow the process according to the Restitution of Land Rights Act (Act No. 22 of 1994). One of the ways of lodging a claim before 1998 was by employing a chief to do so on behalf of the community, which was different from the Chief's claim because the community was to benefit from the claim, not the Chief solely. Most claims in the Limpopo Province of South Africa are rural, which poses a particular challenge to the commission because of the high illiteracy rate among rural communities and the claimants' lack of documentation like identity documents, death certificates, marriage certificates, affidavits to support claims. Construction of family trees seems very difficult. There are no titles/maps and most lands were unregistered and unsurveyed, causing added difficulties for the commission with respect to the description of property. Despite problems from the claimants, the RLCC is faced with a high staff turnover, the high staff turnover that is informed by fear of losing jobs by the end of 2008 can be turned around by transferring personnel's skills to other Land Reform Programmes and also absorbing some in the Department of Land Affairs.

Family and community disputes over who is entitled to lodge a claim also prolong the period taken in dealing with each of the claims. Infrastructure and communication problems make it difficult to access claimants and to hold meetings. Distances to be traveled and the condition of rural roads leave much to be desired, also the patriarchal nature of rural communities. Policy makers should set up a drive to put to an end the bureaucratic process of settling land restitution cases, which is the source of slow conclusion of land claims. Regional Land Claims Commissioners can be given more powers to settle claims lodged in their respective regions, thus minimising lot of hands within the departments before the approval by the minister, meaning that claims will move from RLCC to minister for finalization;

The Limpopo RLCC accepted on board the House of Traditional Leaders an important strategic partner in the process of land restitution since most rural claims falls under traditional leadership. Other strategic partners are the Land Bank, the

Department of Agriculture, the Department of Labour, municipalities, land orientated NGOs and the University of Pretoria. It is necessary to consider an integration of activities by various government departments dealing or responsible for land reform issues, especially agriculture and land affairs. The main goal should be to strike a balance between restitution and economic development. Developmental activities should not wait until the land is restored to the beneficiaries, but rather immediately when the claim is gazetted. It is at this stage that Land Use development plans, Business plans and proposals for leasing/renting or partnership can be looked at. When one says “the land claimed is settled”, that should not only mean signing of settlement agreement by the minister, but should simultaneously be seen as a point of land and grants being transferred accordingly;

Table 2.2: Settled Restitution Land Claims for Limpopo

Project	Urban/ Rural	No. of Claims Lodged	Households	Beneficiaries	Hectares	Total awards (R)*
Gedrudesberg	Rural	1	1030	5150	660.0670	7,973,200.00
Kransport	Rural	1	120	600	1542.8568	1,328,000.00
Makuleke	Rural	1	1508	7540	22.7000	4,524,000.00
Mavungeni	Rural	1	200	1000	1489.0283	888,000.00
Mmamathola	Rural	6	1500	7500	3566.2274	48,091,000.00
Makotopong	Rural	73	379	1895	3500.0000	1,137,000.00
Mokerong	Urban	183	183	915	N/A	3,660,000.00
Mundzedzi	Rural	1	600	426	N/A	2,664,000.00
New Petersburg	Urban	394	394	1970	60.3014	11,509,851.57
Phashaskraal	Rural	1	1	7	1217.7515	17,451.96
Pheeha	Rural	1	1500	7500	1540.4667	14,964,032.00
Reboile	Rural	1	474	2370	3119.7030	5,604,560.00
Sandri/Seedat	Urban	2	2	2370	N/A	5,604,560.00
Ximangi	Rural	1	250	10	718.8758	138,638.50
Manavhela	Rural	1	600	1250	2611.7427	111,000.00
Dzwerani	Rural	35	230	430	2358.1516	9,801,436.20
New Look	Urban	265	265	1610	N/A	5,750,000.00
BaPhalane Ba Mantrere Community	Rural	1	500	1325	1884.2660	7,125,000.00
Pusela	Urban	316	316	3000	N/A	11,070,000.00
Bjatladi Community	Rural	3	331	1580	5775.7225	17,569,640.00
Hafsa Cachalia	Urban	6	6	1244	N/A	12,000,000.00
Diocese of St	Rural	1	N/A	30	89.0000	0.00

Project	Urban/ Rural	No. of Claims Lodged	Households	Beneficiaries	Hectares	Total awards (R)*
Mark						
Marobala -O – Itsoso Phase 1 and 2	Rural	7	427	N/A	7383.3718	26,083,575.40
Rooipan Community	Rural	9	160	1500	1484.4658	3,760,400.00
Dwaarsloop	Rural	350	350	700	236.1888	8,953,000.00
Mphelo Community	Rural	1	5	2000	428.2660	22,200.00
Rita Community	Rural	1	574	53	3579.9811	7,048,560.00
Mtiti Community	Rural	392	420	2870	None	12,600,000.00
Pienersrivier Community	Rural	2	101	2520	1966.0998	5,108,440.00
Madisha Community	Rural	1	47	369	1671.0000	208,680.00
Modimolle Community Phase 1,2 & 3	Rural	1	672	4044	16575.5366	61,685,680.00
Hlomela Community	Rural	2	72	2000	N/A	14,384,200.00
Ntlhaveni- Kutama/ Sithumule Community	Rural	300	530	11000	N/A	11,373,200.00
Gumbu Mutele Community	Rural	2	909	2311	27830.0000	4,035,960.00
Koka Matlou Community	Rural	1	250	921	2955.0717	5,225,000.00
Mabjaneng Community	Rural	1	401	700	3706.2310	1,780,440.00
Morebene Community Phase 1 & 2	Rural	1	590	1337	.	9,708,986.00
Legata Community	Rural	1	45	154		199,800.00
Lebelo Community	Rural	1	479	984	3600.0000	8,919,760.00
Tale Ga Morudu Tribe Phase 1 &2	Rural	1	550	1212	10243.3086	33,897,000.00
De Hoop Community	Rural	1	117	349	.	2,200,480.00
Motokolo Community	Rural	3	150	1050	1005.4329	2,443,000.00
Mokgolobotho Community	Rural	1	242	344	.	63,673,600.00
Morongwa Community	Rural	1	200	350	3752.8883	1,088,000.00
Moddervlei Community	Rural	3	257	992	1987.5455	3,317,580.00
Sekororo Community	Rural	6	895	6265	5015.9775	67,174,700.00
Makgatho Community Phase 1 &2	Rural	1	1821	9000	6777.9780	30,152,078.00
Msengi Community	Rural	1	286	1169		6,732,000.00
Lethakeng Community	Rural	1	95	327	64.2399	1,711,800.00
Ga-Tjale Community	Rural	1	99	376	1238.6866	749,560.00
DeHoop Families	Rural	18	200	349	4197.0926	1,874,360.00
Ba-Phalaborwa Ba Mashishimale	Rural	2	1985	9449	2369.9967	24,869,400.00

Project	Urban/ Rural	No. of Claims Lodged	Households	Beneficiaries	Hectares	Total awards (R)*
Levubu	Rural	7	726	3375	4731.02	224,458,630,00
Mamahule Community	Rural	1	385		2243.6195	12,293,790.00
Bakgaga Ba Mphahlele	Rural	1	51	439	N/A	1,628,379.00
Tshikota Land Claim	Urban	129	129	774	N/A	4,246,557.00
Serala Community	Rural	3	N/A	N/A	21.29.8244	18,025,000.00
Masong Matlala Community	Rural	2	174	621	5070.5049	21,782,560.00
Mamphondo Mushasha Begwa Community	Rural	1	131	N/A	2979.9362	11,408,640.00
Seema Community	Rural	1	103	256	1848.2647	457,320.00
Makgoba Community	Rural	3	N/A	N/A	N/A	0.00
Seloane Community	Rural	2	814	3500	4815.5237	20,014,160.00
Makgwaraneng Community	Rural	1	64	298	1485.9964	3,604,160.00
Duiwelskloof old location	Urban	1	144	296	-	4,693,563.00
Nosijeje family	Rural	1	n/a	n/a	61.5047	7,879,000,00
Mosima, Mabula Mosima and Majadibodu	Rural	3	451	451	9411.8148	31,867,440,00
Moletele Community Phase 1 and 2	Rural	4	1615	11367	3355.3593	90,229,290,00
Maphutlu community	Rural	1	47	185	1823.4638	5,808,680,00
Khwali community	Rural	1	33	144	1667.5594	146,520,00
Rossbach Community	Rural	3	100	n/a	785.9410	440,000,00
Machikiri Community	Rural	1	144	n/a	2256.3864	639,360,00
Rambuda Territorial Council	Rural	4	127	1460	1795.2240	563,880,00
Dilokwaneng Community	Rural	1	90	249	3518.7892	19,598,356,00
Manaileng community Phase 1 and 2	Rural	1	206	1441	2252.2010	7,994,000,00
Thabamoopo Community	Rural	1	93	424	n/a	2,969,397,00
Moletjie Tribe	Rural	1	54	602	N/A	1,724,166,00
Ntlhvaveni Tengwe land Claim	Rural	13	464	3880	N/A	2,422,3704,61
Motse Community	Rural	3	489	1887	5934.2393	217,160,00
Makgodu Buyers Association	Rural	256	256	1536	N/A	20,502,085,25
Madibeng Community	Rural	1	46	244	4811.4947	21,691,140,00
Bolahlagomo Community	Rural	2	119	162	2190.9290	7,203,360,00
Wales Community	Rural	5	96	530	671.2322	426,240,00
Mnisi tribe	Rural	3	253	9000	22228.2166	1,123,320,00

Project	Urban/ Rural	No. of Claims Lodged	Households	Beneficiaries	Hectares	Total awards (R)*
Tshathogwe Community	Rural	1	97	346	3258.5224	10,149,480,00
Shongone Community	Rural	1	73	569	7719.5276	31,434,000.00
Molekwa Community	Rural	2	72	236	10936.0392	13,985,126,00
Manjenani Community	Rural	1	460	3680	7775.6769	2,042,400.00
Moeketse ga Chatleka Community	Rural	1	60	100	1569.6692	4,516,400,00

Source: Limpopo RLCC (2007) Unpublished Personal communication

* Grants and value of land

2.4 Land Valuation and Perception on Land Prices

The RLCC relies on professional valuers to determine the market price of property or to assist in calculation of Monetary Value of the Claim (MVOC). There exists a challenge with evaluation that includes the scarcity of good valuers willing to work on restitution claims and their fees. The State does not have State appointed valuers but rather procure services of independent professional valuers. In some cases valuers are alleged to have received more from the claim than the claimants themselves. In some few cases, valuers have been accused of employing dubious methodologies and promoting the interests of sellers by inflating the market value, though this has not been proven. The pricing of the land is usually done by the government property valuers and, where farmers are not satisfied, it goes out on the tender and done by independent valuers. According to the written reply of the national assembly by Minister of the Department Agriculture and Land Affairs, there is a feeling that farmers are demanding exorbitant prices for their land. A typical case is wherein the valuation indicated that the land was worth R1, 75 million but the land owner insisted on R 3 million. In Gongolo, in KwaZulu Natal, the land is currently used for livestock, with grazing land valued at R 800.00 per hectare. The current landowners demanded no less than R 3 000.00 per hectare as though the farm was a game farm.

The article in Farmers Weekly (24 February, 2006), by Petrus Viljoen MD of the valuation company Reeva, provided the other side of continuum with respect to land valuation. He states that it is possible for valuation to differ citing an example

of a five year old citrus tree with a particular value different to a thirty year old citrus tree because of its production lifespan. The other problem cited by Petrus Viljoen with land valuation is that a farmer deduces the value of farm from the amount of money they make, which is wrong because there is no correlation between income and market value, though there is an influence. A farmer in North West demanded R 7 million for the farm valued at R 1, 7 million, negotiations took almost four years but when finally served with notice of expropriation the farmer came to the negotiation and offered R 2 million, which was accepted by the commission. The point is that, there is insufficient understanding of the process of land valuation, including methodologies, which goes with the perception of land prices. Land valuation or land price negotiation impacts on the delivery of settled claims. Arguments pertaining to valuation can be handled by setting down clear and explicit parameters to be used in land valuation of agricultural land and related properties. It is advisable to make use of land valuers with knowledge of agricultural activities and practices.

2.5. Problem Case of Claim Settled

The review of several restored land claims in Limpopo shows signs of neglected post-transfer activities, a fact that tarnishes the goal of the whole process of land reform and specifically restitution. The Mmamathola community land claim is one of the settled claims that came out as a disappointment and an embarrassment to agricultural and land authorities. According to BuaNews (2006), the restoration of 3 566 hectare productive land was handed to the Letsoalo community as part of restitution program in early 2001, after they were forcefully dispossessed 44 years ago. When the community moved back, they found the land rich with orchards bearing about 326 ha mango, 130 ha bananas, 87 ha litchi, 5 ha avocado, 36 ha citrus and other crops. The community appointed a committee to manage the farm on its behalf but, inexperience counted against them. The Mmamathola land claim collapsed and the financial management was thrown into a chaotic state because of lack of management skills. The debacle led to the national Department of Land Affairs applying for a court interdict to take over the management of the farm. The management committee was taken by Mrs. Jane

Thupana, the senior official in the Limpopo Department of Agriculture (LDA). The Mmamathola land claim (14 farms) situated in the Letsitele valley was acquired by government at a price tag of R43 million, on a willing-buyer-willing seller basis, from white farmers. Before restoration, the farm was exporting atchar, macadamia, banana and citrus to countries like India, Japan, Britain and Canada, but now it is something of the past. Four executive members of the land claim allocated themselves positions of farm managers, with salaries ranging from R 9 000, 00 to R 12 000, 00 a month. At one meeting, the executives were requested by the community to step down. Nkuzi Development Association felt that RLCC was forced to quickly settle claims without considering post-settlement support also noting that post-settlement unit of RLCC was not in place when the Mmamathola community received it back.

A critical view of the Mmamathola land claim activities, in relation to Communal Property Association Act, Act no 28 of 1996, Section 9(1) (e) (vi), clearly provides for accountability and transparency in that the committee members shall have fiduciary responsibilities in relation to the association and its members, and shall exercise their powers in the best interest of all members of the association without any advantage to themselves, in comparison with other members who are similarly placed. What happened to Mmamathola was contrary to the provisions as set out in the Act no 28 of 1996. The insistence by the committee to run the project on their own was just a mere confidence on the committee with little understanding of the complex nature of the business. The committee could have been proactive by showing the need to source expertise to run the farm, rather than running the farm as leaders of the land holding entity.

The reaction of Nkuzi with respect to the absence of post-settlement is a general statement that if one goes into details, will have carry capacity building of both the committee and the community with respect to Communal Property Association (CPA). Capacity building could have been extended to various business options in an intensive capital and complex production. This assertion can be tested to the situation at Mmamathola by November 2007 wherein a strategic partner was appointed to manage the farm.

2.6 Collaboration with Previous Owners

Collaboration with a previous owner is not greatly appreciated because, to date, no single previous owner looked back after the settlement. This is based on the fact that current landowners view the land claims process as a claim against them not against the state of which the opposite is the case. A practical example of bitterness is with Pheeha land claim, wherein the unwillingness of current land owners to sell their land posed a problem and land was acquired only after land owners had disputed the claims and the commission had threatened to expropriate them. Successful undertaking of partnership is noted with the Zebediela Citrus estate land claim wherein the Bjatladi community, as beneficiaries, agreed to receive 30% of shares in the operating company; another 5% will be transferred at a later stage to make 35%. In addition, the Bjatladi community will receive R1 million rand per year, escalating at consumer price index per annum as part of lease agreement. The operating company undertook to invest 2% of its profits for social upliftment of the neighbouring community of Moletlane under Kgoshi Kekana.

2.7 Summary

The process of restoration of land rights in South Africa, and specifically in the Limpopo Province of South Africa, started at a slow pace creating fears but also frustrates white farmers. The progress as at April 2007 shows that 5809 claims were lodged by the 30th December 1998, 2 873 were settled by April 2007 of which 1592 were rural claims. The total area of land settled is 2 837 287 625 ha at a value of R 2 181 513 260 99. The rural claims, unlike the urban claims, pose a big challenge to the RLCC because of the high illiteracy rate among rural communities and the claimants' lack of documentation like Identity documents, death certificates, marriage certificates, affidavits to support claims. Land valuation and the general perception on land prices show a clear divide because In some few cases, valuers have been accused of employing dubious methodologies and promoting the interests of sellers by inflating the market value,

though this has not been proven. The RLCC can count a number of challenges where things went wrong with the settled claims. Mmamathola community land claim is one of the settled claims that came out as a disappointment and embarrassment to agricultural and land authorities. The restoration of productive land to the poor, as part of restitution programme in early 2001, was, to many people, a move to improve the community through farming. There are a number of lessons to be learnt from Mmamathola land claim, which, amongst others, include post-settlement developmental support, capacity building of the beneficiaries and collaboration with the previous owners, which is not being appreciated.

CHAPTER 3

HISTORY OF THE MAKOTOPONG LAND CLAIM

3.1 Introduction

The history of the Makotopong Community is contained in unpublished Compliance Report which contains research report no. 211/1997 of the Department of Land Affairs as conducted by RLCC field workers and also submission to the Minister in terms of Section 42D of Restitution of Land Rights Act. 1994 (Act no. 22 of 1994).

In the past, the Makotopong community enjoyed rights such as residential, cropping, and grazing, which qualify as beneficial occupation for the period of at least 10 years, until they were dispossessed of the land. The dispossession was effected under the purpose of furthering the objects of a law that would have been inconsistent with prohibit of racial discrimination contained in Section 9(3) of the *Constitution of the Republic of South Africa*, 1996 (Act 108 of 1996). The dispossession was effected during the 26th of June and 4th July 1967 in terms of Chapter IV of the Development Trust and Native Land Act of 1936, (Act 18 of 1936) as part of the move to eradicate “Black Spots” in “White Areas”. This chapter covers the history of Makotopong claim, the motive of the community to lodge the land claim, the process undertaken in lodging the claim, the period from lodgement to restoration and their views after settlement.

3.2. History of the Makotopong Community

The present land claimants are descendants from two cultural groups who were resident on Roodewal 808 LS. The origins of the Pedi group are unclear, but the Nguni group (of Shangaan origin) came from Mozambique and resided for a time in the Soekmekaar (Morebeng) area before settling at Roodewal. According to research Report no. 211/1997 of the Department of Land Affairs, supplemented by independent investigation by RLCC and personal contact made with claimants for the

purpose of this dissertation, the farm Roodewal 808 LS comprised portion “A”, portion “B” and a remainder prior to its subdivision and subsequent consolidation. Portion “A” was owned in freehold ownership by the trustees of Lutheran Association known as Makotopong Community Authority. Portion “B” was owned by Finias Bopape and 15 others and the remainder owned by Mission Station. The Mission Station later sold it to private individuals. Portion “A” of Roodewal was according to research sold to the Republic of South Africa by the Lutheran Association for R 78 792 in 1974. Portion “B” was subdivided into 15 portions and a remainder during 1937, the remainder was jointly registered in the name of the 15 owners. The remainder of Roodewal 808 LS was expropriated during 1972 in terms of the Section 13(2) of the Development Trust and Land Act and transferred to the government. This remainder was consolidated and became part of the farm 810 LS during 1981. The 15 portions of the former portion “B” of Roodewal 808 LS was systematically expropriated by the government and consolidated into Vivelefermier 810 LS at different times. Vivelefermier 810 LS was 479, 3 ha and was a consolidation of various portions of Roodewal 808 LS and Portion of Ruigedraai 809 LS. Vivelefermier 810 LS was consolidated into farm Vuursteenlaagte 868 LS 543, 16 ha in extension during 1991.

The research conducted indicates that the land by then (the beginning of 1900s) was owned by the Berlin Mission Society. In 1927, the society sold the land to the Lutheran Native Association, who, in the same year, sold portions to private families residing on the property. It appears that even before this period, the community recognized the leadership of the Phambane`s, even though the Headman Phambane was only formally recognized in the 1940s. The community residing on Roodewal was made up of plot owners and tenants who stayed on these plots and the ‘common land’ owned by the Lutheran Native Association. All enjoyed the rights associated with land ownership and tenancy until 1960, when it was decided as a general policy that the people on Mission Stations in white areas were no longer allowed to remain and were to be resettled on land or residential sites in the released areas as defined in the Development Trust and Land Act, 1936. The community was settled at Nooitgedacht 913 LS and Onverwacht 914 LS north east of Polokwane on the Mooketsi road, and this became known as Makotopong settlement. They were also awarded financial compensation for inconvenience and improvements on different

portions of the property. The amount of money for compensation was £78 in the application, it further points out that they were forced into a small overcrowded, dry and rocky area. Mr Phaleng, in one of his letter forwarded, expresses that Makotopong was a Christian community 30-35 km from Pietersburg until one bitter winter in 1967 when the community was transported by government vehicles to a rocky, treeless, flat, futureless, windy and dry unfamiliar place called Nooitgedacht no 134 Pietersburg. What is left, as stated by Phaleng, are ancestor's graves and visible mission house.

The RLCC indicated that the policies for compensation would have been inconsistent with the constitution should the constitution been have in place at that time. The previous owner of the farms, Oerlemans Boerdery, developed the area extensively, especially for irrigation, and operated a multi-million rand business, producing a variety of agricultural products. At the time of voluntary expropriation (willing seller and willing buyer basis), Oerlemans Boerdery was operating the following enterprises:

Table 3.1: Land-use in Makotopong

Activity	(ha)				Total
	Roodewal	Ruigedraai	Vuursteenlaagte	Salamis	
Grazing	1416	584	491	613	3104
Fallow land	155	95	14	0	264
Pivot irrigation	80	10	12	0	102
Sprinkler irrigation	18	12	0	0	30
Almonds	36	28	0	0	64
Olives	4	0	26	0	30
Peaches	5	0	0	0	5
Grapes	2	0	0	0	2
TOTAL	1716	729	543	613	3601

Source: WOMIWU (2005) (Unpublished)

The irrigation section of the farm used to produce a variety of crops which included maize, wheat, potatoes, tobacco and a variety of vegetables. A herd of cattle was run commercially on the grazing that produced mainly weaners and long (older) steers. The grapes were established under shade-cloth and produced table grapes for the export market. The peaches were under intensive production for the export market.

The almonds and olives were newly established (less than six years old) and had not yet come into production. All the permanent crops, with the exception of the olives, were established under micro-irrigation. Associated with the farm is a comprehensive set of infrastructure and improvements. All the required storage sheds, pack houses, workshops, storerooms, garaging and three residences. The farm has complete livestock handling facilities and widespread stock watering. Under the operation of Oerlemans Boerdery, the irrigation reticulation system was extensive and integrated. Up to 130 ha of land could be irrigated at any one time, and with careful planning and judicious water use this could be increased at any time. Irrigation was by means of a combination of pivot and sprinkler irrigation, using an elaborate and well-developed network of main-lines and reservoirs, with boreholes as the source of the water. Generally, Oerlemans Boerdery was in good operational condition with all bulk infrastructure and services.

3.3 Land Claim Process

The survey conducted amongst members of Makotopong CPA indicates that the message about restitution of land rights was first heard through the media and pamphlets brought by people working in and around Polokwane. The information about restoration of land rights prompted the late Chief Phambane to call a community meeting at a local school in new Makotopong. It was during this meeting wherein a task team, formed by Mr. Maredi (late), Mr Andries Masekela (late), Mr Ramaboea (late) and Mr Simon Sathekge, was nominated to lodge the claim on behalf of the community of Makotopong. According to Brown et al., (1998: 15), the formal process of restitution begin when a land claim is submitted to RLCC

One of the driving forces towards the lodgement of the claim was the fact that they never liked the new area because of the nature of soil and veld that do not sustain their crops and livestock, thus confining farming activities to a subsistence level. The task team filled the claim form and posted it to Pretoria, which was the office of Land Claims Commission. The claim for restitution of land rights was by Makotopong plot owners (together with their tenants, represented by Ramabu E.J) represented by Dipheta Ephraim Phambane, H.S Sono on behalf of the Mission Station and, lastly,

S. Sathekge on behalf of Kopano Association. They were all represented by the legal unit of Nkuzi Development Association as per necessary power of attorney.

The claim was lodged as Roodewal Makotopong a kgale, Thabaneng 199 stand no.808 LS (this is the description as stated in the claim form signed on the 04th December 1998 by Mr L.S Phaleng). The claim form included a list of all claimants with their identity numbers.

According to Mr. Simon Sathekge, a response was received from Pretoria within a period of four months of the submission of claim form representing that the claim falls under Limpopo and Mpumalanga and that it is under consideration. It took more than a year after the response from Pretoria when the task team was informed that a regional office has been established in Limpopo that became known as Regional Land Claims Commission (RLCC). Notwithstanding the establishment of the RLCC offices in Limpopo, the survey of land under claim was conducted by the team based in Pretoria and later brought to Limpopo. Mr Simon Sathekge and some previous resident of Makotopong participated in the survey which included physical identification of gravesides and boundaries. The Notice of the claim appeared in the government Gazette number 21372 dated 21 July 2000 stating the description of the farm and all the names of applicants. The number of claimants as listed in the verification exercise comprised about 379 households with 1 596 beneficiaries in total and is as follows: a) 16 plot owners with formal rights in the form of Title deeds b) 55 tenants with rental and tenancy rights, c) 248 claimants in The Kopano Association and d) 60 for Mission station. Copies of the notice, which appeared in the government gazette, were distributed to the claimants and letters were also sent to parties by registered post to advice about the claim. No court order was made by Land Claims court in respect of the land in question.

Valuation of the land was conducted in October 2001 by Derrick Griffiths, an independent valuer with the purpose of determining the market value of the subject farms. The land under claim comprised of remainder of Roodewal 808 LS, formerly Roodewal 151 L.S, portion 5 Ruigedraai 809 LS, Salamis 807 LS and

Vuursteenlaagte 868 LS, Pietersburg District, Limpopo Province. The valuation and negotiations with the previous owners, Oerlemans Boerdery, were running parallel with the registration of communal property association (CPA) as stipulated by Communal property Association Act 28 of 1996. The claimants were assisted by Nkuzi Development Association to establish a CPA. The agreements based on negotiations noted that the State shall award the remainder of Roodewal 808 LS, Ruigedraai 809 LS, Salmis 807 LS and Vuursteenlaagte 868 LS as chosen by the claimants (Plot owners, Kopano Association, and the Mission Station) agreed by the Department of Land Affairs and Oerlemans Boerdery, the land owners. It was agreed that the plot owners will in lieu of being given alternative land for the loss, donate a portion of their plots to the Makotopong tenants who were leasing the portions, as part of settlement of the claim. The tenants of Makotopong, who have lodged land claims in their own right, opted for title deeds over land and the upgrading of their water system. The land owner, Oerlemans Boerdery, agreed to sell and waive any surface right that he had in relation to the land in question. The plot owners, Kopano Association and the Mission Station who, jointly constitute the Makotopong claimants opted for restoration of farms Vuursteenlaagte 868 LS, the remaining portion 02 of farm Roodewal 808 LS, alternative land adjacent to the former portion of land, being Ruigedraai 809 LS and Salmis 807 LS. The latter two land parcels (the Ruigedraai 809 LS and Salmis 807 LS) are alternative compensatory land parcels for portion 01 Roodewal 808 LS and for all portions from portion 03 to portion 09 of portion 02 of farm Roodewal 808 LS which are, and still used and owned by the South African Defence Force. A portion of the claimed land by Makotopong was owned by Department of Public works and used by the South African National Defence Force (SANDF) as a bombing range.

While the Department of Public Works was willing to release the land to the claimants, the SANDF opposed restoration on the grounds that the land was “contaminated” by unexploded missiles, unsafe for human habitation, but also because the facility was of national and strategic importance. The area that was a bombing site as used by South African National Defence Force, formerly SADF, was inhabited by Kopano Association, some plot owners and their tenants. Private farmland was inhabited by the Mission Station people and some plot owners and their

tenants. The Department of Land Affairs, in collaboration with RLCC, bought the land at a price of R 11 395, 000, 00 for the Makotopong community and also set aside funds which forms part of the whole package. The additional funds included were Restitution Discretionary Grant (RDG) R545 760. and Settlement Planning Grant (SPG) R1 137 000. The official hand-over to management committee and celebration of Makotopong CPA was held in 2002. The management committee was made up of Mr S Sathekge (Chairperson), Prof. Madzivhandila (Deputy Chairperson), Ms Rosina Sono (Secretary), Ms. Dorcus Mathekga (Deputy Secretary) and Mr P Tloubatla as the (Treasurer).

3.4 Summary

The Makotopong Community's land dispossession was effected in terms of Chapter IV of the Development Trust and Native Land Act of 1936, as part of the move to eradicate "Black Spots" in "White Areas". The present land claimants are descended from two cultural groups who were resident on Roodewal. The origins of the Pedi group are unclear, but the Nguni group (of Shangaan origin) came from Mozambique and resided for a time in the Soekmekaar, area before settling at Roodewal.

After their land was expropriated by the state claimants were compensated with farms Nooitgedacht 913 LS and Onverwacht 914 LS. Claim for restitution of land rights followed the process as contained in the Act (Restitution of Land Rights Act, no 22 of 1994 as amended. During survey and investigation, the compensation was perceived as unjust and not equitable as compared to former Roodewal 151 LS now Roodewal 808 LS. Farms Nooitgedacht 913 LS and Onverwacht 914 LS as commonly known as New Makotopong did not have any major farming activities only a subsistence type of farming.

The previous owners of the farms, Oerlemans Boerdery, developed the area extensively, especially for irrigation and operated a multi-million rand business, producing a variety of agricultural products. The RLCC bought the land at a price of R11 395 000. for the Makotopong community. The transfer of the farm to

Makotopong community took place in 2002 with accompanying Restitution Discretionary Grants and Settlement Planning Grants for post-settlement activities.

CHAPTER 4

FARMING ACTIVITIES IN MAKOTOPONG CPA

4.1 Introduction

Land is a scarce resource; subject to competing uses. Such competing uses include agricultural production, residential development, urban development, public parks and other amenities. The appointment of a private consultancy (WOMIWU Rural Development) to draw and determine the land-use and development plan for Makotopong land claim took the process of post settlement developmental activities a step further in the right direction. This chapter provides both farming activities before the transfer and the current situation of Makotopong CPA. Future farming activities as contained in the land development plan is discussed in this chapter. The assessment of future activities, amongst others, included geo-technical and agricultural infrastructure potential. Views from the community (including local municipality), RLCC and the Limpopo Department of Agriculture are brought to light in this chapter.

4.2 Farming Activities and Profits Made Before and at Transfer

Before transfer the land was owned by Oerlemans Boerdery Pty Ltd and Gruispad Landgoed Pty Ltd, both companies belonging to the Oerlemans brothers, Batlo and Nico Oerlemans. The land was farmed intensively with cattle, tobacco, peaches, grapes, olives, almonds and vegetables with an annual turnover of R 11 million. The valuation of the land conducted in October 2001, by D Griffiths, depicts activities at Makotopong as indicated in Table 3.1

At transfer, the profiles on values were drawn as follows:

Almond trees: Establishment cost between R15 000/ha to R20 000 with value of trees in production between R30 000/ha and R 40 000/ha.

Olive trees: Establishment cost for trees under irrigation between R20, 000/ha and R30 000/ha.

Peaches: Establishment cost R25 000 to R30 000. Value of trees in production is above R50, 000/ha.

Grapes: Establishment cost of vineyards under hail-nets R40 000 to R80 000. The costs of hail-nets is R44 000/ha.

At the time of transfer, Oerlemans Boerdery agreed with the Council of Scientific and Industrial Research (CSIR) for the establishment of viable sustainable business for the production and marketing of essential oils. In terms of the agreement, the CSIR makes its scientific and technical expertise, infrastructure and international marketing capabilities to establish essential oil business. In return, Oerlemans will make available and prepare the amount of land required and obtain, plant, maintain and harvest plant material. The Oerlemans will, according to the agreement, carry the cost of obtaining and cultivating the crops, distilling oil and delivery, and will pay the CSIR's R300 000 plus VAT professional fee for undertaking the project. At transfer, Oerlemans had already paid R50 000.

4.3 The Current Situation

The project area making up the Makotopong CPA restitution land comprises the following:

Roodewal 808 LS	1 716 ha
Ruigedraai 809 LS	729 ha
Vuursteenlaagte 868 LS	543 ha
Salamis 870 LS	613 ha

The transfer of the farm to the Makotopong community took place in 2002. The handover of management to the management committee quickly led to a standstill of farming operations and a rapid decline in the general condition of the project. The complexity and integrated nature of the farming operations and the lack of necessary skills and experience of the Makotopong CPA Management Committee proved to be

the reason behind the decline. High expectations of the CPA members and beneficiaries led to unwise decisions being taken, which in some unfortunate cases led further to vandalism, mismanagement and even fraud. Since the transfer of ownership, little activity has been possible under the present circumstances. Conditions on the farm deteriorated and certain enterprises even suffered irreversible damage. Minor repairs and maintenance were not undertaken and infrastructure, such as the residences, buildings and fixed improvements, deteriorated.

Peaches, almonds, olives and grapes suffered from a lack of irrigation and management. The peach and almond orchards have been used by the community to graze their cattle and have been considerably damaged. They are considered to be beyond rehabilitation and will thus have to be removed. Given the nature of olives as hardy tree and also the damage incurred, they can still be revived. The grapes are already mature and have been protected to some extent by the shade cloth. It is anticipated that they can be rehabilitated. Unfortunately, there has been extensive damage to the irrigation infrastructure. Some centre pivots, and other infrastructure like motors and pumps; have been sold to generate cash-flow. According to previously appointed farm manager, Matthews Sathekge, who also happened to be the son of the chairperson Mr Simon Sathekge, qualified the decision of the sale of centre pivot being mainly to take care of the operation and cost to pay ESKOM debt in excess of R20 000 as of February 2005.

From the beginning of 2004, a cattle speculator entered into a five year lease agreement with the management committee and has been using the Roodewal portion for grazing of his cattle. Part of the agreement was that the lessee maintains the roads, firebreaks, fencing and water reticulation. Although there was an intention by the Management Committee to cut the contract short, the lessee has been maintaining the basic infrastructure on the Roodewal portion and this is still in a reasonable working condition. In general, and on the other portions of the project, the on-farm roads are in a reasonable condition and accessible with a conventional two-wheel drive vehicle. The infrastructure and bulk services in the area are adequate. The area is supplied with power by ESKOM, and telecommunications are available through TELKOM (both suspended on the farm at present) and both cellular network

providers. While most of the major roads are tarred, the gravel roads in the area are reasonable and adequate for agricultural activities.

4.4 Planned Farming Activities Specified in the Business Plan

The planned farming activity of Makotopong was prepared through a participatory process with the CPA in the form of land utilisation plan. The locality and resources (land and water) were specified:

Locality

The project area is located approximately 35km north of Polokwane, on the N1 North road. (Appendix 1).

Water

There appears to be large underground water resources on the project area. The Sand River runs through the eastern portion of the project and although it is not a perennial river water can be found at shallow depths in the river bed throughout the year. The water resources have been developed on the portions of the project as follows:

Roodewal 808 LS	17 boreholes 4 reservoirs	360 000 l/h
Ruigedraai 809 LS	7 boreholes 4 reservoirs	200 000 l/h
Vuursteenlaagte 868 LS	2 boreholes 1 reservoir	22 000 l/h
Salamis 870 LS	1 borehole (<i>pump driven by PTO,</i>)	

Except where theft and vandalism have taken place (and the borehole at Salamis), all boreholes are equipped with electrically driven motors or submersible pumps. Boreholes for irrigation are linked to reservoirs and all reservoirs have separate booster pumps feeding mainlines to the irrigation reticulation.

Soils

There are three major land types on the project. These are associated with three distinct types of terrain. The mountainous and hilly areas (10%-90% slopes) are classified as land type Fa 537. The soils associated with this Land type are shallow Hutton, Glenrosa and Mispah with poor water retention capabilities. The flatter areas (0 – 10% slopes), especially where arable lands are concerned, are Land type Bc 49. Soil depths are better at 600 – 1 200mm and typical soils are Clovellys and Avalon with 10-15% and 15-30% clay content respectively. These are medium to good potential irrigation soils but have a tendency towards poor drainage at times. The third Land type is the area along the Sand River. This Land type 134 comprises, as expected, alluvial soils, Oakleaf, Valsrivier, Bonheim and Arcadia. The latter three can have a clay content of up to 50%. These are also suitable for irrigation, but careful management must be applied to prevent water logging

Climate

The area falls within the Pietersburg Plateau. The climate is cooler with mild to warm summers and cool winters with some frost occurrence. The average maximum temperature is 26 - 28°C with the hottest month of the year being January. The average minimum temperature is 4 - 6°C with the coolest month of the year being July. The area is thus suited to a limited range of deciduous and stone fruits. Rainfall is between 400 and 600mm per annum but tends to be reliable although usually concentrated over a short period in the year. Crops entirely dependent on rainfall are not recommended, especially annual cash crops. Permanent crops, like orchards, should have at least a supplementary irrigation system to ensure a stable income.

4.5. Possible Land Utilisation Options

Through a series of on-site development facilitation workshops with CPA, WOMIWU Rural Development identified four enterprises to resuscitate income-generating activities at Makotopong farm.

4.5.1 Food plots

20 ha of foodplots will be developed alongside the residential development. Plots will be allocated to individuals on a lease basis and operated for own account. This enterprise will have two purposes. Firstly, it will provide an opportunity for individuals, especially those without work, to produce food for the household and any surpluses can be sold for income. Secondly, the food plots will serve as an excellent training ground for those plot holders who have (or develop) the potential to become commercial operators. Each plot will be allocated to an individual on application, screening and selection basis. The 'plot holder' will be responsible for payment of the monthly rental (R100-00), all inputs, management, and production and sales of products. Each plot will be operated for 'own account'. Although there are over 4 000 beneficiaries within the CPA, it is anticipated that only a small number of beneficiaries will have the means and time to cultivate a food plot. It may, therefore, also be possible, through the normal selection process, for an individual to hire more than one plot. This will afford an opportunity to those individuals who possess a skill for commercial farming and provide a stepping stone to larger commercial ventures. The food plot layout has been designed in such a way that irrigation will be done on a row basis. There are six rows and each row will be allocated a time slot twice a week to irrigate. This ensures the best use of the available water and simplifies the management of the water scheduling.

4.5.2. Cattle/Livestock

The non-arable areas of the farm will be used for extensive cattle grazing, producing either weaners or long steers. Interested livestock owners will operate a livestock improvement scheme on the project, for their own account, paying market-related rentals for the grazing whilst building up a stable, quality commercial herd. With the project having over 550ha of veld and old lands available to provide grazing there are several opportunities for livestock production. The two feasible options for the project are the following:

- i. Renting of all the grazing to commercial farmers; and
- ii. Introduction of a livestock improvement programme by the project itself using at least some of the community's cattle

Marketing will be done mainly to feedlotters at formal auctions, but through the connections associated with the beneficiaries, it is anticipated that there will also be demand for cattle directly from the project for ceremonial and celebratory purposes. Less than 5 000 tons of meat is produced in the Vhembe District. The area is a net importer of cattle, especially for weaners to be fattened and supplied to the abattoirs. No marketing problems are anticipated.

4.5.3 Housing and services

Development of at least 300 residential sites (600m² to 1 000m²) and all associated bulk services (e.g., electricity, water, roads, sewerage, refuse, public amenities). As an initial design a 400 residential erven development has been proposed. This includes all the usual associated development, including schools, business, and sporting and services provision. Although all project beneficiaries (1 000) expressed a desire to relocate, there will be a significant cost attached to relocation and in reality only a smaller percentage will move. There is adequate land for further development and should it be necessary additional sites can be prepared as a second phase development.

4.5.4 Leasing of irrigation areas

The project has 101 ha of permanent crops (grapes, peaches, almonds and olives), and 400 ha of irrigation land, with the infrastructure and equipment to irrigate 120 ha at any one time. The orchards and irrigation are in need of major rehabilitation and associated capital expenditure. It is proposed that a joint venture partner(s) be attracted to operate these areas and provide at least some of the financing for the rehabilitation. The CPA will participate in the profits according to some negotiated structure.

4.5.5 Allocation of plots to Plot Owners

A total of 1 342 ha of land (out of 3 601 ha of project area) must be allocated to 16 Plot Owners. The final details are subject to the town and regional planners and surveyor, detailing and laying out of the actual plots. The plot owners were title deed holders before being removed from Roodewal. They were compensated with alternative land or in cash originally, but have agreed to forgo the original compensation for their land (or a suitable alternative) to be restored. The Regional Land Claims Commission (RLCC), by means of the SPG and RDG, will engage the services of a surveyor to measure and allocate the relevant portions of land to the plot owners.

- i. As far as possible, land allocations should maximize the high potential resources for the CPA. In this way the greatest amount of potential income will then accrue to the largest number of beneficiaries;
- ii. The plot owners should endeavour to operate or use their resources in a way that will also be of value to the CPA; and
- iii. In general, the plot owners have skills, especially business and management experience which would be of great value to the successful operation of the CPA. Wherever possible, the plot owners should offer their services and expertise towards the improved functioning of the CPA.

4.6 Views of Stakeholders on the Development Plan

The process of developing the development plan was done in a participatory way since this was the undertaking of Partnership for Sustainable Land Reform with funds from institutions such as DBSA and WOMIWU Rural Development as the private constancy to develop the plan. Through the process of interaction with the beneficiaries and their representatives, site visits to collect and verify data and a list of priority enterprises were selected and confirmed with the Management Committee.

In the course of the workshops with the community, the following beneficiaries were selected to represent the CPA's interest in discussing the various proposed enterprises: Plot Owners – Messrs: R Phambane, C Sono, R Tsongayingwe, J Malatjie, and PT Makwela; The CPA members – Messrs J Maite, S Sono, Oupa Sono, and D Thaba. Together many options were considered. Some have merit immediately, whereas others have applicability in the longer-term. In an effort to help distinguish which options would enjoy priority, a set of principles to be applied to the project has been discussed with the Management Committee.

4.7 Activities after the Adoption of the Business Plan

After the adoption of the Business Plan by the CPA, the community waited patiently for RLCC to kick-start the process until the chairperson of the CPA took a decision in 2002 to appoint a farm manager with a Bachelors' degree in Agriculture from University of Limpopo who also happened to be his son. When the manager took over the farm he was faced with a complex operation in the farm without the operating capital, relevant skills and shortage of labour. Most of the beneficiaries refused to volunteer their services at the farm without a salary, the few who were desperate to work for anything possible were paid with mealie meal from the crop left by the previous owner, and also from the sales of peaches by the farm manager.

The first unpopular decision taken by the farm manager was to sell the centre pivot without the permission of the CPA, at an undisclosed amount, with the intention of revitalising parts of the farm, buy a tractor and pay electricity bill, which was in the region of R19 000/month. The sale of the centre pivot, other farm equipments and the hunting of wild animals by the farm manager, all triggered dissatisfaction and anger among members of the CPA, noting that the appointment of the farm manager was a unilateral decision by the chairperson.

At the CPA meeting held in October 2003, the community took a resolution to remove the farm manager from the farm and also elect a new CPA executive committee. The only activity of the CPA executive since the election was to visit the farm regularly just to check whether the remaining equipments were still intact, because some CPA members are grazing their animals in the farm coupled with continued damage to

fences and the theft of electricity cables. There is no water and electricity supply at the farm because of the theft of electricity transformers and cables. The newly elected chairperson of the CPA pointed out that there is no activity at the farm, but just regular visits by some of the CPA executive, and at their own expense.

4.7.1 Post-Settlement Support

The purpose of post-settlement support is to aid beneficiaries of settled claims in planning, implementation and capacity building (Sepaela, 2006: 14). The Department of land Affairs (2007: 55) pointed out that post-settlement support is the support to the claimants or beneficiaries to utilise the development grants in a manner that will ensure sustainable livelihoods. Section 42D submission of the Restitution of Land rights Act. 1994 (Act no. 22 of 1994) as amended by the minister indicates financial implications of settling Makotopong land claim. Funds needed to settle were estimated at R13 077 760 and the breakdown as follows: R11 395 000 as capital cost, R545 760 as Planning (PG) Grants and R1 137 000 as Restitution Discretion Grant (RDG). Both PG and RDG are said to be grants made available to the beneficiaries during post-settlement phase of restitution.

A portion of the PG was used to pay the service providers to prepare Land Use Development Plan (LUDP) and Business Plan by RLCC meaning that the RDG has not yet been used as a grant earmarked for farm operations including appointing a skilled farm manager. Stakeholders, like LDA and the Molemole Municipality who participated during options workshop and stakeholder's forum before settlement so as to provide support in the post-settlement were seldom updated of the development in Makotopong by RLCC or never made follow-ups.

The post settlement support, as expected, did not provide further focus on capacity building, awareness and training, the latter bringing on board the previous farm owners as mentors to ensure sustainability and continuity. Post settlement support activities, by October 2006, included demarcation of plots to plot-owners and advertisement for strategic partnership proposals. This lack of progress in post-

settlement has resulted in social conflict and demoralisation, leading to unstable community relations.

4.8 How to Save Makotopong

Given the present conditions and the damage to properties of Makotopong CPA, it will be unreasonable to expect the CPA committee to revive the farm on their own, considering the lack of capacity and skills. A viable option that might be of a win-win situation is a strategic partnership in running the farm with Makotopong CPA. Some of the deliverables of the said partnership must extend to capacity building and skills transfer. Before such a partnership can be brought on board, various stakeholders are expected to commit themselves. If a joint venture partnership is established it may have important tax implications for Makotopong CPA. For example, if the CPA were to rent part of its land to an operating company, the Makotopong CPA will be liable for a) income tax paid on rental income, b) capital gains tax on the capital gain equivalent to the market value of the lease, and c) Stamp Duty at a rate of 0,5 % of the total amount of the rental at a time of the execution of the lease. In addition, the CPA will have to register VAT if the rental will exceed R 30 000 over twelve months period. The capital gains tax and Stamp Duty may have important liquidity implications for Makotopong CPA. A commitment to take an active role by RLCC in making grants available in time, LDA and the Molemole Municipality with clear milestones can go a long way in making a difference. LDA will have to make use of the expertise within the department to undertake feasibility of the farm after all the damage so as to advise on possible viability of previous enterprises. The activity by LDA should extend to allocation of Comprehensive Agricultural Support Programme (CASP) funding and assigning of extension personnel.

The Molemole Municipality will have to integrate the development plans of Makotopong into their IDP so that they can be afforded necessary developmental activities. This continued support will serve as an answer to the question as to who should be of aid beyond the existence of commission.

4.9 Summary

A programme of interaction between WOMIWU Rural Development, Makotopong CPA representatives and other stakeholders was initiated where all practical agricultural related enterprises were examined as possibilities for the project. All possibilities were evaluated against the following specific objectives for the CPA:

- a. Use available infrastructure and resources as far as possible; and
- b. Enter into various agreements or developments to ensure that the project remain sustainable and generate income for the CPA.

Five activities were finally identified as important enterprises and/or strategic business units. As mentioned above, the Plot Owners must be allocated their original or suitable replacement land. As this is an important activity that affects the CPA, it was classed here as a separate activity. From the many options that presented themselves as possibilities on the project, the following enterprises were selected to be implemented immediately and in the near future.

- i. Allocation of plots to plot owners;
- ii. Food plots;
- iii. Livestock;
- iv. Housing and services; and
- v. Leasing of irrigation areas.

On 27 April 2007 16 plot owners were awarded Title Deeds by the Limpopo Regional Land Claims Commissioner, Mashile Mokono, at a ceremony held at Makotopong Tribal Office. In his speech during the celebration, Commissioner Mokono indicated that the Makotopong plot owners are the first individual black owners in Limpopo to be awarded title deeds (Mbusedzo, 2007).

CHAPTER 5

SUMMARY AND CONCLUSION

5.1 Summary

Land restitution is an important political activity with the potential of transforming urban and rural legacies of spatial apartheid and, more especially, rural areas that should be seen as potential areas for economic development, with agriculture as a cornerstone. As a political activity, it should be afforded the necessary political support in the form of increased commitment at national level, to post-settlement support through financial, strategic planning and monitoring and evaluation necessities. Slow pace of land reform, and restitution in particular, causes despair among land claimants and also leads to deterioration of land the under claim wherein property is vandalised and production potential of the land decreases. If essential activities in pre-settlement, such as selection of eligible or suitable community leadership and conduction of skills assessment are not properly addressed that will have a bearing on post-settlement activities.

5.2 Conclusion

It is argued here that a sustainable restitution process should take cognisance of the following:

- To facilitate the revival of activities in the Makotopong CPA, an intermediary project manager should be appointed to coordinate activities and ensure acceptable involvement of proposed joint venture/partnership. The partnership should clearly spell out aspects such as shareholding/ equity shares; skills transfer and exit strategy. It should be noted that joint ventures require decisive and accountable management for financial performance;
- Principles from the theory of New Institutional Economics (NIE) appear relevant for the sustainability of Makotopong. According to Lyne et al., (2003), a mix of institutional arrangements is necessary for good corporate governance. A mixture

of institutional arrangements will have to consider Section 9(1)(e)(iv) of CPA Act. Institutional arrangements will have to eliminate or reduce the potential for free-riding so as to encourage co-owners to finance improvement and to use their shared resources in a sustainable manner;

- Capacity building of Makotopong CPA should be considered as a priority, given the experiences with the previous leadership wherein a unilateral decision was taken to sell a center pivot;
- In order to render sustainable post-settlement support services, land reform should be prioritized at all levels of government because it stands to benefit landless people, the country and current land owners. An increase in the pace of delivery should not in any way compromise proper and acceptable approach; and
- There is a great need for improved monitoring and evaluation of land reform implementation so as to inform policy makers in time for necessary interventions.

REFERENCES

- Ader, H. J., and Mellenberg, G. J., (1999). *Research Methodology in Social Behavioural and Life sciences*. London: Sage Publications Limited.
- African National Congress. (1994). *The Reconstruction and Development Programme*. Johannesburg: Umanyano Publications.
- Binswanger, H. P., and Miranda, E. (1990). Reflections on Land Reform and Farm Size. *Agricultural Development in the Third World*. Edited By Eicher, C.K., and, Staatz J.M. 2nd Edition. Baltimore and London: The John Hopkins University Press.
- Brown, M., Erasmus, J., Kingwill, R., Murray, C., Roodt, M. (1998). *Land Restitution in South Africa: A long way home*. Cape Town: Idasa.
- Bua News. (2006). *Farmers skills Development as Crucial as Restitution Target*. All Africa Global media.
- Buthelezi M. (2005). *Land is Not Only The Soil*. *Nafu News* Volume 1 No.1 August 2005.
- Centre for Development and Enterprise. (2005). *Land Reform in South Africa. A 21st Perspective*. Research Report no. 14. Johannesburg.
- Christiansen, R. (1996). Overview of Land Reform Issues. *Agricultural Land Reform In South Africa. Policies, Markets And Mechanisms*. Edited by Van Zyl, J., Kirsten, J.F., & Binswanger H. P. Cape Town: Oxford University Press
- Commission on Restitution of Land Rights. (2003). *Calendar*.
- Commission on The Restitution of Land Rights. (2003). *Annual Report 2003-2004*. Pretoria: Government Printers

- Commission on The Restitution of Land Rights. (2007). *Annual Report 2006/07*.
Pretoria: Government Printers.
- Commission on restitution of land Rights.(2007). Settled Claims Statistics.
Unpublished.
- Department of Land Affairs. (2004). Annual Report 2003-2004. Pretoria:
Government Printers.
- Department of Land Affairs. (1997). Makotopong Research Report 211/1997.
- Department of Land Affairs (2004). *This Is Our Land. Restitution of Land Rights*
Act, No.22 of 1994, as Amended. Pretoria. South Africa.
- Department of Land Affairs. (1997a). *White Paper on South African Land Policy*.
Cape Town: CTP Book Printers.
- Department of Land Affairs. (2006). Commission on Restitution of Land Rights.
Annual Report for the Year Ended 31 March 2006. Pretoria.
- Eicher, C.K. (1990). Africa's Food Battles. *Agriculture Development in the Third*
World. Edited By Eicher, C.K. and Staatz J.M. 2nd Edition. Baltimore and
London: The John Hopkins University Press.
- Farmers Weekly. (2006). *Deciding farm market value*.
- Mbusedzo. (2005). Official Newsletter of RLCC Limpopo.
- Keet, J. (2006). *Land Expropriation: Government Not Picking on Afrikaners*.
Words and Deeds, 14 January 2006.
- Knight, S.L., Lyne, M., and Roth, M. (2003). *Best Institutional Arrangement for*
Farm worker equity-share schemes in South Africa. Agrekon 42 (3) 228-251.

- Klug, H. (1996). Historical Claims and Right to Restitution. *in Agricultural Land Reform In South Africa. Policies, Markets and Mechanisms*. Edited By Van Zyl, J., Kirsten, J.F. & Binswanger, H.P. Cape Town: Oxford University Press Southern Africa
- Levin, R.M. (1996). Politics and Land Reform In the Northern Province: A Case Study of The Mojapelo Land Claim. In Lipton, M., Ellis, F., & Lipton M. 1996. *Land, Labour and Livelihoods in Rural South Africa*. Durban: Indicator Press.
- Lund, S. (1996). An Overview of the Land Reform Pilot Programme. *in Agricultural Land Reform in South Africa. Policies, Markets and Mechanisms*. Edited by Van Zyl, J., Kirsten, J.F., & Binswanger, H.P. (Eds). Cape Town: Oxford University Press
- Lyne, M.C and Ferrer, S.R.D. (2006). Farmland transfers in KwaZulu-Natal, 1997-2003: A focus on Land Redistribution including Restitution. *Agrekon* 45(3) 261-278.
- Margolius, J. (1999) .Procedures To Be Followed When Dealing With Valuation For Land Restitution Purposes. *S.A Valuer Magazine* 01/1999 Article 01. South African Institute of Valuers.
- Mellor, J.W. (1990). Global Food Balances and Food Security. *in Agricultural Land Reform in South Africa. Policies, Markets and Mechanisms*. Edited By Van Zyl, J., Kirsten, J.F. & Binswanger H. P. Cape Town: H.P. Oxford University Press
- Mokono, M. (2002). Foreword by the Commissioner. *Mbusedzo Newsletter*, 1(July – August 2002).
- Moodie, G. (2005).Farmers Cries Foul over Claims. *Sunday Times*, Business Times. July 24, 2005.
- National Assembly (2006). Written reply, Question 119

National Land Committee Website, www.Landaction.Org.

Nkuzi Website. Land Reform in South Africa. [Http://Www.Nkuzi.Org.Za/Land-Reformsa.Htm](http://Www.Nkuzi.Org.Za/Land-Reformsa.Htm).

Nggangweni, S.S. (1996). Farm Worker Participation Schemes in the Context of Agrarian Reform In South Africa. Faculty of Biological And Agricultural Sciences, University Of Pretoria (Dissertation for M.Inst Agrar. Degree)

Rawal, V. (2001). *Agrarian Reform and Land Markets: A study of Land Transactions in two Villages of West Bengal, 1977-1995. Economic Development and Cultural Change* 49 (3) 611. University of Chicago Press.

Regional Land Claims for Limpopo. (2003) .*Mbusedzo Newsletter*, Volume1 July - September 2003.

Regional Land Claims for Limpopo. (2005) *Mbusedzo Newsletter*, Volume1.2005.

SA Gazettes. Sabinet.co.za.

Sepaela, P. (2006). *Restitution for better life*. Land News 4 (2) 14

Sibanda, S. (2001). Land Reform and Poverty Alleviation in South Africa. Paper Presented at the Sarpn Conference on Land Reform and Poverty Alleviation in Southern Africa, Pretoria.

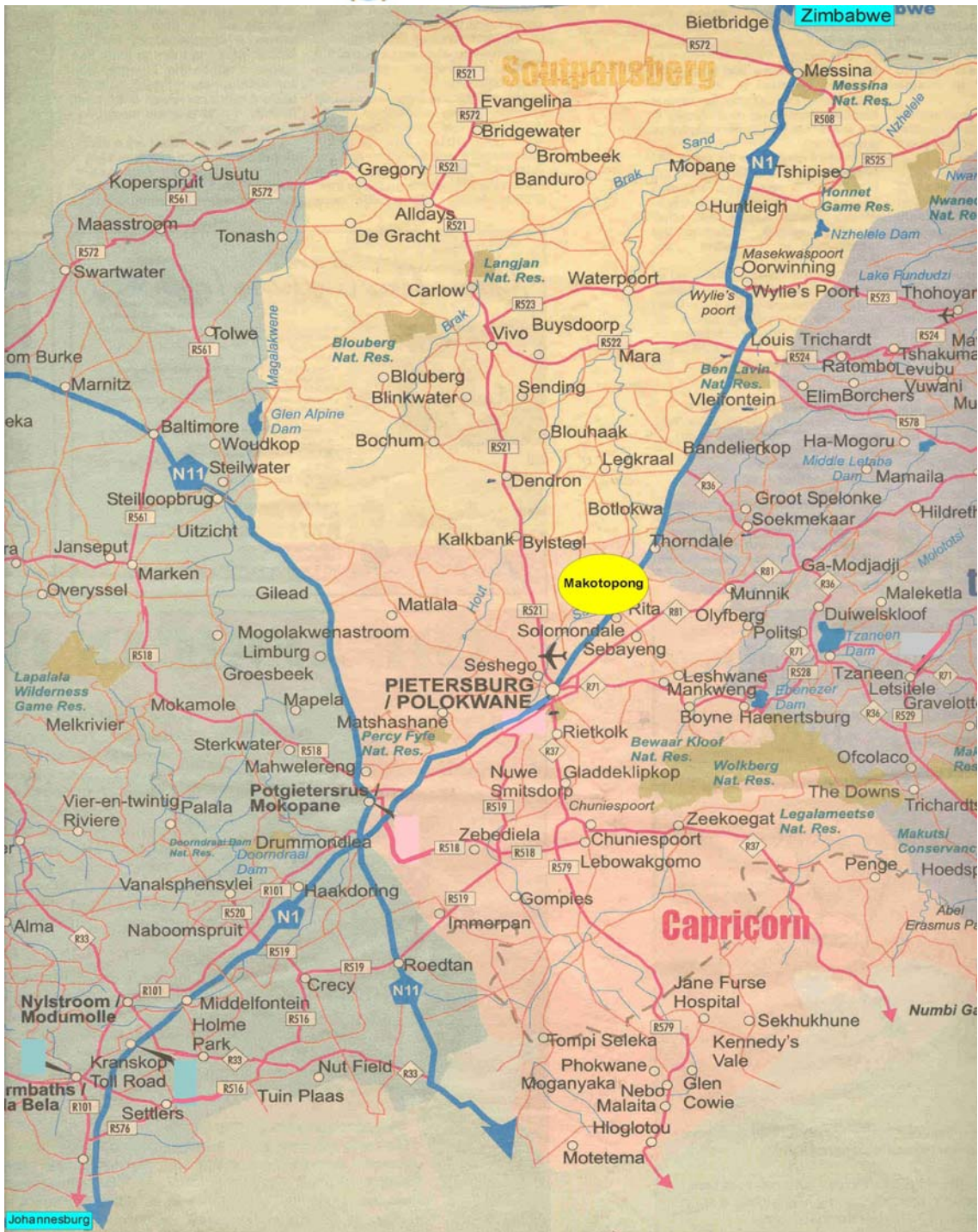
South African Development Community. (2005). *Partnership For Sustainable Land Reform. Operational Framework for Post- Settlement*.

Thwala, W.D. (2003). *Backgrounder- Land And Agrarian Reform in South Africa. Settlement Support Interventions*. Pretoria, South Africa.

Van Zyl, J., Kirsten, J.F. & Binswanger, H.P. (Eds) (1996). *Agricultural Land Reform in South Africa. Policies, Markets and Mechanisms*. Cape Town: Oxford University Press.

WOMIWU Rural Development. (2005). *Makotopong Business Plan*. Unpublished.

World Bank. (1994). *South African Agriculture: Structure, Performance and Options for the Future*. Southern Africa Department, Washington DC, USA.



APPENDIX 1

APPENDIX 2

MAKOTOPONG LAND CLAIM PROCESS SURVEY

OBJECTIVE

The objective of this questionnaire is to gather information about Makotopong land claim to fulfill the following specific objectives of the research study:

- Profile Makotopong land claim in a form of a case study;
- Profile the settled land claim with emphasis on facilitation of developmental activities and access to agricultural services;
- Identify post settlement services available to the community; and
- Provide recommendations for saving Makotopong land claim.

MAKOTOPONG COMMUNAL PROPERTY ASSOCIATION MEMBERS

1. How did you learn about the whole thing of land claims?
2. When did you claim your land?
3. What really prompted you to claim your land?
4. What do you intend doing with the land?
5. Who provided assistance in processing you claim?
6. What difficulties did you encounter during the process of filling the claim form?
7. What and from whom did you receive services after the land was restored?
8. How did you participate in planning the future of Makotopong land claim?
9. Give a brief description of the condition of land when it was transferred to you.
10. How will you rate the present condition?
11. What is the reason for the present condition?
12. What should be done to reverse the prevailing situation at Makotopong?

LIMPOPO REGIONAL LAND CLAIMS COMMISSION

1. How did Makotopong community submit their claim for the restoration of land rights?
2. How long did it take for the claim to be settled?
3. Which phase of the restitution process was difficult to handle?
4. How much did you pay the previous owner?
5. How was the land evaluated and by whom?
6. How did you appoint the land valuer?
7. What is your opinion on the land price?
8. What post-settlement activities did you provide to Makotopong community?
9. How did the community participate in making choices about activities on the land?
10. What plans are in progress that are aimed at assisting the community?

NKUZU DEVELOPMENT TRUST

1. How did you learn about Makotopong land claim?
2. Which specific problem did you identify that might be the reason for the present condition of Makotopong?
3. Why were you interested in assisting Makotopong community?
4. Which assistance or support did you provide to the community?
5. Can you provide possible strategies to revive Makotopong?