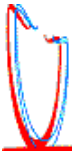




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Report to Cape Winelands District Municipality:

Recommendations on role of municipalities in land reform and an assessment of land reform related resources in the Cape Winelands District Municipal area, with an associated Geographical Information System for land reform planning in the District

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Recommendations on role of municipalities in land reform and an assessment of land reform related resources in the Cape Winelands District Municipal area, with an associated Geographical Information System for land reform planning in the District

A. Introduction and clarifying the problem:

The Cape Winelands District Municipality has identified land reform as one of the key factors that can address empowerment and poverty eradication in its municipal area. Its role and the availability of resources for land reform in the District are not clear and it is seeking the support of an agency to achieve the following objectives:

- To define the role of the CWDM and the B municipalities in facilitating land reform within its “Land Reform implementation strategy”
- To compile a resource (land, water, infrastructure, funding etc) audit for the district and develop a system to maintain it;
- To liaise with the B municipalities and other government departments regarding the release of land within the district;
- To identify the necessary institutional support arrangements for land within the district.

The Municipality appointed Phuhlisani Solutions (PS) to undertake the task. PS then drew in knowledge management specialists, Knowledge Crucible (KC, of which one of the PS partners is also a partner) in order to assist with the development of a Geographical Information System with the information obtained, to assist in the future land reform strategy development.

The role of players in the district

This lack of clarity about its role is not a problem faced by the Cape Winelands Municipality alone – many municipalities in South Africa are not clear of their role in land reform, agriculture and rural development. In the Western Cape, a number of local and district municipalities are currently involved in processes to clarify their roles and to develop strategies for land reform in their area of responsibility¹.

In the Cape Winelands district, most municipalities appear not to see a role for themselves in land reform, where land reform is understood as the acquisition and transfer of land from those who have it to those who were dispossessed or who never had land due to apartheid. This does not mean that these municipalities are not involved in land reform (seen broadly) in various ways where they provide land. What it does mean is that “land reform” projects and the associated developments are seen as the responsibility of the Department of Land Affairs (DLA) and Department of Agriculture (DoA) and most often these projects have taken place with little involvement of the local, “B” municipalities. The result of this approach seems to be that, even though there is a district land reform structure, the District Assessment

¹ The West Coast District municipality has appointed a consultant to assist them in developing a land reform strategy; the Overberg District Municipality has recently developed a land reform strategy with the Department of Land Affairs.

Committee (the DAC), land reform projects proceed in local municipality areas without their substantial involvement and sometimes without their knowledge.

These “land reform projects” then remain outside of the local municipalities’ priority listings, do not enter into their IDPs and thus come as a surprise once the project is implemented and the municipality has to then provide services and other support.

While this has been the case in the past, there has recently been a change of approach, where the DLA has directly encouraged a joint approach to decisions on project prioritisation. In this situation, a joint group of DLA, DoA and the local authority within whose area the project is located, undertake a site visit as part of the process of deciding on whether to prioritise that particular project or not.

There remains much lack of clarity on the roles of different roleplayers, however, and this report addresses this lack of clarity regarding the District Municipality’s role in particular, but also the role of other players in the district.

The resources in the district

The rainfall is reasonably high in certain parts reaching 3000mm per annum in the mountainous areas, whereas the central and north-eastern areas receive as little as 250mm. The seeming abundance of water in certain parts has enabled an intensive irrigation agriculture to develop and the District is renowned for its export orientated fruit and viticulture industries with Ceres forming the center of the fruit industry, Hex River and Paarl the center for table grapes and Robertson, Worcester, Stellenbosch and Paarl being the centre for wine.

It is not clear, however, what resources there are which specifically impact on land reform and its success. The availability of land, the demand and need for land, the availability and supply of water, the supply and accessibility of financial resources and training resources to support land reform are all unclear. In preparing for the development of a land reform strategy for the district, the CWDM and other roleplayers need clarity on the resources available and on their accessibility for land reform. This report then tries to provide an initial audit of the principle resources needed for land reform and its success. The resources are discussed in this report, but have been plotted on a Geographical Information System (GIS) specifically designed for land reform strategic planning purposes.

B. The Role of Municipalities in Land Reform in the Cape Winelands District

1. Legislation and policy influencing the role of municipalities in Land Reform

There are two issues in debate here:- the first is whether local government has any role in land reform and clarifying what that role is; the second is what is the spread of roles between the different levels of local government (district and local) in development aspects more generally and land reform more specifically - in relation to other organs of state.

Basis in the Constitution

The Constitution of South Africa, Act 108 of 1996, provides the basis of a discussion regarding the role of any state structure. The Constitution is very clear about certain aspects of the role of local government, but is not as clear in other respects.

Section 152 of the Constitution explains the objects of local government. On the one hand, the traditional role of providing services to local communities and providing for democratic and accountable government for local communities are identified. On the other hand, a key role included in the 1996 Constitution, which was not in earlier constitutions in South Africa, is the assertion that the promotion of social and economic development is also an object of local government.

This assertion is given more weight in Section 153 where the Constitution says that a local municipality must “structure and manage its administration and budgeting and planning processes to give priority to the basic needs of the community, and to promote the social and economic development of the community”. To achieve this, this section says that the municipality should “participate in national and provincial development programmes”(s.153(b)).

In addition, and linked to the participation in national and provincial programmes, the Constitution requires national and provincial governments to support local governments in the following manner:

“The national government and provincial governments, by legislative and other measures, must support and strengthen the capacity of municipalities to manage their own affairs, to exercise their powers and to perform their functions.” (RSA 1996: Section 154(1))

The new Constitution, in creating local government as an equal organ of state, has thus linked the three spheres together in anticipation of them acting together in order to collaboratively deliver the broad spread of objectives of the state.

A key section in the Constitution with regard to the role of local government in land reform is section 154(4) which says the following:

“The national government and provincial governments must assign to a municipality, by agreement and subject to any conditions, the administration of a matter listed in Part A of Schedule 4 or Part A of Schedule 5 which necessarily relates to local government, if –

- a. That matter would most effectively be administered locally ; and
- b. The municipality has the capacity to administer it.”

This is the principle of subsidiarity, where the power and responsibility to perform a particular function is located at the lowest most appropriate level.

What is significant, however, is the fact that both Schedule 4 and 5 in the Constitution do not clarify the relative roles of national, provincial and local government with regard to the development responsibilities of government – in particular the

development roles emerging from the Bill of Rights – clauses 24,25, 26, 27, 29 as specifically highlighted in the Municipal Systems Act (see below)².

The Municipal Structures Act

Addressing the needs of the community, understood broadly in terms of Section 152 of the Constitution, pervades the role of local government in all subsequent legislation. The Municipal Structures Act, no. 117 of 1998, addresses this when it focuses on delimiting the powers between the district and local governments. All four sub-clauses in Section 83(3) are of relevance to land reform and are the following:

“(3) A district municipality must seek to achieve the integrated, sustainable and equitable social and economic development of its area as a whole by—

- (a) ensuring integrated development planning for the district as a whole;*
- (b) promoting bulk infrastructural development and services for the district as a whole;*
- (c) building the capacity of local municipalities in its area to perform their functions and exercise their powers where such capacity is lacking; and*
- (d) promoting the equitable distribution of resources between the local municipalities in its area to ensure appropriate levels of municipal services within the area”.*

In order to achieve this, Section 19 requires that the municipal council must annually review the following:

- (a) the needs of the community;*
- (b) its priorities to meet those needs;*
- (c) its processes for involving the community;*
- (d) its organisational and delivery mechanisms for meeting the needs of the community; and*
- (e) its overall performance in achieving the objectives referred to in subsection (152 of the Constitution).*

The Act however is not very definite on how the powers and functions between the B and C municipalities should be delineated. However, it does require the two municipalities for cooperate:

- “88. (1) A district municipality and the local municipalities within the area of that district municipality must co-operate with one another by assisting and supporting each other.....*
- (3) The MEC for local government in a province must assist a district municipality to provide support services to a local municipality.”*

The Municipal Systems Act

The Municipal Systems Act provides direction to municipalities with regard to their development responsibilities by requiring and giving some guidance to the

² In a 2003 report of the Department of Provincial and Local Government it asserts that “Schedules 4 and 5 "bear little resemblance to the developmental mandate of local government...”

preparation of Integrated Development Plans (IDPs). Most importantly for our purposes here, the Act requires municipalities to -

“Adopt a single, inclusive and strategic plan for the development of the municipality which—

- a. links, integrates and co-ordinates plans and takes into account proposals for the development of the municipality;
- b. aligns the resources and capacity of the municipality with the implementation of the plan;
- c. forms the policy framework and general basis on which annual budgets must be based;
- d. complies with the provisions of this Chapter; and
- e. is compatible with national and provincial development plans and planning requirements binding on the municipality in terms of legislation”.(Sec. 25.1)

The Municipal Systems Act provides clarity as to whether municipalities should be involved in land reform by saying, in terms of Integrated Development Planning that the municipality must ensure that it

“together with other organs of state contributes to the progressive realization of the fundamental rights contained in sections 24, 25, 26, 27 and 29 of the Constitution”(Sec. 23.1.c)

Section 25 of the Constitution is the Property Clause, the principle Constitutional clause governing land reform (see Appendix 2).

Importantly, the Department of Provincial and Local Government developed a set of guidelines and these indicate that while no separate sector plan is necessarily required, the IDP must address land reform by:

- Supporting the land reform programme and its operations;
- Assisting in the land reform application process; and
- Addressing the need for municipal services and land use planning within existing land reform projects. (DPLG undated: 53-55).

Provincial legislation and policy addressing the role of local and district government in land reform

There are two pieces of Western Cape provincial policy which have direct relevance to the role of local government in land reform – the Policy for the establishment of agricultural holdings in the urban fringe (Provincial Notice no.415) and the Policy for the settlement of farmworkers (Provincial Notice no. 414). These policies were introduced prior to the Municipal Systems Act above and before the Demarcation of municipalities providing for wall-to-wall municipalities - thus while they only talk of the urban fringe and do not talk of IDPs, the approach within these policies gives a very clear indication of what the province feels is the role of local government in these two aspects of land reform.

These policies firmly require a direct role for municipalities to play - in both the development of agricultural holdings on the urban fringe and in addressing the settlement needs of farmworkers. Firstly, they call for Sectoral Plans and for the

revision of structure plans to take into account the needs of these two groups and then proceeds to require of municipalities, amongst others, the following in Section 13.3 (Urban Fringe) and 12.3 (Farmworkers settlement):

- to ensure access to land and settlement opportunities,
- to coordinate and facilitate the planning and development of housing projects and agricultural holding projects,
- to act as developers where no other suitable parties are available.

Both policies further address the issue of funds and other resources for such developments. Key players identified are the Department of Land Affairs (for the acquisition of private as well as commonage land which would then be held by the municipalities), the provincial Department of Housing, the Provincial government with regard to bulk service provision and other sources such as the Land Bank and Khula Finance Enterprise Ltd (although Khula has decided to not apply funds in the Western Cape as will be seen in the Resources section below).

Discussion on legislation and the role of municipalities

Legislation and government policy is very clear in certain respects with regard to the role of municipalities in land reform and other development activities. In the quote below, however, Mc Cann and MXA point to an area of lack of clarity in the Constitution which has added to some confusion in trying to clarify the roles of municipalities.

“The Municipal Systems Act (RSA 2000) defines development as "sustainable development" which includes integrated social, economic, environmental, spatial, infrastructural, institutional, organisational and human resources upliftment of a community. The need for municipalities to involve the local community in decision-making and implementation is emphasised in the Act. By implication, the Systems Act identifies a wide range of functions for local government and requires (in terms of Section 4(2)) that municipalities contribute, together with other organs of state, to the progressive realisation of the fundamental rights contained in Sections 24 (environment), 25 (property - which includes land reform and natural resources), 26 (housing), 27 (health care, food, water and social security) and 29 (education) of the Constitution. **Significantly, these rights, which municipalities are obliged to implement, are not mentioned in Schedules 4 and 5 of the Constitution.**³”

Nevertheless, in terms of the Constitution, and the Systems Act, there can be no dispute about the involvement in land reform. Where there is less clarity is in the nature of involvement and the extent to which local municipalities are directly responsible for the implementation of land reform projects and programmes.

Western Cape Provincial policy indicates quite directly that local governments are required to plan and implement land reform in their areas of jurisdiction and, within the approach of “co-operative governance”, they should do this in co-operation with the various other spheres of government. The Municipal Structures Act asserts this further in Section 88:

³ Melinda McCann: McIntosh Xaba and Associates, **Intergovernmental Relations and Co-operative Governance: Perspectives on Decentralisation and New Developmental Municipalities**. Hologram Newsletter. No date.

- 1) A district municipality and the local municipalities within the area of that district municipality must co-operate with one another by assisting and supporting each other.
- 2.a) A district municipality on request by a local municipality within its area may provide financial, technical and administrative support services to that local municipality to the extent that that district municipality has the capacity to provide those support services.
- 2.b) A local municipality on request of a district municipality in whose area that local municipality falls may provide financial, technical and administrative support services to that district municipality to the extent that that local municipality has the capacity to provide those support services.
- 2.c) A local municipality may provide financial, technical or administrative support services to another local municipality within the area of the same district municipality to the extent that it has the capacity to provide those support services, if the district municipality or that local municipality so requests.
- 3) The MEC for local government in a province must assist a district municipality to provide support services to a local municipality.

In terms of the approach of cooperative governance, what appears to be key in determining the role of a specific sphere of government is the determination at which level that competency is required – to what extent it is necessary for local government to be involved with land reform in order for that component of the state’s (seen broadly) responsibilities to be implemented – the “subsidiarity test”.

Department of Land Affairs district delivery policy

Recognizing this lack of clarity regarding the roles of different spheres of government, and in striving to improve its delivery performance, the DLA undertook a reengineering process which resulted in an approach to decentralize land reform delivery to the most appropriate lowest level – where capacity exists to implement it. This process resulted in the Mutingati Project which essentially was the “systematic localisation (read province to district office) of activities, functions and services to ensure that DLA operates at points physically and geographically closest to program beneficiaries” (DLA Western Cape - *Western Cape: Proposed Structure And Establishment Of Various Dld’s For The Provincial Land Reform Office As Part Of Project Mutingati: Response To Comments On Previous Memorandum - Reference: WK/4/2/2/85 – 2003, 6*)

According to the DLA,

“The rationale for District Level Delivery or Decentralization as highlighted above can be summarised as follows:

- Taking DLA services directly to the people/communities, the ultimate beneficiaries of DLA programs
- Prioritisation and direct involvement in local economic development
- Effective realisation of Constitutionally enshrined Co-operative Government, through close planning and operational linkages and collaboration with District Municipalities and other stakeholders operating at the District Level (other government departments, Land Bank, local authorities etc.)

- Empowering DLA District offices through making them present the “front line” or face of DLA to ultimate program beneficiaries” (DLA Western Cape, 2003, 6)

With this approach in mind, the Western Cape DLA was gone about aligning their district offices to the

“location of the operational headquarters of the various District Municipalities located in the province. The proposal was thus to locate a DLD as close as possible to each of the six District Municipalities. This would allow for the close operational linkages required for Co-operative Governance as well as the direct involvement in local economic development.” (DLA Western Cape, 2003, 6)

The approach provides a shift in thinking from the earlier period in DLA, and seriously tries to resolve the seeming inconsistency that the implementation of land reform is fundamentally a local issue, responding to local level needs and dealing with local level initiatives but which is formally delegated to a national department.

2. The current approach of different role players to land reform in the district

1. Land reform in IDPs, LED strategies and SDFs in the district

An analysis of all the IDPs, and the LED strategy documents and Spatial Development Plans of most of the municipalities in the District, reveals that “Land Reform” is generally seen as the responsibility of the DLA and not the responsibility of the municipality, The approach to land reform is very much a reactive one where the municipality may identify that it should be involved in land reform but the primary aim is to ensure that the projects that are initiated by other institutions do not result in unsustainable projects which the municipality has to then fund. So, for example, the Witzenberg Municipality has addressed the issue of Land Reform quite directly⁴ but, while it has raised various options for addressing housing and food-security projects, the document focuses only on farmworkers and essentially on farmworker housing issues (possibly as a result of the Provincial policy document on Farmworker settlement). It indicates that it will support such land reform projects but only where the municipality will not have to carry the cost of making them sustainable in the long term. While the long term sustainability of developments are key issues which have to be addressed in all land reform projects, the Witzenberg policy statement highlights the approach that most municipalities appear to have towards “land reform” – it is important but it is initiated from outside and not really their primary concern.

None of the municipalities in the District, including the CWDM, has a policy on land reform, seen more broadly. A number of municipalities have indicated a wish to develop such a Policy but they have not yet done so. This means that the approach to land reform in all municipalities is piecemeal, addressing primarily issues of farm worker housing and, in some of the municipalities, a slightly more proactive approach

⁴ See Council minutes: 27 August 2003. It is one of the only municipalities to have done so

to the use of commonage or municipal land for LED and agricultural purposes (Breede Valley, Breede River Winelands as far as has been established).

Land reform involving the acquisition of land for more commercial agricultural purposes (either in joint ventures or as independent initiatives) might be referred to in the documentation of municipalities but such developments are clearly not seen as the requiring the direct involvement of the municipality – particularly with regards the *initiation* or facilitation of such projects. Such initiatives are seen as wholly in the hands of the DLA and the Department of Agriculture.

There are a number of indicators which show the “standoff” approach of local government in the district: firstly, most of the municipalities do not have a listing of landless people or applicants who have approached them for land – most municipalities essentially pass such applicants on to the DLA without registering them in any way; secondly, the level of people that are sent by municipalities to participate in the District Assessment Committees are not often management people and so the Committees role of managing land reform in the district is curtailed; thirdly, there have been very few applications from municipalities to DLA for the acquisition of commonage land which the municipalities would then hold for use by local farmers and entrepreneurs.

2. The DLA approach

The Western Cape DLA approached municipalities in the 1997-98 period with the idea to transfer the responsibility for land reform implementation to them. It was proposed that the DLA would enter into agency agreements with the municipalities regarding the implementation and would second staff to the municipality in order to facilitate this. According to Jimmy Freysen⁵, the municipalities refused saying that this was not their responsibility. The aim, from the point of view of DLA, was to make land reform driven from the base – from local government level. With this response from the municipalities, the DLA then took it upon itself to implement land reform and increasingly over the years has attempted to involve other spheres of government through the establishment of District Assessment Committees and through increasingly close relationships with the Department of Agriculture.

The DLA, at a provincial level, facilitated a process of developing a strategic plan for the implementation of the national target of sustainable land reform, and the target of 30% of agricultural land to be redistributed by the year 2015. This provincial implementation strategy is in the process of being translated to the district level and one district, the Overberg, has already undertaken this process and developed a district level implementation strategy.

In the Boland, an initial workshop was initiated by the DLA and held in November 2003. In this workshop, two key strategic objectives were identified:

- The transfer of 30% of agricultural land to historically disadvantaged individuals
- To ensure tenure security of all rural occupiers in the district.

⁵ District Director of the Department of Land Affairs

Drawing from the provincial Strategy document, the workshop highlighted that these strategies should be achieved through the following:

- The provision of a comprehensive development planning support and after-care package
- The promotion of social and economic development and adherence to the principles of gender equality and environmental sustainability
- The establishment of provincial and district institutional capacity and arrangements that facilitate co-ordination and integration at district level.

This workshop was due to be followed up with a second workshop which would operationalise these strategies looking at implementation strategies and activities. This workshop has not yet taken place and initial dates put forward by the DLA are to have this on the 18 April 2005.

The DLA therefore continues to see the absolute importance of land reform being driven from the ground, the B municipalities. It sees the District municipality performing a co-ordination and integration role, drawing in all the players which are necessary for the “comprehensive development planning support and after-care package”.

While these shifts to the district are genuine and have meant greater engagement of municipalities in DLA-facilitated land reform projects, the DLA conception in the Cape Winelands District is that there needs to be even closer engagement between the municipalities and the DLA to see how to do land reform in the future – does the DLA remain functionally separate or get incorporated into the municipal operation entirely?

3. The Department of Agriculture

The Department of Agriculture has undergone a number of changes during the period since 1994 – from seeking the privatisation of the Department through to the current approach where increasing proportions of its resources are being allocated to land reform and small-scale farmer support.

In the current financial year, the Farmer Settlement and Development programme has significantly increased its budget and has the following key sub-programmes:

- **Farmer settlement** with the objectives to support and implement LRAD; facilitate infrastructural development on new farming projects; coordinate training and other services; improve links with DLA, DAC and other stakeholders; support the Land Claims Commission with 60 agricultural claims in the province.
- **Farmer Support Services** including the transfer of agricultural technology to farmers; To identify and address agricultural problems; To develop appropriate farming systems; support producers in agricultural production and marketing opportunities; To facilitate the collaboration of different role players to support development in agriculture;
- **Food Security** with the key objectives being supporting LRAD for access to land as a stepping stone to other opportunities; to facilitate agricultural food security projects; to collaborate with other stakeholders to support food security; to introduce the Agricultural Starter Pack programme (initiated by

national Department); and contribute to the quantity and quality of food produced.

- **CASIDRA** which is a Section 21 company established to support small-scale agricultural projects
- **Farmworker development** with the establishment of an advisory group to advise the rollout of the provincial objectives; to facilitate capacity building initiatives; to implement farmworker agricultural projects to improve income and bolster food security; to refer various issues to other government departments and spheres.

The cohesion between the programmes of DLA and of DoA (Farmer Settlement and Development) is very close and this has improved markedly in the last four years. This cohesion is also evident in the preparation for land reform projects where the two departments collaborate closely in the decision-making around such projects including in the site visits before such decisions are made. Moreover, the two departments collaborate closely in deciding on and setting the budget for the district land reform projects.

It is important to note that the DoA has similarly highlighted the role of both the District and local municipalities in land reform and agricultural development. Importantly, the Department has restructured itself along municipal lines with the establishment of offices in each on the municipal districts in the province. In the Boland, the Department has allocated the following people in the different towns:

FARMER SUPPORT & DEVELOPMENT: PERSONNEL CAPE WINE LANDS DISTRICT; 2005/6:								
Rank	Totals	Office						
		Stellenbosch	Worcester	Ceres	Wellington	Montagu	Saron	Touwsrivier
District Manager	1	1						
Secretarial Assistant	1	1						
Agriculturalist: Technology	2	1: Economy	1: Horticulture					
Agriculturalist: Development	5		2	1	1	1		
Agricultural Community Worker	5	1	1	1			1	1
Administrative Assistant	3		1	1		1		
	17							

The approach of the Department, as with the DLA, is to locate its services as close to those that require them as possible and in the current period, it is to appoint community workers and agricultural development officers in each main town in the District. The relationship between the Department and local municipality is not clear in this arrangement and, according to the Department, needs further development. The Department, however, sees its role as a support agency to projects that emerge at a local level and thus a close relationship needs to develop between the municipalities and the Department.

With regard to the District municipality's role, officials in the Department identified a broader role – addressing issues of broader development (broader marketing opportunities for example), policy issues covering the District, and facilitating communication between the different players with the provision of information that is relevant to all players in the district.

4. Department of Water Affairs and Forestry

The Department of Water Affairs and Forestry in the District has developed a “Support to Resource Poor Farmers” Strategy. In this strategy, it refers to the fact that, while limited, there is surplus water available in the various dams that are currently in operation – the Stettynskloof and Fairy Glen Dams are owned by the Breede Valley Municipality and the DWAF believes that the municipality should be able to meet its future urban water requirements from the estimated 14 million m³/a surplus available out of those dams. DWAF sees its role to encourage the municipalities to also identify and allocate some of these resources towards the establishment of resource poor farmers⁶.

The DWAF sees its role as to provide water and encourage other authorities to provide water to emerging or “resource-poor” farmers. Its approach is to develop a broader strategy based on clear information of the following:

“where resource poor farmers have acquired land, how much of that is under irrigation, if the water provided to them is out of existing allocations, which of the projects are joint ventures and who the joint venture partners are.”⁷

It is apparent from DWAF documentation and the extent to which they are currently involved in land reform processes in collaboration with the DLA and DoA, that there is limited interaction with other role-players when it comes to implementation of the strategies. However in the District, representatives of the Department do attend the District Assessment Committee meetings.

DWAF’s relationship with the municipalities appears to be mixed with tension where there is an overlap of responsibility – the municipality owns the resource, such as a dam, where DWAF is required to provide over-arching resources. This understanding is also reflected in the approach to land reform processes – importantly it does not refer to the role of municipalities in land reform or resource-poor initiatives in its strategy. The Department has a Co-ordinating Committee for Agricultural Water Use (CCAW) which replaced the old Irrigation Action Committee and comprises DWAF, the Department of Agriculture, Cape Nature Conservation Board, the Department of Land Affairs and the Provincial Government. This Committee addresses amongst other things the strategies for providing water to resource-poor farmers. What is of interest in that the Cape Winelands District Municipality and the B-Municipalities in the District are not part of this structure.

Conclusion

Land Reform is required by the Constitution. While the Constitution does not specifically allocate the responsibility for it to a national level, the fact that the Constitution does not specifically allocate it to provincial or local government provides the assumption that national government is the sphere of government responsible. This, and the sensitive nature of land reform (the fact that it involves taking or buying land from those that have, for those that don’t have) has meant that local authorities have tended to steer clear of it. In the process, the national DLA has

⁶ See the Breede Water Management Authority – Internal Strategic Perspective, October 2004, 126.

⁷ Breede Water Management Authority – Internal Strategic Perspective, October 2004, 126.

taken responsibility and in some cases (in the earlier periods in particular) proceeded with delivery without interaction with the municipalities at all.

It is clear from a scan of land reform in the Cape Winelands District and the manner in which different State players have been involved in these processes, that it is seen very much as the task and the responsibility of DLA, with the support of the provincial DoA. There are some processes where the DLA proceeds without the involvement of other players such as the DWAF and municipalities (less so now than before), and there are many land reform aspects (such as the provision of commonage land to small-scale farmers) that municipalities and the DWAF might undertake, that DLA is not specifically involved with and, sometimes, aware of.

While the co-ordinating structure of the DAC exists and appears to address all land reform initiatives emerging from the DLA's office, with the involvement of all key players, the terms of reference of the Committee is constrained and little discussion happens on the broader aspects of land reform that other role players are involved in – Land Claims Commission, DWAF initiatives, land-based value adding initiatives that the Department of Trade and Industry may initiate, and private initiatives. The real opportunity of providing a centre for co-ordination of land development, where lessons of land reform can also be shared, seems to be lost in the current constraints of the DAC. If integrated land reform is to be the aim, the role and scope of the DAC needs to be addressed along with a re-look at the role of the different players in land reform.

3. Experience from elsewhere

1. The Makhado Municipality initiative

The Makhado Municipality is a local municipality situated in the Limpopo province. There are many land claims in the area as well as other land reform demands from landless people and their organisations. However, as with most other IDPs, the Makhado IDP has no real plan for land reform within it. With the support of a local NGO, the Nkuzi Development Association, the Municipality has begun a process of Area-based Land Reform, trying to “proactively identify land needs and demands in the area and finding ways of matching these needs to land that is available or still need to be acquired⁸”.

The aim of the process is to speed up land reform in the area through coordinating support for land reform in the area as a whole rather than trying to co-ordinate support for the many separate claims and projects. While Nkuzi and the Municipality are the key initiators of the process, with DLA support, the many role players crucial for integrated land reform are centrally involved in the process. Importantly, the Landless People's Movement, the representative of landless people and land claimants in the District, is a crucial participant in the initiative.

A Project Implementation Unit is being set up which is co-ordinated by the Municipality. The location of the co-ordination of the process in the Municipality is premised on the fact that the Municipality is responsible for the co-ordination of “Development” in the area. The other role players are included to support the primary

⁸ Nkuzi summary document – Summary – Area Land Reform Initiative. No date.

role of the Municipality. Other players currently involved include the DLA, DoA, the Regional Land Claims Commission (RLCC), the University of Venda (especially their College of Agriculture and Centre for Rural Development), the Landless People Movement or Local Land Reform Forums and the Nkuzi Development Association. It is intended that the departments of Water Affairs and Forestry, Finance and Economic Development, Public Works and the Premier's office will be drawn in.

It is anticipated that the Municipality will appoint full-time staff to the Project. Importantly, other government spheres as well as other role-players will second further staff to the office which is to be located in the Municipal offices.

Finally, in order to make the process transparent, and as part of the public interaction required by the IDP, a municipality-wide Land Reform Forum is in the process of being established to bring in a wide range of interested parties to assess the progress and provide guidance on the progress achieved. It is envisaged that a district-wide Land Reform Forum will be established at a later stage.

This process is in its infancy and thus it is not clear yet what the impact will be on the speed of land reform, on the level of co-ordination of support to the projects over the area, nor on the quality or success of the projects implemented. The basis of the approach, however, is that land reform is understood broadly and that, because of its responsibility to address social and economic development at a local level, it is the local Municipality that is the key player in co-ordinating and implementing land reform.

2. Amatole District Land Reform and Settlement Plan

The Amatole District is in the East London area of the Eastern Cape. In the formulation of its first IDP in 1999, the community participants identified the resolution of "land issues" and settlement needs as their top priority. In response to this, a Land Reform and Settlement Plan was developed for the Central sub-region and formed the basis of a contractual agreement between the Amatole District Municipality and the DLA consisting of a planning grant to develop the Plan and a R33m funding allocation for identified key projects.

With the review of the IDP, and an assessment of the changed responsibilities of the different levels of local government, the district and local municipalities with the agreement of provincial government, identified that local government was a key player in land reform in terms of the Constitutionally assigned functions of municipal planning, and the practice of "developmental local government. That is, those functions relating broadly to settlement planning and land development processes, infrastructure development and local economic development⁹". Taking into account that the DLA has the responsibility to deliver land reform, these local level land reform processes would be implemented on an agency basis by the local and district municipality.

The district and local municipalities went through a process of clarifying their differing roles, and with regard to land reform the following was agreed:

⁹ Amatole District Municipality, Amatole District Land Reform and Settlement Plan, 2003, 3.

- The principal role in driving land reform processes and initiating land and settlement planning now resides with the local Municipalities
- The core function of the District Municipality has then been allocated to build the capacity of local municipalities in its area to perform their functions and exercise their powers where such capacity is lacking.
- In addition, the District provides support to the local municipalities to perform its primary role – the District therefore becomes a support agency rather than an implementing agency.

The focus of the Plan is to address four key objectives:

- Land tenure reform* – To support local municipalities in the resolution of tenure and land rights related problems in areas that have been prioritised according to the strategic development priorities of: local economic development initiatives, prioritised settlement development; and, specific local tensions and conflicts.
- Land Administration* – To establish a viable and implementable framework for local authorities to begin dealing with land administration problems within the current policy/legislative environment.
- Settlement and Land Development* – To support Local Municipalities in developing land and settlements in their municipal areas in order to meet the settlement and livelihood needs of the population, in prioritised project areas, within spatial and development principles as set out in the Plan and other relevant policy and legislation.
- Institutional Support for land reform* – To establish the necessary framework to be able to effectively support the implementation of the Plan by Local Municipalities.

Importantly, the coordination between the District and the Local Municipalities is crucial in the implementation of this Plan and in order to achieve this two structural arrangements were developed – an integrated *Coordination Forum* for technical staff involved in the different levels of support for the implementation of the Plan (this is a restructured District Steering Committee); the District Mayoral Forum becomes used for the purposes of joint approval of district level programmes and action. In this way there is a definite distinction between the officials and the political decision-making.

The bulk of the budget for this Plan was obtained from DLA but the ADM has also been creative in trying to solicit funds from a variety of sources in order to support this initiative. Funds have been obtained from Department of Housing (national), Consolidated Municipal Infrastructure Fund (CMIP), the provincial Department of Housing and Local Government, and the municipalities own funds¹⁰.

An important lesson emerging from the Amatole experience is that when DLA provided the funds for land reform at the local level, the Department then withdrew from any further involvement in the implementation of land reform in the District – creating a situation where “delegation may at times have gone too far¹¹”. PLAAS recommends that “there is a strong argument for retaining an active role for the Provincial Land Rights Office of DLA in the implementation phase” highlighting that

¹⁰.An assessment of the Land Reform and Settlement Plan of the Amatole District Council. PLAAS, 2003, 5

¹¹ An assessment of the Land Reform and Settlement Plan of the Amatole District Council. PLAAS, 2003, 5

a proposal to second officials from the DLA to the ADM was not implemented. What this has meant is that key expertise in “the release of state land, titles adjustment and the acquisition of land from private owners¹²” as well as experience in developing agreements around communal ownership of resources is withdrawn from the land reform process.

In both the Makhado and Amatole initiatives, the key role for implementation of land reform was shifted to the local municipality level, the closest level of state to landless people. In both initiatives, there were a number of precursors:

- The implementation was based on a district or area based plan for land reform, emerging from an assessment of the needs and demands for land reform – seeking clarity on these needs required significant resources as detailed research was required;
- A recognition that, if land reform is going to be delegated to local levels, there is a significant lack of capacity in many local municipalities and that various support structures need to be put into place to support these municipalities with these tasks. In this regard, it is necessary to clarify where the resources are going to come from to address these constraints – from DLA, or elsewhere.
- There is a need for clear and strong management of the agreed upon programme at a district and local level – the appointment of a land reform or development programme manager in the district and local municipality may be required.

4. Recommendations on land reform and roles in the Cape Winelands District

A. Key land reform issues in the District.

The Cape Winelands District is an area where commercial agriculture plays an important role in many peoples lives – the District Agricultural Sector Study indicates that “While 38% of the BDM’s GDP is generated by the agricultural sector, for some districts within the Municipality, agricultural GDP contribution exceeds 50%”¹³. Furthermore in terms of job creation more than 34,5% of the Municipality’s working population was employed by the agricultural sector, primarily in horticultural enterprises (Census 96). While the ownership of land is in a few hands, these statistics show that there are many people who have experience in agriculture, albeit at various levels of competence.

These statistics also give an indication of the high level of housing tenure insecurity, given the nature of employment relations on farms and the extent of evictions of farmworkers of farms – importantly in all IDP reports of municipalities in the District, secure housing for farmworkers was amongst the key priorities raised in the community consultation sessions.

¹² An assessment of the Land Reform and Settlement Plan of the Amatole District Council. PLAAS, 2003, 5

¹³ Boland District Municipality, 2004, 4.

Given these two key factors (the predominance of agriculture and farmworker housing insecurity), it is interesting that access to land for farming and other enterprises in the rural areas did not emerge as a key issue in the public participation sessions undertaken as part of the IDP preparations. There are a number of possible reasons for this of which two are the following:

- The question of who the participants in the public consultations were - were farmworkers, who are likely to be the primary candidates for enterprise-based land reform initiatives, part of these sessions;
- Were such demands or needs highlighted and passed on the other provincial or national authorities as it was considered that land reform and agricultural development are not part of the responsibility of municipalities?

In much of the district, high value agriculture is practiced, where it is extremely costly to enter into production and high levels of expertise are necessary. Many farmworkers do not have high levels of schooling and only few are given higher levels of responsibility on farms. Most farmworkers, and potential land reform beneficiaries, therefore have limited expertise and education.

Joint ventures are common in the district, taking into account the high-value nature of the farming. While some of these joint ventures are successful, financially, others have not been. Moreover, while some have resulted in the empowerment of farmworker participants, others appear to have been a mechanism where current landowners (white farmers) have used them as a mechanism to address debt related problems¹⁴.

Land reform in the district is therefore complex and requires much preparation and strategic thinking if it is going to result in successful, agricultural and other enterprises which address definite needs of participants and are sustainable in the long term.

Land reform within the municipalities in this District is essentially reactive – reactive to farmworker evictions, reactive to farmworker housing needs, reactive to DLA projects.

Within DLA, the approach to land reform is also reactive – responding to and addressing the demands of individuals or groups that coming knocking at the DLA door. The response is then on a project-by project basis, addressing each project separately. This is possibly further impacted on by the conception that, within the willing-buyer/seller approach, a broader and more proactive land reform is difficult, if not impossible.

¹⁴ There have been various studies on Joint Ventures on farms - Jacobs, R: Joint Ventures and Partnership Schemes in Agriculture – some international experiences. 2001 Surplus People Project, Cape Town.

- Knight, S, Lyne, M and Roth, M: Best Institutional Arrangements for Farmworker Equity-share Schemes in South Africa. 2002 Unpublished document. Agricultural Economics, University of Natal, Pietermaritzburg.

- Tregurtha, N and Karaan, K: Farmworker Equity Schemes in the Western Cape – Internal Report for the Western Cape Provincial Department of Land Affairs. 2000, Department of Land Affairs, Cape Town.

- Mayson, D. Joint Ventures, PLAAS, University of the Western Cape. 2003

What does land reform involve?

The DLA manager for the Boland District office indicated in an interview that local municipalities do not understand the extent and complexities of land reform. It is possibly for this reason that there has been an apparent reluctance to take on responsibility for land reform.

Land reform is a national programme of redress – essentially responding to the fact that black people were either dispossessed on land or were never allowed to hold or own land in the bulk of the country. There are therefore two fundamental and complementary aims of landless people in accessing land – a justice issue and an economic or livelihood issue. Regardless of the primary concern within the landless person's conception when seeking land, *it is fundamentally a local issue* – the person wants land in a particular local area either as a result of being dispossessed in that area or wanting to generate a livelihood in the area.

Land reform involves a spread of components which impact on various stakeholders and spheres of government. The White Paper on Land Policy gives clarity on the various components of land reform and it essentially includes the following:

- The provision of ***access to secure land rights*** either through ownership or through some other form of right such as a lease or agreement. This involves an agreement between the users of the land and the owner of the land (if the land is not their own) and between the users of the land (if there is more than one user). Access to land can be obtained through DLA programmes (Restitution, Redistribution or tenure reform), through access to municipal or other state land or through private arrangements with other land owners (farmers, churches and so forth)
- Access to ***resources*** to make the use of that land a success (whatever the use is to be – housing, agriculture or other uses). These resources comprise a huge spread and include finances for production, water, infrastructure and capital expenditure. Such resources come from a variety of sources including the state.
- The development of ***expertise and institutions*** to enable sustainable use of that land over the long term. The building on this expertise and the institutions to carry out these developments requires outside intervention and, again, needs to be drawn from a spread of service providers or specialists.

A number of commentators, including the DLA itself, have indicated that many of the failures within land reform have been as a result of the lack of engagement in land reform projects by a spread of agencies, especially the Department of Agriculture and Water Affairs and Forestry once land has been acquired. This has resulted in land reform projects proceeding essentially unsupported.

B. Local land reform within a district strategic plan

It was discussed above that land reform (seen broadly) in the Cape Winelands District occurs in a reactive, piecemeal manner. In this way, limited land reform takes place and inefficient provision of service and support to land reform projects occurs.

In addressing the central issue in this study, of the role of different players in land reform in the district, it is proposed that this should happen in terms of a District Plan for Land and Agrarian Reform.

Such a strategic plan needs to be based on a deeper understanding of the land reform issues than currently appears to exist. While this study has addressed some of these issues, the process to develop such a plan should comprise the following:

- Detailed **research** to clarify what the land needs are including:
 - land needs in terms of predicted settlement needs of farmworkers (looking at expected on-farm and off-farm options),
 - the currently asserted needs of people wanting land for enterprise activities and an investigation of the potential opportunities for land for enterprises from other groupings in the district including unemployed farmworkers, other unemployed people and others that may want to consider land-based enterprises. This would need to address the nature and level of the activity, the sizes of land required, the form of land right in terms of ownership or leasing, the nature of the enterprise and whether it is to be group ownership or individual, and so forth;
 - more detailed understanding of the resources available to address the asserted needs
 - Analysis of best practice land reform project types related to the District.
- Based on this detailed assessment of land need and available resources, the development of **strategies** involving a spread of actors including landless people, organised agriculture, key people in the local municipalities and the District municipalities, the DLA, DoA, DWAF and provincial Economic Affairs and Tourism, the Land Bank and other banks. These strategies need to include, amongst others, the following:
 - How to address the land needs in a co-ordinated and efficient manner;
 - How to address the other resource needs that are required to assist in successful and sustainable projects
 - How to provide mentoring and other forms of support to ensure the appropriate expertise and institutional arrangements within each land reform initiative.
- The clarification of the **institutional arrangements** on a district level with regard to responsibilities for implementation, management, mentoring and support, and so forth.
- Identification of **priority projects** for the district and the specific responsibilities related to these.

C. Roles and responsibilities – shifting primary responsibility for land reform to local municipalities

a. Issues to consider in deciding on the allocation of responsibility

It was discussed above that the Constitution, legislation and policy see that municipalities have responsibilities for land reform. At the same time, such legislation

and policy calls for the subsidiarity concept to be applied to determine where the specific responsibilities should lie.

There are a number of concerns with the allocation of responsibilities to municipalities, the most important of which is the situation of “unfunded mandates” where the municipality is given tasks without the necessary resources to carry out those tasks. The Minister of Public Service and Administration, Geraldine Fraser-Moleketi, in a speech to the South African Local Government Association Consultative Conference in August 2003, indicated that assignments of responsibilities to local government need to be made only after careful assessment. She highlighted certain aspects that need to be included in the assessment of whether such assignment of power should take place and what the nature of that assignment should be:

- “The capacity of the municipality;
- A comparative assessment of the capacity of the assigning body;
- Whether it is important for the function to be exercised across the whole province or the whole country;
- Whether there will be efficiency gains in managing the function broadly across the whole province or the whole country;
- The importance of proximity between those accountable for delivering the service and those receiving it;
- Whether there is access to alternative revenue sources; and
- The cost of transition.”

While these structural issues are important, the assertion by Melinda McCann: McIntosh Xaba and Associates is equally important:

“Development functions should be decentralised to the lowest effective level of government, in accordance with the principle of subsidiarity, and should be structured to be responsive to local needs. A developmental municipality is an agency which can plan, initiate and implement a wide variety of intersectoral development projects, and interact closely with the community.¹⁵”

Finally, it is important to consider that, with possible shifts of staff through secondment for example, they will be shifting from one set of employment conditions to another as currently local, provincial and national state have different terms of employment¹⁶.

b. Locating land reform implementation within local municipalities

The subsidiarity principle requires that an assessment be made of the various components referred to in Minister Fraser-Moleketi’s speech above. Three key issues are generally highlighted in such assessments, whether:

- (a) The matter relates to local government*
- (b) The matter would most effectively be administered locally*

¹⁵ Melinda McCann: McIntosh Xaba and Associates - Intergovernmental Relations and Co-operative Governance: Perspectives on Decentralisation and New Developmental Municipalities.

¹⁶ See Speech by Minister Fraser Moleketi at Salga Consultative Conference – August 2003.

(c)The municipality has the capacity to administer it.

An initial assessment of these issues in the Cape Winelands District point to locating the primary responsibility of land reform *implementation* at the local municipality level.

It was said above, that land reform is essentially a local issue, and requires a spread of services and support at a local level. The *matter*, of land reform, very clearly relates to local government in terms of the normal servicing and regulatory roles as well as its role as a developmental agency. Local municipalities are the first port of call for such land needs; local municipalities are generally far more aware of local level land-based issues; local municipalities are generally far more aware of the unemployment, and development options that are emerging in the area.

On the matter of whether land reform would be most effectively administered locally, municipalities already engage a spread of national and provincial departments in the implementation of their other responsibilities such as housing, local economic development, land management, and so forth. The current disparate way in which land reform projects (seen broadly and involving the DLA projects, Department of Agriculture projects, DWAF projects, municipal commonage projects and others) are implemented and supported is highly inefficient, and unco-ordinated. Locating the responsibility for the implementation of all these projects within municipalities is likely to lead to substantial increases in efficiency and co-ordination.

On the issue of whether local municipalities have the capacity to administer these competencies, such a study has not been undertaken within this research. The impression obtained from discussions with various officials in the district, however, is that municipalities do not have the capacity currently. All the municipalities appear to be already over-stretched with many additional tasks that have crept into their area of responsibility and that the kind of expertise required for land reform projects would be additional to what the municipalities currently have.

The primary issue in the assigning the competency of the implementation of land reform to the local municipality level therefore would be building the capacity to deliver it.

This is reiterated in the following quote in Melinda McCann: McIntosh Xaba and Associates:

“Increasing funds to local government for development projects, according to extended municipal functions, does not necessarily enhance capacity or equip municipalities to fulfil their developmental mandate as the real costs to local government are in terms of administration and ongoing management. "The problem lies in the lack of a supportive intergovernmental relations structure" - there is a strong argument for funding support for development management posts at municipal level, and sectoral departments need to create much more supportive practices. "Creating a supportive environment for municipalities, as envisaged in the Constitution, will require a more targeted approach to funding for capacity-building, as well as a culture shift within line departments." (CDE 2002)”

Two issues are highlighted in this quote – capacity in terms of expertise, and institutional capacity.

Expertise

In the Makhado example above, the proposal is that the various national and provincial departments second staff to, and locate them within, the local municipality. The DLA and the Department of Agriculture in the Cape Winelands District have both indicated that they would consider ways in which to bolster the capacity of local government, including seconding people to serve at that level. It was raised earlier that a problematic feature of the Amatole Land and Settlement Plan was the withdrawal of DLA officials from the implementation of land reform once the agreement with Amatole was signed.

A number of levels of expertise therefore need to be incorporated into such assignment of land reform responsibilities to the local municipalities:

- A co-ordination of development activities appears necessary where this includes land-based development, other LED development, and so forth. In a number of municipalities in the District this kind of role is currently being played in a narrow way by the LED department or unit. Such coordination or management expertise would need to be incorporated where it does not exist;
- Land reform expertise in terms the implementation of land reform projects involving livelihood components especially issues of land acquisition, land management, tenure arrangements, and so forth;
- Agricultural expertise where it requires ongoing support such as mentoring and management support;

It is proposed therefore that officials from the various departments that are currently located within offices in each municipal area are seconded to the municipalities and are managed at that level. These include the DLA and the DoA.

With this secondment, as indicated in the quote above, additional infrastructure (which is currently located in the departmental offices) would also need to be allocated to the municipality so that the additional responsibilities do not end up being an unfunded mandate.

Institutional capacity

Institutional capacity involves the development of organisation structures internal to the municipalities.

In carrying out the research towards these proposals it was clear that issues of development are spread across the many departments and units in each municipality with, sometimes, limited understanding within the municipality of where responsibility for a particular aspect is located. Drawing from the quote above, and from proposals suggested by officials in the Department of Agriculture, it is proposed that a “development desk” is created in those municipalities where no such co-ordination centre exists. Where structures, such as the LED departments, do perform similar roles, it is proposed that such departments take on a broader responsibility of “development co-ordination”. Creating such coordination centres within

municipalities would provide for a much more efficient way of addressing their development responsibilities and provide a point at which all other “development-related” departments from other spheres of government could engage with municipalities in a co-ordinated way. It is proposed then that the land reform and agricultural staff referred to above would then be located in these centres.

D. District roles and district structures

Land reform does not only affect the local level however. Access to markets (tourism, agricultural and other markets), access to finance, transportation to markets, advertising and other communication matters, broader levels of technical expertise and so forth are very much district and wider issues. Moreover, the planning of the kind of support land reform needs, and of the kind of land reform implementation (how the needs are going to be addressed on a programmatic basis, on the basis of the jointly agreed upon strategic and implementation plan) is a district matter.

The development of district-based institutional capacity with very particular supportive roles is therefore necessary to support the implementation of land reform. The Amatole example above identified the role of the district as being to “provide support to municipalities to fulfil their role of implementing land reform and to undertake such implementation roles when asked to do so by a municipality.”.

Drawing from the other experiences of Makhado and Amatole, as well as from the interviews conducted in the course of this research, it is proposed that the District Municipality takes responsibility for the following:

- Initiate and guide the initial and then regular district level detailed identification of needs and the strategy and planning processes – resulting in a district plan and phased implementation programme. Clearly this will be in close collaboration with the DLA and the DoA in particular;
- Seek and coordinate resources to support the implementation of the district plan – both personnel and other resources;
- Provide, and facilitate the provision of, information on the various programmes and resources within the state and within the other roleplayers more broadly regarding land reform related programmes;
- Take responsibility for the implementation of projects where local municipality requests such support – this is likely to be great at first and then reduce as local municipalities gain capacity in this area;
- Provide district level support such as research capacity, the coordination of the identification of opportunities (markets, land reform project types, specific products) for the district in collaboration with other players - DLA, DoA.
- Identification of key areas of capacity building required in staff in local municipalities and coordinating programmes to build such capacity.

With regard to *coordination and management* of the implementation of the District Plan (which, as with IDPs, will incorporate the local level plans), the Amatole experience is once again instructive where a technical structure and a political structure both address issues related to the district plan.

The current DAC in the Cape Winelands District does not perform a co-ordination role for land reform seen broadly. It is proposed that the terms of reference of the

DAC be expanded to include addressing the issues emerging in all forms of land-based development so as to co-ordinate support and expertise provided to such initiatives. A possible name change, to signify the change in role could also be appropriate – the District Agrarian Reform Committee?. As is currently the case (formally), the District Municipality should coordinate this structure but should take much greater responsibility – not depending entirely on the DLA for setting the agenda which currently appears to be the case.

Structurally, the current membership of the DAC appears to be correct – involving all the various spheres and departments of government that are involved with land reform planning and implementation. It was proposed above that the DLA and the DoA have seconded officials within the municipalities. It is important, however, that such Departments also play a central role in the expanded DAC – although this would be at the level of management staff as opposed to the planning and project staff that it is assumed will be seconded to the municipalities.

Other departments such as the Department of Trade and Industry and its provincial counterpart the provincial Department of Economic Affairs, the DWAF and others should only need to operate at a district level within the expanded DAC.

It is apparent, however, that unlike the Amatole example above, few higher-level management staff attend the current DAC meetings, reducing the power of the structure significantly. If the new structure is going to co-ordinate district level land reform, according to an agreed-upon Plan, then it will require appropriate levels of management from the different spheres and departments to sit on the expanded structure.

There is an already existing Mayoral Forum that meets in the District. It is not clear to what extent this structure addresses issues of land reform and related development. It is proposed that the District Plan that is developed through this process should be endorsed by the Mayoral Forum and that this structure should be the political body which monitors the implementation of the District Land (or Agrarian) Reform Plan.

5. Issues to take forward for district level LR strategy

A. Research and strategy development

This study has focused on gathering already existing data and with regard to land need, there is very little information available. The IDPs of the municipalities in the district make limited mention of land reform issues, and do mention that the public participations sessions identified farmworkers housing as an important demand. While this is so, the municipalities do not have a clear listing of the current demand for land in their areas. The DLA has very clear records of those individuals and groups that have applied to them for land but these have been limited applications for its various grants and services and only include those landless people that know about the DLA and can get to their offices. At the same time, the National African Farmers Union (NAFU) indicates that its Western Cape membership stands at 2500 members and the membership of WeskaapUbuntu Farmers Union (WEKUFU) stands at 2000.

A land reform strategy has to be based on reliable and detailed information out of which clear strategies can be developed. As discussed above therefore the following targeted but detailed research, coordinated by the District Municipality in close association with the local municipalities, the DLA and DoA, is needed to clarify the following:

- land needs in terms of predicted settlement needs of farmworkers (looking at expected on-farm and off-farm options),
- the current asserted needs of people wanting land for enterprise activities (the nature and level of the activity, the sizes of land required, the form of land right in terms of ownership or leasing, the nature of the enterprise and whether it is to be group ownership or individual);
- more detailed understanding of the resources available to address the asserted needs
- An analysis of the best options for land reform projects given the context in the district.

The DLA has planned a district-planning meeting for the 18 April 2005, as a follow on from the initial meeting held in November 2003. It is proposed that this event could be utilised as an initial meeting to set the terms of the agenda for the research and strategy development. Moreover, such a detailed planning process will cost a lot and therefore the 18 April 2005 meeting could also address the source of funds to pay for such a process.

Once the research has been undertaken, it should be fed into a strategy development and planning process involving a spread of actors including landless people, organised agriculture, key people in the local municipalities and the District municipalities, the DLA, DoA, DWAF and provincial Economic Affairs, the Land Bank and other banks. These strategies need to include amongst others, the following:

- How to address the land needs in a co-ordinated and efficient manner including the source of land (given the lack of state land) and the mechanisms to obtain it;
- How to address the other resource needs that are required to assist in successful and sustainable projects;
- How to provide mentoring and other forms of support to ensure the appropriate expertise and institutional arrangements within each land reform initiative;
- The identification of priority projects for the district and the specific responsibilities related to these.

Through this process a clear strategy for land and agrarian reform for the District will be developed which all role-players have been part of developing and are most likely to support.

B. Negotiation amongst key roleplayers on the role that they will play and developing ways in which they are able to play these roles

The Municipal Manager of the Cape Winelands Municipality in his address to the Fiscal and Finance Commission conference raised a number of issues which result from the lack of clarity of roles between different spheres of government:

- “So-called ‘unfunded mandates’ functions are delegated without requisite resources e.g. libraries, housing, sports, museums
- Shared functions without clear delineations of responsibility – components that each sphere should finance e.g. roads, health, planning, tourism
- Additional responsibilities for municipalities without concomitant legal authority & financing arrangements
- National or provincial departments creating assignments without serious considerations of the impact on municipalities¹⁷”

This study has proposed various roles for local municipalities, the District Municipality, the DLA and the DoA in particular. This proposal is based on experiences elsewhere and on a very initial assessment of where responsibility for the different aspects of land reform should best be located in the Cape Winelands District, using the terms of the subsidiarity principle.

It is important, however, that this reallocation or assignment of roles and responsibilities for land reform is a *negotiated* matter so that all players within it are absolutely clear on the roles and responsibilities and the sources of funds to achieve it and agree to take on the particular role – to avoid the kind of results referred to by Chetty above.

Importantly, the Intergovernmental Relations Framework Bill, published in November 2004, provides guidelines for this negotiation. It says that an “implementation protocol” must be developed when (amongst other contexts) the “protocol will materially assist the organs of state participating in the provision of a service in a specific area to co-ordinate their actions in that area”¹⁸. It provides guidance in saying that the implementation protocol must:

- “Describe the roles and responsibilities of each organ of state in implementing the policy, exercising the power or function or providing the service;
- Assess the challenges facing the implementation of the policy, the exercise of the power or function or the provision of the service and how these challenges are to be addressed;
- Give an outline of the priorities, aims and desired outcomes;
- Determine the required and available resources to implement the protocol and the resources to be contributed by each organ of state with respect to the roles and responsibilities allocated to it;
- Determine the duration of the protocol;
- Determine indicators to measure the effective implementation of the protocol;
- Provide for the oversight mechanisms and procedures for monitoring the effective implementation of the protocol; and include any other matters as the parties may agree.¹⁹”

It is proposed that the various role-players currently participating on DAC, and including other players such as the provincial Economic Affairs and Tourism

¹⁷ K Chetty, “Decentralisation of powers and functions – the impact of uncertainty on the local sphere”. No date.

¹⁸ Section 34,d.

¹⁹ Section 33,1.

Department, engage in a facilitated negotiation and assessment of the different roles that need to be played for the implementation of the land reform using these guidelines above as a start. This negotiation needs to happen concurrently to, and feed into, the development of the land reform strategy above. This would result in a formal agreement on the roles of the different players (whether it is an assignment of powers; delegation or and agency agreement), with the necessary resources allocated to them. Through this agreement, it is expected that the different spheres of government would have clear and funded mandates.

6. Conclusion on roles and responsibilities for land reform

Land reform does not sit well with most role-payers in the Cape Winelands District and this has much to do with the issues raised by Chetty above – that there is confusion around roles and unfunded expectations.

Land reform is complex, and developing a successful, sustainable land reform programme over a district is even more complex involving different resources and expertise at different levels.

This study has shown that the Constitution and various pieces of legislation and policy require all spheres of State to be involved in the implementation of land reform. It has also shown that this legislation is not absolutely clear on the different roles that spheres should play but that it leaves it upto negotiation using the subsidiarity principle to clarify these, in the spirit of cooperative governance.

Coherent and well-supported land reform across a district requires clear strategic and implementation plans, including the allocation of roles of different players. This currently does not exist within the Cape Winelands District and this study has made initial suggestions on locating land reform implementation at the local municipality level. It has also suggested a process of in-depth research on land needs and the resources required and on the development of strategies to achieve increased delivery of sustainable land reform. Negotiation between the different spheres of government in clarifying these strategies and roles remains the key to long-term sustainable land reform delivery.

C. Land Reform Resources in Cape Winelands District

Land reform is concerned with the transfer of resources to people and groups who were disadvantaged by previous regimes. The District Municipality identified various resources which were necessary for sustainable land reform. Four of these categories of resources have been focused on in this study – land (the supply and demand for land), water, funding and financial resources and training and capacity-building resources. This main report provides information on these resources in summary form. The more detailed information about land and water resources is provided in a Geographical Information System addressing these issues and prepared as part of this report. A discussion of this GIS and the constraints within it is included in Appendix 5. The detail information on funding and capacity-building initiatives is included in Appendices 3 and 4 of this report.

1. Land

Information was sought on the various landowners in the CWDM. It was indicated in the Phuhlisani Solution (PS) proposal to the CWDM that primary research could not be undertaken in this study, given the time and financial constraints. The information included here and in the GIS therefore comes from already existing sources, albeit some was in an unprocessed form.

PS aimed to obtain information of the following primary land owners:

- Private land;
- National and provincial state land;
- Municipal land – general
- Municipal land – commonage.

Through the DAC, municipalities were encouraged to undertake land audits in their areas of jurisdiction. As is explained in the report in Appendix 5, it became apparent as the study proceeded, that these audits were at various levels of development and that each municipality was using different terms for analysis. In the process, it became clear that information would need to be obtained from elsewhere. Through discussion with the District Municipal officials, it was identified that much information for the land audit would come from the Valuation rolls that each municipality had done in the early 2000s. However to obtain *this* information proved to be extremely difficult as some municipalities were concerned about giving such information over to consultants, while others were not clear about the information PS required and so forth.

There were a number of problems with regard to the information that was acquired:

- Firstly, there were technical problems found when trying to link the information with the land parcels spatially. Most of these problems were eventually solved, however it did prove to be very time consuming.
- Many of the land parcels have limited or no information about them. This proved to be a severe limitation in the study with regard to providing information on the land resources for land reform.

As is explained in more detail in Appendix 5, the GIS can be used as a tool to synthesise information around specific aspects of investigation. It is entirely dependent on the information that is included within it and PS has begun this process of data collection. The information presented below provides a limited view of the land and water resources that are important for land reform. The detailed research process proposed above would be crucial in providing the additional information on the land parcels. With further information, and currently, the manipulation of the GIS will provide an invaluable tool for land reform strategy development.

Land resources in the CWDM

From the general information about the land parcels in the CWDM area²⁰, it is apparent that there are a total of 82 324 erven (urban land parcels) in the municipal area of which PS and KC has been able to acquire information on 36 998 of them (45% and comprising 40363 hectares). In addition there are 9 749 farms of which PS and KC has been able to find information on 1598 (16% and comprising 1 324 078 hectares). Importantly, because there is no information on this land, it is unclear how many hectares the total of these properties comprise. For land reform purposes, it is information on the farms that this study is more interested in and the fact that information is available for only 16% of the land parcels is a severe limitation.

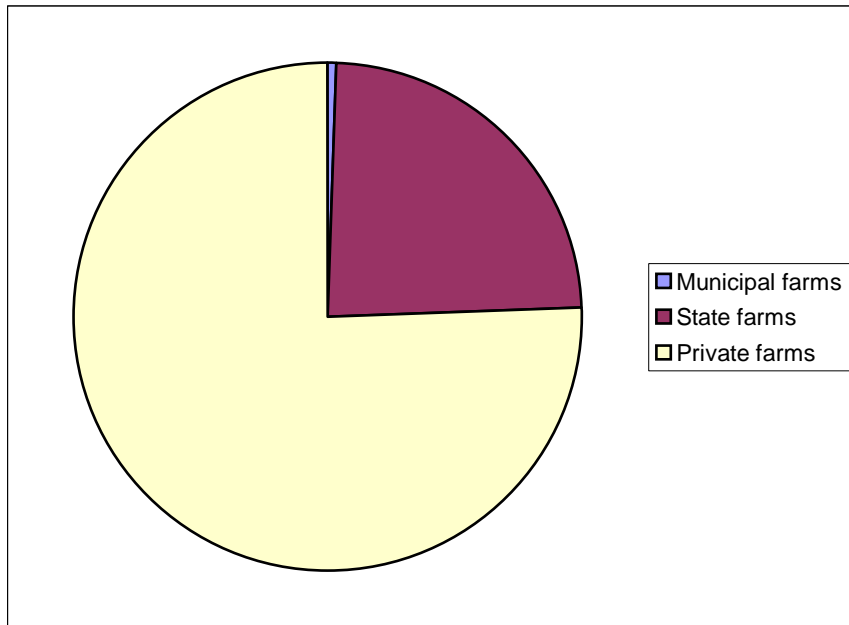
The following table provides a broad understanding of the ownership of land resources in the district for which we do have information.

Owner	Number of erven (urban)	Number of erven hectares	Number of farms	Number of farm hectares	Percentage of agricultural land
Municipality	5479	8929	154	5703	0.4%
RSA land in various forms	2680	7212	294	313826	23.7%
Private	28758	10261	1026	995083	75.2%

Interestingly the percentage share of agricultural land, for the farms of which information is available, approximates to the national ownership of agricultural land where it is estimated that 70% of commercial agricultural land is privately owned.

The ownership of farmland is expressed graphically in the following chart and clearly indicates the extent of dominance of private owners.

²⁰ This information is already held by the CWDM GIS division



PS and KC had wanted to disaggregate the properties per municipal area. This was not possible to do with the GIS, however, as many of the properties overlap between two municipal areas and therefore get counted twice. Once the different municipalities complete the audits of their land, such disaggregation will be possible.

State land: With regard to state land, the national Department of Land Affairs Public Land Inventory Division has undertaken an initial audit of the land which is owned by the State in the Paarl area and in the Piketberg, Tulbagh and Wellington magisterial areas. Of the 125 properties which were part of the audit, only 4 of the properties were identified as having any land reform potential, while 32 were not specifically investigated and thus no clear indication was given. Significantly, therefore, State land available for land reform is extremely limited.

Commonage land: PS tried to obtain information on their commonage land, as indicated in the table below, from the various municipalities.

Property name	Erf/farm number	Surveyor General number <i>Most important</i>	Size of land	Current lessee name	Number of people in lessee group	Race of lessees	Duration of lease	Lease end date	Lease charges per hectare or per property	Nature of activity on land	Hectares of grazing land	Hectares of arable land

Only Breede River Winelands municipality provided the information in time to be included in this study. The following information is available from the BRW report:

- The municipality owns 18 portions of land.
- The total number of hectares are not clear because insufficient information was available
- The sizes range from 0.8 to 506 hectares with most being under 10 hectares.
- One lessee has a large property, 506 hectares.
- Of the 18 portions, 8 of the lessees are black utilising a total of at least 126 hectares (some of the portions do not have their sizes)

- The leases range from R1 per hectare to R455 per hectare with most leases in the order of R1 per hectare.
- Leases are multi-year leases, either 5 or 10 years except for one which is renewed on a monthly basis.

Drawing from this information, it is evident that the focus of land reform in the district will need to be on private land as national state land and municipal land is severely limited in amount.

Land need and land demand²¹

In trying to assess land need in the district, PS undertook to obtain information from the landless people's groupings or small-scale farmers associations, municipalities, DLA and the Commission for Land Restitution.

Two **small-scale farmers unions** were asked about the land need of their members – WEKUFU and NAFU. While the records of both are limited, the total membership of both unions is in the order of 4500 members across the province. Importantly, while the membership call themselves small-scale farmers, according to the WEKUFU representative, only 5% of the membership actually have access to land at present. It is likely then that in the order of 4275 of the members of the two unions are in need of land – neither of the unions have a clear membership list with the land need of each member included. It is important to note that the Department of Agriculture is currently developing a database of all “small-scale farmers” in the province.

As has been indicated above, the **municipalities** do not have records of all the landless and other people who have knocked on their doors requesting land. Some such requests were referred elsewhere – to the DLA and the Department of Agriculture. Other people have been given access to commonage and other municipal land. There is therefore no systematic way of dealing with the demand for land in the district amongst the various municipalities.

The **DLA** has two offices in the District – one in Stellenbosch and one in Worcester. The demand for land through the DLA is complex as there have been a number of requests for land in the past but due to the long processes involved, and the lack of budget allocated to the DLA, many of these applicants have withdrawn or become uninterested. The DLA is currently involved in a process of assessing which of these “dormant projects” still have interested people involved in them.

²¹ It is important to clarify the differences between *land demand* and *land need*. A listing of land demand is a listing of those that have actively sought out and indicated their interest in acquiring land for a particular purpose. However, there are many others who have a land need who are likely not to be part of such a listing – those that are located far from the centres where such demands can be made; those that are not aware of such opportunities; those who do not have the capacity or resources to assert such a demand. Land demand depends on the ability of landless to approach the state and other agencies and is most often likely to be dominated by those with greater capacity or resources. From the perspective of the state and other agencies, it is a more passive approach – they wait upon the landless to assert their demand. Establishment of land need, however, is a more proactive process, where the state and other agencies actively go out and interact with the landless, informing them of the possibilities, identifying needs (such as security of tenure for settlement, and the lack of livelihood opportunities) and facilitating an assertion of that need.

The DLA has the following listing of current land demand: those that are in the process of spending the grants allocated to them; those where decisions have been made to allocate them funds in the current financial year. In total, through its current commitments and agreed upon commitments for the new financial year, the DLA is intending to transfer 4737 hectares of land from white owners to black people. A large tenure reform project at Saron, involving 1579 families, will also take place during this period but it does not involve the acquisition of new or additional land, according to the information obtained from the DLA.

Besides these commitments, DLA is in a process of advertising and requesting new applications for land reform support – these will need to be included in the GIS at a later stage and no specific land and related project costs have been developed yet.

The tables below indicate this demand co-ordinated by DLA.

DLA current and immediate future commitments

Worcester office current commitments

Project Name	Municipality	Location	Type	Ind/HH	Ha	2004 to 2005	Grant	PLG	Total
Bonnievale	BRW	Bonnievale	SLAG	11	0.5	R -	R 176,000.00	R 15,840.00	R 191,840.00
Den Haag	WIT	PA. Hamlet	LRAD	116	122	R -	R 890,000.00	R 12,998.00	R 902,998.00
Digby	WIT	Wolseley	LRAD	110	32	R 69,000.00	R 506,323.00	R 102,165.00	R 608,488.00
Klein Pruiise	WIT	Ceres	LRAD	329	496	R 3,315,230.00	R 3,264,770.00	R 254,442.00	R 3,519,212.00
Kluitjieskraal	WIT	Wolseley	SLAG	14	22	R -	R 224,000.00	R 20,160.00	R 244,160.00
Koekedouw	WIT	Ceres	LRAD			R 285,804.00	R 1,181,819.00	R -	R 1,181,819.00
Orchards	BV	De Doorns	SLAG	90		R -	R 2,247,382.00	R -	R 2,247,382.00
Robertson	BRW	Robertson	LRAD	72	81	R -	R 1,657,048.00	R 248,557.00	R 1,905,605.00
Verdun	WIT	PA. Hamlet	LRAD	75	9	R -	R 1,543,650.00	R 216,111.00	R 1,759,761.00
Verdun	WIT	PA. Hamlet	SLAG	33	0	R -	R 528,000.00	R 47,520.00	R 575,520.00
Hexvallei	BV	De Doorns	LRAD	4	2.7	R -	R 80,000.00	R 12,000.00	R 92,000.00
Goudmyn	BRW	Montagu	LRAD	6		R -	R -	R 5,000.00	R 5,000.00
Ashton Small scale farmers	BRW	Bonnievale	LRAD	147		R -	R -	R 5,000.00	R 5,000.00
Urgent Settlement			SLAG	30		R -	R 480,000.00	R 43,200.00	R 523,200.00
Welgemeen	WIT	PA. Hamlet	LRAD			R 6,070,482.00	R -	R -	R -
Omega	WIT	Wolseley	LRAD			R 195,775.00	R -	R -	R -
				1037	765.2	R 9,936,291.00	R 12,778,992.00	R 982,993.00	R 13,761,985.00
Stellenbosch office current commitments									
Project Name	Municipality	Location	Type	Ind/HH	Ha	2004, 2005	Grant	PLG	Total
Angelina Apolis	Drakenstein	Wellington	SLAG	1	0.3	R -	R 16,000.00	R 1,440.00	R 17,440.00
Saron Transformation	Drakenstein	Saron	SLAG	1579		R -	R -	R 1,000,000.00	R 1,000,000.00
Lanquedoc	Stellenbosch	Pniel	SLAG	612		R -	R 600,000.00	R -	R 600,000.00
ESTA – with CWDM						R -	R 19,200.00	R 17,280.00	R 209,280.00
Maasdorp with Stellenbosch Mun.	Stellenbosch	Franschoek	SLAG	25	3	R -	R -	R 40,000.00	R 40,000.00
Meerlust with Stellenbosch Mun.	Stellenbosch	Pniel	SLAG	422	67	R -	R -	R 400,000.00	R 400,000.00
				2639	70,3	R -	R 635,200.00	R 1,458,720.00	R 2,266,720.00

Worcester office - new project priorities									
Project Name	Municipality	Location	Type	Ind/HH	Ha	2004 to 2005	Grant	PLG	Total
Andre Thorps	Breede Valley	DeDoorns	LRAD production	1	15	R -	R 100,000.00	R 15,000.00	R 115,000.00
Mc Gregor Klein Boere	Breede Valley	McGregor	LRAD production	29	43	R -	R 839,884.00	R 125,982.00	R 965,866.00
Mooigezicht Estates	Breede Valley	DeDoorns	LRAD production	29	53	R -	R 1,141,868.00	R 171,280.00	R 1,313,148.00
Syferfontein Olywe	Breede Valley	Montagu	LRAD production	29	820	R -	R 106,556.00	R 15,983.00	R 122,539.00
				88	931	R -	R 2,188,308.00	R 328,245.00	R 2,516,553.00
Stellenbosch Office - new project priorities									
Project Name	Municipality	Location	Type	Ind/HH	Ha	2004 to 2005	Grant	PLG	Total
Swartrivier Plaaswerkers Trust	Stellenbosch	Stellenbosch	LRAD - Equity	70	100	R -	R 3,761,000.00	R 564,150.00	R 4,325,150.00
Khula Boerdery	Drakenstein	Wellington	Settlement	17	34	R -	R 272,000.00	R 24,480.00	R 296,480.00
Stellenpark Housing	Drakenstein	Paarl	Settlement	21	6	R -	R 336,000.00	R 30,240.00	R 366,240.00
				108	140	R -	R 4,369,000.00	R 618,870.00	R 4,987,870.00
Subpriorities									
Klein Eikeboom	Drakenstein	Wellington	LRAD - Equity	38	116	R -	R 1,500,000.00	R 225,000.00	R 1,725,000.00
Linville Trust	Drakenstein	Paarl	LRAD - Equity	18	4.2	R -	R 1,000,000.00	R 150,000.00	R 1,150,000.00
Unlimited Olive Peoples Trust	Drakenstein	Paarl	LRAD - Equity	40	2710	R -	R 1,197,640.00	R 179,646.00	R 1,377,286.00
				96	2830	R -	R 3,697,640.00	R 554,646.00	R 4,252,286.00

It was stated above that the tenure insecurity of **farmworkers** is a key issue in the District. This is evident in the number of evictions of farmworkers. Information on evictions is limited, however, as DLA is only aware of those evictions, which come to its attention, either through formal processes carried out by the owners or through being informed of such evictions by farmworkers or others. There are many evictions that NGOs and advice offices intervene in, some of which do not come to the attention of the DLA. There are others that nobody intervenes in at all, as the farmworkers involved are not aware of the Act and that the process may have been illegal. Most NGOs and CBOs involved in eviction intervention do not keep sufficient records in this regard. PS and KC have therefore relied on information obtained from the DLA and these figures are limited in that they only include those evictions where there have been the “section 9.2.d” notices, “Section 9.3 requests” and “Notices of Motion” in terms of the Extension of Security of Tenure Act of 1997.

During the 12-months to February 2005, the following processes regarding ESTA have been undertaken by the DLA in the District:

Town	Section 9(2)(d) Notices	Section 9(3) Requests	Notice Of Motion
Paarl	19	33	25
Stellenbosch	17	16	3
Worcester	20	12	9
Wellington	3	3	1
Tulbach		1	1
Robertson		7	11
Ceres		1	7
Caledon		1	
Bredasdorp			1
Total	59	74	58

The **Regional Land Claims Commission** is involved with many land claims in the Cape Winelands District. Most of these are urban claims essentially involving housing plots in the various towns where people were subjected to removals in terms of the Group Areas Act of 1950. For the purposes of this study, the 32 rural claims are deemed to be of relevance and have been drawn out of the information provided by the Commission. The information on these claims is, however, limited and even the size of the land is not available. The table below shows some of the detail of these claims:

Rural Claims in the Cape Winelands District

Magisterial District	Suburb	Property Description	Status	Actual Start Date
Worcester	Worcester Farms	Nqwede St Wit Huis	Validated	31 Dec 98
Worcester	Caledon Farms		Registry	01 Dec 98
Worcester	None	15 Kalakoe Str, Withuis	Settled	31 Dec 98
Worcester	None	13 Munnik Street Worcester	Validated	04 Nov 98
Worcester	Worcester	Sakkies Baai Riverside	Settled	21 Jan 99
Worcester	Worcester	Worcester	Registry	31 Dec 98
Worcester	Worcester	Koelefontein 458	Registry	17 Dec 98
Ceres	Beaufort West Farms	Hoogstevlekie 33 1	Registry	12 Jun 96
Ceres	Ceres	---	Registry	30 Dec 98

Ceres	Ceres	Gamka Kloof and Ceres	Registry	31 Dec 98
Ceres	Ceres	ERF 14 Caledon Street Greyton	Validated	29 Dec 98
Montagu	Montagu	Kogmans Kloof Gedeelle van no4	Registry	28 Nov 96
Montagu	Montagu Farms	Kogmans Kloof Gedeelle van no4	Validated	01 Nov 98
Montagu	None	Montagu Gift 228	Registry	31 Dec 98
Stellenbosch	Caledon Farms	ERF 2615	Gazetted	07 May 97
Stellenbosch	Stellenbosch	Portion 110/Portion 3 of farm 664 Zandvlei Stellenbosch	Rejected	28 Dec 98
Stellenbosch	Stellenbosch	Portion 110/Portion 3 of farm 664 Zandvlei Stellenbosch	Rejected	28 Dec 98
Stellenbosch	Stellenbosch	Rust En Vrede 124 66	Registry	31 Dec 98
Stellenbosch	Stellenbosch	Portion of 60 from the farm Rust En Vrede no 124 Stellenbosch	Validated	31 Dec 98
Stellenbosch	Stellenbosch	Rusthoff 447 9 a portion of portion 5	Validated	22 Oct 97
Stellenbosch	Stellenbosch	Zandvlei 664 101	Gazetted	15 Aug 96
Stellenbosch	Stellenbosch	Assegaai 359, 361 -	Validated	02 Dec 98
Stellenbosch	Stellenbosch	Assegaai 359, 361 -	Validated	02 Dec 98
Stellenbosch	Stellenbosch	Rust En Vrede 124, 140 & 151 -	Registry	21 Mar 96
Stellenbosch	Stellenbosch	Rust En Vrede 124, 140 & 151 -	Registry	21 Mar 96
Stellenbosch	Stellenbosch	Rust En Vrede 124, 140 & 151 -	Registry	21 Mar 96
Stellenbosch	Stellenbosch Farms	Zandvliet 664 101	Validated	29 Nov 95
Stellenbosch	Stellenbosch Farms	Portion 105 of portion 1, Farm Kruispad	Registry	31 Dec 98
Stellenbosch	Stellenbosch Farms	Rhodes Fruitt Farm 6156 -	Validated	28 May 98
Stellenbosch	Stellenbosch Farms	No 461 -Kleinvlei	Registry	15 Aug 96
Stellenbosch	Stellenbosch Farms	ERF 24 Kleinvlei	Registry	04 Apr 96
Stellenbosch	Stellenbosch Farms	Portion 28 (A portion of portion 26) Now farm 461	Validated	06 Jun 97

Land need in the District is based on an amalgamation of land demand, as expressed in this section, and a proactive determination of land need. Establishing land demand has been difficult, as many of the systems of recording and addressing this demand do not function sufficiently well – for example the referral from municipality to the DLA. While PS and KC have endeavoured to obtain as much information from various sources in this regard, it is likely that there are other sources of information which have not been tapped.

It is clear from the information provided here that there is limited available information on land *need* in the District, as it appears that there have never been any processes to try to establish it. It is reiterated here that a detailed research process is necessary to identify land need in the District, to form the basis of a land reform strategy to address those needs.

2. Water resources

The Cape Winelands District falls within two Water Management Areas (WMA) – the Breede River WMA and the Berg River WMA. In both these WMAs, the District falls in the upper reaches of the rivers. The two maps below clearly indicate these two WMAs.

The DWAF has undertaken studies on these two areas and detailed information and definite strategies for water resource management have been developed.

The Breede River catchment in the CWDM

The Breede River provides water to a number of other WMAs. In particular, there is a major inter-basin transfer which takes place between the Breede and Berg WMA via the Riviersonderend-Berg-Eerste River Government Water Scheme, which also supplies water for irrigators in the Riviersonderend sub-area and to the Overberg Water Board schemes in the Overberg. The largest beneficiary in the Berg WMA is the City of Cape Town (CCT)²². Irrigators in the Berg and Eerste River catchments also have an allocation out of this scheme.²³

The Breede River water is almost entirely required for irrigation purposes – DWAF has estimated that 95% of the total water requirement in the basin is for irrigation.

There are a number of dams in the catchment area of which the following are most important:

- Stettynskloof Dam (Worcester) is the only dam of significant size that is owned by a local authority, and for which the primary purpose is urban water supply.
- Greater Brandvlei Dam (firm yield of 155 million m³/a) is the largest dam used for irrigation and has spare storage capacity of 133 million m³. This offers potential for increasing the yield via pumping out of the Breede River.
- Lakenvallei and Roode Elsberg Dams of the Sanddrift Government Water Scheme (firm yield of 9 million m³/a)
- Keerom Dam (firm yield of 3,8 million m³/a)
- Elandskloof Dam (firm yield of 12 million m³/a)
- Buffeljags Dam (firm yield of 11 million m³/a)

Importantly, DWAF estimates that privately-owned farm dams collectively provide about 83 million m³ of storage.

²² Of the total scheme yield of 234 million m³/annum, an average annual net transfer of 161 million m³/a takes place into the Berg WMA. Via this scheme, a further 6,5 million m³/a is transferred, namely 4 million m³/a to the Overberg and 2,5 million m³/a to the Lower Breede sub-area. Four other small transfer schemes out of the Breede River component total approximately 12 million m³/a, of which 2,5 million m³/a is into the Olifants/Doorn WMA via the Inverdoorn Canal. The remaining 9,5 million m³/a is transferred into the Berg WMA via the Artois Canal (4 million m³/a), the "Gawie-se-Water" Scheme (5 million m³/a), and about 0,5 million m³/a to Franschoek.

²³ DWAF Breede River ISP, 2004, 10.

Maps showing the Breede and Berg Catchment Management Areas (Note the transfers into the Berg River from the Breede)



Figure E1: The two components of the Breede WMA and their sub-areas



BERG WMA

Base Map

Fig 1

The DWAF has analysed the availability of water and the demands on it using the Year 2000 as a gauge. A major concern for DWAF, in terms of estimates of current water requirements, is that water use outside of controlled irrigation areas is less certain than water use within them. It is estimated that approximately 25% of the total current irrigation activity lies outside of government controlled schemes and Water User Associations (WUAs). The availability, the supply and the balance of these are represented in the tables below.

Water Availability in the Breede River – Year 2000 – in m³/a

Resource category	Upper Breede	Riviersonderend	Lower Breede	Total
Gross Surface Water Resource yield	428	262	59	749
Less Impact on yield				
Preliminary Ecological Reserve	16	0	0	16
Invasive Alien Plants	25	13	7	45
River losses	5	0	0	5
<i>Net Surface Water Resource</i>	<i>382</i>	<i>249</i>	<i>52</i>	<i>683</i>
Plus Groundwater	94	5	4	103
Plus return flows	85	10	7	102
<i>Total Local Yield</i>	<i>561</i>	<i>264</i>	<i>63</i>	<i>888</i>
Transfers in	0	0	14	1
Total	561	264	77	889

Water Requirements in Breede River for year 2000 in m³/a

Category	Upper Breede	Riviersonderend	Lower Breede	Total
Irrigation	495	91	72	658
Urban	23	2	1	26
Rural	4	2	1	7
Impact of afforestation on yield	0	1	0	1
<i>Total Requirements</i>	<i>522</i>	<i>96</i>	<i>74</i>	<i>692</i>
Transfers out	22	168	0	177
Total	544	264	74	869

Balancing supply and demand of water in the Breede River – 2000 in m³/a

Description	Upper Breede	Riviersonderend	Lower Breede	Total
Available water	Local yield	561	264	888
	Transfers in	0	0	14
	Total	561	264	77
Water requirements	Local requirements	522	96	692
	Transfers out	22	168	0
	Total	544	264	74
Balance	17	0	3	20

It can be seen that there is a current surplus of water of approximately 20 million m³/a in the Breede River, of which 17million m³/a is in the subject area – the Upper Breede area. This surplus lies in the Koekedouw Dam (3 million m³/a), Stettynskloof Dam, (14 million m³/a) and Buffeljags Dam (3 million m³/a). The Department does not own the former two dams but, according to the Department, it will “endeavour to influence

the owners into making any long-term surpluses available for use by resource poor farmers”²⁴.

Importantly, the DWAF reports that there have not been many examples of historically disadvantaged people requesting agricultural water use. Moreover, the Department reports that information on the actual water use by the established resource-poor farmers (the Department estimates on 2 200 ha) is not readily available. In its strategy, the Department is anticipating an additional 29 agricultural projects on an area of 1 900 ha. It is clear from the above that, given the successful negotiation around access to it, there is sufficient water available in the Breede component of the CWDM area for immediate expansion of use of land through land reform.

The DWAF has also developed predictions for future demand on the Breede River water. The Department estimates that the increase in urban water demand in the area will only be 17 m³/a by the years 2030. It further estimates that it would be possible to increase the supply of water for irrigation by 140 million m³/a with the current infrastructure. However, the competition for this water from the Berg WMA will be great as it is estimated that the increased requirement to meet the urban needs there will be 260 m³/a, of which some will need to come from the Breede River WMA.

The Berg River component

The DWAF reports that close to 60% of the total water requirements in the Berg River WMA are for urban and industrial use, and about 40% for irrigation. Rural water requirements (other than for irrigation) constitute less than 2% of the total. (Water for power generation and for use by large industries, is included with water supplied by the urban distribution systems.) Geographically, 56% of the total requirements for water occurs within the Greater Cape Town sub-area and 31% in the Upper Berg sub-area, reflecting the dominance of urban/industrial development and irrigation in these two sub-areas, respectively. Requirements for water in the Lower Berg sub-area are relatively small, with irrigation again prominent, and with the industrial developments at Atlantis and Saldanha representing a significant portion of the urban water use. This information is presented in the following tables.

Total requirements in Berg River in 2000 in million m³/a

Sub-area	Irrigation	Urban	Rural	Total local requirements	Transfers out	Grand Total
Greater Cape Town	46	343	5	394	0	394
Upper Berg	202	23	4	229	125	354
Lower Berg	53	23	5	81	0	81
Total	301	389	14	704	0	704

Total availability in Berg River in 2000 in million m³/a

Sub-Area	Natural Resource		Usable Return Flow			Total local yield	Transfers in	Grand Total
	Surface Water	Ground Water	Irrigation	Urban	Mining and bulk			
Greater Cape Town	66	20	0	22	0	108	269	377
Upper Beg	284	15	8	15	0	322	32	354
Lower Berg	30	22	0	0	0	52	18	70
Total	380	57	8	37	0	482	194	676

²⁴ Breede River ISP, 2004, viii.

Balance of availability and requirements - Berg River in 2000 in million m³/a

Sub-area	Available water			Water requirements			Balance
	Local yield	Transfers in ²⁵	Total	Local requirements	Transfers out ²⁵	Total	
Greater Cape Town	108	269	377	394	0	394	-17
Upper Berg	322	32	354	229	125	354	0
Lower Berg	52	18	70	81	0	81	-11
Total	482	194	676	704	0	704	-28

It can be seen that there is already a deficit in the requirements for water in the WMA – primarily as a result of the demand for water from the Cape Town City dwellers and industry. The DWAF has developed a basic scenario for the year 2025 and in that context the deficit increases to 68 million m³/a, although in this scenario the deficit in the Upper Berg, the important area with regard to this study, would only be 4 million m³/a. With the possible expansion of Voëlvlei Scheme, and potential diversions from the Lourens River and Eerste River, it is expected that a total of 127 million m³/a would be harnessed and be available which would address the current and expected future shortfall.

The DWAF also developed a *high use* scenario in which the shortfall between the current supply and that demand would be in the order of 510 million m³/a. In that situation, the possible 127 million m³/a additional expected amount from the developments would not significantly address the shortfall. The standing of emerging farmers in this competition for available water will not be high and in all likelihood would loose out to the stronger interests of urban dwellers and industry.

While the current water resources appear to be sufficient for the intensification of land reform, especially in the Breede River WMA of the CWDM, the proximity of the District to Cape Town means that there will be increasing competition to obtain access to these resources. The DWAF is committed to land reform and has indicated its intention to allocate additional supplies to resource-poor farmers. The DWAF is not the only owner of water infrastructure in the District, however, and it would be important for local municipalities to also consider and commit any available surpluses for land reform purposes. As with land in municipal hands, such water resources also need to be part of the development of the Land Reform Strategy for the future.

²⁵ Transfers into and out of sub-areas may include transfers between sub-areas as well as transfers between water management areas. Addition of the transfers per sub-area therefore does not necessarily correspond to the total transfers into and out of the water management area.

3. Funding and financial resources

There are various funding and financial resources available for land reform and the support of it. These resources are obtainable from the state, as well as private institutions. The summary table below provides the basic information on these resources – the name of the agency, the programme name, the target group of the funding, and nature of the resource and the main contact details²⁶. A full report on these resources is included in Appendix 3 below.

SUMMARY TABLE OF GOVERNMENT, FINANCIAL SECTOR AND PRIVATE SECTOR FUNDING:

Agency	Programme	Target group	Nature of provision	Contact details
Government Departments				
Department of Land Affairs				
	LRAD	Black SA citizens	Grant (R20 000 – R100 000) to assist with buying/leasing land and agric resources.	DLA: (021) 8877448
	SLAG	Households earning less than R1 500 per month	Grant of R16 000 per household for housing, tenure upgrades or buying/leasing land	DLA: (021) 8877448
	ESTA	Farm dwellers	- Improve security of tenure - Provide housing and settlement projects using SLAG	DLA: (021) 8877448
	Municipal Commonage	Municipalities wishing to assist land-seeking individuals and communities	Grant to municipalities to buy land as commonage	DLA: (021) 8877448
Department Agriculture				
	Comprehensive Agricultural Support Programme	Land reform beneficiaries and farmers on communal land	Once-off grant to support land reform beneficiaries	Farmer Settlement Programme: (012) 3197021 (021) 8085013
	Farmer Settlement: Infrastructure and Development and LRAD	Land reform beneficiaries	Grant finance for development of infrastructure and production inputs	Farmer Settlement Programme: (021) 8085013

²⁶ This information has been obtained from the Surplus People Project, IDASA, and from direct interaction with particular service providers included.

	Soil conservation subsidy scheme	Commercial and emerging farmers	Conditional grant from National DoA to assist farmers with soil conservation and fencing	Department of Agriculture: (021) 8085100
	Women's empowerment grant	Women involved in agricultural projects	Ad-hoc funds for capacity building, awards and exhibitions	Department of Agriculture: (021) 8085100
Department of Water Affairs and Forestry				
	Integrated Water Resource Management	Emerging farmers involved in Irrigation Boards or Water User Associations	Subsidies for emerging farmers for the rehabilitation or establishment of bulk water supply works. Average of R10 000 per irrigated hectare.	DWAF: (021) 950 7100
Department of Trade and Industry				
	A range of small business support options	SMMEs and previously disadvantaged communities	A range of support programmes	DTI: 0861843384
Department of Public Works				
	Community-Based Public Works Programme	Unemployed rural dwellers	Provides funds for the development of community-based assets such as roads, food gardens, markets, irrigation systems, dams etc.	CBPWP: (012) 337 2354
	Local Economic Development Fund	Local government or community trusts	To establish LED projects such as manufacturing and agri-processing enterprises	Department of Local Government and Housing: (021) 4835517

Department of Economic Development and Tourism				
	* iKapa Fund * Economic Development Co-ordination: LED Fund	Previously disadvantaged	The economic development of projects such as poultry, food production, gathering or medicinal herbs etc.	LED: (021) 4832628

Financial institutions				
Land Bank	BEE	Land reform beneficiaries and communal farmers	A range of loan and credit facilities	(021) 4249111 Paarl: (021) 8721536 Worcester: (023) 3476566
Casidra	iKapa and ABSA fund		Casidra administers the iKapa and ABSA fund for people who require financial backing and security in order to obtain loans elsewhere so as to sustain or establish small business enterprises. Casidra assists with the writing of business plans, evaluates sustainability, and provides financial start-up funds and assists small businesses that require bridging finance or support during difficult periods. The loans range from R5 000 to R200 000 and must be paid back at low interest rates.	Contact: Mr Combrink – (021) 8635032 or Ms Sandra van der Merwe: (021) 863 5026
Industrial Development Corporation	BEE	Emerging entrepreneurs, women, previously disadvantaged communities	Support for economic development, job creation, rural development through medium-term financing	(021) 4214794

Khula Enterprise Finance Ltd.	<ul style="list-style-type: none"> • Khula Land Reform Credit Facility • KhulaStart • Khula Empowerment and Technical Transfer Fund • New Cape Equity Fund 	<ul style="list-style-type: none"> • Loan facility to commercial banks to subsidise financing of land, equity in land, agri-business, and eco-tourism by previously disadvantaged communities. • To assist CBOs and NGOs to become micro-finance outlets • Provide security for loans to new enterprises • Provide access to risk capital to emerging entrepreneurs 		(011) 8078464 or 0800118815
Development Bank of South Africa		Community Development Projects	To assist in providing communities with access to affordable basic services and to support social, institutional and economic infrastructure development	(011) 3133911
Standard Bank	<ul style="list-style-type: none"> • BEE • Loans • Mindset Programme 	<ul style="list-style-type: none"> • Small-scale farmers • Agric sector • Rural dwellers and emerging entrepreneurs 	<ul style="list-style-type: none"> • Support and an emphasis on contract farming and SES. • Medium term loans and micro-finance to agric sector • Financial literacy programmes via satellite connection 	Mr Nico Loeck: 0832527441

ABSA	<ul style="list-style-type: none"> • LRAD • Land Reform Empowerment Facility • Incubator Fund • CASP • iKapa Fund 	<ul style="list-style-type: none"> • Assists DLA with LRAD project financing • DLA and EU fund co-ordinated by ABSA and administered by Khula. Terms of 20 yrs at negotiated rates. • To provide limited support in empowerment initiatives in order to offer capacity for further development to take place. The fund offers a five year loan term at 10% per annum. • To offer support to empowerment projects in the form of training and information regarding financial management. The funds are in the form of a subsidy or grant. • A joint effort established by the Western Cape Department of Economic Affairs and Tourism and ABSA Bank and is administered by Casidra. 	
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Private sector initiatives			
New Farmers' Development Company		Invests in agricultural projects and attempts to raise additional soft funding. It acts as a catalyst in farming and agribusiness and has a black economic empowerment focus. It engages with all entrepreneurs and aims to contribute to empowerment, land and agricultural reform and economic transformation. It engages in profitable investments in agribusinesses and thereby create co-ownership and empowerment opportunities for project participants.	Contact: Stephen Hobson – (021) 9705140

Besides government and private sector support for land reform programmes, there are a number of international and local donor agencies that provide money-based support for land-related initiatives.

A summary listing of foreign and local donor agencies that support land-related initiatives:

<u>Donor Organisation</u>	<u>Contact details</u>
Anglo American Chairman's fund	Tel: (011) 3777330 12th Floor Edura House 41 Fox Street Johannesburg
ASTM (Action Solidarite Tiers Monde)	mailto:citim@ci.org.lu
Atlantic Philanthropies	(011) 3394054 9th Floor 76 Juta Street Braamfontein

AUSAID	Tel: (012) 3427271 Australian High Commission 292 Orient Street (Cnr Schoeman), Arcadia 0083, Pretoria. E-mail: Patrick_ncube@ausaid.gov.au
Austrian Development Cooperation	mailto:oe.eza.gabler@magnet.zt
Bread for World Germany	mailto:Bernero-rodoxeda@brot-fuer-die-welt.org
British Consulate	(012) 4217500 Salome.mankge@fco.gov.uk
CAFOD-UK	mailto:hqcafod@cafod.org.uk
Caritas	dsapere@sacbc.org.za
Caritas France	Nathalie-garcia@secours-catholique.asso.fr
CEMEA	f.mongiat@cemea.asso.fr
Cordaid-HIV focus-Netherlands	mailto:nico.keijzer@cordaid.nl
Deutscher Entwicklungsdienst (DED)	mailto:koreozaf@deurnet.co.za
Development and Peace	Jeanmarc.mutombo@devp.org
DFID-UK	Tel: (012) 4312108 mailto:j-mcalpine@dfid.gov.uk
DISOP- Belgium	0932 2 2302925
DKA-Austria	mailto:schnitzer@dka.at
Embassy of Belgium	(012) 4607555 Address: Embassy of Belgium, Development Councillor; 625 Leyds Street, 0002, Pretoria
Entraide and Fraternity-Belgium	mailto:entraide@entraide.be
European Union	Tel: 012 452 5297 1 Greenpark Estates, 27 George Storrar Dr., Pretoria, 0181 Jennifer.tangney@cec.eu.int
EZE/EED-Germany	mailto:Edgar.Brueser@eed.de
Finnish Embassy	mailto:Maarit.laitinen@formin.fi
Flemish Technical Co-operation Agency	Tel/Fax: 0333451447 jjd.vvob@iafrica.com or flanders@sn.apc.org
Ford Foundation	Tel: (012) 573 5000 e-mail: t.shiba@fordfound.org
FOS- Belgium	mailto:Greet.somers@FOS-socsd1-be
Foundation For Human Rights	Tel: (012) 3466842
French Catholic Committee Against Hunger and for Development (CCFD)	mailto:p.mayol@ccfd.asso.fr
Freres des Hommes	afri@france.fdh.org
German Agro Action	mailto:Dwhh.lg9@compuserve.com
GTZ	Maleka.gtz-suedafrika@za.gtz.de (012) 342 0181
Hivos	soneni@hivos.co.zw www.hivos.nl
Horizon T3000-Austria	mailto:Gertrude.leibrecht@horizont3000.at
ICCO	Tel: +31 (0)30 6927899 Zusterplein 22A Zeist, Holland P.O. Box 15q 3700, Ad Zeist, Holland
Independent Development Trust (IDT)	www.idt.org.za
Interfund-South Africa	Tel: (011) 403 2966 mailto:aubrey@itfd.co.za
International Land Coalition (Italy)	b.codispoti@ifad.org
Joseph Rowntree-UK	mailto:nperks@irct.org.uk
Les Penelopes-TSCC	mailto:palmieri@penelopes.org
Misereor - Germany	mailto:zimmerma@misereor.de
Mott Foundation	mailto:rally@mott.org
NDA	0860 122 133 Registry Officer P.O. Box 31959 Braamfontein, 2017

	www.nda.org.za
Novib-Netherlands	mailto:Gine.zwart@novib.nl
Oxfam UK	(011) 642 9283
Popular Coalition.	a.aquinofike@ifad.org
Royal Danish Embassy	mailto:BOKKHA@um.dk (012) 4309340
SDC	Tel: (012) 362 2972 Private Bag x37 Hatfield 0028 Nomfundo.mbuli@sdc.net
USAID	mailto:nmasihleho@usaid.gov (012) 452 2000
W.K. Kellogg Foundation	http://www.wkkf.org/grants/Application.aspx (012) 431 0900
War on Want-UK	mailto:lcraeynest@waronwant.org
WFD -Germany	mailto:wfd@harare.iafrica.com

4. Summary of capacity building and training agencies:

Building the capacity of people and their institutions within land reform programmes and projects is a critical determining factor in the potential for success or failure of initiatives that are undertaken. The focus of this section is on the available sources of capacity building that are offered by agencies involved in capacity building, training and mentoring programmes.

Training takes different forms and this overview includes the following categories of training provision:

- Hard skills: Land management and farming skills
- Legal: Legal entities, land and legal rights etc
- Organisational and institutional skills
 - Management
 - Organisation building and procedures
 - Financial management

The mentoring options that are outlined focus on on-going support for communities/individuals who have acquired land.

The table below is a summary of the training and capacity building resources for land reform available in the District. A more-detailed discussion of these can be found in Appendix 4

Summary table of capacity building and training agencies

Agency	Programme	Target group	Nature of provision	Contact details
Government Departments				
Department of Land Affairs	ESTA	Land reform beneficiaries and farm dwellers	ESTA training	DLA: (021) 8877448
Department of Agriculture	CASP	Land reform beneficiaries	Training in: <ul style="list-style-type: none"> • Financial 	Contact: (021) 8085100

		and communal farmers	<ul style="list-style-type: none"> • management • Marketing • Business management • Soft skills 	
	Training – Further Education and Training	Agricultural skills training which includes a range of courses eg. poultry production, pig farming etc. Training in terms of the Employer’s Skills Plan is also available to farm workers		Contact: Elsenberg Agricultural Training Centre - (021) 8085462 or 808560.
	Agricultural Extension Services	Direct technical advisory services regarding production processes and business planning, amongst others. This is available to all farmers and emerging farmers.		Contact: (021) 8085100 for details of the relevant extension officers.
	Land Care.	The aim of the programme is to improve productivity through the sustainable use of natural resources in order to increase food security and create jobs. The programme provides funds for community-based projects such as building small dams and community gardens that can increase food security and create employment. It is funded from poverty relief funds provided by the national Treasury		Contact: Land Care Programme – (021) 8085010
	Mentoring	Over and above the training provided, the department attempts to facilitate links between emerging farmers and commercial farmers who are willing to offer mentoring. The intention is to establish relationships between emerging and commercial farmers so as to provide advice and suggestions in the form of direct neighbourly support in relation to specific situations which confront emerging farmers.		Contact: The Department’s offices serving the Cape Winelands District are based in Worcester: (023) 3471121 and at Elsenberg: (021)808 5000.
Department of Labour		This department conducts various training and capacity building programmes in a bid to increase employment and reduce poverty and inequality developed in conjunction with a range of social partners.		Contact: Ms Thobile Lamati - (021) 462 3680. The two offices serving the Cape Winelands District include the Paarl Labour Centre: (021)8722020 and the Worcester Labour Centre: (023) 3470152.

The Primary Agriculture Education and Training Authority (PAETA):		The levy paid by commercial farmers is used to contribute towards learnerships in farming communities and to strengthen community-based agricultural projects so as to build capacity and empower farm workers and emerging farmers who wish to engage in agricultural and land reform projects. The PAETA also focuses on the development of people, with attention to the skills of women, so as to support them in developing skills to establish and develop land reform projects.	Contact: National office: (012) 3251655. Western Cape: Mr Fani Phetla – 0731697836.
Non-governmental agencies			
Surplus People Project (SPP)		SPP facilitates the process of acquiring and strengthening land rights; building organisation; working with groups and communities to obtain the opportunities to acquire and develop land; provides information and engages in education and training programmes as well as engaging in lobbying and policy interventions with communities and other civil society organisations.	Contact: (021) 448 5605 or e-mail: spp@spp.org.za
Goedgedacht Agricultural Centre (GARC)		GARC supports small-scale farmers, including youth and women, to improve and develop sustainable livelihoods through farming activities. The organisation conducts agricultural training for emerging farmers.	Contact: Ms Aretha Rall – (022) 482 1291 or e-mail: garc@wcaccess.co.za
Centre for Rural Legal Studies (CRLS)		The CRLS deals with labour and land rights in rural areas of the Western Cape. It conducts policy research into agricultural restructuring and land reform and tenure issues and facilitates training workshops and programmes on these topics. It operates a law clinic to assist farm workers and dwellers regarding their rights and duties.	Contact: (021) 8838032
Women on Farms Project		The WFP focuses on the development of rural women and deals with labour and land rights issues in rural areas. It conducts a range of training and capacity building programmes around these issues.	Contact: (021) 887 2960

Abalimi Bezekhaya		Conducts urban agriculture programmes which include the establishment of food gardens, market gardens and support to small-scale farmers.	Contact: (021) 447 1256 or e-mail: abalimi@iafrica.com
The Legal Resources Centre		Provides legal advice and services to communities and organisations working with rural communities. It supports and promotes the rights of farm dwellers through its Farm Dweller Project, with an emphasis on establishing test cases in order to establish the parameters of existing legislation and its impact on farm dwellers and land-seeking people.	Contact: Ms Chantel Fortuin – (021) 4238285 or e-mail: chantel@lrc.org.za
Trade Unions			
SAAPAWU		SAAPAWU mobilises farm workers around their working conditions and issues which affect their employment and job security.	Contact: Ms Sharon Jafta – (021) 4480045
Agri-Western Cape		The aim of SAAU and Agri-Western Cape is to serve and strengthen organised agriculture.	Contact: C. Opperman – (021) 8721618 or e-mail: carl.opperman@agriweskaap.co.za
NAFU		NAFU aims to transform the agricultural sector through facilitating the participation of small-scale farmers in commercial agriculture.	Contact: Willie Williams – (021) 8641762
Academic institutions			
Programme for Land and Agrarian Studies (PLAAS)		PLAAS conducts and supports research and evaluations of land reform initiatives and programmes. It facilitates training courses as well as post-graduate academic programmes.	Contact: Prof. Ben Cousins – (021) 9593961 or e-mail: plaas@uwc.ac.za . The website address: www.uwc.ac.za/plaas
Financial institutions			
Standard Bank:		The Standard Bank's Corporate Social Investment programme provides capacity building through its <i>Mindset Programme</i> which offers financial literacy training through a satellite communication system established at agricultural colleges and other base institutions. The focus of this programme is to build the capacity of share equity scheme partners.	Contact: Mr Nico Loeck in the Western Cape – 0832527441 or the National BEE co-ordinator Ms Kwena Komape – (011) 6315936

Casidra		<p>Casidra undertakes needs analyses and evaluates capacity building requirements. Its focus is on setting up the necessary organisational structures and leadership development as well as other social and agricultural related business and financial systems so as to better implement sustainable agricultural projects. The training includes components such as:</p> <ul style="list-style-type: none"> • Business management • Financial management skills • Life skills • Leadership training • Farming and agricultural skills • Food security, nutrition and health • Tourism related initiatives • The development of youth groups <p>Where CASIDRA is not able to provide training it outsources these requirements.</p>	Contact: Ms Sandra van der Merwe – (021) 8635026
Independent Development Trust (IDT):		<p>The IDT does not assist with financial support but does provide free project implementation and management support services to government and municipalities. The Trust provides a range of capacity building programmes and assists in acquiring service providers. In the event that the Trust itself is not able to provide a particular kind of training it arranges to outsource these programmes.</p>	Contact: Mr Jonathan Williams – (021) 4264588
Private sector:			
Umsobomvu Youth Advisory Centre		<p>Young people are able to access information, training and referral services. The kinds of training available include basic computer skills, entrepreneur skills, life skills and career development. These skills could assist youth in becoming involved in land reform or agricultural projects.</p>	Contact: Umsobomvu youth line: 0860096884 or Western Cape office: (021) 4476018

Ntsika Enterprise Promotion Agency		Ntsika supports small businesses by helping them to establish themselves and create employment through linking enterprises with a network of service providers; strengthening entrepreneurial skills, link enterprises to markets; and provide information and research.	Contact: (012) 4832000 or 0800113857.
South African Wine Industry Trust (SAWIT)		SAWIT aims to support the wine industry through education, marketing, promotion, undertaking research and sharing technological information, and developing farmers within the sector.	Contact: Heidi van Heerden – (021) 8093047 or e-mail: sawit@infruit.agric.za

Appendix 1: Bibliography

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Appendix 2: The Property Clause:

Section 25 of the South African Constitution, Act 108, 1996.

Property

25. (1) No one may be deprived of property except in terms of law of general application, and no law may permit arbitrary deprivation of property.

(2) Property may be expropriated only in terms of law of general application

- a. for a public purpose or in the public interest; and
- b. subject to compensation, the amount of which and the time and manner of payment of which have either been agreed to by those affected or decided or approved by a court.

(3) The amount of the compensation and the time and manner of payment must be just and equitable, reflecting an equitable balance between the public interest and the interests of those affected, having regard to all relevant circumstances, including

- a. the current use of the property;
- b. the history of the acquisition and use of the property;
- c. the market value of the property;
- d. the extent of direct state investment and subsidy in the acquisition and beneficial capital improvement of the property; and
- e. the purpose of the expropriation.

(4) For the purposes of this section

- a. the public interest includes the nation's commitment to land reform, and to reforms to bring about equitable access to all South Africa's natural resources; and
- b. property is not limited to land.

(5) The state must take reasonable legislative and other measures, within its available resources, to foster conditions which enable citizens to gain access to land on an equitable basis.

(6) A person or community whose tenure of land is legally insecure as a result of past racially discriminatory laws or practices is entitled, to the extent provided by an Act of Parliament, either to tenure which is legally secure or to comparable redress.

(7) A person or community dispossessed of property after 19 June 1913 as a result of past racially discriminatory laws or practices is entitled, to the extent provided by an Act of Parliament, either to restitution of that property or to equitable redress.

(8) No provision of this section may impede the state from taking legislative and other measures to achieve land, water and related reform, in order to redress the results of past racial discrimination, provided that any departure from the provisions of this section is in accordance with the provisions of section 36(1).

(9) Parliament must enact the legislation referred to in subsection (6).

Appendix 3: The funding resources for Land Reform in the Cape Winelands District

Funding sources and agencies

INTRODUCTION

Many municipal officials may know that there is a range of different forms of financial assistance available to the Municipality, individuals and rural community organisations but are unsure about how to go about accessing information about funding or who to approach. However, others may not even know that these possibilities exist, never mind how to apply. Poorer people, less literate people, and isolated rural people are least likely to know what is available. The Municipality can play a role in sharing information about available funding and capacity building so as to assist it in improving its land reform delivery and development mandate as well as providing communities with increased access to such resources.

This section focuses on available funding that can be accessed by the Municipality and by land-seeking individuals and communities. It provides information on financial support offered by a range of agencies, their target groups, the nature of their funding provision, and their contact details.

A. Government Departments:

- **Department of Land Affairs (DLA)**

The DLA aims to provide access to land, extend rights in land, and monitor and implement tenure security. It provides grants and support through a range of programmes:

- ***Land Reform and Agricultural Development (LRAD):***

Target group: The LRAD grant targets black South African citizens in order to assist them in buying or leasing land and agricultural resources and infrastructure.

Grant size: The grant size ranges from R20 000 to R100 000 per individual and is dependent on the individual's own contribution. A grant of R20 000 must be accompanied by a R5 000 labour or cash contribution from the beneficiary while a grant of R100 000 requires a R400 000 own contribution. This own contribution may be made up of cash, labour, livestock, and/or equipment and infrastructure.

Planning grant: In addition, an amount of 15% of the total project value is provided through an LRAD planning grant to assist with project design and planning.

Application support and approval: Applications for the grant are made through the provincial DLA office and projects must have the support of the provincial department of Agriculture.

- ***Settlement/Land Acquisition Grant (SLAG):***

Grant size and purpose: The DLA provides a R16 000 grant per household for the purpose of housing and tenure upgrade projects. The grant is available to buy or lease land for residential purposes and small business development; to acquire equity on condition that the arrangement includes a security of tenure aspect; and to meet the basic needs of those who have reclaimed land through

the restitution process. This grant is usually used in relation to Extension of Security of Tenure (ESTA) projects as well as farm worker housing projects. *Target group:* Historically disadvantaged people and households with an income of less than R1 500 per month, or an average income of less than R1 500 per household in the case of group applications.

Planning grant: An additional amount of 9% of the total project is provided for planning purposes.

Application: Prospective beneficiaries apply for the grant through the provincial DLA office and the project must have the support of the local authority.

Limitation: A beneficiary may only receive either a housing grant or a SLAG grant but not both.

○ ***Extension of Security of Tenure (ESTA) programme:***

The DLA attempts to monitor and advance farm dweller rights through monitoring evictions, mediating in eviction and land tenure related disputes and by assisting occupiers to access legal support should they require it. In addition, the programme provides for housing and settlement projects in order to improve the tenure security. This provision usually draws on the S/LAG grant for beneficiaries.

○ ***Municipal commonage***

Target group and purpose: The DLA provides a grant to municipalities so as to enable them to purchase land in order to increase or acquire commonage land for use by resource poor rural dwellers. There is also an “infrastructure grant” which may be used to provide infrastructure on the acquired land. This grant is conditional on the land being used for productive use such as for grazing, cultivation, food gardens, the gleaning of veld products and/or eco-tourism.

Requirements: The relevant municipality must undertake to make the land available to land reform beneficiaries; must be committed to meeting the needs of the poorest residents within its jurisdiction and must make some form of contribution towards the project.

Application: In consultation with the prospective user group, the municipality applies directly to the local provincial DLA office.

Contact: The Boland and Worcester DLA offices serve the Cape Winelands District. Contact Ms K. Theunis or Mr J. Freysen (021) 887 7448 or e-mail: kttheunis@dla.gov.za

● **Department of Agriculture**

○ ***The Comprehensive Agricultural Support Package (CASP)***

The Department of Agriculture’s Comprehensive Agricultural Support Package (CASP) is a programme which aims to support participants in the land reform programme as well as farmers on communal land, with an emphasis on LRAD projects. The once-off grant can be used to purchase a range of goods and services from training and advice about marketing, to on and off-farm infrastructure. No grant size is specified – grants are determined on the basis of proposals and need. The emphasis of this programme is on infrastructure and training, with a future reduction of emphasis on inputs being envisaged.

Contact: Farmer Settlement Programme – (012) 3197021 or (021) 8085013 or the relevant extension officer for the area.

○ ***Farmer Settlement – Infrastructure Development and LRAD***

Purpose and target group: The farmer settlement programme assists with grant finance for the development of infrastructure and production inputs so as to improve the agricultural production of land reform beneficiaries. This programme includes the provision of start-up costs for food security and commercial projects. 30% of beneficiaries should be women. Group projects tend to be given preference.

Grant size: No grant size is stipulated – grants are determined on the basis of proposals and need and are prioritised at a regional level.

Requirements: The applicant group must be formally constituted. A minimum of a ten-year lease agreement with tenure security is required.

Application: Prospective beneficiaries should apply by submitting a project proposal to the regional agricultural centre.

Contact: Farmer Settlement Programme – (021) 8085013 or the relevant extension officer for the area.

○ ***The soil conservation subsidy scheme***

Purpose and grant size: The Soil Conservation Subsidy Scheme is funded through a conditional grant from the national Department of Agriculture. Grants are administered by the provincial Department of Agriculture to assist farmers with conserving soil on their farms by means of farm planning, soil analysis, installing sub-surface drainage, pipelines, fencing, and training. The subsidy covers between 20% and 70% of the total cost of the service, material or training. The percentage paid depends on the farmer's income.

Target group: Any farmer who can prove that they are the registered right holder of the farm. The scheme is open to both established commercial and emerging farmers, and on both private and communally farmed land. Applicants for the subsidy must already have applied to be participants in the soil conservation programme before they are eligible for a subsidy.

Application procedure

Application forms for the Soil Conservation Subsidy Scheme are available from all the regional offices of the Department of Agriculture. Applications must be accompanied by details of what the subsidy is required for. Applicants must also undertake to complete the improvements to their farms within specified dates to get the subsidy. The subsidy is only paid out after the work has been inspected to make sure that it matches the plan.

Contact: Department of Agriculture – (021) 8085100

○ ***Women's empowerment grants***

These grants are funded by the provincial Department of Agriculture. The name of the grant can differ, even between different regions of the same province. For example, some people call them agricultural show subsidies and awards.

Description: The Department of Agriculture provides some ad-hoc funds to women for:

- Capacity building, for example transport and accommodation expenses for a group of women who wanted to attend an agricultural show;
- Exhibitions where they can display items they have made.

The province provides for a Woman Farmer of the Year award. Funds are used for preparing candidates with capacity building, the cost of the venue, and catering. The first contests are held at district level. Then the district winners compete to be the province's Woman Farmer of the Year. The first prize at provincial level is R10 000, with R7 000 for the second place and R3 000 for the third place. The nine prizewinners from the provinces then compete for a national Woman Farmer of the Year competition.

Contact: Department of Agriculture – (021) 8085100

There is more information about policies and grants on the Department of Agriculture's website: <http://www.agtrack.net>

- **Department of Water Affairs and Forestry (DWAF)**

- ***Integrated Water Resource Management: Subsidies for water for emerging farmers***

Provision: The DWAF provides for a subsidy for the rehabilitation or establishment of bulk water supply works to Irrigation Boards and Water User Associations (WUAs) in proportion to the number of emerging farmers within the association in any given area. This subsidy allows for a five-year phasing in of water tariffs to new emerging farmers.

Subsidy amount: The subsidy is based on an estimate of R10 000 per scheduled hectare of irrigated beneficiary land, or R50 000 per scheduled beneficiary member.

Application: DWAF will assist communities to be established a Water User's Association where necessary. The local agricultural extension officer, local water officer or provincial Irrigation Action Committee can also be requested to assist.

Contact: DWAF Western Cape office – (021) 950 7100

- **Department of Trade and Industry**

The Department offers business support to a range of entrepreneurs and small, medium and micro-enterprises. Much of the DTI budget is transferred to financial institutions such as Khula Finance Enterprise which in turn provides guaranteed or subsidized loans and credit facilities to beneficiaries. These facilities are designed for each specific application. Further information can be obtained from 0861843384 or e-mail: contactus@thedti.gov.za

- **Department of Public Works**

- ***Release of public land:***

While this Department does not play a role in terms of direct financing or training, in the event of a municipality or Land Claims Department requiring land in an area where the Department of Public Works has available land, the Department may release this land, not necessarily at market value.

Contact person: Ms Bakhama Malandu (021) 4022911

○ ***The Community Based Public Works Programme***

This programme provides funds for the development of community based assets such as roads, markets, food gardens, irrigation systems, dams and multi-purpose centres.

Contact: Department of Public Works: CBPWP – (012) 337 2354

● **Department of Social Development**

○ ***Poverty relief programme***

The objective of this programme is to reduce poverty through economic empowerment. This programme is funded from poverty relief funds from the national Treasury. The funds are allocated to the national Department of Social Development, which then allocates them to the provinces. The Department works with the Independent Development Trust (IDT), the United Nations Development Programme and civil society organizations in the implementation of the poverty relief projects.

The programme funds projects such as:

- The establishment of food production clusters in communities, with a focus on households affected by HIV/AIDS;
- Support for income generation activities for rural women;
- Skills development to increase employment opportunities for youth and so reduce crime.

Provincial Applications can be submitted to the provincial or regional offices of the Department of Social Development/ Welfare.

Contact: Poverty Relief Programme – (021) 4833527 or 4835208.

○ ***National Development Agency***

The National Development Agency (NDA) was established in 1998. In October 2001, responsibility for the NDA was transferred from the national Treasury to the National Department of Social Development. The NDA provides funding for non-profit organizations which work to meet the development needs of poor communities, more specifically in relation to economic development, education and health.

Target groups: The NDA funds non-profit organisations working in the following areas:

- Economic development: agricultural development and infrastructure; business skills training, advice and counseling; lobbying and advocacy; marketing and networking; organising of entrepreneurs; technical skills training; income generation;
- Rural development: agricultural development; capacity building; income generation; land reform; legal and advocacy; rural development;
- Education and training: adult education and training; early child-hood development; gender awareness; human rights education; information and networking; school development and management; teacher upgrading; career, enterprise and vocational education;
- Health: communicable diseases; legal counseling and advocacy; domestic violence and trauma counseling; first aid and home care; STD/HIV/AIDS awareness; hygiene education;

- Small, medium and micro enterprise: business skills training and support; business linkage and organisation; financial services; technical skills training;
- Urban development: capacity building; income generation; organizational development; small scale infrastructure; training; urban development.

Note: The NDA does not fund the purchase of big capital items such as land, motor vehicles or large-scale infrastructure projects.

Contact: Western Cape office: (021) 948 2670. National office: (011) 4036650

- **Department of Provincial and Local Government: Local Economic Development**

The Local Economic Development Fund provides funding to local government or community trusts in order to establish local economic development projects such as manufacturing and agri-processing enterprises.

Contact: Department of Local Government and Housing – (021) 4835517

- **Department of Economic Development and Tourism**

- **The iKapa Fund:**

The Department has established the iKapa Fund which is assisted by ABSA and managed by Casidra. (See the entry under Casidra for further details on this fund.)

- **Economic Development Co-ordination: Local Economic Development (LED):**

The LED fund supports a range of projects that involve economic development such as chicken farming, aquaculture projects, the cultivation or gathering of medicinal herbs. In addition, this fund assists community tourism related projects and provides training within this sector.

Contact: Local Economic Development: (021) 4832628

B. Financial institutions

- **Land Bank**

The Land Bank's black economic empowerment programme focuses on a number of strategies to support historically disadvantaged agricultural entrepreneurs.

These include the following:

- Easy access to loans
- Equity finance
- Loans for land reform beneficiaries
- First-time buyers
- Rural stability (through the rescheduling of debt)
- Incentives (such as the launch of lower interest rates for commercial farmers who are committed to development by creating jobs etc.)
- Micro-loans – for people starting enterprises or small farming businesses but who cannot get loans from other banks.

Special mortgage loans:

One of the most accessed products of the Land Bank is that of special mortgage loans.

The following criteria and requirements apply in order to access such a loan:

- *Target group:* The applicant must be a first time buyer of agricultural land for the purposes of farming

- *The applicant:* The mortgage loan applicant is always the legal entity or persons in whose name the farm is registered
- *Fees:* An application fee of R199-50 incl. VAT (payable at the time of making the application) plus R1 102-38 incl. VAT once the loan is approved.
- *Term:* The term of such a loan is 20 to 25 years. An applicant is allowed to determine the due date under the loan according to their income pattern.
- *Security:* Different forms of security are required by the Bank, depending on the nature and size of the loan and/or available collateral.
- *Interest rates:* Interest rates are determined when the loan is granted.
- *Banking costs:* The monthly banking costs on such a loan amount to R5-70 incl. VAT per account per month.
- *Payments:*
 - Where income is received annually, annual instalments will be payable. The first instalment is payable in arrears within 12 months after disbursement of the loan.
 - Where income is generated on a monthly basis, 50% of the annual instalment or the full annual instalment will be payable in equal monthly instalments.

Long-term mortgage loans:

These loans allow for the purchase or improvement of land. Interest is currently set at 16% and is repayable over 25 years.

Instalment sale finance:

This finance allows for a hire-purchase loan for equipment, or in some limited cases the purchase of additional livestock, at an interest rate of 16.75%.

Medium-term loans

These loans provide for buying farming equipment such as water pipes and small stock units. Loans are divided into three risk categories with ceilings ranging from R50 000 to R250 000. Proof of land/grazing rights, a business plan and proven financial track record are required.

Establishment Loan:

This loan can be used to buy inputs to establish perennial crops such as fruits or forestry. Proof of tenure rights to the land is required.

Short-term loans/production credit:

This provides loan finance for agricultural inputs such as grain, seed, vegetable and other seasonal crops, fertiliser, fuel, pest control, packaging, stock feed, marketing and transport costs.

The loan must be paid back in full at the end of each season, with the longest loan period being one year.

Micro-finance (Step-up) loans:

Loans range from R250 to R18 000 for the purpose of conducting any form of lawful business.

Contact details for the Land Bank:

Western Cape: Contact person: Regional Manager, Mr Lindi Makaphela or Mr Lungisa Jele - (021) 424 9111. Paarl: (021)872 1536 Worcester: (023) 3476566
Website: <http://www.landbank.co.za>

○ **Casidra**

Casidra administers the iKapa and ABSA fund for people who require financial backing and security in order to obtain loans elsewhere in order to sustain or establish small business enterprises. Casidra assists with the writing of business plans, evaluates sustainability, and provides financial start-up funds and assists small businesses that require bridging finance or support during difficult periods.

The loans range from R5 000 to R200 000 and must be paid back at low interest rates.

Contact: Mr Combrink – (021) 8635032

○ **Industrial Development Corporation (IDC)**

The Industrial Development Corporation South Africa Ltd is a self-financing national development finance institute which focuses on contributing to economic growth and development and expertise through its financing activities.

The IDC views black economic empowerment (BEE) within the broader scope of its development mandate that includes job creation, rural development, urban renewal, poverty alleviation, specific measures which serve to empower women, skills management development, education and access to finance for the purpose of conducting business and developing emerging entrepreneurs. One of its objectives is to provide medium to large enterprises from previously disadvantaged communities with medium-term financing and to assist with the establishment or extension of existing concerns. In addition, it engages in project evaluations and feasibility studies.

Loans from R1 million are available and technical and financial planning services are provided.

Contact number: Western Cape: (021) 421 4794 National office: (011) 269 3000
For further details about the IDC, visit the website at <http://www.idc.co.za>

○ **Khula Enterprise Finance Limited**

• ***Land Reform Credit Facility***

Khula provides a loan facility to commercial banks to enable them to subsidise the financing of land, equity in land, agri-business or eco-tourist enterprises acquisitions by previously disadvantaged individuals. A specified percentage of the loan must be used for the purposes of acquiring land while the remainder can be used for production and other asset acquisitions.

• ***KhulaStart Programme***

Khula assists organisations such as NGOs and CBOs to become micro-finance outlets and provides them with loan finance to promote micro-financing themselves. The programme requires that such programmes are rural-based and have links with the community and are involved in some form of SMME support activity.

The programme's micro-finance schemes work on the group solidarity method whereby loans are granted to self-selected groups of approximately 3 to 10 individuals and are paid out incrementally from R300 to R3 500 per member.

Application by prospective micro-finance agencies is made directly to KhulaStart.

- ***Khula Empowerment and Khula Technical Transfer Guarantee Fund***

This fund provides security for loans to new enterprises where there is insufficient security to cover a loan. The emphasis is on empowerment proposals which are labour intensive and create jobs.

- ***New Cape Equity Fund***

This fund provides access to risk capital to emerging entrepreneurs with viable and job-creating SMME projects.

Loans range from R250 000 to R2 500 000 and both pre- and post-funding support is made available.

Contact: (011) 8078464 or 0800 118815

- **Development Bank of South Africa**

The DBSA plays a triple role of financier, advisor and partner through mobilising finance and expertise for development projects. The majority of the projects that it engages in provide communities with access to affordable basic services such as water and sanitation, transport, electricity and communication infrastructure, as well as projects that support social, institutional and economic infrastructure development.

Contact: (011) 313 3911 or (011) 313 3430 or the website can be visited at <http://www.dbsa.org.za>

- **Standard Bank**

The Standard Bank's Black Economic Empowerment unit provides support for small-scale farmers with an emphasis on supporting contract farming and share equity schemes as these forms of enterprises are viewed as mitigating risk. The preferred funding route is through an application for funding from the Khula Land Reform Empowerment Facility on behalf of the client and the beneficial interest rate is then passed on to the client.

In addition, the Bank offers medium term loans, overdraft facilities and micro-finance to the agricultural sector. The interest rates and terms of the loans are determined in relation to each proposal.

The Standard Bank's Corporate Social Investment programme provides capacity building through its *Mindset Programme* which offers financial literacy training through a satellite communication system established at agricultural colleges and other base institutions. The focus of this programme is to build the capacity of share equity scheme partners.

Contact: Mr Nico Loeck in the Western Cape – 0832527441 or the National BEE coordinator Ms Kwena Komape – (011) 6315936

○ **ABSA**

ABSA plays a role in providing or accessing additional loans or funds for various land reform initiatives.

- *Land Redistribution for Agricultural Development (LRAD)*: ABSA plays a role in assisting the Department of Land Affairs with LRAD project support and grants.
- *Land Reform Empowerment Facility (LREF)*: This fund was established by the Department of Land Affairs with assistance from the European Union. It is co-ordinated by ABSA and administered by Khula Enterprise Finance. Finance can be accessed through this fund at negotiated rates and terms of up to twenty years. *Unfortunately, given the moratorium on Khula funds in the Western Cape, finance is not currently available from this fund.*
- *The ABSA Incubator Fund*: The aim of this fund is to provide limited support in empowerment initiatives in order to offer capacity for further development to take place. The fund offers a five year loan term at 10% per annum. One of the difficulties with this option is that the five year term and repayment requirements do not offer any provision for ‘bad’ years of farming operations.
- *The iKapa Fund*: This fund is a joint effort established by the Western Cape Department of Economic Affairs and Tourism and ABSA Bank and is administered by Casidra. For further information on this fund visit the following websites: www.casidra.co.za and www.capegateway.gov.za/reddoor

Contact: Mr Willem Farmer – 0824166113 or the ABSA regional manager Ms Tessa Goslette (021) 9155482. Information can also be obtained from the Agricultural Specialist or from the Relationship Manager in each ABSA branch.

C. Private sector initiatives

• *Partnerships:*

An important way in which the land reform programme addresses its various objectives is through partnerships with the private sector – who have remained the owners of at least 70% of South Africa’s land. The DLA’s White Paper states that, “Partnerships with the private sector will be supported which have the potential to widen the scope and efficiency of the land reform process ... Grants can be used to purchase a share in land and infrastructure provided that it broadens the base of land ownership, offers security of tenure and raises the incomes of the grantees”.²⁷

The land reform programme is demand-led and the government and/or municipalities do not therefore actively intervene in developing particular projects. However, various corporate and commercial actors have a very direct interest in developing joint ventures with previously disadvantaged people and have therefore actively promoted the development of partnerships - the past decade has witnessed a growing and substantial level of private sector intervention in land and land-related initiatives such as land reform, agriculture, forestry and tourism.

²⁷ Department of Land Affairs. South African White Paper on Land Policy. 1997.

These partnerships involving the private sector usually consist of arrangements which combine the expertise and capital of established agricultural and/or tourism and eco-tourism interests with the resources that are available to historically excluded groupings. The private sector has become involved in land redistribution, particularly through the LRAD programme and its Share Equity Schemes, contractual production programmes and out-grower schemes as well as in emerging farmer support and empowerment programmes. The recent Agri-BEE programme proposals may well also involve further private sector involvement in the land and related sectors.

Other multi-party joint venture schemes have developed with the involvement of local government, other levels of government and the private sector. These include the local authority providing access to land, other levels of government providing access to financial and technical resources, and private sector providing expertise in terms of the business, be it in the agriculture, tourism, forestry or other sectors. In a number of instances, government contribution is in the form of extension support, access to water and supported access to credit.

Some private initiatives to support such joint ventures include the following:

- ***Umsobomvu Franchise Fund***

A group of private sector companies assists the funding of youth business projects and development programmes such as franchise opportunities for youth, SMMEs involving youth, and co-operatives that serve youth development. These projects could be located within land reform or agricultural development projects.

Contact: Western Cape office: (021) 4643600.

- ***New Farmers' Development Company:***

The New Farmers' Development Company is a private equity capital investment company which invests in agricultural projects and attempts to raise additional soft funding. It acts as a catalyst in farming and agribusiness and has a black economic empowerment focus. It engages with all entrepreneurs and aims to contribute to empowerment, land and agricultural reform and economic transformation in general in South Africa. It strives to make profitable investments in agribusinesses and thereby create co-ownership and empowerment opportunities for project participants.

Contact: Stephen Hobson – (021) 9705140

D. Donor agencies

Besides government and private sector support for land reform programmes, there are a number of international and local donor agencies which provide money-based support for land-related initiatives.

A summary listing of foreign and local donor agencies that support land-related initiatives:

<u>Donor Organisation</u>	<u>Contact details</u>
Anglo American Chairman's fund	Tel: (011) 3777330 12th Floor Edura House 41 Fox Street Johannesburg

ASTM (Action Solidarite Tiers Monde)	mailto:citim@ci.org.lu
Atlantic Philanthropies	(011) 3394054 9th Floor 76 Juta Street Braamfontein
AUSAID	Tel: (012) 3427271 Australian High Commission 292 Orient Street (Cnr Schoeman), Arcadia 0083, Pretoria. E-mail: Patrick_ncube@ausaid.gov.au
Austrian Development Cooperation	mailto:oe.eza.gabler@magnet.zt
Bread for World Germany	mailto:Bernero-rodoreda@brot-fuer-die-welt.org
British Consulate	(012) 4217500 Salome.mankge@fco.gov.uk
CAFOD-UK	mailto:hqcafod@cafod.org.uk
Caritas	dsapere@sacbc.org.za
Caritas France	Nathalie-garcia@secours-catholique.asso.fr
CEMEA	f.mongiat@cemea.asso.fr
Cordaid-HIV focus-Netherlands	mailto:nico.keijzer@cordaid.nl
Deutscher Entwicklungsdienst (DED)	mailto:koreozaf@deurnet.co.za
Development and Peace	Jeanmarc.mutombo@devp.org
DFID-UK	Tel: (012) 4312108 mailto:j-mcalpine@dfid.gov.uk
DISOP- Belgium	0932 2 2302925
DKA-Austria	mailto:schnitzer@dka.at
Embassy of Belgium	(012) 4607555 Address: Embassy of Belgium, Development Councillor; 625 Leyds Street, 0002, Pretoria
Entraide and Fraternity-Belgium	mailto:entraide@entraide.be
European Union	Tel: 012 452 5297 1 Greenpark Estates, 27 George Storrar Dr., Pretoria, 0181 Jennifer.tangney@cec.eu.int
EZE/EED-Germany	mailto:Edgar.Brueser@eed.de
Finnish Embassy	mailto:Maarit.laitinen@formin.fi
Flemish Technical Co-operation Agency	Tel/Fax: 0333451447 jjd.vvob@iafrica.com or flanders@sn.apc.org
Ford Foundation	Tel: (012) 573 5000 e-mail: t.shiba@fordfound.org
FOS- Belgium	mailto:Greet.somers@FOS-socsd1-be
Foundation For Human Rights	Tel: (012) 3466842
French Catholic Committee Against Hunger and for Development (CCFD)	mailto:p.mayol@ccfd.asso.fr
Freres des Hommes	afri@france.fdh.org
German Agro Action	mailto:Dwhh.lg9@compuserve.com
GTZ	Maleka.gtz-suedafrika@za.gtz.de (012) 342 0181
Hivos	soneni@hivos.co.zw www.hivos.nl
Horizon T3000-Austria	mailto:Gertrude.leibrecht@horizont3000.at
ICCO	Tel: +31 (0)30 6927899 Zusterplein 22A Zeist, Holland P.O. Box 15q 3700, Ad Zeist, Holland
Independent Development Trust (IDT)	www.idt.org.za
Interfund-South Africa	Tel: (011) 403 2966 mailto:aubrey@itfd.co.za
International Land Coalition (Italy)	b.codispoti@ifad.org
Joseph Rowntree-UK	mailto:nperks@irct.org.uk
Les Penelopes-TSCC	mailto:palmieri@penelopes.org
Misereor - Germany	mailto:zimmerma@misereor.de

Mott Foundation	mailto:rally@mott.org
NDA	0860 122 133 Registry Officer P.O. Box 31959 Braamfontein, 2017 www.nda.org.za
Novib-Netherlands	mailto:Gine.zwart@novib.nl
Oxfam UK	(011) 642 9283
Popular Coalition.	a.aquinofike@ifad.org
Royal Danish Embassy	mailto:BOKKHA@um.dk (012) 4309340
SDC	Tel: (012) 362 2972 Private Bag x37 Hatfield 0028 Nomfundo.mbuli@sdc.net
USAID	mailto:mmasihleho@usaid.gov (012) 452 2000
W.K. Kellogg Foundation	http://www.wkkf.org/grants/Application.aspx (012) 431 0900
War on Want-UK	mailto:lcraeynest@waronwant.org
WFD -Germany	mailto:wfd@harare.iafrica.com

Appendix 4: Training and other capacity building resources in the Cape Winelands District

CAPACITY BUILDING

Building the capacity of people and their institutions within land reform programmes and projects is a critical determining factor in the potential for success or failure of initiatives that are undertaken. The focus of this section is on the available sources of capacity building that are offered by agencies involved in capacity building, training and mentoring programmes.

Training takes different forms and this overview includes the following categories of training provision:

- Hard skills: Land management and farming skills
- Legal: Legal entities, land and legal rights etc
- Organisational and institutional skills
 - Management
 - Organisation building and procedures
 - Financial management

The mentoring options that are outlined focus on on-going support for communities/individuals who have acquired land.

CAPACITY BUILDING AND TRAINING AGENCIES:

Government departments

- **Department of Land Affairs**

The DLA provides information sessions and training regarding the provisions of the Extension of Security of Tenure Act on request.

- **Department of Agriculture**

The Western Cape Department of Agriculture aims to identify production, development and marketing opportunities for farming communities and engages in capacity building and organisational development programmes. In doing so, it attempts to transfer skills and information about appropriate agricultural technology and farming practice.

- ***The Comprehensive Agricultural support Package (CASP)***

The CASP programme provides support to participants in the land reform programme as well as farmers on communal land, with an emphasis on LRAD projects. The once-off grant can be used for training programmes but this needs to have been built into the project plan beforehand. This training might include financial management, marketing, business management, as well as 'soft' skills to assist emerging farmers in integrating themselves into the agricultural sector and how to interface with agencies such as agricultural co-operatives. In addition, emerging farmers are referred to the Further Education and Training technical courses offered by the Elsberg College – these include courses on production methods and general farming skills.

Contact: Farmer Settlement Programme – (012) 3197021

○ ***Training – Further Education and Training***

Through the Elsenberg Agricultural College, the Department offers agricultural skills training which includes a range of courses. Examples of courses include programmes such as poultry production, pig farming etc.

Courses can be accessed through the local agricultural extension officer and cost R50 per participant per day. Limited subsidies are available through the Department. In the event that there is a group requesting training, it is possible for training to be provided *in situ*.

Training in terms of the Employer's Skills Plan is also available to farm workers at the request of the commercial farmer.

Contact: Elsenberg Agricultural Training Centre - (021) 8085462 or 808560.

○ ***Agricultural Extension Services***

The Department provides agricultural support in the form of direct technical advisory services regarding production processes and business planning, amongst others. This is available to all farmers and emerging farmers. For such assistance, the extension officer for the locality must be contacted.

Contact: (021) 8085100 for details of the relevant extension officers.

○ ***Land Care Programme***

LandCare is a community-based programme that falls under the Land Use and Soil Management sub-programme of the Sustainable Resources Management and Use programme of the national Department of Agriculture. The aim of the programme is to improve productivity through the sustainable use of natural resources in order to increase food security and create jobs. The programme provides funds for community-based projects such as building small dams and community gardens that can increase food security and create employment. It is funded from poverty relief funds provided by the national Treasury.

Target group

Already established community groups, for example a group who wishes to start a community garden.

Application procedure

Applications can come either from local community groups, or local government working with one or more community groups. The group is required to draw up a business plan describing the nature of the project, the number of jobs to be created, and the number of women, youth and disabled who will be involved. The plan must describe the impact the project will have on the environment, how it will build capacity, and how it will help people to live more sustainably. The plan must say what the costs of the project will be.

Application can be made through the local extension officer or directly to the Land Care Division. Application forms are available from the regional offices of the Department of Agriculture.

Contact: Land Care Programme – (021) 8085010

- **Mentoring**

Over and above the training provided through the Department of Agriculture, the department attempts to facilitate links between emerging farmers and commercial farmers who are willing to offer mentoring. The intention is to establish relationships between emerging and commercial farmers so as to provide advice and suggestions in the form of direct neighbourly support in relation to specific situations which confront emerging farmers.

Contact: The Department's offices serving the Cape Winelands District are based in Worcester: (023) 3471121 and at Elsenberg: (021)808 5000.

- **The Department of Labour**

This department conducts various training and capacity building programmes in a bid to increase employment and reduce poverty and inequality through a series of policies and programmes developed in conjunction with a range of social partners.

Contact: Ms Thobile Lamati - (021) 462 3680. The two offices serving the Cape Winelands District include the Paarl Labour Centre: (021)8722020 and the Worcester Labour Centre: (023) 3470152.

- **The Primary Agriculture Education and Training Authority (PAETA):**

Through the National Skills Development Strategy, government, business and the training SETAs work together to ensure that community co-operatives receive the training they need to succeed. The PAETA is the SETA for agricultural education and training.

The levy paid by commercial farmers is used to contribute towards learnerships in farming communities and to strengthen community-based agricultural projects so as to build capacity and empower farm workers and emerging farmers who wish to engage in agricultural and land reform projects. The PAETA also focuses on the development of people, with attention to the skills of women, so as to support them in developing skills to establish and develop land reform projects.

Contact: National office: (012) 3251655. Western Cape: Mr Fani Phetla – 0731697836.

NGOS and Community-based organisations:

The Farm Dwellers and Workers Coalition

The Farm Dwellers and Workers Coalition, consisting of trade unions, community-based organisations (CBOs) and non-governmental organisations (NGOs), works with farm workers across the Western Cape in response to issues affecting farm dwellers and workers and land-seeking communities. The Coalition includes the following agencies: the Centre for Rural Legal Studies, the Women on Farms Project (WFP), Lawyers for Human Rights, Surplus Peoples Project, Southern Cape Land Committee, PLAAS, and the Trust for Community Outreach and Education (TCOE). Each agency conducts different programmes focussing on a range of aspects of rural land and labour.

Centre for Rural Legal Studies (CRLS):

The CRLS deals with labour and land rights in rural areas of the Western Cape. It conducts policy research into agricultural restructuring and land reform and tenure issues and facilitates training workshops and programmes on these topics. It operates a law clinic to assist farm workers and dwellers regarding their rights and duties.

Contact: (021) 8838032

Women on Farms Project (WFP):

The WFP focuses on the development of rural women and deals with labour and land rights issues in rural areas. It conducts a range of training and capacity building programmes around these issues.

Contact: (021) 887 2960

Surplus Peoples Project (SPP):

The SPP works in the Western and Northern Cape. It was established in the mid 1980s in order to support communities in their struggles to resist land dispossession. SPP facilitates the process of acquiring and strengthening land rights; building organisation; working with groups and communities to obtain the opportunities to acquire and develop land; provides information and engages in education and training programmes as well as engaging in lobbying and policy interventions with communities and other civil society organisations.

Contact: (021) 448 5605 or e-mail: spp@spp.org.za

Programme for Land and Agrarian Studies (PLAAS):

PLAAS conducts and supports research and evaluations of land reform initiatives and programmes. It facilitates training courses as well as post-graduate academic programmes.

Contact: (021) 9593961 or e-mail: plaas@uwc.ac.za. The website address: www.uwc.ac.za/plaas

Goedgedacht Agricultural Resource Centre (GARC):

GARC supports small-scale farmers, including youth and women, to improve and develop sustainable livelihoods through farming activities. The organisation conducts agricultural training for emerging farmers.

Contact: Ms Aretha Rall – (022) 482 1291 or e-mail: garc@waccess.co.za

Abalimi Bezekhaya:

Abalimi Bezekhaya conducts urban agriculture programmes which include the establishment of food gardens, market gardens and support to small-scale farmers.

Contact: (021) 447 1256 or e-mail: abalimi@iafrica.com

Legal Resources Centre

The Legal Resources Centre is a public interest law centre which provides legal advice and services to communities and organisations working with rural communities. It supports and promotes the rights of farm dwellers through its Farm Dweller Project, with an emphasis on establishing test cases in order to establish the parameters of existing legislation and its impact on farm dwellers and land-seeking people.

Contact: (021) 4238285 or e-mail: chantel@lrc.org.za

Financial institutions:**Standard Bank:**

The Standard Bank's Corporate Social Investment programme provides capacity building through its *Mindset Programme* which offers financial literacy training through a satellite communication system established at agricultural colleges and other base institutions. The focus of this programme is to build the capacity of share equity scheme partners.

Contact: Mr Nico Loeck in the Western Cape – 0832527441 or the National BEE coordinator Ms Kwena Komape – (011) 6315936

Casidra:

Prior to and during engagements about financial support, Casidra undertakes needs analyses and evaluates capacity building requirements. Its focus is on setting up the necessary organisational structures and leadership development as well as other social and agricultural related business and financial systems so as to better implement sustainable agricultural projects.

The training includes components such as:

- Business management
- Financial management skills
- Life skills
- Leadership training
- Farming and agricultural skills
- Food security, nutrition and health
- Tourism related initiatives
- The development of youth groups

Where CASIDRA is not able to provide training it outsources these requirements.

Contact: Ms Sandra van der Merwe – (021) 8635026

Independent Development Trust (IDT):

The IDT does not assist with financial support but does provide free project implementation and management support services to government and municipalities. The Trust provides a range of capacity building programmes and assists in acquiring service providers. In the event that the Trust itself is not able to provide a particular kind of training it arranges to outsource these programmes.

Contact: Mr Jonathan Williams – (021) 4264588

Private sector:**Umsobomvu Youth Advisory Centre**

Young people are able to access information, training and referral services. The kinds of training available include basic computer skills, entrepreneur skills, life skills and career development. These skills could assist youth in becoming involved in land reform or agricultural projects.

Contact: Umsobomvu youth line: 0860096884 or Western Cape office: (021) 4476018

Ntsika Enterprise Promotion Agency

Ntsika supports small businesses by helping them to establish themselves and create employment through linking enterprises with a network of service providers; strengthening entrepreneurial skills, link enterprises to markets; and provide information and research.

Contact: (012) 4832000 or 0800113857.

South African Wine Industry Trust (SAWIT)

SAWIT aims to support the wine industry through education, marketing, promotion, undertaking research and sharing technological information, and developing farmers within the sector.

Contact: Heidi van Heerden – (021) 8093047 or e-mail: sawit@infruit.agric.za

Unions:

South African Agricultural, Plantation and Allied Workers' Union (SAAPAWU)

SAAPAWU mobilises farm workers around their working conditions and issues which affect their employment and job security.

Contact: Ms Sharon Jafta – (021) 4480045

National African Farmers' Union (NAFU)

NAFU aims to transform the agricultural sector through facilitating the participation of small-scale farmers in commercial agriculture.

Contact: Willie Williams – (021) 8641762

Agri-Western Cape (SA Agricultural Union)

The aim of SAAU and Agri-Western Cape is to serve and strengthen organised agriculture.

Contact: C. Opperman – (021) 8721618 or e-mail: carl.opperman@agriweskaap.co.za

Appendix 5 – The Cape Wineland District Municipality Geographical Information System for Land Reform.

1. Introduction

The Cape Winelands District Municipality has identified land reform as one of the key factors that can address empowerment and poverty eradication in its municipal area. Within the Municipality's Land Reform Implementation Strategy the need for a database of available land and water resources is necessary. A system to keep this database current and up to date is also required

A Geographical Information System (GIS) is an ideal solution to this need. It can provide spatial and tabular information about land resources and provide a platform for relating this information and yielding answers to specific resource queries. It has been identified that the Municipality has the necessary GIS facility to make use of this system.

This document details the design of the GIS, its capabilities and limitations as well recommendations on how to keep it up to date.

1.2 Installation

The Land Reform GIS CD contains all the necessary themes and tables ready for incorporation into an existing ArcGIS system.

Alternatively, a copy of ArcExplorer has been included on the CD for users who do not have existing ArcGIS software in place.

2. GIS Structure

The GIS has been designed to encompass all aspects of land and water resources with regard to land reform requirements.

It should be noted that this GIS system is flexible. This means that the current model has been designed to allow for additions in information categories and layers. It is foreseen that requirements of the GIS may change over time and it is important that the system caters for this. As more information is available from different sources, the GIS system can be manipulated so that new types of data can be easily incorporated.

3. GIS Data Layers

The GIS resource information has been separated into about 30 separate data layers. This allows separate information to be overlaid and queried to supply useful answers for land reform strategy development. It also allows for easy manipulation and updates to the information.

A comprehensive collection of spatial data was provided by the district municipality GIS department. We have identified the layers which are important for the land reform process and have included them. Land Audit and valuation role information was then extracted from each B municipality and incorporated into selected layers to provide a complete land audit of the district.

External information including Department of Land Affairs land reform projects, applications for funding, land claims and evictions have also been included. This information has been combined into several layers which provide a monitoring and evaluation module to the GIS. This will provide ongoing feedback on land reform processes within the district.

Any changes to data layers acquired from the District GIS department and the newly created data layers have been documented within each section.

The collection of data layers should be updated periodically to ensure that the GIS remains up to date. Additional data layers should also be added as need be. Section 4 covers the details of updating and adding new data layers.

3.1 Administrative Layers:

The following layers represent administrative areas and boundaries within the district.

cwd_breede_valley_lm.shp

The Breede Valley local municipal area.

cwd_breederiver_winelands_lm.shp

The Breede River/Winelands local municipal area.

cwd_cape_winelands_municipality.shp

The Cape Winelands District Municipality Area.

cwd_western_province.shp

Western Province region.

cwd_winelands_dma.shp

Cape Winelands District Management Area.

cwd_witzenberg_lm.shp

The Witzenberg local municipal area.

cwd_drakenstein_lm.shp

The Drakenstein local municipal area.

cwd_stellenbosch_lm.shp

Stellenbosch local municipal area.

3.2 Water Resource Layers:

The following layers represent various water resources information within the district. These layers can be combined with the land audit/valuation layers to provide insight into water resource availability per land portion.

cwd_canal_utm.shp

Provides information regarding canal systems that have been constructed for irrigation purposes.

cwd_dams.shp

Provides Information regarding the location and extent of dams within the district. It also provides information regarding the capacity and the surplus water that is available from each dam.

Additions to this Layer are as follows:

Column 11: Quaternary Catchment Area

Column 12: Year construction was complete.

Column 13: Purpose

Column 14: Natural MAR (million m³/a)

Column 15: FSC (million m³/a)

Column 16: Surplus (million m³/a)

cwd_drainage_line_utm.shp

Provides information regarding the construction of canals and furrows built for irrigation purposes.

cwd_inland_water.shp

Provides information regarding the location and extent of minor inland water resources such as dams, pans and marshes.

cwd_major_rivers.shp

Identifies the location and extent of major rivers within the district.

cwd_minor_rivers.shp

Identifies the location and extent of minor rivers within the district.

cwd_water_body.shp

Provides information regarding the location and extent of major inland water resources such as dams, pans and marshes.

cwd_water_source.shp

Provides the location of constructed water sources, namely wind pumps and reservoirs.

3.3 Physical Feature Layers

The following layers represent physical land features which may influence the land reform potential of given land parcels. These layers can be combined with the land audit/valuation layers to provide insight into broader resources impacting on land portions.

cwd_airfield_runway_utm.shp

Provides information regarding the location of Airstrips within the District.

cwd_barriers.shp

Provides information regarding the location of fences constructed in and around land portions within the district.

cwd_hv_lines_utm.shp

Provides information regarding the location of major power lines.

cwd_mv_lines_utm.shp

Identifies the location of minor power lines within the district.

cwd_railway_line_utm.shp

Identifies the location and extent of major railway lines within the district.

cwd_railway_station_utm.shp

Identifies the location of major railway stations within the district.

cwd_road_utm.shp

Identifies the location of roads, tracks and footpaths within the district.

3.4 Land Audit/Valuation Layers

The following three layers include the most comprehensive and meaningful information to the GIS system. Each layer provides data on each specific land portion throughout the district. This information should be updated regularly from information supplied by the B Municipalities.

Each Data layer table within this section takes the following form:

Column 1:	Surveyor General Code
Column 2:	Property Name
Column 3:	Area (Hectares)
Column 4:	Available arable/grazing land (Hectares)
Column 5:	Zoning
Column 6:	Owner (At a later stage this should be expanded to hold contact information)
Column 7:	Title Deed
Column 8:	Owner Type (Private/State/Municipal)
Column 9:	Audit/Valuation Date
Column 10:	Data Source

cwd_erven_utm.shp

Provides the above information for the urban erven throughout the district.

cwd_farm_portions.shp

Provides the above information for the rural farm portion divisions throughout the district.

cwd_farms.shp

Provides the above information for the rural farm portions throughout the district.

cwd_commonage_erven.shp

Provides the above information for erven land parcels identified as municipal commonage.

The following additional columns have been included:

- Column 11: Current Lessee Name
- Column 12: Number of people in Lessee Group
- Column 13: Race Of Lessees
- Column 14: Duration Of Lease
- Column 15: Lease End Date
- Column 16: Lease charges per property

cwd_commonage_farms.shp

Provides the above information for rural farmland parcels identified as municipal commonage.

The following additional columns have been included:

- Column 11: Current Lessee Name
- Column 12: Number of people in Lessee Group
- Column 13: Race Of Lessees
- Column 14: Duration Of Lease
- Column 15: Lease End Date
- Column 16: Lease charges per property

3.5 Project Layers

This area of the GIS provides insight into historical and current land reform processes within the district. It can be used as a monitoring tool to keep track of land reform projects and applications. This area of the GIS is seen to be the most active and manipulated to include new data.

Additional information is given in this section with regard to the data layer tables.

cwd_dla_projects.shp

Provides an indication of where Land Reform Projects conducted by the Department of Land Affairs have been centred. The numbers from this layer are representative of the projects described more fully in the DLAProjects.dbf table.

- Column 3: Town Name
- Column 4: New Funding Applications. (Detailed in the NewEstaApplications.dbf table.)
- Column 5: DLA Existing Projects. (Detailed in the DLAProjects.dbf table.)
- Column 6: DLA New Projects. (Detailed in the DLAProjects.dbf table.)

cwd_land_reform_applications.shp

Provides information regarding the number of evictions issued per town.

- Column 3: Town Name
- Column 4: Number of Section 9(2)(d) Notices
- Column 5: Number of Section 9(3) Requests
- Column 6: Number of Notices of motion.

cwd_land_restitution.shp

Identifies farm parcels which have been subject to a land restitution claim. Provides detailed information on each claim per parcel.

- Column 1: Surveyor General Code
- Column 2: Magisterial District
- Column 3: Allotment Area
- Column 4: File Reference
- Column 5: Claimer Name
- Column 6: Land Parcel
- Column 7: Land Portion
- Column 8: Property Description
- Column 9: Status
- Column 10: Actual Start Date

3.6 Other Layers

The following layers represent other geographical features which may influence the land reform potential of given land parcels. These layers can be combined with the land audit/valuation layers to provide insight into water resource availability per land portion.

cwd_conservation_area_utm.shp

Provides information regarding the location and extent of land reserved for conservation within the district.

4. Limitations and Recommendations

This GIS system will provide valuable assistance in the running of the districts land reform strategy. To ensure that the system continues to run smoothly and is of use a system needs to be in place to ensure a steady supply of information into the GIS.

There is no such system in place as yet and as such, the GIS is currently limited by the lack of information available to it.

4.1 Land Audit/Valuation Information

Currently the GIS system is limited by the lack of land parcel information available from each B municipality. It is extremely important that the land audit/valuation roll layers within the GIS are fully populated and up to date. The following two problems currently exist with the information available from the B municipalities:

- The digitised information does not cover the entire extent of the land parcels in their municipal areas
- The information is not in a format easily mergable into a GIS.

The following figures represent the amount of information which has been accessible during our land audit:

	Total in district	Covered in the GIS
Erven	82324	36998
Farms	9749	1598

As can be seen more than 50% of urban erven and 80% of the rural farm parcels do not have any data available.

It is recommended that the B municipalities should play a role within the land reform process by providing land audit and valuation information to the district for incorporation into the GIS. The supply of this data should be coordinated at a district level to ensure that it is in a standard format (Section 3.4) for easy input into the GIS.

It should also be noted that the spatial data regarding the erven and the farm parcels is also subject to change. Updates are received by the District's GIS department from Africon in this regard, however it is advisable that the District approach the Surveyor General directly for this information as it appears to be the most up to date.

4.2 Physical Feature/Water Resource Information

The GIS currently consists of data layers acquired through the District's own GIS department. The department receives periodic updates of this information from Africon. This information should be integrated into the Land Reform GIS.

The Department of Land Affairs and Department of Water and Forestry did not have information available to integrate into the Land Reform GIS. However, this information is currently being developed and should be integrated into the GIS to provide additional strength to its query capabilities.

4.3 Land reform project/application information

At the time of the development of this GIS there was very little information available to populate this module. This module will provide important land reform monitoring information to the district.

The Department of Land Affairs (DLA) conducts land reform projects throughout the District. Currently there is no system to easily map these projects to specific land portions. As such, the land reform projects are currently linked only to town in this GIS. The DLA is in the process of implementing a system to enable the capturing of project information per land portion. Upon completion of this system the District should request a steady supply of project information to integrate into the GIS.

The Land Claims Commission handles land claims throughout the District. Like the DLA, their system of mapping the land claims through to specific land portions is not reliable nor is it digitised. The information in the GIS therefore currently only includes a small portion of the available information. The Land Claims Commission should be approached to provide reliable, digitised information to the District.

5. Conclusion

The developed GIS system will become an invaluable tool in the District's Land Reform Strategy development. It has been designed to cope with changing requirements and different information inputs. The GIS system relies on a steady flow of up to date information to perform as desired. As such, the recommendations mentioned in section 4 should be taken seriously to ensure the system is a success.