

Developing capacity to provide effective settlement and implementation support for land and agrarian reform in South Africa

The Sustainable Development Consortium

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1 Background

The Sustainable Development Consortium was commissioned by the Commission on the Restitution of Land Rights to develop a settlement and implementation support (SIS) strategy for land reform in South Africa. The strategy was developed between January 2006 and June 2007.

1.1 Key components of SIS strategy

The main components of the proposed settlement and implementation support strategy include:

- Reframing land reform as a **joint programme of government** with the active involvement of land reform participants, civil society and the private sector
- Measures to secure **effective alignment of government actors** in different spheres using the draft Guidelines for the Management of Joint Programmes recently gazetted (Notice 492 of 2007) in terms of the Intergovernmental Relations Framework Act (No. 13 of 2005)
- Utilising **area based plans** (ABPs) to locate planning and support needs within a clear spatial and fiscal framework within municipal IDPs
- Measures to **determine, secure and manage land rights** and ensure ongoing land rights management support from the state
- Measures to provide **appropriate project based training and learning**, and strengthen capacity and institutional development
- Measures to **improve access to social development benefits** – health care, education, reasonable levels of service and mitigate impacts of HIV/AIDS
- Measures to ensure **integrated natural resource management and sustainable human settlements**
- Comprehensive front end services to **enhance individual household livelihoods, develop enterprises** and ensure access to finance, technical and business support.

It is proposed that these and other functions are to be facilitated and enabled by the formation of **dedicated SIS entities** at local and district municipal scales interacting with **local associations** representing the interests of land reform beneficiaries. These entities which provide front end services to land reform projects require solid back office support located at provincial and national levels.

1.2 Building capacity across the board

Clearly such a strategy rests on having adequate human capacity in place to develop, drive and implement the above measures at national, provincial, district and project scales. This capacity must reside in:

- The people acquiring land and seeking to improve their livelihoods through utilization of its productive potential and natural resource value
- The executives of land holding and business entities and associations which represent the interests of land reform participants in wider development processes
- Appropriately located units within relevant national and provincial departments and municipal administrations whose officials are required to develop government's capability to provide different services to land reform projects
- Representative of organised agriculture and commodity organisations which deal with land reform projects
- Development NGOs, CSOs and private sector service providers who provide institutional development, planning, technical and business support services

2 Capacity development framework

2.1 Distinguishing between training and capacity development

It has been common in government departments post-1994 to blur the distinction between 'training' and 'capacity development'. Very often the notion of 'training' is restricted to a narrow functionalist perspective and equated with the delivery of short courses via an "upright" learning process - "programmed, directed and packaged." (Mann, 1999)

However over time it has become clear that the distinction between training and capacity development is a crucial one. Generally it is agreed that

- training is an activity to develop skills or transfer knowledge
- capacity development is a broad approach to build institutional capability to meet development objectives and challenges. (Lusthaus, Adrien et al., 1999)

It can be seen that training is but one element within a broader process of capacity development.

2.2 The multifaceted nature of capacity development

Capacity development can be seen as an umbrella concept (Morgan, 1998)It brings together discrete activities into "a coherent strategy with a long-term perspective and vision of social change". (Lusthaus, Adrien et al., 1999) It has both systems and process dimensions.

Development literature highlights the multifaceted nature of capacity development. The distinction between the acquisition of knowledge and the capacity for strategic assessment and action emerges clearly.

"A fundamental goal of capacity building is to enhance the ability to evaluate and address the crucial questions related to policy choices and modes of implementation among development options"

(Agenda 21, Chapter 37, UNCED, 1992.)

As noted above while training is largely limited to developing individual capabilities, capacity development encompasses the entire institutional and operational environment in which those individuals must operate.

"Capacity building is the ability of individuals, groups, institutions and organizations to identify and solve development problems over time."

(Morgan, 1998)

Lusthaus et al emphasise the dynamic nature of the contexts in which people operate.

"Capacity strengthening is an ongoing process by which people and systems operating within dynamic contexts enhance their abilities to develop and implement strategies in pursuit of their objectives for increased performance in a sustainable way."

(Lusthaus, Adrien et al., 1999)

2.3 Institutionalisation the key

Effective capacity development strategies require clear frameworks which:

- Reflect the nature of the operating environment and the different functions and processes which characterise it
- Identify the key actors and their respective roles
- Specify the key competencies, performance standards, skills, knowledge and systems which enable the different actors to carry out their functions
- Propose a range of options to promote learning, grow the knowledge base and build the required capacities of the identified actors.

2.3.1 Within the DLA

The institutionalisation of capacity development is an essential element of the SIS strategy. It requires consciously embedding capacity development processes within the DLA and its partner departments in the proposed joint programme. Internally these encompass conventional HRD practices, knowledge management and strategic development priorities including:

- Job descriptions. How well do job descriptions capture the capabilities, competencies values and attitudes required for the post? How effectively are staff benchmarked against job requirements?

- Induction. How does new staff get orientated to the work of the department? How does this induction process provide a framework within which to locate the work of an individual and the directorate or unit they are part of?
- Performance management. How is performance management conceptualised? Is the focus primarily on individual performance? How is the performance of directorates and units assessed as a whole? If capacity development is about developing capabilities to “perform functions, solve problems and achieve objectives, to understand and deal with development needs in a broader context and in a sustainable manner” (UNDP, 1997) what indicators are in place to assess performance at this level?
- Knowledge management. How is institutional memory protected? How easily can staff get access to key resources?
- Organisational learning. What processes are in place to stimulate collective and individual learning? What systems, mechanisms and processes are in place that encourage learning and enables adaptive management by both the individuals and institution as a whole?
- Partnership management. How does the department relate to its other partners and how are their respective roles defined? How do members of interdepartmental teams come to understand more about each other's work and legislative mandates.

2.3.2 In the land reform operating environment

Here the capacity development strategy focuses on the people, institutions and processes associated with:

- The preparation of area based plans as part of Municipal IDP planning processes which identify all land reform projects, land suitable for proactive acquisition and prioritise key settlement and implementation support needs
- The settling of land claims, the restitution of land rights and the planning and implementation support required to implement settlement agreements reached in terms of Section 42D of the Restitution of Land Rights Act
- The acquisition of land in terms of the Redistribution programme and the planning and support to the applicants to manage and make productive use of their new assets
- The acquisition of municipal commonage on behalf of municipalities and the support required to enable them to manage access to the land and develop local economic opportunities in partnership with commonage users.
- The provision of related front and back end services and support.
- Supporting new owners of land to make best use of their assets

2.4 The need for a learning process approach

There is an increased understanding that land reform and rural development works best when conceptualised as a learning process which recognises that all actors need to learn as they go. Likewise there is the growing acknowledgement of different types of knowledge – e.g. ‘local’, ‘indigenous’

'scientific' and 'gendered' with different types of explanatory power which need to articulate with one another.

Within emerging extension and development practice there has been a progressive evolution from attempts to 'transfer technology' and hand down pre packaged technical and economic models to a more facilitative approach. In the literature there is broad agreement that outsiders are not able to determine 'best practices' for rural people.,(Hagmann, Chuma et al., 1999). However this agreement has yet to inform much of the practice in South Africa which still privileges technocratic expert/service provider lead approaches which set great store on documents – business plans, development plans and the like as the key deliverables which often mark the end of the engagement.

As outlined in more detail in the base document a very different approach underpins the SIS strategy. This envisages medium to long term engagements by SIS entities and consortia in order to service associations and projects in designated areas.

The strategy envisages that this new direction will need to be underpinned by a learning process approach which deepens and enables exchange of knowledge and skills between all participating role players. Local SIS entities will require a learning process facilitator who will be responsible for organizing area based training and capacity interventions and documenting lessons and approaches. This will contribute to the expansion of a local, provincial and national knowledge base on how to make land reform work. This in turn will require support to develop a new culture of learning at local and other levels.

2.5 Designing localised capacity development programmes and sharing lessons learnt

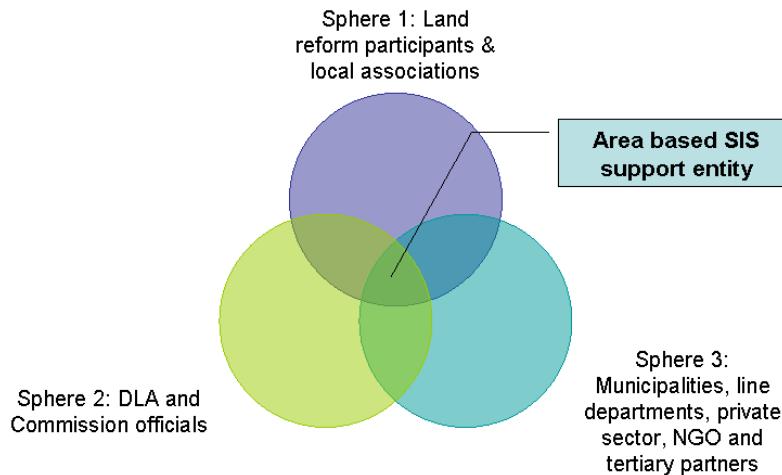
A local capacity development should form part of the District ABP. It will involve:

- Project and area-based surveys to identify capacity development needs amongst land and agrarian reform participants, SIS support teams, participating government departments, municipalities, private sector partners, NGOs and CSOs.
- The development of customised programmes that combine peer learning circles, field based learning sessions, mentoring support and functional training in core generic skills
- The utilization of area-based SIS programmes as learning laboratories to enable the documentation of local experiences to assist land and agrarian reform delivery process in other areas
- The documentation of the key learnings from local case studies and learning programmes and their communication as part of a broader process of knowledge management and in preparation for scaling up SIS delivery
- The articulation of these programmes with DLA, Agriculture and other sectoral Skills Development Plans and the respective Sector Education and Training Authorities (SETAs) to ensure alignment.

3 Building capacity in three spheres – an actor centred approach

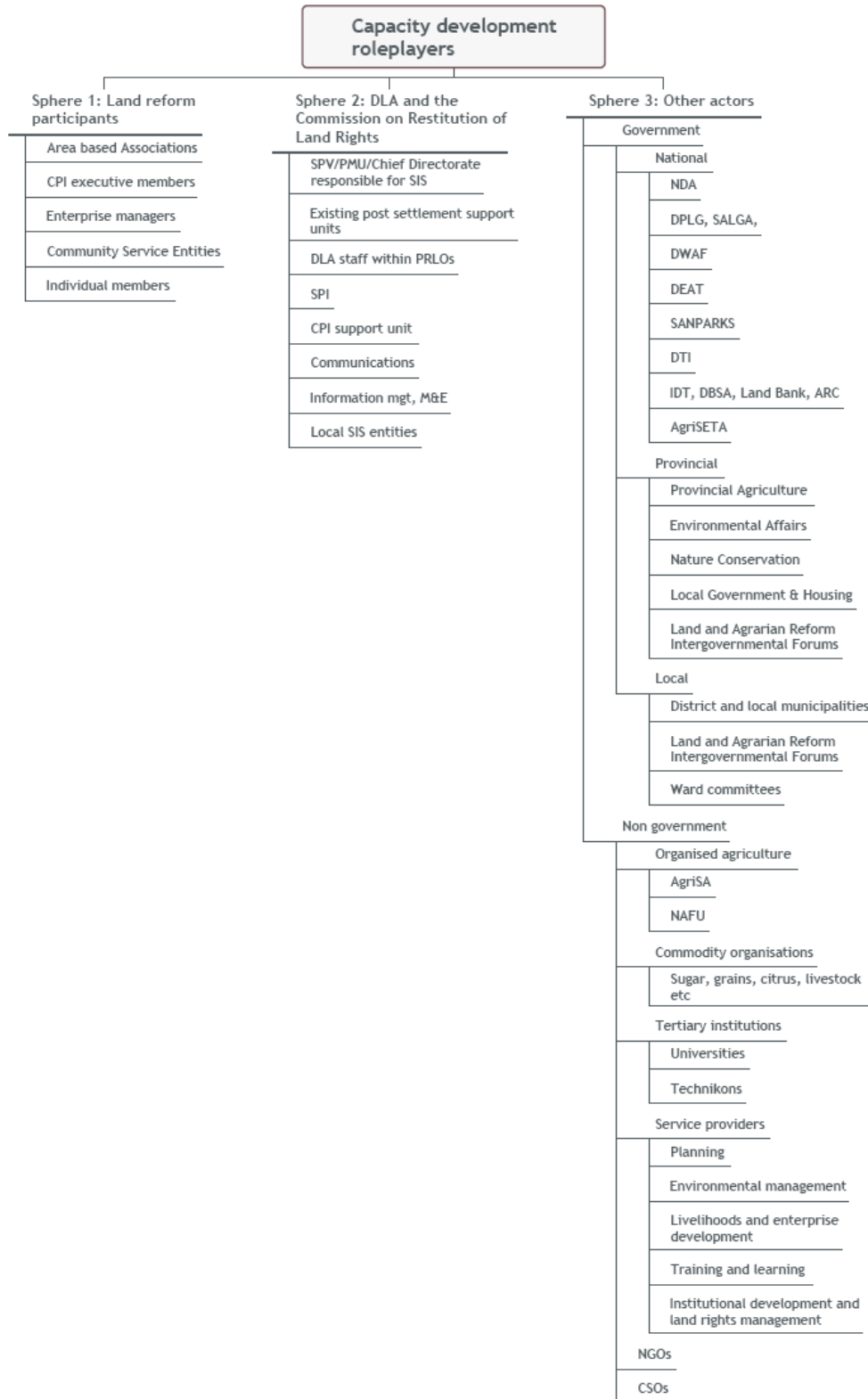
Capacity development is required for all the actors involved in the land reform processes outlined above. The actors can be grouped into three spheres:

Building land reform capacity in three spheres



- Sphere 1 focuses on the specialised needs and requirements of land claimants, land reform beneficiaries, executives of legal entities and management bodies responsible for rights determination, land rights management and administration, resource and production management together with local associations representing land reform projects in a designated area
- Sphere 2 contains DLA officials responsible for Restitution, Redistribution, Tenure Reform and other functions within Land Affairs' mandate.
- Sphere 3 contains councillors, officials and ward committees in municipalities, officials in other departments (Department of Agriculture, Environmental Affairs, DTI, DPLG, DWAF etc) organised agriculture, NGOs and tertiary institutions with involvement in the land reform programme.
- Where the three spheres interconnect at the centre it is envisaged that a district based SIS support entity will be established which will have primary responsibility for coordinating services and support to land reform projects in the area. This will include project and area specific capacity development initiatives.

3.1 Identifying key actors within each sphere as a focus for specific capacity development initiatives



The capacity development strategy will need to identify and address the needs of different role-players within each sphere.

3.2 Sphere 1: Building the capacity of land reform participants

Sphere 1: Land reform participants

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|----------------------------|
| Area based Associations |
| CPI executive members |
| Enterprise managers |
| Community Service Entities |
| Individual members |

The SIS strategy argues that the land reform planning process must be based on an assessment of the current livelihoods, education, work experience, technical and managerial skills and demographic profile of the claimants. This profile will be assessed in relation to the livelihood opportunities associated with the acquisition of the land.

This assessment should make an important contribution to the risk and feasibility assessment of the project, the proposed land use, enterprise and livelihood options. It should determine whether the claimants have the management, technical and financial capacity to take over existing farming operations or other enterprises on the land. It can also assist in the selection of options that are most practical from technical, financial, environmental, human capacity and managerial perspectives.

Based on the initial capacity assessment key competencies for business and land rights management need to be identified to enable the people to secure equitable access to resources and make optimal and sustainable use of their assets. This should form the basis of a linked capacity and systems development strategy rolled out as an integral part of the implementation process. This assessment should also generate an important set of indicators for future monitoring and evaluation purposes.

3.2.1 Developing associations to represent the interests of land and agrarian reform participants

The SIS strategy encourages the formation of local associations of land reform beneficiaries that will enable representatives of projects in given areas to take up the interests of their members, pursue linkages between producers of the same commodities and negotiate with other stakeholders.

The Executive and membership of these Associations will require training, coaching and support to:

- Clarify the purpose and potential of local associations
- Identify the grants and services of different government departments of relevance to land reform projects
- Introduce the Area based planning process and the approach to land reform within the District Municipality's IDP

- Explain the function and operations of local SIS support entities
- Set out the process of establishing and registering an Association including:
 - developing a Constitution
 - electing accountable office bearers and allocating portfolios
 - strategic planning and proposal writing
 - raising finance
 - managing land rights and resolving disputes
 - administration and financial management systems,
 - communicating with and reporting back to members.

3.2.2 Supporting Executives of Communal Property Institutions (CPIs)

The evidence highlights how many CPIs are currently dysfunctional and have never received any support since they were established. The strategy argues that the CPI should play a key role in the determination and administration of the land rights and benefits of individual members. This requires backup from a dedicated CPI support entity and involves:

- Keeping an up-to-date register of membership and a related register of individual land rights
- Formally or informally allocating land rights to individuals and households which may include demarcation of residential stands, allocation of arable plots for household food production, determination and allocation of grazing rights, managing access to productive resources by means of a lease or other such agreement by individuals and groups
- Determining and allocating benefits from designated productive activities
- Ensuring that on the exit or death of a member their land rights are transferred in line with the procedures set out in the CPI constitution

As the SIS strategy indicates this is an area which has been poorly conceptualised and supported in the past. This has rendered the land rights of members ill-defined and insecure in many instances.

3.2.3 Supporting enterprise managers and business entities

Where the land holding entity doubles as a business entity or establishes a separate business entity to conduct business or enter into a joint venture agreement with a private sector partner, executive members will require additional skills. Developing these skills in a situation where the executive may have low levels of formal education presents special challenges. These may be best addressed through on site support, mentoring and the provision of independent business advice. Key issues to address in this respect will be the statutory responsibilities of the CPI in relation to employment and tax compliance

as well as the distribution of benefits to its members. The Executive may need to appoint, develop and monitor specific enterprise managers.

3.2.4 Supporting community service entities

Where CPIs have established private townships which require the CPI executive to take responsibility for the management and maintenance services, the payment of service charges and associated duties, this has often led to problems. Usually the CPI lacks the capacity and resources to function as an efficient body corporate.

The SIS strategy recommends that wherever possible a process of formal township establishment should be undertaken which will enable individual home ownership and give the municipality responsibility for service provision and the collection of service charges from registered users. However desirable the establishment of formal townships for rural settlements this proves to be difficult in practice as most district and local municipalities are already failing to meet their service targets in the urban areas. Given the extent of service backlogs in urban areas and rural towns it seems likely that *de facto* the CPIs on the majority of land reform projects which involve group settlement will be required to put in, maintain and collect payment for service delivery themselves - particularly where the land acquired falls outside development corridors identified within the provincial spatial development framework.

Alternatively CPIs will need to establish dedicated community based service entities to play such a role. This requires the development of local capability to deliver and maintain basic water and sanitation services, which in larger settlements will also need to be augmented by waste management services.

The Department of Water Affairs in association with Mvula trust has developed a model constitution and a model contract to enable a CBO or community service entity to act as a water services provider. It is envisaged that this model could be adapted to operate in the land reform context with either the CPI or a local service entity taking on this function. From a capacity development perspective such an approach would require a combination of management and technical training and the creation of a favourable institutional environment to enable the cost-effective delivery of water and sanitation services and maintenance of related infrastructure.

3.2.5 Developing individual members

Clearly each individual member who participates in a land reform project requires a measure of support and attention. Members need to understand their rights and duties. Project planning needs to address relative vulnerability and wellbeing within group based projects. It needs to identify measures which specifically target vulnerable individuals and households in a bid to diversify their sources of livelihood and develop new skills. The sustainability of land reform projects in the future will depend on an injection of skilled and motivated young people to manage the land and enterprises upon it. All land reform projects should ideally have a skills development plan which caters for the needs of their members and which targets young people for technical and managerial training.

3.2.6 Capacity development interventions organised by strategy quadrants

This section summarises the various capacity development interventions that will be required. These have been organised according to the four quadrants of the SIS strategy

Institutional

- Understanding area based planning
- Examining the role of land reform participants within SIS support entities

- Formation, role and function of local associations

Social

- Preparing group and household profiles
- Undertaking well-being/wealth ranking and livelihoods analysis
- Identifying social development needs
- Determining the rights, duties and obligations of the members
- Agreeing of tenure arrangements and resource rights
- Drafting of a constitution that clarifies procedural and substantive rights including determination of access and use of productive resources on the land
- Designing and operating structures and systems to administer these rights and duties
- Setting out the duties of Executive members
- Understanding key requirements of the law used to establish a CPI

Integrated natural resource management and sustainable human settlements

- Appraisal of the land and the natural resources and assessing of its suitability to meet the needs of participating households
- Appraisal of environmental opportunities and threats
- Understanding and analysing risk and the development of risk reduction strategies to deal with drought, fire etc
- Understanding of and compliance with key legislative requirements – natural resource management, water rights etc
- Clarifying township establishment options, individual residential stands, service levels, service charges and maintenance
- Explaining municipal indigency policy.
- Establishing and managing a community service provision entity
- Assessing property rates liabilities

Livelihoods and enterprise development

- Livelihoods, enterprise and land use planning

- Assessing available economic opportunities
- Determining rights and benefits and determination in relation to economic opportunities
- Business entity formation where appropriate
- Identifying rights, obligations and liabilities in terms of joint venture contracts and leases
- Monitoring and evaluation of progress against project goals
- Identifying corrective action
- Understanding and applying for available grants and sources of finance (CASP, Mafisa, Land Bank, others)
- Understanding implications of non payment of commercial loans
- Farm/enterprise management, introductory, intermediate and advanced
- Developing skills to keep financial records, make financial projections manage money and make sound business decisions
- Implementing farmer lead extension and establishing peer learning circles
- Developing the technical skills to manage crops, livestock, soils, fertilisers, irrigation, pest management, invasive aliens, forestry, medicinal plants, biodiversity etc
- Identifying and developing maintenance skills for equipment and plant
- Understanding and ensuring compliance with key legislative requirements – tax, levies, service payments, environmental and natural resource management, water rights etc
- Auditing existing skills and expertise and identifying skills deficits
- Undertaking produce and location marketing

3.3 Sphere 2: Building the capacity of the lead agencies

Sphere 2: DLA and the Commission on Restitution of Land Rights

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| SPV/PMU/Chief Directorate responsible for SIS |
| Existing post settlement support units |
| DLA staff within PRLOs |
| SPI |
| CPI support unit |
| Communications |
| Information mgt, M&E |
| Local SIS entities |

This sphere concentrates on building the capacity of the DLA and the Commission to fulfil their core functions effectively and lead a joint programme of government to deliver land and support.

3.3.1 SPV/PMU/SIS Chief Directorate

Currently the department is exploring different options for coordinating the provision of settlement and implementation support. These include:

- developing new legislation to establish a Special Purpose Vehicle (SPV) which will expedite the acquisition and development of land and provision of SIS support
- developing a Project Management Unit (PMU) in partnership with national and provincial departments of agriculture
- establishing a new chief directorate within the branch land tenure reform responsible for the coordination of SIS support (CD:SIS)

Whichever option is finally chosen it is clear that the management and staff of the SIS delivery entity will require orientation and training. It is possible that many of the people recruited to run these entities will not have extensive backgrounds in land reform and rural development. This will need to be developed as people find their way into new jobs. Formal face to face training courses will probably not be appropriate here as they will absorb too much time and be expensive.

The department will need to put in place a managed action learning process which creates spaces to enable people to reflect on practice and learn on the job. This should be supported by a high quality online learning programme which enables people to learn at their own pace and revise/ refer back to learning materials and knowledge resources at their convenience. This will need to be linked to comprehensive online reference materials allowing people to access the most up to date information.

This will require the creation of dedicated capacity development unit and/or the appointment of a service provider to manage the process and integrate learning and knowledge management practices.

Staff within the selected unit would need to be on top of:

- The different dimensions of the capacity development strategy and the range of front end services and back office support requirements that are proposed
- The guidelines for joint programme management gazetted in terms of the Intergovernmental Relations Framework Act and the requirements to participate in provincial and district intergovernmental forums
- The options for establishing district SIS entities to co-ordinate support services to local projects and the support systems that these will require
- The different legislation and business processes associated with Restitution settlement agreements, LRAD and Commonage projects, together with legacy SLAG projects
- The role and function of CPIs and the process of land rights management and CPI support
- The grants, services and key legislative mandates of partner departments
- Guidelines for the integration of environmental planning into land reform and land development and the environmental sustainability assessment tool
- Area based planning
- The National Spatial Development Perspective
- Proactive land acquisition
- Municipal IDPs and related legislation
- Spatial and land use planning
- Water allocation reform
- Environmental legislation
- Township establishment processes.

This would also require a **decisive shift in the way in which the capacity development function is currently managed by the DLA**. In the earlier days of land reform the various operational directorates took direct responsibility for the development of training and capacity development programmes and ensuring the development of their staff. Subsequently this function was withdrawn and located within the Human Resources Directorate. An argument was made at the time the capacity development and training were not the core business of the operational directorates. However many people in the department are of the view that this argument was flawed as it failed to

distinguish between the responsibilities to develop key generic skills and those which build specific job and function specific expertise and capacity.

Human resource development directorates are usually well positioned to coordinate and provide training in generic management and core work place skills: computer literacy, leadership and management development, HIV AIDS, public service regulations and procedures etc. However they are poorly placed to develop or commission training content related to specialised functional areas: land reform and related legislation, business processes, area based planning, proactive land acquisition and settlement and implementation support. They are equally poorly placed to monitor the quality of what the appointed specialist service providers deliver in these different arenas.

Determining the objectives and content of such training and capacity development initiatives are best left with the directorates which deal with these issues as part of their daily business. The content specialists within these directorates may require the support and skills of experienced trainers and HRD professionals, but this is in respect of training methodology and the structuring of learning processes and not with respect to the content itself.

The SDC recommends that the DLA reviews the way in which it currently manages capacity development within the Department with a view to locating responsibility for SIS support directly within the structure responsible for co-ordinating its delivery. Alternatively such a support programme could be outsourced with the active involvement and oversight of the relevant departmental structure.

Once it has been agreed to establish a new SIS directorate or an SPV a more detailed institutional design process will need to be undertaken which will identify the different functions of directorates and staff posts. Specific competencies will be required by the new staff to enable them to fulfil their job descriptions and meet programme objectives. Skills development in this area will need to be included within the overall DLA Skills Development Plan.

3.3.2 Existing post settlement support units

Currently the Commission has established post settlement support units and certain PRLO offices have done the same. A decision will need to be taken on how these staff are to be deployed in future. Once properly located their skills will need to be consolidated as part of the skills and capacity development plan of the entity to which they are deployed.

3.3.3 Staff within the PRLOs

The adoption of the SIS strategy will have a number of implications for the functions of staff employed with the PRLOs and the Commission on Restitution of Land Rights. The business processes associated with project planning will require adjustment. New relationships will need to be built between the PRLOs and the parties represented in SIS entities. This will require the bringing together of the PRLO and Commission to ensure that managers and staff are on top of the new processes.

3.3.4 Building the Capacity of the Chief Directorate: Spatial Planning and Information

CD:SPI has a crucial role to play in supporting the implementation of the SIS strategy which rests on the provision of accurate and up to date spatial information on land reform projects – planned and transferred and their location in relation to development corridors, areas of high biodiversity significance, water stressed catchments, roads, schools, clinics and social services. This will require a rapid expansion in the mapping and spatial information management capabilities of SPI and the placement of people with GIS mapping skills in PRLO and District Offices.

There will need to be a close relationship between SPI, District and Local Municipalities and local SIS entities. The SDC developed an information management prototype which could be further developed

into a platform to manage project information at local scale and enable partners in the joint programme to improve collaboration, input and access current information on support initiatives. Although 'virtual office' technology is available to support distributed teams staff often lack the requisite computer skills to make optimum use of what is available. This will require an applied support programme to be developed to support SPI staff and other users of the virtual office facilities.

The guidelines for the integration of environmental planning into land reform and land development and the related environmental sustainability assessment tool are also the responsibility of SPI. As the strategy observes these guidelines which are approved departmental policy have yet to be effectively mainstreamed into project planning and related business processes. This will require oversight and support from SPI to ensure effective implementation and fits within the integrated natural resource management and sustainable human settlements approach adopted by the strategy. It requires engagement with PRLOs, SIS entities, land reform associations and projects. It will require additional support from national and provincial line departments with environmental management responsibilities.

SPI will be a key player in the organisation and conceptualisation of a training and support programme to promote integrated natural resource management and which would make new land owners aware of their rights, responsibilities and liabilities in terms of environmental and resource management legislation. This would need to happen in conjunction with DEAT, DWAF and NDA and include relevant provincial departments

3.3.5 Putting in place a CPI Support Unit

The strategy recommends the establishment of a CPI support unit within the DLA to provide dedicated support to CPIs established to hold land and manage land rights in land reform projects. This unit will need to be built from scratch as currently there is very limited capacity within DLA. This will require the development of a customised support programme including high quality online learning materials and resources. The programme would need to include:

- An introduction to key tenure concepts
- Options for establishing land holding entities – their roles and functions and founding legislation
- Distinguishing between procedural and substantive rights in the establishment of land holding entities
- Determining and allocating individual land rights in theory and practice
- Practical land rights management
- Defining the relationship between CPIs and business entities
- Appropriate methodologies for supporting CPI Executives and members

3.3.6 Communications

The strategy envisages an enhanced role for communications personnel within DLA working in co-operation with other government agencies. Communications specialists will need to be able to develop appropriate messaging for different stakeholders. Communications will need to be tailored to suit the needs of land reform beneficiaries, associations, commercial agriculture, commodity organisations etc.

Communications specialists will need to be able accurately profile different audiences and their information requirements

3.3.7 Information management, M&E staff

The strategy highlights the urgent need for reliable quantitative and qualitative information on the land reform status quo which is made accessible to programme managers and policy makers. This information should provide the basis for monitoring the success of the programme against key performance indicators. Panel studies will provide a rich source of longitudinal data to track the progress of land reform projects over time.

The evidence highlights the inadequacy of much of the available data on land reform, much of which stems from poor data capture and inadequate integration of existing data sets. The department will have to develop the capacity to put in place, operate and maintain a robust data and information system which will enable accurate and analytic reporting as a basis for M&E. This requires well trained super users within provincial offices working on robust and tested systems.

The strategy places increased emphasis on the promotion of participatory M&E at project scale. DLA M&E and project staff will need training in PM&E methods in order to these systems in place with land reform beneficiaries.

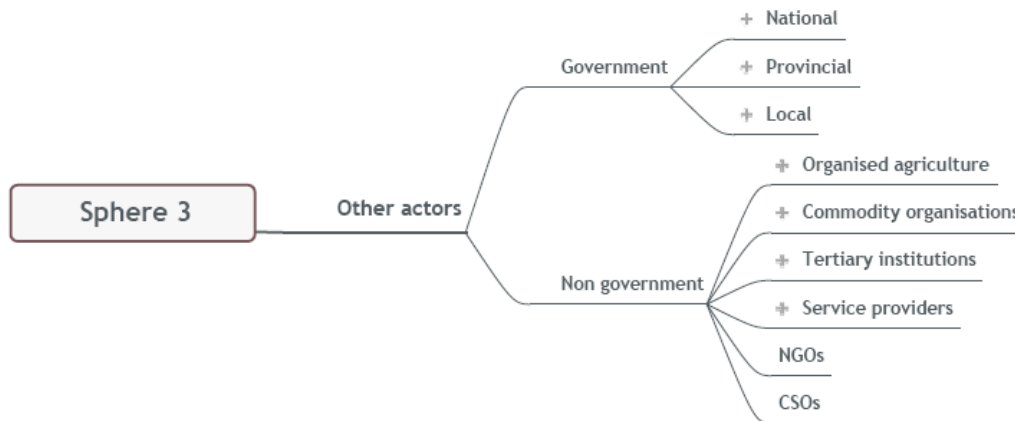
3.3.8 Developing the skills of SIS support staff

Irrespective of the identity of the support entities which are finally put in place staff which are employed will require an intensive training and support programme. This would be very similar to that outlined above for the SIS Chief Directorate/SPV/PMU. However this would need to be customised according to the operational conditions in the District where the SIS entity is operating. It should enable understanding of the:

- Institutional arrangements for development planning and implementation – the IDP and ABP planning processes, District intergovernmental forums, provincial grants approvals committees etc
- Particular social conditions in the area – poverty, health, social and gender relations, local institutions etc
- Particular ecological conditions impacting on land use and livelihoods – climate, soils, water availability, catchment stress, land capability, hazards (alien invasives, drought, fire) and related risk
- Local economic and development context – the nature of the local agricultural economy and the economics of agricultural production in the area, market opportunities and constraints, the local economic development priorities within the IDP

SIS support staff should also develop participatory planning and research skills, be familiar with PRA methodologies, livelihoods analysis, gender issues etc. They also require institutional and organisational development skills, conflict risk assessment, mediation and conflict resolution skills.

3.4 Sphere 3: Engaging with public and private partners



The strategy argues that land reform should be reframed as a joint programme of government in partnership with the private sector and NGOs. To make such a joint programme effective two components must be in place.

3.4.1 Public sector alignment

Recently gazetted guidelines for the management of joint programmes are intended to ensure that:

- Different departments and spheres of government develop a common vision, clear roles and shared performance management standards
- The partners improve their understanding of land reform and the challenges and opportunities presented by the programme
- Each partner understands their respective role and functions
- Mechanisms are put in place to secure financial contributions from different spheres of government consistent with their legal mandates which enable joint programme accounting consistent with the Public and Municipal Finance Management Acts
- The role, responsibilities and powers of the joint programme manager and the joint programme management team are clearly set out
- The working relationship between the programme partners and the dedicated support agencies in the different provinces and districts are specified.

3.4.2 Functional partnerships with private sector, tertiary organisations, NGOs and CSOs

To date there is little evidence that high level framework agreements have resulted in practical action on the ground. While such agreements help negotiate shared purpose functional partnerships need to be put in place at District and local scales. The partnerships require that the actors involved understand the new approach to land reform and are able to identify their roles within it.

Organised agriculture

While the DLA has entered into high level agreements with AGRISA these need to be supplemented by municipal scale agreements with local farmers associations. These agreements need to identify where land reform projects are and focus on building supportive relationships with their neighbours. It is often said that behind every successful farmer are good neighbours who help with support and technical advice, loan equipment etc. Good communication and agreements between neighbours help to avert potential conflicts that can arise from straying livestock, poor fence maintenance and uncontrolled burns. They can also help to address concerns about shared security, given the high levels of stock theft and crime on farms in certain areas of the country. Mentoring and support programmes need to draw in neighbouring farmers wherever possible.

Commercial farmers in different areas will need to understand and support the approaches being taken towards agricultural production, land use and resource management on the different properties in the area. These may include formal or informal subdivision, a mix of production for consumption and the market and joint venture activities. Ideally established commercial farmers and the associations which represent them need to see land reform in the area as an opportunity to:

- Strengthen social relations which ensure a secure future for all
- Provide business and technical support in a spirit of *ubuntu* and social responsibility
- Enter into joint ventures and in so doing access capital and preferential markets.

Commodity organisations

Several commodity organisations have already actively targeted land reform participants in the sugar and wool sectors through outgrower schemes or provision of support packages. These provide good practice examples for other commodity organisations to follow. Ideally each commodity organisation should have a land reform/emergent farmer desk which targets and supports new producers of the commodity.

Tertiary institutions

Potentially universities, technikons, and research institutes have a great deal to offer land reform. However for these benefits to be realised there needs to be an active engagement by the DLA with appropriate faculties and research entities with a presence in particular provinces or districts. This can help align research programmes and ensure that independent research findings provide evidence for improved policy and practice. Key faculties include those of agriculture and rural development, agricultural economics, environmental and geographical science, and public administration within universities.

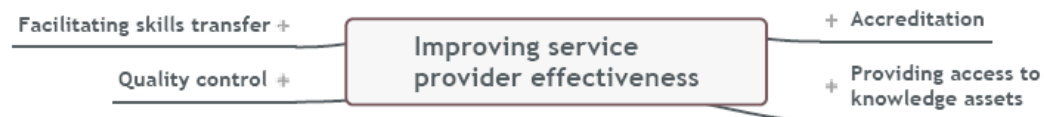
As with other role players there needs to be good communication between the DLA and the different faculties. SDC recommends that a dedicated post responsible for liaison with academic and research institutes be established as part of the back office services provided by the proposed new Chief Directorate for settlement and implementation support. DLA should also be playing a role in influencing the curricula to ensure that appropriately trained professionals graduate from tertiary institutions.

Service providers

DLA invites service providers to register on their data base in order to be eligible to tender for departmental contracts. Currently there are no mechanisms to assess the knowledge that service providers have of the land reform programme and their capabilities to fulfil functions specified in TORs which include:

- Assisting new land owners to determine and allocate land rights
- Establishing and implementing land rights management systems
- Setting up functioning land holding and land rights management entities
- Assessing environmental opportunities and threats
- Preparing business and land use plans which factor in household production for consumption, small group enterprises and joint ventures which provide a realistic assessment of benefits and risk

The new approach proposed by the SDC extends the responsibilities of service providers from producing plans to ensuring their successful implementation.



As the Department delivers more land so the base of the competent service providers will need to grow. The department may consider requiring established and rated service providers to transfer skills to new firms and individuals entering the field through twinning service providers on certain jobs.

This will require the introduction of a system to accredit and rate service provider performance to ensure that land reform beneficiaries receive good service. This will require DLA investment in a land reform knowledge management system that makes key knowledge resources publicly accessible and which increasingly localises these by province and district

Overall the department will need to develop quality assurance mechanisms to ensure that service providers deliver work of an acceptable standard. This could involve the commissioning of independent reviews of the work done by service providers to provide periodic quality audits. It could also involve the tracking of projects serviced by different providers as part of a longitudinal M&E process.

NGOs

NGOs have an important role to play in supporting land reform projects while continuing to provide an independent assessment of the success of the programme. This involves finding the balance that allows NGOs to provide services to the land reform programme while simultaneously retaining a critical voice. Overall this can be facilitated by the Department and its partners adopting a learning process approach which creates opportunities for structured reflections designed to consistently improve on programme implementation and refine policy as required.

There are also a number of NGOs who provide social development, environmental management and business support services and who do not regard themselves as 'land NGOs' which currently are not effectively being utilised in support of the land reform programme. Government engagement will be needed to encourage NGOs offering different services to make a bigger contribution to land reform. This will be facilitated by improving public knowledge of the land reform programme combined with the promotion of the approach that land reform is everybody's business.

CSOs

Local CSOs have potentially important roles to play in support of land reform. These may include local farmers associations, women's organisations, community based micro finance organisations, burial societies and similar entities. Local ABP processes need to identify what CSOs are active in the District and explore ways to enable them to assist land reform beneficiaries if possible.

4 Institutional options

Once DLA and its partners have adopted the SIS strategy and determined the most appropriate institutional arrangements for rolling it out capacity development and training functions will need to be located within the designated institutions at all levels. This will involve distinguishing between provision of back office support and front end services to projects.

4.1 Back office support

A national back office capacity development and training unit will need to be established within the Chief Directorate. This will be responsible for:

- Designing and putting in place a knowledge management system to support SIS
- Developing and maintaining an online resource centre covering all aspects of SIS – social and institutional development, land rights management, CPI support, integrated natural resource management and sustainable human settlements, livelihoods and enterprise development
- Design and put in place online learning modules providing an overview of the land reform programme, documenting DLA business processes and focusing on key content areas such as land rights management and CPI support
- Providing support to PRLO and Commission staff and SIS entities at provincial and district scale
- Developing joint capacity development programmes in association with other departments

4.2 Front end services

Front end capacity development and training services will be co-ordinated by a capacity development unit located within the PRLO which works closely with the capacity development and training co-ordinators within District SIS entities and provincial service providers

Decentralisation of the capacity development and training function to the Provincial and District levels will ensure that training and capacity development initiatives are locally appropriate. This will also stimulate the development of provincial service providers who can provide continuity of service at local scale.

5 Conclusions

As we have argued above:

*“Capacity building is the ability of individuals, groups, institutions and organizations to identify and solve development problems over time.”
(Morgan, 1998)*

This involves putting in place back office support and knowledge management systems combined with customised and appropriate front end capacity development and training services which strengthen local institutions and develop competent people within government, the private and non government sectors and most importantly within land reform projects and local associations on the ground.

The development of capacity is a highly dynamic, context specific and adaptive activity. It is a critical success factor underpinning the success of the land reform programme which needs to cut across the programme at all levels – from policy development through to hands on implementation. The capacity development strategy must be able to engage simultaneously with development professionals, emerging farmers and entrepreneurs and the rural poor. It must succeed in creating a learning environment which promotes and enables sustainable social, institutional, ecological and economic development and which combines both specialist and local knowledge for best results.

6 Appendix 1: Core components of a capacity development programme

6.1.1 Indicative capacity development areas

The capacity development areas identified in the table below are indicative. They will need to be elaborated, adapted and adjusted according to the local area based operational context with specific local stakeholders and institutions being clearly identified.

Capacity will need to be assessed and developed where required in each key area and across the different spheres. This will require a co-ordinated approach between DLA and other government and private sector/NGO/tertiary role-players and will require integration with DLA's existing training programme.

Given the scope of what is required content of the proposed capacity development programme will need to be incrementally developed and a variety of delivery methods explored. While learning areas may straddle the three spheres, the depth and detail of what is required will vary substantially. Likewise the learning and training methodologies will need to be appropriate for the land reform beneficiaries, and adapted for government officials and other role-players in each sphere.

Within Spheres 2 and 3 the need to encourage simultaneous working and learning will require that much capacity development activity is likely to take place in team contexts using field based learning methodologies, supported by workshop sessions and knowledge resources made available by e-learning and virtual office intranets.

Indicative learning content areas for different spheres

| Sphere 1: Land reform participants & associations | Sphere 2: DLA and the Commission | Sphere 3: Municipalities, partners in government, private sector, NGO and tertiary sectors |
|---|---|---|
| Area based planning and institutional arrangements including formation of local associations | Area based planning and institutional arrangements for support GIS mapping and data sharing | Area based planning and institutional arrangements for support Access to and interpretation of GIS data |
| Self assessment of existing institutions Social history Well-being/wealth ranking | Social profiling and skills assessment of the claimants/applicants, identifying strengths, weaknesses and gaps Social risk assessment Data capture, analysis and communication | Appraisal of proposed project sites in relation to municipal spatial development framework Identification of service delivery implications |
| Appraisal of the land and the natural resources and an assessment of its suitability to meet the needs of the community drawing on available indigenous knowledge Appraisal of environmental | Appraisal of the land and the natural resources and an assessment of its suitability to meet the needs of the claimants, utilising DLA guidelines and ESAT tool Knowledge of appraisal methods and legislative | Appraisal of the land and the natural resources and an assessment of its suitability to meet the needs of the claimants, utilising assessment science and framing legislation Knowledge of appraisal methods and legislative |

| Sphere 1: Land reform participants & associations | Sphere 2: DLA and the Commission | Sphere 3: Municipalities, partners in government, private sector, NGO and tertiary sectors |
|---|--|---|
| opportunities and threats | framework Feasibility criteria and assessment | framework Feasibility criteria assessment |
| <p>Determination of the rights, duties and obligations of the members</p> <p>Agreement of tenure arrangements and resource rights</p> <p>The drafting of a constitution that clarifies procedural and substantive rights including determination of access and use of productive resources in</p> | <p>Learning from the experience of CPA establishment to date</p> <p>Facilitation of the determination of rights, duties and obligations/ drafting brief for service providers</p> <p>Methodology for determining tenure arrangements</p> <p>Requirements of the CPA Act and Regulations re the constitution and establishment processes</p> <p>Assessment criteria to appraise resultant constitutions and rights determinations</p> | <p>Linkages between resource management and individual resource tenure rights</p> <p>Specifics related to management of water resources, water rights, wetlands, rangelands, forests and woodlands, biodiversity, mining , invasive aliens, soil conservation etc</p> |
| Local administration of the structures and systems to administer these rights and duties | <p>The development of the structures and systems to support CPAs to administer rights</p> <p>Related indicators and monitoring systems</p> | Support and monitoring with respect to land rights management relation to particular resources – grazing management, common property resource management, conservation resources |
| <p>Duties of Executive members</p> <p>Understanding the CPA Act</p> <p>Key requirements of the Act</p> | <p>Appropriate methodology for training and support CPA executives</p> <p>Monitoring and early warning systems</p> <p>Dispute resolution systems</p> <p>Assessment methodologies to review existing CPAs and Trusts and strategies to revitalise</p> <p>Rights enquiry methodologies</p> <p>Understanding of the Trust Property Control Act and legislative options for intervention</p> <p>Registering Trusts as similar entities</p> | Understanding of the legislation and rules governing resource access and use |
| Township establishment options, service levels, service | Settlement planning, township establishment options, service | Settlement planning and siting. |

| Sphere 1: Land reform participants & associations | Sphere 2: DLA and the Commission | Sphere 3: Municipalities, partners in government, private sector, NGO and tertiary sectors |
|--|---|---|
| charges and maintenance. Municipal indigency policy. Local service provision entities Property rates liabilities | provision and maintenance options, municipal indigency policy | Service provision costs and implications for IDP budgets and targets |
| Livelihoods, enterprise and land use planning Understanding economic opportunities and benefits Rights and benefits and determination in relation to economic opportunities Business entity formation where appropriate | Facilitating household livelihoods and enterprise development planning Facilitating understanding of opportunities Linkages between land reform, IDP and LED strategies Contracting consortia to service projects in designated areas Project management, indicators and monitoring | Market scoping studies at District scale Local economic development strategies Assessment of economic opportunities and business models at project and area scale Project level household livelihoods and enterprise development Assessment of risks and returns Provision of business and implementation support services |
| Rights, obligations and liabilities in terms of joint venture contracts and leases | Ensuring joint venture contracts and leases are negotiated which favour the interests of land reform participants | Provision specialist support to review |
| Monitoring and evaluation of progress against project goals Identifying corrective action | Indicator setting, participatory M&E, data and trend analysis Identifying and ensuring implementation of corrective action | Interpretation of trends and support for interventions |
| Understanding and applying for available grants and sources of finance (CASP, Mafisa, Land Bank, others) Understanding implications of non payment of commercial loans | Identification of available grants and sources of finance (CASP, Mafisa, Land Bank, others) Debt risk assessment | Grant and loan provision and related support to projects Debt risk assessment, performance monitoring and targeted support |
| Understanding and analysing risk and the development of risk reduction strategies to deal with drought, fire etc | Ensuring risk assessment and risk reduction measures in place at individual project and area scales | Support by appropriate departments and local actors to identify, reduce and manage particular risks. Disaster risk strategies |

| Sphere 1: Land reform participants & associations | Sphere 2: DLA and the Commission | Sphere 3: Municipalities, partners in government, private sector, NGO and tertiary sectors |
|---|--|---|
| | | integrated into IDP that address land reform environment |
| Farm/enterprise management Farmer lead extension Peer learning circles | Ensuring enterprise management and mentoring support is available Stimulating new approaches to extension and peer learning | Providing management enterprise support in appropriate ways which build capacity and transfer skills Implementing new approaches extension and peer learning |
| Technical skills to manage crops, livestock, soils, fertilisers, irrigation, pest management, invasive aliens, forestry, medicinal plants, biodiversity etc Maintenance skills for equipment and plant | Sourcing technical expertise | Providing appropriate advice, support and technical services within appropriate extension paradigm |
| Skills to keep financial records, make financial projections manage money and make sound business decisions | Sourcing financial and business management expertise | Provision of financial expertise and development of skills and project level systems |
| Understanding of and compliance with key legislative requirements – tax, levies, service payments, environmental and natural resource management, water rights etc | Identifying key compliance obligations, securing training and support for projects from appropriate departments and institutions Systems for monitoring key compliance obligations | Provision of appropriate support in key compliance areas |
| Identification of existing skills and expertise and skills shortfalls | Development of a skills and capacity development plan to ensure development of appropriate technical capacity Skills development of younger people through bursaries placements, learnerships | AGRISETA support and funding of skills development programmes on an area basis |
| Produce and location marketing | Ensuring market research and branding of local area land reform initiatives | Provision of market advice. Linkages with area based tourism development and farm stay strategies |

7 Appendix 2: An brief review of elearning

DLA has had some experience of elearning delivery although this has never been properly mainstreamed within the Department. A tender was put out in December 2003 to develop elearning materials for the Department. The tender was awarded to eDegree who developed a series of modules which take two hours to complete on various aspects of the land reform programme and which include self tests and progress report generation.

However this content has remained static since its development and elearning has yet to properly take off. There has also been internal contestation between the Directorate HRD and Redistribution Policy and Systems about where responsibility for such a programme should be located. This is indicative of a broader internal disagreement within the Department about the difference between generic HRD and function specific training and learning addressed earlier in the document.

7.1 Understandings of elearning

A brief review of Internet sources and wider literature highlights that elearning is defined in many different ways.

"The term covers a wide set of applications and processes, such as Web-based learning, computer-based learning, virtual classrooms, and digital collaboration. It includes the delivery of content via Internet, intranet/extranet (LAN/WAN), audio- and videotape, satellite broadcast, interactive TV, CD-ROM, and more."¹

7.2 The elearning challenge

It is clear that while elearning offers significant advantages there are also significant challenges to be overcome. One of these challenges is how to ensure adequate interactivity. In face to face training courses run by experienced facilitators:

Key interactions that affect participant attitudes and performance often occur spontaneously, in real-time. Good trainers interpret body language, address individual needs, clarify expectations, facilitate activities, promote discussions, elaborate concepts, render guidance, and provide timely and appropriate feedback as they present content in a clear and engaging manner. Good instructors can also make up for flaws in design by utilizing their charisma to gain learners' attention and their experience to shed light on complex or confusing content matter.

During elearning, communications are predominately asynchronous and mediated by technology. Opportunities to interact and adapt instruction based on verbal and non-verbal cues are relatively limited. Key interactions that occur spontaneously in traditional classroom environments must be planned as an integral part of elearning².

7.3 The elearning continuum

What is clear is that there is an elearning continuum as expressed in the table below. There seems to be agreement that the most effective elearning strategies form part of a blended learning approach

¹ Learning Circuits glossary compiled by Eva Kaplan-Leiserson accessed at http://www.astd.org/glossary_of_terms.htm 30th January 2004

² Instructional Technology Institute. 2003. *A Framework for Designing and Sequencing e-Learning Interactions: A Grounded Approach* accessed at <http://it institute.usu.edu/proposalDetails.cfm?proposalID=19> 4th February 2004

| Elearning as a minor adjunct to face to face (f2f) training courses | Elearning as a significant element within a blended learning approach | Virtually all training and participant – trainer interactions are online |
|---|--|---|
| <p>In this form learners may have access to materials from face-to-face courses and links to resources online or on CD.</p> <p>F2f course materials have been edited to include internal and web hyperlinks</p> <p>Learners use email to collaborate with one another</p> <p>Learners complete online self assessment tests and submit assignments or a portfolio of evidence</p> | <p>This form tries to utilise what is best from f2f and elearning approaches. It involves:</p> <ul style="list-style-type: none"> • initial face to face orientation • familiarisation with the learning environment and training to use hardware and software, • periodic individual or group interactions to discuss issues arising out of the course or review individual work • custom designed interactive elearning materials supported by a range of web-based tools – chat, moderated discussion forums, self assessment tests etc | <p>Courses are delivered online from start to finish with the possible exception of an initial face to face orientation</p> |

7.4 Elearning strengths

These will largely depend on the mode of elearning adopted as set out above. Most texts on elearning highlight the flexibility of the medium

*"In elearning environments learners interact with learning materials, their instructors and other learners from various locations and often at various times using network technologies. So by its nature elearning offers significant flexibility as to when and how learning occurs. Elearning can include independent, facilitated or collaborative approaches to learning...elearning can be asynchronous (meaning learners are experiencing learning at different times) or synchronous (meaning that learners experience learning at the same time), or it can incorporate both drawing on the strengths of each."*³

³ Elearning, a definition accessed at http://www.herridgroup.com/articles_reports.html 2nd February 2004

The table4 below highlights commonly cited strengths organized into three categories

| Logistical | Instructional | Economic |
|---|---|---|
| Flexible delivery of training | Can be blended with face to face events | It is argued that elearning is less costly than formal f2f training (not always the case) |
| Learners can learn at any time and any place | Puts learners in control and enables them to identify individual learning priorities Self paced, learner focused | Allows for inexpensive wide distribution and updating of materials |
| Learning materials delivered via the Internet/intranet/CD/DVD to learner's computer | Enables conversations and collaboration at a distance | Requires a PC and an internet connection which many officials in Government are likely to have access to ⁵ |
| Materials can be delivered largely irrespective of the computer platform | Ensures that the quality of materials and delivery are consistent for all learners | |
| Easy and instant content updating via the Web | Can utilize different ways of presenting learning (visual, text-based, levels of depth) | |
| Can be accessed just in time (at the moment of need for learning) | Faster learning (sometimes) | |

7.5 Elearning weaknesses

Several texts highlight that elearning proponents often pay too much attention to the technologies of elearning and too little to the learners, their needs and the quality of the learning content.

*The real challenge in elearning is keeping the people it's designed for in mind. How do people learn? How do people acquire and retain skills? How do people access information to help their development? Only after these questions are addressed should the "e" in elearning become a factor. Only then can the technical side—the electronic delivery—be adapted to the learner.*⁶

⁴ Adapted from Daly, D and Scott, A (2003) Best practices handbook. Best practices for advanced distributed learning Joint ADL. Co Laboratory and Roderick, A. (2004) Department of Instructional Technology. San Francisco State University. ITEC 845 <http://bss.sfsu.edu/andrew/itec845/lectures/elearn/index.htm>, accessed 4th February 2004

⁵ This needs to be quantified in DLA's case.

⁶ <http://www.linezine.com/elearning.htm>

Methodologically elearning programmes have been criticized for continued mimicking of traditional correspondence mail models of distance education. They rely heavily on self-instructional text or lecture-based materials, failing to promote meaningful interactions among students, the instructor and content.⁷

| Logistical | Instructional | Economic |
|---|---|--|
| Slow dial up internet connections restrict use of web based multimedia learning material | Learners and trainers must know or learn to use a range of web based tools | Longer training development time |
| Technical problems or limited access to computers can prevent learners getting on line | Misplaced emphasis on the technology itself | Can be costly if a small number of learners are involved |
| Significant institutional and technical capacity required to design and deliver materials and interact with learners and support their learning | The design of f2f training is often too linear to adapt well to learning on the web – requiring reconceptualisation of learning materials | Upfront funding required |
| Can be difficult to authenticate individual learner's assignments and portfolios for assessment purposes | Requires greater self motivation for learners | |
| | Lack of face to face interaction and social benefits of f2f training | |

7.6 Conclusions

Clearly elearning does not provide a technological quick fix. However if elearning is introduced as part of a comprehensive capacity development strategy it offers significant advantages as a vehicle for in house learning and collaboration.

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