

Nkuzi Development Association' Annual Activities Report 2012



Chairperson 'Report - 2012

It is understood that South Africa has played a pivotal role in the discussions and debates regarding land reforms, and its policies around issues of land reform has found relevance in some countries in Africa and internationally. In attending to land rights issues South Africa has embarked on a number of programmes to identify and classify the issues, namely: Farm Dweller, Restitution, and Redistribution. Each of these programmes has been clearly identified and defined with an effort to develop and improve livelihood security of farm dwellers / workers and those dispossessed of land in South Africa.

We are advancing the 100 years centenary on land dispossession in South Africa through the Natives Land Act of 1913, and there are quite a lot of issues that have been achieved and not achieved since the dawn of democracy. There is a significant amount of land that has been leased or sold for agricultural purposes, which in itself is a means of livelihood, especially to the disadvantaged communities. Some part of land has been sold for mining and industrial purposes which in itself was meant for economical development for the country. This was done in ignorance of the fact that land has been forcefully taken away from black South Africans, and restoring what is rightfully belong to the people, policies have been developed which are time consuming and at times contradictory in application. Hence there is still a lot of land claims applications that have not been attended to.

It leaves much to be desired in the sense that there is a huge backlog on land claims and the government is opening up new land claims. This might cause people to claim lands that have been claimed (counter claims) and will even cause more delays. The idea is good but the timing thereof.

Land Audit: In order to address the disparity of land inequality issues and livelihood security there is need for urgent land audit in South Africa to avert the Zimbabwean situation of forceful and illegal land grabbing. The political situation is fast changing with people having more anger on unresolved land claims issues. The then situation is fuelled by the emergence and mushrooming of factional political organisations that purport to fight for the rights of the economical disenfranchised communities. All is done in the name of the poor, but is for personal gains. The government has targeted, since 1994, that it shall have returned 30% of white owned agricultural land to black South Africans by 2014. The Department of Rural Development and Land Reform was only able to return less than 8% of the land.

Land Reform Plans : The department is paid out ±70,000 claims on land reform and this in itself does not address the issue of food security and sustainable livelihood to black South Africans. The land that is being transferred does not have post transfers farmer support to improve the land management. The bureaucratic failures and inability of the government to provide people with adequate education along

racial lines makes it difficult for South Africa to implement its policies fairly on land claims issues, thus making land reform plans a lame tool.

Farm Dweller: White farmers in South Africa are still reluctant to recognise blacks as people and their rights to education, health and shelter are non-existence to these farmers. An example is a white farmer in Kwa-Zulu Natal who dug a 3 meter deep and 5m wide trench along the access road which makes it difficult for villagers to cross to the other side of the village for services. The South African Parliament assigned Nomaluntu Gina to address the issue. Farm workers who become aware of their rights are still evicted without any form of compensation or redress

Redistribution: The “willing seller willing buyer” will take long to be realized as the land owners (holders) put on a much exorbitant price that makes it difficult for the buyer to purchase. The land owner still has the ability to push up the price of land. The government could only rely on the principle of “just and equitable” which will only be applicable to land owned by the state. Much of the land claims will still be settled by the courts as land owners will not freely release land to blacks. Therefore land redistribution will still remain a political imperative because those dispossessed of land by the Native Land Act of 1913 are still without livelihood security. It has been indicated by a survey that there are ±37,000 white commercial farmers in South Africa of which blacks do not even make a fraction of that. Some of the land claims are being dismissed and others still pending. This puts the government in much pressure as it opens up new claims.

Amendment Bill: Nkuzi Development Association has submitted inputs into this Amendment Bill which will adversely affect land claims. And as an organisation we have employees that can adequately attend to the mentioned programmes, ie: Farm Dweller, Restitution and Redistribution. On the other hand we have secured meeting with the Regional Land Claims Commission office for discussions on the issues of land claims status that were submitted to it.

Submitted by: Ms. Joyce Letsoalo (Chairperson Board of Directors)

Director’ Report

1. South African Context

The rainbow nation is a very **unequal society**. Recent surveys indicate that social and income inequality is about to replace race as the main factor that divides people. The gaps between the rich and the poor and between urban and rural areas are widening. Poverty and unemployment are rampant. The vision of South Africa’s constitution of an *equitable society, characterized by human dignity, fairness and justice*, is far from being realized. Inequality has an extremely negative impact on society. It erodes trust, increases anxiety and illness, and furthermore encourages excessive corruption, all of which have serious social and economic consequences for the country.

In 2011, the Zuma government released the New Growth Path to reduce unemployment, poverty and inequality. It acknowledges that poverty is at its deepest in rural South Africa. But government also ascertained that the economic policy will not fundamentally change. Hence it is doubtful that the NGP may make major dents in the GEAR policy. The policy framework foresees that 300,000 jobs will be created by 2020 in the smallholder sector and another 145,000 in value-adding activities.

“The framework speaks of forming social partnerships that would translate into the creation of one million jobs (...). Government relies on the buy-in of the commercial agriculture and agribusiness to allow small businesses to have space in the food market. (...) the likelihood for cooperation with the politically driven program is not very high. Therefore, sustainability of the jobs created will remain a challenge.

The plans that government has for rural areas are seldom communicated with the historically marginalized sectors of the rural population. The idea of forming partnerships with a variety of formations in rural areas is customarily not preceded by a comprehensive awareness raising process whereby rural people have an opportunity to understand what is being planned on their behalf. (...) Small scale farmers, food security groups and women’s organizations need to engage government aggressively about the implications of this document to the local economy.”¹

The South African government has good policies on paper, but a problem with the **capability of state institutions** to implement those policies coherently across the relevant sectors.² Failures in the implementation of the land reform have led to increasingly violent rural protest. In addition, quicker and more effective moves towards an inclusive economy would require restorative **justice** that enables redress of the systematic race and gender based exclusion of the previous dispensation. The reality is far from this. Section 34 of the 1994 Constitution guarantees that all citizens have the right to access the courts, but the system still favors the wealthy who can get fast and effective legal redress. Poor South Africans struggle to get their cases heard or get legal counsel. Widespread dissatisfaction with performance of the judiciary has led to people beginning to take justice into their own hands. Recent attempts of the government to introduce new restrictive legislation like the Protection of Information Bill (“Secrecy Bill”), to appoint political allies to key judiciary and law enforcement posts, and to curb the independence of the Constitutional Court (the last instance to block these attempts) are unlikely to help improve the situation.

The government has a budget of almost a billion Rand for a legal aid program for the poor. 420,365 cases were handled in 2010-11 and over 250,000 people provided legal advice. The program’s CEO considered this woefully short of requirements.³ The Legal Resources Center sees the government priorities wrong. Instead of reviewing the Constitutional Court, it should look at the structural problems

¹ Trust for Community Outreach & Education (TCOE): *New Growth Path (NGP): Implications for Rural Development*, in Community News, March 2012, p. 6

² Council for the Advancement of the South African Constitution (CASAC): *Subject to Citizen: Let the People Govern. A citizens’ response to the National Development Plan*, May 2012, p. vi

³ Gregory Mthembu-Salter and Crystal Orderson: *South Africa: Justice on a tightrope*, in The Africa Report, No 40, May 2012, pp. 26-28

at all levels of the justice system. *“A large part of our work is focused on dealing with an incompetent public administration system. If that system fails the poor, you cannot even think of having access to justice.”*⁴

On the **economic** side, there is great anxiety as the cost of food and petrol are rising and impacting badly on the poor. Vast numbers of South Africans have inadequate income to meet basic nutritional requirements, and many experience periodic hunger. The food chain has become increasingly “corporatized” and subject to profit generation by big companies⁵

Environmental conditions are also becoming more critical. The mining industry continues to disregard environmental regulations by pumping toxic waste into rivers which were providing drinking water for villagers and livestock. Among the culprits of such practices are politically connected BEE beneficiaries. The effects of climate change are beginning to be felt in the form of more frequent and severe weather extremes. South Africa’s high CO₂ emissions will affect the emerging farmers to receive assistance with global relief fund that was launched at COP17 in Durban 2011. Commercial farming methods and long-distance food transportation are also among the causes of global warming, i.e. alternative ways of local production and marketing are required.

Agriculture currently employs around 630.000 people. Over 50.000 jobs have been lost per year since 1970, but the trend may be turning. Over 30.000 jobs have been created in the second half of 2011.⁶ The job creation potential in and around agriculture has been underutilized in two major ways. (1) Even though the number of smallholder farmers, their production and wage labor employment has recently been increasing, it is still far short of its potential and the volumes of the commercial sector. (2) The value addition potential in agricultural products is far from being realized.

Limpopo Province

Limpopo is a largely rural Province and has the fourth largest population in South Africa with about 5.5 million people (54.6% are women). The share of youth is about 39.4%, and that of black people 97 %. Limpopo is considered to be a poor province with approximately 87% of its people living in rural areas and with 23% of households having no access to piped water. Unemployment figures range from 35, 6% up to 48.8%, the HIV infection is at 21.5 %. The area has a large proportion of over-crowded former Bantustans as well as vast farms owned by white farmers.

The province is divided into five district municipalities, namely: Capricorn, Mopani, Sekhukhune, Vhembe and Waterberg. Each district municipality is further demarcated into five local municipalities giving a total of twenty-five.

Capricorn District and within it the local municipality of Blouberg are among the worst but exemplary cases of rural unemployment and chronic household poverty in South Africa. Blouberg (with a

⁴ Sheldon Magardie, regional director of the Legal Resources Centre, quoted in Mthembu-Salter and Orderson, p. 28

⁵ *Southern Cape Land Committee News*, April 2012, p. 1

⁶ *Agriculture budget speech* of Minister Tina Joemat-Petterson in May 2012

population estimated at 161,322) has the country's lowest income level. The inhabitants are Bahananwa, Batlokwa, a small portion of Vha-Venda, as well as Afrikaans and English speaking farmers. The area has a history of resistance to the early 19th century Boer colonial incursion. The introduction of the Bantustan and trust systems met with unabated community disapproval. Today Blouberg is one of the least developed regions of the province. Poverty and labor migration pose tremendous economic and social challenges to the municipality, especially a very high proportion of youth and households headed by women and increasingly also children. The majority of the people are illiterate.

South Africa's problems with land reform

History

During most of the 20th century, apartheid had enabled white farm owners to build successful enterprises by owning the land, receiving extensive subsidies, operating in a protected market, and exploiting the labour of black workers. In 1994, fewer than 60,000 white farmers owned about 80% of the agricultural land. Around four million farm workers (including their families) lived on those farms with little or no tenure or residency rights. The new Constitution of post-apartheid South Africa has done away with the basis of that system:

No one may be evicted from their home, or have their home demolished, without an order of court made after considering all the relevant circumstances. No legislation may permit arbitrary evictions.

Progressive legislation followed, but implementation has not always matched the intentions. The changing agricultural economy reshaped the terrain. Rising prices for machinery, elimination of subsidies, and droughts made life hard for farm owners and workers. Farms were given up or turned into game parks. Between 1993 and 2002, the number of commercial farms fell from almost 60,000 to just over 45,000. Between 1984 and 2004, some 1.7 million people were evicted from farms.

The trend has continued since then, but still about 15% of all employed South Africans work in agriculture. Since 1999, government policy promoted commercial agriculture over independent farms. A redistribution program to small peasant farmers was abandoned in favor of one in support of middle-class black farmers. Major social investment programs were cut back.⁷

The government's White Paper on South African Land Policy of 1997 set forth three areas for reform: (1) Land restitution for those dispossessed following the 1913 Natives Land Act; (2) land redistribution, providing government grants for land purchases on the open market; (3) tenure reform to address the rights of farm dwellers and farm workers.

⁷ Atlantic Reports: *Lessons From A Communications Campaign For South Africa's Rural Poor*, October 2008, pp. 4-9

From the beginning, inadequate budgetary allocations, unrealistic deadlines and a lack of adequate post-settlement support for land-reform beneficiaries have hampered both the redistribution and the restitution components of the land reform program. In an attempt to move away from the bureaucratic and fragmented approach of both programs, the previous Department of Land Affairs adopted an 'area-based planning' approach in 2007. Area-based planning was to identify opportunities for land reform in rural areas and incorporate these into municipal planning and implementation procedures. In practice, planning remained focused more on land acquisition than on support for land reform beneficiaries. Nkuzi conducted a pilot program in that context (see ALRI in section 3.1).

Tenure reform, theoretically the most important for the farm dwellers, has not done much better:

“The tenure security of farm dwellers has not been significantly enhanced since 1994, despite being regulated by the Extension of Security of Tenure Act of 1997 and the Labour Tenants Act of 1996. In fact, farm workers’ tenure has been severely compromised and the unintended trend is that the displacement of farm workers has increased since 1994, such that the proportion of farm workers that have lost their land rights is higher than the proportion that have gained strengthened tenure security.”⁸

In 2005 the Minister for Agriculture and Land Affairs convened a National Summit on land and agrarian reform. The proposals discussed included a moratorium on all evictions, separation of residency rights from employment status, and government to acquire land (including expropriation) for sustainable settlements and farm enterprises. Subsequently there has been little movement and progress on these resolutions. The ANC 2007 national conference in Polokwane indicated that land, agriculture and rural development would be given higher priority than in the past. This emphasis was also evident in the ANC’s 2009 election manifesto, and in the new administration’s subsequent announcement of a comprehensive rural development program in June 2009 (DLDR 2009).



Critical issues

Fragmented responsibilities and resource constraints

Among the main challenges for the implementation of land reform are **institutional fragmentation and lack of coordination**. The departments of

⁸ Karin Kleinbooi: *South Africa*, in: *Review of land reform in southern Africa*, Cape Town 2010, p. 44

Multiple actors with different mandates and agendas often working in isolation from one another

agriculture, land affairs, housing, education and the courts do not work along consistent or co-ordinated policies. Constitutionally, land is defined as a national competency while agriculture as a provincial one. In President Zuma's Cabinet land and agriculture have been allocated to different ministries. The former Department of Land Affairs and Agriculture has been split into the Ministry of Rural Development and Land Reform (DRDLR) and the Ministry of Agriculture, Forestry and Fisheries.

Land reform is the responsibility of the National Department of Rural Development and Land Reform (DRDL). Its provincial land reform offices are concerned with tenure reform and redistribution. Agriculture and the delivery of agriculture support services, on the other hand, are handled by a provincial Department of Agriculture that is accountable to a provincial cabinet and legislature. The municipality (local government) is responsible for development coordination, some infrastructure programs, and the delivery of services such as water and electricity.

Source: *Subject to Citizen: Let the People Govern*, p. 52

Municipalities are supposed to coordinate development in their areas through Integrated Development Plans (IDPs)⁹, but the current IDPs in most municipalities say almost nothing about land reform and definitely nothing about services to farm dwellers. Also involved in the critical issues of water delivery is the national Department of Water Affairs and Forestry.

Most of the various government offices are short of suitably qualified staff and financial and operational resources to implement the land reform legislation and policies.

The most recent government policies and performance

The new Green Paper (draft policy)

The *Green Paper on Land Reform* released in 2011 has attracted fierce criticism for lacking guidance on how the state will acquire land, and for lacking serious proposals regarding what alternatives may exist to scale up land reform.¹⁰ Some of the proposals advanced in the 'Green Paper' are acknowledged as useful, e.g. a Valuer General, and the proposal that the state pays just and equitable compensation in cases of expropriation.

Major criticism includes the singling out of non-nationals for conditional and curtailed property rights, lack of direction on how women's rights to land can be secured, and how to solve the conflicts around

⁹ Integrated Development Planning (IDP) is one of the key tools for local government to tackle its developmental role. It is meant to arrive at decisions on issues such as municipal budgets, land management, promotion of local economic development and institutional transformation in a consultative, systematic and strategic manner.

¹⁰ Andries du Toit: *Comment on the newly released Green Paper on Land Reform*. Cape Town: Institute for Poverty, Land and Agrarian Studies, University of the Western Cape, Sept. 2011. <http://anothercountryside.wordpress.com/> (see the full paper in Annex 3)

the tenure rights of the two main rural constituencies: the 16 million people residing under communal tenure in the ex-Bantustans and the 3 million farm dwellers living on privately-owned commercial farms. Useful guidance is also missing as to how the implementation of land reform is to support sustainable livelihoods. The measures that are proposed – a recapitalization programme, and partnerships with commercial farms – already exist, are implementable only in a few cases.

The National Development Plan *Vision 2030*

*It is not clear how the NDP relates to the existing plans of government. Is it creating a new set of tasks for an already burdened government? Or on the other hand, is it simply an executive summary of what government is already doing?*¹¹

The plan does not address land reform as a separate topic. It is subsumed under rural development. Chapter 6 is about job creation in the agricultural sector, chapter 8 about evolving rural urban linkages. Neither the diagnostic report nor the NDP acknowledge how land reform is failing to meet its objectives and the need for land by black people to live and farm. The NDP does, however, recognize the need for security of tenure for communal farmers and the need to speed up land reform. The model of land reform through district municipality land committees does not mention traditional leadership and their anticipated role.¹²

Debates about communal land rights and traditional authorities

The handling of land rights in the former homeland areas and the old system of allocating Permissions to Occupy have largely collapsed. This has contributed to the unregulated allocation and “sale” of sites by traditional leaders irrespective of development and housing plans. The situation turned to the worse in May 2010, when the Constitutional Court declared the Communal Land Rights Act unconstitutional. This created further uncertainty and confusion about authority in villages, where about 22 million people live, whether the final say rests with the hereditary chief or the municipality. The chief is not accountable for ensuring water provisions and other critical basic services. The participation of women is highly compromised in traditional areas. The debates around land ownership and government policies throw up serious tensions in respect of gender equality.¹³

In Limpopo province traditional leadership is at loggerheads with their subjects by allowing mining companies to mine without asking what share the community will have in the operations.

Growing concerns about social unrest and food insecurity

¹¹ Council for the Advancement of the South African Constitution (CASAC): *Subject to Citizen: Let the People Govern. A citizens' response to the National Development Plan*, May 2012, p. vi

¹² Ibid., p. vii

¹³ Ibid.

The slow progress of the land reform and failures of the DRDLR to deliver on the expectations raised lead to escalating disputes and clashes over land. Angry land claimants and labor tenants have invaded farms and threatened violence against the owners who are often perceived to be responsible for delays in the processing of claims.

The right to food is enshrined in the SA Constitution and the Freedom Charter, and food security is an important policy objective. Government considers high food prices and inflation as the greatest challenges to this objective in the next few years, and smallholder farmers as part of the solution.

“To curb these challenges, smallholder farmers will be assisted with the provision of livestock, tractors, implements, seed and fertilizer. ‘One family one vegetable garden should be the mantra of each and every family in SA’. R868 million is allocated to food security initiatives, and R349 to extension support services, including new farmer development support. Our dedicated ‘strategic integrated project’ includes plans for the following ● Fresh produce marketing depots for smallholder farmers, ● Production infrastructure for crops and animals, ● The revitalization of various irrigation schemes, ● Projects such as grain storage facilities and rehabilitated irrigation schemes in the former homelands and fencing, which includes border fences and animal quarantine facilities at our borders. To support these initiatives, the Comprehensive Agriculture Support Programme is allocated R1,5 billion (...)”¹⁴.

The talk about subsidies, vegetables, and a strategic integrated project contrasts with realities on the ground. Among the most critical issues is how much of the budget allocations actually reach the potential producers, especially emerging farmers and the grassroots organizations that can support them. A heavy bias towards investments (e.g. infrastructure, or fencing off the rangeland along the Lesotho border) rather than knowledge and skills does not only shine though in the Minister’s speech. It also prevails, probably more strongly, at the implementation level with the technocrats that are supposed to deliver the practical support. All this does not suggest that the training and extension and business support needs of claimant communities, smallholders and emerging farmers are well understood, let alone served.

The investment and technology bias corresponds with a certain disregard for “*subsistence agriculture*”, as unproductive and contributing little to food security. In reality farming is hardly ever purely subsistence. Typically, smallholders consume part of their production and sell the rest. Not only their food security but the viability of their enterprise and their livelihoods depends on suitable combinations between these elements. Commercialization may be financially more profitable. But diversity of both products and their use makes smallholder farms resilient. It is essential for their viability and survival. Diversity will become more important in the future, as weather extremes resulting from climate change will become more frequent. Farm enterprises standing on more than one leg are more likely to make it through them.

The missing smallholder development perspective

¹⁴ *Agriculture budget speech of Minister Tina Joemat-Petterson in May 2012*

Underlying the failure of land reform is the lack of a clear vision for agrarian transformation.¹⁵

A more developmental approach to land reform is needed, in which the economic strategies and benefits are made explicit and clear. Redistribution of land and water for agricultural development with the aim of maintaining and supporting rural livelihoods should be the central goal.

Frequent problems of emerging farmers

“All too often, these farmers focus exclusively on production, concentrating on the everyday challenges of ploughing, planting, harvesting and slaughtering. In the process, they neglect to plan ahead. And the results can be disastrous. One of the biggest challenges for emerging farmers is access to markets (...) Many of these farmers think that a solution to their problems is to form a co-op, then secure funding from government for an abattoir. But even if this facility is funded and built, what then? Is there a market for all those slaughtered chickens? Put simply, what is the plan? (...) Does one really need an abattoir to make a go of things? Clearly not. (...) Unfortunately, too many farmers believe they need to be offered solutions instead of coming up with their own.”¹⁶

Who supports smallholders and emerging farmers?

The thorny issue of post-settlement support to land reform beneficiaries is still largely unresolved. Government launched a *Settlement and Implementation Support*’ (SIS) strategy in February 2008 aimed at integrating tenure reform with support for farmers through rural services centres. But it is still not clear what kind of support different categories of emerging and existing small farmers can expect from the scattered government structures.

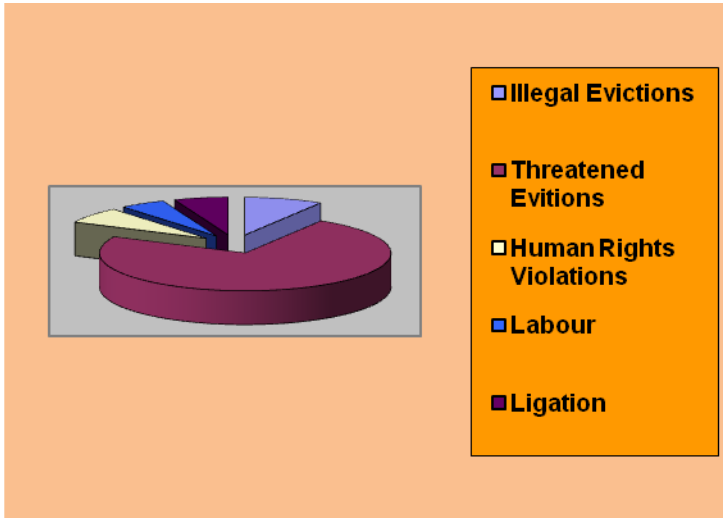
Farm Dweller Programme

DESCRIPTION	5th REPORT
Illegal Eviction Cases	0
Threatened Evictions	67
Actual Evictions	0
Human Rights Violations	0

¹⁵ Karin Kleinbooi, *ibid.*, p. 46

¹⁶ Peter Mashala: *To make a profit, first make a plan*, farmers’ weekly, 25 May 2012, p. 38

Indicators	Achievements								
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<p>Strengthened networking relationships</p>	<p>Strong working relationships have been fostered with Advice and Constituency offices, and in particular with the SAPS and Local Municipalities. In this reporting period we have also included the Department of Labour whom we are working together to popularise the Occupational Health and Safety Act amongst the women farm workers.</p>
<p>Implementation by government</p>	
<p>100 farm resident communities have been capacitated around the ESTA and are aware of resource available for secure tenure and settlement options</p>	<p>Two refresher workshops were conducted as part of evaluating the information disseminated to the residents living in farms in both Limpopo and Gauteng. The workshops were targeting the representatives from those farming communities and attendance was 22 and 13 respectively.</p>
<p>Decrease of evictions in area of operation</p>	<p>Arbitrary evictions have been halted due to non cooperation of farm dwellers when they are ask to leave. Their level of awareness on which steps to take has assisted in preventing the illegal.</p>
<p>Farmers follow legal route for evictions</p>	<p>Due to the campaigns and capacity training of farm dwellers in our areas of operations; commercial farmers are conducting us in the cases in which they want to relocate a farm worker for whatever reason. A as study has been included in this report as an annexure.</p>
<p>Farm dwellers refuse to be illegally evicted</p>	<p>Farm Foras have been established in commercial farms as part of a structure that will ensure residents are mobilised and report threats of evictions when the need arises.</p>
<p>Mobilised farming communities take action to improve situation on farms and they demand their rights as and when required to do so.</p>	<p>The introduction of a new system of accessing the legal support from the Department of Rural Development and Land Reform has created a distance between then and Nkuzi. If Nkuzi receive a case from a farm dweller related to tenure the procedure is Nkuzi report this matter to the department whom will allocate a number and then the money will be claimed from the private firm of lawyers that was outsourced.</p>
<p>Cooperative partnership with government</p>	<p>Nkuzi attorneys continue to represent the farm dwellers in court for all the known cases.</p>
<p>Farm Dweller women and children are vocal about their rights and decrease of women and child abuse on farms</p>	
<p>Farm dwellers are properly represented in Court and other related litigation matters</p>	

Legal Unit Program

Indicators	Achievements
<p>Better working relationship with government</p>	<p>Nkuzi continues to play an active role in the National Reference Group (NAREG) which was established as a follow up to the National Consultations on the Green Paper on Land Reform. Nkuzi Law Clinic was requested to suggest amendments to Section Four in the Extension of Security of Tenure Act (ESTA) which must be presented to the National Reference Group for further engagements.</p> <p>The organization is still serving in the Tenure Security Working Group established by the Department of Rural Development and Land Reform (DRDLR) to advise the minister on tenure security issues so that possible confrontations could be averted earlier.</p> <p>The legal unit continues to serve on the board created by Commission for Conciliation Mediation and Arbitration (CCMA) to popularize the work of CCMA to remote areas. Nkuzi continues to be a member of the steering committee on the summit with the topic “towards a better life for vulnerable workers” which includes farm workers / dweller, a project embarked upon by the National Department of Agriculture.</p>
<p>Co-existence farm workers / dwellers and farm owners</p>	<p>Nkuzi’ involvement at the level of Tenure Security Working group of the Department of Rural Development and Land Reform is to ensure the tenure security of the farm dwellers is protected. In the Working Group there are two unions representing land owners namely, Transvaal Agricultural union</p>

	<p>(TAU) and AgriSA. The spirit that is driving the Working Group is to create harmony within the farming community.</p> <p>Nkuzi's intervention continues to be firstly to bring the different parties together to look for solutions for their problems.</p>
<p>Increase in the number of cases resolved through negotiations and other dispute resolution mechanisms.</p>	<p>Nkuzi continues to pursue negotiations approach when dealing with disputes on farms. One of the lessons for this year has been that commercial farmers do not want to be dragged to the courts, they prefer resolving the matters out of court and this has made our work easier and less costly. A case in point is a relocation of a farm worker in the Tzaneen Local Municipality whom the organization has secured R80 000 for alternative accommodation mostly such settlements ranges from R15-20 000.</p>
<p>Increase in the number of cases resolved through negotiations and other dispute resolution mechanisms.</p>	<p>With Nkuzi' involvement in the National Reference Group (NAREG) together with commercial farmers' unions this boosted our profile and standing amongst commercial farmers as an organization that pursues harmony as opposed to misconception that existed earlier about Nkuzi being too confrontational</p>
<p>Improved working relationship with other stakeholders</p>	<p>Amongst the partners we have been working with namely; Department of Rural Development and Land Reform (DRDLR), and Regional Land Claims Commission (RLCC) we added a new one the Department of Labour whom we are implementing their health and safety campaign on farms especially targeting women workers.</p>

Type Of Case for the year 2012	Number
Land claims	10
Access To Graves	14
Eviction	13
Access To Grazing	5
Access To Graves	13
Threatened Eviction	9
Labour	9
Projects	3
Exhumation	2
Relocation	3
Miscellaneous	21
Total	93

Sustainable Livelihoods

Indicators	Achievements
Participatory land use strategies are used	The beneficiaries have adopted organic farming practices as a way of ensuring a safer environment and healthy produce.
Sustainable agrarian projects are in place	Four agricultural enterprises have been supported during this reporting period namely Mabodibeng Dairy, Glen Cowie Vegetable Cooperative, Madisha Agricultural Cooperative and Tlapalengwale. Agricultural activities on the supported enterprises range from; milk production, vegetable, broiler production; and goat

<p>Increased economic viability of community projects</p> <p>Communities engage stakeholder pertaining their developmental needs</p> <p>Improved institutional efficiency</p> <p>Successful negotiated settlements</p>	<p>farming.</p> <p>Stakeholder Forums have been created where this project exists with the intention of marketing them to the relevant institutions such as Local Economic Development of Units of municipalities, Development Trusts for further support.</p> <p>Mabodibeng Dairy was supported with the purchase of four milk cows and a steering bull to start the enterprise through the Stakeholder Forum platform they managed to lobby the Independent Development Trust to build them a milking parlour and cold storage facility for their business.</p> <p>Nkuzi was requested by the Catholic Church to facilitate a land transfer to the tenants who lived on their two properties namely; Klipspruit 2 and Luckau. The two communities have been mobilized about the process and they bought into the project and the Church has written a letter to the Department of Rural Development and Land Reform informing them about their intention donate the properties. The DRDLR as the custodian of land in South Africa there is a process they need to follow in verifying the ownership of the</p>
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	land , the intended recipients and oversee the establishment of the legal entity in which the land is to be transferred to
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Restitution Program

Indicators	Achievements
<p>Communities are articulate about the restitution processes in the vernacular</p> <p>Greater commitment from communities on their participation and obligations</p> <p>Communities supply information to support claims</p>	<p>Through the numerous workshops conducted in the past about the restitution process the beneficiaries have internalized the whole process. In many instances community leaders will visit Nkuzi office to brief them about the meetings they have initiated with the official from the Regional Land Claims Commission (RLCC). From time to time Nkuzi is invited to meetings in which claimants' leadership is giving feedback about developments with regards to their claims.</p> <p>Community leaders were frustrated by the slow pace and non feedback about their claims from the RLCC officials; and requested Nkuzi to attend to this matter. A Night Vigil was organized with the affected community leaders to the Nkuzi offices on the night of the 25th June. A platform was created for all the delegates to voice out their frustration which culminated into a Memorandum to be submitted to the provincial RLCC commissioner. The meeting was attended by 15 community leaders and a picket was done at the RLCC offices on the 26th June 2012.</p> <p>The Night Vigil coincided with the ANC' Policy Conference which reflected much on the issue of land due to the media coverage the event attracted.</p>

<p>Claimant are able to choose their form of governing body and make it work effectively for their community</p> <p>Communities develop their own constitutions that get used as living documents</p> <p>Stronger and more democratic institutions</p> <p>Women are taking part in decision making and play active role toward acquiring land and land usage</p>	<p>Two awareness workshops were conducted at Klipspruit 2 and Luckau about forms of legal entities that are recognized by DRDLR for transferring properties to a group people. All their advantages were mentioned to the participants and their disadvantages. The two communities preferred the Communal Property Association to the Community Trust model.</p>
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Policy and Research Program

Indicators	Achievements
ALRI manual	<p>Nkuzi continues to popularize the ALRI manual by sharing its lessons with other municipalities to ensure replication and knowledge cross pollination.</p> <p>We have been successfully been appointed as part of the Stakeholder Forum in the Lepelle Nkumpi Local Municipality after we have responded to their advert on the local news paper. This is another opportunity which the organization will use to expand its influence on land matters and to ensure that land issues are not excluded from the municipal budgeting processes.</p> <p>The IDP review process will be starting around May 2013 and hopefully by then we should have organized our claimants in the area to participate in that processes meaningfully.</p>
Alternative policies and learning documented and presented government	<p>A baseline study was conducted in Monsterlus and Luckau farms respectively as part of pre-settlement. This exercise was carried out on the properties the Catholic Church want to donate to the tenants who lived there for many years. This report is still being discussed with the Church and after receiving a go ahead it will be shared with other stakeholders. The</p>

Communities employing actions and strategies that brings about meaningful change in their lives

household analysis is included as annexure in the report. Seven community members approached Nkuzi to be assisted in making an application to the courts to challenge the imposed tribal levies of the traditional leaders. The non-payment of this levies make it impossible for rural people to get documents which are needed when an individual is applying for bank accounts and official documents from home affairs. We have roped in the Legal Resource Centre (LRC) to present arguments and we will remain attorneys of record. The case has been filed at the North Gauteng High Court we just awaiting a trial date. The traditional councils are funded by the premier office with monthly administration funds and communities feels that there is no need for them to pay any fees for assisting with administration since it is covered by the government.

GENDER Program

Indicators	Achievements
<p>Gender is integrated within Nkuzi at a work place and within the communities it serves.</p> <p>Men's changed behavior in favor of women's rights and Emancipation.</p> <p>Women fully partake in decision making and drivers of community development initiatives.</p> <p>Women are vocal about their rights and are challenging Stereotypical relationships that abuse and undermine them</p> <p>The balance of power and control in relationships between men and women have shifted to more equitable relationships based on mutual respect.</p>	<p>Nkuzi has realized many difficulties that are faced by women with regards to occupational safety; hence it approached the Department of Labour to partner on a campaign to educate women farm workers about safety matters at work as part of empowering them to can fight for their labour rights. The campaign is covering the entire Limpopo Province and two workshops out of five have been conducted already for a duration of five days</p> <p>Amongst the Nkuzi constituencies there is gender harmony and this is evident by the way men have accepted our women project officers the same like male counterparts.</p> <p>Nkuzi embarked on a journey to recruit young women to become active in land related matters by first building consciousness amongst. During the Youth Month (June) five young women from Mokopane Local Municipality were trained in video capturing and processing. Later they were assigned to document stories about forced removals in the Waterberg District; and ten cases studies were developed as part of commemorating the introduction of the notorious Land Act of 1913 on the 19th of June. A DVD was produced and launched with an attendance of fifty</p>

Women have access to land and are the owners of land, they are also actively engaging government and are able to articulate their concerns and interest more confidently and assertively.

Communities speak out and act against family and gender based violence and are willing to assist and support victims and survivors.

representatives from the disposed communities within the Waterberg District Municipality

Upon the realization of the scourge of domestic violence, Commission for Gender Equality (CGE) initiated a Stakeholder Forum of NGOs and Chapter Nine Institutions. An appeal was made to the participants to double their efforts in pushing for no violence against women and children. It was proposed that the coming 16 Day of Activism Against Women and Children should be better organized with communities at the centre of the campaign.

HIV / AIDS Program

Indicators	Achievements
<p>Communities are inform about HIV& AIDS and rights in this regards</p> <p>Increased awareness around HIV & AIDS and social determents</p> <p>Communities apply preventative measures to decrease the spread of HIV & AIDS</p> <p>Increased visibility of HIV & AIDS prevention and care services empowered to care for people in their communities living with AIDS</p> <p>People living with HIV & AIDS are living positively and responsibly</p> <p>Decrease in stigmatization and discrimination against people living with HIV& AIDS</p> <p>Effective use of legal services by victims of discrimination</p> <p>People living with HIV & AIDS are vocal and assertive about their rights</p>	<p>Two workshops on the scourge of HIV and AIDS were conducted in one new site that Nkuzi is working on namely; Klipspruit 2. The workshops focused more on the rights that affected people should enjoy as a way of discouraging stigmatization. 250 Pamphlets in local language were distributed during the workshop and after at the nearby taxi rank. The first workshop in Klipspruit 2 was attended by 37 participants and the second one was attended by 18 residents.</p>

Women are able to negotiate the use of condoms in their relationships.

Women are able to say no to sex in a marriage if there is a believe that their partners are unfaithful and that their lives are at risk.