

**The implementation of the Public-Private Partnership model
in land restitution claim settlement for the Masakona
community in Limpopo Province, South Africa**

by

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DECLARATION

I declare that the mini- dissertation hereby submitted to the University of Limpopo, for the degree of Master of Development has not previously been submitted by me for a degree at this or any other university; that it is my work in design and execution, and that all material contained herein has been duly acknowledged.

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ABBREVIATIONS AND ACRONYMS

AET	Agricultural Education and Training
CDE	Centre for Development and Enterprise
CPA	Communal Property Association
CPI	Consumer Price Index
CRLR	Commission for Restitution of Land Rights
DBFO	Design-Build-Finance-Operate
DLA	Department of Land Affairs
DoA	Department of Agriculture
IDC	International Development Centre
IMF	International Monetary Fund
LCC	Land Claims Commission
LDA	Limpopo Department of Agriculture
LLCC	Limpopo Land Claims Commission
MMS	MAVU Management Services
MVOC	Monitoring Value of Claim
PLAAS	Programme for Land and Agrarian Studies
PPP	Public Private Partnership
RDP	Reconstruction and Development Programme
RLCC	Regional Land Claims Commission
RSA	Republic of South Africa
SACC	South African Council of Churches
SAFM	South African Farm Management
SAHRC	South African Human Rights Commission
SDC	Sustainable Development Consortium

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CHAPTER 1: BACKGROUND OF THE STUDY

1.1 Introduction

Post-apartheid land ownership and socio-economic development patterns in the Republic of South Africa reflect the political and economic conditions of the apartheid era. Racially based policies were a cause of insecurity with land tenure, landlessness and poverty amongst black people and a cause of inefficient land administration and land use (RSA, 1997). The segregation was achieved through various ways, amongst others, evictions and forced removals (De Villiers, 2008).

From 1652, savage wars of dispossession were waged against indigenous people of South Africa. The process was aimed at seizing land for exclusive use by white settlers. Colonial authorities explicitly sought to separate Africans from ownership of independent means of production so as to ensure their availability as a cheap and docile labour force to serve the agricultural economy (RSA, 2005). This was achieved through various Land Acts such as, amongst others, the 1913 Native Land Act no. 27 and the 1936 Trust Land Act no. 18. These acts effectively reserved 87% of land for whites and 75 % of the population the black population were limited to 13 % of land (Fourie, 2000; Coetzee, Graaf, Hendricks & Wood, 2001; Walker, 2002). These Acts systematically deprived black people in South Africa of their land.

During the apartheid era many people became victims of dispossessions and forced removals. Many were subjected to the so called “betterment schemes” of the 1950s, which aimed at improving the agricultural production in former black homelands, such as Venda, Transkei, Ciskei, and Bophuthatswana in South Africa by moving people from areas which were newly defined “agricultural” or grazing lands to residential zones (RSA, 1998).

The African National Congress (ANC) came into government in 1994 in the Republic of South Africa with an openly redistributive and liberationist manifesto (Walker, 2002). From 1994, land reform in the interests of the landless featured prominently as one of “the basic needs of the people” that had to be met if the South African society was to be transformed (Walker, 2002). Hering (2007) states that with the first democratic government in South Africa gaining power in 1994, expectations that land ownership would change were high.

In 1994, the government adopted the Reconstruction and Development Programme (RDP) which provided for redistribution of 30 percent of agricultural land over a period of five years. In the RDP, land reform was identified as a mechanism to fight poverty and formed part of the programme to provide for basic needs of the South African population (Bosman, 2007). However, in 1997, a White Paper on South African Land Policy (RSA, 1997) was adopted which altered the target of land reform, extending the redistribution period of 30 percent of Agricultural land to 15 years (Molefe, 2005).

The World Bank and other advisors argued for a far-reaching land reform programme, which will increase productivity and job creation (Wegerif, 2004). Before constitutional negotiations began, all laws designed to restrict access to land on the grounds of race were repealed by the Abolition of Racially Based Land Measures Act 108 of 1991. Accordingly, when the constitution was being drafted in South Africa, repeated demands were made for inclusion of a right to restitution of land in the chapter of fundamental rights (Fourie, 2000).

Section 25 of the Constitution of the Republic of South Africa stipulates that no-one should be deprived of their property, except in terms of a generally applicable law and that no law may permit arbitrary deprivation of property. Previous inequalities in land distribution are addressed in Section 25 (7), in which it is stated that: *“a person or a community dispossessed of property after 19 June 1913 as a result of the past racially discriminatory laws or practices is entitled, to the extent provided by an Act of Parliament, either to restitution of that property or to equitable redress”* (RSA, 1996).

At the onset of South Africa's democratic dispensation in 1994, the impact of the apartheid government's acts and institutional restrictions on black land ownership was perceived to be clearly on the division of land between the various race groups. At that time, about 87% of agricultural land was in the hands of White South Africans; hence the need for land reform programmes (Bosman, 2007). The introduction of the national land reform programme in South Africa is the central driving force of programmes aimed at effectively redressing the injustices of forced removals and historical denial of access to land. The aim of land reform is to provide the disadvantaged and poor with access to land and land rights (Hall & Lahiff, 2004).

The South African land reform programme is made up of the following principal sub-programmes which are supported by the constitution: land redistribution, land restitution and land tenure reform (Wegerif, 2004).

Xingwana (2008) stated that access to land is one of the fundamental rights enshrined in the Constitution of the Republic of South Africa. Through the promulgation of Restitution of Land Rights Act No. 22 of 1994 (as amended), the democratically elected government has ensured that action is taken to restore land rights to the victims of land dispossessions which took place in South Africa under apartheid.

As per the Restitution of Land Rights Act 22 of 1994, restitution of land rights is part of redressing the injustices of the past and at the same time it is considered to be a process of bringing change in rural societies. The Act seeks to integrate economic and social objectives in seeking to create better and more livelihoods for poor people (RSA, 1998) and to empower the restituted communities with knowledge and skills, in accordance with the Department of Agriculture and Land Affairs initiated Public Private Partnerships (PPP) in land restitution settlements.

The PPP in land restitution in South Africa came into being after the Department of Agriculture realized that it did not have the technical and financial capacity to support the enormous commercial requirements of restituted farms. Realizing the huge financial challenges, the Department of Agriculture in Limpopo, decided to facilitate PPPs between private land owners, business people with interest in commercial agriculture and land restitution beneficiaries.

The PPP initiative in land reform, specifically land restitution in agricultural projects, is mainly between recipients of restituted agricultural commercial land and owners of private businesses, and it was anticipated that this initiative would broaden the base of land ownership, offer security of land rights and raise income levels of the grantees (RSA, 1998). These initiatives in land restitution also had the potential to widen the scope and efficiency of land reform process and promote sharing of risks and responsibilities (RSA, 1998; Bosman, 2007).

In agricultural land restitution projects, the private business partners are not only expected to capacitate land reform beneficiaries with knowledge of the cultivation of commodities, but also familiarize them with sophisticated management techniques with regard to processing, distribution and management of human resources and financial planning (Bosman, 2007).

However, as demonstrated in the findings of this research, there are fundamental challenges that are facing currently running partnership projects. The spectacular failure of few restitution projects has added to the pressure on the Commission on Restitution of Land Rights (CRLR) to come up with sustainable solutions that would preserve the productive capacity of the farms to be restituted and ensure a reasonable degree of material benefits for the claimants over time. Most of areas in Limpopo Province were under claims at the start of the land reform process, and concerns have been raised about the impact of land reform on South Africa's land.

1.2 Problem statement

Securing access to land and its productive resources is widely seen as one of the ways in which the rural poor can improve their livelihood and alleviate poverty. The South African government's programme of land reform can therefore play a critical role in ensuring access to land by poor people who would not otherwise have access to land. However, perceived and real threats such as the lack of trust amongst the affected stakeholders and interested parties, absence of relevant and successful benchmarks worldwide on which to base South Africa's land reform programmes, lack of technical commercial and managerial skills among potential beneficiaries, poor implementation of the land reform programmes, conflicts among beneficiaries themselves, poor leadership and management, lack of support services, lack of transparency, co-operation and coordinated planning, lack of training, shortage of skilled manpower, nepotism, lack of information, are among the constraints that have to be dealt with if the South African land reform programme is to succeed in achieving its objectives. As this report argues, the success of land reform in impacting positively on the livelihoods of the poor depends on the effective implementation of land reform policies.

The implementation of the PPP model in land restitution is based on the idea that the private partner will assist in maintaining sustainable quality production by providing marketing and financial skills, as well as production experience needed to uplift the previously disadvantaged beneficiaries of land restitution. The private partner is further expected to impart needed knowledge and skills to beneficiaries of land restitution projects within a stipulated period. The knowledge, skills and experience gained are therefore expected to sustain the restituted farms after the exit of the private partner.

However there is a widely held perception that PPPs in land restitution projects are not being implemented effectively. The South African Council of Churches (2004) argues that land restitution in South Africa has been effectively subordinated to an economic development (Public Private Partnership) model that is not intended to transform land and agriculture in accordance with ethical priorities like ensuring land tenure for those who were dispossessed of their land and that this model will continue to lock the poor majority of rural people into a life of poverty, marginalisation, serfdom and insecurity. It is further argued that beneficiaries are like aliens in their own land, without direct access to their own land.

However, on the other hand, Xingwana (2005) states that through Public Private Partnership in land restitution, the Department of Agriculture and Land Affairs are hopeful that private business will bring in the needed risk expertise, get involved in production provide infrastructure, information and resources on a risk-sharing basis for the implementation of sustainable land reform dispensation in our country.

As demonstrated by the arguments presented above, the results of partnerships in land restitution are too complex to predict and ascertain, and the potential for failures is very high. Despite this scenario, the researcher still regards the role of PPPs as one of the critical means to an end in the land restitution programme.

1.3 Aim of the study

The aim of this research is to investigate and analyse the implementation of the PPP model in land restitution claim settlement for the Masakona community that is situated near Levubu in Limpopo Province in the Republic of South Africa.

1.4 Objectives of the study

This research explores the implementation of the PPP model in South Africa's land restitution programme. The study has the following specific objectives:

1. To investigate the level of skills, knowledge and experience possessed by land restitution beneficiaries during the implementation stage of the public private partnership model;
2. To investigate and review the requirements for PPP implementation in land restitution projects;
3. To investigate the availability of support services in the implementation of the PPP model in the land restitution project;
4. To identify constraints in the implementation of the PPP model in land restitution;
5. To formulate guidelines for implementation of improved public PPP models in land restitution claim settlement projects.

1.5 Research questions

In order to ascertain the nature of implementation of PPPs in the land restitution claim settlement of Masakona Community, key information would be solicited from the beneficiaries of the Masakona land restitution programme as summarised through the following main research questions:

1. What is the level of skills, knowledge and experience of land restitution beneficiaries involved in agricultural production in the Masakona land restitution project during the implementation of the model?
2. What are the requirements of PPP implementation in land restitution projects?
3. What is the level of support services availability in the implementation of PPP in land restitution projects?
4. What are the constraints in the implementation of PPPs in land restitution claim settlements?

1.6 Motivation for the study

Irrespective of the potential benefits, the implementation of PPPs in land restitution in South Africa seems to have more constraints than supportive factors such as:

1. Lack of technical, commercial and managerial beneficial skills amongst the potential beneficiaries;
2. Poor planning, management and implementation of the land reform programmes;
3. Lack of post-settlement support and inadequate assistance from government through the Department of Agriculture;
4. The lack of trust amongst the affected stakeholders and interested parties during negotiations for land dispute settlements as well as in the implementation of the land reform programmes and
5. The absence of relevant and successful benchmarks worldwide on which to base South Africa's land reform programmes.

These facts cast doubts on the sustainability of the PPP model in land restitution in South Africa. The researcher seeks to establish whether the land restitution projects can be sustainable with or without proper implementation of the PPP model in land restitution.

The disadvantaged rural communities that are restituted to their ancestral land in South Africa require post-settlement support services, expertise, skills and experience in order to manage restituted commercial agricultural farms sustainably hence the need for the introduction of properly planned PPPs.

It is hoped that the research will be a valuable source of information in the process of reviewing currently operating PPPs and will guide future formulation of PPP policy in land restitution as well as contribute towards the acceleration of policy debates on the future implementation of PPPs in South Africa's land reform.

1.7 Operational definitions

1.7.1 **Land reform** in RSA is primarily concerned with securing people's rights in land matters and enabling equitable access to land. It is an endeavour by governments, through public policies, at either influencing a change amid state of the agrarian structure or at preventing such a change (RSA, 1998; SDC, 2007).

1.7.2 **Restitution** provides rights to land in respect of persons or communities that were dispossessed under apartheid for the purpose of furthering the objectives of any racially-based discriminatory laws (RSA, 1994; RSA, 1998).

1.7.3 **Private Public Partnership** in agriculture is an initiative by the Department of Land Affairs in bringing together recipients of land claim settlements reform and private business to form joint venture in agricultural projects, in the hope that it would broaden the base of land ownership and offer security of land tenure as well as raise income levels of the grantees (RSA, 1998).

1.7.4 **Communal Property Association (CPA)** is a legal body through which members of the beneficiary communities may collectively acquire, hold and manage property in terms of a written constitution. It provides a relatively simple and accessible mechanism through which such group ownership systems may be recognised (RSA, 1997).

1.8 Structure of the mini-dissertation

Chapter one contained background information and provided an overview of the study. It included an introduction to the research and motivation for the study. It also reflected on the problems to be addressed, aims and objectives of this research project.

Chapter two is a review of relevant literature on land reform, with particular emphasis on restitution. Public Private Partnership literature as well case studies of similar land reform models implemented elsewhere are also reviewed and analysed. This is aimed at providing a theoretical platform and framework to the problem under investigation.

Chapter three describes the socio-economic issues of the case study.

Chapter four reveals detailed design and methodology of this research. It includes data collection and interpretation procedures.

Chapter five presents research findings after data analysis and interpretation. This is where the research's findings are integrated with the findings of the literature review.

Chapter six comprises the summary of the research findings followed by the conclusion and recommendations in Chapter seven.

CHAPTER 2: LITERATURE REVIEW

2.1 History of land dispossessions in the Republic of South Africa

Systematic discriminatory laws that were introduced by both the colonial and successive apartheid governments led to skewed patterns of land distribution in South Africa. This practice can be traced to as far back as the 19th century where in 1894 the Cape Colony passed the Glen Grey Act to limit the rights of black people in the Glen Grey Area of the Eastern Cape; to own no more than 4 morgen of land in freehold and limiting the inheritability of this property to first sons (Bouch, 1993) resulting in the establishment of a white settlement in the Eastern Cape.

Subsequent to that, the Natives Land Act and the Natives (Urban Areas) Act were passed in 1913 and 1923 respectively, with devastating consequences, both economically and socially, and dashed any ambitions and hopes that blacks may have aspired to in so far as land ownership in South Africa was concerned.

Feinberg (1993) states that the Natives Land Act of 1913 created a schedule, or listing, of all black reserves that had been established in South Africa's provinces up to that date and identified the boundaries of these reserves. With the areas in which blacks ideally should live identified, the law went on to forbid black South Africans from buying, leasing, or in any other manner acquiring land outside of these reserves unless from another black African and also prohibited whites from buying land in the scheduled areas.

To make matters worse, the Natives (Urban Areas) Act (No. 21) of 1923 gave municipal governments rights to relocate black citizens into segregated townships whereby blacks were moved to the outskirts of cities and required to travel into cities for work because the government also restricted commercial activities in the areas where blacks lived (Bourdeaux , 2009).

Subsequent discriminatory laws such as the Native Trust and Land Act (No. 18) under which black South Africans lost the right to buy land in reserves created the system of labour tenancy that tied black workers to particular farms and allowed the government to cleanse the country of "black spots"—parcels of rural land owned by black South Africans outside of reserves, i.e., in white areas—by expropriating property and resettling black owners into reserves/homelands (de Wet, 1994).

The problem continued to manifest itself throughout the National Party government's rule which, after coming into power in 1948, continued to forcibly remove and relocate homes and property of black people to homelands under the terms of additional segregationist legislation such as the Group Areas Act (No. 41) of 1950.

As detailed above, millions of black South Africans were forced off their ancestral land, had their rights to own or use land denied, and have been unjustly denied economic, social and political opportunity in their own land since 1913. The Masakona Community is one of the communities that lost their land along the Levubu/Luvuvhu River Valley in Limpopo during this period of successive repressive laws.

2.2 Land reform within the South African context

Land reform is generally accepted to mean the redistribution of property or rights in land for the benefit of the landless, tenants and farm labourers, but 'land reform' and 'agrarian reform' are often used interchangeably (Adams, 1995).

Access to farm land is a fundamental human right for rural people. According to Centre for Development and Enterprise (CDE) (2008), Land reform policy must be compatible with the economic dynamics of the land and agricultural sector, which, in most cases, showed that larger farms are more competitive. CDE (2008) further states that special attention should therefore be given to preserving the economies of scale of the few hundred large-scale high-quality farms in South Africa.

The current land ownership and land development patterns strongly reflect the political and economic conditions of the colonial and apartheid era. Racially-based land policies were a cause of insecurity, landlessness and poverty amongst black people, and a cause of inefficient land administration and land use (RSA, 1997).

The White Paper on South African Land Policy of 1997 (RSA, 1997) states that land is an important and sensitive issue to all South Africans. It is a finite resource which binds all together in a common destiny. Further (RSA, 1997) states that, as a cornerstone for reconstruction and development, a land policy for the country must deal effectively with:

1. The injustices of racially based land dispossession of the past; and
2. The need for a more equitable distribution of land ownership.

Through the land reform policy, the South African government is honoring the promise of the country's Constitution that is balancing the land rights of all South Africans, under the Rule of Law, ultimately contributing towards sustainable development.

2.3 Land Reform – the South African perspective

Land reform is central to the achievement of South Africa's political and economic transformation. It represents the basis for economic activity in rural communities and it may be used as an important resource for sustainable livelihoods and social justice.

Land reform in South Africa is not merely a policy for rural development, any more than the right to live without torture is a policy for rural development, and any more than the right to live without torture is a policy for democracy. The South African government is required by the 1996 Constitution (RSA, 1996) to undertake land reform. In fact, the government launched a program for this purpose soon after the end of apartheid in 1994.

The collective aim of the South African land reform policy is to ensure the transfer of 30% of all agricultural land over a period of 15 years, starting from 1998. It is envisaged that in implementing the national land reform program and through the provision of support services, the South African democratic government will build the economy by generating large scale employment, increasing rural income and eliminating overcrowding (RSA, 1997).

Walker (2002) states that land and land reform in South Africa cannot be analysed in economic terms alone, it is emblematic of so much more than "food security" or "economic growth" or "agricultural profits". It carries with it a highly charged, historically indexed symbolic significance at political level that resonates with policy makers. It is about returning that which was stolen, eliminating that which was used to dispossess and disfranchise people and that which fuelled the struggle against apartheid by the black majority.

At the beginning of the land reform process, the mean size of land held per person in South Africa was slightly more than one hectare for blacks and 1570 hectares for whites. Being an average, this statistic obviously hides a whole range of diverse rural social relations (Coetzee, et al, 2001).

The land reform program is expected to bring much needed enhancements to land rights and to achieve justice and equity so that opportunities to acquire land rights and to use natural resources are fairly and clearly administered (Turner, 2001). The primary purpose

of land reform in South Africa is to redistribute agricultural and other land in order to address the racially skewed pattern of land holding and promote development.

In essence, land reform involves three key elements; namely: the redistribution of agricultural land to new farmers, the restoration of land, or cash compensation, to institutional claimants who were dispossessed after 1913 and securing of tenure rights for residents of commercial farms and communal areas (Hall & Lahiff, 2004; RSA, 1994; RSA, 1997).

Despite the good intentions of all land reform statutes, it can be argued that land reform is not an end in itself; it must go beyond mere compensation or settlement and focus on economic empowerment of communities. It is thus important that claims should not be processed merely in order that we can state that the process of land restitution is completed; or, that the process of giving monetary compensation to claimants' acts as a poverty relief measure rather than as constitutionally demanded land restitution process to address the imbalances and injustices of the past. Rather, restoring land to claimants should be favoured within a context in which the necessary support is provided in order that the land is used in a sustainable and productive manner that contributes towards the economic empowerment of poor rural communities (SAHRC, 2004).

2.4 Roles of the state in land reform

The Constitution of South Africa, Act 108 of 1996, places a duty on the government to take steps that would enable citizens to gain access to land. It therefore established a constitutional mandate to ensure that land redistribution is equitable and that the injustices of the past, especially those dating back to 1913 are effectively addressed (RSA, 2005). The South African Human Rights Commission (2004), states that there are a number of obligations to which actions of the State are subjected. According to Section 7(2) of the Constitution, these are: obligations to respect, protect, and to promote and fulfil.

RSA (2005) argues that the state needs to assume a stronger leading role in ensuring accelerated and sustainable land and agrarian reform. In order to meet redistribution of land obligation, the state capacity and resources need to be substantially enhanced, in all three spheres of the government. Government needs a stronger capacity to target beneficiaries, to identify and acquire land for redistribution and to support beneficiaries with an array of mechanisms that enables them to become independent.

2.5 Land reform challenges

The South African Human Rights Commission (SAHRC) supports the call from the many landless people in our country that the pace of land reform is too slow. At the same time, the SAHRC recognises that within a human rights framework there has been progressive realisation of the property rights contained in the constitution that seek to redress the imbalances of the past. The denial of access to land for the majority of the country's citizens during apartheid is one of the greatest challenges that our young democracy faces. The pace of land reform within our constitutional democracy and the expectations and needs of our landless people is an important issue that needs rigorous debate. As a country we constantly need to reflect on and assess what we have achieved in an endeavour to improve on our past performances and in so doing contribute towards the delivery of rights to all who live in this land (SAHRC, 2004).

Dispossession of land denied people their livelihoods, forced blacks into overcrowded 'reserves', and left them with few survival options other than selling their labour. The most important challenge for the present government is to restore broad-based access to productive land, thereby increasing people's social and economic security and self reliance (SACC, 2004)

There is an understandable and legitimate frustration with the pace of land reform, not only among millions of poor and landless people, but also among public officials. Constitution and history compels us to push forward with land reform as quickly as possible. The land reform programme should be taken forward carefully, and planned with full participation of those affected communities. However, the South African Council of Churches (2004) states that lack of research, planning, consultation and follow-up by the State are visible challenges.

The payment of market prices for the restituted lands has been a central challenge of land reform in South Africa. Determination of price is by the land owner veto. Land owners not only have the choice of whether or not to sell their land, but may also chose to whom they sell and at what price. Land owners are free to accept or reject the offer made by the Department of Land Affairs. This in itself is the reason for the slow pace of land reform in South Africa (Lahiff, 2007).

Evidence shows that the rising price of land in South Africa is one of the reasons for the slow pace of land reform. It is partially for this reason that the 'willing-buyer-willing-seller' policy that was initially implemented in South Africa's land reform programme was deemed as failure. There has indeed been a steep increase in the price of farm land. Land price in the Limpopo and Mpumalanga Provinces (where most of the land restitution claims are centred) increased by an average of 40% between 2004 and 2006 (CDE, 2008).

Furthermore, the free-market approach is a tool for dealing with imbalances of the past to affect positive outcomes on altruistic goals such as social justice that the majority of blacks feel entitled to. Well intentioned as such efforts may be, Hayek (1976) argues that they are typically misplaced when they focus on changing the outcomes of a system that is unplanned, such as a market order. Different outcomes in this order result from the different uses individuals make of their knowledge, situation, and talents. Individual actions may be just or unjust; but the outcomes of impersonal processes of the kind one finds in a market economy are neither just nor unjust. Rather, he argues that the concept of social justice only has meaning with regard to actions taken in organizations such as government or corporations. Hence the intervention of governments and public institutions in land reform programs.

2.6 How has land reform performed so far?

The general conclusion of the *5th Economic and Social Rights Report* (SAHRC, 2004) was that there was a year on year improvement in land delivery performance by the State, especially through the land restitution programme.

According to Xingwana (2008), the Department of Land Affairs remains committed to ensuring that all land claims are eventually settled and there is an action plan to finalize all outstanding land claims.

Mphela (2009), states that the total number of claims by 31 March 2009 was 75400 comprising 2,478,522 hectares of land for 1,551,249 beneficiaries. By June of 2009, 6.7 percent or 5.5 million hectares, were reported to have been distributed at a cost of approximately R8 billion (IRINNews, 2009).

Out of the total claims, Limpopo had 3067 restitution claims with 215,936 beneficiaries and a total award of R3,193,116,183.58. Mphela (2009) further states that Limpopo has 422 outstanding claims as of 31 March 2009.

The hindrance is that the Land Claim Commission has for a long time been affected by a high staff turnover rate due to the contract nature of appointments and the lack of job security. The situation has had an adverse effect on the operations of the Land Claims Commission (RSA 1998).

Landless people and others are arguing that the pace of land redress is too slow and inattentive to vulnerable groups. Land activists recommend accelerating land reform to meet its new targets by relieving budgetary constraints; addressing personnel shortages within the Department of Land Affairs (as well as the related issues of lack of quality training and understandable communications); addressing issues of land acquisition in order to provide land for redistribution; and the need for improvements in the monitoring and evaluation of land reform (SAHRC, 2004).

Rural communities are also growing impatient with the slow pace of land reform. There is the risk that this impatience could give rise to drastic measures outside of the legal and constitutional framework being taken by communities - such as land invasions. The genuine frustrations of people on the ground therefore need to be managed and addressed.

To this end, it is critical that effective communication and education programmes about land reform is embarked upon by the DLA in order that communities can understand the complex nature and challenges that face government in delivering upon and realising land reform (SAHRC, 2004).

The Centre for Development and Enterprise (CDE, 2005) published a comprehensive overview of the state of land reform. In that report they argued the following:

- that progress in land reform had not been adequate when measured against the political importance of land and that the government's targets were characterised by very large ambitions, a limited ability to deliver, rising public and political expectations, and a growing sense of inadequacy and failure.
- that urban land and housing for poor people required more effort and attention.
- that on the basis of national survey evidence and urbanisation data, land reform was primarily an urban challenge – that South Africa needed to find people viable places to stay and work rather than to farm.

- that reference to gross hectares or simple numbers of transactions was misleading, and that quality mattered.
- that it was vital for land reform beneficiaries to be better off after the process.
- that the DLA was struggling; that capacity within this department was a serious problem and that it was beginning to generate radical rhetoric about how to reach arbitrary targets.
- that markets and the private sector were essential both for successful agriculture and land reform.

It is evident that not much has improved in the last four years since the above observations were made.

2.7 The three legs of the South African land reform programme

As set out in the 1997 White Paper on Land Policy (RSA, 1997), government's land reform programme has three legs, all of which are provided for in the Constitution which are: land restitution, land redistribution and land tenure reform.

However, the Centre for Development and Enterprise (CDE, 2008) states that the state has pursued land reform through four processes. These are restitution (returning of land or providing a cash equivalent) to people dispossessed under apartheid; redistribution (transferring more land back to blacks owners); tenure reform (modernizing land tenure rules and access to land ownership); and providing funding and other resources to support the emergence of black farmers (CDE, 2008).

2.7.1 Land redistribution

Land Redistribution is guided by the Provision of Certain Land for Settlement Act (No. 126) of 1993 and enabling regulations that provide the legal basis for redistribution. The program seeks to revise land holding patterns in the country by enabling non-white citizens to purchase land owned by white citizens through the use of government grants. The redistribution program encourages and supports black land ownership and rural economic development (Bourdeaux, 2009).

2.7.2 Tenure reform

The legal basis for this program is the Interim Protection of Informal Land Rights Act (No. 31) of 1996. This law is designed to strengthen the tenure rights of people such as farm workers who are living on white farmers' land but whose leasehold rights or other use rights are tenuous. Improving tenure security for South Africans is a constitutional requirement and attempts to improve tenure security have been written into a number of statutes beginning with the 1996 Interim Act. The Tenure Reform program attempts to clarify and strengthen tenure rights of farm workers living on privately owned white farms and people living in former homelands (Bourdeaux, 2009).

2.7.3 Restitution of land rights

2.7.3.1 Legislative framework

One of the very first pieces of legislation that the new government promulgated was the Restitution Act No 22 of 1994. The main aim of the Act was to provide for the restitution of land rights to persons or communities dispossessed after 19 June 1913 as a result of past racial discriminatory laws or practices (RSA, 1994; RSA, 1998).

In 1995 The Commission on Restitution of Land Rights was established in terms of this Act to:

1. Provide equitable redress and restoration to victims of these dispossessions; particularly the landless and rural poor (RSA, 1994; RSA, 2000).
2. Contribute towards equitable redistribution of land in South Africa.
3. Promote reconciliation through the restitution process.
4. Facilitate development initiatives by bringing together all relevant stakeholders, especially the Provincial Government and Municipalities.

Chief land claim commissioner, Gwanya (RSA, 2006), states that the objectives of Restitution of Land Rights Act include the following:

1. Provide access to rights in land, including land ownership and sustainable development;
2. Fostering national reconciliation and stability, and
3. Improve household's welfare, underpinning economic growth, contributing to poverty alleviation.

These objectives enhance the vision of the Restitution Commission to have persons or communities who were dispossessed of their property or land after 19th of June 1913, as a result of past racial discriminatory laws and practices, restored to such property or receive just equitable redress (RSA, 1994).

Restitution flows from Chapter 2, Section 25 (property clause) of the Constitution, Act 108 of 1996. It is the commitment of the new government to reverse the effects of colonialism and apartheid. It is one of the three legs of land reform in South Africa which covers cases of forced removals, which took place after 1913. They are being dealt with by a Land Claims Court and Commission, established under the Restitution of Land Rights Act, 22 of 1994 (redress) (RSA, 1994).

The Constitution entitles a person to claim of rights in land lost as a result of racial discrimination practiced as a matter of policy by previous governments to a degree provided by the Restitution of Land Rights Act 22 of 1994 (RSA, 1994).

The goal of the land restitution process is to restore land and provide other restitution remedies to people dispossessed by racially discriminatory legislation as well as provide support to the vital process of reconciliation, reconstruction and development. Restitution is an integral part of the broader land reform program and it is closely linked to the need for redistribution of land tenure reform (RSA, 1998; PLAAS, 2006).

2.7.3.2 Achievements of land restitution

The rights emphasized in Restitution of Land Rights Act 22 of 1994 are the rights of hundreds of thousands of beneficiaries who were victims of racial land dispossession. The act seeks to restore the rights of those who were forced to be landless by colonial and apartheid governments. This should be credited to the country's new constitution which amongst others seeks to heal the divisions of the past and establish a society based on democratic values, social justice, and primary human rights in land is to be the vital part of these basic human rights (RSA, 2006).

Undoubtedly, great progress has been made in the area of land restitution, but a lot still remains to be done. Having begun very slowly, the pace of land restitution delivered through the Commission for the Restitution of Land Rights (CRLR) has increased enormously. This can be attributed to the fact that in settling claims, land transfer is not always the chosen method of compensation. Sometimes financial compensation is awarded to claimants (SAHRC, 2004).

2.7.3.3 Challenges of land restitution

Lahiff (2001) argues that South African land restitution has been the concept of transformation of the pattern of land holding and transformation of livelihoods of rural (and, to a lesser extent, urban) poor.

Paying cash compensation to a growing proportion of land claimants may appear to be speeding up the settlement of land claims, but it does not address the underlying scars and, in the long run, it may even compound the hurts of the past. According to South African Council of Churches (SACC, 2004), too many of the restitution projects are destined to become rural slums with no developmental projects and where beneficiaries have no cohesion or veracity.

Land restitution in South Africa has been faced with challenges that include resistance from land owners; difficulty in obtaining archival research information due to unavailability of maps and title deeds, the number of players and interests involved in some claims, court cases and untraceable claimants (Lahiff, 2001).

The challenges linked to the processing of rural claims included the following:

1. Lack of capacity in the Department of Land Affairs.
2. High land cost based on the market value in terms of constitution.
3. Unsurveyed and unregistered land rights (no title deeds on land) require detailed mapping and 'in-loco-inspection' of land with communities to identify historical sites, graves, boundaries, etc.
4. Protracted negotiations with landowners and claimants, and disputes taken before the Land Claims Court;
5. Community disputes, traditional authorities jurisdictional issues and disagreements, and
6. Incoherent land use practices and a need for the alignment of priorities i.e. communal land use practice, (RSA, 2007).

Moloto (2007), states that evidence shows that there are new challenges which emerged following the successful restitution of land to beneficiaries. The general trend is that the productivity of the restituted farms goes down. This dwindling in production is attributed to infighting and petty squabbles within the land restitution beneficiary communities. Nu Farmer (2007), further states that the challenges include resistance from the land owners, boundary disputes among traditional leaders and a number of players and interests involved in the same claim. The slow pace of land restitution denies individuals, families and communities who lost their land rights under racist laws to have their constitutional rights to have their land restored (RSA, 2003).

Land activists warn that claimants are impatient with the pace of restitution, stating that communities want to go the Zimbabwean route of land invasions if the government does not expropriate the land of the unwilling sellers (Groenewald, 2007).

In order to eliminate some of these challenges the government enacted the Communal Property Association (CPA) Act 28 of 1996.

2.7.3.4 Communal Property Association (CPA)

After the introduction of the 1993 preliminary constitution, various land legislation measures were issued to ensure restitution and distribution of land. The Restitution of Land Rights Act, Act 22 of 1994, was promulgated in order to deal with land claim cases where land was disposed after 1913 in terms of racially determined legislation (RSA, 1998).

Some of the land claimed back is communal land. After the land has been transferred back to the communities, the communities are required to form a CPA in terms of the Communal Property Association Act 28 of 1996. It enables communities or groups to acquire, hold and manage property. The act also requires a land holding group to draft a constitution which sets out rules governing access to and management of jointly owned land. The CPA constitution should conform to requirements of Communal Property Association Act 28 of 1996 (RSA, 1998).

The CPA is made up of members who have registered land rights. The rights can be to live on the land or to use for other purposes determined by the CPA. This legal entity (CPA) can own property like land and other assets such as tractors, tools and buildings, buy and sell property, borrow money from the bank and use its property as collateral, institute legal proceedings and have a set of rules that all members must adhere to. All land that is redistributed, restored, or awarded to beneficiaries, must be registered on some form of ownership. It provides one vehicle for group ownership, where the rights belongs to a group and the group must be able, by democratic majority, to choose what forms of land holding system should be flexible and accommodate change overtime (RSA, 1997). A well structured and well trained CPA could play a meaningful role in sustainable post settlement agricultural production.

2.7.3.5 Roles of Communal Property Associations in land restitution

As traditional authorities grow accustomed to power, they sometimes become a law unto themselves. For example, with respect to the distribution of land, some traditional authorities deem it fit to appoint allies or family members to positions of power or even go to an extent of extracting surplus resources from their subjects. Alistair (2006) argues that, for as long as the powers of traditional authorities remain, then land reform runs the risk of providing a means to deepen their influence over redistributed land.

As outlined elsewhere in this report, the Communal Property Associations are also encountering their own problems. As much as some progress has been made in restitution claims in South Africa to date; the process is fraught with issues that hamper progress. The manifestation of internal factionalism between the CPAs and traditional leadership within a community compromise the pace of development and progress in land restoration (RSA, 2007).

The proceedings of the national land summit that was held in Johannesburg in 2005 revealed that Community Property Associations (CPAs) are not sufficiently equipped to deal with land use and the planning thereof. For the development of Communal Property Associations to have the desired standard, capacitating should be vigorously facilitated (RSA, 2005). Lack of capacity and accountability could hamper development in land restitution (RSA, 2006).

2.8 Public Private Partnerships in land reform in South Africa

2.8.1 Emergence of PPPs in land restitution in South Africa

The Masakona land reform program is based on the restitution of land rights as described in section 2.7.3 above.

In addition to the challenges described in sections 2.7.3.3 and 2.7.3.5 regarding the processing of rural land claims and internal squabbles within Community Property Associations, the general trend is that restituted farms are frequently getting run down resulting in poor production. These problems, coupled with lack of financial and human resources, are compromising the pace of development in land restitution in South Africa. These resulted in the facilitation of implementation of Public Private Partnerships in land restitution.

The Limpopo Land Claim Commission (LLCC) together with the Limpopo Department of Agriculture (LDA) regards the sustainability of land restitution projects as the biggest challenge (RSA, 2005); hence its support for the emergence of Public Private Partnership in most of land restitution projects (Mayson, 2004).

In short, the following are factors that have contributed to the emergence of Public Private Partnership model in land restitution:

1. An economic imperative to maintain the productivity of commercial farms and minimise the impact on unemployment and the local export economy;
2. A development imperative to ensure long-term benefits to claimants, out and above symbolic value of the return of land, or the limited benefits perceived to flow from alternative land uses; and
3. A political imperative to preserve the image of the government, in the eye of political opponents, potential investors and international commentators (Hall, 2008).

2.8.2 Public Private Partnerships Principles

According to International Monetary Fund (IMF) (2004), public-private partnerships (PPPs) in land restitutions in South Africa refer to arrangements where the private sector shares the risks with beneficiaries of land restitution by supplying infrastructure assets and services that traditionally have been provided by the government . Partnership is a means of mobilizing the energies and talents of diverse sector of society to bring about social and economic transformation. The inter-sectoral collaboration between government, the business sector and civil society is based on the premises that partners have distinctive assets that can be combined in a more productive manner to find long lasting solutions to complex agricultural problems (Fourie, 2006).

In a Public Private Partnership, two or more organisations form a temporary partnership for a specific purpose, and it is a way of spreading development costs. Public Private Partnerships allow organisations with expertise in different fields to combine their knowledge and resources. They offer a relatively easy way to enter the international market and allow for quick access to distribution channels, and the opportunity to enjoy other benefits (Rossouw, le Roux & Groenewald, 2003; PLAAS, 2007; Fourie, 2006).

Buksbaun (1999) describes a successful private public partnership as a long term partnership. It must be a win-win arrangement in order to be sustainable and mutually beneficial. The Public Private Partnership formation has the creation of new institutional relationships which will more effectively address critical socio-economic challenges as its core aim. A Partnership can be developed by mobilising the energies and talents of diverse sectors to bring about social and economic transformation. In some contexts, developed partnerships are a result of mature democratic tradition in which the right to have a voice in the business is entrenched (Fourie, 2006).

Rosssow, et al (2003), states that partnerships allow an organisation with valuable competitive advantages (e.g. patents, trademarks, or technical know-how) a chance to work with communities for sustainable development in agriculture.

However, the facilitation of public private partnerships in land reform by the government focuses on the empowerment of the land restitution beneficiaries. Private business partners are expected to bring in expertise in management and agricultural production. Beneficiaries bring the land, and expect to benefit through training, land rental, job opportunities and shares. These benefits are expected to carry them thorough on their own in future to sustainable development without the help from the private partners (Rosssow, et. al, 2003).

Public Private Partnerships can be attractive to both the government (Department of Agriculture) and private sector. For the government, private financing can support increased infrastructure investment without immediately adding to government borrowing and debt. At the same time, better management in the private sector, and its capacity to innovate, can lead to increased efficiency; this in turn should translate into a combination of better quality and lower cost services. For the private sector, Public Private Partnerships present business opportunities in areas where it was in many cases previously excluded (IMF, 2004).

2.8.3 Institutional framework for Public Private Partnerships

Successful Public Private Partnerships should facilitate access to high quality services by consumers and the government at significantly lower cost than would be the case with public investment and government provision of the same services.

The preceding discussion suggests that Public Private Partnerships are more likely to result in efficiency gains that offset higher private sector borrowing costs if they have the following characteristics: the quality of services is contractible; there is adequate risk transfer to the private sector; and there is either competition or incentive-based regulation (IMF, 2004).

An appropriate legal framework in Public Private Partnerships can provide reassurance to the private sector that contracts will be honoured. In some cases this could require changes or additions to existing laws.

2.8.4 Characteristics of Public Private Partnerships

There is no clear agreement on what does or does not constitute a Public Private Partnerships. A Public Private Partnership has recently been defined as ‘the transfer to the private sector of investment projects that traditionally have been executed or financed by the public sector’. It has two other important characteristics; namely: there is an emphasis on service provision, as well as investment, by the private sector; and significant risk is transferred from the government to the private sector. Other ways in which the role of government in the economy has been reduced – including privatization, joint ventures, franchising, and contracting out – share some or all of these characteristics. However, in their typical form, Public Private Partnerships are distinct from these in that they represent cooperation between the communities and the private sector to build new infrastructure assets and to provide the related service (IMF, 2004).

A typical Public Private Partnership takes the form of a design-build-finance-operate (DBFO) scheme. Under such a scheme, the government specifies the services it wants the private sector to deliver, and then the private partner designs and build dedicated services for that purpose, finances its development, and subsequently operates the asset and provides the services deriving from it (IMF, 2004).

2.8.5 Aims and objectives of Public-Private Partnerships

South Africa has now introduced Public Private Partnerships as a strategy for economic development in land restitution and land reform process. This strategy has been designed to achieve the following:

1. Address the requirements of black business enterprises to enter what had been called the white-dominated agricultural sector;
2. To permit government to accelerate land transfer;
3. To keep down government expenditures in the long term while ensuring sound economic operations in the period of transition from white to blacks;
4. To manage complicated agro-industrial enterprises (Derman, et.al. 2006).

2.8.6 Requirements of public private partnerships in land restitution

A Public Private Partnership is a major commitment on the part of the private sector, which needs to know that politicians are also committed to private involvement.

Uncertainty in this regard gives rise to political risk that is not conducive to making long-term business decisions. At the same time, potential private partners need to know that

the government is fair in its dealings with the private sector, and will meet the commitments it makes under Public Private Partnerships. It is also important to establish clear channels of responsibility and accountability for public involvement in Public Private Partnerships (IMF, 2004).

Public Private Partnerships are based on identifiable responsibilities, shared rights and obligations, and are often founded on legalities and collective governance. They are based on shared values in practice and evolve into inter-dependant, mature relationships characterised by each partner being equally valued, the ongoing exchange of ideas, power, learning and resources and equitable distribution of various benefits (Fourie, 2006).

Government plays an important role in the development of Public Private Partnership by enabling previously disadvantaged and poor people to obtain access to land-based resources. This happens primarily through the Department of Land Affairs (DLA) and other spheres of the government such as municipalities (Mayson, 2004).

Fourie (2006) states that the state has the role to play in public private partnerships; the most compelling way in which people in the world are incorporated into collective units that organize their lives in modern times is through the nation state.

2.8.7 Advantages of public private partnership model

If properly implemented, the potential benefits of Public Private Partnerships in land restitution can be enormous. The intended beneficiaries of land reform include the poor, labourers, tenants, farm workers, women and emergent farmers. The claimants will benefit through a combination of rental paid on the land, a share of profits, training opportunities provided by the strategic partners and preferential employment opportunities for employment among individual community members to training and acquisition of skills in farm management and labour (RSA, 2005; Derman, et. al, 2006).

Private sector is already playing an important role in involving black South Africans at different levels of agricultural value chain by: providing free services to black emerging farmers; sector-specific organisation that encourages black entrants to the market by supplying support services and by assisting emerging farms in the processing and marketing of the products; initiative by the private companies to train emerging farmers in the use of product; share transfers to farm workers; out-grower arrangements by agri-

businesses and new factories and processing plants that develop new areas for black participation (Bosman, 2007).

In public private partnership in land restitution, the benefits to the private partner lie in the management fee (more or less guaranteed as long as turnover can be maintained), a share in the profits of the company, and exclusive control or upstream activities, with potential benefits exceeding that of the farming enterprise itself.

According to the Sustainable Development Consortium (2007), Public Private Partnerships in land restitution represents high risks for claimants whose only livelihood benefit i comes from a combination of rental and divided payments which often are not forthcoming. The public private partnership thus generally favours continuity of production over livelihood benefits for beneficiaries.

2.8.8 Barriers to development in public private partnerships

Public Private Partnerships represent a means of organising the production of some output of agriculture, knowledge and technology. The production process is subjected to usual constraints imposed by the costs of physical and human capital. The production process is also subjected to constraints associated with imperfection in the market for knowledge. Those barriers impede the otherwise smooth process of exchanging and using knowledge necessary for sustainable development process (Spielman, et al, 2007).

The production process barriers in land restitution projects might be attributable to market failure. Land restitution beneficiaries often lack agricultural-related management expertise to implement the plans. The failure of post transfer support presents an overwhelming obstacle to production and marketing (Spielman, et al, 2007).

The other lesson learned from PPPs that are currently in operation is that individual partners would usually draw funds out of profits for themselves and the other partners bear the risk of having no funds from which to draw from in times of need. This is despite the fact that both partners are jointly and severally liable for the losses of the partnership, irrespective of where or not the losses were incurred by only one partner.

The Public Private Partnership model has the formation of new institutional relationships which are designed to more effectively address critical socio-economic challenges as their core aim. However, it is sometimes difficult to achieve the desired goals of the public private partnership because of the risks involved. The government seeks to

minimise its risks by transferring them to the private partner owing to the belief that the private sector can manage the risks better than the government.

Risk transfer from the government to the private sector has a significant influence on whether a Public Private Partnerships in land restitution in South Africa is a more efficient and cost-effective alternative to public investment and government provision of service. This is clearly something that should be considered in deciding whether to embark upon a Public Private Partnership and in negotiating the terms of a Public Private Partnership contract. It should also be a focus of those seeking to assess whether a Public Private Partnership will indeed yield the benefits that are claimed for it. While an inflow of private capital and a change in management responsibility can be beneficial, significant risk transfer is necessary to derive the full benefit from such changes. Risk transfer is also important in determining the proper accounting and reporting treatment of Public Private Partnerships (IMF, 2004).

Where Public Private Partnership contracts do not provide a basis on which to distinguish between the risk associated with ownership and operation, the extent of risk transfer can be assessed to the overall risk characteristics of a Public Private Partnership (IMF, 2004).

Assessing risk transfer in Public Private Partnerships in land restitution is likely to remain a difficult exercise. Certainly, full disclosure of the terms of original and renegotiated Public Private Partnership's contracts, along with some simplification and standardization, is essential. However, the legal complexity of public contracts means that they will always be hard to interpret, and this will complicate assessment of risk transfer even when the focus is on a few key risks. Moreover, the Public Private Partnership contract may not tell the whole story, since it is only relevant to gamble risk transfer. Political pressure for the government to bail out large South African Public Private Partnership projects that are too big to fail and are providers of essential services may mean that the government in fact bears more risk than the contract suggests (IMF, 2004).

Research findings (Spielman, et al, 2007) suggest that the few Public Private Partnerships based projects have adequate risk management or mitigation strategies in place to address the possibilities of worst case scenario emerging from the project. Few have invested adequately in terms of assembling partners, assigning of roles and

responsibilities and resolving internal conflicts as they emerged. Some have no adequate legal, financial and communication strategies in place to manage external threats.

The Public Private Partnership model of production in land restitution appear to be promoted and supported principally by official agencies, along with certain members of communities who believe that they stand to benefit more from such a model. Communities tend to endorse what is proposed by the Department of Agriculture or the private partner, but the challenge is that benefits are extremely limited when divided among large communities and opportunities for training and employment are usually accessible to only a minority of younger and better educated individuals (PLAAS, 2007).

The contribution of the private sector partner, particularly to land restitution beneficiaries, is an important pathway for transferring technology and imparting knowledge and skills needed for sustainable agricultural production (Gniffke, 2006). Public Private Partnerships in agriculture are increasingly viewed as an effective means of developing new technologies and developing new products for the benefit of land restitution beneficiaries, resource poor farmers and marginalized social groups (Spielman et al, 2007). However, there is little evidence to suggest that the private sector is willing to invest in small land restitution farming projects that are directly pro-poor. The vast majority of private investment is being directed toward crops, traits and technologies that benefit farming in advanced, industrialized areas and are profitable enough to guarantee enough returns on investment (Spielman, 2005).

Adjustment assistance in Public Private Partnerships should be seen as an inherent component of land reform. Proper selection and follow-up of beneficiaries is crucial for land restitution projects to develop sustainable commercial farming (OECD, 2006).

In all partnerships, some key issues need to be resolved by both partners at the inception of the relationship. Intellectual property rights and confidentiality are often major issues of contention between public and private partners. However, if the responsibilities of the partners can be clearly described, and the benefits of the partnership to both parties well understood by all participants from both the private and public sectors, these difficulties can be overcome.

2.8.9 Post settlement support

The experience in South Africa has shown that direct transfers of land without sufficient 'post-settlement support' can lead to restitution failure that is a source of embarrassment to the government as well as a threat to its vision for development (Alistair, 2006). On the other hand CDE, (2008), states that post settlement support from the government is weak to non-existent, and this causes a growing disillusionment among a substantial percentage of the restitution beneficiaries.

Some of the elements that are crucial during post settlement support in restitution projects include, amongst others, the following:

1. Financial support by both the private sector and the government.
2. Agricultural extension support
3. Marketing support to beneficiaries.
4. Skills Transfer to beneficiaries
5. Monitoring and Evaluation

These elements are discussed in detail below.

2.8.9.1 Financial support

The private sector can increase financing for Public Private Partnership investment in a variety of ways. Where services are sold to the public, the private sector can go to the market using the projected income stream from a concession as collateral. In other instances, Special Purpose Vehicle can be formed - typically a consortium of banks and other financial institutions - to combine and coordinate the use of their capital and expertise. In so far as this is their purpose, Special Purpose Vehicle can facilitate a well-functioning Public Private Partnership.

On the other hand, the government can also make a direct contribution to project costs. This can take the form of equity (where there is profit sharing), a loan, or a subsidy (where social returns exceed private returns). The government can also guarantee private sector borrowing.

The most convenient and relevant institution through which government can give support in land restitution claim settlements may be through the Land Bank. The Land Bank was established in 1912 to assist in implementing government agricultural policy and promote commercial farming.

More than ninety years later, it is being radically transformed to support the development of the agricultural economy in the new South Africa and to serve a whole new set of clients. The Land Bank has been capitalised with grants of state funds and provides low-interest mortgages for farm purchase as well as unsecured production credit for clients with no security or formal financial track record.

Commercial banks are however critical of parastatals offering lower rates than the private banks can afford and critics have at the same time criticised the Land Bank for expanding its commercial book (mainly white farmers) instead of lending exclusively to black land-reform farmers - a criticism dismissed by the Land Bank on the grounds that it needs commercial accounts to remain solvent (Sibanda, 2001).

2.8.9.2 Agricultural extension support

The government's agricultural extension support can be described as the process of introducing farmers to information and technologies that can improve their production, income and welfare. Agricultural extension services are essential elements of any resettlement, including restitution or agricultural development programmes. The role of an extension worker is regarded as being that of a facilitator, who supports farmers in articulating their needs as well as coordinating the activities of the different service providers (Norvafrica, 2005). Extension is essential, not only in farming technology, but also in marketing and financial management. On some projects, extension officers are already providing multi-faceted technical support services to emerging farmers such as guidance on farming techniques, advice on the correct usage and maintenance of farming equipment, assistance with financial management, etc.

However, in most cases, this value-adding service is also faced with its own challenges. Some extension officers do not possess hard technical agricultural skills required to advise farmers, particularly in provinces that were amalgamated from former homeland agricultural departments. There are also problems with its operating resources and vulnerabilities to fiscal sustainability as well as lack of accountability and political support to the extension programme. In addition, the programme is being overloaded with public sector functions beyond agricultural knowledge and information transfer (Quizon, et al, 2000). Furthermore, in recent years the flow of new research has declined and this has reduced the impact of extension workers. Moreover, the resources allocated to extension workers for field travel, training and planning support in the resettlement areas have been

dwindling. The capacity of the existing staff to provide new farmers with extensive advice required at the initial stages is indeed limited.

2.8.9.3 Marketing support services

Agricultural marketing can best be defined as a series of services involved in moving a product from the point of production to the point of consumption. Thus agricultural marketing is a series of inter-connected activities involving: planning, production, growing and harvesting, grading, packing, transport, storage, agro- and food processing, distribution and sale. Such activities could not take place without support services because they are often heavily dependent on the availability of suitable finance.

Marketing systems are dynamic, competitive and involve continuous change and improvement. Businesses that have lower costs are more efficient and can deliver quality products and they normally prosper. Those that have high costs do not adapt to changes in market demand and provide poor quality products and they are often forced out of business.

Marketing has to be customer oriented and has to provide the farmer, transporter, trader, processor, etc. with a profit. This requires those involved in marketing value chains to understand buyer requirements, both in terms of product and the business conditions. Agricultural marketing is best carried out by the private sector rather than governments and all stages of the chain must show a profit for the participants (Wikipedia, 2010). Most farmers that are in partnerships seem to be more successful than farmers who try to go it alone.

2.8.9.4 Skills transfer in Public Private Partnerships in land restitution

Over the prescribed period of time, private sector should strive to improve the practical skills of new staff and update skills of experienced staff (Hanson, 2006). Doke (2008), states that anyone can put in the time to learn management skills, but not everyone can be an effective leader. This means that the skills, knowledge and experience needed by the previously disadvantaged restitution beneficiaries in agricultural management should be natured through the passage of time. It is however sometime argued that long term training is time consuming and not cost effective; the restitution beneficiaries in Public Private Partnership would be better served by short duration course that focus on a particular knowledge and skill development (Hanson, 2006).

Both these arguments have merits but it should be born in mind that management in every business, inclusive of Public Private Partnerships in land restitution in South Africa, is a skill that is not inherent but it has to be formally learned even by born leaders who are beneficiaries of land restitution. This calls for a balance between formal training and continuous professional development on the skills that were acquired through formal training.

Transformation in the agricultural sector – where the South African government aims to have 30% of land in the hands of black owners by 2014 – must be supported by Agricultural Education and Training (AET) colleges that will train previously disadvantaged black farmers to maintain productivity in the agricultural sector and to contribute towards the sustainability of Public Private Partnerships. Thorough investigations and proper planning are required to determine the scope of required interventions and what they would entail. These would also have to be tailored to suit the needs of individual communities.

International Development Centre (IDC) (2003), states that training programmes need to be designed to help increase producers' capacity in order to:

- a). increase productivity and improve food processing;
- b). target their marketing and sales (e.g. visiting supermarkets);
- c). discover the advantages of working in partnership;
- d). improve food handling and hygiene; and
- e). improve management of small agro industries.

Coaching and mentoring should also be considered as part of skills transfer in Public Private Partnerships in land restitutions. This coaching and mentoring would focus on the transfer of skills, experience, insight, human development and capability through instruction, example and on job shadowing. Doke (2008) argues that with skills in short supply, time is a critical factor in the transfer of learning in the South African agricultural sector inclusive of Public Private Partnerships in land restitutions. Experiential on-the-job training would facilitate the learning and succession planning. Coaching and mentoring could therefore provide an ideal means of providing knowledge and job specific training.

More than ever, capacitating land restitution beneficiaries is required because beneficiaries of land restitution lack the skills to manage huge agricultural projects efficiently and effectively (Todaro & Smith, 2006).

To have significant stake and sustainable management roles, communities should develop partnerships and joint ventures with companies that have agricultural expertise.

Training in Public Private Partnerships should also be coupled with full participation from the beneficiaries. Participation at the beneficiary level allows for the choice of project to reflect the needs and preferences within their level and the project design to reflect local information to ensure that local conditions, preferences and circumstances are taken into account. Equally important, beneficiary participation engenders obligation which is necessary for project sustainability over the long run, and participation in the project itself becomes part of the transformation process and can be a catalyst for community development (Stiglitz, 1998). The opportunities for meaningful participation in Public Private Partnerships should not be limited to office bears only, but to all levels and categories of participant beneficiaries.

2.8.9.5 Monitoring and evaluation (M &E) in Private-Public Partnership

Monitoring and evaluation needs to be properly developed and applied to ascertain progress and to measure the broader impact of Public Private Partnerships in land reform in South Africa. This should be supported by reliable statistical information coming into the public domain to facilitate the correct determination of the impact of land reform and that of Public Private Partnership on intended beneficiaries. If the input information is not correct, then the results of the monitoring and evaluation exercise would not be reliable and the actual impact of the partnership model would be difficult to ascertain. This would result in wrong conclusions being made and increase the possibility of mistakes being repeated.

CHAPTER 3 SUMMARY OF LITERATURE REVIEW

This chapter presents a summary of the literature that was reviewed during the commissioning research. The summary is guided by the research's main objectives.

Public private partnership in land restitution in Republic of South Africa refers to arrangements where both private and public partner share the risk of investment in infrastructure assets and services as well as sharing in potential benefits that may accrue from such an arrangement. In essence, both the private and public partners mobilize their energies and talents for social and economic reasons. Public private partnerships also offer a relatively easy way of entering international markets and opportunities to enjoy other public private partnership benefits.

Literature review shows that beneficiaries of land restitution lack the necessary farming skills, knowledge and experience. It is for these reason that government facilitated the introduction public private partnerships in land restitution projects to assist the land restitution beneficiaries by imparting the requisite skills, knowledge, and experience. These skills, knowledge and experience should be natured over a period of time through training, coaching and mentoring. Literature review calls for a balance between formal training and continuous professional development on the skills that were acquired through formal training.

Evidence from literature review further shows that public private partnerships require an appropriate legal framework which should be respected by all parties. It is further revealed that public private partnerships require a major commitment from both partners as well as from politicians. One of the most important observations is that all public private partnerships should be founded on a sound legal platform onset of the project. As part of these legalities, literature review recommends the adoption of a collective governance approach which should also outline requirements for comprehensive post-settlement support during implementation stage of public private partnership in land restitution. The crucial elements of post-settlement support in public private partnership in land restitution include financial support, agricultural extension services, market support, skills development as well as monitoring and evaluation of a project. In short, literature review advocate that the success of public private partnership hinges on a combination of knowledge, skills and experience as well as post-settlement support services that are required during the implementation stage of the project.

CHAPTER 4: MASAKONA LAND RESTITUTION CASE STUDY

4.1 Historical background and historical boundaries

The Masakona Community is one of the communities that were forcibly removed from their land along the Luvuvhu river valley (present day Barotta 17LT farm) in Vhembe district, Limpopo province starting from the early 1920s until the late 1930s in terms of the Natives land Act of 1913. Luvuvhu is the name of the river that originates from this region and flows eastwards through various villages in the former homeland of Venda until it joins the Limpopo river on the Northern part of the Kruger National Park. The name 'Levubu' is a corrupted form of the original Luvuvhu river name. In essence, the name was derived from Mvuvhu (hippopotamus) due to their presence in huge numbers in this river.

The other communities that lived around the Luvuvhu river valley prior to the forced removals were Luonde, Mashau, Matumba, Matidza, Ratombo, Makatu and Davhana. Ramudzuli (2001) states that the Shigalo community, which subsequently formed part of the resituated Luvuvhu river valley communities, were given a 500 morgen of land along the banks of the Luvuvhu river in 1907 in lieu of their support of the white community in their war against the Vhavenda during the Mphephu War of 1898.

After their removal in the early 1920 until late 1930, one of the Luvuvhu river valley communities, the Masakona Community, was relocated to the present day Ha-Masakona (approximately 50km to the south) and irrigation schemes and forestry were established in their ancestral land.

This piece of land is situated approximately 30 kilometers east of Louis Trichardt/Makhado town along the Makhado–Thohoyandou R523 road. According to Ramudzuli (2006), the land was originally controlled by the Ravele royal house and was bordered in the east by the Luvhungwe River. Luvhungwe River separated the Ravele community from the Tshakhuma/Madzivhandila community. In the north there was a grazing area bordering the Mugwada community (Entabeni). In the south, the demarcation was the present day Makhado/Thohoyandou road (R523). In the west was the Ha-Bvumi community which marked the beginning of the Ravele community.

4.2 Restitution process

The Masakona community, together with the other previously disposed Luvuvhu river valley communities, submitted a claim to the Land Claims Commission to get their land back during the late 1990s.

The Commission outlined the manner in which the claims were to be processed and this included the following phases:

1. Lodgement and Registration,
2. Screening and Categorisation (initial screening, preliminary option, advanced screening, preliminary feasibility, batching and prioritisation, preliminary field research),
3. Determination of qualifications in terms of Section 2 of the Restitution Act (assessment of gazette needs, assessment of notification needs and the gazetting/notification of the interested parties),
4. Preparation for negotiations (project plan for claimants, representation of claimants if required, research in order to obtain any outstanding information, valuations, Monitory Value of Claim (MVOC), verification, preliminary planning, preliminary case report and negotiation position, prepare and obtain mandate.),
5. Negotiations (agreement, preparation of memorandum for approval, Deed of Settlement, deal with disputes, obtain Ministerial approval/Court Order),
6. Implementation/Settlement support and development planning (detailed land planning, transfer of land, development funds, grants, post-award support and handover. Financial compensation or other redress is implemented in cases where claimants are not restored to the claimed land.) (RSA, 1994).

As part of the restitution process, the claimant communities were required to form a Community Property Associations (CPA) which in turn would enter into strategic partnerships with the current owners of the land. This arrangement was to be done on a contractual basis for a period of a number of years where the current landowners would continue to manage the different farming enterprises and also re-invest part of the payment they received from government for their land into the joint venture.

According to the annual report of the Commission of Restitution of Land rights (CRLR, 2006), The Limpopo Regional Land Claims Commission (RLCC), jointly with the Limpopo Department of Agriculture (LDA), prepared Terms of Reference to assist in the selection of private partners for the Luvuvhu river valley communities. Proposals were invited and the panel that adjudicated included the RLCC, LDA, Trade and Investment Limpopo, Development Bank of Southern Africa (DBSA) as well as the claimants themselves. Two private partners/investors, the South African Farm Management Services (SAFM) and MAVU Management Services (MMS), were chosen, based on their proposals. The Masakona community was part of communities that entered into a public private partnership with South African Farm Management Services.

The formation of the public private partnerships was based on the premises that the private partner would assist beneficiary communities with technical and management skills such as financial skills, access to markets and maintaining their land in order to empower members of the CPAs. In this partnership, the private partner was also expected to train members of the CPA, acquaint them with all activities on the farms and also investigate and advise on the future expansion of the business.

4.3 Farming activities

At the commissioning of this report, eight farms with a total of 405.98 hectares were returned to the Masakona community, namely Hampabada, Theron, Althea, Piekado Bottom, Picado Top, P. Smith farm, Wilken, and Chrisnil. These farms produce sub-tropical fruits such as Avocados, Oranges, Guavas and Bananas. The beneficiaries are still waiting for the finalisation of the restitution process on four (04) additional farms.

4.4 Business plan

Since the finalisation of the restitution process on the first phase for the Masakona farms, no business plan had been produced by the private partners to guide the operational and commercial activities of the restituted farms. As such the CPA does not know the production capacities of the farms and volumes that have been produced or sold. This is contrary to the original intention and agreements made during the formation of the strategic partnership and it forms the basis for the objectives of this research.

CHAPTER 5: RESEARCH METHODOLOGY

This chapter presents detailed information on the research design, survey and sampling methods, population and choice of instruments. The chapter reveals the methodology of this study. It also includes data collection and analysis procedures.

5.1 Research design

A research design is a strategic framework for action that serves as a bridge between research questions and execution or implementation of the research. Research designs are plans that guide the arrangement of conditions for collection and analysis of data in a manner that aims to combine relevance of the research purpose with economic procedure (Terre Blanche & Painter, 2006).

De Vos, et. al, (1998) describe a research design as a logical strategy for gathering evidence about knowledge desired. It must be efficient, which means it must yield the knowledge sought. It should be a simple and cost effective means of acquiring information and it should be acceptable to the parties involved and methodologically “tight”.

The researcher intended to study human viewpoint on the implementation of Public Private Partnerships in land restitution in the Republic of South Africa. The researcher used qualitative research methods with the aim of describing and understanding rather than explaining and predicting human behaviour.

5.2 Area of the case study

The research was conducted in Limpopo Province, Vhembe District Municipality, and Makhado Local Municipality for the land restitution claim settlement of the Masakona community. The village is situated ± 40 kilometres east of Makhado Town (formally known as Louis Trichardt), along the Makhado-Thohoyandou regional road (R523). These are communities that have been successfully restituted to farms in the Luvuvhu river valley.

5.3 Population

There were three sources of information in this research; namely: information from four extension officers who were deployed to monitor the restitution project, information from seven CPA management committee members who were elected by community to legally represent them in the partnership, and information received directly from the beneficiaries of Masakona who were working on the project.

According to (Newman, 2006), a population is specified as a large group of many cases from which a researcher draws a sample. The population in this study comprised of all adult female and male beneficiaries of Masakona land restitution claim settlement, who are currently working at the Masakona land restitution project. The total population in this research was 200, (N=200) and the population the researcher used was accessible, quantifiable, and related to the public private partnership of the Masakona land restitution project.

5.4 Sampling method

A probability random sample of beneficiaries was selected for this research. The advantage of this method is that all participants have equal chances of being selected, and used as a representative of the beneficiaries.

5.5 Sampling procedures

A list of 200 Masakona land restitution beneficiaries who were working at the restitution project was drawn. Numbers were assigned to the list for each beneficiary who was working at the Masakona land restitution project. Numbers to each beneficiary were put in a box, and mixed for the purpose of attaining a quality sample. Because the sample size was 61 ($61/200 \times 100 = 30.5\%$). Then the first 30.5% or 61 (sixty one), both female and males beneficiaries, were randomly picked from the box containing the 200 beneficiaries. All beneficiaries who were picked for the sample were interviewed. The researcher believes that there was no bias in the selection of beneficiaries to be interviewed. It is believed that every beneficiary had an equal opportunity of being selected.

5.6 Research instrument

A questionnaire was developed and used to obtain useful statistical information about the implementation of public private partnership in land restitution for the Masakona Community. It was a vital instrument with properly constructed and responsibly administered questions, through which the beneficiaries were able to air their views. That helped the research to be more valuable and reflected the opinions of the respondents.

The questionnaire was populated with both open and close ended questions. In the close ended questionnaire, the respondents were limited to fixed sets of responses. Contrary to the close ended type of questions, the open ended questions did not give the respondents the option to choose from a fixed set of responses. Here, both female and male respondents supplied their own answers without being constrained.

Both these questions were administered on a one-on-one basis to the beneficiaries with the help of research assistants. The research assistants were used to assist because not all beneficiaries were literate and because the researcher wanted personal views without the influence of the group. Questions were asked orally and answers were recorded as they were given. The interviewers who were collecting the data used local languages of the respondents.

Extension officers from Limpopo Department of Agriculture, Makhado Local Municipality, and Masakona CPA management committee members were interviewed separately using interview schedules guided by the main research questions.

5.7 Pilot study

The questionnaires that were drawn up for the research were developed and tested on ten (10) female and male Masakona beneficiaries at the Vuwani Service Centre, Makhado Local Municipality. The idea was to check the validity of the questionnaires. During the testing, it was obvious that certain questions were not clearly understood by the respondents. Testing resulted in certain clarifications, revisions, removal and addition of extra questions to the questionnaires. The responses from the piloted questionnaires were not included in the final findings.

5.8 Data collection procedures

Qualitative research was applied in an questioning manner. The researcher used questionnaires as a means of generating data during the investigation.

5.9 Primary data collection

The primary data that was collected concerned the implementation of public private partnership model in a land restitution project. The information was based on key questions of the research as follows:

1. What is the level of skills, knowledge and experience of land restitution beneficiaries involved in agricultural production in the Masakona land restitution settlement during the implementation of the model?
2. What are the requirements of public-private-partnership implementation in land restitution projects?
3. What is the level of support services required in the implementation of public-private partnership in land restitution project?
4. What are the constraints in the implementation of public-private partnerships in land restitution claim settlements?

This information was collected using open and close-ended questions; and targeted beneficiaries who were working at the Masakona land restitution claim settlement. All participants were in one way or the other connected to this land restitution project.

5.10 Secondary data collection

Under this study, data was obtained through the review of provincial and national official publications. Literature on international, regional and local case studies on public private partnership projects was also reviewed and analysed.

5.11 Research ethics

The researcher contacted the chairperson of the Masakona CPA to facilitate the organisation of a meeting with all relevant stakeholders. In the meeting the researcher introduced himself and the research topic, and requested for permission to undertake the study. The researcher explained to the Chairperson of the CPA and the supervisors how the finding of the study will be of direct benefit to them. The researcher also promised the community that he would avail himself even after the data gathering process to present the findings of the research to the CPA. The researcher implemented the sampling method and procedure as stated in sub-sections 5.4 and 5.5 above, respectively. Separate interviews were conducted with CPA management committee, and extension officers for an overview.

During the interviews, the researcher always introduced himself, his assistants and the research topic to the respondents before asking for permission to conduct the interview. After an agreement was reached, the researcher assured the respondents that the entire content of the interview would be treated confidentially, and that the findings will not be passed on to others. As such the participants were engaged as partners in the research enterprise, and were encouraged to express their views without fear. They were also informed that participation in the research is voluntary. Finally, the participants were treated respectfully and in a dignified manner in accordance with the level of agreement.

5.12 Data analysis

Data was collected in the project using 61 questionnaires. It was then analyzed using the Microsoft Excel software package. All questionnaires were captured on the excel programme. Variables were counted and calculated to give effective frequency and percentages.

CHAPTER 6: RESULTS AND DISCUSSION

6.1 General findings

The research findings were based on the views and opinions of a sample of 61 beneficiaries that was produced from a total of 200 employees who, at the time the research was commissioned, were working on the Masakona public private partnership land restitution project in the Luvuvhu river valley.

6.1.1 Gender and age of respondents

The sample comprised of 43% male employees and 57% female employees as summarised in table 01 below.

Table 01: Gender of the respondents

Gender	Number of the respondents	Percentage (%)
Male	26	43.0
Female	35	57.0
Total	61	100.0

The trend, which seems to be a dominant feature in the farming communities of this area, is that youth are less interested in getting involved in farming as shown in table 02 below. Only 18% of the employees who were interviewed for this research are youth and the rest of the staff compliment (82%) is made up of adults who are 35 years and older.

This trend might hamper the sustainability of this project due to lack of an experienced and capable workforce in future. It also poses a threat to proper succession planning because there would be a very small number to draw future farm managers from.

Table 02: Age of the respondents

Age	Number of the respondents	Percentage (%)
Youth (below 35years old)	11	18.0
Adult (above 35 years old)	50	82.0
Total	61	100.0

6.1.2 Education level of respondents

The most distressing finding of the research was that of lack of education and basic skills in commercial farming among the beneficiaries as summarised in table 03 below.

Table 03: Educational level

Educational level	Number of the respondents	Percentage (%)
None	2	3.3
Primary	40	65.6
Matriculation	15	24.6
Diploma	4	6.6
Total	61	100

Only 6.6% of the employees hold post-matric qualifications in the form of certificates or diplomas. More than 90% of the employees can barely express themselves in English which is the working language for most successful and sustainable business enterprises. This was despite the fact that approximately 25% of the employees have been educated up to matriculation level.

The lack of education and understanding of the dynamics of commercial farming seems to be the root of all problems and the main contributing factor in the challenges that were being experienced in the Masakona PPP land restitution project. It partially explains why the private partner could run the farms for such a long period of time (2005-2008) without providing any feedback or accounting on the day-to-day operations of the project to the beneficiaries who are the majority shareholders or producing any financial records year after year. As a result, when the private partner was ultimately liquidated in 2008, the beneficiaries were left with huge financial liabilities and insurmountable operational challenges. Problems of this nature could have been prevented had there been sufficient post settlement support, primarily in the form of monitoring and evaluation.

6.1.3 Employment status of respondents

Around 79% of the employees were beneficiaries of the project who were also employed in the farms on a permanent basis and 21% were temporary workers as shown in table 04 below. It is difficult to ascertain whether or not this split between permanent and temporary workers is adequate in the absence of a detailed business plan to guide the resourcing and operations of the partnership.

Table 04: Employment status of sampled beneficiaries

Employment status	Number of the respondents	Percentage (%)
Permanent	48	79.0
Temporary	13	21.0
Total	61	100.0

6.2 Beneficiaries skills, knowledge and experience

No business can operate successfully if the workforce and the managers are not equipped with the requisite technical skills, knowledge and experience to deliver services in their chosen sphere of business. The findings of this research indicate that, in the case of the Masakona land restitution partnership, the majority of the beneficiaries do not have the necessary technical skills, knowledge and experience in commercial agriculture farming, let alone becoming partners in a sophisticated land restitution partnership agreement. The highest qualified among the beneficiaries only hold up to post-matriculation certificates and diplomas (4 out of a total of 61 beneficiaries or 6.6% - refer to table 03 above), and in most cases in fields that are not even related to agriculture. This does not augur well for the sustainability and success of this farming project.

6.2.1 Previous work experience

Table 05 below shows that 52.5% of the beneficiaries never worked in commercial farms in the past and before they got involved in the Masakona private public partnership. This means their contribution would not be at the same level as someone who had been involved in commercial farming before; hence the minimal contributions that the beneficiaries had been making in the day to day operations and management of the Masakona PPP.

Table 05: Work in commercial farm before

Work in commercial farm	Number of respondents	Percentage (%)
Yes	29	47,5
No	32	52.5
Total	61	100.0

6.2.2 Experience in commercial farming

Table 06: Experiences in commercial farming

Experience	Number of respondents	Percentage (%)
Below 2 years	28	45.9
Between 2 and 5 years	32	52.5
Above 5 years	1	1.6
Total	61	100.0

Only 1.6% of the beneficiaries have just over five years working experience in commercial farming as shown in table 06 above. It therefore comes as no surprise that the beneficiaries left all management issues of the farm operations to a private partner with whom they had never worked before. Some of the problems that surfaced at a later stage could have been identified and managed differently had the beneficiaries been directly involved in the management of the project. However, this is obviously asking the beneficiaries to contribute above their capabilities and knowledge levels.

6.2.3 Work related training

During the interviews, 97% of the beneficiaries expressed the need for training to be intensified. This aligns with the observations made by the researcher during the interviews as shown in table 07 below. In addition, even beneficiaries who indicated that they had received training on aspects such as agricultural production, financial management; marketing, PPP management, etc. did not appear to be highly competent in those fields.

Table 07: Need for work related training

Needs for training	Respondents	Percentages (%)
Yes	59	97.0
No	2	3.0
Total	61	100.0

These findings show that beneficiaries must be fully capacitated before the implementation of public private partnerships. There are huge gaps to be filled in terms of equipping new beneficiaries with skills and upgrading the skills of existing staff in order to bring the skills and knowledge levels of the beneficiaries to acceptable levels. This is even more urgent in view of the fact that the private partner is no longer involved in the project and the beneficiaries have been operating the farms on their own.

6.3 Requirements for public private partnership implementation

During the interviews, the beneficiaries pointed out lack of understanding of the PPP implementation processes as one of the main reasons why their partnership was not being successful. This means that no effort was expended towards making the partners and signatories to the partnership understand the dynamics of PPP set-ups. This would have helped to bring all parties on board and encourage participation from the same level of understanding. In the end, it was a case of private partners being brought in who ended up working on their own without involving the community with whom they were supposed to work.

One encouraging characteristic theme that emanated during the interviews was that, instead of being despondent, the beneficiaries always kept their hopes high with regards to possible solutions to turn their dire situation around. It is very easy, under the circumstances, for people to only focus on the negative aspects of the situation and literally “take their eyes off the ball”. Some of the proposals that they suggested in order to get the implementation process of their partnership to work revolved around information sharing, training requirements, proper selection of the private partner and streamlined post settlement support services as continued in the next section.

6.4 Support services in public-private-partnership implementation

6.4.1 Support services rendered during implementation stage

Table 08: Support services rendered during implementation stage

Support services rendered	Respondents	Percentages (%)
Financial support	1	1.6
Marketing support	2	3.2
Training support	4	6.5
Monitoring and evaluation	4	6.5
Extension support	10	16.3
I do not know	40	66.5
Total	61	100.0

As shown in table 08, the findings of this research revealed that the majority of respondents (66.5%) did not know about the existence of support services being rendered during implementation stage of their PPP model, whilst 16.3% of them believe that they received advisory support services from officials of the local Department of Agriculture office.

The researcher observed that the beneficiaries who expressed that they did not know about the existence of support services being rendered in their partnership were not fully participating in the day to day functioning of the partnership. One explanation that could be drawn from this lack of participation could be that the majority of beneficiaries lack the sense of ownership that is required during the implementation of PPP in order for the project to be run successfully and the partnership to operate sustainably.

6.4.2 Helpfulness of rendered support services

The sensitivity around the requirement for post settlement support services was highlighted by the nature of responses that were received during the interviews that were conducted for this research on the Masakona PPP project.

Table 09: Helpfulness of rendered support services

Rendered support service helpful	Number of respondents	Percentage (%)
Yes	40	65.6
No	15	24.6
I do not know	6	9.8
Total	61	100.0

Only a small minority (24.6%) of the beneficiaries indicated that all support services were not helpful but almost 10% of the beneficiaries did not know whether or not they view support services rendered as being helpful to their land restitution claim settlement project. However, quite a significant number of beneficiaries (65.6%) also indicated that certain selected support services such as agricultural extension support services and monitoring and evaluation by the Extension Officers from the local office of the Department of Agriculture were satisfactory. The researcher's interpretation of these findings was that the beneficiaries understand and appreciate the importance of the minimal support services being rendered. They notice the amount of attention and efforts that are being expended in attempts to get their project to work but, most of them cannot fully grasp the intricacies of operating a commercial farm.

6.4.3 Needed support services

Table 10: Needed support services

Needed support services	Number of respondents	Percentages (%)
Financial support	11	18.3
Marketing support	10	16.2
Training support	27	44.2
Monitoring and evaluation	5	8.2
Extension support	7	11.5
I do not know	1	1.6
Total	61	100.0

Table 10 above shows that 44.2% of beneficiaries expressed the need for training as paramount to the success of their partnership. As much as the beneficiaries of the Masakona PPP partnership need to be equipped with skills, both through formal training and continual on-job development, it is also crucial that experienced and knowledgeable coaches and mentors are brought in to assist the new beneficiaries in gaining expertise in commercial farming. It is only through interventions of this nature that beneficiaries of land restitution farming projects can gain sufficient skills, knowledge and experience that will sustain them into the future.

6.4.4 Findings under support services investigations

The finding in the study shows that the majority of respondents reflected extension support, marketing, monitoring and evaluation, financial support and training as the support services that are required in their restitution farms.

The lack of monitoring and evaluation is one of the most pertinent aspects of post settlement support that should be strengthened. As illustrated in table 09 above, part of the reasons why the Limpopo land restitution projects failed and also the delay in establishing that things were not working properly was due to the absence of monitoring and evaluation. Monitoring and evaluation needs to be properly developed and applied to ascertain progress and to measure the broader impact of Public Private Partnerships in land reform in South Africa.

Although the beneficiaries of the Masakona PPP did express some level of satisfaction in the support being provided by the local office of the Department of Agriculture, this was clearly not sufficient as evidenced by the collapse of the project. Checks and balances should be put in place to ensure that even the Extension Officers who are involved in land restitution projects are properly trained and well equipped to deal with day-to-day problems that are encountered by the beneficiaries.

The crucial aspect in ensuring that systems that have been put in put would work include the supply of reliable data and information because in the absence thereof, the determination of the impact of land reform projects and that of public private partnership on beneficiary communities would be impossible.

Support services must be rendered as a complete comprehensive package which includes financial support, agricultural extension support, marketing support to beneficiaries, skills transfer to beneficiaries and monitoring and evaluation if a complete turn-around on the current predicaments in South Africa land reform programmes is to be realised.

6.5 Challenges and constraints in public private partnerships

Among the five main post settlement support challenges that were discussed and analysed above, the beneficiaries of the Masakona land restitution project identified a host of other constraints and challenges during the interviews that are a hindrance to the success of their partnership such as:

1. lack of market access,
2. conflicts among beneficiaries themselves,
3. poor leadership and management,
4. lack of farming inputs,
5. lack of support services,
6. lack of transparency, co-operation and coordinated planning,
7. lack of training,
8. shortage of skilled manpower,
9. low wages,
10. theft,
11. lack of protective clothing,
12. nepotism, and
13. lack of information.

Although some of these constraints and challenges are the typical barriers to any new project or new business venture, some of them are understandably intractably difficult to new land restitution beneficiary communities that would overwhelm even the most astute and well established business enterprises.

Again, the starting point would be to establish systems that actually work and followed up by the development of programmes that will guide the beneficiaries to get started initially and thereafter to run their farms in a sustainable manner.

6.6 Findings from interview schedules

6.6.1 Extension officials from the Department of Agriculture

6.6.1.1 Support services during implementation stage of public private partnership

Extension Officers are of the opinion that even if the support services were available, they were not comprehensive enough. Advisory services were only available from the local Department of Agriculture and only during consultative meetings. There is very little financial support, training and monitoring and evaluation of the project and even from the Extension Officers themselves.

6.6.1.2 Skills, knowledge, and experience of beneficiaries during implementation

The Extension Officers observed that the beneficiaries do not possess sufficient skills and knowledge to run a project of this magnitude. The majority of beneficiaries are illiterate and only a very small number of beneficiaries have practical experience in farming operations from having worked in the farming environment in the past.

6.6.1.3 Challenges during the implementation of the ppp

The implementation stage of the PPP model was not properly planned and there was no business plan in place. As such all crucial functions such as the day-to-day management of the project, planning, marketing, etc. lay exclusively in the hands of the private partners. In partnerships of this nature, full participation and a sense of ownership are required at all levels of the project. Instead, in the case of the Masakana PPP, the private partners 'called all the shots'. The beneficiaries were only there to supply general labour.

6.6.1.4 Requirements of the public private partnership

A business plan is required to kick-start and guide the operations of the partnership. A business plan is a fundamental tool for any business, more so for a newly established business. This tool will give guidance to the day-to-day operation of the project and also facilitate easy monitoring and evaluation and identification of shortcomings in the project.

6.6.2 Communal Property Association management committee

6.6.2.1 Support services

The CPA management committee felt that there was no support being received in the implementation of their PPP. They highlighted that from the onset of the project, a need for new irrigation equipment was highlighted at all eight restitution farms. Although, the Department of Agriculture did procure new irrigation equipment for the project, they were not of the required specifications. In addition, the project was in need of financial assistance for maintenance, wages and equipment.

6.6.2.2 Skills, knowledge, and experience of beneficiaries

The committee believes that the community was not well informed about the roles and responsibilities of all stakeholders in PPP when they entered into the agreement. They conceded that beneficiaries lacked the requisite skills, knowledge and experience but as far as they are concerned, they entered into a PPP agreement because they expected to be capacitated and empowered, but this was not the case.

6.6.2.3 Challenges during the implementation stage

During the implementation stage the private partners were not involving the CPA management committee or the beneficiaries in the day to day operations of the project. That left the CPA and the community in the dark, and as such the beneficiaries were not benefiting anything from the partnership. They argued that their properties such as houses and offices were not rented out as expected, meaning that the private partners were using them for free.

They also complained about the “hands-off” management style of the private partners because, although the farms are situated in Levubu, the private partners were operating from an office in Tzaneen. As such no one from the community could be co-opted to act as a representative in the administration and management structure of the partnership.

6.6.2.4 Requirements for the implementation of public private partnership model

The CPA management committee suggested that before the implementation stage of the PPP model, there must be an agreed upon programme of action that has a buy-in of all affected stakeholders. The beneficiaries must be equipped with skills and this must be achieved through a well structured training program that has clearly defined deliverables. They contended that honesty must be one of the fundamental principles in the PPP implementation process. As far as they are concerned, if all partners are honest to each other, then everything will run smoothly.

CHAPTER 7: CONCLUSION

The assessment of the implementation of Masakona land restitution project revealed a very disturbing picture in so far as the performance to date is concerned and point towards a bleak future for this farming venture unless drastic measures and strategic interventions can be investigated and implemented as a matter of urgency in order to rectify the situation. The root of the problem lies in the absence of post settlement support services following the final approval and handing over of this piece of land to the public private partnership that was headed by the private partner, South African Farm Management Services (SAFM). The conclusions for this research are as follows:

7.1 Skills, knowledge, and experience of beneficiaries during implementation

The results of this research concluded that the beneficiaries of the Masakona Community PPP lack in-depth skills, knowledge and experience needed to foster proper management of large scale commercial farming projects.

In addition, there is a shortage of properly qualified stakeholders to assist in the running of the project and there are no coordinated training programmes that the beneficiaries can follow in order to gain exposure and technical knowledge in farming operations in general and the implementation of Public Private Partnerships in particular.

7.2 Requirements for implementation of public private partnerships

Information sharing and adequate tutoring, coaching and mentoring of beneficiaries both in the workings of partnerships as well as in the dynamics of commercial farming would play an important role in enhancing trust, cooperation and informed decision-making in the implementation of the partnership. As a complimentary step to all pertinent interventions, a comprehensive business plan needs to be developed immediately to enable better planning, execution and monitoring and evaluation of the partnership project.

7.3 Support services in the implementation of public private partnerships

It is concluded that the support services that are currently being rendered during the implementation stage of the PPP model in land restitution projects are not adequate. Beneficiaries are not being properly trained, the beneficiaries do not possess any technical farming, management or marketing skills, financial resources are not readily available, government support (through the Department of Agriculture) is very minimal, extension officers are not well trained and supported to assist the beneficiaries, etc. This explains why there has been such catastrophic failure in the implementation of the PPP model in land restitution projects.

7.4 Challenges faced by beneficiaries during the implementation of the PPP model

The results of the research show that the implementation of the private public partnership in the Masakona restitution farms in Limpopo province has been a failure.

Capacitating of beneficiaries with requisite commercial farming skills, knowledge, and experience is one of the main challenges that must be overcome for sustainable future operations.

In addition, all stakeholders must fully participate in the planning and execution of the partnership's operations to eliminate mistrust and foster cooperation. It would be even easier if the operations are guided by a well developed business plan that has got a buy-in of all stakeholders.

Support services must also be increased, especially at the onset of the project, by both the government or public partner and the private partners if the implementation of the PPP model is to succeed in land restitution projects.

CHAPTER 8: RECOMMENDATIONS

Possible solutions that can be implemented in order to rectify the problems that resulted in the failure for Masakona PPP implementation and to improve the implementation of future PPPs in land restitution claim settlements include amongst others, the following:

1. A holistic approach to all aspects of post settlement support services such as financial support, agricultural extension support, marketing support to beneficiaries, skills transfer to beneficiaries and monitoring and evaluation is required if a complete turn-around on the predicaments in South Africa land restitution programmes is to be realised.
2. Capacitating of beneficiaries of restitution projects in farm management, financial, and marketing skills and providing institutional support before and during the implementation of public private partnership agreements.
3. Equipping the beneficiaries with technical skills and continued on-job training to enable them to run their farming activities efficiently and sustainably.
4. Outsourcing of non-core business activities to external service providers.
5. Co-option of qualified personnel to mentor, coach and/or strengthen in-house beneficiary management teams.
6. The establishment of a comprehensive business plan is imperative before the implementation of PPP model for better management as well as monitoring and evaluation of the project. The business plan must also include a risk management plan.
7. Since, marketing is one of the major key challenges; government must strive towards linking restitution projects with market establishments and also assist in the establishment of marketing company.

Additionally, a functional selection process must be established for improved implementation of the Public Private Partnership model in land restitution.

Finally, PPPs in land reform can draw lessons from the successful implementation of PPPs in other fields where the government in South Africa is carrying out large infrastructure development projects successfully, for example The Gautrain, Soccer World Cup Infrastructure projects, Power Generation Expansion projects, etc., with the help of private partners. The success stories in these projects must be fully studied with the aim of seeking ways to implement them in land restitution claim settlement projects.

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APPENDIX

Appendix 1: Interview questionnaire

PUBLIC-PRIVATE PARTNERSHIP IMPLEMENTATION IN LAND RESTITUTION SETTLEMENT, WITH REFERENCE TO THE MASAKONA COMMUNITY, MAKHADO MUNICIPALITY, VHEMBE, LIMPOPO PROVINCE

One-on-one interview

Name of interviewer.....

Degree: MDEV

Date of Interview /.... / 2010

The aim of the questionnaire is to investigate the implementation of the public private partnership model in land restitution claim settlement for the Masakona community.

Undertakings

All information provided will be treated confidentially.

You are not required to provide your name on this questionnaire.

Instruction

1. Mark in the blocks marked 1, 2 or 3...
2. Please answer all questions.
3. Please complete the question honestly, truly and as objectively as possible.
4. Please answer the questions as they apply to you personally.

1. Dermographics

Municipality.....

Village/Company.....

1.1 Gender

Male	1
Female	2

1.2 Age

Below 35yrs	1
Above 35yrs	2

1.3 Are you employed?

Yes	1
No	2

1.4 If yes:

Permanent	1
temporary	2

1.5 If employed, to which section in this Public Private Partnership?

1.6 Which of the following best describes your highest level of education?

None	
Primary	
Matriculation	
Post matriculation (Diploma/certificate)	
Degree incomplete	
Degree completed	
Other	

2. Information about skills, knowledge and experience of beneficiaries during implementation stage

2.1 Have you worked in a commercial farm before?

Yes	1
No	2

2.2 What is your experience in commercial farming?

Below 2 years	1
Between 2 and 5 years	2
Above 5 years	3

2.3 How did you acquire your agricultural knowledge, skill and experience?

Formal	1
Experience	2

2.4. Is there any need to intensify work-related training?

Yes	1
No	2

3. Information about the requirements of Public Private Partnership implementation

3.1 What are the requirements for the implementation of Public Private Partnership model?

.....

4. Information about support services

4.1 What support services rendered during the implementation stage?

Financial support	1
Marketing services	2
Training	3
Monitoring and Evaluation	4
Monitoring and evaluation	5

I do not know	6
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4.2 Were those support service(s) rendered helpful or not?

Yes	1
No	2
I do not know	3

4.3 What were the most needed support services during implementation stage of Public Private Partnership?

Financial support	1
Marketing services	2
Training	3
Monitoring and Evaluation	4
Monitoring and evaluation	5
I do not know	6

5. What are the challenges experienced by beneficiaries during implementation stage of Public Private Partnership?

.....

.....

.....

.....

.....

Thank you very much!