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Title of Mini-Dissertation

**THE IMPACT ON RESTITUTION CLAIMS AS A MEANS OF ACHIEVING A
SUSTAINABLE LIVELIHOOD AMONG THE PEOPLE OF CATA VILLAGE IN THE
EASTERN CAPE**

By

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ACRONYMS

ADM	Amathole District Municipality
ANC	African National Congress
BRC	Border Rural Committee
CRLC	Commission for Restitution of Land Right
CCPA	Cata Communal Property Association
DLA	Department of Land Affairs
IDP	Integrated Development Plan
MOVE	Monetary Value of Claim
RLCC	Restitution of Land Claim Commission
TB	Tuberculosis
UDM	United Democratic Movement
MSA	Municipal Systems Act
NFG	National Framework Guideline
NPBRR	National Policy of Basic Refuse Removal
NWMS	National Waste Management Strategy

ABSTRACT

Land reform contestation in South African reflects how restitution of lands has impacted the livelihoods of beneficiaries and the community at large. This study examines the restitution impact on the livelihood of Cata community members, a controversial land reform zone in Eastern Cape. Although the people of Cata suffered a loss of land through forced removal by the apartheid government, the ‘betterment planning’ by the state did not address their problem.

The study investigates the extent of socioeconomic livelihood improvement that the land restitution policy has offered the people of Cata. The study explores the extent to which land restitution settlement has contributed to a sustainable development and how such development has impacted the everyday lives of the community.

The study made use of qualitative approach for data collection. Interviews were conducted among land beneficiaries in Cata. These included land beneficiaries living in Cata and those who are also beneficiaries but were not presently living in Cata. To understand the state of developmental impact in the lives of Cata people, a focus-group discussion was organized to hear contributions from some community members.

The study indicates that, financial compensation has not benefited many of the claimant. This is because many of the funds have not been put to good use considering the enormous socioeconomic challenges facing households. However, the formation of BRC brought some relief to the community members through helping beneficiaries by lodging their claims, helping with appropriate compensation awards and offering land restitution advice to claimants. The help from BRC has contributed to the developmental project that respondents attest has improved their livelihoods.

CHAPTER 1

BETTERMENT IN CATA VILLAGE

1.1. INTRODUCTION

This mini-dissertation examines how different communities benefited from land restitution in South Africa, with a case study drawn from the experiences of the Cata community in the Eastern Cape Province. The thesis highlights how they worked for hand in glove with the Department of Rural Development and Land Reform throughout their settlement case of 2002. The Cata Land Restitution Project is situated in the North of the Keiskammahoek area of Amahlathi Local Municipality in the Amathole District Municipality in the Province of the Eastern Cape. It is a former farming region at the base of wild forested mountains, and is comprised of three smaller villages. these three villages are Skafu, Nyanga and Ndela.

The villages were subject to the apartheid government's forced removal program known as 'betterment planning' in the 1960s. This meant that the rightful owners of Skafu, Nyanga and Ndela were forcefully relocated from the land to live in demarcated residential zones prepared by the Apartheid government. Through the land reform program in post-apartheid, there has been an attempt to resituate the people of Cala their lands. Included in the benefits of land restitution so far, the restitution exercise has also encountered some challenges.

This study outlines how the community benefited through the land reform program with specific reference to the return of land and compensation of communities. The study also explored challenges thus far in the restitution process. The study also discussed assessment of development initiatives, subsequent interventions, and their economic impact on the daily livelihoods of communities in and around Cata village. In what follows, a map of the Cata village is shown to indicate the study area.



Figure.1: Map of South Africa showing the location of Cata in the Eastern Cape (sourced from Border Rural Committee, 2007).

The importance of the description of the Cata community is to situate the study in the four different locations as well as provide its historical background in regards to socioeconomic livelihood. These includes before betterment schemes, life after betterment and a recent account into the community's livelihoods before and after the successful land restitution settlement of 2002.

The dynamics this study used are unique because information is documented with participants from Cata, who were not necessarily present throughout the above-mentioned stages of change in Cata. However, they recall the events that took place. The study chose to focus on Cata mainly because of its status as the first village to be compensated for losses incurred during Betterment, and because there are well-documented studies of the Cata case over the years.

This study focused on the land restitution process and how it has improved the socio-economic lives of people living in Cata. Some of the main issues included how these people were affected by betterment schemes, the extent to which land restitution has enabled sustainable living in Cata, as well as the extent that participatory development approaches have affected the alleviation of poverty in the community. Following coverage of these issues, the aim is to contribute to new information and give insights into the current living conditions in Cata village at the same time highlighting emerging challenges of land restitution exercise.

The challenges on land restitution range from appropriation without compensation, funding the land reform exercise since the land has to be purchased from white farmers, fighting against vested interest from different stakeholders like the government, white commercial farmers, politician, local authorities etc. they all have different priorities and those are not always not in the best interest of the farmers and option for monetary exchange for land challenges.

1.2. BACKGROUND OF THE STUDY

The loss of land and the human rights abuses that accompanied land loss through colonial conquest, racial segregation, and class domination in South Africa has been well documented by a range of scholars from different theoretical backgrounds. The struggle against domination and discrimination has ranged from the work of Sol Plaatje to the more academic class analysis of the Marxist political-economists of the 1970s such as Harold Wolpe and Martin Legassick (Roodt, 2003:16).

The long colonization process which led to the dispossession of property was also prevalent in Africa - particularly South Africa from the middle 19th century to early 20th century. Although the colonising Europeans were confronted with resistance as they penetrated deeper into the interior of South Africa, they ultimately conquered indigenous people. Peires (1976) states that throughout the conflict, the bone of contention was control of land and cattle coupled with political influence over these lands and their inhabitants. The turn of events was further complicated when pieces of legislation and policies such as the Glen Grey Act of 1894 were introduced in the bid to legalise land dispossessions (Thompson 1991). According to Thompson (1991), the act was introduced to increase the supply of and control over African labour by pushing Africans from their lands. This act also made way for settler development and introduced a tax on the landless as a stimulus to encourage wage labour. Historically land formed the institutional backbone of sustainable livelihoods in and around Southern Africa, including other British colonies such as Rhodesia.

1.3. LAND DISPOSSESSION IN A RURAL CISKEI VILLAGE

Land dispossession in South Africa placed pressure on the land occupied by Black South Africans and caused soil erosion and other forms of land degradation, which became a concern to the colonial government, particularly after the Natives Land Act of 1913. According to De Wet (1989, p. 326), in 1932 the Native Economic Commission was set up by the colonial government to introduce the idea of betterment and rehabilitation as an attempt to combat soil erosion, conserve the environment, develop agriculture in the homelands, and cut down on urbanisation.

Betterment planning in South Africa referred to successive schemes by various central and homeland governments to, inter alia, combat the deterioration of natural resources and contribute to agricultural development in black-occupied rural areas (De Wet & Bekker 1989). Black areas were the focus of the Commission for purposes of rehabilitation and increased economic productivity.

Also, such areas would undergo a spatial planning exercise with distinct residential areas, arable allotments as well as grazing commonages. This was the recommendation made by the Tomlinson Commission that had been established to make assessments and recommendations to the government. Rakometsi (2008, p. 113) submits that the Tomlinson Commission proposed that rapid development was necessary for the exclusively black areas. However, the apartheid government never supported such proposals as it viewed them as being against the notion of separate development. Therefore, the modernisation approach of graduating agriculture from traditional ways to advanced ones was resisted.

McAllister (199, p. 116) notes that the objective of betterment planning was to combat the deterioration of natural resources needed for agricultural development in black-occupied areas. Betterment planning involved the re-organisation of rural locations into separate residential, arable, and grazing areas for purposes of what planners saw as better land use. This involved the movement of large numbers of families into centralised village-like residential areas within their locations and the fencing off of residential, arable, and grazing areas.

People were never meaningfully consulted on whether they were in support of such relocations, where such consensus was sought, it was simply formality or a matter of obtaining formal compliance on the part of the authorities. As Ngcaba (2002, p. 16) observes betterment planning areas “were declared by agreement between the district magistrate and headmen without

consultation with residents themselves, or where such consultation meetings did take place, the implications of the scheme were not exhaustively discussed". According to Ngcaba (2002, p. 27), the people were removed from their areas on the account of establishing agricultural forests and nature reserves in the Transkei.

There were resistance movements against Betterment in many areas and in other instances the conflict claimed the lives of people. Ngcaba (2002, p. 23) submits that in Mount Ayliff district in the Transkei some headmen who were collaborating with the implementing bodies were killed. In Sekhukhune land, now Limpopo Province, there were incidents of headmen being attacked by the villagers, and despite such protests, the government enforced betterment planning (Kape, 2005). The Pondo people fiercely resisted the rise of the Colonisers and their attempts to reshape and re-engineer Pondoland and to co-opt their Chiefs. Violence erupted around issues such as Chiefs who collaborated with the Apartheid state, the land reclamation programme, the Bantu Authorities system, and spontaneous revolts against further imposition into the Pondo people's life (Zunes, 1999). Pondo people had less trust and faith in their Chiefs since Chiefs proved they were willing to be co-opted by the colonial rulers at the expense of their subjects (Delius, 2008).

The Pondoland revolt took place in the Eastern Transkei in the late 1950s and early 1960s (Delius, 2008). The Pondo people revolted against the Bantu Authorities' new system as described in the Bantu Authorities Act of 1951, which intended to place certain categories of administration in the hands of the 'Blacks' while retaining the decisive authority in the hands of the central government. Mazibuko (2014, p. 7) estimates that 3.5 million people were affected across South Africa.

Westaway (1993, p. 61) notes that "having completed a critical assessment of betterment schemes, the discussion shifted from broad, national issues to the implementation of betterment in Keiskamahoek district. There were a series of events that culminated into Betterment planning execution, thereby affecting numerous settlements in Keiskamahoek. According to Westaway (1993), the planning of communal areas which was a process of establishing villages through Betterment planning in the settlements of Mnyameni and Gxulu in the 1950s followed by Gwili-Gwili, Mtwaku, and Cata in the early 1960s.

The Planning Committee was later replaced by an ad-hoc committee that was responsible for the planning for the new villages. In the Transkei and Natal, there were similar bodies also with the same responsibilities. The fixed, smaller residential sites were close to each other causing

population density, a new phenomenon. Westaway (1993, p.122) explains “the most obvious spatial change involved in the movement of people from peripheries into a village was that the distances between neighbours were greatly diminished”. The reduced arable lands were later allocated to the people on the new settlements. Stock culling took place and grazing camps had to be used on a rotational basis to curb soil degradation. This implementation of this scheme was achieved in all the Keiskamahoe villages of Gxulu, Mnyameni, Gwili-Gwili, Mtwaku, and ultimately in Cata by 1967 (Westaway, 1993).

1.4. LAND RESTITUTION

A new political dispensation in 1994 brought about the need to redress ills of the past government and land was amongst the first and most important reforms that had to be undertaken and this included restitution. Section 25(7) of the 1996 Constitution¹ states that “A person or community dispossessed of property after 1913 as a result of past racially discriminatory laws or practices is entitled, to the extent provided by an Act of Parliament, either to restitution of that property or to equitable redress”. Consequently, the government crafted a three-legged land reform program namely, land restitution, land redistribution, and land tenure. To qualify for the restoration of the land rights an individual or community must have had the land rights and must have lost it through dispossession. The last condition for the claim was inadequate compensation or lack thereof at the time of dispossession.

The compensation to individuals is approached through the restitution legislative framework. Weideman (2004:181) argues that individual claimants are rewarded through restitution, restoration of the original land, provision of alternative land, payment of monetary compensation, or priority access to government programmes such as housing. Although the focus of this study is land restitution as per the Restitution of Land Rights Act of 1994, reference will be made to land redistribution and land tenure to provide a comprehensive understanding of the land reform programme in South Africa in general.

From its conception, the land restitution programme mainly focused on redressing the injustices of forced removals which were prevalent in areas such as Sophiatown in Johannesburg, District

¹ Constitution of South Africa, Republic of South Africa (1994). Pretoria. Government Printers

Six in Cape Town, Cato Manor in Durban, and West Bank in East London (Atuahene, 2014). The land restitution excluded the victims of Betterment removals in the rural areas. In its policy paper the Land Affairs department states “the claims of those dispossessed under betterment policies which involved forced removals and loss of land rights for millions of inhabitants of the former Bantustans, should be addressed through tenure security programmes, land administration reform, and land redistribution support programmes (Department of Land Affairs, White Paper on Land Reform of 1997).

The claim of the village of Cata in the Keiskammahoek District was the first betterment case to be settled under the restitution programme (Tshidzumba, 2019). The settlement agreement was signed on 7 October 2000. The value of the settlement was approximately R12 million. Half of this money was set aside for development and was administered by Amatole District Municipality for this purpose. In mid-2000 government revised its policy position toward ‘betterment and restitution’. The key new policy recommendations that were adopted read as follows:

“That government changes its policy approach to betterment removals by acknowledging that some of these claims may satisfy the criteria of the restitution act.”

That a standard approach to the resolution of these claims is adopted. Key features of the approach should include:

- Standard investigation questions, that is to quantify individual’s loss to residential and arable land and to quantify group loss to commonage land.
- Usage of average loss and standard settlement offer wherever applicable for each claimant family within the claimant community.
- That a standard approach to restitution awards applies to betterment claims, thus promoting development in the communities.”

The Cata precedent, together with the new policy approach, was used to settle all lodged Keiskammahoek claims (in villages under communal tenure). This was achieved on 16 June 2002, with the signing of agreements for Upper Ngqumeya, Gwili-Gwili, Mtwaku, Ngobozana, Ndlovini, Gxulu (Upper and Lower), and Mnyameni (Upper and Lower). The value of the settlement was approximately R107m. Half of this money was set aside for development.

The progress outlined above had positive consequences for those communities that were dispossessed through betterment. However, because of problems with administration at the time, very few managed to lodge timeously. Less than 10% of betterment claims were lodged before 31 December 1998. According to the Border Rural Committee², an East London based NGO that has assisted communities in the area with restitution for many years, the Cata case was made successful with the continuous support of the Border Rural Committee and Non-Governmental Organisations who supported the cause. The question however is how the policymakers pronounced on the exclusions of the rural betterment victims who were right at the forefront of resistance against the harsh removals. The only answer could be that Growth Employment and Redistribution (GEAR) which was a macro-economic policy had a strong influence.

1.5. CATA COMMUNITY AGREEMENT

Owing to lobbying for policy reconsiderations, and hard negotiations between communities backed by Border Rural Committee, and the government, betterment removals were given attention within the restitution program for redress. This culminated in the 1998 Cata land claim award in the Keiskamahoe district.

Hebinck et al (2014:1), notes that the Cata settlement agreement's monetary value amounted to R10.5 million with each household benefitting (R31 679 per claimant). Also, the Department of Land Affairs made additional financial assistance for fencing and the upgrading of tenure rights as well as the transfer of ownership and control of communal rangelands back to the community. This demonstrates that it is possible to have more than one component of land reform namely, land restitution, land redistribution as well as land tenure as a package, as the three are not mutually exclusive.

According to Anderson (2006), the total number of Cata households affected by removals stood at 334 at the time of claim submission but by the time the land claim was lodged, the number of households had increased to 420. This was due to population growth over time between the period of the Betterment removals implementation and the settlement agreement between the Department

² [LAND & HUMAN RIGHTS - Border Rural Committee \(brc21.co.za\)](http://LAND & HUMAN RIGHTS - Border Rural Committee (brc21.co.za)). Accessed 21 October 2021.

of Land Affairs and the Cata community. All 334 households received the payouts from the government with the rest of the people benefitting from the development fund.

Subsequently, this was followed by other seven successful land claims within the Keiskamahoe district two years later. According to Lahiff (2002) the claim affecting over 2000 households in seven villages secured R102m where half went directly to the individual claimants while the other portion went through to establish the development fund (Lahiff, 2002 :22). This case became a watershed that brought policy shifts in the land restitution and paved the way towards the recognition of all other victims of betterment schemes in South Africa who could qualify to claim their land rights.

Giving reference to these different categories of Cata residents, at the time every resident of Cata benefitted from the settlement either directly in terms of cash transfers or indirectly from the funds pooled together towards community development. Firstly, the original claimants who had been physically relocated were given monetary compensation. Realising that monetary benefit only would not be a long-term solution, the community decided to invest half of their compensation. Secondly, it was the claimants themselves who proposed through a negotiated process that the second portion of their monetary compensation be extended to the entire community irrespective of their legibility status to land rights. Therefore, some funds were put towards community development thus half of the money benefitted by each recipient was chained towards Cata community development projects. According to Lahiff (2002) the total number of 420 households which included direct and indirect victims of Betterment removals at Cata, were considered during the Settlement Agreement of the claim to benefit from development fund as they were all permanent residents of Cata.

Lahiff (2002) notes that the Border Rural Committee had played a leading role in empowering the Cata community from the period leading to the lodgement of its land claim up to the time it was awarded. In addition, the Cata Communal Property Association (CCPA) a legal entity for the community, was registered as a legal body in 2004 after numerous workshops with the community on its details, functioning, rights, and responsibilities. This demonstrates that when communities, government, and NGOs work together for one goal, development is achievable. However, a critical assessment of the aftermath of the Cata Community after receiving their settlement proves

development is a continuous and collective action. According to Ntsebeza (2007) the Cata community experienced an improvement in their household socioeconomic status and employment benefits post-implementation of the reform but there was also a lack of post-settlement support from the government concerning monitoring and evaluation and discretionary grants in line with the land claim settlement agreement as lack of transparency, greediness and conflict caused poor benefit sharing.

The decision of Cata to set aside their household resources from the restitution award towards the development of the whole community inspired several development agencies. Such action expresses a notion that the community is committed to the cause of its development and such an attitude can convince development agencies that there is a potential for sustainability of their development. Consequently, Cata was able to broker in further resources to augment what they had already secured from the government. According to Westaway (2006, p. 2), additional development funding came from international Non-Governmental Organisations (NGOs). The international NGOs included organisations such as Africa Group of Sweden, Misereaa, Hivos, and North-South Institute as well as South African donors; National Lottery Fund and National Development Agency.

However, there are always suspicions and scepticism about external funding and its ultimate objectives. They have been accused of a double standard in which they seem to be sympathetic to the poor while serving their interests. McAllister (1991:118) challenges them to “ensure it is people who are doing the developing - and developing themselves – rather than a region or homeland that is being developed from outside”.

In summation, this thesis seeks to give a better understanding of the dynamics around land restitution in South Africa and how it was either successful or unsuccessful in bettering the lives and livelihoods of residents in the Cata Community.

1.6. PROBLEM STATEMENT

Poverty and under-development have been attributed to land policies, especially betterment planning in many areas across the Eastern Cape Province in particular (Zhou et al., 2018). As a way of addressing these defects, land restitution brought government resources directly to the

people through the awarding of the land claim (Dikgang & Muchapondwa, 2016). The community development process was initiated and enabled by awarding restitution. However, the main question which this thesis seeks to address is whether this process has had any positive impact on the livelihoods of the people, and in what ways have people benefited from these processes except through the monetary benefit?

McAllister (1991, p. 116) poses a critical question as to whether land restitution had any role to play in fostering rural development and strategies that were utilised to reverse the betterment effects. Land reform philosophy is to contribute to the advancement of rural people to repel the frontiers of hunger in an integrated fashion (Dikgang & Muchapondwa 2016). It is through tapping into other government development programs and incentives such as in agriculture, forestry, and water provision that land freeform and land restitution can meaningfully contribute towards rural development.

Furthermore, Patterson (2003, p. 7) notes that the “Reconstruction and Development Programme policy gives reference to the notion of local economic development (LED) through its support for community-based development”. This suggests that betterment compensation needs to continue further with its contribution towards the development of LED initiatives where communities play a central role in driving their own development vision and goals. The interrogation of LED contributes to raising the shared research questions and objectives as listed below.

1.7. RESEARCH QUESTION

The following questions guided this study:

1. Has land restitution policy improved the socio-economic lives of the people of Cata, Keiskamahoe who were previously affected by betterment removals, with regard to land access and control?
2. To what extent has land restitution settlement facilitated sustainability of community development in Cata village, Keiskamahoe?
3. To what extent can the participatory approaches to development in Cata, Keiskamahoe be said to have impacted development processes in that community?

1.8. RESEARCH OBJECTIVES

The objectives of this inquiry are the following:

1. To assess the extent to which the land restitution policy has economically improved the lives of people who were previously affected by betterment removals,
2. To evaluate the extent to which land restitution awards have facilitated sustainability of community development in terms of improving their livelihood acquisition and overall quality of life, and
3. To ascertain whether participatory approaches are conducive to achieving sustainable outcomes.

1.9. SIGNIFICANCE OF THE STUDY

The significance of this study is that the outcomes of the investigation will contribute to policy review regarding community development models. The model used in Keiskamahoe might be replicated in other rural areas within the province of the Eastern Cape and across the breadth and length of South Africa despite the peculiarity of the different areas. The study will also emphasize the significance of the appropriate utilisation of resources toward sustainable development which can reduce poverty levels within the communal rural areas. The study will further contribute to debates around land reform policy discourses.

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1.10. THEORITICAL FRAMEWORK

Every research should be grounded within a certain framework or theory. A theory helps in guiding and directing one's focus to a particular phenomenon. This study therefore employs development theory in its broad approach. In sociology, development refers to strategies employed by poorer groups of people in underdeveloped countries with the primary aim to improve the quality of their lives.

Development theory is the social process with an economic element as the central driver. The concept of development is elusive. Despite its elusiveness, Rist (2014) states that it is one which planners often use without clearly providing a theoretical definition. Emerging after World War 2,

the development theory forms the notion that, people are capable of making and developing the society they are living in. It also emphasises processes of change and that these can be responded to.

Since development theory is broad and cannot be applied in its totality, in this study, sub-theories of development will be employed. One such theory will be the livelihoods framework (Hebinck & Bourdillion, 2001). This framework or theory is fully expounded in the following chapter. But it will suffice to state that it looks at development from how well it sustains the life of the people. It views people's access to assets as the key to sustainability and better livelihoods. Although several scholars have attributed development differently, this study seeks to view development from a perspective of progress to benefit the poor and marginalised communities.

Therefore conclusively, it is not only desirable but also necessary to determine whether land restitution can secure resources to fight against and overcome the frontiers of poverty when its programmes, through partnerships between communities, government, and development agencies, can be effective in sustaining livelihoods.

The next chapter focuses on the literature review to assess the impact of socioeconomic development in the study, whether the present case study fits into the previous frameworks, and also to determine if there are gaps that the current research can fill in previous academic works.

CHAPTER 2

LITERATURE REVIEW-AN UNDERSTANDING OF LIVELIHOOD IN CATA

2.1. INTRODUCTION

Several scholarly reviews have been carried out with the view to analyse the development and the sustainability of rural communities following land restitution, land rights, and land reforms practiced with the coming in of new administration post-apartheid in South Africa. This chapter sets out to define, outline and analyse frameworks used in achieving sustainable livelihoods for the Cata community with a critical assessment of other communities that also benefitted from the land restitution programme.

According to Mills & Wilson (1952) the small village of Cata was developed by the British colonial authorities after the 1850-1853 Frontier War and it was among the homelands where betterment was enforced between 1963 and 1968. After betterment, people were crowded together and the land they could cultivate was much reduced, with cattle stocks limited that some families were forced to move only about 50 meters away from their old yards (De Wet, 1995). Because the former homelands of the Ciskei and Transkei had been subjected to Betterment Planning, rural populations were unable to access to major post-apartheid land reform legislation. This changed in 2004 when claimants have been allowed to register land claims and the *Vulamasango Singene* has developed (Xhosa for “open the door, so that we can come in”), a social movement based in the Eastern Cape, South Africa. The Cata Project is widely held to be an example of successful betterment redress.

According to Puttergill et al. (2011). Cata was the first betterment claim to be favourably resolved under the restitution programme. The way the claim was settled was that 50% of the value of the dispossessed rights was paid out to the 334 affected families and the remaining 50% of lost land was set aside for development. The settlement agreement appointed the Amatole District Municipality as the administrative entity of development resources. It is against this background that this study will make an analytical assessment of the sustainable development and livelihoods of people living in Cata before and after their historic land restitution. The contextualisation of this study within the wider historical *milieu* of South Africa in general and the Eastern Cape, in particular, would also be necessary before discussing why the intervention was required in Cata and surrounding communities to sustain local livelihoods.

2.2. LAND REFORM AND LAND RESTITUTION

According to Kahn (2007), there are three forms of land reform in Africa, namely, redistribution, restitution, and land tenure, and each form has its own dynamics (Kahn 2007, p. 1). According to Pepeteka (2013) the Native Land Act, of 1913 (Act No. 27 of 1913) provided a systematic process of land dispossession by the state. Section 1(1) of the Native Land Act provided that “Except with the approval of the Governor General - (a) A native shall not enter into any agreement/or transaction for the purchase, hire, or other acquisition from a person other than a native, of any such land or any right thereto, interest therein, or servitude there-over: and (b) A person other than a native shall not enter into any agreement or transaction for the purchase, hire or any other acquisition from a native of any such land or of any right thereto, interest therein, or servitude there-over.”

The intention of this Act was aimed at restricting Africans from purchasing, leasing, and selling land. Only 7.3% of the land was reserved for Africans and the remaining portion was set aside for the white minority. At a later stage, the land reserved for Africans increased by 5% through the Native Administration Act (Act No. 38 of 1927) and the Bantu Trust and Land Act, 1936 (Act No. 18 of 1936), however, the areas were later converted into Bantustans or self-governing-states (Pepeteka, 2013, p. 1). It was against the background of such restrictive laws that the Betterment Act was forcibly rolled disintegrating families in Cata as they were left with little to no arable land. However, the introduction of the Land Restitution Act No 22 of 1994 annulled these draconic acts and enabled every member of the society to own land; thus, paving the way for the expropriation of land with compensation at market price value in cases where the land has been lost through the discriminatory laws.

The Constitution of the Republic of South Africa, No. 108 of 1996, introduced a constitutional framework for the land reforms to redress the land alienation and dispossession that occurred since 1913. Section 25(5) of the Constitution provides that “the state must take necessary legal steps to make sure that the citizen of this country accesses the land. That must be done fairly and equitably taking into consideration the availability of resources.” Section 25(6) of the Constitution provides that “A person or community whose occupancy of land is not legally protected due to the discrimination which was caused by the apartheid laws, are eligible for redress or compensation.” Furthermore, Section 25(7) provides that “A person or community evicted or their property was

forfeited to the state after 19 June 1913 due to previous racially discriminatory legislation or practices is eligible for compensation reasonable redress.” The provisions of the constitution, as reflected above indicated the “nation’s commitment to land reform, and to reforms to bring about equitable access to all South Africa’s natural resources.” (Section 4(a) of the Constitution)³. According to Pepeteka (2013, p. 2), whilst the constitution supported land reform, the right to own property was also protected. The constitution balanced the right between those who were denied the right to own property due to discrimination and the rights of the existing property owners.

The constitution further provided that “Parliament must enact the legislation referred to in subsection (6)” (section 25(9) of the Constitution). The democratic government in 1994 introduced a threefold land reform policy to rectify the injustices of land dispossession, denial of access to land, and forced removals. This included land restitution which was aimed at reinstating land or supplying financial reimbursement for people evicted from the land after 1913 land redistribution and land tenure reform.

2.2.1. LAND RESTITUTION

The Restitution of Land Rights Act, No. 22 of 1994 provided for “the restitution of rights in land to persons or communities dispossessed of such rights after 19 June 1913 as a result of past racially discriminatory laws or practices” (Preamble of the Act). The “right in land” was defined as “right in land whether registered or unregistered and may include the interest of a labour tenant and sharecropper, a customary law interest, the interest of a beneficiary under a trust arrangement and beneficial occupation for a continuous period of not less than 10 years before the dispossession in question” (section 1 of the Act).⁴

Land restitution is, therefore, a land redistribution programme designed to deal with the disparities between white commercial farming and the former ‘homelands. According to the Land Reform Policy Discussion Document, approximately 7% of the land was distributed to the landless poor, labour tenants, farmworkers, and emerging farmers, through the land distribution programme. It

³ Constitution of South Africa. Republic of South Africa (2013)

⁴ The Restitution of Land Rights Act <https://www.justice.gov.za/lcc/docs/1994-022.pdf> Accessed 20 March 2021

contributed to developing their livelihoods and quality of life and encouraged growth in the agricultural sector (Land Reform Policy Discussion Document 2012, p. 7). With special emphasis on the Eastern Cape province which is usually 'coined' a rural province' with at least 190 000 households affected by the betterment removals. The most authoritative text on forced removals in South Africa is the Surplus People Project volumes that were published in 1983. According to these volumes "betterment forcibly removed more people in more places with greater social consequences and provoking more resistance than any other category of forced removal in South Africa" (Platsky & Walker 1983, Volume 2:110).

Therefore, the land restitution programme has been pervasive in shaping some Eastern Cape post-apartheid municipalities and, in that process, has impacted what was previously a homeland 'tribal authority land base'. However, the restitution programme was not one without challenges because some of the farms that were redistributed struggled financially and the farmers were faced with enormous outstanding debts, poor infrastructure, lack of expertise, and general disagreement within the projects. The fact that the government could not achieve its target of distributing 30% of farmland to the previously disadvantaged people prompted the government to introduce the expropriation of land policy (Land Reform Policy Discussion Document, 2012: 7).

2.2.2. LAND REFORM

Land reform focused on two objectives. The first was to tackle the state of land administration in the communal areas of the former Bantustan reserves. The second objective was to reinforce the right of occupancy of farm residents residing at commercial farms (Land Reform Policy Discussion Document 2012:7). The purpose of the Land Provision of Land and Assistance Act, No. 126 of 1993, was to:

Provide for the designation of certain land; to regulate the subdivision of such land and the settlement of persons thereon; to provide for the acquisition, maintenance, planning, development, improvement, and disposal of property and the provision of financial assistance for land reform purposes (Preamble of the Act).

Furthermore, in terms of section 1A of the Act, the objectives of the Act were to:

- (a) Give effect to the land and related reform obligations of the State in terms of section 25 of the Constitution of the Republic of South Africa, 1996;
- (b) Effect, promote, facilitate or support the maintenance, planning, sustainable use, development, and improvement of property contemplated in this Act;
- (c) Contribute to poverty alleviation; and
- (d) Promote economic growth and the empowerment of historically disadvantaged persons.

2.3. BETTERMENT PLANNING

With the enactment of the Land Act in 1913 in South Africa, people were displaced and moved away from their land, which devastated so many households and communities. In 1950, the Tomlinson Commission was instituted to review the socio-economic conditions of households in the native reserves and make recommendations to the apartheid government concerning the way forward. Tomlinson reported in 1955 that to make the African reserves viable economically three things were needed:

1. Removal of all the surplus population (those not farming) from the land to new rural locations,
2. The establishment of a rural industrial programme to employ the surplus people in low paid industrial work and
3. To stabilise reserve agriculture through the creation of viable family farms in the reserves, called economic units. (Tomlinson 1955)

H. F. Verwoerd, the then South African Prime Minister (1958-1966) gave his interpretation of the situation in the communities. He opted for sub-subsistence plots in the rural locations (too small for a surplus). Tomlinson (1955) had predicated his model of providing enough land for an annual profit from farming of 100 pounds per family. Verwoerd's model was predicated on the rural family not earning anything and simply supplementing what they could produce on very small

parcels of land with cash earnings remitted from the cities. It was a model that was not predicated on integrating Africans into the market economy or on allowing them to become better farmers.

Verwoerd believed that if blacks were given a chance to advance, they might soon out-perform poor whites and could undermine the basic structure of the racial superiority order that he was trying to maintain. Thus, he promoted the idea of black advancement but in their areas only. This meant breaking up the border region into territorial segments and political zones with their ‘own economies’ and ‘political systems’. The scheme required extraordinary social engineering and massive forced removals. Thus, according to Westaway (2006), the homelands policy led to widespread poverty, land loss, lack of education, unemployment, and the breakup of families.

In this light, many new urban locations were set up in the region to absorb the “surplus population” to be pushed out of the rural locations. Townships were created to move people to; while others were planned, many never materialised because Verwoerd wanted to reorganise the rural locations themselves through betterment. In the end, far too few people moved away from the rural locations to make agriculture on economic units viable. Instead, involution occurred as people were moved around in the places where they lived and given small bits of land to farm.

In terms of the betterment planning regulations, economic units were supposed to be self-reliant small-scale farming units of around 6 hectares. The idea was that progressive farmers with productive habits would be given the land – existing land rights holders. According to Westaway (2006), the planning of the communal locations indicates, these areas were to be ‘rehabilitated’ and made economically viable and ‘stabilised’ by being divided into residential areas, arable lands, and grazing commonage. This meant that officials were to:

1. assess the carrying capacity of each location in terms of ‘cattle units’ and were empowered to order culling of stock if necessary
2. demarcate and consolidate fenced arable land-use areas with the right to withdraw ‘marginal’ and other existing arable/garden plots following rehabilitation and stabilisation
3. establish grid-like and demarcated residential areas with the right to removal of huts and houses in the village-sections outside of these demarcated areas in the location

4. demarcate fenced grazing camps and plan the implementation of rotational grazing on the commonage
5. provide, where appropriate, the planning of related agricultural schemes and for the provision of certain basic services
6. plan for the future of the 'surplus' rural populations of each location (Westaway, 2006, p. 12).

As a result of betterment planning, many families lost residences as they were scattered across various locations which had demolished and controlled grazing camps that were less favourable than their old way of life. According to De Wet (1995), as betterment was enforced in Cata, people lost their source of livelihood as they could not afford to farm on bigger land while most of their animals were either stolen, lost, or died due to lack of sufficient grazing pastures. Following this move, many households lost their means of survival as the betterment process was according to one old woman, a sudden force to evacuate them from their land hence many remained trapped in the cycle of poverty without any survival strategy. In other words, they could not escape.

In these conditions, literature suggests that capability is very essential for one to move away from the cycle of poverty. Sen (Robeyns 2005) devised the Capability Approach to development, which is defined by its focus on the moral significance of individuals' capability of achieving the kind of lives they have reason to value. According to Westaway (2006), the homelands policy decreased the chance that people had to achieve any kind of advancement in their lives: it led to widespread poverty, land loss, lack of education, unemployment, and the break-up of families. This sums up some of the dire effects of betterment to people in the Eastern Cape province, with special reference to Cata residents who were left to suffer as many starved, died of deficiencies, or ran away from the misery. The next section defines, outlines, and discusses issues pertained to sustainable livelihoods and what this entails for the present study.

2.4. SUSTAINABLE LIVELIHOOD

Sustainable livelihoods seek to ascertain the assets that people have, to utilise them for alleviating and mitigating the impact of poverty. It intervenes in cases where there is vulnerability and seeks

to find solutions and improved outcomes. Thus, a livelihood is sustainable when it can cope with and recover from stresses and shocks and maintain or enhance its capabilities and assets both now and in the future, while not undermining the natural resource base (Scoones, 1998). Thus, life is deemed sustainable when it can recover from challenges using assets for present and future needs by in a way that guarantees perpetual usage. The Cata land restitution programme is a good example of a case study that had seen the need to exploit resources like land and cash for improving the quality of each household.

The sustainable livelihoods approach aims at improving people's lives and its outcomes include more income, increased well-being, reduced vulnerability, improved food security, and more sustainable lives (Farrington et al., 1999). Farrington et al. (1999), further contend that a livelihoods approach puts people at the centre of development. This was the case in Cata because residents' efforts were aimed (after a successful settlement was reached) wanted to ensure the welfare of each and every individual resident, to the benefit of everyone. Some of these projects will be discussed in the following chapters and supports the notion that sustainable livelihoods start with an analysis of people's livelihoods and how these have been changing over time; as well as the impact of different policy and institutional arrangements (Farrington et al., 1999).

The sustainable livelihoods approach is particularly focused on the assets that people have (Scoones 1998). These assets include human, social, natural, financial, and physical capital. Human capital includes health, nutrition, education, knowledge, and skills, capacity to work and to adapt. Natural capital comprises land and crops, water and aquatic resources, trees and forest products, wildlife, biodiversity, and environmental services. Financial capital includes savings, credit/debt, remittances, pensions, and wages. Under social capital, there are networks and connections, relations of trust and mutual support, formal and informal groups, common rules and sanctions, collective representation, mechanisms for participation in decision making, and leadership. Physical capital includes infrastructure like roads and shelter; tools and technology – both traditional and modern forms. The Cata community has land as a resource for its agricultural production and other non -agricultural enterprises which they have expanded after the successful land restitution claim, thus boosting the community's assets in the form of land and economic resources.

The assets listed above, though not exhaustive, depict what communities or households can access in their everyday lives. Different households have different access to assets, some have a diversity of assets, some have different amounts of assets, yet some have a different balance of these assets. All these factors contribute to the livelihood of a household or community. Hence, different strategies become necessary for coping or alleviating poverty and sustaining communities within various settings. For instance, the significance of this theory to the study is that it emphasizes the capacity of people to earn a decent income, in this case from land restitution, so that they can meet their needs, and this greatly minimizes people's vulnerability to external stresses. In the case of the land restitution programme in Cata, the focus is to analyse how beneficiaries received their compensation and whether this was put to good use for enhanced livelihoods. Therefore, one can point out that this theory is geared towards reducing poverty where opportunities and priorities accumulate for development purposes.

What is evident from various findings is that the individual assets do not stand alone but collectively. They are inter-related in that when an intervention is made on one, the effect may be felt on other assets too. For instance, when there is the transfer of physical capital, the human and social capital may be equally affected. Equally, when land is given back to those that were dispossessed, it is not only their physical needs that are fulfilled but other aspects too, such as improved incomes, better health, education, and other benefits. The land is a great economic asset to the rural dwellers. By giving them land, one also empowers them economically.

2.5. LAND REFORM AND LAND RESTITUTION

Land reform programmes in Africa have been carried out by different countries to address land issues. Through several years of colonialism, the rightful owners of the land were forcibly removed from their land. In most cases, they were moved from fertile and arable land and moved either to smaller plots or dry and unproductive land. As a way of redressing these injustices, post-colonial governments have undertaken land reform programmes. Barlowe (1953) argues that as one examines the history of land reform, it is easy to relate the demand for this type of action to the struggle of peasants and other common people for greater economic and political freedom. Usually, this struggle has involved an uphill fight. Temporary victory has at times been gained,

but only during recent times has the so-called common man achieved relative success in establishing himself as a first-class citizen in society-and even then, in only a limited number of countries (Barlowe, 1953: 6).

A major aim of land reform in most countries is an improvement of the lot of the farmer and smallholder. Land redistribution may partly satisfy land hunger. But the aim goes further and calls for higher rural incomes and opportunities for the enjoyment of higher standards of living. Rent reduction, higher incomes through increased production, and assurances of security of tenure may work wondrous improvements in rural life. Reforms of this type permit additional productivity and income and thus enable operators to raise their standards above the subsistence level. The additional income whether spent for supplies and production equipment or consumption items may help to stimulate industrial production and economic development. Higher standards also may generate a cycle that spreads to demand for better markets, improved educational facilities, more research and extension, greater use of cooperatives, and other similar measures.

In South Africa, there are various types of land reform programmes; land restitution, land tenure reform, and land redistribution. The current case study is that of land restitution, but it will suffice to delineate it from the other two. Land tenure reform may be defined, according to Adams et al. (1999), as the terms and conditions on which land is held, used, and transacted. Land tenure reform refers to a planned change in the terms and conditions, for instance, the adjustment of the terms of contracts between landowners and tenants, or the conversion of more informal tenancy into formal property rights (Adams, et al., 1999). It aims to secure the rights of those living and using the land so that there are no arbitrary evictions. It makes their stay and use of the land sustainable, long term and protected. Thus, land tenure systems determine who can use what resources for how long, and under what conditions.

Land redistribution involves the acquisition of land by the state and making it accessible to, or transferring it to those who were previously deprived. The government can do this either by buying the land from those who own it or as in the case of Zimbabwe, forcibly acquire and redistribute it to the landless. Land redistribution can take several forms, for instance, group settlement with some production; group production commonage schemes; on-farm settlement of farmworkers, and farmworker equity schemes (Adams et al., 1999).

Land restitution in South Africa is the other form of the land reform programme. It is a process by which land and other property that was forcibly removed is restored or compensation provided (Grover & Flores-Borquez, 2004). Hall (2003), asserts that the restitution programme aims to restore land rights or provide another redress to those unfairly dispossessed since the introduction of the Natives Land Act 27 of 1913. She further argues that restitution is to address the loss of land rights that resulted from homeland consolidation, forced removals from 'black spots', the Group Areas Act, and related laws that designated land on a racial basis (Hall, 2003, p. 1). As the Department of Land Affairs (1997) once noted, forced removals in support of racial segregation caused enormous suffering and hardship in South Africa. Great injustices were meted upon the people and no settlement of land issues can be reached without addressing these historical injustices' (DLA 1997:28).

Land restitution is therefore rights-based. It seeks to address unfair and unjust occurrences of the past and restore dignity to those who were victims. Unlike land redistribution programme which is discretionary, restitution is a rights-based programme in the sense those eligible to claim have the right to restoration of, or compensation for the land of which they were dispossessed (Hall, 2003). The South African Constitution gives the right to restitution and redress of the past injustice. In Section 25(7) it states that:

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

This study investigates whether land restitution attains the objectives set out at its inception. Are the lives of individuals, households, and communities that are marked out for this exercise improved in any way, or do they find themselves caught up in worse scenarios? Does land restitution address the basic needs of communities or are the processes plagued with weevils? In this regard, Hall (2003), contends that the restitution of land has highlighted tensions between addressing historical claims and responding to current priorities. It has also brought into question the state's ability to respond effectively to claims and to link the acquisition of land to wider developmental opportunities (Hall, 2003, p. 2).

2.6. SUSTAINABLE LIVELIHOOD THROUGH LAND RESTITUTION

In this study, the restitution processes to be examined in Cata will reveal whether a balance was struck between addressing the past injustices and the current and pertinent needs of the community. Before betterment schemes were imposed on the Cata village land was the main source of livelihood for the community at large, survival centred around arable land. Hence the Cata land restitution programme is a good example of a case study that had seen the need to exploit resources like land and cash for improving the quality of each household irrespective of growth challenges. Although faced with several implementation challenges in Cata, Westaway (2003), points out that when money was received, a community hall and new classrooms were built, a wattle jungle was transformed into a managed plantation, a community museum was opened to the public, and many homestead permaculture gardens were established. Additional projects such as the resuscitation of a flood irrigation scheme, establishment of a new pine plantation, upgrading of roads, and building of chalets in Cata Village.

However, there is always a need for trade-offs in such circumstances that result in win-win situations. History is dotted with cases where the historical victims become the perpetrators of new injustices; where development is sacrificed in the name of leveling the playing fields. The former victims become blinded to the new demands of growth and development as they become deeply engrossed with ambivalent externalities. As a result, the main goal of bettering their livelihoods and making them sustainable is lost. The case of Cata, therefore, puts these frameworks into perspective.

Cata provides some unique approaches to land restitution in South Africa. The first aspect is the fact that this community was initially left out or did not qualify for restitution according to the country's policies which state that:

...the claims of those dispossessed under betterment policies which involved forced removals and loss of land rights for millions of inhabitants of the former Bantustans should be addressed through tenure security programmes, land administration reform, and land redistribution support programmes (Department of Land Affairs, 1997).

This meant that communities which were affected by betterment planning removals were not eligible to receive restitution as a way of redress. Land restitution was only granted after incessant

lobbying by the community and other organisations. It was a bottom-up driven exercise as opposed to cases where the government, through legislation, offers restitution to the deserving communities.

The second aspect of uniqueness stems from the fact that the Cata community was given financial compensation for their claims. The financial component does not make it unique, but the fact that the community offered to take half of their compensation. The other half was placed into a common fund for community development. The government, especially on the local level, is responsible for the infrastructure development of schools, roads, clinics, etc. However, the Cata community took it upon themselves to venture into these projects and develop themselves. It was this kind of development initiative that makes the Cata case different from other development projects.

It is therefore these trends found in the Cata case study that this research will highlight and investigate how they fit into or differ from ordinary forms of development and the sustainable livelihood framework. Does the question of assets arise in this case? What effects did land restitution have in terms of human capital, social, physical, financial, and natural capital? Above all, it would suffice to find out whether sustainable livelihoods through land reform are attainable. In other words, has restitution in Cata improved people's lives, increased their well-being, reduced their vulnerability, improved food security, and led to sustainable livelihoods? Has the policy and the institutional arrangement impacted positively on people's lives? These and other questions will guide the trajectory of this study and are discussed in the following chapters. The following chapter reviews the methods and techniques that were employed in the execution of this study.

2.5. CONCLUION

The chapter discussed major element on waste management. Included in this major approach is the discussion on key words such as solid waste and sustainable development. The chapter further listed and explained the legal protection on citizens on socio-economic provisions by the state. The laws/regulations were explained to be of importance to the study because, it provides the approach on which the information collated is analysed. The theoretical framework explains how the enforcement of waste regulations requires a continuous collaboration between the service

providers; the local municipality and the community. The methodology for the study is further discussed in the next chapter.

CHAPTER 3

RESEARCH METHODOLOGY AND METHODS

3.1. INTRODUCTION

This chapter explains research paradigm and the research design used in conducting the study. The elected research method assisted in collecting information that addressed the research questions listed earlier in chapter 1. Included in the methodology discussion is the piloting section which was done prior to the actual data collection. Other discussions include data collection techniques, interviewing process and ethical considerations.

3.2. RESEARCH PARADIGM

Research paradigm pay attention to the worldview of a particular population under study (Aliyu et al., 2014). In this sense, the processes of research paradigm establish the worldview of land beneficiaries in Cata village. This is to allow the researcher to be knowledgeable of the socioeconomic livelihood state among the people living in Cata village. Research paradigm provides three frameworks through which the researcher elected the appropriate one to study the worldview of the people or community under study. These three subsidiary research paradigm frameworks are ontology, epistemology and methodology.

Ontological framework allows for a detail observation of the reality of an issue. In this sense, the researcher investigates the reality of an existing truth or knowledge (Kivunja & Kuyini, 2017). Thus, for the researcher to establish the reality of an issue, it first engages the ontological views such as monism, pluralism, idealism, dualism and materialism to understand the worldview of the people under study.

However, establishing the ontological worldview is through epistemological process (Kivunja & Kuyini, 2017). According to Scotland, (2012) epistemology is the philosophical process of knowing the truth. Epistemological process accesses the realism, rationalism, relativism, and irrationalism of an issue (Kivunja & Kuyini, 2017). In regards to the study interest, the research unearths land reform policy challenges that confronts beneficiaries living in Cata. The researcher took time to engage the people of Cata to understand the challenges they are facing in regards to land restitution exercise.

The researcher was able to collect information from the people of Cata by electing a methodology that assisted in interacting with respondents. Methodology provides various approach or designs through which a researcher adopts to collect data (Creswell, 2009). These includes the research designs, sampling process, data collection instruments and data analysis. The listed methodological processes are explained in the next section.

3.3. RESEARCH DESIGN

Ali & Khan (2012) define a research design as plans and procedures for research that span the decision from broad assumptions to a detailed method of data collection and analysis. According to Creswell (2009), research paradigm ponders on set guidelines and instructions that need to be followed and adhered to in addressing research problems. Akhtar (2016), explains that, research design offers range of methodology that the researcher employs for data collection.

Research design are in two forms. These are quantitative and qualitative designs. In some instance, these two are used together during data collection. There are other five auxiliary research designs but finds it application within the main two research designs. These other five designs are descriptive, correlation, experimental, diagnostics and explanatory designs (Creswell, 2014). For instance, quantitative approach makes use of descriptive design because it assists in asking questions that provides quantitative responses.

Quantitative design assist with the collection of statistical data. The statistical data assist in comparing variables (Gerring, 2017). On the other hand, descriptive design assist in collecting information to explain or compare issues. Similar to quantitative, its application makes use of words such as “what”, “how” and “why” to investigate a phenomenon (Creswell, 2019). Qualitative design on the other hand focuses on collecting oral response with the use of exploratory design.

For this research, a qualitative research approach was adopted. The rationale behind choosing qualitative is because it enables the exploration and better understanding of issues within the socio-cultural confines (Klingsieck et al., 2013). This approach allowed respondents to speak out and

give as much detail as it is possible about the phenomenon under review. Included in the required information are their actions, agreements and decisions in making sure that the livelihoods of the Cata community were well documented pre and post restitution. Qualitative approach interrogated respondents with questions on “why”, “what” and “how” restitution process is carried out and how that has shaped the socioeconomic livelihood of Cata beneficiaries.

Wood and Welch (2010), alludes that such questions help evoke meaningful responses from the participants that even the researcher had not anticipated. The case of Cata has been the centre of several scholarly studies carried out with the aid of qualitative approach. As noted by Du Plooy-Cilliers et.al., (2015), qualitative research is interested in human experience and includes personal and subjective characteristics associated with a particular phenomenon. Using this approach in this study assisted the researcher to acquire valuable information surrounding the first case of land restitution in Cata and how it impacted negatively or positively in building sustainable livelihoods within the community.

Qualitative research, as well allows for a thorough interactions with respondents on either personal bases or through a focus group discussion (Willis, 2015). Specifically one-on-one interviewing with respondent is notably a contemporary tool where a topic is exhaustively studied to collect needed information for a study (Willis, 2015). The study benefited from the one-on-one interviewing as well as the use of focus group discussion to gather in-depth information from both direct beneficiaries of land restitution programme in Cata and other indirect beneficiaries.

The basis around such a qualitative terrain allowed for probing and asking further questions in order to arrive at and/or achieve in-depth, rich information. In order to achieve the collection of a rich information the researcher carefully selected respondents by applying an appropriate sample from the population under study. The population and sampling techniques applied in the study are further discussed in the next section.

3.4. POPULATION AND SAMPLING

Population in research refers to the entire group or items that the study is about (Rubin & Babbie, 2017). In this study, the population are residents of Cata Village and previous residents of Cata

who are still beneficiaries of land in Cata. The study included those living in Cata presently and those who had lived in Cata before because some of them still qualify for land restitution.

Sampling on the other hand, refers to the careful selection of participant from the population under study. In this sense, the responses provided by the elected respondents was sufficient to express the views on the entire land restitution beneficiaries in Cata (Rubin & Babbie, 2017).

Population sampling is a method of fragmenting a portion from a whole relevant group or population selected as the basis of estimating certain information of an entire population (Gupta & Gupta, 2011, p. 42). Sampling provides the exact number of people to be selected and how the participants were selected. Included in sampling techniques are probability and non-probability sampling.

Probability sampling technique has four subsidiaries. These includes simple, systematic, stratified and clustered sampling (Alvi, 2016). Simple random sampling allows the opportunity for anyone in the population to be elected. In most instance, the researcher makes a draft of the identified members to selected the appropriate respondent for the study (Alvi, 2016). With systematic sampling, potential respondents are selected from the sample frame at regular intervals. Stratified sampling group the population to further elect participant for the study. Similar to stratified, clustered sampling also makes use of grouping the population under study before selecting the appropriate participants for the study (Alvi, 2016).

Non-probability sampling as well has four techniques that researcher considers which is appropriate to be used for their study. These four are convenience, quota, snowballing and purposive (Onwuegbuzie & Collins, 2007)). Convenience sampling is a process where the researcher selects any one available in the population to contribute to the data collection exercise. With quota sampling, the researcher has a quota sample of the population to engage for data collection. Snowballing techniques is where the researcher scout for respondents that are out of reach at the time of data collection (Onwuegbuzie & Collins, 2007). Purposeful sampling on the other hand, is where the researcher selection is based on the researcher's own judgment. The researcher elects the appropriate respondents based on judgment that the selected respondent is knowledgeable of the study and will be able to provide needed information.

This study made use of purposive sampling techniques. Purposive sampling was appropriate because the researcher looked for respondents who have experienced challenges in land restitution in Cata Village. The researcher therefore, made informed judgement to select knowledgeable respondents on the study (Bhattacharjee, 2012).

According to Walker (1985, p. 3), sample design in qualitative research is usually purposive; that is, rather than taking a random cross-section of the population to be studied, small numbers of people with specific characteristics, behaviour or experience are selected. Miles & Huberman (1994, p. 27) attest that, researchers usually work with small samples of people, nested in their context and studied in-depth. In the same way, the researcher targeted respondents who have experienced restitution exercise. Their contribution enriched the information needed for the study (Hesse-Biber, 2011).

The main instrument for data collection was interviewing respondents with the aid of a questionnaire. Data collection began on 06 September 2019 and ended on 06 November 2019. At the time of data collection, most of the respondents were either busy with chores or were engaged in family ties. As a result, 5 beneficiaries were engaged in face-to-face interviews. 10 beneficiaries who were also not living in Cata at the time of collecting data were reached via online interviewing. In all, 15 respondents were engaged in the study. All the 15 participants were Cata residents and out of the 15 participants, 10 of them were claimant beneficiaries⁵. The other five respondents were children and relatives of claimants who possessed rich knowledge of most historical Cata events from growing up in that village.

Admittedly, the other 10 respondents were scouted through snowballing technique. This is a non-probability sampling where the researcher used her judgement to select the unit that are believed would provide the desired information for the study (Coolican, 2014). The 10 respondents were scouted with the help of other respondents. These 10 were believed to have stayed in Cata before and are potential beneficiaries to part of Cata lands.

⁵ This information was taken from the 133 beneficiaries of the land settlement based on the beneficiaries register list provided by the CPA in Cata community.

3.5. DATA COLLECTION PROCESS: HOUSEHOLD QUESTIONNAIRE

The data collection process involved visitation of household that were believed to be beneficiaries. These supposed beneficiary households were identified with the help of other respondents. The visit engaged mainly the head of the household because, the head of the household represent the key go-to person for claimant process. Thus, the head of households in each community were interviewed using a generic semi-structured questionnaire. The questionnaire contained questions regarding the type of socioeconomic benefits that the household beneficiaries received due to the land restitution settlement of 2002, as sought to understand the effects of betterment schemes to households and the community at large in Cata.

In order to maintain the originality and clear understanding of questions to all the respondents during the administration of the questionnaire, it was translated into the local language spoken in Cata, which is Xhosa. For harnessing in-depth information about the livelihoods of the Cata community before and after the settlement accrued from the successful land restitution program, some questionnaires were administered online to former residents of the village and CPA committee members with the assistance of a colleague from Cata.

The benefits accrued to each community provided a better picture of how the partnership arrangements have contributed to their livelihoods. In the case of Cata, the status of the households' beneficiaries changed because employment opportunities in the plantation did offer some relief to them. This plantation employment was made possible due to the commitment of the local CPA committee members. In addition, to achieve job creation for the beneficiaries, CPA committee members considered other initiatives being promoted by various government departments. In particular, they created some tourism and agricultural garden projects to supplement employment created through the forestry project. Both government and industry must continue to work together to provide necessary and much needed support to the land reform beneficiaries.

3.6. TOOLS FOR DATA COLLECTION: INTERVIEW

Qualitative interview is a type of framework in which the practices and standards are not only recorded, but also achieved, challenged and as well as reinforced (Hesse-Biber 2011, p. 133). The researcher in this study used unstructured interviews as they allowed respondents to express in their own ways and pace, with a slight hold on respondents' responses.

The researcher made sure that the participants were comfortable, and they chose where they wanted to be interviewed. However, the researcher developed rapport with each participant by initially asking them easy questions that were not part of the interview questions, such as asking them about themselves and how they grew up. After the rapport was developed the researcher asked for permission from each participant to participate in the study. On agreement, a consent form was signed to give permission to participate in the study. Before starting the interview, the researcher asked for permission to audiotape the interview.

After the permission was granted, the researcher started the interview by asking the questions at the same time taking notes while paying attention to other contributing information from the participant. The researcher asked one question at a time and allowed participants to take their time to exhaust their response. Open-ended questions allowed participants to respond in their own terms and open up when asked by the researcher.

The study also used secondary sources of data such as documents, letters, books, memoranda, newspapers, agendas, study reports, and any other item that could be used for data collection purposes (Denzin & Lincoln, 1998). This data, together with the primary data, was used to substantiate and validate evidence collected from the participants and other sources of information.

3.7. DATA ANALYSIS

Data analysis involves “breaking up” data into themes, patterns, trends and relationships that are manageable (Babbie & Mouton 2001, p. 108). The rationale of data analysis is in twofold: firstly, to establish the relationships that exist between concepts, constructs or variables, and secondly, to ascertain whether any patterns or trends can be identified or isolated. In this case, analysing data

means summarising what the researcher has heard, seen or gathered in Cata to better understand and interpret outcomes from respondents.

Following the changing dynamics of livelihoods in Cata, data had to be collected from the field before being interpreted and analysed in chapter 4 through a narrative analysis of events. Each participant had their own personal perceptions and understanding of the past and current livelihoods experienced in Cata over the years. Therefore, an analysis of personal experiences, values, attitudes and feelings helped in coming up with conclusive dynamic views of Cata, its people and their socio-economic status.

3.8. VALIDITY AND RELIABILITY

It was essential to constantly check the construction of the interview questions against the research objectives and similarly, to rigorously check the original data results against the same research objectives thus ensuring validity and confirmability. Credibility of qualitative research relies heavily on the diligence of the researcher. Authenticity in the study was pursued by presenting all viewpoints and conflicts (Hesse-Biber & Leary 2011,)

To ensure reliability, pilot study respondents were selected for applicability and relevance. The study employed an inter-observer type of reliability where the respondents of the pilot study agreed and had similar comments/judgements and found similar flaws in the initial interview questions, and this aided in the reliability of the pilot study and the interview questionnaire.

As mentioned, 50% of the value of the dispossessed rights was paid out to the 334 affected families and the other 50% was set aside for development. The study focus is to investigate the socioeconomic live of Cata land beneficiaries before and after restitution claims was implemented. These includes social and economic activities like farming, cattle rearing, ritual ceremonies that used to be held in the village. The fieldwork gave enormous information that speak to issues on livelihood. Thus, the researcher managed to gain relevant information from family members directly, but also indirectly through some online interview responses with some residents that originally come from Cata but are not currently staying there.

The study contributes to the many similar research done in Cata land reforms. The land reform issues in Cata thus, has sufficed many scholarly interests on Cata because of its status as the first successful land restitution claim case in South Africa. According to Anderson & Axelsson (2005), there are different projects in Cata that help the village to develop a sustainable livelihood. From the premise of establishing livelihood tenet earlier, this study aims to contribute to research on how land restitution exercises have impacted on the livelihoods of the people of Cata.

3.9. ETHICAL CONSIDERATION

According to Maree (2007) it is essential that throughout the research process the researcher follows and abides by ethical guidelines. When working with individuals it is essential to understand and pay attention to ethical principles and these were adhered to in this research:

The researcher briefly explained to each respondent what the research entailed, and that participants could withdraw at any time. The researcher obtained verbal informed consent from the participants before conducting the interviews. The participants were reminded throughout the interview that they were not compelled to answer questions they felt uncomfortable with or could withdraw at any time during the process if they wished to do so.

Confidentiality of the results of the findings of the study and the protection of the participant's identities was also an essential ethical aspect. The participants remained anonymous for their protection. According to Leedy & Ormond (2001) participants should not be subjected to unusual stress, embarrassment or loss of self-esteem. Any researcher should respect a participant's right to privacy. A research report, either oral or written, should not show how a participant has responded or behaved. Thus, in this study, all respondents' identities are hidden. Instead of using their names, the respondents are referred to by pseudonyms.

3.10. CONCLUSION

The chapter has thoroughly discussed the methodology structure elected during data collection. The discussions included the research paradigm and research design and how that provide the framework for electing the sample size and the process of electing respondents. The chapter further

explained how data was gathered for the study and how the information collated will be analysed. The subsequent chapter present the analysis of the data gathered.

CHAPTER 4

FINDINGS AND ANALYSIS-UNDERSTANDING THE CATA EXPERIENCE

4.1. INTRODUCTION

This chapter thematically presents, and analyses data gathered in the field largely through primary and secondary sources - namely observations, documented working papers and previous researches, in-depth interviews and online questionnaires with Cata residents, the non-governmental organizations, government officials who were involved in the land claim and development processes. Data gathering included face-to-face interview sessions with a guided questionnaire. The responses are thematically presented and analysed in this chapter. The analyses focus on the two focal issues of the study - to locate how sustainable the livelihoods of people living in Cata are and how these livelihoods have changed over time, before and after the successful land restitution claim.

Largely wealth in Africa is tied on access to land. Similarly, the wealth of the Cata community is measured by access to customary land. According to the Department of Land Affairs (1997, p. 17), land reform in South Africa is based on the premise of bringing both direct benefit to land beneficiaries and/or indirect benefit to the rural economy by re-instating customary land lost in the past. Land reform aims to contribute to economic development by providing households with an opportunity to engage in productive land use to achieve sustainable rural livelihoods. The dynamics around human settlements and their changing livelihoods are never conclusive therefore the nature of my study obligates me to engage audiences directly in Cata since their voices are usually muted and overlooked in content analysis studies.

As Lahiff (2002) articulates, there is no systematic review of the impact of restitution on the livelihoods of beneficiaries, and it remains to be seen whether land restitution is indeed a remedy to societal ills within black communities. It therefore suffices to inquire as to what drove this process, and who the major role players were. The next section therefore outlines the processes and outcomes of the land claim as observations and analysis angles of Cata to be presented hereunder were gathered during my period of research (September 2019 to November 2019).

4.2. PROCESSES AND OUTCOMES OF THE LAND CLAIM

The Border Rural Committee (BRC) is an NGO in East London that has systematically supported local communities in their efforts to avoid resettlement, forced relocation and betterment in the Ciskei and Border area from the 1980s to the present. The BRC first approached Cata leadership in 1998 and presented to them opportunities that were contained in land reform policy and in Restitution of Land Rights Act of 1994. BRC's objective was that it would assist Cata throughout the claiming process as a pilot project that could reinstate land lost by people during the years of Betterment, and who were (then) still excluded from land restitution. The ultimate goal was that there would be a policy shift towards accepting Betterment claims as legitimate, thus spread benefits to all those communities in similar situations. Hall (2003), states that the Cata case and the outcome presented a new dimension in the land reform landscape because the majority of the victims were indeed favourably considered when they lodged their claims. She argues further that recognition of such claims meant "an irreversible policy shift" as four million people had been dispossessed through Betterment (Hall 2003, p. 12).

The Cata case, being the first such Betterment claim, posed some institutional challenges, as government policy had excluded this category of Betterment from restitution. It was outlined that the claims of those dispossessed under Betterment policies of the former Bantustans were to be addressed through tenure security programmes, land administration reform and land redistribution support programmes (Department of Land Affairs, White Paper on Land Reform of 1997).

The BRC took the decision to take the Cata case to court in mid-1998. Because the deadline for the submission of claims was 31 December 1998, this meant that the organisation had only six months to prepare, construct, and submit its legal papers. It preferred the court rather than the normal route for land claims which were then usually processed through the Restitution of Land Claims Commission (RLCC). The RLCC was the Eastern Cape branch of the national Commission of Restitution of Land Rights (CRLR) which operated at national level charged with the responsibility of driving the land restitution programme. The CRLC and RLCC fall under the Department of Land Affairs which has subsequently been reconfigured to be Department of Rural Development and Agrarian Reform.

According to Westaway (2004), the proposal was that the matter needed to be discussed and settled out of court, which was followed. The understanding was that this route would enable constructive engagement processes as opposed to hostile engagement in the court of law. Secondly, the outcome could be replicated to other Betterment areas, assuming they will be positive. In other words, had the Cata claim got lodged through normal route, it could have been resolved years later and the purpose of precedent setting through policy shifts would have fallen off.

The consultation process began with general community meetings. Thereafter, and upon advice from BRC, the community lodged the land claim for lost land rights. Nonetheless the community was afforded opportunity and deliberated and ultimately gave BRC and the team, a broad mandate to drive the processes. This meant that the Cata leadership was not to be involved in day-to-day preparations but provided guidance at appropriate time. Community leaders were apprised of developments as they unfolded.

The preparation included securing the support of key role-players, namely the community of Cata, a reputable human rights lawyer, Clive Plasket, the expert witness, Chris de Wet (De Wet, 1995), and the Keiskamahoe Transitional Representative Council – the then municipality responsible for Cata (Westaway 2004:187).

Plasket and De Wet were reluctant to support the claim as they were not convinced if Cata had lost property. This came from the fact that the boundaries had not shifted during Betterment implementation. Westaway (2004, p. 187) states that Plasket and De Wet questioned as to whether the community had been disposed of any property or not. If they had been dispossessed, in what way had this happened? Could they prove it and show on the map that they were moved out of their village so that their claim could be legitimised? Hence, the two were reluctant to support the claim.

However, Plasket and de Wet became involved ultimately and helped in preparations of the documents which were submitted by December 1998. According to Westaway (2009, p. 187) both Plasket and de Wet as individual experts in their own fields indicated that they needed time to consider their involvement. However, by the end of August 1998, both had agreed to participate in the case.

According to some respondents to this study, the whole process involving their land restitution claim and the involvement of some known NGOs was not as smooth and straightforward as it seemed. One Mrs Nosipho Gclitshane said as community members they did not know the BRC and when it informed them that the process of claiming back the land would involve taking the government – Mandela’s government - to court, this did not go down well with the community. Therefore, as reinforced by Axelsson & Andersson (2007), the community were initially suspicious of the intentions of the BRC. How could they take the people’s government to court? Moreover, it also appeared that another problem was that the claim process was very bureaucratic and technical, making it more difficult for people to understand all the procedures with the little timeframes that were in place. Hence, participation by the claimants was very limited.

Another concern pinpointed by Bukiwe, a member of the technical team from the BRC, reflected on some difficulties during the initial stage of claiming process:

Look the whole process was technical and confusing for all of us at this stage and we understood that and that the claimants would find difficulties in following what was happening. Anyway, we were on a learning curve as this was a complex test case. We were driven by our own clear conscience that of having community’s interest something we had been doing for so long.

The technical team was led by BRC, including Plasket and de Wet, who had agreed to participate, and they pledged their individual support to advance the Cata land claim. They completed their work and lodged the case at the court just before the deadline of December 1998. This is corroborated by Lahiff (2002, p. 19) who states that the community assisted by technical team managed successfully to stake the claim of 334 families ‘directly to the Land Claims Court’.

On the strength of the documentation presented by claimants who were supported by their technical advisers, the Land Affairs Department (who were respondents in court) approached the claimants. Lahiff (2002, p. 19) states that in early 1999 the DLA approached the applicants to suggest ‘an out of court’ negotiation process. Land Affairs proposed what was known as one round of out-of-court negotiations, without prejudice. They also suggested that in the event that negotiations broke down the claimants reserved the right of going back to court. Westaway (2004:

192) argues that the BRC's consent was based on an expectation that negotiated agreements would have wide-ranging policy significance.

Bukiwe further stated that:

BRC as a leader of a team of experts and community in negotiations needed to exercise its position responsibly. Cata was a strategic case that had to guide us on restitution, yet we were ill-experienced. Like playing chess we had to be extra cautious of every step we took. Fortunately, the outcome was favourable and benefits of betterment success were replicated to all Betterment cases.

While community's desire was settlement of a claim in a way that it would give them direct benefits as a group of individuals, the BRC was interested to stretch the ambit of restitution legislation so that other communities in similar situation as that of Cata would also benefit from a reviewed policy. The government admitted that Betterment had been overlooked in the policy arena. This was a major limitation of the programme and that after the Cata case, the government proposed the amendment of the Restitution of Land Rights Act to cover victims of Betterment and to further put the case in motion.

4.2.1. VALUATION OF LOST LAND CATA

In line with the steps necessary during claim resolution, the RLCC undertook a valuation process to determine the actual losses suffered by residents during Betterment removals. The outcome reflected that people even in the same residential settlement had different assets and properties prior to Betterment. The Land Affairs department as an authority needed to possess technical information on valuation of the actual properties and not the generalised properties. Hall (2003), submits that the authorities' valuations were useful in guiding them during negotiations. In the Commission on Restitution of Land Rights report cited by Hall (2003) it states that:

Where groups submit claims the Monetary Value of Claim (MVOC) must be based on the average extent of land lost and the average of these in order to make offers of financial compensation (Hall 2003:5).

Although the policy regarding valuation was there on paper, its application differed depending on whose interests were being served. Over the years several members of the dispossessed community have had access to the land or compensation while others have not been entirely successful in their claim. In the case of Cata, the BRC advocated for a pro-poor approach where the less resourced would benefit while the more advantaged would lose as the law of averaging prescribes (Westaway 2006:197). In this case, those that had lost more during Betterment could not be compensated more than those that had less. All the people had to be compensated at an equal rate and scale in spite of their former standing.

However, the community was given an opportunity by government to deliberate on the matter and ultimately, they supported the concept of averaging losses. The implication was that those who had had more assets would sacrifice to subsidise those who had lesser. Nomaka from the community recalls that

when the issue of size of our old residences was presented, we did not find any difficulty. The fact that we chose to get similar money was not problem although we knew we differed in plot sizes. The understanding was that as Africans we suffered the same way, we all lost livestock, and got poorer.

Upon valuation outcomes RLCC then presented options for settlement to the claimants. According to the Restitution of Land Rights Act the options included offering the original land; offering alternative land; and if these are not feasible; monetary compensation. Weideman (2004, p. 181) argues that individual claimants are usually rewarded through restitution of original rights, thus the restoration of original land. However, they can also be awarded alternative land payment of monetary compensation, or even priority access to government programs such as housing.

The community reflected on all the options that were presented and preferred monetary compensation. Upon advice from BRC to address the scourge of poverty, the community proposed further that such monetary compensation needed to be split 50/50, where the first portion was to be given as cash to original claimants. The other portion was to be collected and put into a single basket and be utilised towards the development of Cata community. According to Lahiff (2002) the agreed upon option was characterised by financial compensation, development resources and “upgrading of tenure on 2852ha of existing communal grazing land to full (freehold) collective

ownership” (Lahiff, 2002, p. 21). Thus, the community formed a legal entity, became the full owners of the land they are currently residing on.

There were opposing views on the matter, however. Many claimants understood that the traditional areas were of communal nature, and expected grazing land to be restored, as they did not have much. In the end, they did agree that residential sites and arable plots rights were of individual/family nature and were therefore strong. In the ultimate end the majority approved the 50/50 monetary payment by consensus.

4.2.2. MANDATE TO NEGOTIATE

The negotiations which emanated from the Land Claims proposal that had been accepted by Cata was to be formalized. This was formalized through a document called “Mandate to Negotiate”, and which contained all the steps taken and the contents of what had been agreed upon. It brought legality and legitimacy to the informal agreements and thus allowed officials to complete outstanding issues such as actual implementation of the agreements. The history before and after the dispossession of land and other assets due to betterment, valuation and its outcomes, as well as preference of reward as stipulated in the restitution legislation, were all covered. The Land Affairs Department and the Regional Land Claims Commission prepared a formal “mandate to negotiate” that captured the outcomes of the negotiations (Lahiff 2003, p. 20). The mandate formed critical part of the Cata Settlement Agreement.

The settlement agreement covered the 334 families who were original claimants and also other additional families who formed the total community population – these were families who had settled in Cata after the community had been forcibly removed. According to Lahiff (2003), the total households which included the non-victims of Betterment removals were also considered during the Settlement Agreement as they were permanent residents of Cata. The Cata settlement agreement in the form of monetary compensation amounted to R10.5 million (R31 679 per claimant).

In a memorandum signed by both the Minister and the Director General of the Land Affairs Department there was also an acknowledgement of communal grazing land that was lost, and the government undertook to redress this through its land tenure programme. There was an element

dealing with the loss of the commonage in the Cata Settlement Agreement. According to Settlement Agreement (see Appendix 1) it was outlined that the community was to take control of the commonage in line with the land tenure arrangements, i.e.: have access to original grazing commonage. It also said, however, that upon establishment of a legal entity representing the community and its interests, the commonage “shall be transferred” to it. (Chatha Settlement Agreement 2000, p. 10). The agreement outlines those residential and arable plots would be surveyed and transferred to the verified families who lived there.

As stated earlier on, the families were awarded half of their compensation in cash and the other was invested in a development fund. This was not easy and acceptable to everyone as a lot of time and resources were invested in these projects any meaningful outcomes hence tensions and uneasiness among residents who were either pro-development or anti-development ensued.

According to information presented by the Border Rural Committee⁶: The whole process was characterised by acute divisions within the community with some opposing elements to community development submitting that it was the responsibility of the government to outsource development for their community not the duty of residents with personal funds gained from their restitution claim. Although partially true, a counter argument would be, due to huge development backlogs, the government would take time to develop Cata and had that route been followed it may not have centrally be a community driven process as it was.

Tensions grew higher and party politics came into play where the pro-development section supported African National Congress (ANC) and the anti-development group supported the United Democratic Movement (UDM). Violence erupted and some people were arrested especially when new development projects were commencing. This is confirmed by Zimkhitha, a local resident who was a recipient of land restitution and supported the development fund.

Westaway (2009), adds that there were people within the community who approached the court to stall the process, they wanted the other amount of money, the monetary compensation that was set aside as development fund to be redistributed back to its members. However, their plea was unsuccessful as the court turned down their request.

⁶ [LAND & HUMAN RIGHTS - Border Rural Committee \(brc21.co.za\)](https://www.brc21.co.za/). Also sourced from telephonic interviews held in October 2021.

The awarding of the land claims to the Cata community had wide implications, but the scope of this dissertation would focus on the Cata community itself. For instance, what did the award mean to the people? How were their lives changed or impacted by this? The following section discusses these and other questions on the impact of the land restitution on the community and how their livelihoods were affected.

4.3. FROM POVERTY TO SELF-RELIANCE

The Cata case study was an eye opener to many lands' restitution claims to follow, as the first successful land restitution claim in South Africa. The fact that Cata community and other relevant stakeholders were actively involved from the first step of the restitution process should be applauded since it created a platform for other land restitution projects to take place and be completed successfully. It is of paramount importance to note that the Amathole District Municipality, through Border Rural Committee and an NGO, Vulamasango, was the driving force behind the Cata land settlement claim. These organisations were responsible for the formalization of development plans as per settlement agreement entitled 'Cata Integrated Development Plan' (RLCC-EC, 2002:8). The precedent set by the Cata claim was followed by the settlement of a second major betterment claim, at Keiskammahoek, in June 2002. This claim, affecting over 2,000 households in seven communities, was settled for R102 million, half of which went directly to claimants and half to a local development fund.

Poverty is multifaceted and describes a social state of vulnerability and hardships experienced by people who have few livelihood resources (Lewis et al., 2003). In South Africa, it is concentrated in the rural areas, and particularly in female- or child-headed households. In the ex-Bantustans, the Ciskei and Transkei, these areas have been plunged into deep poverty which occurred due to neglect, and received very little resources as well as top-down approaches implored by authorities. It is common knowledge that the former Ciskei was characterised by communal or customary land, but that these areas are not being utilised, with fields not ploughed and their fences stripped. Moreover, factories in cities and mines have retrenched thousands of their labour force, who often go back to rural areas in the hope of finding relief.

The origin of this poverty in rural areas is the fault of Betterment. With Betterment, people had less land, and the grazing and arable land that was provided by the Apartheid state was not good. In many areas there were droughts and environmental challenges which did not help matters. Fences were frequently illegally cut causing cattle to intrude onto cultivated fields.

Andersson & Axelsson (2005), argue that livestock numbers were higher than they were after the implementation of Betterment. It was common for a single family to own a herd of 100 cattle and 300 sheep prior to Betterment. But reduction of land through control measures made it difficult to keep many livestock. Andersson & Axelsson (2005, p. 13) further submit: “the suffering was huge, and many people starved, died of deficiency diseases or ran away from misery.”

This was largely the same situation in the Cata community as, one resident Madoda recalls life pre and post betterment phase in Cata:

Before the Betterment was introduced here, there were families which had approximately 400 cattle per family and it was common for people to be staying as clans. When we were relocated the married sons, who had been staying within main family homesteads then received own residential sites, people had new neighbours close to each other. In a short space of time cattle got reduced and you can see now that a man with ten cattle is regarded as a successful farmer.⁷

In the last few years, irrigation schemes that once dotted the Keiskamma river in the Eastern Cape, but these were discontinued as equipment and pipes broke and were never replaced. Poverty deepened, job opportunities became scarcer and crime incidents were on the rise. This is confirmed by one villager who was a shepherd in his youth Madoda, who benefited from the claim when he said:

the extent of poverty is severe, for instance some patients were unable to use medical pills as they required eating food before taking medicine... but where would they get food from as they were experiencing persistent hunger?⁸

⁷ Interview with Mr Madoda, Cata, September 2021.

⁸ Interview, Cata village, October 2020.

People were desperate after they had been displaced and inconvenienced by the betterment planning programme. So, when the opportunity presented itself for claiming back their land or seeking compensation, the people of Cata decided to grab it.

4.4. DEVELOPMENTS AFTER AWARDING OF THE LAND CLAIM

The Cata Settlement Agreement signed in October 2000 provided R32 000 for each of the 364 beneficiary families and some R5m placed in a development fund for the economic development of the wider community. It was against this background that the Cata Communal Property Association (CCPA) was formed in 2004 to administer the development fund. Lahiff (2002), states that the Border Rural Committee heled to develop and implement a plan to improve infrastructure, including a community hall, school classrooms, a library and improving roads; as well as an irrigation scheme, food gardens, forestry (wattle and pine, and a holding nursery); and tourism (museum; chalets) facilities. A two-year formal planning process took place within the community, directed by the Amathole District Municipality (then Amatola District Council) which resulted in an Integrated Development Plan (IDP) being produced by the ADM in 2003, which set out how the remaining R5.3 m of the grant was to be invested.

This planning process was led by Cata Steering Committee, comprised of Cata Community Property Association (CCPA) which represented residents. Other stakeholders were Amathole District Municipality (ADM), and the Regional Land Claims Commission. The CCPA had majority membership within the Steering Committee. The ADM administered the Community Fund.

As the Cata Development Plan emerged, some of its responsibilities included:

1. Agriculture – revival of the defunct agricultural scheme at Ndela and free-range livestock grazing practices
2. Forestry – Wattle spacing and planting of Pine trees
3. Infrastructure – construction of a multi-purpose centre, three classrooms at a local primary school and building of internal roads within the village with tar roads constructed in certain strategic places

From the above, three projects were commissioned and meant for the general development of the community. These were namely, the irrigation project; the wattle project; and the pine plantation project. The following section evaluates the performance of these projects and whether they fulfilled their mandate.

4.4.1. PROJECT EVALUATION

Irrigation scheme: With projects spearheaded by the Cata Community Property Association (CCPA) in correlation with the Amatole District, the community used part of their development fund to start an irrigation scheme mainly supplied by the Cata River to boost crop and vegetable production. According to Westaway (2007), this project created employment opportunities for Cata residents with about 20 beneficiaries presently employed on a contract basis through the scheme to assist in the production of vegetables including cabbage, butternut, potatoes and more.

The irrigation scheme produces nutritious fresh vegetables which boosts people's health and livelihoods⁹. People whose health conditions such as tuberculosis (TB) relies on medication that could be taken only after meals benefit a lot from the produce. More so, the jobs that are created at Cata enable people to afford their needs which further enhance their health. Even the livestock could be fed from the low-grade produce that is not consumed by the people.

According to De Wet's extensive research of Cata land restitution and its beneficiaries, beneficiaries claimed that general health had improved and that the provision of fresh vegetables had positively affected malnutrition cases and TB. BRC had the mandate to ensure the irrigation scheme in Cata succeeded at all cost hence their need to keep interfering with the running of the project. This attracted criticism, and resident Maphelo a development practitioner had this to say:

BRC failed dismally to capacitate CCPA on the irrigation scheme in terms of administration. It treated the enterprise as one of its own and not as an independent community entity. There was an over reliance on BRC by the community which could be a threat to long term survival of the enterprise¹⁰.

⁹ <https://saforestryonline.co.za/>, accessed 26 October 2020.

¹⁰ Interview Cata, October 2020.

Discussions that the researcher had with different correspondents through interviews revealed major challenges that this noble development project faced as residents always clashed over land boundaries and what to specifically use the land for. However, the BRC was largely praised for its intervention in these projects as it injected some financial assistance of the irrigation projects and Cata residents started enjoying fruit of their projects which were also exported to areas like King Williams Town, Stutterheim and other areas around the Eastern Cape.

In a nutshell irrigation scheme has contributed positively to the lives of the people, by reactivating the practice of farming, while skills were transferred to local people. Further the farming machinery, equipment and tools which were bought from development fund as well as those donated were all transferred to the Cata CPA.

The wattle and pine tree plantation: The forestry project commenced in 2005 with the spacing of the wattle jungle areas. A team of 20 people were drawn from the community and given training on the techniques and procedures for selecting those wattle trees that will make up the final stand and removing the unwanted trees. The team elected their own supervisor and proceeded to become a skilled and productive operation that successfully converted 70 hectares of wattle jungle into a stand that will produce new trees every six years. The Injinga Cooperative, of which the Cata Forestry Project is a member, will have an equity stake in EC Biomass, a fuel pellet plant under construction at Coega.¹¹

Twenty workers were drawn from the Cata Community and appointed to the team together with a supervisor. The work commenced in June 2006 with the preparation of fire breaks aimed at allowing the use of fire to clear much of the area proposed for planting in 2006. According to Howard (2005), the Cata Integrated Development Plan led to the wattle plantation which was planned to be 57.3ha and pine tree plantations.

These operations have created local jobs and value chain opportunities thereby helping to reduce the scourge of poverty. Employment in the Wattle project has led to the increase in incomes which meant great relief for most households. In addition to the direct impact of the wages, commercial

¹¹ https://saforestryonline.co.za/articles/land_and_community/eastern_cape_community_forestry_project/. Accessed 20 November 2020.

wattle stands to be transformed into an asset (Department of Water Affairs and Forestry (2005). The wattle project has had other benefits to the community, and when trees are cut the people use them for household needs. Nomlindo a female employee recall:

People were using oxen with sledges or donkeys to transport fallen trees. These were utilised towards construction of huts, maintenance of the old structures. On the other hand, we women we would collect the smaller firewood to complement paraffin use¹².

Forestry officials assisted Cata in obtaining licences to establish 70ha of wattle and 50 ha of pine. Pine needs financial injection through partnerships with other role players. A Mr Douglas reflects his experiences as forestry worker and had this to say:

Workers are transported to pine site by community tractor and the project employed over 30 people and 22 fire fighters who are additional workforce to pine operations when there is no firefighting activity¹³.

In general, forestry is well run and local team leaders and team members demonstrating knowledge in the field. All projects and initiatives have created jobs for local people especially youth and women. 28-year-old Sipho working in the pine plantation had this to say:

I could not reach matric because at home we were struggling; I left for Cape Town to seek jobs. I was surprised when I was phoned from home for a local job at Cata; things have now improved slightly for better¹⁴.

Forestry is labour intensive, does not require rural people to move to the cities to obtain employment, many of the skills can be learned ‘on the jobs. Thus, dependency on state grants is complemented by the wages and income from broader development. Dumisani a development practitioner in Cata observes:

We can notice the difference made by these projects. When we talked to some people including the elderly, we heard that many working youths who completely relied on

¹² Interview, Cata village, October 2021.

¹³ Interview Cata village, September 2021.

¹⁴ Interview Cata Village, October 2021

pensions from their parents or grand-parents now have their own monies and they can also help with some groceries, little as they might be.

In the same way that many communities are facing some form of crime. Cata is not immune from this phenomenon. Cata experiences housebreakings, robbery and other petty crimes. However, in a twist of events there has been some decline in crime incidence. The multiplicity of development activities are credited to development initiatives as many youths are not idle. Sandile a 43-year-old respondent had this to say:

The high crime rate here in the Cata area was mainly caused by unemployed youths who spent most of their time loitering around but with these projects many of them now have a purpose to wake up to every morning. Most of their time is now spent at work such that when they retire at the end of the day, they are too tired to think of any criminal activities that do not pay. Youths have realised the importance of having a job but however crime can never be completely eradicated as a few bad apples remain amongst the boys¹⁵.

4.5. SUSTAINABILITY OF PROJECTS AND DEVELOPMENT

Sustainability relates to stable financial status of a project so that the development can stand on its own with no external assistance. If projects are short term and they cannot survive without interventions supported by the State or private funders. The sustainability of the projects in Cata particularly irrigation schemes, pine plantation and the wattle project depend on many factors, including the project's commercial principles, to keep business afloat. The key principle to the sustainability of community projects like those in Cata is that developmental resources that emanate from rights-based processes should properly be regarded as belonging to the respective communities.

Westaway (2007), notes that it is of paramount importance to ensure that decision making relating to developmental resources is left within the confines of the beneficiaries. Therefore, the first challenge is to ensure that people are properly organized to continuously facilitate the

¹⁵ Interview, Cata Village, August 2020.

establishment of representative village-based structures, through democratic process and to represent the interests of the community in engaging with external parties.

With regards to the sustainability of Cata projects, such community entities could potentially have partnerships with resourced companies or individuals. They must enter into lease agreement with the Cata CPA which will not interfere in operations of each entity. The declared profits would be shared in part to the entity while other goes to CCPA for community development purposes. Regardless of the challenges in the sustainability of the projects, it would suffice to evaluate their contribution towards the sustainable livelihoods of the community.

Looking at the benefits amassed to the Cata Community, a clear picture is easily depicted of how different partnerships positively contributed to the community's livelihoods. The status quo of individual households with beneficiaries changed for the better because of employment opportunities. The reason for such positive impact in Cata continues to be accredited to the commitment of the CPA committee members to create employment for all beneficiaries and their families. In particular, the contribution of tourism and agricultural garden projects to supplement employment created through the forestry project also played a major role for the Cata community beneficiaries. However, over the years some beneficiaries have continued to migrate to bigger cities in search of greener pastures while some projects have not remained as active as they were at inception 17 years ago with the main source of income in Cata currently lying on tourism as it hosts different researchers and the general public from different countries eager to learn more about their history. An in-depth analysis of these issues will be discussed in the following section.

4.5.1. SUSTAINABLE LIVELIHOOD IN CATA THROUGH PROJECTS

Sustainable Livelihoods Approach (SLA) is the main framework guiding this study. SLA advances ideas on how interventions happening at grassroots can lead to realisation of benefits over a long period of time. According to Goodwin (2003), SLA is concerned about assets which are described as human, social, natural, financial and physical capital. The sustainable livelihoods approach aims at improving people's lives and its outcomes include more income, increased well-being, reduced vulnerability, improved food security, and more sustainable lives.

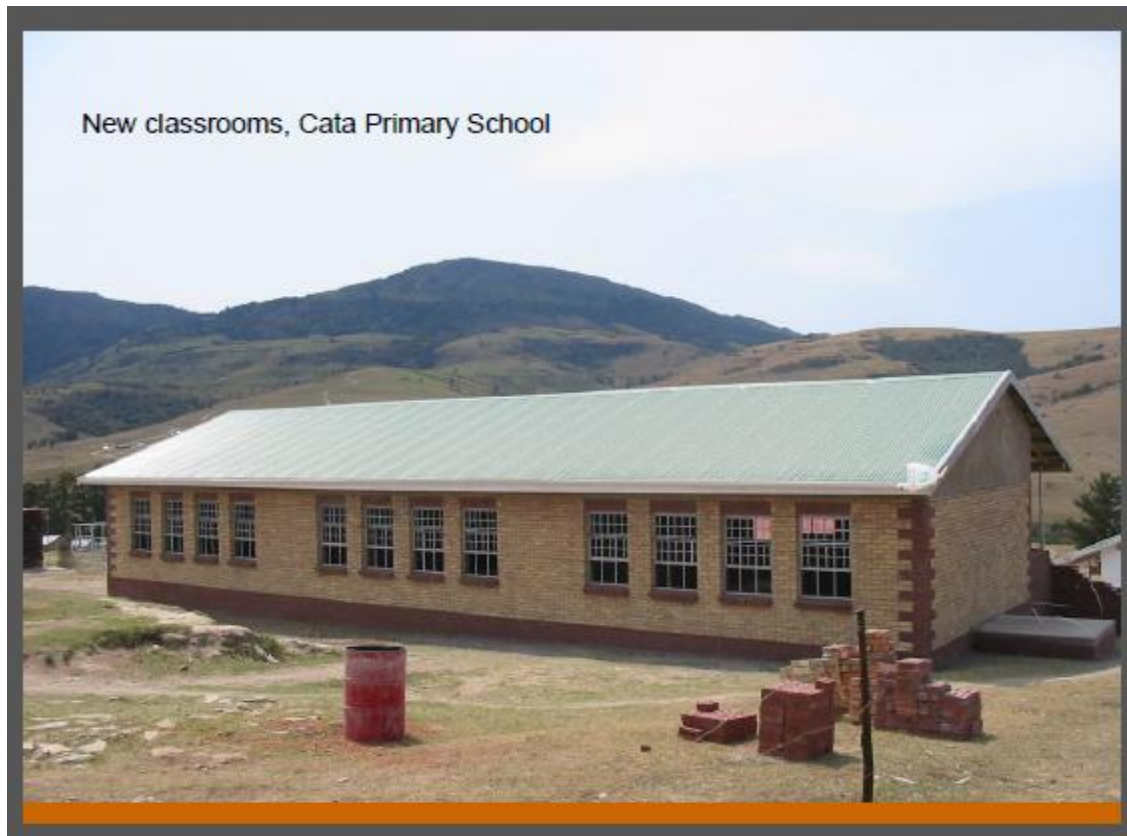
Furthermore, the SLA advocates for transfer of assets such as land, to the poor and the marginalised. As stated before, these assets include human, social, natural, financial and physical capital. Did the interventions in Cata through land restitution live up to standards of the SLA?

To start with, the people of Cata had been deprived of their productive land and moved to smaller and less fertile places where conditions were not conducive for improving their livelihoods. In other words, their means of survival were limited as they lacked access to assets. Through the restitution, the community was now empowered to fend for itself and escape the clutches of poverty.

Human capital, as noted in Chapter 2, deals with issues that include health, nutrition, education, knowledge and skills, capacity to work and to adapt. After the awarding of the claim, half of the money was invested in development projects. These projects which included the refurbishment of the local clinic, the building of classrooms, the production of vegetables, the training of personnel and creation of employment – all these activities contributed in the transfer of human capital to the Cata community.

Below is a sample of developments registered in Cata around mid-2003, as implementation of the Cata community plan following the building of a multi-purpose community hall as well as three new classrooms at the Cata primary school. More so most of the already existing buildings at the school were upgraded.

Picture 1: New classrooms, Cata school



Source: The Cata Story by Tontsi (2013).¹⁶

It is in this sense that it can be argued that land restitution works as a strategy for the livelihoods approach. The outstanding challenge is whether the strategy is sustainable or not. Having investigated the Cata case, this study found that despite the challenges that were encountered in the process, there are valuable lessons that were learnt. Before a look into the lessons, the other asset is natural capital; how did the Cata case measure up on it?

Natural capital comprises land and produce, water and aquatic resources, trees and forest products, wildlife, biodiversity and environmental services. Through the projects that were established and assistance from government and other partners, the people of Cata had access to land which they worked and produced harvests that enabled them to improve their lives. The wattle and pine tree

¹⁶ http://landdivided2013.org.za/sites/default/files/B_Tontsi_The%20Cata%20Story-LandDividedPresentation.pdf. Accessed 21 September 2021.

projects directly addressed the need for natural capital, while the irrigation scheme had other benefits such as fishing and tourism.

Picture 2: Trout fishing and tourism



Source: The Cata Story (Tontsi 2013)

The above scenery is Amatola Wild Trout Fishing is a community owned, managed and operated initiative that takes you casting and catching in the Keiskamma Streams (including the Gxulu, Mnyameni and Cata streams) and in the Mnyameni Dam.

Several non-governmental organisations (NGOs) have cooperated since 2001, assisting skills development and enabling community members to manage tourism attractions. Tontsi (2013), states that some young adults have used the skills acquired through the tourism venture to secure employment outside Cata and therefore improve their household income. Young adults have been certified as fully-fledged tour guides, including certificates for fly fishing and birding.

4.6. CONCLUSION

SLA also includes physical capital as necessary for the improvement of people's lives. Infrastructure such as roads and shelter; tools and technology, are essential assets that people should have access to and be able to utilise in their daily lives. In Cata, some of the funds attained from restitution were used for the development of roads, the community hall and other tools and technologies for the projects. Although the full impact of these interventions on people's lives cannot be fully measured in this study, it is evident that there was positive change brought about by the development after the awarding of the land claim. This further strengthens the view that land restitution as a sustainable livelihood strategy does work and helps the poor escape poverty and lead better livelihoods.

Other assets that were beneficial to the Cata community were financial and social. Under the former, the community managed to have some income from the projects and from that, could have some savings and wages that benefitted their wider families. On the latter, relations of trust, networks with other people and organisations from within and outside Cata were formed. There was support to one another from the groups that were formed in order to spearhead and sustain the projects. The people could choose their leaders and fully participate in the processes and projects brought about by the land restitution award. Thus, the community benefited from financial and social capitals through the transfer of different assets. Thus, land restitution worked positively for the Cata community as a livelihood strategy.

An assessment of the effects of land ownership in Cata proves that land has a distinct and profound impact on poverty reduction and wealth creation in pro-poor communities. The homeland areas of the Eastern Cape are characterised by extreme poverty, the Eastern Cape is reportedly the poorest province in the country and ex-homelands are the poorest parts of the province. Therefore, supplementary programmes and strategies like the discussed Cata projects are usually a sign of hope towards achieving sustainable livelihoods of land beneficiaries after the restitution programme.

CHAPTER 5

CONCLUSION AND RECOMMENDATION

5.1. CONCLUSION

This chapter serves as the conclusion to the dissertation as it summarises the objectives, intentions, methodology and findings of the study. Moreover, this section includes an overview and recapitulation of the Cata story, what has been said and done by this research while attempting to see if objectives of the study were achieved.

According to responses from most participants in this study, financial compensation had a significant impact on the Cata community. Being the first recipient of the land restitution claim in South Africa, the village was strategically poised for development only if the funds were put to good development use as with most situation these families had never received large sums of money at once and how they chose to invest that money was of paramount importance livelihoods that the community was exposed to before and after receiving their claim. However, it is important to note that the success of the land restitution programme had the capacity to change living dynamics of the people of Cata and other rural settlements at large. According to the Department of Social Development Health, Education and Housing, the land restitution programme was a sign of hope to many rural communities as it involved meaningful claims that if managed well could boost the day to day lives of people living in the homelands.

Receiving a large sum of the land restitution programme alone was not enough to better livelihoods in Cata hence there was need for stringent development planning to ensure all beneficiaries' claims were put to good use towards the development of each household and community at large. According to the East Cape Agricultural Research Project this gave prominence to institutions like the BRC which played a major role in Cata by assisting claimants firstly to lodge their claim, helping with the best compensation award to choose as well as giving land restoration advice to Cata beneficiaries. This assistance extended into Cata projects where the BRC helped in identifying resource providers for Cata development projects mentioned above (notably the Cata irrigation scheme, the wattle and pine projects). The involvement of development-oriented stakeholders like BRC was key in bridging the gap between how Cata livelihoods changed over the years since 2002 when it received its first settlement claim. Today Cata boasts of a vibrant tourism industry amongst

many other community development projects spearheaded from the community's development fund.

Moreover, government departments are more willing to assist communities that also assist themselves. It is important to note that before the land claim in Cata, minor community projects reportedly took longer to complete for instance, the community struggled to achieve tarred roads with this development only happening after the successful land claim benefits. The formation and completion of projects in Cata has been made possible by the Cata development fund proving that when communities pledge part of their own resources towards development, government and development agencies are more willing to support such projects.

However, the main challenge of the land restitution programme is that NGO interference in local development processes attracts both positive and negative connotations as mistrust, uneasiness and suspicions from community members who may feel left out from the decision-making process. More so development is a gradual process and prolonged planning periods of some projects especially the Wattle and Pine projects with a few setbacks it faced due to extensive rains on inception leading to delayed profits caused unnecessary uneasiness in some Cata community members. The Border Rural Committee, Amathole District Municipality, the Department of Rural Development and Land reform as well as the National development Agency however played a notable role in the Cata land restitution process and the development projects that followed and how they shaped the community today.

Several challenges were associated with the lack of development in communities after receiving land grants and from this study, rural communities that fall under the land restitution blanket claims must be encouraged to crowd pull their funds and resources together towards personal development of their villages. Puttergill et al (2011) it is one thing for communities to receive a good monetary land claim, and it's another for the same community to be able to invest that claim into bettering their current and future livelihoods. Henceforth communities should erase the dependency mentality of receiving a good grant but failing to put it to good use. Cata was a good example of how and why community development projects must be transformed into business entities operating on commercial principles and ethics.

Just as the Cata community invested the 50% of their financial compensation on several projects, with the success of this arrangement leading them to achieving sustainable livelihoods, communities should learn to invest in themselves as much as they want government or NGOs. This supports Carney (1998) notion that rural poverty should be confronted head on by strategically involving communities in development projects thus not isolating rural people from economic opportunities, standard social services like health, sanitation and education. That is the first step towards achieving sustainable livelihoods as evidently shown by the Cata community after receiving their land restitution compensation. Sustainable livelihoods, according to Chambers and Conway (1992), do not only include income and consumption but the ability to handle stress and shocks, and to satisfy basic needs, environmental sustainability and good effects on other livelihoods. Therefore, like the Cata community, South African communities need to exploit resources at their disposal for improving the quality of each household irrespective of the many challenges confronting them.

5.2. RECOMMENDATION

Evidence from the study points out that, financial compensation has not resulted in profitable investment by beneficiaries. The study recommends that, there should be an alternative means to replace financial compensation. Trust investment on behalf of beneficiaries is deemed negotiable for beneficiaries who can overtime receive investment rewards on the investment.

The study as well recommends a reform policy that will integrate beneficiaries from being peasant farmers to commercial farmers. Such orientation will encourage beneficiary to make commercial use of the lands bequeathed to them

A further study leading to an investigation into the socioeconomic developmental projects in Cata is recommended to unearth community expectation on their expected driven infrastructure that will impact in their socioeconomic livelihood as suggested by Flora & Flora (1993). According to Flora & Flora, inclusive participatory of community members in developmental infrastructure, encourages entrepreneurship among community members.

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ETHICS CLEARANCE
REC-270710-028-RA Level 01

Project Number: CON011SMGW01

Project title: **The changing dynamics of rural settlements and livelihoods. The case of Catha Village in the Eastern Cape.**

Qualification: Masters in African Studies

Principal Researcher: Bongani Mgweba

Supervisor: Ms T Connor

Co-supervisor: N/A

On behalf of the University of Fort Hare's Research Ethics Committee (UREC) I hereby grant ethics approval for CON011SMGW01. This approval is valid for 12 months from the date of approval. Renewal of approval must be applied for BEFORE termination of this approval period. Renewal is subject to receipt of a satisfactory progress report. The approval covers the undertakings contained in the above-mentioned project and research instrument(s). The research may commence as from the 22/08/19, using the reference number indicated above.

Note that should any other instruments be required or amendments become necessary, these require separate authorisation.
Please note that the UREC must be informed immediately of

- Any material changes in the conditions or undertakings mentioned in the document;

- Any material breaches of ethical undertakings or events that impact upon the ethical conduct of the research.

The Principal Researcher must report to the UREC in the prescribed format, where applicable, annually, and at the end of the project, in respect of ethical compliance.

The UREC retains the right to

- Withdraw or amend this approval if
 - Any unethical principal or practices are revealed or suspected;
 - Relevant information has been withheld or misrepresented;
 - Regulatory changes of whatsoever nature so require;
 - The conditions contained in the Certificate have not been adhered to.
- Request access to any information or data at any time during the course or after completion of the project.

Your compliance with DoH 2015 guidelines and other regulatory instruments and with UREC ethics requirements as contained in the UREC terms of reference and standard operating procedures, is implied.

The UREC wishes you well in your research.

Yours sincerely



Professor Pumla Dineo Gqola
Acting UREC-Chairperson
 22 August 2019