

WORDS FROM THE CHAIRPERSON

South Africa is a country that continues to be divided between the rich and the poor and it has been confirmed over the last years that this division is growing. The vast majority of the poor are black and face growing unemployment, landlessness, and tenure insecurity. We all know the history that has contributed to the creation of this situation, but one needs to ask what is being done to bring changes now. We are aware that the government has put in place a number of progressive policies that seek to address these imbalances of the past, but are government ministries doing enough to implement such policies and to ensure that people are able to take full advantage of opportunities that exist in this current policy environment? As an NGO we need to monitor what government is doing, but also constantly scrutinise ourselves and ask whether we are doing enough to contribute to bringing about progressive change.

During 2002 South Africa hosted the World Summit on Sustainable Development. During this summit we have seen large marches and demonstrations by the unemployed, the landless, the homeless - and their allies - who are still fighting for access to basic services. This was a clear demonstration that to many the government is not doing enough, it also highlighted the international nature of the problem and the fact that many of the causes and solutions to this situation may lie outside the control of the South African government that has to operate within global constraints. For whatever reason the socio-economic rights that are written into our South African constitution remain little more than words for many.

Within this broader context of poverty, inequality and attempts to make socio-economic rights a reality to the poor Nkuzi works to make a difference through focussing on agrarian reform and peoples land rights. For the rural poor and landless these issues are at the heart of the recognition of their rights and the creation of improved livelihood opportunities.

The year 2002 was one of the best years for Nkuzi with regard to land restitution. Nkuzi joined the Regional Land Claims Commission in celebrating the settlement of six land claims that Nkuzi has been working on for some years. While celebrating the successful return of land and commending the Commission for the improvements in the processing of claims we are still concerned with the slow pace of land settlement as reflected in the thousands of claims that remain unresolved. If the presidential commitment to the settlement of all restitution cases by the year 2005 is to be met there will have to be a dramatic increase in the pace of delivery.

With the settlement of land claims and other groups accessing land through redistribution the challenge is to ensure that the beneficiaries derive a livelihood from this land. Meeting this challenge that requires strong collaboration with and

between the Department of Agriculture, Land Affairs, Local Government, and the Land Bank. It is encouraging to see that some projects are making productive use of the land with little support. I would like to commend members of these projects for taking the initiative to improve their own livelihoods. It is planned that this will become a more and more important area of work for Nkuzi over the coming years.

For farm workers tenure insecurity and appalling working conditions continue to be the order of the day. Nkuzi intervenes in hundreds of eviction cases every year and in many cases is successful in stopping evictions. However current legislation makes it difficult to prevent an eviction, where the owner persists, and it is difficult to assert a right to long term tenure security or ownership of land for farm dwellers. The recent introduction of the minimum wage to farm workers by the Department of Labour needs to be commended and we hope that sufficient capacity will be provided to ensure the implementation of this policy to the advantage of farm workers.

The Board of Nkuzi has continued to meet at least quarterly to play the governance and oversight role that is essential to any organisation. Some Board Members have also availed themselves in other Nkuzi activities during the year. I would like to take this opportunity to thank all my fellow board members for the assistance they have provided in steering the organisation.

Finally I would like to commend the staff members of Nkuzi for the sterling work they are doing for our people. I also wish to express my sincere gratitude to the management of Nkuzi for providing good leadership and vision to the organisation. We need to maintain the positive public image that Nkuzi enjoys and build on this through working tirelessly to assist communities to enjoy the rights and improved quality life that they deserve.

Tanya Mungulwa - Chairperson

Board Members

Aifheli Muvhale	Co-ordinator for Eldorado Parliamentary Constituency Office
Elleck Nchabeleng	Ward Co-ordinator Polokwane Municipality
Glynn Mohlabi	Legal Advisor Capricorn District Council
Joyce Seema	Financial Manager Tlhavhama Training Initiative
Max Rambau	Provincial Co-ordinator for Peoples Dialogue
Miyelani Nkatingi	Project Manager Regional Land Claims Commission
Tanya Mungulwa	Business women dealing with village arts and crafts producers
Theresa Sehlapelo	Working for Water Project
Tidimalo Cheune	Youth Commission
Marc Wegerif	Executive Director Nkuzi Development Association

ACTIVITY REPORT

1. Introduction

This report covers the period from January 2003 until the end of December 2003. The report aims to give an overview of the work and development of Nkuzi during this period. In October 2002 Nkuzi undertook an annual planning exercise that resulted in the identification of five main programme areas that Nkuzi implemented in the year 2002. These are Community Support, Research and Policy, Community Organizing and Training, and Legal Services. The programmes are all supported by Administration and Management which forms a fifth area of work.

Nkuzi is beginning to stabilize since over the last three years it has grown very rapidly. During this year the staff complement did not grow significantly since only one staff member was hired. The number of staff seem to stand at 27 for the rest of the year. This excludes 5 volunteers who work in different offices of Nkuzi.

A large part of the programme work focused on dealing with land claims. This included gathering baseline information for the validation of the claims, verify claimants for each claim, setting up legal entities, keeping in constant contact with the Regional Land Claims Commission (RLCC), and assisting claimants during negotiations for the settlement of claims. It was disappointing after Nkuzi has spent more time taking different claims through validation process that none of the claims that Nkuzi directly supports were settled. However four community claims were gazetted and other four were at advanced stage of negotiation with the land owners.

The Land Rights Legal Unit continued to provide essential legal services to people who would have otherwise received no service at all. The cases that were entertained by the Legal Unit included evictions, unfair labour practices, human rights abuses – shootings, sexual abuse and assaults - and some land claimants were also represented. Various reports have been produced by the Research and Policy Unit and inputs were made during public consultations on the Communal Land Rights Bill.

A lot of organising has been done with the Landless People Movement (LPM) in the Limpopo and Gauteng Provinces including local conferences, workshops, provincial events and participation in national events such as the Week of the Landless and the World Summit on Sustainable Development (WSSD). The summit also presented a good opportunity for Nkuzi to Network with organizations from other countries involved in similar kinds of work.

With communities gaining access to land it became imperative to provide post-settlement, or what Nkuzi refers to as livelihood support.

More information is provided in this report on the various programmes and other organizational developments.

2. Community Support Programme

Nkuzi's Community Support Programme provides information advice, community facilitation and support to people in understanding and exercising their land rights and accessing the resources and services that should be available to them for land reform. Nkuzi implements this programme through three sub-programmes: Land Reform Implementation that focuses on land claims and redistribution projects; the Farm Resident Support Programme that focuses on the rights of farm dwellers; and more recently for Nkuzi Livelihood Promotion that is assisting people who have received land to engage in effective land use in order to improve their livelihoods.

2.1. Land Reform Implementation

The main focus of this programme during the year has been restitution projects. Nkuzi continued to provide restitution services to eighteen prioritized land claimant communities. Claimants other than the eighteen prioritized were assisted with basic advice, through special projects or in response to requests by the Regional Land Claims Commission (RLCC) for help on urgent cases. The normal daily work of Nkuzi field workers in this programme continue which involves doing claimants verification for claims that have been validated, facilitating the establishment of legal entities and constitution, assisting claimants at negotiation stage as well as liaising with both the Regional Land claims commission and the farmers associations on the need to fast track the settlement of land claims. Apart from the process of land claims settlement the land claiming communities is taken through different training in preparation for the period when they have acquired land.

Nkuzi also assisted the Regional Land Claims Commission after it was given the contract to do land claims validation on eleven (11) claims this year in the Waterberg district.

Even though many of the claims were validated the previous year the RLCC still could not move with the speed anticipated at a time different service providers were contracted to do validation work. Few claims were settled by the Commission but many through cash compensation. Some progress were made with land claims that were gazetted by the Land Claims Commission such as Mabjaneng; Sekororo; Lebelo; Koka Matlou; Mabedengwa and Morebene. There are a few claims which entered the advanced negotiation stage which happens before land is settled where farmers were given offers to purchase by government, such as Marobala O Itsose; Rooipan; and Deutschland which are on the brink of receiving land restoration.

Other land claims have been at the stage of negotiations for quite a while and there is no agreement between the RLCC and the land owners in terms of the

settlement price. In other instances is the question of the Commission being skeptical about the capacity of claimants to use high valued agricultural land for agricultural purposes. This includes claims such as the Ravele cluster which comprises of ten communities that are claiming land in the Levubu area. It has been going through the stage of negotiations since last year, which indicates the difficulty that is involved in settling this claim. Apart from farmers there are other interested parties involved including local government which are not playing a small role in making the settlement of this claim difficult. We also know that some farmers are causing unnecessary delays in land settlements since they are not willing to sell the farms.

Nkuzi has assisted a few people with applications for the grants available in terms of the new redistribution policy of Land Redistribution for Agricultural Development (LRAD). There is only one group of people that has indicated progress on their application. Hopefully the land they have identified will be purchased in the first quarter of the year.

Rooipan Land Claim

Bophelo ke Semphekgo is a project made up of women who are based in different villages in the Mokopane Municipality. The project was initiated by women who belonged to income generating projects like sewing, gardening and brick making. These projects were not particularly successful so they started to look for other ways to improve their lives.

In 1997, the project steering committee which comprises of chairpersons from the sub-projects, responded to the government's land reform programme by applying for a redistribution project. The steering committee went further to identify people who will become beneficiaries, and to identify a potential seller of suitable land for their project. A list of 300 beneficiaries was initially submitted to the Department of Land Affairs (DLA) and at the same time the Department allocated a project officer to deal with the project.

There were serious delays in finalising the project despite efforts from the community and Nkuzi to fast track the process. While the project members waited they prepared themselves by learning new skills that will assist when they acquire a farm. Nkuzi assisted with training in leadership, project management and financial management. A response was received from DLA in 1999 which required the committee to reduce the number of beneficiaries to around eighty, they complied with the instructions even though it was not their preferred choice.

Progress was seen in 2001 when the DLA purchased the land for the

community. The farm measured 44 hectares with fixed assets such as 13 chicken houses, one house for workers accommodation, two residential houses as well as two freezer rooms and other smaller items. However, there was a long period between land purchase and land transfer into the name of the community. During that period the farm began to be vandalised since the owner was no longer living there. Many items were removed including irrigation pipes and chicken feeding equipment. This delayed the smooth start of the project. When the land was finally transferred into the community name the beneficiaries were very excited and they did not delay in taking turns to work on the farm. They began by clearing the bushes and renovating the house, while other beneficiaries were seeking financial and technical support.

By November 2002 the project had started with 3000 chicks placed in their chicken houses. The intention is to rear the chickens until they reach a stage when they could be sold to the general public. By December 2002 they have started selling the chickens to the general public especially the small business people.

Nkuzi has assisted a few people with applications for the grants available in terms of the new redistribution policy of Land Redistribution for Agricultural Development (LRAD). Nkuzi has referred other interested individuals to the Department of Land Affairs (DLA). There has been no noticeable progress with these applications so far and it is hard to tell what criteria the DLA uses to select qualifying beneficiaries for this program.

2.2 Farm Residents Support Programme

The main objective of this project is to secure farm dwellers existing tenure rights and facilitate long term tenure security. Given the lack of any other service providers assisting farm dwellers Nkuzi also deals with eviction related labour matters and other human rights abuses that are discovered.

Nkuzi dealt with over four hundred and thirty different cases during this year. Interventions are made in response to direct calls from farm dwellers or referrals from others such as local councillors, farm school staff and the members of the South African Police Services. Interventions involve providing information and advice to the farm dwellers, negotiating with the land owners, assisting farm dwellers to open court cases and liaising with the DLA to try and secure longer term tenure security for the occupiers.

With labour related matters Nkuzi refers cases to the Commission for Conciliation, Mediation and Arbitration (CCMA) and where necessary the Labour Court. In cases where there has been gross violation of human rights, Nkuzi involved South African Human Rights Commission (SAHRC) and assists in laying charges with the police against the perpetrators. Nkuzi also assists with civil claims for damages.

A number of cases of human rights abuses and evictions that Nkuzi has worked on enjoyed national and provincial press coverage. This is always helpful in making people aware of the plight of farm workers and also in influencing public opinion. The media coverage included press, radio and television coverage.

Nkuzi has been assisting farm dwellers to apply for long term tenure security. During 2002 six groups of farm dwellers were assisted to get long term legally enforceable security of tenure. Three of these chose to get land or housing off the farm while the other three got pieces of land on the farm. In one case five families secured 140 hectares of land purchased for them by the farm owner. In all cases where Nkuzi has been involved the owner has contributed financially or with land and the successes have come through negotiations with owners. This is all the more impressive given that Nkuzi got involved in these cases when there was an existing conflict involving an eviction or other limitations of the rights of occupiers. Unfortunately attempts to get the DLA to provide secure tenure have not been successful.

Securing Alternative Accommodation - Sterkfontein

This is a long term security of tenure case which involves five families on the farm Sterkfontein. The farm owner inherited the farm Sterkfontein from her grandfather who used it mainly as a cattle farm. The intention of the owner was to sell the farm to new buyers who in turn want to turn it into a game farm. The occupiers were now faced with eviction from the farm as they were not needed in the game farm. Nkuzi intervened by entering into negotiations with the owner for an off-site settlement of the occupiers and further drafted a proposal which was discussed with the Department of Land Affairs, Municipal officials and the occupiers. The owner agreed to cover the cost of the new land to be identified for the occupiers and the hunt for land ensued.

A farm called Morgenzon, near Bella Bella (former Warmbaths), was identified and occupiers were taken there to inspect it. They all agreed together with officials from DLA that it is a suitable site for settlement and farming purposes. The farm is 140 hectares in size and has got two four

Sterkfontein farm dwellers now producing on their own land.



roomed houses and a shed which has been turned into a dwelling place. The owners of the farm demanded a total cost of R420 000 which the Sterkfontein farm owner agreed to pay on behalf of the occupiers. The money required has since been paid and the registration process has been embarked upon to transfer the farm into the name of the occupiers. Part of the arrangement is that the Department of Land Affairs will reimburse the Sterkfontein farmer some of her money making the purchase into a redistribution project with the five families as beneficiaries.

In December 2002 the first family moved and settled on the new farm which encouraged the other four families to follow suit. They are now residing on their own land with complete tenure security in the farm Morgenzon. The only thing that the families are waiting for is the title deeds from the Deeds office. Nkuzi will be looking at ways to assist the families with production on the land.

As well as responding to requests for assistance Nkuzi goes out to inform farm dwellers of their rights. Eight information workshops were run in different rural areas of Gauteng and Limpopo provinces. The focus of these workshops was on the Extension of Security of Tenure Act (ESTA), the Labour Relations Act, and the Basic Conditions of Employment Act.

2.3 Livelihood Promotion

Nkuzi realized sometime ago that once land claims and redistribution projects are successful in transferring land a major challenge will be the productive use of the land. A shortage of funding for this "post-settlement" work has been a constraint on what Nkuzi could do. Despite this constraint Nkuzi has started to look at different approaches to ensuring proper land use. A participatory livelihood assessment process was started at Pheeha, the intention is that this will inform community plans for the use of the land they have acquired as well as projects to improve the use of the land that they already had access to.

With a number of communities getting the return of their land there have been urgent demands on Nkuzi for assistance. As an interim measure Nkuzi employed a livelihoods fieldworker with agricultural training and experience to work with five communities in the Elim area. This person has provided advice to communities and assisted the successful claimants in liaison with the Department of Agriculture and the RLCC. Exchange visits for people to see other agricultural projects were organised including a trip to Swaziland. Other

community members have been assisted to go for training in things like poultry production and growing tropical fruits. Field workers in the Polokwane office have continued to provide assistance to groups such as Bophelo Ke Semphekgo and Dikgale who got their land through the old redistribution programme using Settlement and Land Acquisition Grants. While there is a lot of room for improvements both projects have started to use the land productively.

Finding effective “post-settlement” support strategies remains a challenge to all involved in the land sector including government and NGOs.

3. Policy and Research

The Researcher at Nkuzi assisted with archival and deeds research in support of the land claims validation process. This involved work in the national archives and searches in local offices, such as those of Home Affairs and the Department of Labour, for documents that were never taken to the national archives.

The Research Unit organised a Foodfirst Information and Action Network (FIAN) and Movement-La Via Campesina fact finding mission in the Limpopo Province. The aim of the fact finding mission was to investigate possible violations of people’s right to food through the failure to implement agrarian reforms. Visits were made to various communities with land needs including Gumbu, Maswiri, and Faranani Tshitale. The main finding was the negative impact of the failing land reform programme in South Africa. FIAN later took up a letter writing campaign on the Gumbu land claim. Letters were sent to the Presidents office and to the Minister of Defence raising concerns about delays in settling the claim and the refusal of the Defence Force to allow people to return to their land. This seems to have had some positive impact as by the end of the year the position of the Ministry of Defence with regard to the Gumbu land claim started to relax a bit with new offers to negotiate with the community about their return to some sections of the land.

A paper was presented by the Nkuzi Researcher at the land commission of the Global Peoples Forum that ran during the World Summit on Sustainable Development (WSSD). Specific calls were made on governments and international organisations to address the question of landlessness as a matter of urgency.

A proposal has been prepared for a research project that will look at LRAD implementation in the Limpopo Province as a way of assessing the extent of

its implementation and the contribution being made by LRAD to agrarian reform. This project should start early in 2003.

A major policy development in 2002 was the publication of the draft Communal Land Rights Bill (CLRB). Nkuzi has participated in discussions within the NLC to develop a position on the CLRB. Nkuzi also participated directly in consultations with the DLA on the CLRB and with the Department of Local Government on the white paper on Traditional Authorities that could impact on the CLRB. Nkuzi organized large workshop in Mashamba village where participants from ten villages in communal areas participated in discussions about the CLRB. Various other meetings were facilitated in different regions of the province some with the requests of chiefs and in other instances requested by the LPM leadership. In almost all these meetings serious problems were highlighted with the CLRB such as the possibility of ethnic conflicts, the difficulty of defining boundaries, the definition of "community", and the role of chiefs.

Assistance was provided to the Education Rights Project, based at the University of the Witwatersrand, with contacts at farm schools and on farms. The aim is to inform people of the right to education and look for and address violations of that right to education.

Area Land Reform Initiative

During 2002 Nkuzi started to implement the Area Land Reform Initiative (ALRI). This involves working with the Makhado Municipality and the LPM local structure to come up with an integrated plan for land reform within the Nzhelele area. Nkuzi is playing a facilitation role in taking the project forward and has provided a full time project manager, working from a small office in Dzanani, to implement the project. The idea is to pro-actively identify land needs and demands in the area and find ways of matching these needs to land that is available or still needs to be acquired. At the same time identifying post settlement support needs and sources of finances and expertise to meet these needs. There has to date been no land reform project implemented within this part of former Venda despite (or perhaps partially because of) hundreds of land claims being lodged and other redistribution projects proposed.

This project is attempting to find a way of speeding up the delivery of land while at the same time putting in place measures to enable the effective use of that land for the improvement of peoples' lives and development within the area. Nkuzi has started with community needs identification and the facilitation of agreements with and between communities. A training

workshop on livelihoods and local development planning was run with members of the LPM and the Makhado Municipality. Nkuzi has made direct contact with a range of other stakeholders and all relevant government departments as a first step to getting an agreement on the transfer of land and collaboration on the provision of post settlement support. It is believed that co-ordinating support for land reform in the area as a whole is a lot more feasible than trying to co-ordinate support for hundreds of separate claims and projects.

As well as getting commitments of support for the project from government departments and other institutions a key to success of the project is the commitment of the affected communities. The Project Manager provided by Nkuzi is working closely with the LPM structures in the area and directly with communities who have land claims or other land needs.

4. Community Organizing and Training

Organising

One of the major events in South Africa during the year 2002 was the World Summit on Sustainable Development (WSSD), which was held in Johannesburg from August to September. There were a number of Civil Society activities running in parallel to the main WSSD event chief among these being the Global Peoples Forum, targeting NGOs, and the Week of the Landless that became the most prominent of the social movement gatherings. Nkuzi assisted in organising LPM members from Limpopo and Gauteng Provinces who attended the Week of the Landless in large numbers.

The LPM prepared itself provincially before they assembled in Johannesburg with other landless people from across the country. The LPM in Limpopo Province organized a big march in Polokwane to present their demands to the Premier of the Province. In Gauteng there were a number of marches during the build up to the WSSD. At the Week of the Landless the landless people demonstrated through their numbers that the deliberations that were taking place at the WSSD in Sandton were taking place without the involvement of the people directly affected by those decisions. The event managed to raise the profile of the plight of the landless people in South Africa and across the world. The march by landless people, along with other social movements, drove the message home that sustainable development is not possible in the context of landlessness.

Unfortunately organisational problems and conflicts prevented the LPM from consolidating organisationally during the Week of the Landless. A number of difficulties, many of which are fairly inevitable with the development of such a movement, will need to be addressed for the LPM to grow in size and maturity to become the force that it undoubtedly has the potential to be.

A provincial women's access to land conference was held at Makhado and attended two hundred and fifty women from across the Limpopo Province. Guests from Zimbabwe and other provinces in South Africa also attended. The conference was an opportunity to discuss land issues as women and strategies for building women's leadership from a local to a national level within structures such as the LPM. It was also resolved that a women's caucus should be set up within the LPM. Women leaders from Limpopo also attended a women's land conference in Zimbabwe.

The LPM in Limpopo Province organized meetings with the RLCC to find out the causes of the slow down in land restitution that became apparent towards the end of 2002 after an initial rush of land claim settlements.

Nkuzi assisted in organising and facilitating regional conferences which focused on regional specific organising and land issues. Eight out of twelve regions of the LPM in Limpopo held conferences and elected new leadership. The provincial LPM leadership also managed to visit some of the regions to deal with regional leadership problems. The LPM provincially is getting less and less dependent on Nkuzi for services. The provincial leadership of LPM is represented and playing a role in the national LPM.

Training

Training is central to the work of Nkuzi with the beneficiaries of land restitution, redistribution and tenure reform. Information was provided to a number of communities on different land holding systems and so far all are opting for Communal Property Associations (CPAs). Nkuzi facilitated workshops on CPAs through to the adoption of the constitutions with three communities.

A training workshop for the LPM leadership in the Limpopo Province was organized on the political economy of land. This workshop was facilitated by Khanya College and attended by representatives from the regional and the provincial leadership. The same workshop was then repeated in regions by the representatives from the regions with assistance from Nkuzi. Another provincial workshop targeting leaders of the LPM dealt with leadership styles, roles and responsibilities.

A gender and power relations workshop was run with people from a number of targeted communities. These participants were then assisted by Nkuzi staff in running the same workshop back with their communities.

5. LEGAL SERVICES

The main objective for the Legal Unit is to provide quality legal services and para-legal support to the landless and indigent people wishing to exercise their rights as enshrined in the constitution. The main target of the legal services includes people living on farms and in rural villages in all parts of Limpopo Province with assistance also provided on a few cases in Mpumalanga and Gauteng. The four attorneys and two candidate attorneys in the team provide services from the Nkuzi offices situated at Polokwane, Elim and Modimolle. By working through other Nkuzi field staff and directly going to farms they reach out to many people who would otherwise be lacking legal services.

Number of Cases Handled in 2002

Tenure Security	116
Labour Cases	122
Human Rights/Damages Claims	51
Land Claims	6
Criminal/Maintenance/Pension	39
Total	334

The Legal Unit assists in preventing illegal evictions from taking place through showing farmers that there will be legal consequences if they proceed. The provision of legal representation in court aims to ensure that justice is done and rights are protected. The involvement of the legal unit during negotiations with land owners – where land owners almost invariably have their own legal representatives - has played a role in stopping evictions and securing longer term settlements for farm dwellers. Many tenure security cases remain unresolved in that the file cannot be closed. This is often due to the fact that while an immediate eviction may have been averted the farm dweller is still on another persons land and the threat of eviction has not been completely withdrawn. In four cases farm dwellers were assisted to get long term legally secure tenure to small plots or houses. Thirty six of the labour matters, that all involve farm workers, were finalized with reinstatement or compensation to the worker, others await dates for hearings at the CCMA or the Land Claims Court.

The Legal Unit assists clients who have been victims of human rights abuses with civil claims for damages as well as taking up some of these

issues with relevant structures such as the South African Human Rights Commission. The land claim cases that have been referred to court take a long time and none are yet finalized. There is an enormous amount of work involved when representing land claimants, especially where these claimants are relying on unregistered land rights for their claim and the owner is actively opposing the claim. For example in a case like Popela the Legal Unit have, amongst other tasks, had to organize land surveying and commission historical research on Labour Tenancy in South Africa.

There was media coverage of a number of cases handled by the Legal Unit as well as media commentary from the Legal Unit on policies and events related to land and farm workers issues. This has included television interviews related to the death of some farm workers by poisoning and the launch of the Modimolle office, which made national television news. There was television coverage of at least two other cases that Nkuzi was handling. Radio interviews were done on more than 7 occasions, on news, current affairs and education programmes, covering issues such as farm workers rights, immigrant labor issues and the launching of new programmes to defend tenure and farm workers rights.

PATRICIA MOSWANE versus FRANS HARMSE & 2 OTHER

Patricia Moswane is a 30 years old mother of two children aged 11 and 9 years. She was working in the tobacco fields on a farm when she was hit in the head by a bullet. It appears that the shot was fired by some farmers who were hunting on a neighbouring farm. Patricia is now paralysed as a result of this shooting and along with her children has to depend on her mother for survival.

The perpetrators, Harmse & 2 others, were criminally charged with attempted murder, but were found not guilty. The Nkuzi Legal Unit struggled to get information from the Prosecutor and the Police in the matter. It was only after complaining to the Director of Public Prosecutions that the information including the names of the accused was revealed.

Nkuzi sent Patricia to a neurologist to obtain a medico legal report and prepared a civil claim for damages. Due to difficulties in tracing one of the perpetrators a private investigator had to be hired. Once located summons were served and a trial date is now awaited from the court.

The fact that farm dwellers and landless people have legal representation immediately changes the attitude and approach of the authorities compared to situations where they know that an illiterate and poor person is going to face court unrepresented. Magistrates have been found in a number of cases to have no clue about new

legislation such as ESTA. The referral and assistance by the police and the CCMA indicates the changing of attitudes. Inputs have been made on the sectoral determination for agriculture towards the end of 2002 and this includes a minimum wage and the regulating of better conditions for farm workers.

6. MANAGEMENT AND INSTITUTIONAL DEVELOPMENT

The management responsibilities which were resting on the shoulders of the Director and the Deputy Director are increasingly being delegated to a middle management level of office and unit coordinators. Apart from coordinators looking at office and human resources management they are beginning to take more responsibility for their office budgets as well as reporting to certain donors. The Coordinators and Directorate form a management team that also has a staff representative present in their monthly meetings.

A Monday morning information sharing session was initiated during 2002 to improve the flow of information in the organisation. This information sharing is done by a twenty minute tele-conference with each office represented.

The Human Resource Policy of Nkuzi has been complemented by a provision for paid study leave or sabbatical. This is done to encourage employees to improve their knowledge and skills by taking university courses that are relevant to the work of Nkuzi, it is also seen as a benefit and opportunity for personal development that can help to keep more experienced staff in the organisation.

Nkuzi continued to take in unemployed graduates as volunteers to enable them to get work experience. During 2002 Nkuzi had up to five such volunteers at anyone time. The volunteers stay for a period of six months with the organisation.

Nkuzi continued to grow this year with the employment of two Field workers one in Elim and another in Polokwane, candidate attorneys in Polokwane and Modimolle, and a Livelihoods person in Elim. Two staff members resigned and were replaced. While sad to loose staff it is gratifying that both staff took up national positions and remained within NGOs and the land sector. During the year management and office space was stretched to the limit with the employment of eleven additional staff on a contract basis to assist with the land claims validation work being done for the Commission for the Restitution

Nkuzi Executive Director Marc Wegerif talking to land claimant.



Signing a settlement agreement for the Makotopong land claim

MEC for Agriculture Aaron Motsoaledi addressing people at the settlement of the Mavhungeni land claim

of Land Rights (CRLR). By the end of the year Nkuzi had 26 full time staff members excluding volunteers and contract staff.

Staff Training

A lot of attention went into providing training to the middle management to enhance their skills. This is in the light of the increased responsibilities they now carry and the fact that none come to Nkuzi with any previous management experience. Staff attended training offered by the Community Development and Resource Association (CDRA) on developmental planning, monitoring and evaluation, developmental supervision, and reflecting on development practice.

Field staff attended Tlhavhama Training Initiative courses on facilitation, and development and HIV/AIDS. Administration staff attended a Tlhavhama organised course on financial sustainability and money matters.

Two gender workshops were organised for all staff of Nkuzi to attend. Facilitators for these were drawn from the NLC and the Association for Community and Rural Advancement in the Northern Cape.

In addition to supporting staff in attending a range of short courses Nkuzi also assisted four members of staff in pursuing tertiary studies in the fields of land and agrarian reform, law and financial accounting.

The training that Nkuzi encourages staff to undergo will bear positive fruit in terms of an improved quality of services to the clients.

7. Monitoring and Evaluation

In 2001 an externally facilitated impact assessment was carried out looking at the work and achievements of Nkuzi since it started operating in 1997. The overall findings were positive and recommendations were made for further improvements to the work and management of the organisation. The findings and recommendations have been used to inform further developments in the organisation during 2001 and 2002. Nkuzi plans to organise another external impact assessment towards the end of 2004. Evaluations of some of the programmes implemented by Nkuzi will take place during 2003.

Nkuzi held its annual planning for 2002 in the middle of September 2001 and then in September 2002 held another annual planning session preparing for 2003. These annual planning meetings are facilitated by external consultants and involve all staff and some Board Members who can make the time to attend. The meeting is used to

review progress over the past year and make plans for the coming year.

Nkuzi engages all its staff members in a planning session every two months. This reviews progress against the annual plans and discusses priorities and strategies for implementation.

Individual staff develop monthly activity plans and report against them. These are monitored by each staff persons' supervisor.

8. Sustainability Factors

The work of Nkuzi is supported by a range of funders, mostly overseas based. Approaches have been made to the Lottery fund and the National Development Agency (NDA) as part of trying to diversify funding support and attract local funders.

Nkuzi continues to be contracted to provide services both to the government and other institutions. These contracts have always brought in around 10% to 20% of Nkuzi's annual income. However Nkuzi is cautious about relying too much on government contracts that could undermine the independence of the organisation and taking on any contracts that could distract the organisation from its core business.

Nkuzi has always believed in spending funding received for the programmes it was intended rather than saving money in reserve funds. The delivery on programmes has created a reputation that has enabled the organisation to grow and attract further funding. The negative side is that the organisation has no reserves and therefore operates from one project or programme to the next depending on the availability of funding.

Given the above Nkuzi is confident that with the continued support of key funders it will be able to sustain and improve the current programmes. However factors such as the current financial constraints faced by international donors, in particular some US Foundations, is a cause for concern and may lead to Nkuzi programmes having to be scaled back.

9. Networking

Nkuzi is an affiliate of the NLC and a staff member from Nkuzi serves as Treasurer on the NLC Board. Nkuzi participates in two national programmes coordinated by the NLC, these are the National Capacity Building Programme (NCBP) and the Farm Dweller Programme. These programmes assist Nkuzi financially and through sharing of experience and learning with other organisations.

Two Nkuzi staff members served on the Board of Thlāvhamā Training Initiative during 2002, one of them continuing to hold the position of Chairperson. Nkuzi has benefited through the participation of staff in the training that Thlāvhamā offers. Participation in the governance of Thlāvhamā is also seen as a way that Nkuzi can also contribute to the strengthening of other organisations in the Limpopo Province who benefit from Thlāvhamā's work.

Nkuzi participates in the structures of the South African NGO Coalition (SANGOCO) and the Nkuzi Deputy Director currently chairs the provincial structure and is President of SANGOCO nationally.

Nkuzi has played an active role in the establishment of the Rural Legal Trust (RLT) and the Director of Nkuzi continues to serve as the Chairperson of the Trust. The RLT has been set up to channel funds for the provision of legal services on land matters in all provinces of South Africa.

10. Acknowledgements

Nkuzi would like to thank all those who have supported her work during the year 2002. In particular we would like to note our appreciation of the financial support received from HorizonT3000, Austrian Development Corporation, Ford Foundation, Foundation for Human Rights, Christian Aid, Legal Aid Board, National Capacity Building Programme of the NLC, Atlantic Philanthropies, and the Rural Legal Trust.

Our thanks to all the land claimants, landless people, farm dwellers and others who have shown confidence in Nkuzi by coming to us for assistance. We will continue to try and provide quality services and make important interventions in order to see that a far reaching agrarian reform becomes a reality in South Africa.

Abbreviations

CCMA	- Commission for Conciliation Mediation and Arbitration
CRLR	- Commission for the Restitution of Land Rights
CLRB	- Communal Land Rights Bill
CPA	- Communal Property Association
DLA	- Department of Land Affairs
FIAN	- Foodfirst Information and Action Network
LPM	- Landless Peoples Movement
LRAD	- Land Redistribution for Agricultural Development
MEC	- Member of Executive Council (or provincial govt. minister)
NLC	- National Land Committee
RLCC	- Regional Land Claims Commission (regional structure of the
CRLR)	
RLT	- Rural Legal Trust
SANGOCO	- South African Non Government Organisation Coalition
WSSD	- World Summit on Sustainable Development

Minister for Agriculture and Land Affairs addressing successful land claimants.

Nkuzi Development Association Balance Sheet as at 31 December 2002

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Nkuzi Development Association

Income Statement

for the year ended 31 December

2002 2001 Rand Rand

Grants Received 5,608,113 3,365,157 APSO - 76,560 Atlantic Philanthropies - 185,761 Christian Aid 644,312 378,701 DED - 30,706 Foundation for Human Rights 282,882 - Ford Foundation 2,244,018 - HorizonT3000 - ALRI 192,395 - HorizonT3000 - LRLU 936,660 527,186 HorizonT3000 - SCLR 347,622 736,849 Legal Aid Board 57,500 57,500 National Capacity Building Programme 411,061 482,000 Farm Dweller Programme - Gauteng - 109,550 Farm Dweller Programme - Limpopo 90,000 225,645 Open Society Foundation - 225,000 Rural Legal Trust 481,663 329,699 NLC - WSSD 20,000 -

Other income

938,829

561,643 Interest

received 94,451 11,505 Services

rendered 844,378 550,138 **Expenditure** 5,924,093 4,154,892 Accommodation and per diems 49,306 52,453 Advertising - 10,045 Assessment rates and municipal charges 62,126 67,268 Auditors remuneration 15,195 12,118 Bank and service charges 32,988 17,031 Capital purchases 117,130 153,986 Communication 462,470 213,899 Consultants 89,874 116,598 Evaluation 3,809 64,275 Institutional development 20,086 - Insurance 8,936 33,347 Library, books and subs 39,930 17,995 Litigation 138,511 66,779 Networking and exchange visits 144,937 118,323 Office costs 234,171 110,283 Personnel 3,136,978 2,266,928 Staff Training 163,210 148,529 Transport 711,954 514,093 Workshops and conferences 492,482 170,942

Total income 6,546,942 3,926,800

Total expenditure 5,924,093 4,154,892

Surplus/(Deficit) for the year 622,849 (228,092)