

NKUZI DEVELOPMENT ASSOCIATION



2013 ANNUAL REPORT



Contents	Page
1. Chairperson's Report	3
2. Organisational Overview	
2.1. Background	5
2.2. Vision, Mission and Goals	5
2.3. Institutional Arrangements	
2.3.1. Human Resources	5
2.3.2. Staff turnover and movement of personnel	6
2.3.3. Governance	6
2.3.4. Organisational Development	8
3. Performance highlights	
3.1. Farm Dweller Programme	8
3.2. Land Acquisition or Restitution Support Programme	11
3.3. Post Settlement , Livelihoods and Farmers' Support Programme	13
3.4. Legal Services	16
4. Networking, advocacy and lobbying	17
5. Financial Overview	18
6. Abridged Audited Financial Statements	19

Chairperson's report

The year 2013 marked both 19 years of democracy and 100 years of the Native Land Act of 1913. The Native Land Act was instrumental to the dispossession of land rights for many Black people and left them with access to 13% of land while the White minority occupied 87% of land. This Act and others which were promulgated thereafter played a major role in ensuring that Black people's concentration is in reserves and could only be allowed outside the reserves if they could prove that they were in employment in the areas reserved for Whites. This piece of legislation was a cementation of the segregation policies of the Union of South Africa as formulated in May 1910. Although the law was applicable to the whole of South Africa, in practice it applied only to the [Transvaal and Natal](#). In the [Free State](#), such legislation was already in force since 1876, while a law forbidding Blacks to own property in the Cape would have been in conflict with the constitution of the Union of South Africa, as Cape property-ownership was one of the qualifications for Black franchise. Sharecropping on farms in the Transvaal and the [Orange Free State](#) was forbidden.

The government of the Republic of South Africa has in 2013 organised events to commemorate the centenary of the Native Land Act. Road shows, seminars and related festivities were held across the country by the Department of Rural Development and Land Reform to commemorate the dreadful 100 years. Parallel to that, the members of the Civil Society organised at local, provincial and national levels activities which were geared towards reflecting on the state of land and agrarian reform in South Africa since the dawn of democracy. The likes of Mayibuye iAfrica, partners organisations in Tshintsha Amakhaya (Nkuzi included), Landless People's Movement of South Africa (LAMOSA), and others mobilised around the need for change in land and agrarian reform in the country. Campaigns were organised like veld fire in the country to mobilise for radical change in land and agrarian reform. The campaign culminated into the handing over of a memorandum of demands at the Union Buildings and received jointly by the ministers of Rural Development and Land Reform, and Mineral Resources.

The processes to reverse the legacy of the 1913 have been moving at a snail pace. We did not witness any huge tracts of land being transferred to the landless and rural poor to ensure transformation on land ownership and its productive use. A few cases in Limpopo Province where land reform, especially restitution of land rights benefited our people was in the settled of Balepye, Batlhabine, Belabela, Moletete, Ravele, Lishivha and Baphalaborwa ba Maseke land claims. Still in these cases, government support is still lacking to ensure that the restored land is effectively used. We also have however heard and read via print and electronic media that the Ministry of Rural Development spent almost a billion rands to acquire land for the Mhlahlala Land Claim. The huge amount of money for land acquisition has been spent at the expense of post settlement support. This is a clear sign that the legacy of the Native Land Act will never be addressed if government always dances to the tune of the land owners as guided by the willing buyer –willing seller principle. The principle is not taking us anywhere except enriching the already rich land owners. And heading towards a point that the government will later lament to say its own programme is not affordable while leaders blindly implement a policy which does not work.

The farm dweller community is still found to be foreigners in their own country as the land reform programme is doing little to ensure that they enjoy the fruits of democracy like other citizens. The farm workers are still poorly organised if not organised at all, earning very little wages, not unionised as

doing so would lead to them losing their jobs and they are always at the receiving end of the land owners who at times is the government. They still live in appalling conditions with shaky security of tenure. This situation even extends to the farm schools such that the infrastructure is of poor quality and schools are understaffed. This tempts us to agree with the perception that children on farms are schools only to be better servants

On the legislative front, the year has seen the introduction of the Restitution of Land Rights Amendment Bill for re-opening of land claims for the individuals and communities who missed the 31 December 1998 dead line, the Mineral and Petroleum Resources Development Bill – encompassing processes for consultations prior any mining investment and the Spatial Planning and Land Use Management Bill- to guide spatial development and land use guidelines. The Bills were introduced both in Parliament and Provincial Legislatures for discussion as well as public consultation. While it is a good thing to review legislation, the manner in which the Bills were rushed through various stages was alarming. In some instance, not all key stakeholders were afforded the opportunity to input due to the rush.

The effects of the long farm workers strike in the Western Cape could still be felt in 2013 and across the country as farm workers experienced job losses as a result of demanding better wages in line with the Sectoral Determination.

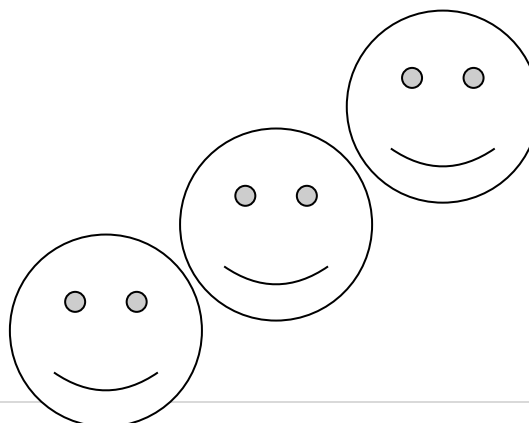
When it comes to organisational development, the year 2013 saw the organisation moving from strength to strength with regard to governance, financial and operations matters. Governance wise, the board and the management embarked upon the strategic planning process which led to a reshaping of our vision and mission, considerations being made to consolidate operations in the advent of shrinking funding world and realities we were faced with. A decision to do away with bloated administration, closing of Elim, Modimole and Gauteng Offices was made which would pave way for relocation of staff to Polokwane in the new year (2014). This comes with the implications that all areas will be served from Polokwane going forward.

I would like to take this opportunity to thank fellow board members for their commitment, contribution and dedication to the course of Nkuzi. Without you, Nkuzi would not be where it is today. The valuable staff complement is also commended for its willingness to go an extra mile and also accept relocation, especially those who were previously not based in Polokwane. *Poo yee, e be e ka se kgone go goga teu, ge e be se ka lena. A Modimo a le dire ka go loka le Malapa a lena ka moka.*

Matswalo a Morena le ngwaga wo moswa wa lethabo

KE A LEBOGA

Ms Molatelo Joyce Letsoalo
Chairperson of Nkuzi Board



2. Organisational Overview

2.1. Background

Nkuzi is a non-profit section 21 company (97 20743/08) providing a range of support services to historically-disadvantaged communities wishing to improve their rights and access to land. Nkuzi started operating early in 1997 and operates throughout the Limpopo Province, northern parts of Mpumalanga Province and with farm dwellers and/or workers in Gauteng Province.

2.2. Vision, Mission and Goals

Vision

Land is available, accessible and effectively utilized by previously landless and marginalized people.

Mission

Nkuzi works towards the empowerment of the disadvantaged men and women to have access to sufficient land secure tenure, food security, basic services and integrated local economic development. We do this through provision of legal services, capacity building and training, research, lobbying and advocacy to effect policy change

Goals

- Landless People are empowered to drive land reform process which shifts power relations so that the poor, rural and landless access and utilize land equitably and effectively
- Farm residents worked with are informed of their land and related rights and are assisted to exercise those rights.
- An improved level of debate among key stakeholders on pro-poor agrarian reform strategies and their implementation
- Quality legal and paralegal support are available to enable the poor and landless people to exercise their land and other human rights
- Nkuzi has sufficient resources, effectively managed and implement proper monitoring mechanisms

2.3. Institutional Arrangements

2.3.1. Human Resources

The human resource for the organisation as at the end of the financial year was eleven/11 operating in 4 different offices, namely; Elim, Modimolle, Polokwane and Pretoria. However, three/3 offices closed during 2013, i.e., Elim in July while Gauteng and Modimolle closed in December 2013 for staff to relocate to the central office in Polokwane. A table below depicts information of Nkuzi staff regarding position and respective offices in which they operated from.

Table 1: Illustration on NkuziStaff , positions and offices of operation

Name of employee	Position	Office	Comment/s
Phillemon Talane	Executive Director	Polokwane	Part of Management
Frans Malemela	Financial Accountant	Polokwane	Part of Management
Shirley Mafemo	Project Officer	Polokwane	Promoted to project officer in March 2013
Vasco Mabunda	Project Officer	Polokwane	N/A
Brand Nthako	Project Officer	Polokwane	N/A
Margaret Mahango	Legal Advisor	Modimolle	Part of Management
Ntokozi Nzimande	Programme Manager	Gauteng	Part of Management
Mapula Mnisi	Project Officer	Modimolle	Promoted to project officer in March 2013
Reuben Mohale	Project Officer	Polokwane	N/A
Matsimela Takalo	Project Officer	Polokwane	Engaged in May 2013
Azwianewi Makhado	Project Officer	Elim	Promoted to Project Officer in March 2013. Moved to Polokwane in August 2013

2.3.2. Staff turnover and movement of personnel

Nkuzi had five/5 employment terminations which were based on resignation (2) and expiry of contract (3). The turn over comprised two/2 females and three/3 males. There was also conversion of some employment terms from administration to project officers following the recommendations of the 2012 organisational evaluation. Three/3 members of staff were affected by the conversion.

2.3.3. Governance

Nkuzi governance for the period under review continued to be in the form of a board of directors like other non-profit organizations. The organization maintained a committed board comprising 8 members of which 5 (62.5%) were male while 3(37.5%) were female. Although gender representation is less than 50%, the female representation is relatively of acceptable standard. The level of board commitment was illustrated by attendance of meetings as not a single board member attended less than 50% of the scheduled meetings as required by the Nkuzi Constitution and that not a single meeting struggled to form a quorum. The table below depicts attendance for board meetings at an average of 78%. The attendance of meetings per board member is reflected in table 2 below.

Table 2: Board meetings and attendance

Surname and Initials	Portfolio	Gender	Dates of board meetings				
			02.03.13	05.07.13	13.09.13	12.12.13	individual attendance in %
Letsoalo M.J.	Chairperson	Female	P ¹	A ²	A	P	50% attendance
Nkoana T.D	Deputy Chairperson	Male	A	P	A	P	50% attendance
Makgoba S.M	Treasurer	Male	P	P	P	P	100% attendance
Mokgopo M.R	Member	Female	P	P	P	P	100% attendance
Maluleke B	Secretary	Male	P	P	P	P	100% attendance
Molope A.S.	Member	Male	P	P	P	A	75% attendance
Mojapelo M.P.	Member	Male	P	P	P	A	75% attendance
Lebepe M.E	Deputy Secretary	Female	A	P	P	P	75% attendance
Analysis on individual meeting attendance			75%	87,5%	75%	75%	78% overall attendance

Key matters processed by the board included quarterly reports of the Executive Director, quarterly the financial reports as well as policy reviews and approvals. Board members also participated in the strategic planning session which was held in June 2013. The 3 days session was geared towards reviewing the organization goals, vision and mission based on the organizational evaluation which was conducted in 2011.

2.3.4. Organisational Development

¹P signifies present

²A signifies Absent and/or Apology

The organization took strides to review its financial and human resources policies and procedure manuals during the course of the financial year. The policies were reviewed to give effect to good governance and promote accountability amongst key stakeholders, employees in particular.

We continued with monitoring and evaluation mechanisms in the form of staff meetings – bi-monthly, weekly meetings for each office and one combined annual planning meeting. The meetings were used to develop organizational and individual plans which helped in enhancing performance in various programs.

3. Performance highlights

3.1. Farm Dweller Programme

Our work on farms entailed continuous support to the farm dwellers and farm workers on their daily struggles of survival both in Gauteng and Limpopo Provinces.

3.1.1. The key activities undertaken were:

- ✓ Information workshops on land rights, human rights and various pieces of legislation relevant to the farming communities;
- ✓ Mediation, negotiations and conflict management;
- ✓ Referral of matters to the Commission on Conciliation, Mediation and Arbitration, Commission on Gender Equality, Public Protector, Human Rights Commission and/or courts of law where litigation was imminent; and
- ✓ Organising of farming communities to support each other, stand for their rights and demand them from authorities.

Our interaction with the farming communities enabled us to deal with a range of issues such as labour dispute, evictions and violation of human rights. We also interacted with children on farms through partner project which supports the socio-ecological rights of children. The summary of cases and statistical information of people interacted with appear on table 3 below.

Table 3: Farm dweller/worker cases dealt with in 2013 in both Gauteng and Limpopo

Type of case	Total handled	referrals	Resolved	Actual eviction /dismissals
Labour dispute	28	15	13	00
Eviction, threats included	55	23	30	02
Total number of cases handled	83	38	43	02
Total number of people assisted	304 adults comprising : - 109 males			

	- 195 females 1048 children , majority of which are from 6 schools we work with in Waterberg District
Grand total	1352

3.1.2. Key achievements

- 10 farm for a supported regarding tenure security, human rights and labour related matters
- 350 farm dwellers interacted with as part of farm dweller campaign that eventually led to the submission of memorandum to the Ministry of Rural Development and Land Reform
- 5 cases studies on independent rights of women and children on farms were documented and formed part of the farm dwellers' campaign
- Representatives from 10 farm for a participated in a national campaign to promote the interest of farm dwellers

Farm Dweller Case Study 1

The Plight of Masupatsela: A matter of confused government and justice delayed

Mopani District Municipality in Limpopo has demolished more than 80 brick houses belonging to farm dwellers residing in farm Boerdestroomdrift (otherwise known as Masupatsela) in the outskirts of Tzaneen. Of the 80 houses demolished, 17 were demolished without a court order. The rest were demolished on the strength of a court order that was obtained using a piece of legislation that was not applicable to the affected. The court order was obtained using PIE (Prevention of Illegal Eviction Act 19 of 1998). This piece of legislation was intended to deal with squatters, not occupiers. A person who has resided on a farm for over a year with the approval of the landowner is an occupier in terms of ESTA (Extension of Security of Tenure Act 62 of 1994). The people whose houses were demolished in Masupatsela are occupiers as defined in ESTA and any proceeding to evict them should have been conducted in terms of ESTA, not PIE. Moreover, the names of the affected occupiers were obtained on false pretence. The municipal officials obtained the names of households owners on the pretence that they were compiling a list of people who will be employed on a project that the municipality intended starting on the farm. The farm dwellers were represented by a very junior attorney from the Legal Aid Board in Tzaneen who was clueless about land issues in general and legislation dealing with the rights of farm dwellers in particular. The extent of the ignorance was such that use of PIE Instead of ESTA was not even challenged throughout the proceedings. For lack of funds and extremely low levels of literacy, the farm dwellers were in no position to challenge this injustice.

As for the issue of the 16 houses demolished without a court order, that was purely criminal matter. The requirement that no one should have their homes demolished without a court order is constitutionally entrenched and in line with this constitutional requirement, section 23 of ESTA criminalizes eviction without an order of a competent court. The sanction for such an offence is a fine and/or imprisonment.

To date, we at Nkuzi have still to see a landowner being prosecuted for contravention of this particular section. Each time that we have tried to push for prosecution of offenders, the SAPS failed to act decisively. To our dismay, and that of hundreds of farm dwellers, we discovered that the SAPS has up to this day not listed "Evicting without a court order" as an offence. That is despite a memo having been sent to all police stations soon after the passing of this act in 1997 (We have a copy of the memo)

As Nkuzi we picked up this case soon after the demolition was effected. We negotiated with the District municipality to rebuild the houses as demolition was both unjust and illegal. Promises were made to effect restoration, but never fulfilled.

We assisted the farm dwellers to lay charges of evicting without a court order with Tzaneen SAPS. Initially they refused to entertain our story and instead argued that the landowner has demolition rights, with or without a court order. It took us almost ten hours to convince the station commissioner to at least investigate the case. Almost a year down the line they are still investigating.

This case study is an illustration of a sphere of government which acted contrary to its constitutional mandate as enshrined in section 152 of the Constitution of the Republic of South Africa, Act 108, 1996. The Mopani District Municipality further failed to apply the law (ESTA) and provide accommodation for the destitute people of Masupatsela. One wonders whether the farm dwellers are considered as legitimate residents of the Republic of South Africa if they are treated like non-human beings subject to abuse and ill treatment by the government which is supposed to protect them.

Farm Dweller Case Study 2: Burial rights open doors for sustainable environment

The Nkhumane family has been staying on the farm (Melk revier) Lapalala wilderness school for more than 20 years, and they are part of the families that have lodged a land claim on that farm.

Around April 2013 Koko SemoleLissyNkhumane passed on. She was 102 years old. The family was refused the right to bury her on the farm. The matter was brought to Nkuzi's attention by an anonymous person and the caller gave us the contact details of Mr. Lucas Nkhumane who confirmed the matter. He further told us that they are being refused the right to bury on the farm due the following reasons:

- i. The family is part of the land claim lodged on the farm and allowing them the right to bury would legitimate their claim.
- ii. The farm is question has dangerous wild animals and allowing people access will be risking their lives.

We contacted the school and spoke to one Mr. Anton Walker who confirmed the second reason for not allowing the family to bury on the land.

Nkuzi negotiated with the management and reached an agreement that the family be given the right to bury Koko SemoleLissyNkhumane on the farm. The agreement entailed the family signing

indemnity forms on behalf of all mourners and indicative whether they would be cars or not.

*Koko Lizzy was buried on Sunday the 21 April 2013 and it was raining. The rainy conditions in burial signifies a good send off- a traditional belief that **“the gods or ancestors have welcomed the dead person”***

*The case paved a way for good relations between Nkuzi and Lapalala Wildlife as the organisation now send school children regularly to Lapalala during holidays to learn on environmental management and wildlife conservation. Thus, a single case of desperate family opened a way for long working relations that benefit children from different parts of Waterberg District. **Alutta continua....The struggle goes on!!!***

3.2. Land Acquisition or Restitution Support Programme

The land acquisition or Restitution Support programme was predominantly characterized by lack of progress on processing of land claims, especially in relation to negotiations, research and claimants' verification processes. In instances where the Regional Land Claims Commission boasts about delivery, financial compensation has been implemented as a settlement option. The communities are also continuously misinformed that financial compensation is the best form of redress that the claimants can ever get. To the contrary, some community members revert back to claiming restitution of land rights after they have exhausted the financial compensation. The programme did not deliver any tangible land parcel, i.e., transfer of land to the land claimants for the whole 12 months. Hence, some long awaiting claimant communities resorted to protests and demonstrations to convey their frustrations, e.g., Popela Land Claim as captured in a case study below while some communities resorted to in-fighting as it is the case with Tshifhefhe Community. In all these cases, the government has shown no interest to attend to the communities or at least give them an audience.

3.2.1. Nkuzi's key activities under Restitution Support entailed:

- ✓ Regular meetings with claimant communities to discuss ways the Regional Land Claims Commission could be engaged to prioritise and/ or expedite their claims;
- ✓ 2 meetings with the Regional Land Claims Commission;
- ✓ Information sessions with claimants communities and potential claimants on the Restitution Amendment Bill; and
- ✓ Supporting claimant communities in compilation of beneficiary lists.

3.2.2. Key achievements:

- ✓ 3 CPA with 25 participants trained on leadership skills;
- ✓ 5 settlement options workshops were conducted with claimant communities; and
- ✓ 15 claimant communities are regularly interacted with to give them update on their claims or status.

POPELA CASE STUDY

The Popela clan resided in farm Goedgelegen (Boomplaats) since around 1800. Through colonial conquest and a grid of apartheid legislation, the clan was stripped of its land rights and ownership by around 1820. They were relegated to a class of labour tenants who were now “pariahs in the land of their birth”. In the 1970s a large section of the clan were evicted following the abolition of labour tenancy.

Nkuzi assisted the clan to lodge a land claim in terms of the restitution act 22 of 1994. The claim was verified and approved by the Regional Land Claims Commission (RLCC –Limpopo Office). The land owner challenged the findings of the RLCC in Land Claims Court (LCC). The LCC ruled in favour of the land owner. Nkuzi lodged an appeal with the Supreme Court of Appeal (SCA). The court also ruled in favour of the land owner. The basis of the SCA ruling was that the clan was no longer a community at the time of dispossession. The case was then elevated to the Constitutional court. The court, led by the progressive DikgangMoseneke ruled that although the clan had lost much of its identity at the time of dispossession, they are still entitled to land restitution, and accordingly, the land must be restored to the clan.

The RLCC entered into negotiations with the land owner following the historic judgment. The negotiations dragged on for over five years. The land owner, obviously taking advantage of its massive resources and bureaucratic inefficiencies on the part of the RLCC, refused to release the land and frustrated the process.

On the 2nd and 3rd July 2013 Nkuzi organized a night vigil and protracted protest action in Sekgopo village and Westfalia farms respectively aimed at unlocking the deadlock. The protest action kicked off with a night vigil and culminated with a march to the headquarters of the land owner in Westfalia farms. **Within two weeks after the protest action the land owner had approached the RLCC to inform them (RLCC) of their intention to give the land (the whole of Boomplaats) back to Popela clan.**



Caption: Popela land claimants during protest action in Westfalia headquarters, Duiwelskloof

Lessons learned

- Losing court battles should not give up land rights organizations and landless communities to continue with the struggle. Instead alternative relief measures must be explored and pursued.
- Exposing deliberate and laziness by government through media and protest actions can help a great deal in expediting land reform implementation.

- *Solidarity is an important strategy to foster collaboration and unity amongst the landless communities. It also enhances cross learning and sharing of experiences amongst the affected communities and also strengthens the voice of the landless.*
- *The landless communities know what their rights and needs as well as messages that they want to convey to the authorities. The only thing they need from the civil society organization is support be it technical and/or financial.*

There is still fairness in the justice system which was demonstrated by the use of certain legislative clauses which the other court ignored to rule in favour of the landless.

Rights of women under siege in the Tshifhefhe CPA

Mr.NongovhelaTakalani died recently. He was the chairperson of Tshifhefhe CPA, which by extension means that he and his immediate family was beneficiary of Tshifhefhe CPA. The CPA in question was registered in 2007 following the successful transfer of portion 13 of farm Welgevonden 4 LT in the Makhado municipal area. The Tshifhefhecommunity lodged a claim for this property in terms of the Commission on Restitution of Land Rights Act 22 of 1994.

*Following the death of Mr.Nongovhela, early in 2013, the surviving members of his family who are women, were removed as beneficiaries from the project. There was no valid reason advanced for their expulsion. A letter signed by the deputy secretary of the CPA only stated that “**through investigations the executive have found that you...are not a beneficiary of the Tshifhefhe Communal Property Association**”.*

The affected family members were not even granted a chance to make representations before the body that is supposed to have conducted investigations, that is if any investigations were ever conducted. The affected members were not even aware that there was any investigation to determine the bona fide beneficiaries of the project.

It is not clear what the scope of reference for the investigations were and furthermore the investigation report was not made available to the affected members. This is the injustice that vulnerable women are being subjected to in Tshifhefhe. In fact, it is a mirror of the kind of abuses and oppressions that women are being subjected to in the society.

3.3. Post Settlement , Livelihoods and Farmers' Support Programme

Work carried out under this programme entails mechanisms to ensure productive use of land by land reform beneficiaries. The interactions which we had with small scale farmers ranged from direct support, brokering relations with other service providers or service authorities as well as capacity building where a need be.

3.3.1. Key activities

- ✓ Facilitate conflict management processes for 6 farming groups (Maboi, Lebelo, Mosterlus, Temokgolo, Sehlakwana and Madisha)
- ✓ Facilitated pest control and disease control workshops for 4 farming groups (Mavungeni, Glen Cowie, Munzhedzi and Ximange)
- ✓ Arranged and supported exchange visit between Makhutso and 3 CPAs (Mavungeni, Ximange, Munzhedzi) and between Mmamati Wa Tsie with 4 CPA (Lebelo, Koka Matlou, Sekuruwe and Tlapalengwane) in Mokopane
- ✓ Arranged and supported a learning visit to the Johannesburg Fresh produce and
- ✓ Procured and delivered irrigation equipment for Glen Cowie vegetable Garden

3.3.2. Key achievements

- ✓ Supported 3 farming initiatives into viable enterprises –Glen Cowie, Maboi and Tlapalengwane;
- ✓ Brokered relations between department of Agriculture and 5 CPA that they get consistent extension Services- Mavungeni, Munzhedzi, Ximange, Glen Cowie, Maboi;

GLEN COWIE VEGETABLE COOPERATIVE: HOPE FOR COMMUNITY BASED FOOD PRODUCTION

Glen Cowie Vegetable Cooperative was assisted with the provision of farming implements, seedlings, and fencing materials. During the planting of the seedlings the extension officers from Makhuduthamaga Local Municipality's department of agriculture was present to supervise small farmers if the implement what they have learnt during their previous training. Support by Nkuzi enabled the cooperative to plant spinach, beetroot, carrots, butternuts, and cabbage on a eight hectors of land.

The cooperative's produce are sold locally at the nearby hospital and the surrounding villages. Each member of the cooperative is allocated the produce to sell on the village streets and the following day the money is collected and taken to the bank for safe keeping.

The agro-ecology training received by the members of the cooperative has started to yield fruits as it led to improvement on quality of the vegetables produced. The quality of vegetables paved a way for a chain supermarket in Jane Furse and Mosterlus to consider the cooperative as its supplier. However, transportation of the farm produce has been the main challenge. The produce are at the moment transported to the supermarket by a sedan and this impact negatively on the profits. The cooperative does not break even due to high transport costs. A request has been made to Nkuzi for a bakkie (pick up) donation.

Picture 1: Fallow land at Glen Cowie before planting of seedlings provided by Nkuzi



Picture2: A project member at Glen Cowie picking spinach for packaging



AN EXPOSURE VISIT TO JOHANNESBURG FRESH PRODUCE MARKET

Five representatives of the emerging farmers from Glen Cowie, Mavungeni and Mopani Farmers' Association were taken on a tour or exposure visit to Johannesburg Fresh Produce Market. This visit was aimed at exposing emerging farmers to the importance of the fresh produce market value chain, to motivate them to produce not only for local markets also to external markets where they can also earn more profit. The tour left farmers motivated to can work hard to ensure that they plant and produce something every season.

We envisage the emerging farmers to start working implementing what they learned from the tour. This must also lead to intercropping and all year round. We envisage no farming land to stay unploughed nor without any crops on from the groups which participated in the tour.

Pictures below depict different activities and sections of the Fresh Produce Market.

Picture 3: Floor packaging of the market with lettuce boxes



3.4. Legal Services

Nkuzi Legal Unit assisted a number of client communities and individual on legal related matters. The key support areas included negotiations for access to graves and land for development, mediation of dispute, representation of clients in courts, and provision of legal advice.

Key achievements for the year under review include:

- ✓ Successfully negotiated for access to graves for 4 clients
- ✓ 2 clients who were faced with eviction were successfully restored following negotiations led by the legal team;
- ✓ 5 clients from Baltimore were release with warning from police custody

- ✓ 17 community members from Ga-Molekana in Mokopane were assisted with bail application and eventually case was withdrawn after they were arrested protesting against the mine operation in their area.

4. Networking, Lobbying and Advocacy

Nkuzi Development Association continued to work in strategic partnership with likeminded organizations to achieve greater impact in society. Nkuzi participated in the National Land Consultation organized by the Catholic Bishop' Conference in which a review of their pilot program on redistribution on their farms took place. The church undertook to support grassroots social movements to fight for land rights in South Africa and create the platform for communities to learn from each other both at national and international level.

Nkuzi was honored to host the International Land Coalition Africa Desk in September this year and thanks to Mr. Mike Makgoba for lobbying seriously in Cameroon last year after he was given a mandate. We saw it appropriate that during the centenary of the Native Land Act of 1913 our brothers and fellow activists should come and engage in South Africa on the land matters. We have developed a concept note which we will use to raise funds and we have secured an appointment with National Lotteries Board to engage on this matter.

As part of raising awareness around the centenary of land dispossession in South Africa members of the TshintshaAmakhaya planned for two caravans to move in visit areas with impacts of land dispossession. The first caravan covered the Eastern and Western Cape and the last one covered KZN, Limpopo and Mpumalanga. The caravan was used to gather people's demands in preparations for the march organized for Union Building for the 8th June 2013. A People' Assembly was held overnight at Moretele Park in Mamelodi as part of the Night Vigil for the March. The land sector NGOs across South Africa participated and sent their constituencies to the activity. The Deputy Minister of DRDLR Mr. Lechesa Tsenoli will be meeting the NGOs this Friday 28th June 2013 to engage on the memorandum submitted.

As part of the follow up to the memorandum delivered at Union Building and arrogance of Mineral and Energy Department not to come and receive their memorandum NGOs felt the a letter should be written to the Deputy President and highlight also the concerns received from mining affected communities.



Caption of participants during the International Rural Women's Day held at The Chuene Report

5. Financial Overview

During the 2013 period Nkuzi achieved the aforementioned successes due to the selfless contribution of the following donors or funders: Bread for the World (direct and through TshintshaAmakhaya), DKA Austria, National Lottery Distribution Board Trust, Action Aid South Africa, Terres De Hommes, and Foundation for Human Rights. Funding from the philanthropists has been channeled to support both programmes and administrative costs.

The detailed picture of revenue and expenditure is depicted in the audited financial statements attached herewith. The organization received a total income of R4 770 433.00 while its expenses were R 5 341 585.00. This translates into R 571 152.00 deficit. The organizational balance sheet was also not positive given that the total asset value stood at R 1 276 170.00 while the liabilities valued at R2 248 203.00. The picture painted by the balance sheet does not reflect a positive financial health for the organization. The negative picture is attributed to a total of R1 039 784.00 unpaid statutory obligations with SARS as well as R 1 048 260 of grants being received in advance. While the SARS debt is a worrying factor and has been accumulating for more than two years, the grants received in advance just need to be reinforced that they be used for what they are intended for.

**6. Abridged Audited Financial
Statements
STATEMENT OF FINANCIAL POSITION**

Figures in Rand	2013	2012
Assets	R	R
Non -current Assets		
Property, plant and equipment	147	265
Current Assets		
Trade and other receivables	1 074 201	757 477
Cash and cash equivalents	201 822	77 028
	1 276 023	834 505
Total Assets	1 276 170	834 770
Equity and Liabilities		
Equity		
Accumulated loss	-1 113 800	-542 648
Liabilities		
Current Liabilities		
Trade and other payables	2 248 204	1 237 047
Provisions	141 766	140 371
	2 389 970	1 377 418

Total Equity and Liabilities	1 276 170	834 770
------------------------------	-----------	---------

NKUZI DEVELOPMENT ASSOCIATION NPC (RF) 1997/20743/08
(Association Incorporated under Section 21 of the Companies Act)
028-043 NPO

Financial Statement for the year ended 31 December 2013

**STATEMENT OF COMPREHENSIVE
INCOME**

Figures in Rand	2013	2012
	R	R
Revenue	3 794 670	4 294 283
Operating Expenses	-5 341 585	-3 684 037
Operating surplus / (Deficit)	-1 546 915	610 246
Interest received	2 481	1 348
	-1 544 434	611 594

Other comprehensive income	973 282	120 347
	-571 152	731 941

STATEMENT OF CHANGES IN EQUITY

Figures in Rand	Accumulated loss	
	R	R
Opening balance at 01 January 2012	-1 274 589	-1 274 589
Profit for the year	731 941	731 941
Other comprehensive income	-	-
Total comprehensive income for the year	731 941	731 941
Balance at 01 January 2013	-542 648	-542 648
Loss for the year	-571 152	-571 152
Other comprehensive income	-	-
Total comprehensive loss for the year	-571 152	-571 152
Balance at 31 December 2013	-1 113 800	-1 113 800

