

**Interventions for Enhancing Performance of Communal Property Associations in
Managing restituted Land in Vhembe District Municipality**

By

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A thesis submitted in fulfilment for Doctor of Philosophy (PHDRDV) Degree

Institute for Rural Development

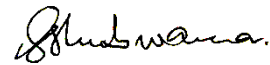
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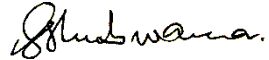
Promoters : Prof J. Francis and Dr E.N. Raidimi

July 2024

DECLARATION

I, *Shumani Samuel Tshubwana* of student No: 8700260, hereby declare that this thesis for Doctor of Philosophy in Rural Development (PHDRDV) submitted to the Institute of Rural Development at the University of Venda has not been submitted previously for any degree at this or another university. It is original in design and execution, and all reference material contained therein has been duly acknowledged.

Student Signature



DATE: 23 July 2024

Shumani Samuel Tshubwana

ABSTRACT

The struggle for distribution of land was central to the liberation movement in South Africa. Following the end of apartheid, the new government enacted a constitution that mandated equitable land distribution. This led to the implementation of a land reform programme, encompassing land reform, restitution and redistribution. However, many beneficiaries, particularly those receiving agricultural land, lacked the necessary skills and experience in farming and land management. To address these challenges, Communal Property Associations (CPAs) were introduced as a central institution for land restitution and management. Established under the Communal Property Associations Act of 1996, the CPA was vested with legal authority to manage and hold redistributed land on behalf of beneficiaries. Invariably, CPAs are regarded as dysfunctional, mainly due to substandard performance and poor governance. The extent of these governance issues remains unclear. Thus, this study aimed to examine the governance of CPAs and propose interventions to enhance their performance within Vhembe District Municipality. A survey in which Executive Committee members of 53 CPAs served as respondents was carried out. In this regard, a quantitative research design was used to explore the potential interventions for effective CPA management. Ranked means were computed for each perception to provide empirical insights to inform strategies for improving CPA performance in managing redistributed land.

A significant majority (79%) of CPA Executive Committee members served on a voluntary basis. This underscores the need for targeted mentorship and training programmes to enhance their effectiveness. Challenges identified included widespread non-compliance with legal provisions and inadequate access to resources, which significantly impact service delivery and organizational functionality. Many CPAs exhibit dysfunctionality, as evidenced by poor governance and inadequate compliance with constitutional and legal requirements. The need for enhanced legal education and compliance interventions was highlighted. Variations in administrative and operational systems among CPAs were observed. A clear need for improved clarity in vision and mission, and more consistent compliance with legal provisions was unravelled. Of particular note was that Executive Committees prioritized clarity of vision (55%) but less frequently assess client needs (39%). This observation reveals a gap that could be addressed through strategic planning processes and regular client assessments.

Gender balance within Executive Committees was said to be improving (mean score of 7.3), yet sub-committees showed lower levels of commitment and effectiveness (mean score of 3.5). This might indicate potential weaknesses in governance structures. Human resource management practices were weak, with mean scores ranging from 1.8 to 2.7. These results reflect significant deficiencies in recruitment, development and adherence to regulations.

Financial management practices are generally robust (mean scores ranging from 4.1 to 7.3), but challenges remain in budgeting, stock control, and income diversification (mean scores from 3.4 to 5.2). Furthermore, CPAs faced difficulties in integrating their activities with government plans and achieving visibility. Mean scores ranged from 2.3 to 3.9 for these aspects. Implementing training programmes, developing comprehensive policies and enhancing resource mobilization strategies to address these issues are recommended as relevant interventions. Policy interventions should focus on compliance, leadership development, operational culture and sustainability to improve CPA performance and ensure long-term effectiveness in communal property management.

Keywords: Community Property Association, dysfunctionality land restitution, CPA performance, agricultural productivity, compliance and mentorship

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ABBREVIATIONS

| | |
|---------|--|
| ANC | African National Congress |
| CPAs | Communal Property Associations |
| CRDP | Comprehensive Rural Development Plan |
| DRDLR | Department of Rural Development and Land Affairs |
| FTLRP | Fast Track Land Reform Programme |
| IDP | Integrated Development Programme |
| PPP | Public Private Partnership |
| RSA | Republic of South Africa |
| SPSS | Statistical Package for Social Sciences |
| USA | United States of America |
| ZANU-PF | Zimbabwe African National Union –Patriotic Front |

CHAPTER 1: INTRODUCTION

1.1 Background

Land distribution or allocation was a global concern, and most societies were battling to address it in terms of wealth creation. This was true particularly in countries that in which people were dispossessed of their Indigenous land. The worldwide effort to fight for freedom from colonial rule is primarily motivated by the importance of the land to human existence (Afolabi, 2021). Many believed that obtaining land and its economic resources was one method for the rural poor and public to better their standard of living, reduce poverty, and gain political influence. Control over the land inevitably leads to economic power, which forms the cornerstone of social and political authority. Therefore, land ownership, allocation, and distribution were of great concern to the society (Falkowski *et al.*, 2018). Given that land distribution strengthens the livelihoods of most rural populations in Africa and other parts of the world, land has been recognised as one of the most important assets for social advancement (Azadi & Vanhaute, 2019).

Land reform programmes were not unique in Africa, East Asian countries such as China, Japan, South Korea, and Taiwan implemented egalitarian land reforms after World War II (Pérez, 2021). According to Pérez (2021), to increase agricultural productivity, the Chinese Communist Party first supported a gradual, voluntary switch from individual farming to collectivisation. People's communes were eventually established as a result. The collectivization strategy proved disastrous and was abandoned and replaced by a household responsibility system where individual families had the right to till the land but not to buy or sell it. Following World War II, American occupation authorities in Japan launched a comprehensive land reform initiative (Pérez, 2021). The reform imposed a three-hectare cap on self-cultivated fields and a one-hectare ceiling on grounds owned by tenants. Any holdings that exceeded these restrictions were taken from their owners and given to the tillers of the soil.

The former landlords received half compensation in government bonds. In Taiwan, the government introduced a land to the-tiller reform to gain the aid of the peasantry (Dessie, 2021). Dessie (2021) argued that landlords were required to relinquish excess land so that the state could sell the land to the tenants. A land-to-the-tiller reform was implemented in South Korea by the country's new post-war government. Former renters now have ownership rights thanks to the reform. The swift industrialization was made possible in part by the land reform initiatives. Similarly, Brazil's land allocation policies were among the most unfair. The land reform program resulted in the formation of a vibrant land reform movement called the Landless Workers

Movement. To counter such development, the landowners responded to the movement through lawsuits and sometimes violence (Dessie, 2021).

Africa shared common experiences with the rest of the world. As a strategy to reconfigure and restructure the misdoings of the colonisers, African countries had embarked on different land restitution programmes. For instance, in Zimbabwe, the ZANU PF-led Government tried to resolve the land issues at the Lancaster House Agreement of 1979, which aimed to provide the landless with fair redistribution without harming the white farmers who were essential to Zimbabwe's economy (Mashau, 2018). When Zimbabwe gained its independence from the United Kingdom in 1980, its authorities were given the authority to start the required reforms if land was purchased and sold willingly, and the British government paid for them. The Lancaster House Agreement failed to achieve the set objectives of peacefully returning land to the previously dispossessed majority due to the failure of the British government to fund the land redistribution process (Mashau, 2018).

The Zimbabwe African National Union-Patriotic Front (ZANU PF) led government introduced the 'Fast Track Land Reform program' strategy, which involved forced removal and occupation of land by ZANU PF supporters led by war veterans. However, this had been criticised for violence and intimidation which marred several expropriations. Moreover, in 1990 the Namibian government introduced a land reform program aimed at equitably distributing land, promoting sustainable economic growth growth, and reducing poverty (Dande & Mujere, 2019). Furthermore, after Mozambique attained its independence in 1975, country settlers left country, and the land was nationalized. Mozambique was able to address land ownership issues when it enacted the law that allowed the state to lease land to individuals, businesses businesses, or communities for up to 100 years (Dande & Mujere, 2019).

South Africa, like other African states, had not been left out of the question. After the achievement of democracy in 1994, the government embarked on land restitution programs. As a result, the Republic of South Africa's new constitution of 1996 guarantees property rights and obliges the State to take reasonable measures to enable citizens to have equitable access to land, security of tenure, and to repair the land dispossessed after 1913 because of previous discriminatory laws and practices (Sabi, 2021). Given that the land reform program would involve the transfer of land and private land ownership to Black South Africans, a legal entity should be established whereby beneficiaries of the land reform could acquire and manage land on behalf of beneficiaries. The South African government has formulated two legal land entities, namely the Trust and CPAs, to

hold and manage the land on behalf of beneficiaries (Sabi, 2021). The current study focused on intervention for improved performance of CPAs in managing resituated land.

The beneficiaries of restitution settlement claimed and organized themselves to form a legal entity known as the Communal Property Association (CPA) for the purpose of transforming and registering their restored land (RSA, 2006). The core function of a CPA legal entity was the holding of property in common trust, and it must be registered in terms of the communal property Association Act 1996 (Act no 28 of 1996). That required a land-holding group to draft a constitution that sets out rules governing access to and management of jointly owned land (RSA, 1997). A community that gets the land back through restitution should get support services so that agricultural projects do not collapse but are sustainable. The Department of Agriculture and its major partners had reached an agreement on a broad strategy for the agricultural sector in November 2001 that support services must be of priority.

The South African Government promulgated the 1996 Community Property Act (Act No. 28 of 1996) to acquire, hold, and manage land on behalf of beneficiaries. Even though land restitution had not progressed rapidly, there were communities in the Vhembe District who acquired their dispossessed land through the restitution process. There were noticeable challenges that threatened the smooth running of CPAs, such as ongoing disputes between beneficiaries and committee members, lack of statutory compliance, and financial accountability (Cronje, 2012). The interventions for improved performance of the CPAs would make a major contribution to agricultural development, economic growth, the fight against unemployment, food insecurity, and poverty alleviation, especially in rural areas and small towns (Simasiku, 2020). It was against this background that the study was pursued.

1.2 Statement of the Research Problem

Communal Property Association (CPA) has been established in terms of the Communal Property Associations Act to enable the previously land dispossessed communities to claim their land (Act 28 of 1996). The Communal Property associations under Vhembe District are dysfunctional which manifested through sub-standard performance and poor governance of CPAs (Makoko and Sebola, 2020). The extent of the level of poor governance is not clear. This study aimed to focus on the governance of CPAs and to propose interventions to enhance the performance of CPAs in the the governance of CPAs and to propose interventions to enhance the performance of CPAs in the Vhembe District municipality.

1.3 Main Objective

The main objective of the study was to propose interventions for enhanced performance of CPAs in managing resituated land in the Vhembe District of Limpopo Province. This was achieved through the following specific objectives.

1.4 Specific objectives

1. Determine the perceived levels of knowledge, skills, and competencies of members of the Executive and sub-committees of Communal Property Associations.
2. Assess the administrative and operational systems in the Communal Property Associations;
3. Assess the programme and financial sustainability of Communal Property Associations; and
4. Propose interventions for enhancing the functionality of Communal Property Associations.

1.5 Research questions

The following research questions underpin the study:

1. What criterion would be used to determine the functionality of the CPAs?
2. What are the factors that help CPAs to perform?
3. What are the factors that hinder the performances of the CPAs?
4. What could be done to improve the performance of CPAs?

1.6 Conceptual Framework of the Study

The study adopted the Organisational Capacity Assessment tool (OCAT) (Figure 1.1). The model had six main measurement dimensions, which were governance/leadership, organizational management, Human resources management, financial management, program management, and external leadership. However, in this study, only board effectiveness, managerial effectiveness, resources effectiveness, and financial effectiveness were adopted (Gangi *et al.*, 2019). Thus, the study wanted to determine and propose interventions for improved CPA performance, and the six dimensions of the model and their indicators were used. The factors determining the extent to which the CPAs execute their duties were compared and tested against the criterion of the Integrated Non-Profit Organisation Effectiveness Measurement Model. The adoption of that model enabled the categorisation of the factors for improved performance

according to the dimensions of the model (Gangi *et al.*, 2019). Furthermore, once this was done, the categorisation and characterisation would inform the development or definition of the performance criteria.

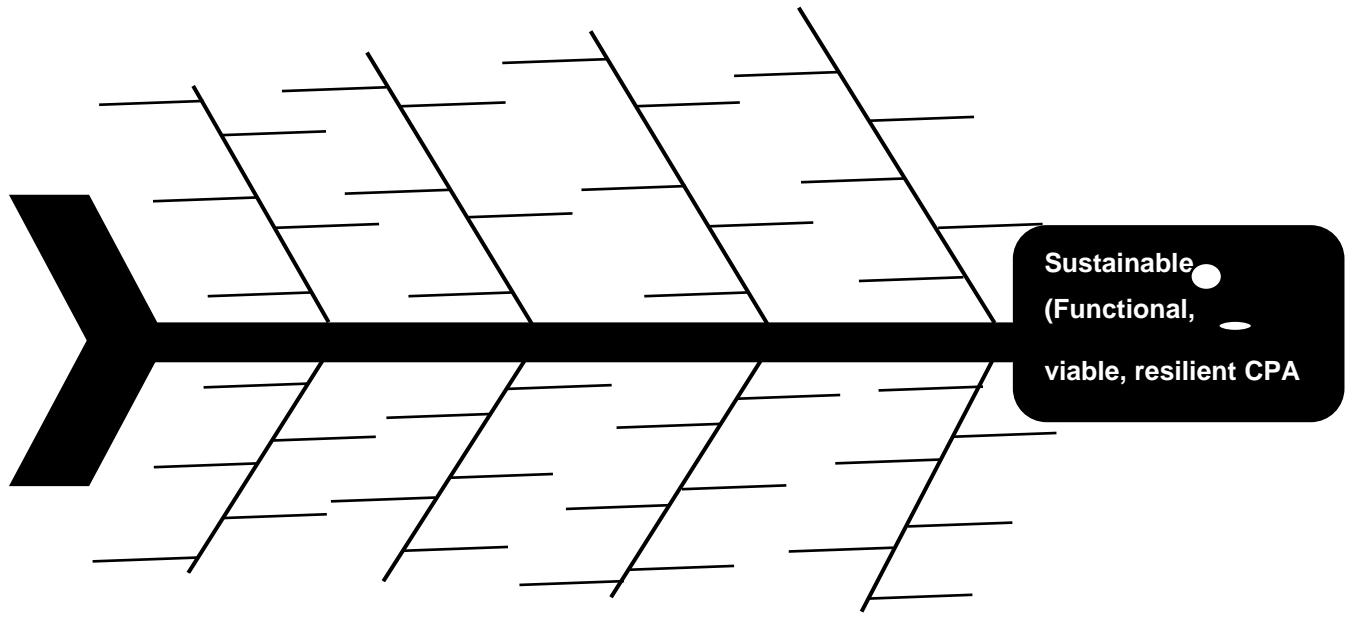


Figure 1.1 Fishbone diagram showing the interconnectedness of the various elements of the study

Table 1 Conceptual framework for enhancing the functionality of Communal Property Associations

| Main-dimension | Sub-dimension | Indicators | Benchmark |
|-----------------------------|----------------------|--|------------------|
| Governance /leadership | Governance | structure (homogenies) | |
| | Accountability | | |
| Organizational management | Achieving goals | Mission success | |
| | Organizational | Ability to adapt to changes | |
| | Strategy | Strategic plans | |
| | Professionalism | Paid staff- organisational | |
| Human resources | Tangible | Tangible resources | |
| | Intangible | Intangible resources | |
| | Capacity | Cost effectiveness –unit cost | |
| | Human | Job satisfaction – turnover | |
| Financial management | Financial | Financial ratios (budget-income) | |
| | Financial health | External financial audits-internal | |
| External relations | Technical | Technology- IT system and their | |
| | Social environment | Legitimacy-public relations – reputation(popularity) | |
| Program /project management | Successful | Program delivery | |
| | Service quality | Client or customer satisfaction | |
| | Outcomes | Stakeholders' satisfaction | |

1.7 Operational definitions of key terms and concepts

1.7.1 Redistribution Programme

In the study, the redistribution Programme refers to a land reform initiative guided by the Restitution of Land Rights Act with the goal of regaining land rights that were taken away due to previous racial discriminatory legislation or actions after June 19, 1913 (Restitution of Land Rights Act No. 22 of 1994).

1.7.2 Communal Property Association (CPAs)

A legal entity that should be formed when a group of people wishes to maintain and use land jointly is known as a Communal Property Association (CPA), which functions as a community trust recognised under the Communal Property Association Act 1996 (Act no 28 of 1996).

1.7.3 Accountability

It was the principle according to which an institution was responsible for a set of duties and can be required to give an account of their actions, liable and answerable. Accountability in the context of this study was concerned to be a process whereby the CPAs executive committees were accountable for their actions, behaviours, performance and decisions to the land beneficiaries and the state. It was an assurance that the CPAs were to be evaluated on their performance for which it was responsible (Kyriacou, 2008).

1.7.4 Governance

According to Hall (2014) governance is the process through which members of an organization's governing body establish policies and continuously oversee the proper implementation of those policies. This process involves putting in place the necessary checks and balances between the members' powers and their primary responsibility of advancing the organization's prosperity and viability.

1.7.5 Land reform

In this study, land reform refers to a government–initiated transfer of land to beneficiaries (Adams *et al.*, 2001).

1.8 Outline of the thesis

The thesis was composed of five chapters. Chapter 1 introduced and outlined the setting of the study and provided the problem statement, research objectives, research questions, and significance of the study. The chapter further included key concepts and terms that were used in the study and its delimitation.

Chapter 2, which was a literature review of the thesis, provided a critical discussion of the interventions for improved performance of Communal Property Associations in managing resituated land. Chapter 3 gives an account of the research methodology in the form of the research design and methodology used in the study. Chapter 4 presents results on knowledge, skills, competencies, and governance for enhanced performance of Communal Property associations. The remaining Chapter 5 presents interventions for enhancing the performance of Communal property associations.

CHAPTER 2: LITERATURE REVIEW

2.1 INTRODUCTION

This chapter presented a thorough search of the literature in relation to intervention for improved performance of CPAs in managing resituated land. The chapter outlined the CPAs' roles and responsibilities in managing resituated land, the legislation governing CPAs, and factors influencing the extent to which CPAs fulfilled their legislated roles and responsibilities in managing resituated land. It also outlined the CPAs' roles of knowledge, skills, and competences in managing resituated land, the administrative and operational systems in Communal property associations, programmes, financial sustainability of CPAs and governance systems in managing and responsibilities in managing resituated land. The chapter also explained how the organisational Capacity Assessment tool (OCAT) could be used to assess the capacity of CPAs to improve their performance. One of the major guidelines was a piece of legislation that made provisions for the administration of land that was returned to South Africa through the Restitution of Land Rights Act.

To provide for the restoration of land rights to individuals who were deprived of their property due to racially discriminatory legislation or practices, such as the Native Land Act of 1913, the Restitution of Land Rights Act of 1994 was passed (Department of Rural Development and Land Reform). In South Africa, CPAs were established under the Communal Property Associations Act no. 28 of 1996, and consequently, in line with this, CPAs have been founded in Vhembe District to manage restituted land on behalf of the beneficiaries (Sebola & Tsheola, 2014).

One of the major guidelines or provisions for the administration of resituated land in South Africa is the legislation termed the Restitution Land Rights Act 22 of 1994. This section of legislation provided the guidelines to be used in ensuring a smooth transition and effective use of the resituated land (Obeng-Odoom, 2012). Furthermore, the legislative framework provided for the formation of CPAs as the key stakeholders in the management of resituated land. Firstly, international, and African perspectives on land restitution are looked and lastly, the South African perspective.

2.2 International Perspectives on Land Restitution

The distinct socio-cultural and geopolitical histories of each nation have a significant impact on the ownership, governance, use, and management of land and property in those nations (Benson, 2022). The history of agrarian reform covers as far back as the medieval, ancient, and biblical

times (Roy, 2013). This was done in the context of contributing to agriculture and industrialisation. For instance, as part of the first five-year plan, the Soviet Union pushed the collectivisation of its agricultural sector between 1928 and 1940, under the ascent of Joseph Stalin (Mackenzie, 2010). The goal of the strategy was to combine labor and individual landholdings into two types of collective farms: Kolkhoz and Sovkhoz. Theoretically, collectivisation in the Soviet Union was supposed to help landless peasants the most, giving them a chance to take part equally in labor and its benefits (Wegerif, 2014).

The results of collectivisation were a huge fall in agricultural production causing in famine in the countryside. In the 1950's the Communists in China established the large centrally planned People's Communes as part of redistributing land. The Communists had expected that collectivism would aid the huge Chinese population to strengthen the nation, however, the collectivisation did not improve the production in the agricultural sector. Those failures prompted different approaches to land redistribution. One of the suggested models was the privatisation of land, and this had been associated with a substantial increase in productivity (Bajra et al., 2022). Not all land reform programmes were subjected to failure, for example, Brazil had one of the most successful models of landholding where land was administered by the National Institute of Colonisation and Agrarian Reform which was established in 1970 to implement reform policy program efforts at the state level, and consequently, there was an increase in agrarian productivity (Fagan, 2011). Furthermore, upon its independence, India coined the phrase "ceiling on land holdings," which describes the constitutionally mandated maximum size that no single farmer or agricultural household can have. This proved that small farms under this program increased the efficient use of resources and improved social equity (Roy, 2013).

2.3 African Perspective on Land Restitution

According to Kamuti (2022), discussions on political and economic growth in Southern Africa have increasingly focused on questions of land access, use, ownership, and control. The land was taken for European colonists and colonial businesses during the colonisation of Africa, especially in Southern Africa. The study of Byamugisha (2013) argued that Angola, Mozambique, and Zambia introduced nationalisation of land to redress the injustice of the colonisers. Observers (Zimmermann, 2013) have seen various signs of inadequate land administration. Additionally, the Food and Agriculture Organisation and Transparency International found significant evidence of corruption in land restitution in their analysis of 61 nations (Ariel and Fagan, 2011). This hampered the achievement of these land reform programs in these countries.

In the case of Zimbabwe, land reform was structured into four basic guidelines that are, (Model A) emphasize uniform family-based holdings, as well as (Model B); (Model C) highlights the connections between satellite farmers and centralised commercial crop and animal production and processing; and (Model D) addresses the demands of people resettling in the country's semi-arid regions. Due to its failure or slowness to achieve the desired results, the Zimbabwean government introduced the Fast Track land reform strategy which involved forced removal and occupation of land by ZANU PF supporters led by war veterans (Ncube, 2013). This saw unqualified, undeserving, and politically connected individuals receiving help from this approach (Diako and Weidman, 2013). As most of these individuals did not have commercial farming or a strong agricultural background, this resulted in low agricultural output and, in some cases, zero production.

2.4 The South African Land Restitution

Gukurume and Maringira (2022) stated that a major component of the South African liberation movement was the desire for land. As a result, the state was required by the South African Constitution (Act No. 106 of 1996) to take reasonable steps to achieve fair land transfer. To redress the land inequities caused by the Native Land Act of 1913 and the Native Trust and Land Act of 1936, the government implemented a land reform program based on three pillars: restitution, redistribution, and land tenure (Dlamini, 2010).

Since the land reform programme had to be established for the recipients of the land reform program to be able to purchase, possess, and oversee real estate because the program would include the transfer of land from the government and private landowners to Black South Africans (Ramudzuli, 2011). The Communal Property Association (CPA) and the Trust are the two legal institutions that the government has created to own and manage land on behalf of the beneficiaries. However, the study concentrated on CPA because it was a land-holding organisation founded following the Communal Property Associations Act No. 28 of 1996. In the next section, before the discussion of CPA management practices, the section first observes the legislative framework on land restitution and CPA disposition and how they should work as provide for in the legislation.

2.5 Legislation Framework for Managing Restituted Land

In this section, the focus was on legislation governing restitution and land management. The major act that governs the restore of land is the "Restitution Land Rights Act of 1994" and it offered the right to land for people dispossessed since 1913. This act was unpacked in the next section.

2.5.1 The Restitution of Land Rights Act 22 Of 1994

The Restitution of Land Rights Act 22 of 1994 (RLRA) established a Commission on Restitution of Land Rights (CRLR) and a Land Claims Court (LCC) and addressed matters related thereto. It also provided for the restoration of land rights to individuals or communities that had been deprived of them after June 19, 1913, because of earlier racial discriminatory laws or practices. The RLRA (Parliamentary Monitoring Group, 2010) outlined the roles and regulations for these parties. The restoration of a right in land or fair remedy are the two options for restitution of a right in land that are specified in Section 1 of the Act.

A right in land' means any land right, whether registered or not. It may include the rights of sharecroppers and labour tenants, customary law rights, beneficiaries under trust agreements, and rights bought through beneficial occupation for a continuous period that was at least ten years before the alleged dispossession. Any fair restitution other than the restoration of a land right, including a right in alternative state-owned land and the payment of compensation, was defined broadly as fair redress. In addition, section 35(1)(d) of the RLRA provides that the Land Claims Court (LCC) may direct the state to include a claimant as a beneficiary of a state support program for housing or the distribution and development of rural land. It may also decide how the rights are to be held (National Department of Agriculture, 2011). The Restitution of Land Rights Act 22 of 1994 (RLRA) was written broadly, allowing the court to use its discretion to impose deadlines, conditions, and other directives to give effect to the agreements that the parties had agreed into. When evaluating the viability of physical restoration, the LCC would follow the guidelines provided in sections 33(a) through (f) of the RLRA.

2.5.2 Constitutional Mandate Foundation

The 1993 Provisional Constitution marked the beginning of the history of reparation. Restitution of land rights was provided for in the interim Constitution by sections 121 to 123 when read in conjunction with section 8(3)(b). The interim Constitution made a provision in section 8(3)(b) that, 'Every person or community dispossessed of rights in land before the commencement of this Constitution under any law which would have been inconsistent with section (2) had that subsection been in operation at the time of dispossession shall be entitled to claim restitution of such rights subject to and in accordance to section 121, 122 and 123 (RSA, 1997). 121 (1) An

Act of Parliament addressed issues about the return of land rights, as outlined in this section as well as in sections 122 and 123. (2) A person or a community should have the right to demand the state restore a land right if: (a) the community or person lost the right at any point after the date specified in sub-section (1) of the Act; and (b) the loss occurred because of the Act or with the intention of advancing legal objectives. If section 8(2) had been in effect at the time of the dispossession, this would have been in violation of its prohibition against racial discrimination.

The Act contemplated in section 121(1) shall establish a Commission on Restitution of Land Rights, which would be competent to– (a) Investigate the merits of any claims;(b) Mediate and settle disputes arising from such claims;(c) draw up reports on unsettled claims for submission as evidence to a court of law and to present any other relevant evidence to the court; and(d) Exercised and performed any such other powers and functions as may be provided for in the said Act. (2) The procedures to be followed for dealing with claims in terms of this section was prescribed by or under the said Act. 123 (1) Where a claim contemplated in section 121(2) was lodged with a court of law and the land in question is: -(a) in the possession of the state and the state certified that the restoration of the right in question was feasible, the court may, subject to subsection (4), order the state to restore the relevant right to the claimant; or(b) in the possession of a private owner and the state certifies that the acquisition of such land by the state was feasible, the court may, subject to subsection (4), order the state to purchase or expropriated such land and restored the relevant right to the claimant (RSA, 2003).

The court would not issue an order under subsection 1(b) unless it was just and equitable to do so, taking into account all relevant factors, including the history of the dispossession, the hardship caused, the use to which the property was being put, the history of its acquisition by the owner, the interest of the owner and others affected by any expropriation, and the interest of the dispossessed: Provided that any expropriation under subsection (1)(b) would I be subjected to the payment of compensation calculated in the manner provided for in section 28(3). 32 (3) If the state was certified that any restoration in terms of subsection (1)(a) or any acquisition in terms of subsection (1) (b) was not feasible, or if the claimant instead of the restoration of the right prefers alternative relief , the court may, subject to subsection (4), order the state, in lieu of the restoration of the said right: (a) to grant the claimant an appropriate right in available alternative state-owned land designated by the state to the satisfaction of the court, provided that the state certifies that it is feasible to designate alternative state-owned land; (b) to pay the claimant compensation; or(c) to grant the claimant any alternative relief.

Department of Land Affairs the LCC had determined the meaning of restitution in the context of section 123 of the interim Constitution. The court stated that the term 'restitution' had a variety of different meanings in different legal contexts. With reference to Black's Law Dictionary the court if restitution were an equitable remedy under which a person is restored to his or her original position prior to the loss or injury or placed in the position he or she would have been in had the breach not occurred. Restitution is also considered to be the act of making well or giving equivalent for any loss, damage, or injury. It is the act of restoring something to the rightful owner (RSA, 2003).

The 1996 Constitution did not deviate significantly from the interim Constitution in that section 25(7) provides that: - A person or community dispossessed of property after 19 June 1913 because of racially discriminatory laws and practices was entitled, to the extent provided by an Act of Parliament, either to restitution or equitable redress (RSA, 2006). This provision did not have the same level of detailed as did the interim Constitution. Section 25(7) made no reference to feasibility. The constitutional right to restitution contained in section 25(7) was not an absolute, unlimited right to specific restoration. 38 the section merely sets the smallest threshold requirements for the constitutionally guaranteed right to restitution or equitable redress and then leaves it to Parliament, by way of legislation, to figure out the extent of the relief. The qualifying criteria of section 25(7) were later incorporated into section 2(1) (a) of the 1997 LRRLAA.

2.6 The roles and responsibilities of Communal Property Associations

This study focused on the interventions for improved performance of CPAs in managing restituted land. A Communal Property Association (CPA) is a legal body that should be established when claimants wish to hold and use land collectively, according to RSA (1997). Holding property in common trust and registering it in accordance with the Communal Property Association Act 1996 (Act no. 28 of 1996) must be the primary functions of CPA as a legal body. Through a legal corporation formed with the Department of Land Affairs, this structure allowed groups of people to own and manage their land jointly. Beneficiaries of a restitution settlement claim may band together to create a legal organization called as a Communal Property Association (CPA), per (RSA, 2006) referenced in Bourdeaux (2017).

Given that communal tenure systems have social and economic advantages, and that land reform often entails group access to property, it was crucial to establish an affordable system of group ownership for underprivileged and impoverished groups (Baporikar, 2021). Following the Communal Property Associations Act 28 of 1996, which was created expressly for land reform,

communal property associations (CPAs) were a recognized type of landholding. Individual and collective property rights were at odds, and this alliance served as a management and settlement mechanism. To collectively hold and administer land under a written constitution and with democratic checks and balances, recipients of land reform could establish a CPA. Although the land was owned by the CPA, its members were entitled to certain procedural rights, including as voting and participation in meetings, and the CPA may have granted individuals substantive rights to use land and other resources (Manenzhe, 2011).

Act 28 of 1996, the Communal Property Association, was created to aid any group of people in lawfully purchasing, retaining, and using land together. Members of the CPA were endowed with many privileges, including the ability to occupy the land, use other areas of it, and use other properties that the organization possesses (Republic of South Africa, 2006). According to Danielle (2014), the CPA Act mandates that the land holding group create a constitution outlining its own guidelines for managing and gaining access to jointly owned land (RSA, 1997). Here are a few things to think about carefully.

2.7 The CPA Constitution

The role of the CPA constitution was to guarantee equal treatment for all members and to establish a legal foundation for government. It ought to specify each member's responsibilities and privileges as well. Nkuna (2013) asserts that the constitution ought to expressly address the requirements for right meeting notice and record-keeping on all CPA subjects. The following principles of the Associations must be seen: There should be fairness in the community; there shall be harmony among community members; members of the community must work together, do the tasks that have been assigned to them, and follow the regulations as agreed upon.

2.7.1 The CPA Executive Committee

The CPA might have an executive committee to oversee daily operations of the Association and to speak for all members' interests. They were people from various houses. At a general meeting with a quorum, the Committee could be chosen (Kruger Real Estate, 2010). A general meeting decision may remove or replace a committee member.

The committee may assign specific duties to a subcommittee established for objectives (Manenzhe, 2011). To successfully apply the constitution, the committee must first understand it. As it oversees the CPA, it has a duty to keep discipline among its members. Its duties include arranging frequent meetings and informing all members with pertinent information. It shall function

as the guardians of all CPA assets and function as the CPA's representative in discussions and agreements.

2.7.2 Membership Rights

The superior performance of CPAs might be achieved when all participants had a sense of ownership and were motivated to put their all into the project's progress, high yields were achieved when members were committed, and effectiveness of CPA could be achieved without hindrance. It would be beneficial for the institution's health if CPA members were allowed to freely take part in meetings without fear of retaliation, offering their thoughts and opinions and aiding in the making of important decisions (Gabana & Madrigal, 2021).

At meetings, each member was entitled to one vote. Members may be given additional opportunities to take part in joint ventures, particularly the first chance to be hired in businesses established by the association. According to the norms and regulations that the members had agreed upon, members had access to communal land facilities and amenities (Roşculeţ & Sorea, 2021). The Association's information, copy of the Constitution, Community rules, financial data, meeting minutes, and details of decisions made could all be made available to members. An institution would experience harmony and stability in this environment. If the CPA upheld discipline for its sustainability, membership rights might be restricted (Lahiff, 2011).

2.7.3 Financial Accountability

In terms of section 9(e) of the CPA Act 28 of 1996 required the CPA to provide accountability and openness in all CPA-related actions. Annual reports should be delivered at both regular general meetings and annual general meetings (AGM). Therefore, it is necessary to create and submit audited financial statements to the Department of Rural Development's Director General. The Association should reimburse Committee members for the costs they incur in performing their tasks, as decided by the general meeting (National Department of Agriculture, 2011).

2.7.4 Administration, Liquidation and Deregistration

The Department of Land Affairs oversaw making sure that each individual community property member's land rights were upheld. The CPA Act 28 of 1996's Section 13 (1) states the following: On request from the Director-General, an association place may be designated as the location of a magistrate's office, a division of the Supreme Court, or the region where the Association's property was located the Association under administration of the DG or rant liquidation order in respect of an association (National Department of Agriculture, 2011).

It was paramount importance to make sure CPA members understood the full ramifications of the organization's incapacity to manage repositioned land. In the situations, the director general has the choice to deregister the association. If a court decides to order an association's liquidation, it should also specify how the association's assets will be distributed.

2.8 Factors influencing the extent to which CPAs executes their roles

As part of the objective of this study, this section focused on the factors influencing the extent to which CPAs executes their legislated roles and duties. Thus, this section looked at the literature for instruments and techniques that had been used by researchers, government, and other interested parties in enhancing the performance of CPAs in the management of resituated land. In the literature search there was less evidence on the existence of factors influencing the performance of CPAs in managing resituated land. The requirements of the Communal Property Association (Act 28 of 1996), the Restitution of Land Rights Act 22 of 1994, and the guidelines outlined in the constitution all had a major impact on how well CPAs performed their duties. This law was created to aid any group of individuals in being able to lawfully purchase, hold, and use land collectively. It provides for the assessment of the establishment of the constitution, form a committee, states the member's rights, provides for financial accountability and as well as administration, liquidation, and deregistration procedures.

The Communal Property Act no 28 of 1996 stated that the following elements must be considered for the CPAs to have satisfactory performance and have the capacity to manage resituated land. Those were: The organisation established basic governance structures, including an updated constitution, duly elected governing bodies and committees, and an up-to-date member register. It also requires systematic management of member relationships, including policies for entry and exit, benefit distribution, and dispute resolution. Day-to-day administration is managed through the establishment of operating policies, acquisition of necessary skills and resources, and independent auditing of finances (Bourdeaux, 2017). Annual general meetings and other channels were used to provide members with clear information, and communal property was registered and supported in compliance with member-approved policies.

The Vumela advisory Board identified a tool comprises of a capacity assessment grid or criterion that covers five assessment components namely governance, member management, administration management, financial management and property management (Manenzhe, 2011). Each assessment component covered several focus areas with a brief descriptor of each one. An example of the tool, which was given below, and it was related to governance.

The Vumela Advisory Board acknowledged a technique consisting of a capacity evaluation grid or criterion including five assessment components governance, member management, administration management, financial management, and property management (Manenzhe, 2011). Every evaluation component included a brief description of each of the numerous emphasis areas that were covered.

Table 2 Assessment Tools for Vumela Advisory Board

| FOCUS AREA | QUESTION | MEANS OF VERIFICATION | Yes / No (Please select from dropdown) | ACTION REQUIRED IF THE ANSWER IS NO |
|---|--|------------------------------|---|---|
| Constitution Valid registered constitution that underpins the governance and operation of the CPI. | Does the CPI have an approved constitution? | Constitution | | Draft a constitution and get it approved |
| | Does the constitution meet the requirements of the relevant legislation? | Check list | | Revise the constitution and get it approved |
| | Has the constitution been registered with the DRDLR? | Registration certificate | | Register constitution with DRDLR |
| Governing committee structure The governing committee members have the appropriate skills and capacity. | Have the CPI governing committee and sub-committees been duly elected? | Record of elections | | Conduct elections |
| | Do committee members have | Skills review | | Develop training programme |

| | | | | |
|--|---|---------------|--|-----------------------------------|
| | adequate skills? | | | |
| | Have the committee Terms of Reference been agreed? | Committee TOR | | Prepare TOR and get them approved |
| | Has a code of conduct been agreed to by the committees? | Signed Codes | | Draft committee code |

Source: Manenzhe, (2011)

The governance assessment component was used as an example to measure the CPAs performance in relations of its constitution, committee structure as well as the annual general meetings held. The assessor tool whereby people were expected to select either Yes or NO on the column provided was presented. The final column in the tool provided specific direction in terms of what action was needed if the answer to any of the key questions was “No.”

2.9 Performance strategies of CPAs in Managing Resituated land

The improved performance of CPAs in management of restituted land was an issue that had attracted much attention in the last decade in several countries who underwent the process of land redistribution (Masemola, 2021). The study focused on intervention for improved performance of CPAs in the administration of restituted land with the aim of improving the performance of CPAs in managing restituted land to increase land productivity and poverty reduction amongst the beneficiaries (Andrew, 2013). Therefore, in this section the meaning of effective management of CPAs was unpacked, but first the definitions of effective management were addressed.

Effective management referred to the ability of managers or body responsible for institutions to implement set of policies and ensured the smooth running of the organisation (Kontoyiannis, 2012). Effective management also meant the ability to control and direct people according to established policies and procedures with the aim of ensuring a smooth flow of those day-to-day operations and attainment of the intended purpose (Kupperschmidt, 2000; Carnell, 2018). In addition, might also be thought of as managerial effectiveness which means execution of managerial activities in an effective and efficient manner (Fiedler & Chemers, 1974) cited on Adams (2010). Thus, in the case of CPAs, effective management might mean the association’s ability to affect the policies and regulations as stipulated by the legislation.

Furthermore, the effective management of CPAs translated to the ability to provide guidance to the beneficiaries on how to be effective in the management of their own pieces of land. This might include assisting with the relevant information, providing the necessary training, sourcing funds for the beneficiaries and as well as aiding with linking the beneficiaries with the relevant collaborations and partnerships (Mujtaba, 2013). This was done with the sole aim of ensuring that the resituated land was used for its intended purposes and the recipients had the necessary capacity to implement and utilise the land efficiently (Kontoyiannis, 2012). The lack of beneficiary farming skills undoubtedly leads to project performance problems (Mkhize and Hans: 2014).

According to Cousins (2016) project setbacks influenced the public's belief that land reform was in danger.

According to Larrue (2021) effective management had a set of principles that one or a body should follow to ensure the smooth running of its programmes and mission. Some of the principles were consistency, focused on clarity, accuracy, and thoroughness in communication, never go with 'one-size-fits-all, encourage all opinions and ideas and listen and ask questions (Kupperschmidt, 2000; Williams, 2015). These principles were some of the strategies that had been used to reach effective management of different organisation and ensuring their effectiveness in the execution of their duties. These principles were briefly explained below.

2.9.1 Consistency

Consistency was one of the key principles in effective management. Consistency in this case relates to the application of laws, regulations, policies, and treatment. In the absence of consistency, turmoil, and mistrust results (Williams, 2015). When these elements were not realised in the body's management, the effectiveness would diminish and in worst cases the employees or people you work with lose confidence in your work. That also goes hand in hand with transparency in the work you do. Therefore, it was of importance that CPAs were consistent in their approach and remain transparent in their work with the beneficiaries.

2.9.2 Focus on Clarity, Accuracy and Thoroughness in Communication

Communication and clarity were also important aspects in effective management. Lack of accuracy and clarity in communication is a recipe for disaster and it result in the failure of an organisation (Girginov, 2022). It was important for organisations and individuals responsible to be precise and clear in the communicating with others be it employees or beneficiaries in the case of CPAs. Communication was the wheel for effectiveness and without it no organisation or institution can survive or better yet accomplish its objectives (Singh, 2014). Similarly, CPAs should be clear and accurate in their communication with the beneficiaries of the resituated land, and this went as far as giving a precise direction to the recipient of the land reform programme (Austin & Pinkleton, 2015). Clarity, accuracy, and thoroughness in communication was the best practice in avoiding miscommunication and keeping the beneficiaries or employees clarified of their expectations (Marshall, 2017).

2.9.3 Never Go With 'One-Size-Fits-All

Different teams or beneficiaries were formed of different individuals and constituencies from diverse backgrounds and have varied understanding of things. Those variations were some of the issues that needed to be addressed to ensure effective management in an organisation (Bolden, 2016). Thus, CPAs needed to approach different beneficiaries differently as they were all unique and were need of different assistance. Therefore, there was no need to approach all the circumstances or different beneficiaries using the same umbrella approach, it was necessary to accommodate individual needs of different beneficiaries and communities as the CPAs (Boudreaux, 2017). However, this does not mean there should be lack of consistency in terms of the policies and guidelines stipulated in the legislation for resituated land, customisation of each policy to fit each situation was needed without altering it.

2.9.4 Encourage All Opinions and Ideas

The more actively one allowed individual or the beneficiaries to take part in the discussions and management of their activities, the better (Hall, 2015). Inclusivity in management was key for effective enforcement and attainment of the organisational goals. This exercise opens a dialogue for members and some beneficiaries of the prostituted land to air their views and get clarity on what was expected of them.

2.10 Communal property Associations in Vhembe District

The South African government has been successful in returning some land to marginalized and previously landless people and communities since 1994. The land restitution initiative helped several communities in the Vhembe District. The land reform program has so far been successful in returning land to 53 communities in the province of Limpopo's Vhembe District. The Munzhedzi, Shimange, Mavungeni, Mulambwane, Tshivhula, Ravele and Xigalowa Muhunguti CPAs were amongst the Communal Property Associations which were based in the Vhembe District (Ramudzuli, 2011).

2.10.1 Benefits received by restitution beneficiaries

According to Tjale *et al*, (2022) majority of beneficiaries derived no tangible advantage from Restitution. The most startling conclusion drawn from this study was that, in most restitution projects examined, beneficiaries had gotten little to no actual tangible gain from reparation in the form of direct access to land or cash flow. Given the quantity of income compared to the

membership of the organisation, rental money had not often been distributed to members nor would it have significantly improved their standard of living. Most of the time, a tiny portion of the community had profited from access to jobs, often through strategic partnership agreements, and men and members with higher levels of education were more likely to experience those advantages (Ramukosi, 2011).

2.10.2 Challenges confronting restitution projects

According to Mapiye (2016) land restitution in South African projects were confronted by many challenges which posed a challenge to their effectiveness and sustainability. Some of the difficulties facing the reparation projects included the following. According to Matukane (2011), one of the challenges faced by CPAs who gained land under the restitution program was the lack of technical knowledge in areas like as agriculture, land use planning, commercial crop production, large-scale animal husbandry, horticulture, and game farming. According to Ramukosi (2011), a CPA's ability to perform their job effectively is hampered by a lack of business abilities in marketing, finance, risk management, entrepreneurship, and business process mapping and modelling. The functioning of CPAs was affected by Sebola and Mamabolo's (2018) observation that CPAs lack organisational abilities in resource mobilization, co-ops, roles and duties, stakeholder commitments, joint ventures, and capacity building. According to Manenzhe (2015), CPAs need assistance from the government in the areas of social facilitation, project management, group dynamics, dispute resolution, rural livelihood, and development planning abilities. The National Development Agency and Land Bank are lacking in financial and financial management (Quizon *et al.*, 2014). In addition to land restoration, issues include developing socioeconomic frameworks and technology that may distribute all rural opportunities more fairly and make them commercially feasible (Turner, 2001) (7). According to Hall (2015), there is a lackluster or nonexistent support structure for land-based livelihoods like agriculture, and there is restricted access to input and output marketing.

Under cultivation and young people's disinterest in farming are among the effects of this (Kepe & Cousins, 2001), and finally (8). Beneficiary disputes that endangered the project's viability resulted in claimants being settled far from their farms, which makes them lose interest in farming. High absenteeism also makes these farms dependent on farm managers (Parliamentary Monitory Group, 2010).

2.11 The role of Knowledge, Skills, and Competences in managing Communal Property Associations

The effective management of restituted Land was a complex and challenging task that requires a range of knowledge, skills, and competences (Mthimunye, Shipalana, & Mashele, 2019). Skills were defined as practical abilities that enabled individuals to perform specific tasks and were effective for management of restituted land Sebola & Tsheola (2014).

The Communal Property Associations (CPAs) were responsible for managing South Africa restituted land in and consequently beneficiaries needed to have the necessary knowledge, skills, and competences to conduct important task effectively (Matukane, 2011). The types of skills necessary for effective management of restituted land were not limited to communication, negotiation, project management, fiscal management, decision making, and teamwork and leadership skills.

A study by Ncube and Mabuza (2015) found that the state of knowledge, skills, and experience of CPA members were a significant determinant of the functionality of the organisation. The study found that CPA members with higher levels of knowledge, skills, and experience were more likely to be effective in their roles and contributed to the success of the organisation. Conversely, CPA members with lower levels of knowledge, skills, and experience were more likely to struggle in their roles and to limit the effectiveness of the organisation. The authors concluded that investing in the development of the knowledge, skills, and experience of CPA members could perform a valuable role in proving the success of the organisation.

In a similar study, Muzenda *et al.* (2016) found that the state of knowledge, skills, and experience of CPA members was a principal factor in determining the success of the organization. Muzenda *et al.* (2016) covered that CPA members with an extreme level of knowledge, skills, and experience were more effective in their roles and more able to contribute to the success of the organisation.

A study by Nkosi *et al.* (2017) studied the effect of knowledge, skills, and experience on the performance of CPAs in South Africa. The study found that CPAs with higher levels of knowledge, skills, and experience were more effective in their roles and more able to contribute to the success of the organisation. Finally, a study by Mokwena *et al.* (2018) found that the state of knowledge, skills, and experience of CPA members is a key aspect in establishing the effectiveness of the organisation. The study found that CPA members with higher levels of knowledge, skills, and

experience were more effective in their roles and more able to contribute to the success of the organisation.

To understand the importance of knowledge, skills, and competences for CPA management, it was necessary to define those terms. Knowledge refers to the understanding and information about a particular subject (Mthimunye *et al.*, 2019). Skills are the abilities to conduct specific tasks, and competences refer to the combination of knowledge and skills needed to conduct a specific job (Mthimunye *et al.*, 2019).

The role of knowledge, skills, and competences in managing restituted Land were crucial for the enhanced performance of CPAs. It was important for CPAs to have a deep understanding of the local environment and the resources available on restituted Land to make informed decisions about how to use and manage those resources (Mthimunye *et al.*, 2019). They also need to have the necessary skills to conduct tasks such as planning, budgeting, and community engagement (Mthimunye *et al.*, 2019). Finally, they need to have the competences to effectively combine their knowledge and skills to manage restituted Land effectively (Mthimunye *et al.*, 2019).

However, insufficient knowledge, skills, and competences can have a significant impact on CPA performance. CPAs may make poor decisions or be unable to complete crucial activities if they lack the knowledge and abilities to do their duties (Mthimunye *et al.*, 2019). This result in the mismanagement of restituted land and its resources, which could have negative impacts on the local community and environment (Mthimunye *et al.*, 2019).

To acquire and develop the necessary knowledge, skills, and competences for CPA management, it was important to implement strategies such as training and education programs, community engagement, and partnerships with other organisations (Mthimunye *et al.*, 2019). In addition, it was important to continuously improve and update knowledge, skills, and competences through ongoing training and education (Mthimunye *et al.*, 2019). The strategies for acquiring and developing skills includes on the job training, workshops, mentorship, and collaboration with relevant stakeholders (Sebola & Tsheola, 2014).

The knowledge, skills, and competences were crucial for effective CPA management of restituted land. By having a deep understanding of the local environment, the necessary skills to conduct tasks. This can result in the mismanagement of restituted land and its resources, which can have negative impacts on the local community and environment (Mthimunye *et al.*, 2019).

Knowledge was defined as the condition of knowing something with familiarity gained through experience.

The types of knowledge which were necessary for effective management of restituted land includes but not limited to land use planning, land administration, natural resources management, community development and conflict resolution management (Department of Rural development and land reform). There were several strategies for acquiring and developing knowledge which include mentoring, workshops, mentoring and collaboration with relevant stakeholders (Sebola & Tsheola, 2014).

Moreover, having the necessary knowledge and skills could also help to build trust between CPAs and the local community (Mthimunye *et al.*, 2019). It was important because the effective management of restituted Land requires close collaboration and engagement with the local Community (Department of Rural Development and Land Reform). By demonstrating their competence and experience, CPAs could gain the trust and support of the local community, which could help to ensure the success of their management efforts (Mthimunye *et al.*, 2019).

Furthermore, the development of knowledge, skills, and competences could also improve the financial sustainability of CPAs. Effective management of restituted Land and its resources could increase the income generated by the land, which could be used to support the long-term financial of the CPA (Mthimunye *et al.*, 2019). In addition, having the necessary knowledge and skills could also help CPAs to access funding and resources from outside organizations, which could further improve their financial sustainability (Mthimunye *et al.*, 2019).

In conclusion, the development of knowledge, skills, and competences was essential for the effective management of restituted Land by CPAs. By acquiring and developing these elements, CPAs could improve their performance, build trust with the local community, and ensure their financial sustainability. It was therefore important for CPAs to prioritize the development of knowledge, skills, and competences to successfully manage resituated Land.

2.12 The governance system in Communal Property Associations

Governance refers to the procedure of decision making and the exercise of authority within an organization and which was crucial for the effective management of restituted land. The characteristics of good governance in CPAs includes transparency, accountability, participation, and responsiveness (Jacobs, 2011).

The improved governance system was another important aspect of enhancing the performance of Communal Property Associations (CPAs) in managing restituted land. Good governance practices can help to ensure that CPAs operate in a transparent, accountable, and effective manner (Nkuna, 2013). This, in turn, can lead to better outcomes for the local community and the Restituted Land, as well as increased trust and support from the community (Binswanger *et al.*, 2028).

According to Pienaar (2009) inefficient land management could lead to political and economic catastrophe. One tool that can be used to improve governance within the CPAs was the organizational capacity assessment tool (OCAT). The OCAT provided framework for evaluating the capacity of CPAs and identifying areas for improvement. The use of OCAT enabled CPAs to assess their governance practices and identified areas where they could make improvements in areas such as leadership, management, and financial management.

Another important aspect of improving governance within CPAs was the development of clear policies and procedures for decision-making and resource management. This could help to ensure that decisions were made in a transparent and accountable manner, and that resources were used in the best attention of the local community and the restituted land (Nkuna, 2013). In addition, involving the local community in decision-making processes could also help to build trust and ensure that the needs and priorities of the community were considered (Department of Rural Development and Land Reform).

2.13 Healthy administration and operational systems as determinant of functionality of communal property associations in South Africa

A healthy administration system was essential for the smooth functioning of a communal property association. This system should be designed to ensure that all decision-making processes are transparent and that there is proper record-keeping. For example, the association should keep records of its meetings, minutes of meetings, and financial statements. This information should be accessible to members of the association and other stakeholders (Ndaba and Nkonyeni, 2017).

The implementation of appropriate operational systems was also important in ensuring the functionality of communal property associations. These systems help in managing the daily activities of the association, including the provision of services to members and other stakeholders. For example, the association should have systems in place to manage its finances,

maintain its infrastructure, and provide provisions such as water, electricity, and waste management (Ndaba and Nkonyeni, 2017).

Moreover, the development of effective leadership and management within CPAs was crucial for improved governance and enhanced performance. Leadership and management skills can help to ensure that CPAs are well-organized, have clear goals and objectives, and are able to effectively allocate resources to achieve those goals (Mapiye, 2016). In addition, effective leadership and management can help to ensure that CPAs are able to respond to challenges and changes in a timely and effective manner (Manenzhe, 2016). Another aspect of improving governance within CPAs was the development of robust economic management practices. This includes the development of clear financial policies, the establishment of effective financial reporting systems, and the training of CPA members in economic management (Sebola & Mamabolo, 2018)

Furthermore, it was important for communal property associations to have systems in place to manage disputes. Dispute resolution mechanisms help in ensuring that disputes are resolved in a fair and transparent manner. This was important in maintaining the unity and stability of the association and in avoiding the escalation of disputes (Ndaba and Nkonyeni, 2017).

In conclusion, healthy administration and operational systems are critical determinants of the functionality of communal property associations in South Africa. These systems ensure accountability, transparency, and effectiveness in the management of communal property and help in achieving the objectives of the association.

2.14 Composition and operational systems of CPAs as determinant of functionality of communal property associations in South Africa

The composition of Communal Property Associations (CPAs) and the operational systems they have in place also play a critical role in determining their functionality. According to a study by Van der Walt and Mafongoya (2019), the composition of CPAs in terms of the demographic and social characteristics of members, as well as their skills and experiences, can have a significant impact on their capability to effectively achieve restituted land.

It is important for CPAs to have a diverse composition in terms of age, gender, education, and professional background, as this can bring a range of skills and experiences to the table. A diverse membership can also increase the chances of having members with the necessary skills to

manage the complex and multi-faceted challenges associated with communal property management (Van der Walt and Mafongoya, 2019).

Composition and harmonious relations of committees play a huge role in revealing the functionality of Communal Property Associations (CPAs) in South Africa. The effectiveness of CPAs is heavily subject on the composition of its committees, which are usually responsible for managing day-to-day operations and ensuring that decisions made align with the goals of the association (Cebekhulu *et al.*, 2014). A well-balanced committee, comprising of individuals with diverse backgrounds and skill sets, is crucial in ensuring that the CPA operates efficiently and effectively.

The presence of harmonious relations among committee members is equally important. Harmonious relations ensure a more productive and cooperative working environment, and the absence of conflict can lead to improved decision-making processes and overall performance (Vuuren, 2013). Furthermore, harmonious relations within the committees can foster a positive image of the CPA, thereby enhancing the confidence of its members in the CPA's ability to manage their property.

In contrast, a lack of harmony among committee members can result in internal conflicts, which can impede the functionality of the CPA (Cebekhulu *et al.*, 2014). Conflicts can arise from disagreements over various issues such as decision-making, management practices, and the allocation of resources. Such conflicts can lead to the breakdown of trust and cooperation within the committee, thereby reducing its ability to perform its duties effectively.

It is therefore crucial that CPAs in South Africa strive to maintain a balanced composition of committees and promote harmonious relations among its members. This can be achieved through regular training and capacity building programs, as well as the adoption of conflict resolution mechanisms (Vuuren, 2013). Regular evaluation and review of the composition and relationships within the committees can also help to identify and address potential issues before they escalate.

In conclusion, the composition and harmonious relations of committees are essential determinants of the functionality of CPAs in South Africa. Maintaining a balanced composition and promoting harmonious relations among committee members can help to enhance the successful and useful management of restituted land in the Vhembe District.

2.15 Systems and procedures as determinants of functionality of communal property associations in South Africa

The systems and procedures used by a Communal Property Association (CPA) can impact its functionality and success in managing restituted land. According to research by Dlamini (2021) the systems and procedures of CPAs are often the result of poor administration, limited skills and experience of the management committee, and a lack of resources. This leads to poor record keeping, poor fiscal management, and limited transparency and accountability.

However, when CPAs have robust systems and procedures in place, it can improve their functionality and success. A study by Maphosa and Ngwira (2019) found that CPAs with effective systems and procedures had better fiscal management and record keeping, increased transparency and accountability, and improved communication with members and stakeholders.

One of the key elements of effective systems and procedures is the use of standard operating procedures (SOPs). SOPs provide a clear and consistent framework for decision making, ensuring that all members of the CPA are on the same page and are aware of their roles and responsibilities. According to research by Mathibela (2018), CPAs that use SOPs have improved decision making, better communication and cooperation among members, and increased efficiency and effectiveness.

In addition to SOPs, the use of technology can also greatly improve the systems and procedures of CPAs. A study by Motsepe and Mkhize (2022) found that the use of technology such as digital record keeping and economic management systems can improve the accuracy and efficiency of record keeping, enhance communication and collaboration among members, and provide increased transparency and accountability.

In conclusion, having effective systems and procedures in place is a detailed factor of the functionality of CPAs in South Africa. By using standard operating procedures, incorporating technology, and ensuring robust record keeping and economic management systems, CPAs can improve their performance and success in managing restituted land.

2.16 Operational culture as determinant of functionality of communal property associations in South Africa

The operational culture of a Communal Property Association (CPA) can also significantly impact its functionality. According to a study by Van Rooyen *et al.* (2017), the operational culture of a

CPA implies to the shared beliefs, and practices that shape the way that CPA operates. The operational culture of a CPA can influence various aspects of its operations, including decision-making processes, relationships between committee members, and management of resources.

In South Africa, a positive operational culture that values collaboration, transparency, and accountability can lead to improved functionality of CPAs. For example, a study by Jita (2017) found that CPAs with a strong operational culture that emphasizes collaboration and open communication between committee members were more likely to effectively manage their communal land and provide services to their communities.

On the other hand, a negative operational culture characterized by a lack of transparency, accountability, and trust can hinder the functionality of CPAs. For instance, a study by Mokgathi and Moloji (2015) found that CPAs with a negative operational culture were more likely to experience disputes and conflicts between committee members, which can lead to ineffective management of communal land and reduced access to services for communities.

Therefore, it was important for CPAs in South Africa to cultivate a positive operational culture that supports effective management and provision of services. This can be achieved through various measures such as training and capacity building programs for committee members, regular community engagement and consultation, and implementation of transparent and accountable management systems.

2.17 Human resource development as determinant of functionality of communal property associations in South Africa

In South Africa, human resource development had a significant role in determining how well Communal Property Associations (CPAs) operated. An informed, qualified, and skilled labor force is essential to the efficient administration of returned land and the delivery of community services. A 2017 study by Nel and Oosthuizen found a positive relationship between CPA performance and human resource development. They found that CPAs with staff members who had received training in property management performed better than those without trained staff.

In addition, it was important for CPAs to offer chances for continuous learning and development for their staff members. This not only helps to enhance their knowledge and skills, but also contributes to their professional growth. A study by Motumi (2015) found that CPAs with a culture

of continuous learning and development were more likely to achieve their objectives and deliver services effectively.

Furthermore, having a clear human resource management system that includes policies, procedures, and processes for recruitment, performance management, and employee development was crucial for the functionality of CPAs. According to a study by Mavhungu (2016), CPAs with strong human resource management systems had a more effective workforce, which contributed to their overall performance.

Finally, it is important for CPAs to prioritize the development of their leadership and management capacity. Strong and effective leadership and management are essential for the proper functioning of the organization, including the effective utilization of resources and the achievement of goals and objectives. A study by Radebe (2018) found that CPAs with effective leadership and management performed better in relations of the providing of services and the management of restituted land.

In conclusion, human resource development was a crucial determinant of the functionality of CPAs in South Africa. By investing in their workforce, providing opportunities for continuous learning and development, and having a clear human resource management system, CPAs can enhance their performance and effectively manage restituted land.

2.18 Human resource management as determinant of functionality of communal property associations in South Africa

Human resource management was also a key determinant of the functionality of communal property associations in South Africa. According to a study by Nel & Botha (2018), effective human resource management can improve the efficiency and effectiveness of communal property associations in their management of restituted land. These covers hiring and choosing knowledgeable staff members as well as giving them access to chances for professional growth and training to advance their knowledge and abilities.

Additionally, it is crucial for communal property associations to have clear job descriptions, policies, and procedures that are in line with legal requirements and best practices. This can help to reduce ambiguity and promote consistency in decision-making, leading to improved performance and accountability. Moreover, a supportive work environment that fosters

collaboration, teamwork, and communication can also play a substantial responsibility in the success of communal property associations (Nel & Botha, 2018).

Furthermore, effective human resource management can also contribute to the development of a positive organizational culture that supports the effective functioning of communal property associations. This includes creating a culture that values professionalism, accountability, and continuous improvement, and promoting a workplace culture that is free from harassment, discrimination, and other forms of exploitation (Nel & Botha, 2018).

In conclusion, human resource management is a critical determinant for functionality of communal property associations in South Africa, and it is essential for these organizations to prioritize effective HRM practices to enhance their performance and achieve their objectives.

2.19 Financial accounting, budgeting, stock control, financial reporting, and diversification of income as determinants of functionality of communal property associations in South Africa

Fiscal management was a crucial determinant of the functionality of communal property associations in South Africa. Effective financial accounting, budgeting, stock control, financial reporting, and diversification of income can ensure that the association has sufficient funds to meet its obligations, manage assets effectively and plan for future growth and sustainability (van der Merwe *et al.*, 2017). According to Mutegwagwa & de Wet (2018) sound economic management practices are essential for a CPA to function efficiently and effectively. This includes maintaining accurate financial records, preparing, and managing budgets, controlling cash flows, and diversifying income sources.

Effective financial accounting could help the association to maintain transparency and accountability in its financial dealings. This includes ensuring that all financial transactions are properly recorded and that financial statements are prepared and submitted to relevant stakeholders in a timely manner (Mutegwagwa & de Wet, 2018). Budgeting is also a key aspect of economic management and allows the association to plan and allocate resources effectively. This involves forecasting future revenues and expenses and ensuring that they are managed within the set budget (van der Merwe *et al.*, 2017).

Stock control, another aspect of economic management, is critical in ensuring that the association has proper inventory management systems in place. This includes monitoring stock levels,

ordering supplies in a timely manner, and maintaining accurate records of stock transactions (Mutegwagwa & de Wet, 2018). Financial reporting is also important in ensuring the transparency and accountability of the association. This includes presenting accurate and timely financial statements to relevant stakeholders, such as members, donors, and government departments (van der Merwe *et al.*, 2017).

Finally, diversification of income is crucial for the long-term sustainability of the association. This includes exploring new income streams, such as grants, sponsorships, and partnerships, to supplement membership fees and other sources of income (Mutegwagwa & de Wet, 2018). By implementing effective economic management practices, communal property associations can ensure their continued functionality and success in managing restituted land in South Africa.

2.20 Building and maintaining healthy relations with external stakeholders as determinant of functionality of communal property associations in South Africa

In South Africa, communal property associations (CPAs) function well in part because of the partnerships they have and continue to have with outside parties. Building strong relationships with stakeholders, including governmental organizations, financial institutions, local government bodies, and communities, is essential to CPA success and sustainability. According to a study by Mashishi, Phiri & Letseka (2019), successful CPAs are those that engage in continuous consultation and collaboration with their stakeholders. This is because stakeholder engagement enables CPAs to access resources, services and support necessary for their operations. Furthermore, stakeholder engagement also enhances the reputation of the CPAs and strengthens their legitimacy in the eyes of their members and the broader community.

A study by Mncube & Wissink (2018) found that CPAs that engage in regular stakeholder engagement have a higher probability of gaining the trust and confidence of their stakeholders. This leads to increased support and collaboration, which enhances the functionality of the CPAs. Mncube and Wissink (2018) also found that CPAs that engage in stakeholder engagement are better equipped to address challenges and overcome obstacles in their operations.

In conclusion, building and maintaining healthy relationships with external stakeholders is a critical determinant of the functionality of communal property associations in South Africa. Regular stakeholder engagement enables CPAs to access resources, services, and support, enhance their reputation, strengthen their legitimacy, and lead to a more functional and successful operation.

2.21 Programme and financial sustainability as determinants of functionality of communal property associations in South Africa

Programme and financial sustainability were critical determinants of the functionality of communal property associations (CPAs) in South Africa. According to a study by Ngulube & Mashamba (2018), programmatic sustainability refers to the ability of CPAs to achieve their goals, implement projects and maintain their programs over time. Financial sustainability, on the other hand, refers to the ability of CPAs to generate adequate income to meet their financial obligations, maintain and improve their infrastructure, and manage their resources effectively.

To achieve programme and financial sustainability, CPAs must have clear, achievable goals and objectives, sound economic management and resource allocation systems, and a solid business plan that ensures long-term financial viability (Ngulube & Mashamba, 2018). Additionally, CPAs must have strong partnerships with external stakeholders, including government agencies, local authorities, and private sector partners, to ensure that they receive adequate support and resources to implement their programmes and projects effectively (Ligthelm, 2017).

CPAs must also participate in initiative-taking income-generating activities such as agricultural production, tourism, and small-scale enterprise development, to ensure their long-term financial viability (Ligthelm, 2017). This can help to diversify their revenue streams and reduce their dependence on government grants or subsidies (Ngulube & Mashamba, 2018). Finally, it was important to emphasize the role of external stakeholders in supporting the governance and performance of CPAs. This includes government agencies, non-government organizations, and other organizations that can provide technical assistance, training, and support to CPAs (Department of Rural Development and Land Reform). In addition, effective between CPAs and external stakeholders could help to build trust and ensure that the needs and priorities of the local community were considered (Mthimunye *et al.*, 2019).

The development of effective leadership and management practices, robust economic management, and partnerships with external stakeholders are all important parts of improving governance and enhancing the act of CPAs in managing restituted land. By focusing on these key areas, CPAs can ensure that they are well-equipped to effectively manage restituted land in the best significance of the local community and the land itself.

Furthermore, the effective governance of CPAs requires clear decision-making processes and the development of conflict resolution mechanisms. The Department of Rural Development and

Land Reform states that to ensure that judgments are made fairly and transparently, CPAs must establish a clear set of norms and regulations. To guarantee that disagreements and conflicts that occur inside CPAs are settled quickly and amicably, without harming the CPA or its members, conflict resolution procedures could be developed (Mthimunye *et al.*, 2019).

In conclusion, CPAs must focus on achieving both programmatic and financial sustainability to ensure that they remain functional and effective in managing restituted land in South Africa. An initiative-taking and strategic approach to programmatic and financial planning, as well as effective partnerships with external stakeholders, will be crucial in helping CPAs to achieve this goal. Management practices could help to ensure that CPAs had the resources they needed to achieve their goals and objectives, and that those resources were used in a transparent and accountable manner (Department of Rural Development and Land Reform).

2.22 The establishment of communication and information sharing system

Another important aspect of improving governance within CPAs was the establishment of clear communication and information sharing systems. This could include the development of newsletters, community radio station, what sup group, websites, and other communication tools to ensure that members are kept informed about CPA activities and decisions (Department of Rural Development and Land Reform). Effective communication systems could also help to ensure that CPAs were able to engage with their members and to solicit feedback and input from members on prominent issues (Department of Rural Development and Land Reform).

It was also important to ensure that CPAs were transparent and accountable to their members. This could be achieved by establishing effective reporting systems, including annual reports and financial statements, which were made available to members (Department of Rural Development and Land Reform). In addition, CPAs could establish mechanisms for members to hold the CPA leadership and management accountable for their actions, including the right of members to request reports and information, and the right of members to contribute to decision-making (Department of Rural Development and Land Reform).

In summary, the effective governance of CPAs requires clear decision-making processes, conflict resolution mechanisms, effective communication systems, and transparency and accountability. By focusing on these key areas, CPAs can ensure that they are well-positioned to effectively manage restituted Land in the best interests of the local community and the land itself.

2.23 The Organisational Assessment Tool (OCAT)

The organisational assessment instrument was used to measure the capacity of organisation including the CPAs and identified areas for improvement. The components of OCAT included an assessment of knowledge, skills competences, governance and organisational systems and processes. The benefits of using the OCAT includes improved organisational performance, enhanced accountability, and increased stakeholders' engagement.

2.24. The use of OCAT to assess CPAs capacity and identify areas of improvement

The OCAT is not meant to serve as an outside assessment of staff, teams, programs, or organizational performance. The ability to honestly analyze oneself, provide insightful advice, and promote change acceptance are all made possible by the self-assessment component. OCAT, the Organizational Capacity Assessment Tool, can be used to assess the capacity of Certified Public Accountants (CPAs) by evaluating various aspects of their organizational structure, processes, and human resources (Marguerite Casey Foundation, 2012). Based on the analysis, generate a comprehensive assessment report. The report should highlight key findings, areas of improvement, and recommendations for enhancing the CPAs' capacity. Lastly, the OCAT is not intended to function as a stand-alone procedure. According to the Margerite Casey Foundation (2012), it should be implemented as a component of a larger organizational readiness process, with support from senior management who understands the need for the changes and has the resources and dedication to see them through to completion.

2.25 The benefits of using OCAT to improve their performance

OCAT can be used as a tool for ongoing performance monitoring. By periodically reassessing their capacity using OCAT, CPAs can track their progress, identify trends, and ensure that their improvement efforts are yielding positive results. OCAT offers a structured framework to assess various aspects of an organization's capacity. By using OCAT, CPAs can obtain a holistic evaluation of their performance, including systems, processes, and human resources. OCAT helps CPAs identify their strengths and weaknesses objectively. This assessment enables CPAs to understand their areas of expertise and areas that require improvement, allowing them to focus their efforts accordingly. With the insights gained from OCAT, CPAs can develop targeted strategies to enhance their performance. By addressing the identified weaknesses, they can implement specific measures to improve their skills, systems, and overall organizational effectiveness (Bakhtiari *et al.*, 2023).

2.26 Case study of CPAs that used OCAT to improve their performance

In uncertain times such as Covid-19 pandemic, many clients look for business guidance in addition to tax and accounting assistance. CPAs intervened to assist businesses during the pandemic's economic turmoil by determining their clients' needs based on their prior understanding of the companies (Anita, 2021). Providing CAS services can strengthen CPAs' positions as dependable business advisors who can offer insightful counsel on how to take advantage of opportunities as well as workable, efficient solutions for company problems. A case study arose from the COVID-19 epidemic, which altered the business landscape and caused clients to seek assistance from their CPAs to maintain the viability of their enterprises. CPAs that provide client advisory services (CAS) were in an advantageous position to assist financially troubled customers in stabilizing and repositioning their companies. Anything from business advice services to outsourced CFO and controller services to outsourced accounting can be included under the umbrella term "CAS." CPAs that provide CAS have access to their customers' financial information in real time, which allows them to provide a more strategic viewpoint on their clients' companies (Anita, 2021).

2.27 Factors influencing the extent to which CPAs executes their roles

As part of the objective of this study, this section focused on the factors influencing the extent to which CPAs executes their legislated roles and duties. Thus, this section looked at the literature for instruments and techniques that had been used by researchers, government, and other interested parties in enhancing the performance of CPAs in the management of resituated land. In the literature search there was less evidence on the existence of factors influencing the performance of CPAs in managing resituated land. The requirements of the Communal Property Association (Act 28 of 1996), the Restitution of Land Rights Act 22 of 1994, and the guidelines outlined in the constitution all had a major impact on how well CPAs performed their duties. This law was created to assist any group of individuals in being able to lawfully purchase, hold, and use land collectively. It provides for the assessment of the establishment of the constitution, form a committee, states the member's rights, provides for financial accountability and as well as administration, liquidation, and deregistration procedures.

The Communal Property Act no 28 of 1996 stated the following elements must be considered for the CPAs to have satisfactory performance and have the capacity to manage resituated land. Those were: the organization has established fundamental governance mechanisms, including an updated constitution, duly elected governing bodies and committees, and an up-to-date

member register. It also supports a systematic approach to managing member relationships by implementing policies for entry and exit, benefit distribution, and dispute resolution. Day-to-day administration is overseen by establishing operational policies, acquiring necessary skills and resources, and having finances independently audited (Boudreaux, 2017). Annual general meetings and other channels were used to provide members with clear information, and communal property was registered and maintained in compliance with member-approved policies.

The five evaluation components-governance, member management, administration management, financial management, and property management are covered by a capacity assessment grid or criterion that was found by the Vumela Advisory Board (Manenzhe, 2011). Every evaluation component included a brief description of each of the numerous emphasis areas that were covered. An illustration of the instrument, which has to do with governance, is shown below.

The CPA's performance was evaluated using the governance assessment component as an example, considering the committee structure, yearly general meetings, and the organization's constitution. The assessor tool whereby people were expected to select either Yes or NO on the column provided was presented. If any of the important questions had a "No" response, the tool's final column offered some advice on what to do.

2.28 Summary of Literature Review

Using OCAT, the Organizational Capacity Assessment Tool, can provide several benefits for improving the performance of Certified Public Accountants (CPAs). OCAT, or the Organizational Capacity Assessment Tool, is a valuable tool used to assess the capacity of Certified Public Accountants (CPAs) and identify areas for improvement. It provides a structured framework to evaluate various aspects of an organization's capacity, such as its systems, processes, and human resources. In addition, improving governance within the CPAs was essential for enhancing their performance in managing restituted land. The use of tools such as OCAT and the development of clear policies and procedures could help to ensure that CPAs operate in a transparent, accountable, and effective manner. This could lead to better outcomes for the local community and the restituted land and increased trust and support from the community. The next chapter would be about research design and methodology.

CHAPTER 3: RESEARCH DESIGN AND METHODOLOGY

3.1 Introduction

The aim of the study was to propose interventions for improved CPAs' performance in the management of the resituated land of Vhembe District. The chapter outlined the methods and techniques that would be used or followed to bring about the interventions for improved CPAs performance. First, a summary of the study area was given. The study design, a description of the population and sampling techniques, data collecting, data analysis, and ethical issues were then presented. Lastly, the chapter summary would then be presented.

3.2 Description of the Study Area

The study was conducted in the South African province of Limpopo, specifically in the Vhembe District municipality. One of the five districts that made up the province of Limpopo, Vhembe was situated in the northern region of South Africa, bordered to the north by the Zimbabwean border, to the south by the Mopani district, to the southwest by the Capricorn district, and to the west by the Waterberg district municipality. Most of the population in the four local municipalities that make up the Vhembe district, Thulamela, Makhado, Collins Chabane, and Musina municipality are Tsonga and Venda-speaking tribes. The reason the study was conducted in these three local municipalities is that following the establishment of a democratic government in 1994, a sizable amount of land was successfully redistributed through the land reform process to the proper beneficiaries. Moreover, currently there were 53 CPAs in the Vhembe District which were responsible to embrace and control land on behalf of beneficiaries the majority of Vhembe area was rural, tribal and the land was owned and or regulated by chiefs. The land in this district was taken over by the apartheid government and people of this region were pushed out of their productive land.

After the democratic dispensation in 1994, significant some of land had been redistributed in this region. However, there had been questions over the rationale and effectiveness of this distribution. The government had established CPAs to administer and manage the land distribution in different regions across the country. Since their inception, CPAs had been plagued and mired with several challenges ranging from administrative to technical challenges. Attempts have been advanced to try and quell those challenges and improved their management practices. To date, CPAs performance challenges persist. Therefore, the study was sought to explore and propose the interventions for improved performance of CPAs.

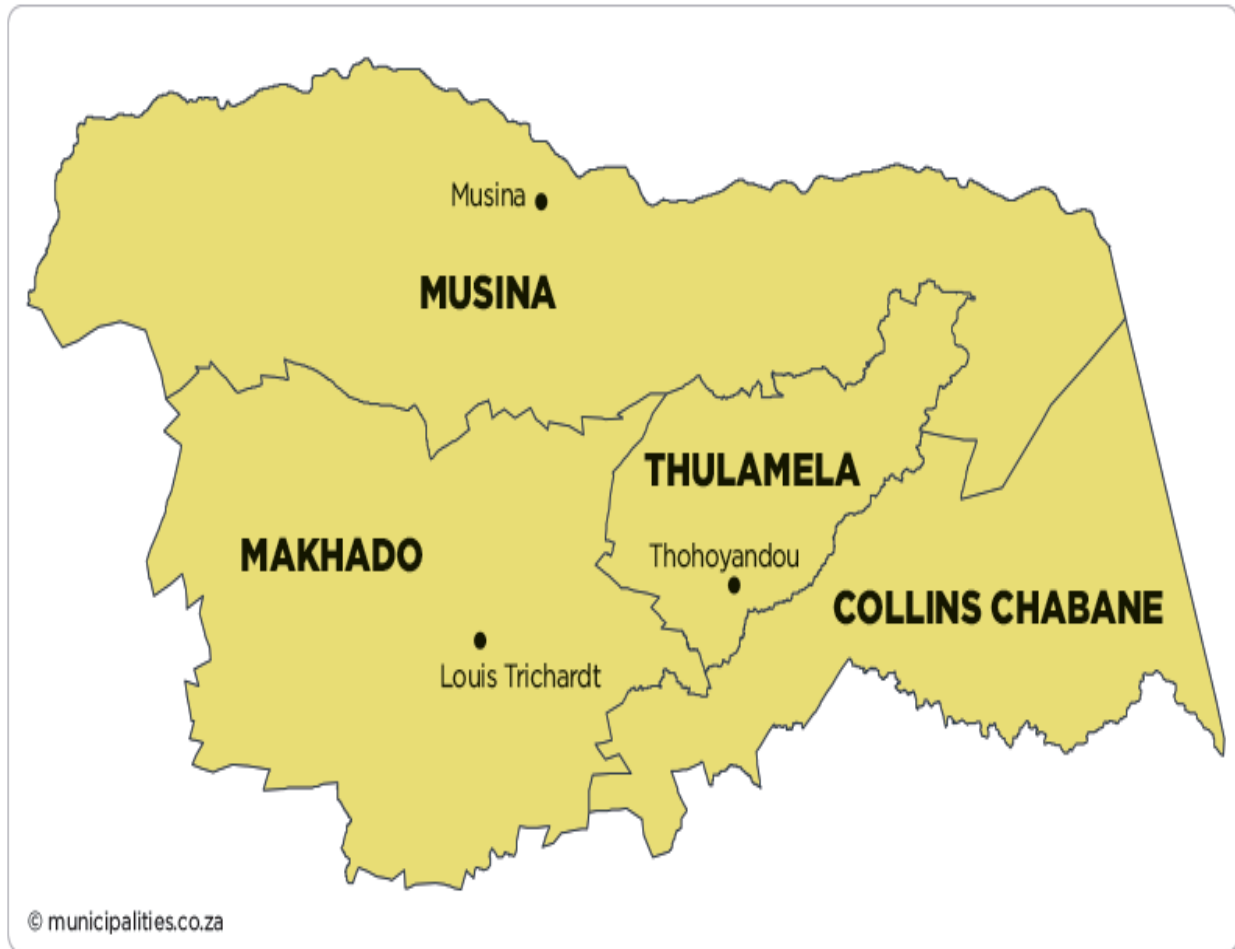


Figure 3.1: Vhembe District Municipality Map, Source: www.demarcation.org.za

3.3 The Research Design

The study was a cross –sectional survey involving members of the executive committees of 53 CPAs members as respondents. The study used Quantitative method design. The Quantitative research design was chosen in this study to explore and validate interventions that could be used for effective management of CPAs. This allowed the exploration and examination of the preferred intervention strategies for effective management of CPAs in the Vhembe district. This was achieved through the collection of data from Executive Committee members of 29 CPAs in Vhembe District. In total, there were 165 respondents. CPA participation in the data collection was encouraged by two officials from the Limpopo Provincial Office and one Senior District official from the Vhembe District Department of Agriculture and Rural Development.

Babbie (2016) stated that the design was utilised in circumstances where the phenomenon to be studied is new or less was understood about it. In addition, qualitative research design was used to deal with lived experiences to bring in new, rich, and descriptive information (Creswell, 2013). Therefore, more data on the intervention strategies on how to improve the performances of CPAs in the management of resituated land.

The collected data on assessing the administrative and operational system in the Communal Property Associations used to propose and suggest intervention strategies for improved CPA performance in the management of resituated land. In this phase, confirmation of data and item prioritisation through ranking and significance testing was conducted.

3.4 Population and Sampling Procedures

Population was the total number of objects or subjects within a given area De Vos (2010). In human science studies, it refers to the total number of people from which the data was obtained. The population was where the problem was observed. In this study, all the CPAs Executive members of the 53 CPAs in Vhembe District were invited to take part, but only forty-six CPAs responded to the invitation at the Makhado showground and took part. The top five executive committee members of forty-six CPAs, one senior district official from the Department of Agriculture and Rural Department in Vhembe District, and two Limpopo departmental officers of rural development were part of the population of this study.

Sampling referred to the combination of different sampling techniques in stages (De Vos, 2010). The purposive sampling technique was used to find the top five CPAs executive committee of the 53 CPAs who were all invited to take part although only the top five executive members of the forty-six CPAs in Vhembe honoured the invitation. There were four municipalities and therefore made four clusters. Furthermore, two CPAs from each cluster (Municipality) were chosen using a basic random sampling technique. Therefore, the study was formed 233 participants. However, sampling through Census for the CPAs was used to maximise the credibility of the results (Partton & Shaeem *et al.*, 2021).

One of the most contentious parts of sampling, according to Bless & Higson-Smith (2014), is figuring out what constitutes a suitable sample size. According to Creswell (2007), the size of a suitable sample is not determined by a set number or percentage of subjects. It might rely on the type of interest population, the data collected and examined, or both. In this study the questionnaire's sampling size was formed of 233 participants.

3.5 Data Collection Process

The study used quantitative data collection tool and technique which was applied for each specific objective. As a result, validity and reliability of the study outcomes was enhanced. In all the objectives quantitative data was used to gather data from the 233 participants. Moreover, questionnaires offered the participants an opportunity to the respondents to list, providing information on the criteria for improving the performance of CPAs. The study had first meeting at Makhado Show Ground with the participants, followed by the second meeting at Makwarela TVET College Main Hall at Sibasa.

The questionnaires were used to collect data for objective one, two, three and four. The questionnaire developed were structured questions. Structured questions enabled confirmation and quantitative description of the current performance of CPAs and what could be done to improve their performance. The last objective was about proposing interventions for improved performance of CPAs in managing Restituted land. The data collected from objectives 1,2, 3, and 4 were used to devise and propose intervention strategies for improved performance of CPAs.

3.5.1 Questionnaire Survey

As alluded to before, questionnaires were used for the study. As the researcher desired to collect truthful data on interventions for enhanced performance of CPAs in managing resituated land in Vhembe District of Limpopo Province, to gather information for the posed study questions, a Likert-style questionnaire was created. The CPA Stakeholders were given access to a closed-ended questionnaire. According to Creswell (2007), closed-ended questions are easy to code, quick to assemble, and do not unfairly discriminate based on the respondents' level of articulation. Strongly agree (SA), agree (A), disagree (D), disagree (U), and strongly disagree (SD) were the five options on the Likert-type scale. Through questionnaires, participants had enough time to understand the questions and realise what the researcher was looking for, resulting in the production of specific, valid, and researchable data. The researcher had an in-depth questionnaire with the CPA stakeholders and beneficial.

3.7 Ethical Considerations

The University of Venda Ethics Committee provided approval prior to the commencement of this investigation. Furthermore, authorisation to conduct the study was obtained from the Vhembe District Municipality or the Department of Rural Development and Land Reform of the Province of Limpopo. The study followed the code of ethics, which had been proposed by the University of Venda, and written permission for interviews was obtained. The suggested study was implemented based on the following fundamental ethical principles, which align with the perspectives of De Vos *et al.* (2002).

The researcher requested approval for ethical clearance from the research directorate of the University of Venda. Additionally, the investigator requested official approval from the Limpopo Department of Rural Development, which held custody of all Vhembe Certified Public Accountants, the Vhembe District CPAs, the executive committee which was the coordinating structure of all CPAs in the Vhembe District Municipality, and local CPAs executive committees to conduct research. After the granting of permission by all the above stakeholders, the researcher was able to start conducting the research in the community.

a) *Assurance of research integrity*, there was great care taken to guarantee that the study was conducted in an honest, open, and professional manner. It is true that great care was taken to ensure that the results were reproducible, verifiable, and sound scientifically. According to Leedey and Ormond's (2007) viewpoints, the researcher, for instance, made sure that peer review of every facet of the research was given careful consideration by consulting with study leaders, other senior researchers, and pertinent stakeholders in the research community.

b) *Avoidance of social, emotional, and physical harm to research participants; caution was made to get informed consent from relevant authorities in the research community as well as research participants for the research interviews and observations.* De Vos acknowledged it *et al.* (2005) that obtaining informed consent required providing prospective subjects with all relevant information about the purpose of the study, its potential benefits and risks, the researcher's credibility, and any potential advantages or disadvantages. The focus was on providing accurate and comprehensive information so that the subjects would completely understand the study and, as a result, be able to make an informed, voluntary decision about their potential participation.

In accordance with the opinions of Leedey and Ormond (2007), the researcher made sure that the anonymity of the data supplied by the research participants, as well as their voluntary involvement, was respected. Care was taken to collect and analyse the data without implicitly

endorsing the behaviors or viewpoints of the research participants. To put it succinctly, every effort was made to guarantee that the fundamental human rights of the individuals and organisations involved in the research were respected.

3.8 Chapter Summary

The method used for this study has been discussed in this chapter. The researcher concluded that the approach was more suited for the population and sample procedures, research instruments, data collection techniques, and data analysis. The population and sampling procedures provided information about all research participants and the methods used to choose a sample. To ensure the success of this research, a questionnaire and interview schedule were employed as data gathering instruments. The study's interpretation of the results was reported in the next chapter.

CHAPTER 4: PRESENTATION OF RESULTS ON KNOWLEDGE, SKILLS, COMPETENCES, AND GOVERNANCE FOR ENHANCED PERFORMANCE OF COMMUNAL PROPERTY ASSOCIATIONS IN MANAGING RESTITUTED LAND IN VHEMBE DISTRICT

4.1 Introduction

In South Africa, the Restitution of Land Rights Act of 1994 was enacted to deliver for the rebuilding of land rights to people who were dispossessed of their land because of racially discriminatory laws or practices (Department of Rural Development and Land Reform, n.d.). In line with this, CPAs have been established in Vhembe District to manage Restituted land. The importance of Knowledge, Skills, Competences, and Governance in managing Restituted Land was crucial for ensuring the sustainable practice of this land and its resources, as well as the social and economic development of the communities who reside on this land (Department of Rural Development and Land Reform, n.d.). The success of CPAs in managing Restituted Land would depend on their knowledge, skills, competences, and governance.

The aim of the study was to assess the governance structures, systems, and procedures inherent in Communal Property Associations to propose interventions for enhancing functionality. This was achieved through a study that sought to:

- a) Determine the perceived levels of knowledge, skills, and competencies of members of the executive and sub-committees of Communal Property Associations.
- b) Assess the administrative and operational systems in the Communal Property Associations
- c) Assess the programme and financial sustainability of Communal Property Associations
- d) Propose interventions for enhancing the functionality of Communal Property Associations.

4.2 Description of Results

This chapter aims to discuss the role of knowledge, skills, competences, and governance in enhancing the performance of CPAs in managing Restituted Land in Vhembe District. The chapter also explained how the organisational capacity assessment tool could be used to assess the capacity of CPAs and improve their performance.

4.3 Attitudes, knowledge, skills, and competencies of members of the Executive and sub-Committees of Communal Property Associations

The perceived nature and extent of the attitudes, knowledge and compliance with the constitution and legal imperatives underpinning the core business of Communal Property Associations are shown in Table 4.1. The present study found that it was commonly agreed (79%) that the members of the CPA Executive Committees performed their duties as volunteers. A study by Ncube & Mabuza (2015) found that the state of knowledge, skills, and experience of CPA members was a significant determinant of the functionality of the organization. The present study found that CPA members with higher levels of knowledge, skills, and experience were more likely to be effective in their roles and contribute to the success of the organization. Conversely, CPA members with lower levels of knowledge, skills, and experience were more likely to struggle in their roles and to limit the effectiveness of the organization. The authors concluded that investing in the development of the knowledge, skills, and experience of CPA members can play a valuable role in helping the success of the organization.

A similar study by Muzenda, Nkosi, & Mabuza (2016) found that the state of knowledge, skills, and experience of CPA members was an important factor crucial factor in determining the success of the organization. Muzenda et al. (2016) stated that CPA members with a great level of knowledge, skills, and experience were more effective in their roles and more able to contribute to the success of the organization. The authors concluded that providing training and support to CPA members to develop their knowledge, skills, and experience can play a vital role in supporting the success of the organization.

Regarding knowledge and experience, seven out of the eleven perceptions that articulated the situation in CPAs were capabilities, and experience, seven out of the eleven perceptions that articulated the situation in CPAs scored less than 50 %. The results on the extent of compliance with constitutional and related legal provisions suggested that most Executive Committees and sub-committees were dysfunctional. A study by Nkosi, Muzenda & Nkosi (2017) investigated the impact of knowledge, skills, and experience on the performance of CPAs in South Africa. The present study found that CPAs with higher levels of knowledge, skills, and experience were more effective in their roles and more able to contribute to the success of the organisation.

However, insufficient knowledge, skills, and competences can have a significant impact on CPA performance. Given that CPAs lack the necessary knowledge and skills to conduct the tasks, they may make poor decisions or be unable to conduct important tasks (Mthimunya,

Shipalana & Mashele, 2019). This can result in the mismanagement of Restituted Land and its resources, which can have negative impacts on the local community and environment (Mthimunye *et al.*, 2019). The authors concluded that investing in the development of the knowledge, skills, and experience of CPA members can play a serious part in supporting the accomplishment of the organization.

Presumably, a mentorship programme designed to enhance their capacities to operate would produce better results. A study by Mokwena, Muzenda & Mabuza (2018) found that the state of knowledge, skills, and experience of CPA members is a fundamental component in determining the effectiveness of the organization. The study found that CPA members with higher levels of knowledge, skills, and experience were more effective in their roles and more able to contribute to the success of the organization. The authors concluded that investing in the development of the knowledge, skills, and experience of CPA members can play a critical role in supporting the success of the organization. However, executive members with lower levels of knowledge, skills, and experience were more likely to struggle in their roles and to limit the effectiveness of the organization. The key factor in determining the success of the organisation lies in the skills, knowledge, and experience of the executive members, and it becomes a determinant factor for success (Muzenda *et al.*, 2017). Given the current results of the study, there a good sign of success.

To attain the necessary knowledge, aid, and competences for CPA management, it is important to implement strategies such as training and education programs, community engagement, and partnerships with other organizations (Mthimunye *et al.*, 2019). In addition, it is important to continuously improve and update knowledge, skills, and competences through ongoing training and education (Mthimunye *et al.*, 2019).

In conclusion, knowledge, skills, and competences were crucial for effective CPA management of Restituted Land. By having a deep understanding of the local environment, the necessary skills to out conduct tasks, and the competencies to combine these elements, CPAs can effectively manage Restituted Land and ensure sustainable use of its resources. Nevertheless, preceding such interventions should be scholarly research that unravels the underlying issues for the non-compliance.

Table 4.1: Attitudes, knowledge and compliance with constitution and legal imperatives underpinning the core business of Communal Property Association

| Variables | Mean | Standard Deviation |
|---|------|--------------------|
| Volunteerism and professionalism | | |
| Our Executive Committee members work as volunteers (they are not paid) | 7.9 | 4.00 |
| In general, our leaders are open to and easily accept constructive criticism | 6.7 | 3.68 |
| Members of our sub-Committees work as volunteers (they are not paid) | 4.4 | 4.9 |
| Knowledge, capabilities, and experience: Members of our Executive Committee | | |
| have varied or diverse backgrounds and represent a wide range of interests of our clients or customers | 7.1 | 3.9 |
| are aware that our Executive Committee exists to provide accountability and credibility in relation to policy direction and oversight | 6.3 | 3.43 |
| always ensure that our work gets audited annually | 5.5 | 4.40 |
| provide effective oversight over our CPA's finances | 4.9 | 4.25 |
| have adequate knowledge and experience on governance, including their own roles and responsibilities, which are written down | 4.5 | 3.80 |
| relevant and enough expertise that makes them able to execute activities on what they are supposed to lead | 4.5 | 4.06 |
| are able to formulate policies, systems and procedures that govern our operations | 4.3 | 3.86 |
| lobby for support on key issues of interest or concern among our members | 4.2 | 3.62 |
| carry out public relations work | 3.4 | 3.34 |
| make best use of financial benefits available to us such as tax deductions | 3.3 | 3.86 |
| can fundraise | 2.5 | 3.07 |
| Compliance with constitutional and related legal provisions | | |
| Executive Committee relies on our CPA's Constitution to guide its work | 6.6 | 3.00 |
| All our committees are chosen via democratic elections held in compliance with stipulations of our Constitution | 6.5 | 4.31 |
| Our Executive Committee meets regularly as stipulated in our Constitution | 5.5 | 3.87 |
| All our sub-Committees meet regularly | 2.9 | 3.50 |

4.4 Capacity of Communal Property Associations to provide services.

In South Africa, the functionality of communal property associations was not only determined by knowledge, skills, and competences, but also by their capacity to provide essential services to their members. This capacity was measured by numerous factors, including access to resources, ability to provide basic services, and ability to implement community-based development projects. Six elements underpinned the perceptions of Executive Committee members with regard to the capacity of CPAs to provide services. “Most members of our CPA have the relevant expertise that we require to run our core business” was perceived to be the best (51 %) out of the seven elements. These resources enable associations to deliver essential services and implement community-based projects effectively. However, many communal property associations in South Africa struggle to access resources due to limited funding opportunities, lack of skilled personnel, and insufficient infrastructure.

Ranked second was “We are capable of changing our delivery of services in line with stakeholder demands and expectations”, with a rank percentage score of 47 %. The observation that the CPA Executive committees scored 29 % for “Functional warehouses or other structures for storing our produces/products exist” revealed a serious deficit in this key resource among them. In addition, the ability to provide basic services is another critical factor that determines the functionality of communal property associations in South Africa. These services include the availability of water, electricity, and sanitation, as well as basic healthcare, education, and employment opportunities. A study by Mashologu, Lefadi & Nkadimeng (2021) found that inadequate access to basic services was a significant challenge faced by many communal property associations in South Africa, which negatively impacts their functionality.

Other perceptions on the provision of services were ranked poorly, viz. Increasingly, our CPA is receiving requests from many stakeholders to provide some services to them (35 %), There is a two-way feedback mechanism relating to the quality of our services (35 %) and “We have the capacity to identify lucrative (attractive and viable) markets and specific requirements to access them” (43 %). The capacity to provide services remained a critical determinant for the functionality of communal property associations in South Africa. Addressing the challenges faced by these associations in accessing resources, providing basic services, and implementing community-based development projects will be essential in improving their functionality and ensuring the success of restituted land management initiatives in the Vhembe District.

4.5 Administrative and operational systems within the Communal Property Associations

Healthy administration and operational systems are critical determinants of the functionality of communal property associations in South Africa. These systems ensure the smooth running of the association and help in achieving its objectives. According to a study by Ndaba & Nkonyeni (2017), operational systems refer to the processes and procedures that are used to manage the day-to-day activities of an organisation. These systems were crucial in ensuring accountability, transparency, and effectiveness in the management of communal property. Furthermore, it is important for communal property associations to have systems in place to manage disputes. Dispute resolution mechanisms help in ensuring that disputes are resolved in a fair and transparent manner. This was important in maintaining the unity and stability of the association and in avoiding the escalation of disputes (Ndaba & Nkonyeni, 2017). Therefore, a healthy administration and operational systems are critical determinants of the functionality of communal property associations in South Africa. These systems ensure accountability, transparency, and effectiveness in the management of communal property and help in achieving the objectives of the association. A healthy administration system was essential for the smooth functioning of a communal property association. This system should be designed to ensure that all decision-making processes are transparent and that there is proper record-keeping. For example, the association should keep records of its meetings, minutes of meetings, and financial statements. This information should be accessible to members of the association and other stakeholders (Ndaba & Nkonyeni, 2017).

In South Africa, compliance with constitutional and related legal provisions is also crucial in ensuring the functionality of communal property associations. The Republic of South Africa's 1996 Constitution (Constitution of the Republic of South Africa) sets forth the duties and rights of both people and groups, including the right to property. This means that associations for community property must preserve and defend the property rights of their members and offer an impartial and open procedure for making decisions and resolving conflicts.

In Table 4.2, the means \pm standard deviations of the perceptions of Executive Committee members regarding the vision, mission, and matters pertaining to compliance with the Communal Property Association (CPA) Act of 1996 are presented. Out of the 29 CPAs that were investigated, two were not yet legally registered. Four CPAs did not have valid constitutions. The dominant view (55 %) among the members of the Executive Committees of CPAs was, "Our members have a clear understanding of what our CPA aims to achieve". "We assess the needs of clients regularly" was the least (39 %) held view. In addition, compliance

with the Community Schemes Ombud Service Act (CSOS Act) was essential for communal property associations in South Africa.

The CSOS Act establishes an ombud service to resolve disputes between members and the property association and provides a framework for the management of community schemes (Community Schemes Ombud Service, 2021). This means that communal property associations must adhere to the regulations and procedures outlined in the CSOS Act and provide fair and impartial resolution of disputes.

It is evident from Table 4.2 that interventions that focus on building a clear understanding and ownership of the CPA vision, developing a strategic plan involving members, and regularly assessing the needs of clients should be introduced. The implementation of appropriate operational systems was also important in ensuring the functionality of communal property associations. These systems help in managing the daily activities of the association, including the provision of services to memberships and other stakeholders. For example, the association should have systems in place to manage its finances, maintain its infrastructure, and provide basic services such as water, electricity, and waste management (Ndaba & Nkonyeni, 2017).

Moreover, compliance with land use planning and zoning regulations is also crucial for the functionality of communal property associations in South Africa. The National Building Regulations and Building Standards Act outlines the minimum standards for building construction, and the National Spatial Development Framework provides a framework for land use planning and zoning (Department of Public Works and Infrastructure, 2021). Property associations must ensure that their operations and the use of properties within the association comply with these regulations, to maintain the stability and integrity of the community.

Finally, compliance with tax laws was also important for the functionality of communal property associations in South Africa. The Income Tax Act outlines the obligations of property associations to report and pay taxes on income received from communal areas and activities (South African Revenue Service, 2021). Property associations must ensure that they follow these tax laws, to avoid financial penalties and legal action.

In conclusion, compliance with constitutional and related legal provisions was crucial in ensuring the functionality of communal property associations in South Africa. This includes compliance with the Constitution, the CSOS Act, land use planning and zoning regulations, and tax laws. Property associations must prioritize these compliance requirements to maintain a stable and functional community.

Table 4.2: Mission, goals, and compliance with provisions of the Communal Property Association Act of 1996

| Variables | Mean | Standard Deviation |
|---|-------------|---------------------------|
| Our CPA is legally registered in compliance with the Communal Property Association Act of 1996 | 9.7 | 1.32 |
| Our CPA has an approved Constitution | 9.3 | 2.16 |
| Our members have a clear understanding of what our CPA aims to achieve | 5.5 | 3.52 |
| Most of our members believe that our vision is closely linked to our mission | 5.3 | 3.47 |
| Our CPSA has a well-written mission and vision that we all, including beneficiaries, understand | 5.3 | 3.70 |
| We have a strategic plan that we developed with members participating actively | 4.3 | 4.13 |
| We assess the needs of our clients/customers regularly | 3.9 | 3.89 |

The composition of Communal Property Associations (CPAs) and the operational systems they have in place also play a critical role in determining their functionality. According to a study by Van der Walt & Mafongoya (2019), the composition of CPAs in terms of the demographic and social characteristics of members, as well as their skills and experiences, can have a significant impact on their ability to effectively manage Restituted land.

Six elements underpinned the perceptions of CPA Executive Committee members with respect to the composition and functionality of governance structures (Table 4.3). The mean scores out of a maximum of 10 of the perceptions ranged from 7.3 ± 3.35 for “There was gender balance in our Executive Committee” to 2.9 ± 3.39 for “Our CPA had functionally active sub-Committees that deal with specific issues such as human resources, finance, and legal affairs, among others.” It was important for CPAs to have a diverse composition in terms of age, gender, education, and professional background, as this could bring a range of skills and experiences to the table. A diverse membership can also increase the chances of having members with the necessary skills to manage the complex and multi-faceted challenges associated with communal property management (Van der Walt & Mafongoya, 2019).

In addition, the operational systems of CPAs should be designed to support the needs and requirements of their members. For example, the association should have systems in place to manage the allocation of land and resources, the collection of fees, and the provision of services to members. These systems should be efficient, transparent, and accessible to all members (Van der Walt & Mafongoya, 2019).

The information presented in Table 4.3 highlights the need for reconstituting the sub-committees to ensure that there is gender parity. In addition to this, there was a need for building teams that worked well together. Interventions that could build the capacity to manage human and financial resources and address legal matters were required. Furthermore, the involvement of members in the decision-making processes of CPAs is also an important determinant of their functionality. Members should be encouraged to participate in meetings, vote on important decisions, and have a say in the management of communal property. This can help to ensure that the needs and concerns of all members are addressed and that decisions are made in a transparent and accountable manner (Van der Walt & Mafongoya, 2019).

The observations that there was a high level of functionality of most Executive Committees (69 %), and they worked as teams (60 %) (Table 4.3) highlighted the need for targeted interventions to address these issues in the CPAs that experienced them. In conclusion, the composition and operational systems of CPAs play a critical role in determining their

functionality. It was important for CPAs to have a diverse membership and efficient, transparent, and accessible operational systems. The involvement of members in the decision-making processes of CPAs can also help to ensure that their needs and concerns were addressed and that decisions are made in a transparent and accountable manner.

Table 4.3: Composition and functionality of governance structures of Communal Property Associations

| Variables | Mean | Standard |
|--|-------------|-----------------|
| There is gender balance in our Executive Committee | 7.3 | 3.35 |
| Our CPA has a functional and effective Executive Committee | 6.9 | 3.06 |
| Our Executive Committee is composed of members who are committed | 6.0 | 3.54 |
| There is gender balance in all our CPA sub-Committees | 3.7 | 4.07 |
| Our sub-Committees are composed of members who are committed | 3.5 | 3.89 |
| Our CPA has functionally active sub-Committees that deal with specific | 2.9 | 3.39 |

Table 4.3 presents the composition that makes up the Community Property Associations' governing system. Communal Property Associations' (CPAs') organizational effectiveness is significantly influenced by the way they are put together. According to a study by Van der Walt & Mafongoya (2019), the composition of CPAs in terms of the demographic and social characteristics of members, as well as their skills and experiences, can have a significant impact on their skill to effectively achieve Restituted land. It is critical for CPAs to have a diverse composition in terms of age, gender, background education, and professional background, as this can bring a range of skills and experiences to the table.

The gender composition of the executive was 7,3 %, which was a good sign of gender-balanced executive and a good sign of a transformed Communal Property associations. This was not the case with the sub-committees. The composition of the sub-committees was 3,7 %, which was exceptionally low and was a sign that the composition of the sub-committees needs to be re-looked at. The information presented in Table 4.3 highlights the need for reconstituting the sub-committees to ensure that there was a gender parity. The current situation of the sub-committee paints a bleak picture in that committee members seem to be not committed (3, 5%) while (2, 9 %) were not active. The involvement of sub-committee members in the decision-making processes of CPAs was an important determinant of their functionality. It is important to motivate the subcommittee members to actively engage in the organization's operations. This could help to ensure that the needs and concerns of all members are addressed and that decisions are made in a transparent and accountable manner (Van der Walt & Mafongonya, 2019). therefore, the composition of CPAs plays a critical role in determining their functionality.

Table 4.4: Operational systems and integrity of Communal Property Executive Committee members on inherent capabilities

| Variables | Mean | Standard Deviation |
|---|------|-----------------------|
| Systems and procedures: Our CPA have the capacity to: | | |
| Manage or resolve conflict that emerge within or from outside our CPA | 5.9 | 3.79 |
| Keep up to date records that are of high quality | 5.8 | 3.84 |
| Systematically write about or document what we do | 5.7 | 4.05 |
| Prepare a strategic plan | 5.3 | 3.94 |
| Manage our finances competently | 5.3 | 4.16 |
| Monitor and evaluate progress, including overall performance | 5.2 | 4.16 |
| We have well-written systems and procedures of running our CPA | 5.1 | 4.02 |
| Direct and manage our affairs without external e.g., consultants | 4.6 | 3.98 |
| Prepare a business plan | 4.4 | 3.60 |
| Implement planned projects and programme confidently | 4.3 | 3.99 |
| Mobilize various types of resources to implement our activities | 4.0 | 3.77 |
| Administrative capacity | | |
| Functional capacity: Well-written systems and procedures of running our CPA exist | 5.1 | 4.01 |
| Our CPA has an office where it operates from | 2.8 | 3.96 |

The operational culture of a Communal Property Association (CPA) also significantly impacts its functionality. According to a study by Van Rooyen *et al.* (2017), the operational culture of a CPA donates to the communal beliefs, principles, and practices that shape the way that the CPA operates. The operational culture of a CPA can influence various aspects of its operations, including decision-making processes, relationships between committee members, and management of resources.

In South Africa, a positive operational culture that values collaboration, transparency, and accountability could lead to improved functionality of CPAs. For example, a study by Jita (2017) found that CPAs with a strong operational culture that emphasizes collaboration and open communication between committee members were more likely to effectively manage their communal land and provide services to their communities.

Agreement with elements of operational culture ranged from about 42-76 % (Table 4.5). The topmost were the perceptions that “Our constitution guides how we operate” (76 %) and “We have an approved organogram or organisational structure” (70 %). The least popular views were “Our market information system adequately meets core business” (42 %) and “Terms of reference for all Committees exist in written form” (45 %). In general, the results in Table 4.5 highlight the need for investing considerable time in developing a clear operational culture. On the other hand, a negative operational culture characterized by a lack of transparency, accountability, and trust can hinder the functionality of CPAs. For instance, a study by Mokgathi & Moloi (2015) found that CPAs with a negative operational culture were more likely to experience disputes and conflicts between committee members, which can lead to ineffective management of communal land and reduced access to services for communities.

Therefore, it is important for CPAs in South Africa to cultivate a positive operational culture that supports effective management and provision of services. This can be achieved through various measures such as training and capacity-building programs for committee members, regular community engagement and consultation, and the implementation of transparent and accountable management systems.

Table 4.5: Operational culture of CPAs

| Variables | Mean | Standard Deviation |
|--|-------------|-------------------------------|
| Our constitution guides how we operate | 7.6 | 3.74 |
| We have an approved organogram or organizational structure | 7.0 | 3.87 |
| All positions shown in our organizational structure are filled | 6.2 | 3.81 |
| Most member understand the different power of our various sub-Committees | 5.8 | 3.65 |
| Most beneficiaries understand the power they have | 5.8 | 3.76 |
| Most members understand the different powers of our Executive Committee and sub-committees | 5.7 | 3.77 |
| Most members understand the different powers of our management team | 5.7 | 3.78 |
| All members of our CPA know and understand their roles | 5.6 | 3.60 |
| There is a clear written procedure we follow to bring in / beneficiaries | 5.6 | 3.67 |
| Whenever legal or misconduct issues such as financial mismanagement arise, we address them in a timely and fair manner | 5.6 | 3.93 |
| We do not have problems with absenteeism when we carry out our work | 5.1 | 3.59 |
| Terms of reference for all Committees exist in written form | 4.5 | 4.01 |
| Our market information system adequately meets our core business | 4.2 | 4.08 |

Although reporting was ranked better than administrative procedures, the need for strengthening it was evident. The perception that “We write reports on activities we implement all the time” was ranked higher (57 %) compared to “We often disseminate information and reports to CPA beneficiaries and key external stakeholders” (54 %) and “We evaluate the progress of implementing our work and write evaluation report” (50 %). As was the case with administrative procedures, there was a need to mount an initiative designed to improve reporting within CPAs. In general, the respondents revealed that administrative procedures in CPAs were below average. They rated “We have well-laid out, written administrative procedures” and “We always follow our administrative procedures” equally (49 %). “We regularly update our procedures and operating manuals” was the least ranked (40 %).

Human resource development was an important determinant of the functionality of Communal Property Associations (CPAs) in South Africa. The provision of services to the community and the efficient administration of restituted property required personnel that were professional, knowledgeable, and skilled. A 2017 study by Nel and Oosthuizen found a positive relationship between CPA performance and human resource development. They found that CPAs with staff members who had received training in property management performed better than those without trained staff. Human resource management was also a key determinant of the functionality of communal property associations in South Africa. According to a study by Nel and Botha (2018), effective human resource management could improve the efficiency and effectiveness of communal property associations in their management of Restituted land. This entails finding and hiring qualified workers as well as offering them chances for professional growth and training to advance their qualifications.

Additionally, it was crucial for communal property associations to have clear job descriptions, policies, and procedures that are in line with legal requirements and best practices. This could help to reduce ambiguity and promote consistency in decision-making, leading to improved performance and accountability. Additionally, a positive work atmosphere that promotes cooperation, coordination, and communication might be crucial to the success of community property groups (Nel & Botha, 2018).

Furthermore, effective human resource management can also contribute to the development of a positive organizational culture that supports the effective functioning of communal property associations. This includes creating a culture that values professionalism, accountability, and continuous improvement, and promoting a workplace culture that is free from harassment, discrimination, and other forms of exploitation (Nel & Botha, 2018). In summary, human resource management played a crucial role in determining how well

communal property groups operated in South Africa, and it was essential for these organizations to prioritize effective HRM practices to enhance their performance and achieve their objectives.

Ranked dimensions of human resource development and management in CPAs are presented in Table 4.6. The extremely low ranking of the dimensions of human resource development (18-27 %) and human resource management (17-31 %) revealed the dire need for introducing a capacity enhancement initiative to assist CPAs in improving the situation. “Staff development in our CPA was based on results of skills audits and needs analyses that we conduct quite often” received an approval rating of 17 %. A similar observation was made for “Our CPA has an approved health and safety policy, including disaster management”. Furthermore, it is imperative for CPAs to offer their employees opportunities for ongoing education and growth.

This not only helps to enhance their knowledge and skills but also contributes to their professional growth. A study by Motumi (2015) found that CPAs with a culture of continuous learning and development were more likely to achieve their objectives and deliver services effectively. Furthermore, having a clear human resource management system that includes policies, procedures, and processes for recruitment, performance management, and employee development was crucial for the functionality of CPAs. According to a study by Mavhungu (2016), CPAs with strong human resource management systems had a more effective workforce, which contributed to their overall performance.

It was important for CPAs to prioritise the development of their leadership and management capacity. Strong and effective leadership and management were essential for the proper functioning of the organisation, including the effective utilisation of resources and the achievement of goals and objectives. According to a Radebe (2018) study, CPAs that possessed strong leadership and management skills outperformed others when it came to managing restituted land and providing services. In conclusion, human resource development was a crucial determinant of the functionality of CPAs in South Africa. By investing in their workforce, providing opportunities for continuous learning and development, and having a clear human resource management system, CPAs can enhance their performance and effectively manage Restituted land.

Table 4.6: Status of human resource management and development in Communal Property Associations

| Variables | Mean | Standard |
|---|------|----------|
| Human resource development | | |
| An approved system and procedures of recruiting and retaining | 2.7 | 4.05 |
| We have an approved staff or human resource development policy | 2.7 | 4.12 |
| We conduct performance-based job appraisal or evaluations every | 1.9 | 2.89 |
| Staff development in our CPA is based on results of skills audits and | 1.8 | 3.01 |
| Human resource management | | |
| Job descriptions for employees are always respected | 3.1 | 4.27 |
| We have persons specifically assigned to manage human resource | 2.7 | 3.90 |
| Grievance and conflict procedures are applied to manage staff | 2.7 | 3.96 |
| We have a policy that stipulates how to distribute benefits | 2.5 | 3.89 |
| Salaries or proceeds of our work are well structured and distributed to | 2.5 | 4.05 |
| Our CPA complies with applicable standard tax and labour regulations | 2.2 | 3.72 |
| Our CPA has an approved health and safety policy, including disaster | 1.7 | 2.98 |

Fiscal management was a crucial determinant of the functionality of communal property associations in South Africa. Effective financial accounting, budgeting, stock control, financial reporting, and diversification of income can ensure that the association has sufficient funds to meet its obligations, manage assets effectively, and plan for future growth and sustainability (van der Merwe *et al.*, 2017). According to Mutegwagwa & de Wet (2018), sound economic management practices were essential for a CPA to function efficiently and effectively. This includes maintaining accurate financial records, preparing, and managing budgets, controlling cash flows, and diversifying income sources.

In Table 4.7, the perceived status quo with respect to financial resource management within CPAs was presented. Stock control was the lowest ranked (20-24 %). Budgeting was the second worst performance area (34-49 %). Estimates of rankings for the other areas of financial resource management were 12-51 % for diversification of income sources and 37-51 % for financial reporting. Financial accounting in CPAs was better ranked (41-73 %) than all the other dimensions of financial resource management.

Effective financial accounting can help the association to maintain transparency and accountability in its financial dealings. This includes ensuring that all financial transactions are properly recorded and that financial statements are prepared and submitted to relevant stakeholders in a timely manner (Mutegwagwa & de Wet, 2018). Budgeting was also a key aspect of management and allowed the association to plan and allocate resources effectively. This involves forecasting future revenues and expenses and ensuring that they are managed within the set budget (van der Merwe *et al.*, 2017).

Stock control, another aspect of economic management was critical in ensuring that the association has proper inventory management systems in place. This includes monitoring stock levels, ordering supplies in a timely manner, and maintaining accurate records of stock transactions (Mutegwagwa & de Wet, 2018). Financial reporting was also important in ensuring the transparency and accountability of the association. This includes presenting accurate and timely financial statements to relevant stakeholders, such as members, donors, and government departments (van der Merwe *et al.*, 2017). Finally, diversification of income was essential for the long-term sustainability of the association. This includes exploring new income streams, such as grants, sponsorships, and partnerships, to supplement membership fees and other sources of income (Mutegwagwa and de Wet, 2018). By implementing effective fiscal management practices, communal property associations can ensure their continued functionality and success in managing Restituted land in South Africa.

Table 4.7: Financial resource management in Communal Property Associations

| Variables | Mean | Standard Deviation |
|---|------|-----------------------|
| Accounting | | |
| We have a bank account that we opened following provisions of our Constitution | 7.3 | 4.20 |
| Whenever bills are paid or settled, we keep relevant supporting documents in line with financial standards and policies | 5.3 | 4.53 |
| We have adequate capacity to prepare income and expenditure statements that comply with professional accounting standards | 5.2 | 4.45 |
| Our financial statement is audited regularly | 4.9 | 4.48 |
| Annual budgets are regularly prepared | 4.5 | 4.48 |
| We get clean audits every year | 4.4 | 4.46 |
| Approved policies for managing our finances exist | 4.1 | 4.29 |
| Budgeting | | |
| We have a dedicated Bookkeeper who manages our finances | 4.9 | 4.16 |
| Our budgets are prepared considering our annual plans | 3.5 | 4.24 |
| implementation of our annual budget is monitored effectively | 3.4 | 4.17 |
| Stock control | | |
| We have ordering systems that we use in our operations | 2.4 | 3.79 |
| Stock control systems exists and are appropriately applied | 2.0 | 3.18 |
| Financial reporting | | |
| Upon finalization, we share our annual financial report with beneficiaries | 5.2 | 4.47 |
| Registered professional accountants prepare our annual financial reports | 4.9 | 4.53 |
| We use our financial report make important decisions | 4.4 | 4.37 |
| In our Executive Committee, there is at least one financial expert who review(s) our financial report | 3.7 | 4.42 |
| Diversification of income | | |
| There are many beneficiaries of our CPA who can write good, fundable proposals or business plans | 5.1 | 3.68 |
| Most members of our Executive Committee and sub-committees can write good, fundable proposals or business plans | 5.0 | 4.12 |
| Our CPA is not too dependent on donor or external funding | 3.1 | 4.16 |
| We have many funders | 1.2 | 2.40 |

Building and maintaining healthy relationships with external stakeholders is also an important determinant of the functionality of communal property associations (CPAs) in South Africa. CPA success and sustainability are dependent on their relationships with stakeholders, including communities, financial institutions, government agencies, and local governments.

Ranking perceptions with respect to building and maintaining healthy relations with external stakeholders varied widely (19-61 %) among the CPAs (Table 4.8). The most popular perceptions were that “Stakeholders have a strong sense of working closely with our CPA” (61 %) and “We have a strong working relationship with local and District Municipalities” (55 %). According to a study by Mashishi, Phiri, and Letseka (2019), successful CPAs are those who engage in continuous consultation and collaboration with their stakeholders. This was because stakeholder engagement enables CPAs to access resources, services, and support necessary for their operations. Furthermore, stakeholder engagement also enhances the reputation of the CPAs and strengthens their legitimacy in the eyes of their members and the broader community.

A study by Mncube & Wissink (2018) found that CPAs that engage in regular stakeholder engagement have a higher probability of gaining the trust and confidence of their stakeholders. This leads to increased support and collaboration, which enhances the functionality of the CPAs. Mncube & Wissink (2018) also found that CPAs that engage in stakeholder engagement are better equipped to address challenges and overcome obstacles in their operations. This contrasted with the low perceptions regarding “Sometimes we receive private sector support, mainly in the form of technical expertise, materials, and human resources” (19 %), “Our CPA has a strategy that clarifies how we work with the media” (23 %) and “Various funders regard our CPA as a credible entity worth supporting financially” (27 %). All these results point towards the need for assisting CPAs to build strong working relations with local and District Municipalities, in particular. In conclusion, building and maintaining healthy relationships with external stakeholders was a critical determinant of the functionality of communal property associations in South Africa. Regular stakeholder engagement enables CPAs to access resources, services, and support, enhance their reputation, strengthen their legitimacy, and lead to a more functional and successful operation.

Table 4.8: Status quo of Communal Property Associations with respect to building and maintaining healthy relations with external stakeholders

| Variables | Mean | Standard Deviation |
|--|------|--------------------|
| Stakeholders have a strong sense of working closely with our CPA | 6.1 | 3.06 |
| We have strong working relationships with local and District Municipalities | 5.5 | 4.01 |
| We have strong relationships with provincial and national government Departments | 5.2 | 3.89 |
| Our activities and recommendations are usually integrated into government development plans | 3.9 | 3.93 |
| Our CPA Participates in coalitions or networks of CPAs with similar core business | 3.9 | 4.17 |
| Our good reputation often attracts positive media attention for us | 3.2 | 3.73 |
| Various funders regard our CPA as a credible entity worth supporting financially | 2.7 | 3.56 |
| Our CPA has a strategy that clarifies how we work with the media | 2.3 | 3.64 |
| Sometimes we receive private sector support, mainly in the form of technical expertise, materials, and human resources | 1.9 | 2.93 |

4.5 Programme and Financial Sustainability of Communal Property Associations

Programme and financial sustainability were critical determinants of the functionality of communal property associations (CPAs) in South Africa. According to a study by Ngulube and Mashamba (2018), programmatic sustainability refers to the ability of CPAs to achieve their goals, implement projects, and maintain their programs over time. Financial sustainability, on the other hand, refers to the ability of CPAs to generate adequate income to meet their financial obligations, maintain and improve their infrastructure, and manage their resources effectively.

Perceptions of Executive Committee members of CPAs with respect to programme and financial sustainability imperatives are covered in Table 4.9. The observation that Executive Committee members ranked elements of financial sustainability lowly (20-34 %) clearly indicated that they were not satisfied with how this was being addressed within CPAs. Although elements of programme sustainability were better ranked (46-61 %), the need for targeted interventions to improve the situation was revealed. To achieve programme and financial sustainability, CPAs must have clear, achievable goals and objectives, sound monetary management and resource allocation systems, and a solid business plan that ensures long-term financial viability (Ngulube & Mashamba, 2018). Additionally, CPAs must have strong partnerships with external stakeholders, including government agencies, local authorities, and private sector partners, to ensure that they receive adequate support and resources to implement their programmes and projects effectively (Ligthelm, 2017).

To maintain their long-term financial viability, CPAs must also take part in initiative-taking income-generating ventures like small-scale business development, tourism, and agricultural production (Ligthelm, 2017). This can help to diversify their revenue streams and reduce their dependence on government grants or subsidies (Ngulube & Mashamba, 2018).

In conclusion, CPAs must focus on achieving both programmatic and financial sustainability to ensure that they remain functional and effective in managing Restituted land in South Africa. An initiative-taking and strategic approach to programmatic and financial planning, as well as effective partnerships with external stakeholders, will be crucial in helping CPAs to achieve their goals.

Table 4.9: Perceived state of programme and financial sustainability of Communal Property Associations

| Variables | Mean | Standard Deviation |
|--|------|--------------------|
| Programme sustainability | | |
| We are often guided by changes in local community, country and world when running our programme | 6.1 | 3.93 |
| Beneficiaries have a strong sense of ownership of our CPA | 5.9 | 4.01 |
| We are aware of and comply with the legislation that affects our core business | 5.1 | 4.30 |
| Local level skills transfer is taking place, which ensures that our CPA is accepted and supported by neighbouring communities and other CPAs | 4.6 | 4.03 |
| Financial Sustainability | | |
| We create many jobs out of our CPA work | 3.4 | 3.67 |
| We have some income that is guaranteed and secured for at least the next two years | 2.5 | 3.31 |
| We have a fundraising strategy that we implement | 2.4 | 3.5 |
| Our CPA receives funds from a wide range of sources, including government, international donors, and the private sector | 2.0 | 3.16 |
| We implement many revenue-generation activities | 2.0 | 3.16 |

4.7 Summary of the chapter

In this Chapter, detailed insights into the governance, knowledge, skills, and competences needed for effective management of CPAs in Vhembe District have been provided. Below are the major results and their implications.

Importance of knowledge and skills

- a) The success of CPAs in managing Restituted Land is heavily dependent on the knowledge, skills, and competences of their members.
- b) Members with higher levels of knowledge, skills, and experience were found to be more effective in their roles and contributed significantly to the success of the organization.

Capacity of CPAs

- a) The functionality of CPAs is determined not only by knowledge and skills but also by their capacity to provide essential services to their members.
- b) Access to resources and the ability to provide basic services and implement community-based development projects are crucial factors in measuring the capacity of CPAs.

Governance and operational systems

- a) Healthy administration and operational systems are critical for the functionality of communal property associations, ensuring transparency, accountability, and effectiveness in management.
- b) Governance structures should be diverse in composition to bring a range of skills and experiences to effectively manage communal property challenges.

Financial management

- a) Effective financial accounting, budgeting, stock control, and reporting are essential for maintaining transparency and accountability in the financial dealings of CPAs.
- b) Diversification of income sources is crucial for the long-term sustainability of CPAs,
- c) reducing dependence on government grants or subsidies.

Programme and financial sustainability

- a) Programmatic and financial sustainability are key determinants of the functionality of CPAs, requiring clear goals, sound financial management, and strong partnerships with external stakeholders.
- b) CPAs must engage in income-generating activities and have a solid business plan to ensure long-term financial viability and effective program implementation.

Implications of the major findings of the study

- a) Developing the knowledge, skills, and competences of CPA members through training and support is crucial for organisational success and effective management of Restituted Land.
- b) Implementing healthy administration and operational systems, together with diverse governance structures, can improve transparency, accountability, and effectiveness in managing CPAs.
- c) There is a need for CPAs to focus on financial sustainability by diversifying income sources, engaging in income-generating activities, and establishing strong partnerships with external stakeholders to ensure long-term viability and effective program implementation.

CHAPTER 5: INTERVENTIONS FOR ENHANCING PERFORMANCE OF COMMUNAL PROPERTY ASSOCIATIONS, CONCLUSIONS AND RECOMMENDATIONS IN MANAGING RESTITUTED LAND IN VHEMBE DISTRICT

5.1 Introduction

The aim of the study was to assess the governance structures, systems, and procedures inherent in Communal Property Associations (CPAs) to propose interventions for enhancing functionality. This was achieved through studies that sought to:

- a) Determine the perceived levels of knowledge, skills, and competencies of members of the Executive and sub-committees of Communal Property Associations.
- b) Assess the administrative and operational systems in the Communal Property Associations;
- c) Assess the programmes and financial sustainability of Communal Property Associations.
- d) Propose interventions for enhancing the functionality of Communal Property Associations.

5.2 Major Results

The major results of the study are presented in Table 5.1. They are categorised into various performance areas, which are presented below.

Compliance with provisions of the Communal Property Association Act of 1996

- a) Identifying unregistered CPAs and facilitating their registration: This involves conducting thorough surveys and outreach programs to identify CPAs that are currently unregistered or not in compliance with the Communal Property Association Act of 1996. Once identified, facilitation services should be provided to guide them through the registration process, ensuring they meet all legal requirements.
- b) Developing strong constitutions for CPAs without or with weak Constitutions: Workshops should be organised to educate members of CPAs about the importance of having a robust constitution that aligns with the legal framework. These workshops should provide guidance on drafting and implementing effective constitutions that protect the rights and interests of all members.
- c) Running beneficiary-inclusive workshops to develop strategic plans: Strategic planning workshops should be conducted with active participation from all stakeholders, including beneficiaries, to ensure that the goals and objectives of the CPAs are aligned

with the needs and aspirations of the community. These workshops should focus on developing actionable plans that address key challenges and opportunities faced by the CPAs.

- d) Conducting regular client/customer satisfaction surveys: Regular surveys should be conducted to gather feedback from members and beneficiaries about the quality of services provided by the CPAs. This feedback should be used to identify areas for improvement and to ensure that the CPAs are meeting the needs of their constituents effectively.
- e) Establishing gender and youth-balanced Executive and sub-committees: Efforts should be made to ensure that the leadership structures of CPAs are diverse and inclusive, with adequate representation of women and youth. This can be achieved by implementing policies that promote gender and youth balance in executive and sub-committees, as well as providing training and support to encourage participation from underrepresented groups.

Developing capable servant leadership

- a) Mounting a servant leadership program to enhance CPA functionalities: A comprehensive servant leadership program should be developed and implemented to cultivate a culture of servant leadership within the CPAs. This program should include training sessions, mentorship opportunities, and practical exercises designed to enhance the leadership skills of members and foster a spirit of service and collaboration.
- b) Developing strategies for developing servant leaders: Strategies should be developed to identify and nurture potential servant leaders within the CPAs. This may involve implementing leadership development programs, providing mentoring, and coaching, and creating opportunities for leadership roles within the organization.
- c) Strengthening governance for beneficiary-centered leadership: Governance structures should be strengthened to ensure that leadership within the CPAs remains focused on serving the needs and interests of the beneficiaries. This may involve revising governance policies and procedures, enhancing transparency and accountability mechanisms, and promoting greater participation and engagement from members.
- d) Running orientation workshops on volunteerism: Orientation workshops should be organised to educate members about the importance of volunteerism and community service. These workshops should emphasize the role of volunteers in supporting the work of the CPAs and provide practical guidance on how members can get involved and contribute to the organisation's goals.

Strengthening operational culture and systems

- a) Introducing a training and mentoring program to build conflict resolution and operational capacity: A training and mentoring program should be implemented to equip members with the skills and knowledge needed to effectively manage conflicts and operate the CPAs efficiently. This program should cover topics such as conflict resolution, communication skills, project management, and financial literacy.
- b) Developing comprehensive staff or human resource development policies: Comprehensive staff or human resource development policies should be developed to ensure that members have access to opportunities for professional growth and development within the CPAs. These policies should outline procedures for recruitment, training, performance evaluation, and career advancement.
- c) Developing and adopting a CPA organogram and risk register: An organogram should be developed to clearly define the organizational structure of the CPAs and clarify roles and responsibilities within the organization. A risk register should also be developed to identify and mitigate potential risks to the organization's operations and financial sustainability.
- d) Adopting financial management policies and offering training in financial resource management: Financial management policies should be adopted to ensure that the CPAs adhere to best practices in financial governance and accountability. Training programs should be offered to members to improve their understanding of financial management principles and practices, including budgeting, accounting, and financial reporting.

Determining key sectors and economic opportunities

- a) Developing a database of CPAs in each Municipality: A comprehensive database of CPAs operating within each municipality should be developed to facilitate coordination and collaboration among different organizations and stakeholders. This database should include information on the location, membership, and activities of each CPA.
- b) Carrying out an inventory of major resources and determining key sectors driving the economy: An inventory of major resources within the jurisdiction of the CPAs should be conducted to identify key sectors driving the local economy. This information should be used to inform strategic planning and decision-making processes within the CPAs, with a focus on maximising economic opportunities and promoting sustainable development.

- c) Determining economic opportunities and mapping innovations on CPA properties: Economic opportunities should be identified and assessed to determine the potential for income generation and job creation within the communities served by the CPAs. Innovations on CPA properties should be mapped to identify best practices and opportunities for replication and scaling up.

Enhancing program and financial sustainability

- a) Establishing a Resource Mobilisation Committee: A resource mobilization committee should be established to oversee efforts to raise funds and secure resources for the CPAs' programs and activities. This committee should develop and implement a resource mobilisation strategy that includes diverse fundraising methods and partnerships with donors, government agencies, and other stakeholders.
- b) Developing and adopting standard operating procedures: Standard operating procedures should be developed and adopted to ensure consistency and efficiency in the CPAs' operations and program delivery. These procedures should outline clear guidelines and protocols for carrying out key activities, such as project management, financial administration, and reporting.
- c) Conducting performance-based job appraisals and skills audits: Performance-based job appraisals should be conducted regularly to assess the effectiveness and efficiency of members and staff within the CPAs. In order to determine training and capacity-building needs and guarantee that members possess the skills and competences required to carry out their responsibilities efficiently, skills audits should also be carried out.
- d) Complying with tax and labor regulations and developing a resource mobilization strategy: The CPAs should ensure compliance with relevant tax and labor regulations to avoid legal risks and liabilities. A resource mobilization strategy should be developed to guide efforts to generate revenue and secure funding for the CPAs' programs and activities, with a focus on diversifying income sources and building sustainable financial resilience.

5.3 Discussion

The National Development Plan of South Africa is largely accomplished through the efforts of Communal Property Associations (CPAs), especially when it comes to land reform and initiatives for reducing poverty (Mapiye, 2016). Unfortunately, the CPA Act's compliance has been the primary emphasis of their governance, frequently overshadowing the land reform's ability to reduce poverty (Manenzhe, 2016).

The Department of Agriculture, Land Reform, and Rural Development's annual report emphasizes the difficulties that CPAs encounter, such as committee governance problems, conflicts between traditional leadership and executives, and noncompliance with the Communal Property Associations Act of 1996 (Sebola & Mamabolo, 2018). To address these challenges, the DALRRD was finalising a report that proposes sustainable solutions for resolving identified issues and promoting sound governance and accountability within CPAs.

Hoole (2008) stated that the main goal of CPA was to make recipients' lives better. A CPA should also be able to promote access to natural resources, food production, skill development, and job creation. According to Nkuna (2013), a well-managed CPA should be able to improve people's quality of life by enabling community members to support themselves through their resources. Ndlovu (2016) elucidated that while CPAs were perceived as a potent instrument in advancing sustainable livelihoods, certain weaknesses were noted, including insufficient backing from both the governmental and private sectors. Furthermore, Ndlovu (2016) found that those who benefited from land reform through CPAs only received a minimal amount of material benefit from their nominal land ownership and that productivity declined as soon as CPAs took over the businesses that were using the property. The study concluded that the problem is the excessive emphasis on CPA Act administrative compliance, which pushes other CPA goals like economic development to the back burner in favor of poorly thought-out CPA management structures (Binswanger *et al.*, 2018).

The information above highlights that compliance with the Communal Property Association Act of 1996 is a crucial aspect of an intervention strategy for CPAs. This involves identifying unregistered CPAs and facilitating their registration to ensure they operate within the legal framework. It is worth noting that this could help CPAs to secure their rights and access resources, and support from government agencies and other stakeholders. The Republic of South Africa's 1996 Constitution (Constitution of the Republic of South Africa) sets forth the duties and rights of both people and groups, including the right to property. This means that associations for community property must uphold and defend the property rights of their members and offer an impartial, open process for making decisions and resolving conflicts.

Developing strong constitutions for CPAs without or with weak constitutions is another critical intervention revealed in this study. A robust constitution aligns with the legal framework and protects the rights and interests of all members. Workshops should be organized to educate members about the importance of having a robust constitution and guide them through the drafting and implementation process. In addition, compliance with the Community Schemes Ombud Service Act (CSOS Act) is essential for communal property associations in South

Africa. The CSOS Act establishes an ombud service to resolve disputes between members and the property association and provides a framework for the management of community schemes (Community Schemes Ombud Service, 2021). This means that in addition to providing fair and unbiased conflict resolution, community property associations are required to follow the rules and processes specified in the CSOS Act.

Running beneficiary-inclusive workshops to develop strategic plans is crucial. Strategic planning workshops should involve all stakeholders, including beneficiaries, to ensure that the goals and objectives of the CPAs align with the needs and aspirations of their constituencies. These workshops should focus on developing actionable plans that address key challenges and opportunities faced. According to Ndaba and Nkonyeni (2017), the strategic workshops would assist the CPAs to implement appropriate operational systems, and the strategic workshops would assist the CPAs to implement appropriate operational systems, which is also important in ensuring the functionality of communal property associations. These systems help CPAs in managing the day-to-day activities of the association, including the provision of services to members and other stakeholders. For example, the association needs to have procedures in place for managing its finances, upkeep of its facilities, and provision of utilities like waste management, water, and power.

In addition to the interventions suggested above, conducting regular client/customer satisfaction surveys helps gather feedback from members and beneficiaries about the quality of services the CPAs provide. This feedback should be used to identify areas for improvement and ensure that the CPAs are meeting the needs of their constituents effectively. A study by Mncube & Wissink (2018) found that CPAs that engage in regular stakeholder engagement have a higher probability of gaining the trust and confidence of their stakeholders. This leads to increased support and collaboration, which ultimately enhances the functionality of the CPAs. Mncube & Wissink (2018) also found that CPAs that engage in stakeholder engagement are better equipped to address challenges and overcome obstacles in their operations.

Establishing gender and youth-balanced Executive and sub-Committees is one of the critical recommended interventions, which ensures that the leadership structures of CPAs are diverse and inclusive. This can be achieved by implementing policies that promote gender and youth balance in executive and sub-committees, besides providing training and support to encourage participation from underrepresented groups. According to a study by Van der Walt & Mafongoya (2019), the composition of CPAs in terms of the demographic and social characteristics of members, as well as their skills and experiences, can have a significant

impact on their ability to effectively manage restituted land. A diverse membership can also increase the chances of having members with the necessary skills to manage the complex and multi-faceted challenges associated with communal property management (Van der Walt & Mafongoya, 2019).

Developing capable servant leadership is another essential aspect of the proposed intervention strategy. This strategy involves cultivating a culture of servant leadership within the CPAs through training sessions, mentorship opportunities, and practical exercises designed to enhance the leadership skills of members and foster a spirit of service and collaboration. Ndlovu (2016) argued that it was important for CPAs to prioritize the development of their leadership and management capacity. Strong and effective leadership and management are essential for the proper functioning of the organization, including the effective utilization of resources and the achievement of goals and objectives. According to a Radebe (2018) study, CPAs that possessed strong leadership and management were more successful in providing services and managing returned land.

Strengthening operational culture and systems is also proposed as a viable strategy. It entails introducing a training and mentoring program to build conflict resolution and operational capacity, developing comprehensive staff or human resource development policies, formulating, and adopting a CPA organogram and risk register, adopting financial management policies, and offering training in financial resource management. According to Mashaba (2011), members of CPA committees need to possess appropriate administrative abilities, financial knowledge, and the capacity to resolve conflicts. According to Mutegwagwa & De Wet (2018) the diversification of income was essential for the long-term sustainability of the association. This includes exploring new income streams, such as grants, sponsorships, and partnerships, to supplement membership fees and other sources of income. The implementation of effective financial management practices, communal property associations could ensure their continued functionality and success in managing restituted land in South Africa (Binswanger *et al.*, 2018)

The need for determining the key sectors and economic opportunities is a significant intervention. This involves developing a database of CPAs in each Municipality, out conducting an inventory of major resources, and determining key sectors driving the economy, and economy and prioritizing economic opportunities, and mapping innovations on CPA properties. To maintain their long-term financial viability, CPAs must also take part in proactive income-generating ventures, including small-scale business development, tourism, and agricultural production claims (Ligthelm, 2017). This could help to diversify their revenue

streams and reduce their dependence on government grants or subsidies (Ngulube & Mashamba, 2018).

Enhancing program and financial sustainability is the final aspect of the intervention strategy. This involves establishing a Resource Mobilisation Committee, developing, and adopting standard operating procedures, conducting performance-based job appraisals and skills audits, complying with tax and labour regulations, and developing a resource mobilisation strategy. According to Sebola & Mamabolo (2018), ongoing internal conflicts prevented the executive committees of CPAs from submitting annual financial accounts, which was the cause of the profession's dysfunction. Therefore, effective financial accounting could help the association to maintain transparency and accountability in its financial dealings. This includes ensuring that all financial transactions are properly recorded and that financial statements are prepared and submitted to relevant stakeholders in a timely manner (Mutegwagwa & de Wet, 2018). Budgeting is also a key aspect of financial management and allows the association to plan and allocate resources effectively. This involves forecasting future revenues and expenses and ensuring that they are managed within the set budget (Van der Merwe *et al.*, 2017).

5.4 Conclusion

The importance of knowledge, skills, competencies, and governance in enhancing the performance of Communal Property Associations (CPAs) in managing Restituted land in the Vhembe District cannot be overemphasized. Effective management of CPAs requires a combination of the right skills, knowledge, and competences, as well as good governance practices. A number of determinants have been identified that contribute to the functionality of CPAs in South Africa, including compliance with constitutional and related legal provisions, capacity to provide services, health administration and operational systems, composition and harmonious relations of committees, systems and procedures, operational culture, human resource management, financial management, building and maintaining healthy relations with external stakeholders, and program and financial sustainability. CPAs' capabilities can be evaluated and areas for development can be identified with the help of the Organizational Capacity Assessment Tool (OCAT). The tool considers various aspects of organizational management, including governance, financial management, human resources, operations, and partnerships. Using the OCAT can help CPAs in Vhembe District to assess their strengths and weaknesses and make informed decisions on how to improve their performance.

5.5 Recommendations

In accordance with the literature reviewed from this study, the recommendations can be made to enhance the performance of CPAs in Vhembe District:

- 1) Strengthening knowledge, skills, and competencies of CPA committees and members through regular training and capacity-building initiatives.
- 2) Enhancing governance practices by promoting transparency, accountability, and good decision-making processes.
- 3) Strengthening the capacity of CPAs to provide services by improving their operational systems, processes, and culture.
- 4) Improving human resource management by attracting and retaining competent personnel and providing opportunities for professional development.
- 5) Improving financial management by establishing sound accounting, budgeting, and financial reporting systems.
- 6) Building and maintaining healthy relations with external stakeholders to foster collaboration and support.
- 7) Ensuring program and financial sustainability by diversifying income sources and implementing effective resource management practices.
- 8) Strengthening compliance with other legislative framework such as tax laws, Community schemes Ombud service Act and the Batho Pele principles. Although the CPA Act no 28 of 1996 is silent on the penalisations of CPAs operating without a constitution, the present study is therefore recommending to the policy makers to review the current Act and policies to ensure that the necessary steps be taken to enforce all CPAs to operate with a valid registration and a constitution which has been adopted by most beneficiaries.

5.6 Recommendation for policy and practice

- 1) The current study recommends the need for the Department of Agriculture and Rural Development to prioritise the allocation of more resources to ensure strengthening the operational culture within the CPAs.
- 2) The Department of Agriculture and Rural Development to develop compliance machinery with respect to provisions of the Communal Property Act no 28 of 1996.
- 3) The current study suggests creating communication networks and translating pertinent policies and other associated documents into the languages of land beneficiaries.
- 4) It is recommended that the Department of Agriculture and Rural Development prioritise the program and financial sustainability of Communal Property Associations.

5.7 Recommendation for future research

- 1) The roles of the Organizational Capacity Assessment tool (OCAT) in enhancing the functionality of Communal Property Associations
- 2) Strengthening the capacity of Communal Property Associations to improve their operational systems, process, and culture.
- 3) Building a healthy relationship between Communal Property Associations and external stakeholders to foster collaboration and support.
- 4) Enhancing the governance practices of Communal Property Associations to deliver services.
- 5) Strengthening knowledge, skills, and competencies of Communal Property Associations.

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Appendix 1: Consent Form

My name is Shumani Samuel Tshubwana, I a student at the University of Venda (Venda and registered for a doctoral Degree) in Rural Development. My research focuses on the intervention for improved performance of the Communal Property Association in managing restituted land in Vhembe District Municipality). With this letter, I am inviting you to take part in this study. Please note that any information you will provide will be treated as confidential and, therefore, will not be shown to anyone without your consent. Your participation is also voluntary, meaning that you are free to pull out at any time should you feel uncomfortable during the study.

Signature 

Date 4 August 2020

I..... have read and understood the contents and terms of this invitation to take part in this study. I hereby declare that I am voluntarily taking part in this research.

Signature of Respondent _____ Date _____

Appendix 2: Request for Approval from University of Venda Research Ethics Committee

University of Venda

Private Bag X5050

Thohoyandou 0950

South Africa

06/10/2017

University of Venda

Research Ethics Committee

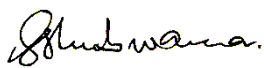
RE: REQUEST FOR APPROVAL TO CONDUCT RESEARCH IN VHEMBE DISTRICT, SOUTH AFRICA.

I am Shumani Samuel Tshubwana, a PhD student at the University of Venda, School of Agriculture, Institute for Rural Development. My research topic is *Intervention for improved performance of community property associations in managing restituted land in the Vhembe district of Limpopo province*. I write this letter to request the approval of the University's Research and Ethics Committee to conduct research in Vhembe district of Limpopo province.

I pledge to seek permission and approval from the relevant authorities in the district before undertaking the study. I also pledge that the purpose and implications of the study will be communicated to the respondents to secure informed consent. In addition, honesty and professionalism will be adhered to throughout the research process.

Thank you in advance.

Yours sincerely


...

Mr Tshubwana S.S

Appendix 3: Request for Permission from District Administrator

The municipal Manager

Vhembe District Municipality

P.O. Box 3374

Thohoyandou

0950

4 August 2020

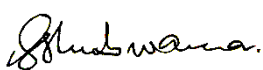
Dear Sir/Madam

REF: REQUEST FOR PERMISSION TO CONDUCT RESEARCH

I Shumani Samuel Tshubwana, a PHD student at the University of Venda and engaged in a research project in Vhembe District Municipality. My research study is entitled: "INTERVENTION FOR IMPROVED PERFORMANCE OF COMMUNITY PROPERTY ASSOCIATIONS IN MANAGING RESTITUTED LAND IN THE VHEMBE DISTRICT OF LIMPOPO PROVINCE." The aim of my research is to propose intervention for improved performance of Communal Property Associations (CPAs) in managing resituted land in the Vhembe District Municipality.

I therefore request permission to conduct this research. You are further assured that data collected during the investigation will be highly confidential and will only be used for my research. For further information about this study, please contact my supervisor's, Professor J Francis, and Dr. N. Raidimi.

Thanking you in anticipation.

Yours Faithfully 

Mr Tshubwana S.S

Appendix 4: Approval from the National Department of Agriculture, Land reform and Rural development



agriculture, land reform & rural development

Department
Agriculture, Land Reform and Rural Development
REPUBLIC OF SOUTH AFRICA

OFFICE OF THE DIRECTOR-GENERAL

Private Bag X833, Pretoria, 0001; • 84 Joffe Macosimo Street, Pretoria, 0001
Tel: 012 - 312 8811; E-mail: queries@dars.gov.za; Website: www.dars.gov.za

Reference: 2/14/1/P

Mr SS Tshubwana
P. O. Box 3847
THOHYANDOU
0950

Dear Mr Tshubwana

APPROVAL TO CONDUCT ACADEMIC RESEARCH IN THE DEPARTMENT OF AGRICULTURE, LAND REFORM AND RURAL DEVELOPMENT

Thank you for your application providing details of your research in relation to your thesis.

The department has no objection to your request to conduct research, however, the following must be adhered to:

- The final copy of your research report must be submitted to the department prior to your final submission to the institution of study.
- Files and records may not be removed from the department's archives.
- Photocopies of official records may not be made for public purposes.
- Names of individuals from official records may not be published.
- Access to the records must be arranged in collaboration with the head of office, or in the case of the national office, with the Directorate: Knowledge, Information and Records Management.
- The department reserves the right to restrict access to files of a sensitive nature.
- Access to classified information will not be granted if you have not been granted a security clearance.
- Supply an annual proof of registration from your institution of study to the department.



Department of Agriculture, Land Reform and Rural Development
Private Bag X833, Pretoria, 0001; • 84 Joffe Macosimo Street, Pretoria, 0001
Tel: 012 - 312 8811; E-mail: queries@dars.gov.za; Website: www.dars.gov.za

Appendix 5: Approval from the University of Venda Ethics committee

ETHICS APPROVAL CERTIFICATE

RESEARCH AND INNOVATION
OFFICE OF THE DIRECTOR

NAME OF RESEARCHER/INVESTIGATOR:
Mr SS Tshubwana

STUDENT NO:
8700260

PROJECT TITLE: **Interventions for improved performance of
Communal Property Associations.**

PROJECT NO: SARDF/20/IRD/05/1310

SUPERVISORS/ CO-RESEARCHERS/ CO-INVESTIGATORS

| NAME | INSTITUTION & DEPARTMENT | ROLE |
|-----------------|--------------------------|------------------------|
| Prof J Francis | University of Venda | Promoter |
| Dr EN Ralimi | University of Venda | Co - Promoter |
| Mr SS Tshubwana | University of Venda | Investigator - Student |

Type: **Doctoral Research**

Risk: **Minimal risk to humans, animals or environment**

Approval Period: **October 2020 - October 2023**

The Research Ethics Social Sciences Committee (RESSC) hereby approves your project as indicated above.

General Conditions

While this ethics approval is subject to all declarations, undertakings and agreements incorporated and signed in the application form, please note the following:

- The project leader (principal investigator) must report in the prescribed format to the REC:
 - Annually (or as otherwise required) on the progress of the project, and upon completion of the project.
 - Within 48hrs in case of any adverse event (or any matter that impacts sound ethical principles) during the course of the project.
- Annually a number of projects may be randomly selected for an external audit.
- The approval applies strictly to the protocol as stipulated in the application form. Would any changes to the protocol be deemed necessary during the course of the project, the project leader must apply for approval of these changes at the REC. Would there be deviation from the project protocol without the necessary approval of such changes, the ethics approval is immediately and automatically forfeited.
- The date of approval indicates the first date that the project may be started. Would the project have to continue after the expiry date, a new application must be made to the REC and new approvals received before or on the expiry date.
- In the interest of ethical responsibility, the REC retains the right to:
 - Recusent access to any information or data at any time during the course or after completion of the project;
 - To ask further questions; Seek additional information; Request further modification or monitor the conduct of your research or the informed consent process;
 - Withdraw or postpone approval if:
 - Any unethical principles or practices of the project are revealed or suspected;
 - It becomes apparent that any relevant information was withheld from the REC or that information has been false or misrepresented;
 - The required annual report and reporting of adverse events was not done timely and accurately;
 - New institutional rules, national legislation or international conventions deem it necessary.


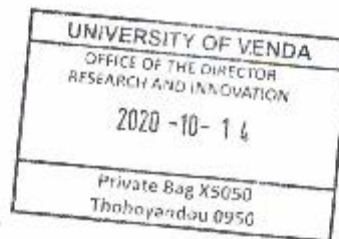
ISSUED BY:

UNIVERSITY OF VENDA, RESEARCH ETHICS COMMITTEE

Date Considered: August 2020

Name of the RESSC Chairperson of the Committee: Takalani Samuel Mashau

Signature:

Appendix 7: Editing Letter

EDITOR'S LETTER

To whom it may concern

Dear Sir/Madam

This is to authenticate that I, **Zitha Innocent**, have proofread and edited a thesis for a Doctor of Philosophy in the Institute for Rural Development in the Faculty of Science, Engineering, and Agriculture at the University of Venda, entitled: **Interventions for Enhancing Performance of Communal Property Associations in Managing restituted Land in Vhembe District Municipality**

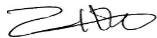
By

Tshubwana Shumani Samuel

Student Number: 8700260

I have further suggested several amendments which the student has undertaken to effect before this research is finally submitted: spelling, grammar, structure, and coherence. This thesis was inspected meticulously for consistency and correctness for register usage and citations. Should there be any inquiry, please do not hesitate to contact me.

Best Regards



09/05/2024

Contact No: 0715430998/ 015 962 8922

Email: Innocent.Zitha@univen.ac.za

***BA (Communication & English), BA (Hons) English, MA (English), Lecturer (English),
University of Venda***