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EXPERIENCES IN SOUTH AFRICAN LAND REFORM PROGRAMMES: A CASE STUDY OF SELECTED BENEFICIARIES

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A research report submitted to the Faculty of Management, University of the Witwatersrand, in partial fulfilment of the requirements for the degree of Master of Management in the field of Public and Development Management.

June 2007

DECLARATION

I declare that this research report is my own, unaided work. It is being submitted in partial fulfilment of the requirements for the degree of Master of Management in the field of Public and Development Management in the University of the Witwatersrand, Johannesburg. It has not been submitted before for any degree or examination in any other University.

JEREMIAH MODISE SETSHWANE, JUNE 11, 2007

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ABSTRACT

This research is an exploratory study, which examines experiences in South African Land Reform Programmes. It focuses on selected beneficiaries of Land Reform in the Bojanala district of the North West Province. The study examines market-led agrarian Reform that emerged out of the pro-market critique of state-led approaches to agrarian reform. The research aims at finding if the South African government is fulfilling its objectives on land reform.

Empirical research in the a form of a case study was conducted to establish the problems facing beneficiaries of land reform, to examine their perceptions regarding the existing land reform policies and legislation, and to identify possible solutions. Perceptions of respondents were recorded by way of semi-structured interviews. The results indicate that there is a need to have land reform that is not separate from agricultural restructuring.

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CHAPTER 1: INTRODUCTION

This chapter introduces the problem statement, the purpose, background and context, research objectives, research methodologies and the structure of the study.

1.1 PROBLEM STATEMENT

The aims and objectives of land reform in South Africa, as set out in the Constitution of South Africa, the 1997 White Paper on South African Land Policy and succession of legislation, are ambitious and potentially far-reaching, including redressing racial imbalance in landholding, developing the agricultural sector and improving the livelyhood of the poor (Lahiff,2001).

The government decided to adopt a land reform policy that would redress the injustices of apartheid, foster national reconciliation and stability, underpin economic growth, improve household welfare, and alleviate poverty (Government of South Africa, 1996), based on the pillars of restitution, land tenure reform, and redistribution.

There is growing interest in the progress of land reform in South Africa. As the land crisis in Zimbabwe is intensifying, there is a growing realisation in South Africa that something needs to be done to make sure that land redistribution policies are implemented. Even traditional critics of the interventionist state have come to realize that strengthening poor people's land rights and easing barriers to land transactions can set in motion a wide range of social and economic benefits including empowerment of women and minorities and other marginalized people, increased private investment, and more rapid economic growth and poverty reduction.

The South African Government took a decision to redistribute 30% of white-owned Agricultural Land by 2014. This is equivalent to 24.6 million hectares of

the 82 million hectares currently in white people's hands (Didiza, 2006). To realize the 30% redistribution target, about 1.75 million hectares needed to have been redistributed every year from 2000. To date, 3.3 million hectares have been redistributed and therefore 21.3 million hectares must still be redistributed per annum between 2006 and 2014 (Didiza, 2006). Based on the above it could be deduced that the time is too short because the pace of redistribution is too slow.

In 1996, van Rooyen and Njobe-Mbuli (1996, p. 461) said that in South Africa, approximately 87 per cent of agricultural land is held by almost 67,000 white farmers, of a tiny population of 5.3 million. The remaining 71 per cent of the population, which is predominantly-black, of about 40 million, lives on 13 per cent of the land in high-density areas, i.e. the former homelands.

Similarly, Palmer (2000) argues that when time came for the transfer of power, the West enforced restraining compromises onto the liberation movements on land redistribution under the 'willing seller, willing buyer' formula, which, in effect justified, legalised and froze in time. The formula was not aggressive enough to address a century or so of white land expropriation in Zimbabwe, Namibia, and South Africa.

Since 1980, the rules of the game as drawn up in the West (and subsequently endorsed by most of the donor community) meant that this colonial *status quo* was legalised. A line was drawn under a history of oppression, and to change it required in virtually all cases the 'willing consent' of those who were the beneficiaries of past expropriation, i.e. the consent of past perpetrators of land-based economic injustice.

According to Human Rights Watch (2001), unequal access to land –as enforced by the law-- underpinned white control of power in South Africa during both the colonial and apartheid era. Since the first European settlement at the Cape, founded by Jan van Riebeck in 1652, the indigenous peoples of South Africa were

at first gradually , and latter more comprehensively , driven from their land from which they had previously derived their livelihoods.

White settlers expropriated land through armed conflict. A cash economy and a cash taxation system forced indigenous peasant producers into debt and alienation from their land. Land and other property laws were passed to benefit the property-owning class (Human Rights Watch, 2001). By the end of the nineteenth century, the process of conquest was almost complete (Human Rights Watch, 2001).

Greenberg (2002, p.2) argues that the structure of the South African agricultural economy is inseparable from the dispossession and coercion of the black majority in the country. Agricultural reporter and writer John Madeley is quoted by Wongibe (2002) as warning that `` where you have some people feeling aggrieved because they do not have land, there is more likely to be political unrest``. That potential for disaffection and violence is greater in communities where such unjust land ownership patterns are slanted along a race and ethnic divide.

Additionally, Kariuki (2006) has also warned that the failure to resolve the land question amicably has greater potential to erode some of the democratic gains the government has achieved so far, notwithstanding the positive mood and optimism that has engulfed the country about its future growth and development.

Therefore, against this background, the issues at stake in the South African land reform programme have far-reaching economic and social consequences. It thus calls for intervention of some kind.

1.2 PURPOSE STATEMENT

The purpose of this research is to examine the Land Reform Programme in South Africa, by using a case study of selected beneficiaries to determine if their experiences tally with the aims and objectives of the government regarding land reforms.

Land reform is, and will remain, one of the critical issues facing South African agriculture for a long time to come. Towards the official end of apartheid, the World Bank Rural Restructuring Programme (RRP) put substantial resources into detailed proposals (National Land Committee, 1995). According to the National Land Committee (NLC), the World Bank (WB) proposed that 30% of the agricultural land be transferred over five years. The WB asserted that this would create 1 million livelihoods for rural people at the cost of R17, 5 billion to the state. They proposed that the government source this money from the international market; WB itself would be prepared to loan this money to the South African government (NLC, 1995, p.17).

To corroborate the above argument, Nowicki (2003) argues that the forces of neo-mercantilist globalization responsible for South Africa's continuing economic and social chaos were entrenched years before apartheid collapsed. He states that the international financial institutions (IFIs) stepped in to influence the forces of social and economic change in the interest of international corporate business. For instance, he alluded to the fact that in the early 1990s, the World Bank sent advisors to South Africa to recommend the neo-liberal ideology and policies, promising economic growth. This was followed by the International Monetary Fund (IMF) `s granting of a $750 million loan conditional on the adoption of neo-liberal policies in 1993 (Nowicki, 2003).

The neo-liberal agenda has had a significant impact on shaping the South African land reform policies. Central to this school of thought is the argument that state intervention in economic activity slows the pace of economic growth. They argue that laissez-faire economics within the context of permissive governments should allow the 'magic of the marketplace' and the 'invisible hand' of the market pricing system to guide resource allocation and stimulate economic development (Todaro, 1994).

Crotti (2001, p.35) warns, `If the world continues down the path of Neo-liberalism, economic prospects for the majority of people, in both developed and

developing nations, are dismal'. For him, it is also quite possible that serious political and economic instability will erupt—just as it did in the 1930s, in the last market-dominated era. It is essential to reverse the course and replace Neo-liberalism by domestic and international public and private institutions and policies dedicated to the pursuit of the security and prosperity of the majority of the population, rather than maximizing the wealth and power of national economic elites.

The International Crisis Group (2004) has advised that greater equality in access to land ownership would increase economic growth and reduce poverty, while minimising the risk of a future land crisis such as that of Zimbabwe.

1.3 BACKGROUND AND CONTEXT

Section 25(5, 6, 8 and 9) of the Constitution of the Republic of South Africa (Act No 108 of 1996) requires the State to reasonably legislate and take other measures to enable the people to gain access to land on an equitable basis; to provide either secure tenure of land to communities, individual households, individual families and individual persons whose tenure of land is legally insecure as a result of the past racially discriminatory laws or practices, or alternatively comparable redress; and to effect land related reforms.

The government has since set itself a goal of transforming property rights through the Reconstruction and Development Programme (RDP) to deliver 30 % of white-owned agricultural land into black hands by 2014. It also promised to complete the adjudication of all land restitution claims within five years. This target has shifted several times and has since being shifted to 2008.

The South African government's land reform programme aimed at fostering economic growth, national reconciliation and improving household food security.

There are three elements of South Africa's Land Reform programme, namely, land redistribution, restitution, and tenure.

1.3.1 REDISTRIBUTION

Land redistribution aims to redress the racial imbalances in rural land ownership and thus to provide the previously-disadvantaged people and the poor to gain access to land for residential and productive purposes. Its scope involves the urban and rural poor, labour tenants, farm workers and new entrants to agriculture. This mode is widely seen as having the potential to significantly improve the livelihoods of the rural poor and contribute towards economic development (see, e.g., Van Zyl *et al*.1996; Lipton 1996; Deininger 2000).

According to Department of Land Affairs (1997), redistribution is aimed at providing the previously disadvantaged people and the poor with access to land for residential and productive purposes. It is also designed to deal with the past injustices of land dispossession discussed above, to ensure equitable distribution of land ownership and to reduce poverty and contribute to economic growth. It also makes it possible for the poor and the previously disadvantaged people to purchase land with the help of a Settlement Land Acquisition Grant (DLA, 1997).

1.3.2 RESTITUTION

Land restitution deals with cases of forced removals, which took place after 1913. Under the restitution process, some 71645 out of a total 79696 urban and rural claims have been settled. Of the 8107 remaining claims, 6975 are rural whilst 1132 are urban claims (Didiza, 2006). The minister of Agriculture and Land Affairs says that to date a total of just over R6, 1 billion has been awarded to beneficiaries who opted for financial compensation, benefiting a total of 986981 beneficiaries and 194487 households. The total cost to the ministry to purchase and restore land to claimants has amounted to R2, 4 billion. Notably, majority of the settlements are Urban and most claimants have received R40, 000 instead of restoration of their land.

According to Gwanya (2003) most urban claimants have demanded that it is their right to choose financial compensation, which enables them to resolve many survival problems. Some have even said 'Money now and development later'.

Hall (2004, p.13) says that Standard Settlement Offers (SSO) of 2000 offered cash compensation for urban claims, usually set at R40 000 per household for former owners (R50 000 in certain metropolitan areas) and R17 500 per household for former long-term tenants. This is said to have helped to increase restitution settlements. The challenges facing this mode of land reform are:

Late Lodgement of claims

In spite of the fact that the government spent a lot of time and money on the "Stake your claim" campaign strategies including radio talk shows, community meetings, newspaper adverts, and so on. Only 34 000 claims were lodged by March 1998. Parliament granted an extension of the lodgement date to 31 December 1998 and hence the increase to more than 68 000 claims lodged (Gwanya, 2003).

According to Gwanya (2003) there are many people who did not lodge their claims probably because they did not believe that this restitution promise would be met. Now that they see that claims are being settled, they are putting pressure on the Commission to re-open the lodgement process. The Commission is unfortunately unable to do so, since it is bound by the Act.

Some of the examples of the demand for reopening are District Six in the Western Cape (Cape Town), rural betterment claims in the Eastern Cape (Transkei and Ciskei) urban claims in Uitenhage and Kirkwood.

Difficult Rural claims

It has been reported that the Commission has encountered a number of challenges in its attempt to fast track the settlement of rural claims and these include the following as listed by Gwanya (2003):

Firstly, most of the rural claimants are illiterate and thus take time to produce the required documents. Construction of family trees, recording of minutes and important resolutions becomes a serious problem.

Secondly, most of the land in the ex-homeland areas is unregistered and un-surveyed, and thus there are no titles/maps. This makes deeds as well as archival research more difficult.

Thirdly, most rural claimants have problems producing the required copies of personal documents such as identity documents, death certificates, marriage certificates, affidavits etc.

Fourthly, family and community disputes take much longer to resolve.

Fifthly, infrastructure and communication problems make it difficult to access claimants and to hold meetings. Distances to be travelled and the condition of rural roads pose a challenge.

Sixthly, determination of the monetary value of the claim and the development projects to be linked to the restitution award.

The patriarchal nature of rural communities is also cited as posing the problem

The Exorbitant Land Prices and uncooperative White Farmers have also been mentioned as a challenge. For example, according to Gwanya (2003), the average price is R1000 to R4000 per hectare. This makes land reform quite an expensive programme. But this is nothing compared to the exceptionally high land prices in Mpumalanga, Limpopo and Western Cape. In the case of Tenbosch in Mpumalanga, the farm was offered at R23 000 per hectare whilst the other was R45 000 per hectare. The one claim of Tenbosch, involving 150 000 hectares would require about R1.2 billion.

Arenstein (2004) corroborates the above-cited view when he argues that shrewd white land speculators are milking the land reform programme by systematically selling farms to Land Claims Commission (LCC) at massively inflated prices. For example, six farms in Badplaas district in Mpumalanga Province were bought for a combined R4, 3 million and sold to LCC for R25, 7 million. This left speculators with a cool R21, 3 million in estimated profit. Furthermore, Onverwacht farm was bought from original owner for R1, 2 million in May and resold to LCC for R3, 3 million one month later. Engelschedraai was bought at R650 000 in 2002 and was resold at R4, 1 million (600 percent more) in June. The other one is Vaalkop, far away from Mondi forest, that was bought for R1, 6 million in 2000 and was resold to LCC at 500 percent mark-up of R8,2 million on June the 17. Doorhoek was bought at R250 000 and was resold to LCC for R5, 7 million, i.e. 22 times the original price (Arenstein, 2004).

On the other hand, the introduction of land tax on all farms in the country is regarded as one of the ways to speed up the redistribution of land and create funds for municipalities (Farmers Weekly, 20 October 2006). According to a joint discussion document drawn by the Department of Land Affairs and the World Bank, the land market cannot be relied upon to redistribute land from the rich to the poor without targeted government interventions. One of these interventions is Land Tax. The imposition of land tax will not only reduce the price of land, especially its speculative value, but will contribute to the financing of land reform by the current owners of land. It will also increase the supply of land to the market and various land reform programmes (Farmer's Weekly, 20 October 2006).

Thus, it could be argued that although the market-based land reform (willing buyer, willing seller) is generally accepted, it has inherent problems more so if there is unwillingness on the part of those concerned, especially the sellers. According to Gwanya (2003), the Transvaal Agricultural Union (white farmers) established a "Restitution Resistance Fund" with the main purpose to oppose land claims. In cases where they realize that the claimants had valid claims they lobby or do everything possible to influence the claimants to get financial compensation so that they are paid off the land. In many cases they are hostile to claimants. For

Gwanya (2006) it is this negative attitude and hostility that often leads to farm evictions, disputes, farm occupations, farm killings, making the situation on farms volatile.

Protracted Negotiations

Apart from exorbitant land prices, negotiations between claimants, current land owners and the government often take far too long. The issues which take far too long to resolve include agreement on the beneficiaries, validity of the claim, the rightful claimants, the extent of land (property description) land use, settlement, and so on. The open mind, flexibility and willingness to find a solution do influence the time it takes to resolve a claim. In the event that a solution is not found the matter is referred to the Land Claim Court.

The commission has also been faced with challenges with regard to traditional leaders` attempts to use the land restitution process to engage in power disputes as well as the failure of some of service providers to complete the verification process(Commission on Restitution of Land Rights: Annual Report, 2006, p.20).

The restitution programme has not been satisfactory since the official end of apartheid, with few rural claims settled and land restored. Hargreaves and Eveleth (2003) consider political compromises and the lack of political will during the transition period as largely to blame. They argue that the quality of land settlement and restorative justice have been sacrificed to the interests of neo-liberal, macro-economic objectives

The government's efforts to resolve the huge backlog of restitution cases are laudable. However, the manner in which the programme is being accelerated, using cash settlements rather than restoration of land, threatens to undermine its objectives. Particularly for the remaining rural claims, cash settlements should be discouraged and efforts made to provide as part of any restitution package either suitable land for small-scale production and housing, a job or credit for micro-enterprise activities.

The restitution programme should be made the engine for wealth creation and enhancement of livelihood options. Cash settlements are not a sustainable contribution to development or poverty alleviation. They should not be the method of first choice.

1.3.3 LAND TENURE

Land tenure reform seeks to improve the tenure security of all South Africans and to accommodate diverse forms of land tenure, including types of communal tenure (White Paper on South African Land Policy, 1979). According to Lahiff (2003, p.42) the Extension of Security of Tenure Act (Act 62 of 1997), or ESTA, has had little success in preventing illegal evictions. He alludes to the fact that evictions are still possible, and illegal evictions remain common.

Meanwhile, the government has adopted the willing seller and willing buyer policy to deal with the current situation. The market-based approach utilizes the forces of market to redistribute land and it is largely based on the willing-buyer-willing-seller principles. There is some state support to help willing buyers. The market-based approach to land redistribution has been rationalised on the basis of efficiency. This rationale is supposed to ensure that efficiency in agricultural sector is maintained to maintain or even improve the current production level of the country and ensure food self-sufficiency or food sovereignty. It is also aimed at maintaining or improving investor confidence.

The government is also committed to making Land Acquisition Grants available and is obliged to support and finance the required planning process. It also assists individual households or communities to purchase and own land through Land Redistribution for Agricultural Development (LRAD). However, there are serious problems experienced, for example, for Lahiff (2001, p.4) suggests, that:

> [T]hese included the inexperience of officials in conducting land transactions, leading to lengthy delays and loss of interest from sellers; reliance on current land owners to determine when, where and at what price land is made available; poor co-ordination with provincial departments of

> agriculture and local government, leading to poorly-designed projects and lack of post-settlement support; unwieldy group schemes; cumbersome approval mechanisms that required ministerial approval for every project; and the imposition of inappropriate `business plans` on poor communities.

Nevertheless, the above strategy is continuing to be used as a leading mode of land transfer by the South African government.

This study uses beneficiaries of the land reform programme in the Bojanala Region of the North West Province as a model to explore the experiences of Land Redistribution for Agricultural Development (LRAD) beneficiaries and identify possible interventions to improve land reform in the area. According to Lodge (cited in *Taipei Times* 2004, p.7):

> [I]f we want a democracy in 10 years' time we need to spend much, much more, on land reform directed at poor people now, otherwise, in the year before the ANC's fifth term election, state sponsored illegal land seizures will make perfectly good sense to government leaders whose first priority, as with politicians anywhere, is retaining office.

The Zimbabwean situation is a good example of what is likely to happen with the South African current pace of land reform.

Lodge (2004) also points out that radical land reform is unusual in a liberal democracy like South Africa, where the rights of property owners are firmly entrenched in the constitution. Clause 25 of the South African Constitution is explicit on this matter. However, it also provides for some checks.

It is also noted in *Farmers Weekly* 6 September 2002 that land will always be a sure-fire trump card when trying to whip up populist support. The potential volatility of land issue in South Africa during times of political stress should never be underestimated. It is against the above background that the South African Land Reform has become critical in terms of providing historical redress for centuries of white settlers' expropriation of indigenous people's land.

1.4 RESEARCH OBJECTIVES

The purpose of this study is to use the beneficiaries of the land reform programmes as an example to explore the effectiveness of the current land reform policies in South Africa. Specific research objectives include:

1. To outline the theoretical and empirical justification of addressing the land reform problem in South Africa.
2. To examine the problems experienced by beneficiaries of land reform, looking at the nature, outcome and obstacles that influence the South African government land redistribution.
3. To present recommendations flowing from the literature review, comparative analysis and from the interviews on appropriate interventions to the current land reform debate in the country.

The basic assumption of this research is that the development of effective interventions to improve the land reform will require a more rigorous interrogation and understanding of the context and the range of factors, which influence accessibility, and ability of beneficiaries in accessing the benefits of land reform.

1.5 STRUCTURE OF THE REST OF THE STUDY

Chapter 2 proffers literature review of previous research conducted within the area of land-based economic justice. Chapter 3 describes and motivates the choices of methodology made for this study. Chapter 4 presents the collected empirical data. The empirical data is analysed and interpreted in chapter 5. In chapter 6, a conclusion and recommendations are made based on the findings of research conducted.

CHAPTER 2: LITERATURE REVIEW

There are two contending theories pertaining to land reform. They are State-led agrarian reform and the pro-market theory. Borras and Saturnino (2003) suggest that Market –Led Agrarian Reform (MLAR) has emerged out of the pro-market critique of state-led approaches to agrarian reform. Klaus Deininger and Hans Biswanger (1996) are the leading proponents of the MLAR. They content that state-led land reform distorts the land market. This distortion prevents efficient producers from acquiring or accumulating land. It forestalls the exit of unproductive and inefficient farmers (Deininger and Biswanger 1999, p.262-3).

For MLAR proponents, distorted markets are caused by prohibitions on land sales and rentals by land reform beneficiaries or property owners already marked for expropriation. They argue that this prevents more efficient producers from acquiring or accumulating land and it thus blocks the entry of potential external investors and prevents inefficient and bankrupt beneficiaries from getting out of production. For them, prohibitions have led to informal land market that in turn breeds corruption within state agencies. They drive land prices upward. They are critical of the fact that state-led reforms have been implemented usually without prior progressive land taxation, land-titling programme. They argue that this contributes to skyrocketing land price increases and hence encourages land speculations..

In contrast, State-led agrarian reform is framed by consideration of, amongst other things, dignity, respect, social justice, food sovereignty, rural transformation, sovereignty and as a platform in a broader process of national enfranchisement and social democracy. It entails redistribution that pivots on political as opposed to the Neo-liberal approach that puts much emphasis on economic efficiency and market domination (Boras and Saturnino, 2003).

Historically, the state has intervened massively in South African agriculture. This has resulted in the racial division of land which was given legal force in the 1913 Native Land Act, which allocated a mere 7% of the land for occupation to `natives`.[1] This Act also made share–cropping and rent tenancy contracts illegal. The system of cash rents and share-cropping was replaced by labour tenancy. This had the effect of giving white farmers almost absolute control over the black people living on white-owned farms. The ideology behind the Act was that Blacks should be servants or employees, not farmers. This law signalled the end of independent farming of black people outside the reserves.

This study will draw on diverse approaches to the history of Land reform. Histories of Land reform have shown that, land reform is generally associated with change in political rule of a country. In addition, it is postulated in *Farmers Weekly* (18 August 2000) that the rate of implementation usually coincides with the intensity of political change.

Furthermore, researchers and development practitioners have for long recognized that providing poor people with access to land and improving their ability to make effective use of the land they occupy is crucial to reducing poverty and empowering poor people and communities. As a result, four distinct motivations for land reform often underlie policy proposals in the South African context. They are motivations for social justice; positions based on ideology (e.g. land reform as part of struggle for national liberation), the promotion of agricultural productivity, and the alleviation of poverty (NLC, 1995).

Similarly, Prendergast (the International Crisis Group (ICG) cited in IRIN Web Special on Land reform in Southern Africa) argues that

> The main justification for land reform in post-colonial Southern Africa has been the repossession and redistribution of freehold land to achieve a more equitable balance in land ownership, as well as to raise the economic and social well being of the African population, in order to redress past wrongs and to address the consequences of colonial land practices.

[1] This was extended to 13% in the 1936 Native Land and Trust Act.

It is not surprising that the government and the ANC's land policies put emphasis on prioritising the alleviation of poverty. This is premised on the fact that there is widespread poverty in rural areas. The government has to balance between the protection of property rights in the Constitution and equitable access of land.

The World Bank put much emphasis on the efficient use of resources in support of a small class of black capitalists (NLC, 1995). It advocated that the primary mechanism of land reform should be redistribution through the market with significant state support.

The NLC (1995) agreed that the market is an acceptable mechanism for transfer of land. But it argues that there is a need for state intervention in the market. This is because the South African land market is racially distorted by massive state intervention, and that the market on its own cannot redress the inequality of land distribution. State intervention is therefore needed to direct the market to poverty alleviation, full employment and job security (NLC Ibid).

50 Years Is Enough (2002) argues that the World Bank imposes the same programmes on innumerable countries, without regard for their history, local realities and customs of production and land use. Their policies seek to make land into a commodity, and in the end, place it at the service of interests of international trade and trans-national corporations. These policies are not the agrarian reform that social movements have demanded throughout their historic struggle. They will not lead to substantial improvements in the living standards of the poor, nor will they lead to full development. By their nature, land markets do not help the needy, poor. They respond to money, not to human needs..

In the same vein, Moyo (2003) argues that the dominance of external financial and development aid in Africa's policy making processes and local markets fuels land conflicts. Pressures for the growing marketization of land reflect both external interests in land resource control and the increasing internal demands for

primitive accumulation through land by broadening African indigenous capitalist class.

Given the importance of rural land sector in attaining food security and reducing poverty, there is recognition that vibrant agriculture and rural resources sector underpinned by balanced access to land resources is critical to an agrarian transition and improving living standards. Pro-poor rural developmental programmes have been notably negligent of the fact that the lack of access to land and, inadequate strategies to mobilise financial and human resources to effectively develop the land economy are fundamental constraints (Moyo, 2003, p.2).

Rather than radical land reform, greater emphasis has since the 1990s been placed on market approaches to land reform. Recent state initiatives to redistribute land in the context of externally imposed structural adjustment programmes (SAPs) lending have generally influenced the evolution of land reform policy towards elitist land market agendas and agrarian capitalist development (Moyo, 2003, p.5).

According to Veltmeyer (cited in Moyo, 2003), there are three divergent paths towards land reform, each characterized by a distinct overall strategy and mixed bag of tactics: (1) state-led land reform (expropriation with compensation, land redistribution, rural development); (2) market-assisted land reform (land-titling, land commoditization and land banks); and (3) grassroots land reform processes including occupations, negotiation and struggle.

The inequitable distribution of land between white settlers and natives in Southern Africa was/is itself a structuration of unequal state intervention in support of the agrarian capitalist farmer against the peasantries (Moyo, 2003). Moyo argues that access to adequate land is fundamental in Africa for the survival of the majority of households in the absence of an alternative productive industry and infrastructures for employment in the services sector. He views it as a provider of multiple uses, consumption inputs and utilities to most peasant households. He concludes that in this respect, access to land emerges as the main source of human livelihoods.

For Moyo (2003), land is a source of political power and a terrain for political contest between different groups of people. Borras (2003) shares this view when he points out, that the MLAR model attempts to separate the technical aspects of land redistribution in project/policy implementation from the political context within which policymakers, landowners and the landless are embedded, and denies the importance of how political inequality relates to land distribution inequality:

> The MLAR model tends to dismiss the importance of the disproportionate distribution of political power between different social groups interested in land. This is a critical issue, especially because the core process in the MLAR model is about 'negotiation' between parties. Where there is asymmetry of class power and, therefore, of political power, it is inconceivable that a landless poor peasant can have the same degree of bargaining power as a rich landlord in a negotiation for land purchase (Borras, 2003, p. 389).

Empirical evidence also shows that small-scale farming provides for optimal land utilization, increased productivity, as well as employment growth based upon broadened income distribution, and environmentally sustainable use of resources. According to UNDP (2003, p.7) historical evidence suggests a strong link between redistributive land reform and reduction in poverty. It is also suggested that for land reform to succeed it must be linked to integration with a broader package of basic services, such as water and electricity, and training and extension support for productive activities (UNDP Ibid).

2.1 A HISTORICAL OVERVIEW OF LAND POLICY

The Native Land Act of 1913 not only prevented black people from owning land outside the ``reserves`` especially established for that purpose, but also prevented them from playing any role in the rural economy, other than in the form of wage labour. Between its enactment and the non-racial democratic new order of 1994 millions of black people were forcefully removed from `white South Africa` in one of the most effective and ruthless acts of land dispossessions and systematic

impoverishment of people in the twentieth century. Because of the above Act and other Apartheid legislation, by 1990, the white minority owned 87% of the land or had access to it while the black majority had access to only 13% of the land. By 1991, the homelands covered 17 million hectares, or roughly 13, 9 % of the national area (National Department of Agriculture, 2000, p.5).

In 1955, South Africans of all races adopted the Freedom Charter to counter the Apartheid practices with a vision of South Africa, which would belong to all (Congress of People, 1955). Organized white agriculture, in the form of the South African Agricultural Union (SAAU), and its constituent elements, especially the Transvaal Agricultural Union (TAU), formed a powerful political lobby in the 1940s to pressure the government into keeping blacks out of the urban areas as much as possible. This was done with the help of pass laws that compelled Africans over the age of sixteen to carry a ``pass,`` a personal identity document, at all times, and restricted them from leaving the white farms and enter urban areas except to provide labour needed by white families and industries.

In 1948, the National Party was elected on the platform promising apartheid (separate development). Its separate development policies led to the creation of 'homelands' or 'Bantustans,' for each major African group in the 1960s and 1970s. The Group Areas Act was passed in 1950 providing for the legal designation of separate (and unequal) living spaces for whites, Natives, Indians and Coloureds. This Act superseded rather than repealed the provision of the 1913 Land Act prohibiting Africans from owning land outside the areas set aside for them, and applied everywhere except in the reserves, black urban townships, national parks and other less significant areas. It should be noted that the large-scale forced removals, mostly from urban areas, took place under this act.

The prevention of illegal Squatting Act, No 52 of 1951 provided legal powers aimed at reducing the informal settlements that mushroomed around urban areas. In 1959, the Trespass Act was passed, together with the other apartheid legislation it advanced racially –based ownership of land and it was used to evict those

convicted off the land-without the need to institute civil proceedings. It is worth noting that the act is still in force.

The promotion of Bantu Self –Government Act (No. 68 of 1951), the Bantu Homeland Citizenship Act, No. 26 of 1970 and the Bantu Homelands Constitution Act, No 21 of 1971 compelled all African South Africans to automatically become the people of the homelands. It is worth noting that during the formation of homelands, forced removals were intensified using the above Acts. The Abolition of Racially Based Land Measures Act (No. 108 of 1991) repealed the 1913 and 1936 land acts, the Group Areas Act and other laws and in 1992, a white paper on land reform was published, proposing limited land redistribution and rejecting the notion of restitution.

According to Hall (2004,p.2), a central policy challenge facing South Africa in the 1990s was to provide comprehensive response to deep rural poverty in both the communal areas and among workers and their families in the commercial farming areas. Faced with the need to balance strong demands from the dispossessed with the need to preserve the commercial farming sector and a fragile compromise, the African National Congress (ANC)-led government opted for the current three-pronged land reform policy.

Mmakola (1996, p.26) as argues that policies are successfully implemented when external factors do not militate against them. He goes on to argue that systematic evaluation was needed to provide information on policy output and impact (Mmakola, 1996, p.21). It is important to keep the above advices in mind when dealing with land reform in South Africa.

2.2 POLICY ACHIEVEMENTS FROM 1994 TO DATE

The year 1994 saw South Africa becoming a democracy after the elections that were declared free and fair by international observers. The Constitution of South Africa (Act 108 of 1996) was passed and amongst positive things about it is

placing a duty on the government to take steps that would enable the people to gain access to land. By so doing, it established a constitutional mandate to ensure that land distribution is equitable and that the injustices of the past are effectively addressed.

From 1994 to 1999, more emphasis was put on developing policies than implementation of land reform. According to Hall (2004, p.4) this was characterised by slow delivery of land reform and was a period of 'tooling up' through policy making, consultation and building of institutions of delivery. The Interim Constitution of South Africa [Sections 121 - 123] served as the source and embodiment of restitution. The legislature was instructed to put in place a law to provide redress for the victims of dispossession. This resulted in the enactment of the Restitution of Land Rights Act 22 of 1994.

The aim of the Restitution of Land Rights Act is to provide for the restitution of rights in land to persons or communities dispossessed of such rights after 19 June 1913 because of past racial discriminatory laws and practices. This act also established the Commission on Restitution of Land Rights and the Land Claims Court. It was the first post-apartheid land reform law. This Act established the legal framework for the implementation of the land restitution programme envisaged by the Constitution and, to this end, provided for the establishment of a Land Claims Commission and Court. It is stipulated by the Restitution of Land Rights Act that a restitution claim were accepted for investigation if -

(a) The claimant was dispossessed

- of a right to land;
- after 19 June 1913;
- as a result of past racially discriminatory laws or practices;

(b) The claimant was not paid just and equitable compensation; and

(c) The claim was lodged not later than 31 December 1998.

According to Lahiff (2003, p.37), current land reform policy is driven by a range of factors that combine to produce the highly cautious approach adopted by the state. Of these, the most important is economic. Lahiff (2003) argues that from its macro and sector policies, and the public statements of cabinet ministers and the president, it is abundantly clear that the government is committed to preserving the present structure of large–scale commercial agriculture, along with the upstream and downstream agro-business on which it depends, albeit within the context of market liberalisation and withdrawal of direct state support.

According to Kariuki and van der Walt (2002), a range of factors help explain why South Africa came to adopt such an evidently flawed land reform programme. In part, the reasons lie in the nature of the compromise reached in the transition to a new South Africa. With neither the national liberation movement nor the apartheid regime able to secure a decisive victory in the clashes of the 1980s, the democratisation process of the 1990s proceeded based on a series of compromises.

The class content of these compromises centred on an agreement that private property would not be redistributed and that capitalist relations of production would remain unchanged. However, land would be reformed in ways that were politically desirable. For Kariuki and Van der Walt (2002) the land question, in this context, differs fundamentally from questions such as the desegregation of the social welfare budget. Land, as a productive resource, was evidently not simply something that would be up for grabs for the working class. This compromise meant, in effect, that the class interests of capital - agricultural capital included - would not be threatened by democratisation, even if social categories such as the white working class would lose their privileged position.

According to Lahiff (2003, p.37) there is enormous support from across the agricultural and private business sectors for the current pattern of land ownership and use, and great political pressure on government not to interfere with either property relations or production. For Lahiff (2003, pp.38-40), this pressure is exercised through a range of well-organised pressure groups and they find

receptive audience in government circles. On the other hand, rural black people have virtually no discernable voice within national politics. If heard, they would demand more than land ‘reform’.

Following the 1999 elections, the new Minister of Agriculture and Land Affairs, Thoko Didiza, set out a policy statement, the Strategic Directions on Land Issues. The document dropped the RDP's focus on "the poorest section of the rural population and aspirant farmers." The attention was now explicitly on creating a black agrarian capitalist class by changing the "structure of the South African agriculture by opening opportunities and thereby creating a significant number of black commercial farmers operating on a medium and large scale."

According to Kariuki and van der Walt (2002), this policy directive is bound to reinforce and reshape rural gender and class based rural inequalities. The new focus on the creation of a ``black class of emerging farmers" represents a particular kind of response to the failure of the 1994 -1999 land reform process. Kariuki and van der Walt (2002) define it as a response that abandons any concern for the working class and support for poor communities in the context of redistribution in favour of redistributing land to bourgeois and aspirant Africans.

An interest in small-scale farmers efficiency has emerged as a legitimate debate and policy concern. It is a measure of success of this neo-liberal reframing of policy that even those scholars and policy makers who side with arguments for redistributive land reform find themselves doing so in terms of economic growth- as increased Gross Domestic Product (GDP) and not in terms of justice, food sovereignty, social justice, or rural transformation.

This is confirmed by Tilly (2002,p.9 cited in Lahiff, 2003) when he says that the government’s strategy is largely limited to fitting emerging black farmers into the existing agricultural sector, without fundamentally restructuring that sector, and relies heavily on the free market to provide both the land and the support services required by the emerging farmers.

For Bond (2000, p.51 cited in Lahiff, 2003) small-scale subsistence agriculture, that typifies much of the black rural areas, is not seen as having any potential for economic growth, particularly in what are, for government, the key areas of export earnings, taxable revenue and formal job creation.

2.3 COMMUNAL LAND RIGHTS ACT

According to United Nations Economic Commission for Africa (2003), land is considered the most fundamental resource to the poor and is essential to enabling them to lift themselves out of poverty. More than 60 percent of the active population in southern Africa is dependent on land for livelihood. Therefore, providing security of tenure is often seen as a precondition for intensifying agricultural production and is now increasingly stressed as a prerequisite for better natural resource management and sustainable development. Rural people generally need both secure individual rights to farm plots and secure collective rights to a common pool of resources upon which whole villages depend. Despite the fact that security of land tenure is required for agricultural production and poverty eradication, cases of land tenure insecurity have been reported in the sub-region.

The two principal forms of land tenure systems found in southern Africa are customary and statutory tenure. Customary land tenure system is governed by unwritten traditional rules and administered by traditional leaders. Active occupation or usage of a piece of land is the main evidence of ownership or an existing interest on the land. In this setup land is not alienable from the community trust, so it cannot be collateral for loans (UNECA, 2003).

Statutory land tenure, on the other hand is governed by modern laws and supported by documentary evidence, such as a title deed or lease certificate, and administered by the government (UNECA, 2003). In almost all southern African countries, tenure insecurity is sometimes caused by the exploitative behaviour of

traditional chiefs and government officials. Tenure security under customary tenure is sometimes dependent on stallholder's good relationship with chiefs or other traditional authority figures.

In 1996, an interim law (Interim Protection of Informal Land Rights Act, Act 31 of 1996) was passed to protect homeland residents against abuses such as the sale of their land by corrupt traditional leaders. This happened while a new Land Rights Bill was being developed with the aim of transferring ownership from the state to people living on the land (Lyne and Darroch, 2003).The Bill was ready to go to Parliament before the second round of democratic elections in May 1999, but was withdrawn for political reasons as it challenged the power base of traditional leaders (Lyne and Darroch, 2003).

It is against this background that through initial Communal Land Rights Bill, the South African Government sought to clarify land rights by transferring title from the state to local communities and to establish administration structures to govern the process of issuing and registering land tenure rights to individuals in communal areas.

Kariuki (2003) postulates that insecurity of tenure in the communal areas was one of the greatest challenges the land reform programme is yet to tackle in its attempt to attain the virtues of substantive democracy in rural South Africa. The Communal Land Rights Act was signed into law by State President Thabo Mbeki on July 15, 2004 after being passed by Parliament in February 2004. It empowers the Minister of Land affairs to transfer ownership of communal land to communities, to be held under `new order rights`, whose contents are not defined. Its objective is to legalise security of tenure in South Africa's former homelands. The Act is supposed to provide for the democratic administration of land by the communities who own it. It also provides that land rights administration committees allocate and administer the land, in terms of community rules. In cases where tribal researcherities are in place, they are to administer it through their traditional councils.

The Act raised more controversies from its inception. Firstly, processes followed in its passing were flawed as it deviated from its initial intentions. The earlier Bill created disputes that centred on whether the answer is to transfer title or not; and if so, to whom or to what institution; at whose instigation; the institutional basis for rights allocation and administration; and checks and balances on the exercise of researcherity over land rights. Local government structures raised concerns that, while they had just included communal areas within their jurisdictions, the `privatisation` paradigm of the CLRA may undermine their capacity to deliver services to communities living in communal areas, since local government cannot service or make improvements on private land (Lahiff, 2004, p.51).

According to Lahiff (2004) over 13 million people, the majority of them poverty-stricken, remain crowded in the homelands, where rights to land are often unclear or contested and the system of land administration is in disarray. Land rights in the communal areas, which constitute 13% of the country's land surface and which is home to a third of the population, has still not been adequately dealt with. This is the case despite the fact that the Communal Land Rights Act came into law in February 2004. It also makes Kariuki (2006)'s argument that poor rural residents are permanently excluded from the prime acquisition of land because of the dynamics of class and racial asymmetry in South Africa's land markets tenable.

The last-minute amendments to the Communal Land Rights Act provide that traditional councils have land allocation, administration and ownership powers and functions in communal areas. According to Cousins and Claasens (2003) the government seems set on absolving itself of the responsibilities for and expense of land administration in communal areas. However, for rural people, the proposal is an unmitigated disaster. The law gives them no choice as to whether or not they want traditional councils to administer land, and offer no protection against possible abuse. For them, the law subverts the fundamental principle of democracy- the right to choose.

Again, one of the criticisms levelled against the Act is that the people whose land rights are to be determined in its application are neither consulted, nor is their consent required, in relation to these crucial decisions. Provisions for community participation contained in previous versions of the draft Bill have been removed.

The only rural constituency that has been consulted to any great extent is the traditional leader lobby. The vast majority of rural people knows nothing about it and had no opportunity to make their voices heard before it was rushed through parliament. It is against this background that the Legal Resources Centre is currently challenging the Communal Rights Act in the Constitutional Court. According to them the Act was rushed through parliament as a sop to traditional leaders ahead of the 2004 elections.

It is also argued that in its attempts to see the legislation through, the Land Affairs Department grossly underestimated the cost of implementing the law. For example, it was revised from R68.3 million to R500 million, later on the Department calculated it to be R5 billion to implement its first phase (Words and Deeds, 2004).

Some of the reasons advanced against the Act have to do with its composition of traditional councils as undemocratic because 60% of members would be hand-picked by individual chiefs. This is seen as giving more powers to chiefs to the disadvantage of vulnerable groups, such as women. On the other hand, Congress of Traditional Leaders of South Africa (CONTRALESA) Chief Patekile Holomisa viewed it as a very progressive piece of legislation in post-apartheid South Africa (Words and Deeds, 2004). It is noted that this Act (CLRA) is the direct opposite of the Botswana Tribal Land Act of 1968.

The Botswana Tribal Land Act of 1968 provided for the establishment of Land Boards, which are non-political bodies composed of members elected and nominated from the community, to take over the customary land administration functions from the chiefs and other tribal representatives. Tribal land is held either by the Land Board itself or by eligible applicants as customary grants or common

law leases. According to United Nations Economic Commission for Africa (UNECA) the allocation powers of the chiefs were ceded to the Land Boards to ensure more equitable distribution of land (The Boards are empowered to award customary rights or common law leases to applicants, or to transfer land to the State if it is required for public purposes. They issue customary land grants in the form of certificates that are valid indefinitely and common law leases valid for 99 years. Both forms of tenure rights are inherited, and all customary law grants may be converted into law leases at the grantee's initiative and all the unallocated land is common property. Despite the fact that there are some minor gaps with the Botswana system, Land Boards according to Adams *et al (2003)* as cited in UNECA (2003),Botswana have succeeded where others have failed, partly because of the consultative and systematic policymaking process that it follows in various sectors , including land.

Land tenure security is central to agricultural production and sustainable use of agricultural resources, and therefore for individual livelihoods and poverty reduction (UNECA, 2003).

However, the Land Summit had insufficient time to properly address the problems experienced in the area of communal land ownership. A decision was taken to find solutions to unique problems of the areas requiring a greater effort at consultation with the affected communities on the part of government (Land Summit, 2005, p.14).

2.4 REPORT OF THE NATIONAL LAND SUMMIT

The national Land Summit was convened in July 2005 to review the performance of the South African land and agrarian reform after ten years of its implementation. It did this by identifying the challenges and bottlenecks that have led to its slow pace given the targets set in the Reconstruction and Development Programme (RDP), and in partnership find the solutions that would accelerate its implementation.

Amongst the recommendations of the Land Summit include scrapping the "willing buyer, willing seller" (WBWS) policy, which certain politicians and activists say has slowed land reform by pushing up prices. The summit also resolved to re-open a process of land claims that was instituted by government to allow persons who were dispossessed of their land under apartheid and colonialism to reclaim it.

Furthermore, the Land Summit implored the State to take a more central role in the land and agrarian reform programme by making certain interventions in the land market. This was a realisation that land market cannot redistribute land to meet the needs of the landless and the poor. It was acknowledged that the state as the only buyer of land for land reform purposes should have an ability to influence land prices. Lastly, the resolutions provide for inserting a clause in the constitution to protect the right of the landless to invade unoccupied land (Land Summit, 2005).

2.5 LESSONS FROM OTHER COUNTRIES

A look at what happened in other countries in terms of land issues will provide useful ideas and insights into land reform in South Africa.

2.5.1 VENEZUELA

According to Wilpert (2005), the Venezuelan government under State President Hugo Chavez is the only government in Latin America, and perhaps in the world, that is currently trying to pursue an ambitious land and agrarian reform program. It has also introduced new agricultural policy principles, such as those of food sovereignty and the primacy of land use over land ownership.

Article 307 of the Venezuelan Constitution of 1999 states that the predominance of large idle estates [*latifundios*) is contrary to the interests of society. It provides for enacting of appropriate tax law to tax fallow land and establish the necessary

measures to transform them into productive economic units, likewise recovering arable land.

According to the law, any Venezuelan citizen who is either the head of a family household or is single may apply for a parcel of land. Once it has been productively cultivated for three years, the applicant may acquire full ownership title to it. It is important to note, however, that even the full title does not mean that the owner can sell the land; it can however, be passed on to his or her descendants (Wilpert, 2005).

The implementation and management of land reform is helped by the newly created institutions. The first one is the National Land Institute (INTI) which manages all land held by the central government and administers all land titles (Wilpert, 2005). It is also tasked with determining ownership of land and redistributing it according to the land law. In addition, it certifies the quality of the land and whether it is being used productively or is idle.

The second one is the National Institute for Rural Development (INDER), which provides agricultural infrastructure, such as technology, roads, credits and training for farmers. The third institution is the Venezuelan Agrarian Corporation (CVA), which helps farmers and cooperatives that benefit from the land reform to bring their products to the markets.

The Chavez government insists that land should not be a commodity to be bought and sold, and that a market in agricultural land inevitably leads to greater land concentration and inequality, and thus to rural poverty (Wilpert, 2005).

In spite of some success stories with the Venezuelan Land Reform, there are some problems related to the above. The first one is the weak legal framework that has made the expropriation and redistribution of privately held land extremely difficult and slow. This is compounded by the poor quality of land title registry legal challenges by the large landowners.

The second one is general lawlessness and impunity. Venezuelan Peasants are faced with ruthless landowners who are intent on maintaining control over their latifundios, often with use of hired assassins and paramilitary operatives and corrupt police and military forces (Wilpert, 2005).

Another factor that militates against the Venezuelan land reform is weak peasant organization. Wilpert argues that even though they have a sympathetic government, they are not in a position to exert pressure on the government so that it makes sure the land reform is fully implemented. For Wilpert (2005) if Venezuela had stronger peasant organizations they could probably accomplish much in terms of social oversight over the land reform process.

Poor infrastructure and support have also been cited as some of the problems facing the Venezuelan land reform. According to Wilpert (2005), the land reform agencies have not been as active in supporting the land reform as they should be. One of the reasons cited is that most government functionaries are still left over from pre-Chavez governments, and great many belong to political factions that oppose the Bolivarian Revolution and the land reform. Wilpert (2005) has also indicated that one of the problems related to land reform is the fact that central government has paid relatively little attention to infrastructure and support side of land reform, in favour of more controversial and visible land redistribution aspect.

According Wilpert, another problem related to the poor governmental support is that most loans do not reach the small-scale farmers, but mainly large-scale farmers, and when they reach small farmers, all too often they reach them too late, so that they miss opportunities to purchase and plant seeds for the planting season.

2.5.2 BRAZIL

Frank (2002) says that the Brazilian men and women led by the Movimento do Trabalhadores Rurais Sen Terra(Movement of Rural Landless Workers or MST)

have initiated a direct action model of land reform wherein landless peasants occupy an unproductive parcel of land, petition the government for land rights, and operate the settlement as a collective enterprise. However, this model of land reform is being challenged by the World Bank. WB advocates use of market mechanisms to purchase land directly from the owners by the landless and then make peasants to survive in the global agricultural market. Just like Venezuela, the Brazilian constitution allows for the expropriation of large land holdings that either do not fulfil a social function or are considered unproductive. According to Peter Rosset quoted by Frank (2002),

> Land expropriation is something the government would not be unlikely to do on its own, but with a well organized social movement, by finding land that meets those conditions [required by the Brazilian constitution] and occupying it to force the government to act,[land reform] works quite well

For Frank, by 2002 the MST in conjunction with allied organizations had led the occupations where more than 350,000 families gained access to land consisting of over 404 700 hectares. It is not surprising that this militancy has also cost lives where according to Frank (2002) rural activists were assassinated, received death treats and very few people were charged with respect to those crimes. The tactics used are almost similar to the ones used in Venezuela.

Under the Brazilian initiative, idle farmland is expropriated, and then subdivided into family-owned units with land and production costs financed by subsidised loans. The system exists parallel to a commercial land sector regulated by market forces.

Thus, the neo-liberal economic policies and structural adjustments have had a particularly devastating impact on Brazilian agriculture. For example, the Brazilian government, as part of the neo-liberal policies, has been forced to substantially reduce agricultural subsidies just as the developed world has increased governmental agricultural support through tariffs and price subsidies. A living example is the American farm Law that provides total subsidies for price support of 190 billion Dollars over 10-year period.

Another lesson is that studies have found that the land put to market is frequently poor quality land that the owner has been trying to dump for years. Often the participants will take the first parcel offered to them, notwithstanding price or quality (Frank, 2002, p.7).

2.5.3 ZIMBABWE

The colonial histories of both South Africa and Zimbabwe have influenced the land reform debate in both countries. According to Scott Drimie cited in IRIN (2006) for Southern Africa, land reform must be seen in the context of restitution. 'The primary reason is about history. There are vast inequalities that have to be addressed for historical and economic reasons.'

Zimbabwe and South Africa share a similar profile of racially skewed land distribution, dual tenure systems based on received law and customary law, and a dispossessed black rural population confined to degrading and overcrowded communal lands.

In both countries, white economic elites were able to essentially codify their gains when they transferred political power to black majority rule in both Zimbabwe and South Africa—i.e. in the case of Zimbabwe, The Lancaster House agreement, and in South Africa the entrenchment of property clause in the new constitution.

The oft- cited reason for the lack of real progress in redistributive land reform has been the principle of ``willing buyer, willing seller`` which was insisted upon by the British during Zimbabwe's independence negotiations. The willing seller side of the equation is viewed as an obstacle to any form of systematic designation of land for redistribution. There are often few or no willing sellers in land transactions.

In Zimbabwe, the Land Appointment Act of 1930 separated land along racial lines. In terms of this Act, 50.8 percent of land was reserved for white settlers, with the bulk of it on arable central highlands (Lebert, 2003). The indigenous African population was allocated 30 per cent with the remaining 20 per cent either owned by commercial companies or the colonial government, or reserved for conservation areas. A further 0, 05 per cent was allowed for Native purchase areas which were allowed for the acquisition through freehold or leasehold by rich Africans or small groups of African people (Lebert, 2003).

At independence, in 1980, the racial split in land ownership/access was approximately 40% for each group (i.e. white holdings were reduced from 51 to 40% and African (Lebert, 2003). The size of land available for Africans did expand. At independence the racial split in land ownership was 40% for each group. To corroborate this, the ICG (2004) has confirmed that at the beginning of black majority rule in 1980, 6000 large-scale white farmers controlled roughly 40 percent of the country's territory and some seven million blacks were crowded into largely dry and infertile communal areas. It is against this background that Zimbabwe is suffering from a long tradition of racially skewed patterns of land use and access. According to ICG (2004) for Zimbabwe, maintenance of the status quo with regard to land appeared to be part of the price of independence.

At the Lancaster House negotiations, the UK government offered to underwrite half of the costs for settlement in exchange for guaranteeing existing property rights in the new Zimbabwe. The Zimbabwe government had to match that funding to make up full costs of the programme (Lebert, 2003). Land would thus change hands through willing seller/willing buyer mechanism. Furthermore, the state did retain the right to expropriate for public and resettlement purposes, but in such cases compensation had to be paid out in foreign currency. Lastly, the restrictions imposed by the Lancaster House were to remain for 10 years (Lebert, 2003). In 1980, ZANU reluctantly accepted willing seller, willing buyer conditions for land acquisition in Zimbabwe.

Additionally, President Thabo Mbeki told delegates at the National Land Summit of 2005 that the Zimbabwean government's willingness to put its own land reform initiatives on hold had played a part in bringing democracy to South Africa. However, this had also led to mounting frustration amongst dispossessed Zimbabweans, which laid the ground for the seizures of white-owned farms in 2000 and later years.

Mbeki said that when the African National Congress – now in power – was locked in negotiations with the apartheid regime in 1990, former Commonwealth secretary general Emeka Anyaoku visited Harare to ask Mugabe to delay his land reform plans. "He was told, 'You are going to frighten the apartheid regime in South Africa'," Mbeki noted. As a result, Mugabe agreed to begin land redistribution after South Africa had freed itself from white rule (National Land Summit, 2005).

The Zimbabwean government has since gradually reduced willing seller, willing buyer conditions for land acquisition. In 2000, it amended the constitution to allow land acquisition without compensation. The amended constitution and the land acquisition Act, 2159 of Zimbabwe released government from obligation to pay compensation to white commercial farmers (Adams and Howell, 2001). As a result, many commercial farms have since been seized by the peasants and this represents a decisive shift in the balance of power between large land owners and peasants.

2.6.4. The South African Willing seller, willing buyer concept

The willing seller, willing buyer (WSWB) was adopted by the South African government as part of the package of solutions to land reform problems. According to Lahiff (2005, p.1) the concept has dominated the discourse on land reform in South Africa since 1994. It had become the cornerstone of government's land reform policy.

Lahiff (2005, p.1) highlights the fact that the willing sellers are private land owners, but the choice available to them is not simply to sell or not to sell as it was in Zimbabwe. Rather, owners are free to sell to the highest bidder or the buyer of their choice. He further alludes to the fact that the state does not have the power of first refusal and the intended beneficiaries have to compete for available land on `the open market` at market prices.

He argues that simple willingness on the part of landless people is no guarantee that they were able to enter the land market or that they were able to secure the land they need. They are not only dependent on the co-operation of the land owners, but also on the willingness of the state to approve their application and provide the necessary funding. The concept seems to fully protect the interests of existing landowners, as it neither compels them to sell against their will nor at the price with which they are not fully satisfied (Lahiff, 2005, p.2)

Moreover, the South African land reform programme can be described as a `willing seller` programme; as it would appear that the element of `willing buyer` was added in frivolous attempt at rhetorical symmetry, suggesting (spuriously) that the interests of buyers and sellers are equally protected, and perhaps signifying (non-existent) redistributive justice at the core of the land reform policy.

Thus, WSWB has granted enormous discretionary power to landowners to influence the pace and direction of land reform in South Africa, tantamount to veto over the land reform process.

For Lahiff (2005) a fallacy exists in that WSWB is `one size fits all` solutions, and is applied indiscriminately without understanding the underlying strategic, operational and cultural dynamics at play within a particular country's milieus. The colonial and white rule created tremendous injustices in the patterns of land use in both countries with blacks suffering a terrible degree of displacement. In South Africa, partly in response to the heightened attention to land issues

consequent on the seizures in Zimbabwe, leaders have committed themselves to significantly accelerating the pace of land redistribution while minimising illegal occupations.

According to ICG (2004) there has been a shift in emphasis away from poverty reduction and a focus of land redistribution program on commercial beneficiaries. The objectives of poverty reduction and encouragement of a new generation of black commercial farmers should not be mutually exclusive, but these approaches must be coordinated to ensure a balanced and effective program. Despite the complexities, ICG (2004) suggest that it is both possible and desirable to implement a more broad-based reform program on both private and communal land that will encompass the landless poor as well as commercial farmers.

ICG (2004) has also advised that greater equality in access to land ownership would increase economic growth and reduce poverty, while minimising the risk of a future land crisis such as Zimbabwe's. According to them simply putting more people into the commercial agricultural model as collectives- or merely changing the racial profile of the individual commercial farmers – will not reverse poverty and inequality.

Failure to support land redistribution with such services, including health care and education, sent redistribution off track during the 1980s in Zimbabwe (ICG, 2004). For South Africa, failure to learn this lesson would undermine any future effort on land reform. It is also not surprising that based on the above failure to grasp the nettle of the land issues with foresight and fairness risks pushing a nation toward a deep-rooted conflict. One of the lessons learned from attempts to transform land tenure in the Sub-Region is that evolutionary approaches are slow, but also, as Zimbabwe demonstrated from 2000, revolutionary approaches generate high social and economic costs.

Thus, as the situation in Zimbabwe has painfully demonstrated, if land issues are handled poorly, conflict of one kind or another is almost inevitable. Given that

the proportion of privately-owned land, most of it alienated by white settlers, is much greater in South Africa (72%) than in Namibia (44%) or Zimbabwe (41%). Zimbabwe has made by far greatest progress in redistributing this land, 22.5% as compared with South Africa and Namibia (ICG, 2004). These countries were "settled" under colonialism and share similar profiles of racially skewed land distribution, dual tenure systems based on received law and customary law, and a dispossessed black rural population confined to degraded and overcrowded communal lands. South Africa does not have the luxury of time in addressing the issue through evolutionary methods.

While researchers, writers, and political scientist have done excellent work on this topic, there has been little systematic effort to synthesise their findings and combine them with intensive field research to produce practical policy recommendations for both local and international community. This is where this study comes in to do.

In sum, South Africa, Brazil Venezuela and Zimbabwe share a highly unequal land distribution. Land redistribution has been a central plank of land policy in all cited countries since they embarked on land reform. In spite of the series of land reform initiatives that occurred in the above countries over the past decade, effective access to land by the rural poor remains a challenge. State-led land reforms have been perceived to be too problematic and too costly to implement, and their strategic impact has been questioned.

Thus, an alternative market-led agrarian reform (MLAR) has been theorized. It is based on the "willing-seller, willing-buyer" principle at the behest of the World Bank and framed by considerations of equity and production efficiency with full support of international finance institutions and their network of local elites. MLAR has been pilot-tested in Brazil, and is being implemented on a nationwide scale in South Africa without success. The above –cited cases of land reform confirm Crotty (2001, p.32)'s argument that to attain global prosperity,

governments must play important roles in both micro and macro levels of economic activity.[2]

Crotty (2001, p.34) also says that no country has ever developed successfully in the post World War II era without extensive state intervention in market processes. It is argued by Grotty that the international institutions that currently manage global integration—the IMF, the World Bank, and the WTO—are saturated with Neo-liberal ideology and dedicated to pursuit of global finance and multinational corporations. He advises that they must be replaced with new institutions that support egalitarian growth and encourage state-guided development models (Crotty, 2001, p.35). He advises that they must stop imposing austerity macroeconomic policy on countries that need help in times of crisis.

In both Zimbabwe and South Africa, the policies immediately following transition were aimed to redistribute former white-owned farmland to the rural poor. The position finally adopted in the White Paper of South African Land Policy (1997) was unequivocal in its focus on poverty alleviation. hilst the livelihoods of intended beneficiaries have improved, the limited extent of redistribution has meant that the overall impact has been negligible.

[2] Crotty (2001, pp.32-33) argues further, "[P]rogressive, labor oriented political movements are needed to reduce the influence of large corporations and wealthy individuals on the setting of political priorities, increase the political influence of workers and the majority of the people, and thoroughly democratize the political process in substance as well as in form".

CHAPTER 3: RESEARCH METHODOLOGY

Interviews are the primary data collection method in this study on account of their strength in focusing directly on the topic of the case study. As a data collection method, interviews are one of the most significant sources for use in obtaining case study information. Specifically, the interview method allows the researcher to focus directly on the case study topic. Additionally, interviews are insightful in that they are perceived casual conclusions. In the same process as observed and participated in the lives of the subject, conversation was entered into to discover their interpretations of the occurrences and processes observed.

The interviewing technique preferred is the informal or unstructured interview. This technique employs a set of themes and topics in order to form questions in the course of conversation and they differ from interviews as used in the context of a survey research, where the emphasis is on structured responses to structured questions (Mouton, 1988). In informal interviews, informants had the opportunity to develop their answers outside a structured format and the conversation is a way to establish rapport or trust between researcher and the subject.

Yin (1994) also cautions about potential disadvantages with interviews including the threat of bias due to poorly constructed questions as well as the risk of reflexivity, meaning that the interviewee tells the interviewer only what he/she wants to hear.

To contribute to a more nuanced picture of the problem posed a Focus Group Methodology was used to conduct the interviews. Booysen (2005) suggests that Focus Group method allows us to explore attitudes and opinions in an in-depth manner. She also alludes to the fact that this methodology provides a quick turnaround time and it is relatively inexpensive (Booysen, 2005, p.9)

3.1 SAMPLING TECHNIQUE

In performing research, it is often impractical, impossible, or too expensive to collect data from all the potential units of analysis included in the research problem. Hence, a smaller number of units, called a ``sample``, are often chosen to represent the relevant attributes of the whole set of units, termed the ``population``. In a case where the samples are not perfectly representative of the population from which they are drawn, the researcher cannot be certain that the conclusion drawn will generalize the entire population (Gratiano and Raulin, 1997).

According to Miles and Huberman (1994) examining contrasting cases can help further the understanding of a single-case finding by specifying ``how`` and ``where`` the studied concepts take place. Thus, the researchers maintain that if a finding holds true in one setting as well as in another comparable setting, the finding may be said to be more robust. Furthermore, although contrasting cases are used, a sampling frame is needed. The sampling frame for this study consisted of stakeholders who have certain knowledge of and interest in land reform.

Two case studies conducted for this study, each of which was based on a stakeholder group. The first case study was based on the departmental officials with sample selection consisting of any one who was prepared to be interviewed and had knowledge of the topic. The second case study was based on the farmers in Bojanala district of the North West Province, with sample selection consisting of any farmer cited by the government officials above who had knowledge and interest in land reform. In spite of the ones referred by the government officials the respondents were also asked to give the name of farmers who could add value to this study.

3.2 INTERVIEWS

In-depth semi-structured interviews were held with the provincial stakeholders in both public sector and NGOs to investigate the determinants of land reform impediments as well as possible interventions. Adopting the approach of Hollamby (1993, p.8) Department of Agriculture and Land Affairs are considered for Preliminary interviews. These interviews helped to draft an interview schedule; the drafting of a semi-structured questionnaire; and the actual depth interviews.

The above-cited two organisations were considered for preliminary interviews in order to elicit their views and main areas of concern in the land reform and to suggest organisations and persons they consider to be important, knowledgeable in land reform.

Semi-structured interviews were conducted with selected beneficiaries of land reform programmes. Interviews were conducted over a short period, such as one to one and half hours, and were conducted in face-to-face manner. First respondents were contacted to assess their interest in participating in the study and judge their familiarity with land reform issues. Only respondents familiar with land reform issues were interviewed. Once interested and qualified respondents have been located, an attempt were made to set an interview time and date with them. Following this, emails and letters where necessary were sent to respondents that present subjects to be discussed in the interview, allowing respondents to prepare themselves.

3.3 SECONDARY SOURCES

Documents such as academic articles and previous studies on the research topic were used as a form of secondary data. As stated in Yin (1994), documentation offers the advantage of being static and thus may be re-examined when necessary.

Additionally, documentation is unobtrusive, meaning that it is not made for this case. Moreover, documentation is exact, contains accurate references and other details, and has a broad coverage over time. For this study comparative analysis, recent legislation and policy documents as well a relevant legislation were reviewed to identify important aspects of the environment which influence land reform programmes. The following documents were consulted:

First Ministry of Agriculture and Land Affairs. (2001). Land redistribution for agricultural development: A sub-programme of the land redistribution programme (LRAD).
Second, Republic Of South Africa Communal Land Rights Act
Third, Report of the National Land Summit (2005)

3.4 SITE VISITS

According to Yin (1994), making a visit to the case study site provides the researcher with an opportunity for direct observation. Providing the object being studied is not purely historical, some relevant behaviours or conditions will likely be available for observation. This type of observation serves as another source of evidence, which is often useful in providing additional information about the object that is being studied. For these reasons, direct observation of beneficiary farmers were used as an additional source of evidence for this study. Efforts were also be made to attend farmers meetings.

3.5 DATA ANALYSIS

According to Yin (1994) data analysis involves examining, categorizing or otherwise recombining the collected data. Furthermore, Yin (1994) states that every investigations should have a general strategy in order to determine what to analyse and why. Two general strategies are suggested: following the theoretical propositions that led to the case study or developing a descriptive framework to

organize the case study. Within these strategies, there are four different techniques for analyzing the collected data.

The first is pattern matching, which means to compare an empirical based pattern with predictable one. The second technique is explanation building, which refers to a kind of pattern matching where the goal is to analyse the case study data by building an explanation about the case. The third technique is time-series analysis that refers to repeated measures of the dependent variable(s) in order to look at changes over time. The fourth and final technique is to use program logic models, which is a combination of pattern-matching and time-series analysis where the analysis stipulates a complex chain of patterns over time.

According to Miles and Huberman (1994, p.10), data analysis can be defined ``as consisting of three concurrent flows of activity: data reduction, data display and conclusion drawing/verification``. Data reduction is made to make data sharp, sorted, focused, discarded, and organized in order to be able to draw and verify conclusions. A within –case analysis is often used at this phase, which involves comparing the collected data with the theories used.

The data display is a means through which the researcher takes the reduced data and displays it in an organized and compressed manner, making it easier to draw conclusions. (Ibid) This phase is useful when the researcher is studying multiple cases. (Yin, 1994) Multiple cases can be compared in a cross-case analysis, where data in one case is compared to data in another case (Miles and Huberman, 1994). Finally, in the conclusion drawing and verification activity, the researcher notes regularities, patterns, explanations, possible configurations, casual flows and propositions (Ibid). In order to analyse the empirical data in this study, the three steps detailed above were followed.

3.6 QUALITY STANDARDS

Validity and reliability are two measures useful in defining research quality. Validity is defined as an instrument's ability to measure exactly what concepts it is supposed to measure (Eriksson and Wiedersheim-Paul, 1997). According to Yin (1994) there are three forms of validity: construct validity, internal validity, and external validity. For construct validity, it is important to establish correct operational measures for the concepts that are being studied and ensure that objective judgment is used to collect the data.

Yin (1994) teaches us that there are three different tactics for increasing construct validity: using multiple sources of evidence, establishing a chain of evidence, and having key informants review a draft of the case report. First, triangulation was used to gain multiple sources of evidence. These sources were interviews, observation, and documentation. Secondly, the study supervisor viewed the interview guide and observation checklist before the interviews to ensure that it is understandable. In addition the respondents viewed the interview guide prior to interview, ensuring that they had the means to prepare for the interview and avoid any misunderstandings ahead of time. Finally, the interviews were audio taped and notes were taken to enhance the construct validity, minimizing the risk of missing important information.

Internal validity means establishing casual relationships, whereby certain conditions are shown to lead to other conditions. Internal validity only concerns casual or explanatory studies, in which an investigator is trying to determine whether one event leads to another. Using pattern matching during analysis strengthened the internal validity of the study. More precisely, the empirical based patterns for the case were compared with the pattern predicted in the conceptualised literature (Yin, 1994). Because internal validity is of most concern for casual and explanatory studies, it is most applicable at the close of the study where conclusions are drawn.

External validity deals with discerning whether the findings from a case study can be generalised outside the immediate case study. (Yin, 1994) This type of validity is often a problem in conducting case studies. Therefore, Yin (1994) has suggested a tactic for increasing the external validity of a case study, which is to test theory through replications of the findings in other similar surroundings. If this kind of replication has been made, it might be possible to make generalisations on the findings to a larger number of similar cases. Due to time constraint, this tactic could not be used and therefore it were difficult to draw any generalisation based on the findings of this study.

Reliability is defined by Yin (1994) as the measurement that demonstrates that the operations of a study, such as data collection procedures, have the ability to be repeated with the exact results. The goal is to try to ensure that should a later researcher follow the exact same method and investigates the same case; he or she should come to the same results as in the first study. Two things can increase reliability: the use of a case study protocol and development of case study database. (Ibid) Regarding reliability of observations, Yin (1994) says that to increase reliability a common procedure is to have more than a single observer making an observation, whether it is of the formal or casual variety.

To increase the reliability of this study, an attempt was made to avoid leading and subjective questions by using a structured interview guide. In addition the same interview guide was used during each interview. However, when interpreting the answers, the reliability might be affected negatively by some personal biases, although an attempt to avoid biases was made. In order to develop a case study database, the audiotapes and notes from interviews were saved. The reliability may be further influenced by the fact that peoples` perceptions and opinions vary over time, making it difficult for another researcher to achieve the same results even if the same sample group was to be used. Additionally, only one researcher was conducting the interviews, listening to audiotape, and observing the farmers. This might have negatively affected the reliability of this study.

3.7 DIVERSITY OF METHODS

Multiple methods were used. It is expected that this strategy was more useful to employ in a study such as this one and, where appropriate, to use different techniques for the study of this topic. The main virtue of using a diversity of methods is for the researcher to attach the problems under investigation with widest array of conceptual and methodological tools that we possess as researchers and which the problem concerned demand. This is expected to be in obtaining the results that are valid and reliable.

3.8 CONCLUSION

Although this Research is predominantly qualitative, it should provide some insight into the contextual factors, which influence land reform in South Africa and help in the identification of possible interventions to speedup the process. This study should, hopefully, stimulate and further the debate and research on land reform. Limited time and resources are available for this study. Interviews were generally limited to North West Province. Due to resource constraints, the present study was focussed on Bojanala District in the North West Province. As far as the researcher could ascertain, the study did not inflict any harm on those studied. Cultural sensitivity was given consideration. Results were shared with those who were studied and it is expected that the results will help to improve the lives of those studied.

CHAPTER 4: PRESENTATION OF RESEARCH FINDINGS

The purpose of these interviews was to get their views about the research question and share their experiences of land reform. They were also asked to suggest the beneficiaries they consider important and knowledgeable to add value to the study.

Five Officials were interviewed for case one: Four officials from Department of Agriculture and One from Land Affairs. Before each interview, each respondent was reminded of the purpose of the study, how the interview would be conducted, and was handed a copy of Interview Guide (see Appendix B). Furthermore, the respondents were advised to speak freely of their thoughts and opinions on the subject, and that there were no rights or wrong answers to questions posed.

4.1 REDISTRIBUTION

Regarding what problems the respondents encountered in implementing LRAD projects, the respondents mentioned capacity constraints within Department of Agriculture, Department of Land Affairs and applicants in terms of planning. The respondents also noted; lack of integration between the departments; the grant not being enough and delays in approvals that leads to cancellation of deals by some willing sellers as serious challenges facing the programme. One respondent indicated that the programme is too tedious to implement and noted lack of synergy as a constraint.

With regard to how they overcame them, responses ranged from trying to understand the system and working in a coordinated way with other stakeholders. They also noted improving on skills base in a coordinated fashion as one of the solutions to overcome the above problem.

Regarding how many projects have, they approved for implementation this financial year, the respondent from Rustenburg/Kgetleng indicated they have approved Five and have seven in the pipeline. Some indicated that LRAD was handled by Department of land affairs and thus, could not respond to the question.

With respect to how many are in the pipeline for implementation from the previous year, the respondent from Rustenburg/Kgetleng indicated Seven and the one from Madibeng mentioned Ten. With regard to whether they have worked out how much money was needed to transfer their share of 30% of the agricultural land, all the respondents did not have the exact figure.

With respect to what interventions they think can improve land reform in the province and the country at large, most respondents mentioned the Proactive Land Acquisition Strategy as the solution that would help to improve land reform. One respondent mentioned the importance of intensifying training on governance as one of the solutions. From the interviews, it came out that infrastructure was not as important as the popular understanding would make one to believe. On the other hand, mentorship was mentioned severally as a prerequisite.

4.2 COMMUNAL LAND RIGHTS ACT 11 OF 2004

Regarding what problems they encountered in implementing Communal Rights Act, all the respondents indicated that they have not yet implemented the Act. One respondent mentioned traditional leadership as the main problem in implementing the Act. About how many Communal Property Associations have they registered in the Province, the respondent from Rustenburg/Kgetleng mentioned Six, and the one from Madibeng mentioned Four. The other indicated that the custodians are Land Affairs.

On what can be done to improve its implementation, each respondent stated different ways in which the implementation of the Act could be improved. One respondent advised that satisfying needs of the communities have to be separated

from Communal Property Associations (CPA) and highlighted the capacitating of CPAs. One respondent noted the reduction of participants as important.

4.3 SECURITY OF TENURE ACT

With respect to what problems they have experienced in effecting the letter and spirit of the above Act, One respondent indicated that they are working well. Internal wrangling amongst members was cited as one problem. The other respondent cited lack of cooperation from the cops as a challenge. On a number of cases, they have dealt with since the passing of the legislation, the respondents from Rustenburg/Kgetleng has mentioned sixteen and the one from Madibeng mentioned Two.

Regarding data on evictions in the Province, most respondents from DoA have indicated that this matter was DoLA competency and therefore have no records regarding the evictions. Respondent from DoLA has noted a lot of them and indicated that Southern District has most cases followed by Central District Municipality.

4.4 POST-TRANSFER SUPPORT

Regarding what type of support are they offering to post-transfer beneficiaries, the respondent from DoLA referred the researcher to DoA as the matter was not part of their mandate. Respondents from DoA noted land planning, production improvement and capacity building and extension support.

On how much have they budgeted for CASP this financial year, one respondent from Provincial DoA mentioned R120 million for 100 projects. Respondent from Rustenburg/Kgetleng mentioned R4 million for his area and R8 million for joint venture with MGK. Madibeng respondent mentioned R1,2 million for his area.

4.5 AGRIBEE

Regarding what data they have on AgriBEE deals in the Province, the respondent from Rustenburg noted a lot of fronting. He also noted that most people do not understand AgriBEE.

When asked about whether they think that the Government was meeting its aims and objectives on Land Reform Programme, all respondents said No except the Director from provincial DoA. The respondent from Rustenburg noted that it is very ambitious. He notes the importance of involving people with agricultural background. He alluded to challenges posed by climate change, and international markets. He noted that it takes between eight and fifteen years to become a commercial farmer.

When asked to add on this topic, the respondent from Rustenburg notes the importance of having young people entering farming. He indicated that most of the emerging farmers are people towards pension. He was very concerned about land subdivision and decreasing of agricultural land for housing

The officials were also asked to give names of at least ten beneficiaries of land reform who could help in sharing their experiences for this study. Amongst people supplied are individual farmers named in Appendix A.

4.6 INTERVIEWS WITH FARMERS

Six farmers were interviewed for case two. Five of them are males and one is female. Most interviews were conducted in *Setswana* and later translated to *English*, which increases the risk for interpretation errors. However, it was decided to conduct the interviews in *Setswana* since the respondents otherwise might have misunderstood the questions, and might have felt constrained with the language barrier and not been able to talk as freely. Digital tape recorder was used

in order to reduce the possibility for wrongly interpreting or translating the answers.

Before each interview, each respondent was reminded of the purpose of the study and how the interview would be conducted. Furthermore, they were advised to speak freely of their thoughts and opinions on the subject, using their preferred language, and that there were no right or wrong answers to the questions posed. Furthermore, permission was sought to use a tape recorder in order to ensure that no important facts were left out during the interview. Direct observation and personal experience with the topic were used to fill in the gaps left by the interviews. These notes will instil richer perspective on the data collected.

When asked to indicate the nature of organizations they are affiliated to, two of respondents indicated that they are not affiliated to any organization. One respondent indicated that he is an active member of NAFU, the other one indicated that she aligns herself with NAFU although she does not have membership card. The other one is a member of a Communal Property Association and the last one cited Rustenburg Farmers Forum as the organisation he is affiliated to. The researcher has also noted that not all the respondents are actively involved in the farmers associations.

When asked to elaborate on the matter, the respondents who answered in the negative noted delays in land transfers as the reasons that led to their negative response. They also noted that there is no change in land ownership as the land is still owned by the white farmers. One respondent whose answer is yes stated that the process was fair to an extent that a research is done before any claim is entertained and as such, efforts are made to establish the facts. The researcher notes that the respondent was only referring to land claims and not to the broader land reform that encompass redistribution and security of turner.

Regarding what needs to be done to speedup the processes, most respondents note that the government must intervene directly by buying the land and disposing it to

the beneficiaries. One respondent highlighted the need for officers to be focused and advised that the department must jerk up its staff retention in order to avoid the delays that are caused by staff that change very often. The other respondent indicated that he was opposed to expropriation as it was causing conflict and recommended that the state should be pro active in buying land and settling farmers.

When asked in what context they are familiar with the contents of a Comprehensive Agricultural Support Programme (CASP), two respondents noted its role in the development of emerging farmers and one respondent went further to highlight the fact that very few people have benefited from it. He noted that he does not have water in his farm, and draws it four kilometres away. He also noted that the provincial department had an allocation of R 26 million and was only able to use R3 million and the rest was rolled over.

The researcher's observation noted that out of six respondents interviewed there is only one farmer who benefited from it. It was also noted that the respondents do not share information amongst themselves. This could be attributed to the fact that some of them are not affiliated to any farmers association. One respondent stated that the Bakubung Community of about 200 people received R3, 7 million and complained that it was not sufficient. The other respondent was critical of the fact that they always hear that there is insufficient budget for farming projects during the year, and they always learn latter that there was a rollover from the department.

Regarding their familiarity with the Communal Land Rights Act, most respondents noted that they were not familiar with it. In fact, five out of six answered no. Only one respondent is aware of the act, but has serious problems with the fact that communities do not have a say. The Chiefs are the ones who are in charge. He recommends the revision of the act in order to come down to people and not only satisfying the chiefs. The researcher has noted that the lone respondent who is familiar with the act is a former school principal.

4.7 CONCLUSION

There were some problems encountered with departmental officials. The first problem encountered was with the Provincial Department of Agriculture, Conservation, and Environment. Before any interview could be conducted, the researcher had to undergo security checks by National Intelligence Agency (NIA). This affected negatively the research schedule.

The other problem was with regard to one official who refused to be interviewed and instead he kept on referring the researcher to his senior despite of being provided with proof of security clearance from NIA. Regarding the beneficiaries there were minor hassles regarding setting appointments. This could be attributed to the fact that the interviews were scheduled to start towards festive season, in general, no serious problems were experienced once the appointments were set up.

CHAPTER 5: ANALYSIS

This chapter analyses and interprets the research findings in chapter 4 above, by drawing on the literature reviewed in chapter 2.

5.1 REDISTRIBUTION

Scholars like Van Zyl *et al*. (1996), Lipton (1996) and Deininger (2000) maintain that Land redistribution has the potential to significantly improve the livelihoods of the rural poor and contribute to economic development. The data verifies this theory. However, when it comes to practice in the South African context, it is not the case, as this mode of land reform has not made any impact due to exorbitant land prices. The small percentage of transferred land is a living example.

The Department of Land Affairs (1997) notes that redistribution is aimed at providing the disadvantaged and the poor with access to land for residential and productive purposes. The department also maintains that redistribution is also designed to deal with the past injustices of land dispossession to ensure equitable distribution of land ownership, reduce poverty, and contribute to economic growth.

The data collected from both key informants and depth interviews verifies that the government has not met the above objectives. Instead, respondents from case one (key informant interviews) have highlighted the importance of reviewing the LRAD and emphasized the importance of using Proactive Land Acquisition to deal with the above problem.

The researcher also notes that the current land reform programme has not dented the racial imbalances in rural land ownership. This verifies Nowicki (2003)'s argument that international financial institutions have influence on social and economic change in the interest of international business. World Bank advisors

were successful in persuading the South African government to espouse the Market-Led Agrarian Reform (MLAR).

Furthermore, the MLAR model also tends to dismiss the importance of the disproportionate distribution of political power between different social groups interested in land. This is a critical issue, especially because the core process in the MLAR model is about 'negotiation' between parties. Where there is asymmetry of class power and, therefore, of political power, it is inconceivable that a landless poor peasant can have the same degree of bargaining power as a rich land owner in a negotiation for land purchase (Borras, 2003, p. 389).

Additionally, in denying the importance of how political and social inequality relate to land inequality, and acknowledging only economic inequality, the dialogue over land reform is limited in scope, which encompasses only how land reform can lead to economic growth and equity.

Related to the purpose of land reform for economic growth and efficiency is MLAR's focus on the establishment of economically viable, productive agricultural projects. "Productive projects are likely to be the key of market-assisted land reform," writes Deininger (1999, p. 30). MLAR encourages commercial agricultural production in order to maximize countries' "comparative advantage" in the global marketplace through cultivation of high value crops and agro-exportable goods (Deininger and May, 2000: 6).

MLAR denies any discussion of agricultural production beyond its ability to generate capital, and disassociates agricultural production from how it relates to local food systems, food security, food sovereignty and livelihoods. Additionally, it encourages the creation of land reform projects dependant upon global markets, as opposed to increasing self-sufficiency and independent livelihoods.

Neo-liberal agrarian reforms diagnose, and prescribe policies for, rural areas in ways that differ significantly from the national liberation projects of the twentieth

century. Through this analytical paradigm shift, the policies to which the term ``land reform `` refers have altered beyond recognition from their mid-twentieth century counterparts. Most centrally, redistributive state-led agrarian reform is unthinkable within this new paradigm. Instead, policy discussions now highlight considerations of efficiency, making issues of equality and distributive justice secondary, if they are considered at all. This view is shared by Crotty (2001, p.32) s argument that to attain global prosperity, governments must play important roles in both micro and macro levels of economic activity.

Crotty (2001, p.34) has also pointed that no country has ever developed successfully in the post World War II era without extensive state intervention in market processes. He notes that the international institutions that currently manage global integration—the IMF, the World Bank, and the WTO—are saturated with Neo-liberal ideology and dedicated to pursuit of global finance and multinational corporations. He therefore advises that they must be replaced with new institutions that support egalitarian growth and encourage state-guided development models (Crotty, 2001, p.35).

Data collected verifies the above theories, in that the South African government has shifted its emphasis on the pro poor stand and now focuses on efficiency and economic impact of the land reform. Instead of addressing problems in their context, the government is following the MLAR like religion.
Researchers like Deininger and Biswanger (2001). argue that state led land reform distorts the market and this prevents efficiency in the land market. The comments of the respondents from both case one and two do not support the above theory. Most respondents from both cases are pro state intervention. They are actually frustrated by the slow pace at which land is transferred by the market.

5.2 CROSS-CASE ANALYSIS

In this part of the analysis, the two cases were analysed and the results compared to one another. The similarities between the two cases were found in the fact that

both key informant and depth interview respondents are not happy with the willing buyer willing seller concept.

The two groups agree that land reform is too slow and thus needs to be speeded up. One respondent from case 2 felt that the above concept is designed to benefit the white landowners at the expense of the black people. Both groups also agree that state intervention is necessary for the programme. This was demonstrated by the emphasis of Pro-active State Acquisition Strategy and reference to Gijima land reform strategy by one farmer. Both groups have noted the fact that the state does not have the power of first refusal and the intended beneficiaries have to compete for available land on `the open market` at market.

The respondents from both groups also share their concern about the role played by traditional authorities in the application of the Communal Land Rights Act. Regarding post transfer support (CASP) the two groups seem to be in the dark about its budget and this is a matter of serious concern, as this mode of intervention is very important to land reform in a situation like South Africa.

Furthermore, the two groups agree that the land reform budget is not enough to meet the needs of the beneficiaries. Moreover, one farmer went on to suggest that the LRAD should at least avail up to R1 million to each farmer. Both groups agree that the government is not meeting its aims and objectives on the land reform programme, and both noting capacity constraints, shortage of skills and lack of synergy and coordination as some reasons that contribute to the poor state of land reform in the country

The findings of this study suggest that the primary objective of fundamentally transforming of property rights through the Reconstruction and Development Programme (RDP) to deliver 30 % of white-owned agricultural land into black hands by 2014 seem unlikely given the available empirical data. For example total land delivered since 1994 to January 2006 is 3,373 246 ha (Land Affairs, 2006). Of the above Redistribution has delivered 1, 477 956 ha, Restitution 1007,247 ha,

tenure Reform 761,524 ha and State Land 761,524 ha (Land affairs, 2006, p. 15). Empirical evidence points that the good intentions of the programme as noted by NLC (1995) were derailed by the neo-liberal paradigm.

Firstly, the redistribution programme has not lived up to its expectations. State-led land reform seems to be truer and tenable in the case of both the farmers and departmental officials interviewed. Furthermore, the study reveals that the willing seller willing buyer concept does not work. The data collected in this study maintain that providing the disadvantaged and the poor with access to land for residential and productive purposes is not going as planned.

Regarding the overall economic development of the rural communities, the study revealed that there is often inadequate post transfer support. There is no centralised integrated institution that coordinates the services that are needed for beneficiaries of land programmes. It is therefore concluded that Land reform could not happen in isolation to other socio economic rights. There is also a serious budget inadequacy.

Data collected in this study also revealed that political and social inequality relate to land inequality. For example, the power relations between the traditional authorities and the rural poor are lopsided. Whilst the traditional leaders are organised by CONTRALESA, the rural poor are disjointed on their quest to control over the means of production. This also applies to their weakness in terms of articulating their needs as compared to elitist agricultural organizations like NAFU and Agri – SA. The above makes a perfect example of the Elite/Mass Policy model (Anderson, 1979, pp.19-20, Dye, 1978, pp25-28 and Henry, 1975, p. 231). According to this policy model, the elite group is solely responsible for policy decisions and this group governs the ill-informed public (masses). It is contended that a policymaking and executing elite is able to act in an environment characterised by apathy and information distortion and thereby govern a largely passive mass. For this model elites share common values that differentiate them

from the masses, and prevailing public policies reflect their values, which may be summed up as preserving the status quo (Henry,1992, p.288).

The latter have established a good relationship with those in power in order to exert some influence over policy decisions regarding land reform. This strategy is working in a short term, and it is worth noting that the above strategy is not sustainable as demonstrated by the Zimbabwean scenario of the impatience shown by the rural poor and those who are only interested in clinging to power as Tom Lodge has indicated In chapter one of this study.

It was also discovered that the restitution programme did not meet expectations since the end of apartheid, with few rural claims settled and land restored. This study reveals that land settlement and restorative justice have been sacrificed in the interests of neo-liberal, macro-economic objectives.

5.3 CONCLUSION

The government's efforts to resolve the huge backlog of restitution cases are laudable and noted .However, using cash settlements rather than restoration of land, threatens to undermine its objectives. Particularly for the remaining rural claims, cash settlements should be discouraged and efforts made to provide as part of any restitution package either suitable land for small-scale production and housing, a job or credit for micro-enterprise activities.

The researcher notes that restitution programme should be made the engine for wealth creation and enhancement of livelihood options. Cash settlements are not a sustainable contribution to development or poverty alleviation and should therefore not be the method of first choice.The findings of this study also indicates that although the government has passed some good legislation to address the security of turner. It has failed to stop the evictions from commercial farms. According to Lahiff (2003, p.42) the Extension of Security of Tenure Act (Act 62 of 1997), or ESTA, has had little success in preventing illegal evictions. He

alludes to the fact that evictions are still possible, and illegal evictions remain common.

The South African government has also bowed to political pressures from traditional authorities to give them semi-absolute powers in the areas over their jurisdiction. Additionally, it was discovered that through comparative case studies of the countries like Brazil, Venezuela, and Zimbabwe a large percentage of land transfers has happened not through the market led principles. It has happened because of the rural poor organization and assertion of their rights through occupations. The Brazilian MST, through its occupations and increased independence from landowners and corporations' interests, has been able to successfully envision and create alternative economic, social, political, and environmental models.

The overwhelming majority of respondents in Case 1 and 2 felt that the state has to intervene if land reform was to succeed in South Africa. A Proactive Land acquisition has been recommended as the solution to the slow pace of land reform experienced since the adoption of market led neo-liberal land reform.

CHAPTER 6: CONCLUSION AND RECOMMENDATIONS

6.1 CONCLUSION

The purpose of this study was to explore and describe a phenomenon within a specific research area, as well as to deepen the understanding of phenomenon by answering certain research questions. This study's contribution to theory regarded applying existing theories concerning state-led land reform and the Market led reform and testing their validity.

Regarding state-led approach, the empirical findings generally agreed with theory. In contrast, the empirical data gathered in this study was generally in opposition to the willing seller willing buyer concept as espoused by the market led protagonists. The empirical data was successful in uncovering some new findings concerning this topic, such as the traditional authorities and farmers unions s influence should also be interrogated when dealing with land reform.

Concerning the promotion of agricultural productivity, and the alleviation of poverty, the findings in this study reveal that previous theories were only supported minimally, since agriculture has created few job opportunities. The most notable finding was that, in contrast to theory, the government intervention strategies were found to be unsuccessful. In addition, it should be noted that this study has contributed to previous theory by increasing the understanding on how the state has to intervene in the land market in order to make a significant progress in the land reform.

From the basis of the analysis and the findings for redistribution the following specific conclusions have been drawn:
Firstly, there is a scarcity of viable commercial agricultural land in South Africa. There is only a small fraction of commercial agricultural land in the possession of the State.

Present landowners of commercial agricultural land do not willingly sell their land. In some instances, there is a tendency by these landowners to overprice their land.
Secondly, land in South Africa is expensive and buyers including the State cannot afford to purchase land.

Thirdly, the Department of Land Affairs has not used its powers of expropriation in suitable instances to expropriate commercial agricultural land where it is needed for land redistribution programmes.
In those instances were land is sold by commercial farmers there are bureaucratic structures that prolong the sale of land resulting in not being an attractive option to landowners.

Fourthly, there is also a problem of inadequate government capacity for land reform. Currently, relevant government agencies are short of skilled and experienced staff and suffer a high rate of turnover. It is clear that there is a need to improve capacity building for policy management. This must involve institutional capacity building in policy development and management for land reform to succeed. In carrying out the above, efforts should be made to ensure that all the relevant stakeholders are directly represented and empowered to make their input in the whole process.

It is also important to note that participation and consultation are of significant importance as a basis for creating legitimacy of land reform policies. Because line departments like Agriculture, Land Affairs and Land Commission play major roles in the implementation of land reform policies therefore improving capacities of these departments is necessary because lack of sufficient capacity can have serious implications for the implementation of the above policies. It is therefore recommended that in order to ensure administrative capacity, the above departments must embark on extensive training of its staff.

There is also an apparent unbridgeable gap between the government's target of transferring 30% agricultural land and the financial and administrative resources availed to realise it.

6.2 RECCOMENDATIONS

From the basis of the analysis and findings for this study, the following specific conclusions regarding the whole component of land reforms arise:

Whilst the livelihoods of intended beneficiaries have improved, the limited extent of redistribution has meant that the overall impact has been small.
Neo-liberal policies favoured in the region with the support of World Bank are failing to bring about fundamental change in the structure of poverty and inequality. South Africa needs to jettison the influence of the neo-liberal agenda and invest extensively on the establishment of indigenous capacity in policymaking and management.

It is therefore recommended that in order for South Africa, Zimbabwe and the other countries trapped in the land reform quack mire to succeed, they need to have political leadership and direction, i.e., the political will to make and support workable land policies. They also need to invest on administrative and analytical capacity to engage in policymaking, analyse trends in the environment, translate those into policies, and allocate resources accordingly. The above will help to create successful agrarian reform policies, and social and economic justice for the rural poor.

More effort should be put in the monitoring and evaluation of land reform policies to measure and indicate the success or failure of measures taken. It is therefore apparent that evaluation of the above policies should lead to policy adjustment to determine whether the action should be continued, modified, terminated or replaced with the alternative course of action.

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Appendix A

Profiles of Respondents Interviewed

Respondent	Position/Title	Organisation
Jan Senne	Farmer	NAFU
Jan Motlagomang	Farmer	Bakubung Communal Property Association
Silas Mogakabe	Farmer	None
Tlhapi Dibatana	Farmer	None
Mojalefa. Motlhagodi	Farmer	Rustenburg Farmers Forum
Ntombi Msimang	Farmer	None
Cassey Last	Official	Department of Agriculture
Thebe Mothusi	Official	Department of Agriculture
Tebogo Bankhoes	Senior Planner	Department of Land Affairs
Motlagomang NS	Official	Department of Agriculture
Mashigo	Director	Department of Agriculture

Appendix B

Brief Outline of the Framework of the Interview Schedule Supplied to Respondents before the Actual Interview

Dear…….

Land Reform Experiences

My telephone conversation earlier refers. Thank you once again for agreeing to see me on …...October 2006 at ……at your farm.

The interviews were based on the following broad outlines:

1. Biographical information
2. Your experiences on the current land reform policies
3. Problems encountered as individuals and farmer organisations related to land reform

The interview schedule is not rigid. Please feel free to add anything you wish. If requested, anonymity were respected. The expected duration of the interview were between one and half hours.

Appendix C: Semi-structured Interview schedule for Department of Land affairs and National Land Committee Officials

Redistribution

1. What kind of problems have you encountered in implementing LRAD projects?
2. How did you overcome them?
3. How many projects have you approved for implementation this financial year?
4. How many are in the pipeline for implementation from the previous financial year?
5. Have your Department worked out how much money was needed to transfer your share of 30% of the agricultural land?
6. In your own words, what interventions can help to improve land reform in the province and the country at large?

Communal Land Rights Act 11 of 2004

7. What problems have you encountered in implementing Communal Rights Act
8. How many Communal property association have been registered in you province?
9. What can be done to improve its implementation?

Security of Tenure Act

10. What problems have you encountered in effecting the letter and spirit of the above Act?
11. How many cases have dealt with since the passing of this Legislation?
12. What data do you have on farm evictions in the Province?

Post-transfer support

13. What type of support are you offering to post-transferred beneficiaries?

14. How much have budgeted for CASP for this financial year?

AgriBEE

15. What data do you have on AgriBEE deals in the Province?

16. Is there any thing you like to add on this topic?

17. Can you give us the names of at least ten beneficiaries of land reform who could help inn sharing their experiences for this study?

If possible, their phone numbers and reasons, why you think they could add value to this study?

Appendix D: A semi-structured Interview Schedule used by Researcher

Respondent's name:

……
…

Date and time of interview:

……
…

Interview duration:

……

…..1. Please indicate the nature of organization you are affiliated to?

……

……

……..

2. Do you consider the present land distribution of land ownership in South Africa to be fair?

Yes/No

Please elaborate:

……

……

……

……

……

……

……

……..

3. Do you consider the current pace of land reform to be Ok?

Please elaborate:

……

……

……

……

……...

4. In your own words what needs to be done to speedup the process?.....
.....
.....
.....

5. Are you familiar with the contents of a Comprehensive Agricultural Support Programme (CASP)?

(CASP is intended to provide training, inputs, infrastructure and market access to new farmers)

Yes/No

If Yes in what context?.....
.....
.....
.....
.....
.....

6. Do you think that the Government is availing enough budgets for land reform and land grants?

Yes/No

Please explain:

……
……
……
……
……
…….

7. Are you familiar with the Communal Land Rights Act?

(Provides for the transfer in ownership of land in the former homelands to communities residing there, or alternative redress, on the instigation of the Minister)

Yes/No

If Yes in what Context?

.....

.....

.....

.....

.....

8. Do you have access to extension services provided by the department in your area?

Yes/No

Please Explain

.....

.....

.....

.....

9. Do you think that a Willing Buyer, Willing Seller principle is working for Land Reform in South Africa?

Yes/No

……

Is there anything you would like to

add?.....

.....

.....

10. Do you think that the government will meet its target transferring 30% of agricultural land by 2014?

Yes/No

Please

Explain……

……

……

……

11. Do you think that the government is implementing July 2005 Land Summit recommendations?

Yes/No

Please

comment……

……

……

……..

12. Is there anything you would like to add on this topic?

.....

.....

Thank you for your time