

DECLARATION

I, Lunga Simelane, declare that this research report is my own unaided work. It is being submitted in partial fulfilment for the Degree of Master of Management at the University of the Witwatersrand. It has not been submitted before for any degree or examination in any other university.

_____ 19 February 2014

Lunga Simelane

DEDICATION

I would like to dedicate this work to my wife, Nombulelo and my daughters Esihle and Nakiso.

ACKNOWLEDGEMENTS

I would like to thank God who has given me the energy to work on the study. The success of the research is also due to efforts of other individuals who have made inputs to the study. I am highly indebted to my supervisor, Professor Thomas Mogale, who gave me undivided attention, advice, and guidance in carrying out the study. I am grateful to the constructive comments that he gave me to make the study a success.

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Lastly, I would like to thank my family for their support and prayers. I would like to thank my wife, Nombulelo for supporting me with all her might and encouraging me to push to the end of my studies. I thank my mother Mrs B. Simelane for always believing in me; my brother Simanga Simelane for always being with me in my entire academic and professional journey; my sisters; Winile and Dombo for their undying support; and my brothers, Musa and Thoba for being there for me.

ABSTRACT

This study set out to examine tenure arrangements under the LUSIP project in Swaziland, wherein people have been made to forego their land rights and form farmer companies to which they would be equal shareholders with previously landless households' representatives. In this regard, it sought to understand the relations that unfold between these two sets of shareholders, with a particular focus on the level of participation of the previously landless in their role as equal shareholders. Three FCs in Sibhotela, a section in the Madlenya chiefdom which forms part of the project development area, were selected for study in the research. To ground it on theory, the study has drawn on literature around land tenure systems and their implications for social inclusion. Through the use of qualitative methods, data was collected and particular findings were made and analysed. The findings made in the study reflect that indeed the previously landless are in many ways marginalized by the previous agricultural plot owners in their participation as shareholders in the FCs. An analysis of the findings reflects that the incorporation of the previously landless has worked in terms of assisting them to have some form of income. However, it has not empowered them to meaningfully participate in the decision-making processes within the FCs. The study therefore draws the conclusion that participation of the previously landless in the farmer companies that were formed under the auspices of LUSIP is compromised at the level of the operations and decision-making. With the FCs having started operations in the year 2008, the study has identified an opportunity for further research into the elements or factors that have sustained these FCs for the period they have been in operation.

LIST OF ACRONYMS

BOD	Board of Directors
CDA	Community Development Appraisal and Action
DFID	Department for International Development
ECOSOC	Economic and Social Council
FAO	Food and Agricultural Organization
FC	Farmer Company
GLTN	Global Land Tool Network
IFAD	International Fund for Agricultural Development
KDDP	Komati Downstream Development Project
LRAD	Land Redistribution for Agricultural Development
LUSIP	Lower Usuthu Smallholder Irrigation Project
PDA	Project Development Area
RPO	Rural Producers' Organization
SHIP	Smallholder Irrigation Project
SNL	Swazi Nation Land
SWADE	Swaziland Water and Agricultural Development Enterprise
TDL	Title Deed Land
UNECA	United Nations Economic Commission for Africa

**PARTICIPATION OF THE PREVIOUSLY LANDLESS IN FARMER COMPANIES
UNDER THE LUSIP PROJECT IN SWAZILAND**

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CHAPTER ONE

INTRODUCTION

1.1 Background to the Study

1.1.1 The Development of Small-holder Farming in Swaziland and the Conception of LUSIP

The development of smallholder farming in Swaziland is recognized as a strategic intervention by the government in the quest to increase food production and thereby alleviate poverty, particularly in the rural areas. This is mainly attributed to the fact that rural areas in Swaziland are characterized by vast pieces of arable land that are not developed. One major reason for the non-development of this arable land in these areas has been the shortage of water sources for irrigation. The land tenure system under which these areas fall arguably has also hindered development of arable land because of the tenure insecurity that is characteristic of these areas. Investment into the development of the land in these areas has thus been minimal at best. The government of Swaziland has therefore embarked on investing money to bring in the necessary resources such as water and technical expertise closer to the people for them to develop the one resource they have, that is, land¹ and produce agricultural goods on a commercial basis.

This drive by the government to bring water for agricultural production is in line with the implementation of national policy strategic initiatives like the National Development Strategy (NDS) and the Poverty Reduction Strategy and Action Plan (PRSAP). The NDS for instance, identifies water resource development as a key strategic area for

¹ Arable land excluding residential areas and communal grazing land

national development. Amongst other uses, the idea as per the NDS is to expand small-holder irrigation whilst encouraging farmers to utilise all available water catchments. In a complementary manner, the PRSAP advocates for an increase in agricultural production, switching to high-value crops and commercialising overall agricultural production in rural areas. It is from this background that the conception of the Lower Usuthu Small-holder Irrigation Project (LUSIP) developed. The development of the LUSIP follows the successful implementation of a similar project in the country; the Komati Downstream Development Project (KDDP), where rural farmers have been mobilised and are irrigating and producing agricultural products, mainly sugar-cane, on a commercial basis.

This study is an undertaking to understand how people within the LUSIP project development area (PDA) relate between one another with regards to the use and reaping of benefits from land under LUSIP. The relationship is between two sets of people. It is between those who had individual access to pieces of land for private use, and those who did not. This stems from the premise that LUSIP as a poverty alleviation project is designed to ensure that all within the PDA benefit from the implementation of the project, regardless of land access status. The project has thus opened an opportunity for people who previously did not have access to any piece of land, but have households within the PDA to participate² fully in the realization of benefits that come with the project in an equitable manner to those who had access to land. On the face of it, the potential exists for conflicts and tensions between these two sets of people to result with regards to participation, with the 'landless' likely to be victimised. This study therefore is an effort to understand how this scenario unfolds, with reference to farmer companies (FCs) in a section in one of the chiefdoms under the PDA as a case in point. These FCs have been borne as a means to have the community

² Active involvement in the shareholder roles that are characteristic of the FCs under LUSIP and influencing decisions with regard to the direction the company takes. This involvement goes beyond influencing decisions to actually realizing the profits from these enterprises in an equitable manner amongst all the shareholders.

members in the PDA organized into group entities that will collectively take advantage of the LUSIP infrastructure for the development of their land.

The LUSIP PDA covers 9 chiefdoms, one of which is the Madlenya Chiefdom. This chiefdom has got six sections. The study will be conducted in one of these sections, that is, Sibhotela. This section has a total of 255 hectares constituting irrigable arable land and there are three FCs that have been formed to operate on this land. These are Sibhotela Investments, Kuselangeni Investments and Nyonikhalakahle Investments. The total population of the area is 637, belonging to 96 households (SWADE, 2004). The unit of participation in these FCs is a household head or representative, thereby giving 96 as the population size for the study. Table 1 below indicates land allocation per FC and the number of households represented in each FC.

Table 1: Land allocation and household representation per FC in Sibhotela

Farmer Company	Hectarage (Ha)	Number of Households represented
Sibhotela Investments	102	35
Kuselangeni Investments	60	36
Nyonikhalakahle Investments	93	25

Source: SWADE, Fieldwork, 2013

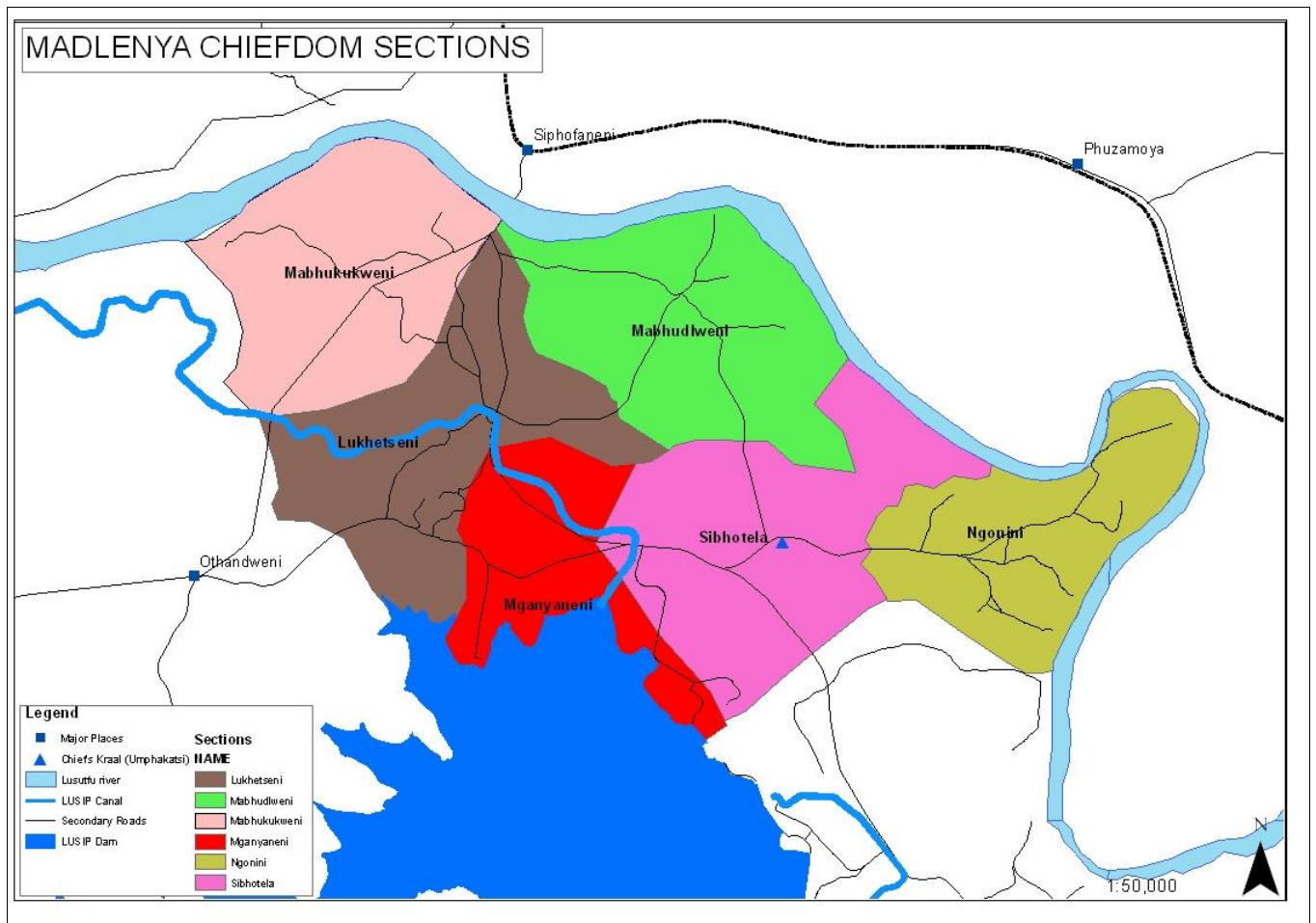
Figures 1 and 2 show the location of Madlenya chiefdom relative to the whole country and Sibhotela relative to the chiefdom, respectively.

Figure 1: The Location of Madlenya Chiefdom



Source: SWADE, Fieldwork 2013

Figure 2: The Location Sibhotela relative to the rest of Madlenya Chiefdom



Source: SWADE, Fieldwork, 2013

1.1.2 The LUSIP Project and the Formation of Farmer Companies

LUSIP is a project that is aimed at poverty alleviation through the provision of bulk water to support small-scale irrigation projects. It is implemented within a designated project development area (PDA) in the Lubombo region of Swaziland. It is based on the principle of community participation wherein each household in the PDA is represented in farmer groups to take advantage of the water infrastructure provided through LUSIP to form agricultural enterprises that operate on a commercial basis. To this end farmer companies (FCs) have been formed in the project area, constituting the heads of households or their representatives as equal shareholders in each FC. Every household

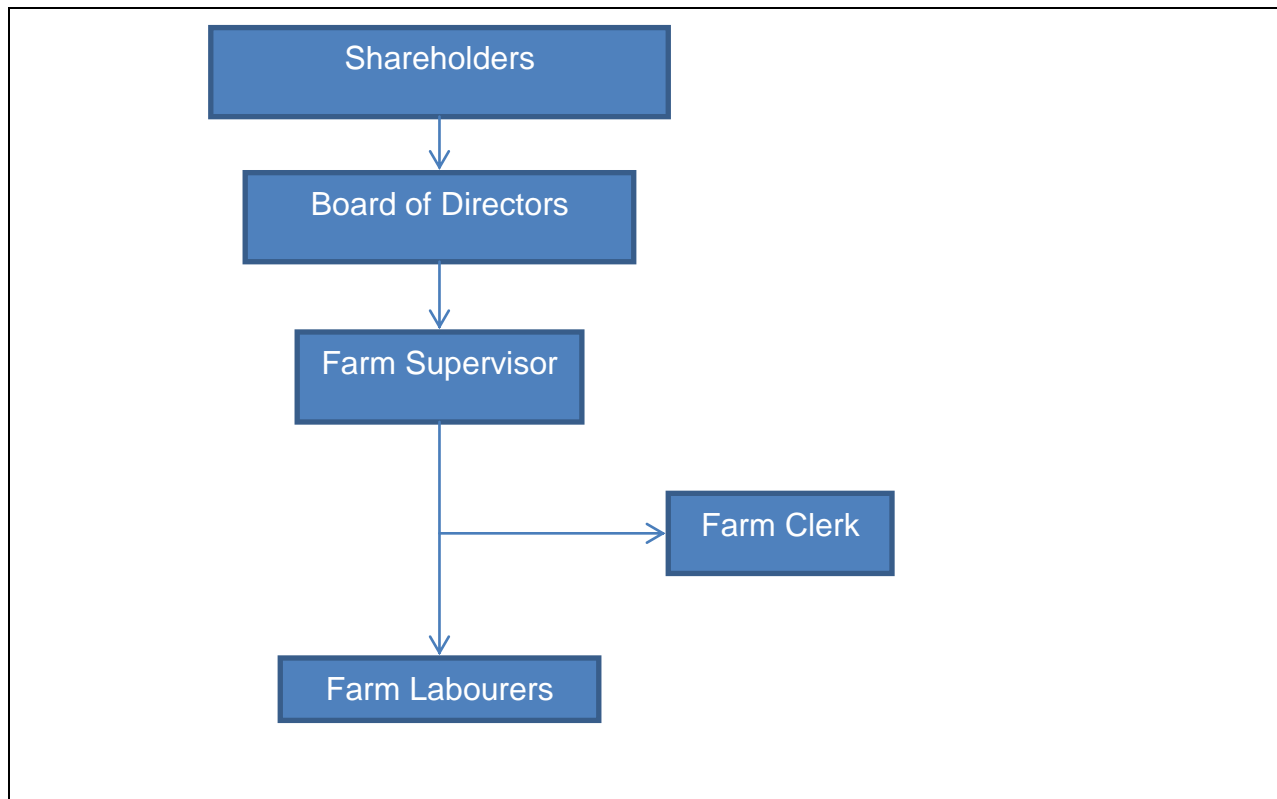
within the LUSIP PDA has an equal opportunity under the LUSIP model to be represented as shareholders in the FCs within their respective chiefdoms, and fully participate in the formation and operation of these FCs. It is for this reason that these FCs are considered as companies that have been created for the purposes of socio-economic upliftment of the communities within the PDA. These farmer companies are formed and operate on land that was previously under the private use of some of the households in the community. In practical terms the participation of those who were previously entrusted with the use of the land in these FCs is, on the face of it, no doubt guaranteed.

The operation of the farmer companies in LUSIP is such that the shareholders practically run the operations of the company. Over and above having equal shares in the FCs, the roles played by the shareholders include, and may not necessarily be limited to the following:

- Approval of business plans
- Attend business management trainings
- Make decisions on procurement
- Employment (provide labour)
- Attend general meetings
- Approve budgets
- Elect board
- Stand for election into Board of Directors
- Obtain dividends

The typical organizational structure of the FCs is presented in figure 3 below. The board of directors which reports to the shareholders is strictly elected from amongst the shareholders. The farm labourers are also sourced from within the shareholders or from the households they represent. Only the farm supervisor and the clerk can be sourced from outside if the skill is not available from amongst the shareholders or their families.

Figure 3: Organizational Structure of Farmer Companies within LUSIP



Source: Fieldwork, 2013

With the LUSIP model advocating that participation is obtained by virtue of being a household, the question of how those who previously were landless, but have households within the community, participate in the FCs, arises. This then brings in issues of land tenure, and the land tenure environment within which LUSIP, and by consequence, the FCs operate. The question is whether previous access to land and lack of it thereof has a bearing in terms of participation in the farmer companies with regards to equity in shareholding and the shareholder roles alluded to above.

1.1.3 Overview of Land Tenure System in Swaziland

Land Tenure in Swaziland is defined in two categories, that is, Communal Tenure and Individual Tenure Holding. It is for this reason that land tenure in Swaziland is largely considered to be dualistic (Sachs and Roach, 1983). Land under communal tenure is governed through Swazi Law and Custom which constitutes a set of non-codified, commonly known rules on the acquisition and transfer of user rights to land. Land under this form of tenure in Swaziland is referred to as Swazi Nation Land (SNL), which is held in trust by the King for the Swazi Nation. This is done through chiefs who are given authority by the King to be responsible for land under SNL, which is demarcated into distinct chiefdoms. Amongst the powers vested upon the chief is the allocation and reallocation of land within his chiefdom. To acquire land in SNL, one has to go through a process known as *kukhonta*³, which is a form of application to be part of the chiefdom and a commitment to pay allegiance to the chief. The chief under this process gives the subject user-rights to a piece of land, and this land is demarcated to show the boundaries within which the subject can carry out livelihood activities including farming. The pieces of land given to individuals by the chief vary in size depending on availability within the chiefdom and the reasons for which it is sought. Under SNL there is no ownership of the land, but rather there are access rights for use by individuals or groups (in some cases). SNL constitutes just over 60 % of the country (Rindell and Dickson, 1986; Sithole 1994).

Land under individual land holding is legally governed, with land acquisition done by means of a title deed, thus constituting what is referred to as title deed land (TDL). Land under TDL is acquired through purchase, and the buyer enjoys full rights of use, control and transfer once he/she is given the title deed. Land under TDL constitutes just under 40 % of the whole country (Rindell and Dickson, 1986; Sithole 1994). The acquisition

³ Process by which an individual applies for a piece of land in a chiefdom by means of presenting a cow and declaring to pay allegiance and loyalty to the chief. Upon acceptance an individual may be allocated both residential and arable land, or just residential land only.

and transfer of land under TDL is governed by the Deeds Registry Act of 1968 which defines the rules of obtaining a title over a piece of land.

Table 2 below indicates the characteristics of each land tenure form in Swaziland with regards to land acquisition, authority over land, and land disposal.

Table 2: Characteristics of land tenure forms in Swaziland

Form of Tenure	Percentage coverage	Land Acquisition	Authority over land	Land Disposal
Swazi Nation Land	>60%	An individual or group goes through the process of <i>kukhonta</i> to the chief.	The chief	Renounce back to the chief who can reallocate it to someone else.
Title Deed Land	<40%	Purchase of title deed from land owner	Land owner	Sell title deed to interested buyer.

Source: Nkambule (1983)

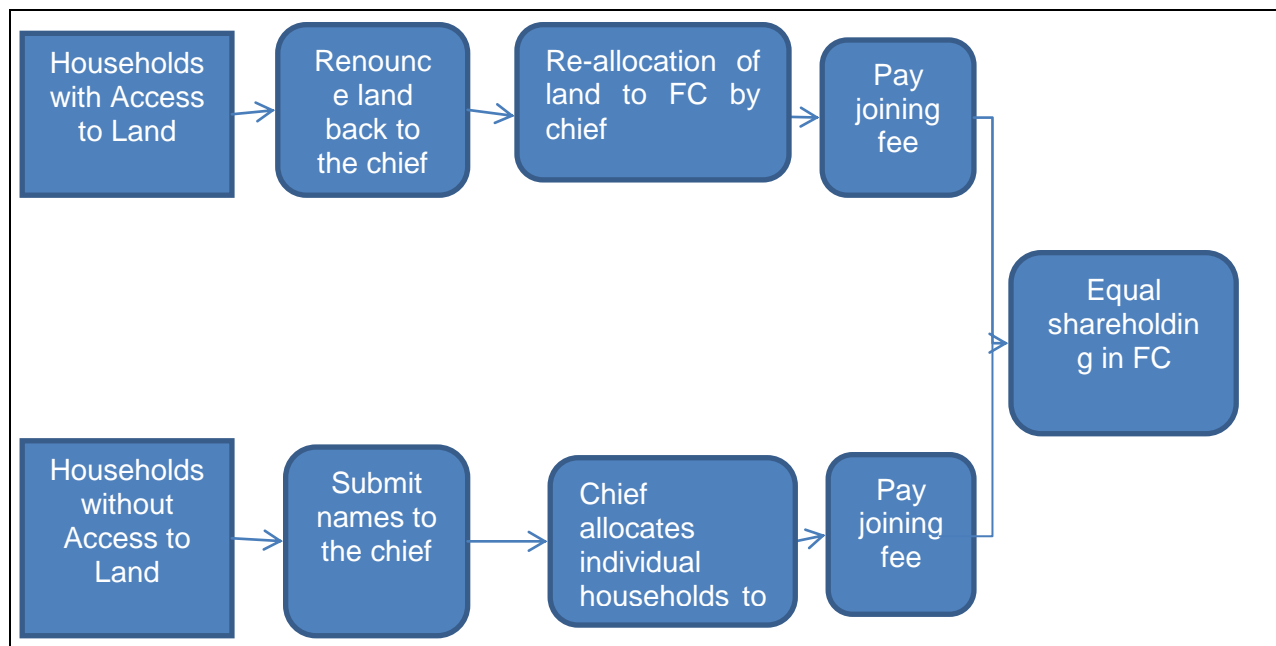
1.1.4 LUSIP and Land Tenure Issues

The LUSIP PDA mainly consists of land under the SNL with regards to land tenure system. This has presented a challenge to the project in that not everyone has access to a piece of land in the PDA communities, and those who have access do not necessarily have it in equal proportions. This then means not everyone in the PDA can participate in irrigated commercial agriculture on the basis of land access, and where

there is participation, it may not necessarily be equitable. This challenge compromises the project goal of poverty alleviation for *all* in the PDA.

To address this challenge of access to land and equitable participation, under the LUSIP model, households with access to land have been encouraged through the community traditional leadership structures to renounce the rights to use their individual pieces of land. This land is then released back to the chief for redistribution to FCs to which, as earlier alluded to, every household in the chiefdom has an equal opportunity to be represented as a shareholder. This therefore has meant that the user rights for land are given to the FCs for the benefit of all in the community, including those that previously did not have access to any piece of land. Figure 4 illustrates the process by which households representatives become shareholders in the FCs.

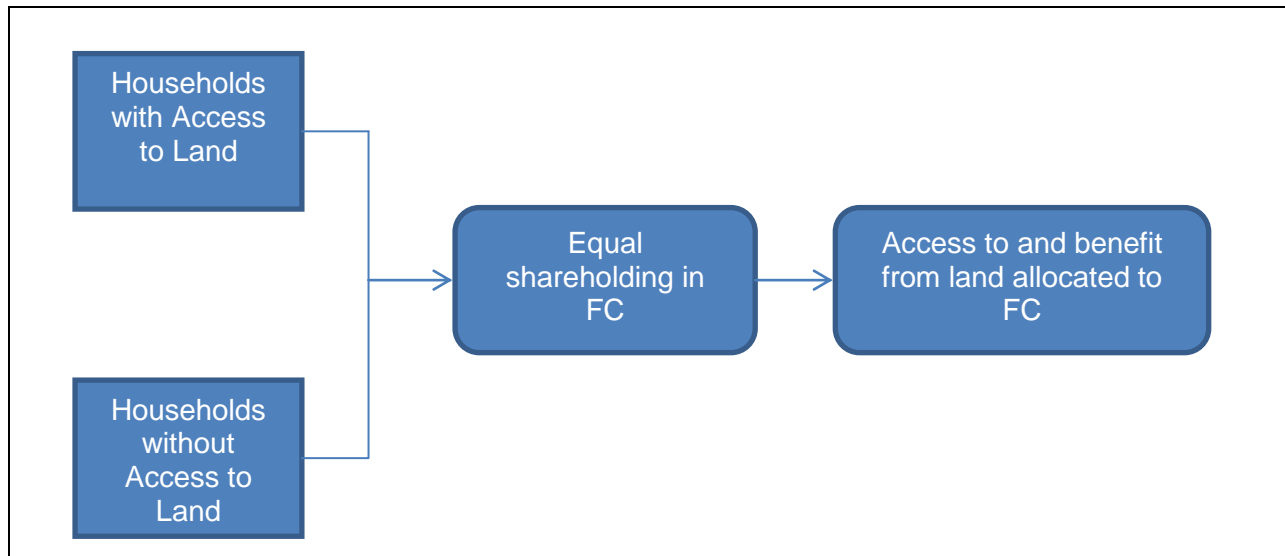
Figure 4: Land Access and Shareholding in FCs under the LUSIP model



Source: Fieldwork, 2013

Household access to land under the LUSIP model is indirectly obtained by being represented in an FC through shareholding. This is illustrated in Figure 5 below.

Figure 5: Transforming household land access under the LUSIP model



Source: Fieldwork, 2013

1.2 Problem Statement

As alluded to in the background, LUSIP has resulted in the formation of farmer companies that constitute household representatives as shareholders. These FCs are formed on land that was renounced back to the chief, resulting in the shareholders constituting community members who previously had access to pieces of land and those who did not. This then presents a risk that those who did not have access to a piece of land are marginalized with regards to participation in the FCs in relation to those who previously had access. The marginalization may stem from those who had access to pieces of land believing that they contributed more to the FC, thereby deserving to have a bigger voice and a larger share from proceeds made than those who did not have access to any piece of land. It may also stem from the possibility that those with previous access to land may have reluctantly or unwillingly renounced it back to the chief due to the prevailing land tenure system which does not give ownership of land. The ‘forced’ renunciation may give room to the tensions and conflicts between those with previous access and those without, with the previous field owners feeling more empowered by virtue of their close relationship and long track record with the land. The study therefore seeks to examine the level of participation by the previously

landless in the LUSIP FCs relative to those with previous land access using Sibhotela area in the Madlenya chiefdom as a case.

1.3 Research Questions

The study will seek to address the following questions

- What difficulties do the newly included but previously landless experience with regards to participation in the farmer companies that are resultant from LUSIP?
- How are the rights enjoyed by the previously landless affected by the fact that they are grouped with those who previously had user rights over the land that is reallocated to the FCs?
- What safeguards are built in to protect the participation of the previously landless in the FCs to ensure sustainable improvement of their livelihood?

1.4 Summary Conclusions

The introductory chapter has mainly provided the background to the study. It has introduced the underlying concepts that inform the study. LUSIP as a poverty alleviation initiative has been introduced, and its model of bringing people in a community to work together in farmer groups which are registered as companies has been presented. Land tenure issues which form the backdrop of accessing the one resource that is to be exploited through LUSIP, that is, land have been discussed. These land tenure issues, which define land accessibility, have been discussed in relation to LUSIP, and the manner in which LUSIP has impacted on the application of these tenure rules in the area in which it is implemented has been alluded to. From the backdrop of the background, the problem statement, including the purpose of the study was formulated, with the research questions completing the focus of the study.

1.5 Chapter Outline

With the introduction constituting the first chapter, Chapter Two is the Literature Review, which mainly focuses on the understanding of land tenure systems and their implications to social inclusion. This chapter addresses thematic topics that are relevant

to the study with regards to what other commentators' views on them. This chapter firstly explores relationships between land tenure systems and agricultural development, particularly in rural areas, and the effect on livelihood improvement. The concepts of social exclusion and inclusion as impacted upon by land tenure systems are then examined in relation to poverty. Thirdly, the chapter focuses on equitable land access and its impact on livelihood improvement. The literature review then draws on land redistribution as a means to address landlessness and allow for greater participation by all in poverty alleviation programmes. Lastly, the formation of farmer cooperatives as a poverty alleviation measure is also explored in the literature review chapter.

The third chapter is the Methodology. This is a presentation of the methods used to gather data and information that has informed the study. The data collection and analysis techniques are discussed to detail in this chapter. Issues of validity and reliability and ethical considerations are also discussed in the methodology chapter.

Chapter four is the presentation of results. This chapter is organised into themes that have been constructed in relation to the research questions.

Data Analysis constitutes the fifth chapter of this report. In this chapter, meaning is construed with regards to the research findings presented in Chapter four. Linkages between the thematic findings are also identified in this chapter.

Lastly the research report has Discussion and Conclusions as Chapter Six. This chapter brings everything in the report together. The research problem is revisited with the research questions in relation to the findings and analysis. All this is discussed in reference to the literature that has been reviewed to inform the study. Conclusions are then drawn with regards to the place of the study in the whole body of knowledge, particularly around rural development and poverty alleviation initiatives and their sustainability.

CHAPTER TWO

LITERATURE REVIEW

2.1 Introduction

In this section the research report presents a theoretical overview for the study regarding land access issues and the role of land tenure in improving agricultural development for livelihood improvement for the poor. With a focus on marginalising or enhancing participation of the previously disadvantaged with regards to land access and livelihood improvement, the literature attempts to explore relations between landlessness and the concepts of social exclusion and inclusion. Issues of equitable access are also examined in the literature in relation to livelihood improvements. A case for land access improvement through land redistribution for greater participation in poverty alleviation is also explored. Lastly the literature explores the organisation of farmers or communities into cooperative entities and how this addresses poverty alleviation. This literature will provide a reference point with regards to the results that will obtain in this study.

2.2 Land Tenure Systems and their Implications on Land Access, Agricultural Production and Livelihood Improvement

Land and agricultural production are critical for economic growth and poverty reduction (Eriksen and Clover, 2009). For most African countries, agriculture is the main economic activity, and land access is a fundamental means by which the poor can ensure household food supplies and generate income (Cotula, 2007). Secure access to productive land is critical to the millions of poor people living in rural areas and depending on agriculture for their livelihood (IFAD, 2008). This suggests that people's livelihoods, particularly the poor, are dependent on their ability to access land. In defining livelihoods, Chambers and Conway (1992) in Ulrich *et al.* (2012) present them as the capabilities, assets, and activities required for a means of living. The relationship

between land as an asset and livelihoods comes to the fore. Land tenure therefore, which defines the relationship between people and land (FAO, 2002), becomes important in this regard. Land tenure addresses issues of land access, use and security (Place, 2009). It is the body of rights and duties which regulates the use and control of land (Francis, 1987).

Secure access to land is generally considered an important precondition to accessing other livelihood opportunities (Payne, 2004). It is actually central to agricultural production and to ensuring viable livelihoods (Filipe, 2005). Increased productivity and investment, particularly in rural areas, is in fact encouraged by assured access to land (Ouedraogo, 2002). Landlessness, as per the arguments presented above, means one cannot participate in any form of agricultural productivity thereby limiting an individual's options with regards to improving and sustaining a livelihood. People with no land, particularly in farming communities, have no direct economic, political or social power (Atteh, 1985). Indeed the landless typically constitute the poorest and most marginalized and vulnerable groups (IFAD, 2008).

Land tenure systems may be formal or informal, with the formal systems constituting holding of an individual title to a piece of land and the informal constituting communal or customary tenure (Peters, 2009). The two tenure categories have implications in terms of how people access land, how productively they use it, and by consequence how their livelihoods improve. A number of debates have been put to the fore in terms of which tenure system category allows for better access and more efficient agricultural investment and productivity. The World Bank for instance has over the years argued for a shift toward the titling system in terms of land access, wherein people would have property rights to land, a critical precondition for investment and economic growth (Peters, 2009). The expectation in the case of the individualistic property rights position is that the landowners will be more willing and more able to undertake investment (Brasselle *et al.*, 2002). In the case of formal tenure, access to land is gained by means of a purchase of a title to that piece of land. Land in this case is held on a freehold

basis, wherein the owner has complete control over land and there is freedom to buy or sell for profit (Eastman, 1990).

The argument for individual property rights also stems from arguments such as presented by Fenske (2011) to say individual tenure rights over land allow for investment by strengthening claims to investment profits, increasing access to capital, allowing gains from trade, and permitting the owner freedom to be innovative. The essence of individual tenure rights is that it ensures maximal use of the land resource, the incentive being the attainment of secure maximum benefit for an individual. This linearly translates to improved livelihood, albeit on an individual basis. An argument is actually presented that poverty is not resultant from the lack of assets, but rather from lack of formal ownership of these assets and the benefits they bring (Sjaastad and Cousins, 2008). Poor people have land, but this ownership is undermined by the insecurity of property rights associated with the land (Kusiluka *et al.*, 2011). In cases where resources such as land are scarce due to an increase in population, private property rights become innovations that allow for agricultural intensification thereby taking advantage of increases in food prices (Kabubo-Mariara, 2007).

There is however much criticism against the formalization of tenure rights. Of note is the danger inherent in formalization of cementing existing inequalities in land holdings particularly in societies characterized by large groups of rural landless people (Sjaastad and Cousins, 2008). Another criticism with regards to formal tenure and land access is that the landless may find avenues to access land effectively closed due to property price increases (Sjaastad and Cousins, 2008). There is also an argument to say that with the promotion of 'financialization' in the international development discourse, the poor will be encouraged to use their land as collateral, and risk losing an important and often sole productive asset (Manji, 2011). To support this argument Manji (2011) parallels this point to the American subprime crisis wherein the vision of an 'ownership society' backfired and led to the promotion of housing debt amongst the poor.

Informal land tenure mainly constitutes traditional forms of tenure which are based on custom (Peters, 2009). In sub-Saharan Africa most land is governed through customary

laws with no formal documentation of who owns it or has rights to use it (Toulmin, 2008). Customary land tenure systems vary according to context, but the general stereotypical view is that in these systems land is held on basis of blends of group and individual rights, accessed on the basis of group membership and social status, and used through complex systems of multiple rights (Cotula, 2007). An argument is presented with regards to customary tenure systems and livelihood improvement to say it incorporates communal land rights, which promote equality and are sensitive to gender relations as opposed to individual property rights which marginalize rather than empower (Obeng-Odoom, 2012). Loehr (2012) supports this assertion by presenting that NGOs particularly argue that private property rights on land normally result in loss of livelihood and forced evictions, especially for socially and economically vulnerable groups. There is however a contradicting view, to say many customary systems tend to be inequitable as regards to social status, age, gender and other aspects (Cotula, 2007).

In Swaziland customary land tenure is regulated by customary law which is administered through chiefs, while freehold tenure is regulated by Roman-Dutch law and administered by the Deeds Registry office (Rose, 1987). Customary land tenure in Swaziland constitutes what is referred to as Swazi Nation Land (SNL) and it is on this tenure system that customary land law applies (Rose, 1987). Access to land in SNL is allowable by mere fact of being Swazi, the condition being a member of a localized community constituting a chiefdom (Gina, 2000). In this regard, landlessness in Swaziland is considered to be a non-phenomenon. It is for this reason that Swazi conservatives are of the view that conversion from the customary tenure system would result in widespread emergence of landlessness (Gina, 2000). From this point of view the conversion from customary tenure in Swaziland would result in social and political upheavals because access would be limited. A land reform of this nature would in most cases equal a revolution (Ho and Spoor, 2006). Rose (1987) actually notes that land access rights on SNL are held by the community as a whole, essentially making land rights to SNL to be derived from a more political than an economic basis.

With regards to agricultural productivity and investment customary tenure systems have been widely criticized to be a stumbling block. Much of the criticism stems from the insecure nature of land rights associated with customary tenure (Smith, 2004; Ho and Spoor, 2006; Sjaastad and Cousins, 2008; Kusiluka *et al.*, 2011). This criticism stems from the argument that the flexibility and fluidity of customary tenure arrangements is tantamount to tenure insecurity which leads to market inefficiencies (Ho and Spoor, 2006). Customary tenure has also meant that land which could constitute 'generative capital' becomes 'dead capital' as noted by de Soto in his book "The Mystery of Capital" (Obeng-Odoom, 2012; Peters, 2009). As such rural farmers cannot use land under customary tenure as collateral to obtain credit from financial institutions because of the insecure nature of ownership (Roth and Haase 1998). In Swaziland for instance a chief has the power to take away land from an individual or group if he so deems, without any legal consequences and without compensation (Gina, 2000). This makes it difficult for banks to provide loans to farmers in SNL on the basis of the land they will work on. The non-codification of the Swazi law and custom has made the administration scope of traditional authorities to be unknown but wide due to the lack defined limits of the chief's powers (Gina, 2000). This has opened room for the abuse of power by traditional authorities.

Arguments are however presented to say that the notion that customary tenure systems inhibit agricultural commercialization and investment may not necessarily hold true in some cases. Many analysts concur that customary tenure systems are at least if not more secure, and are as productive and environmentally sustainable as freehold agriculture (Roth and Haase, 1998). Peters (2009) for instance, gives the production of cocoa on customary land in West Africa as a case in point for the rejection of such a premise. If anything customary tenure allows for flexibility by farmers to adapt to changing conditions (Peters, 2009). In Swaziland small-holder schemes are existent in SNL, and these have no formal agreement with regards to landholding, except an arrangement made with the chief within the auspices of Swazi law and custom (Gina, 2000). Farmers committed to commercial farming in SNL have actually been referred to in some areas as 'real' farmers because of their long-term goal of being economically

self-sufficient (Bowen1993).The argument that customary land tenure results in credit-unworthiness is countered by the argument that there are other alternatives that can be explored. In Swaziland, cases of farmers involving the chief as a signatory in the application of a loan to commit that should the famer fail, the chief would commission someone else to work on the land until the loan is settled, have been recorded (Gina, 2000).

In the Swaziland context, the issue of informal (customary) tenure as a handicap to agricultural investment as opposed to the formal (individual freehold) tenure is to some extent supported. Farmers in SNL for instance cannot use their land as collateral to obtain credit for agricultural development (Sithole, 1994). There has over the years been a generally strong association of commercial agriculture with individual freehold landholding or TDL with SNL largely associated with subsistence food production (Rindell and Dickson, 1986). The insecurity of tenure in SNL allows for traditional authorities to react against what they can consider non-traditional centres of influence based on the commercialization of agriculture (Rindell and Dickson, 1986). There is a counterview to this assertion however. Sithole (1994) argues that because of the limited cases of evictions by local authorities, security of tenure is not a concern, and this is evidenced by people already putting some investment to the land allocated to them in the form of fencing in particular. The operation of irrigation schemes on SNL in the form of cooperatives and associations (Armstrong, 1985) is also in support of security of tenure not being a concern for investment under SNL, considering the modern farming methods used in these lands. The argument in this regard is that with the improvements made, such as dams, canals and pumps, and the involvement of government in the procurement and management support of these fixed assets, the chief cannot easily allocate the land for other purposes. Evidence of contract farming schemes in Swaziland between farmers on SNL and big agribusiness corporations (Levin, 1988, Boeren and Sithole, 1989) also nullifies the issue of tenure insecurity inhibiting investment. All in all regardless of whether communal tenure systems are unproductive, upgrading tenure to individualized freehold does not ensure improved agricultural performance (Roth and Haase, 1998).

With all these arguments for and against formal and informal tenure systems, Cotula (2007) argues that in reality a great deal of hybrids and 'in-betweens' exist in most contexts wherein land users gain access through a blend of customary and statutory arrangements. Formal tenure has positives in terms of productivity, income generation, employment and external trade, which subsequently translates to economic growth. Customary tenure is arguably stifling with regards to the above, but is instrumental with regards to community welfare, social cohesion and group solidarity (Mushala, 1998 in Gina, 2000). In terms of participation of the landless, the customary tenure is more flexible for their inclusion in the benefits that derive from land, due to the unquestionable powers of the chief. The chief has authority to redistribute land without being challenged by current users to include those without land. In the formal tenure this is not the case, because of the inflexibility of the system and the powers vesting on the land owner by means of a title. Swaziland introduced the Rural Development Areas Programme, which was aimed at involving the majority of people in development for livelihood improvement through the intensification of agricultural production on SNL, from traditional subsistence to commercial farming (Bowen, 1993). Smith (2004) states that the replacement of customary tenure with statutory or formal tenure is no longer regarded as a magic bullet for rural development and increased agricultural productivity. Smith's assertion suggests that there is more that needs to be done in order to attain meaningful rural development and increased agricultural productivity than just securing property rights over land for the rural poor.

2.3 Social Exclusion/Inclusion, Landlessness, and Poverty

Social exclusion is a phenomenon or process in which a person is fully or partially prohibited from social, economic, political and cultural relations which determine their integration in society (Walker and Walker, 1997 in Hodgson and Turner, 2004). As extended to developing countries the concept of social exclusion has been broadened to refer to the processes by which certain groups are excluded from or marginalised by social, economic and political development (Carr and Chen, 2004). Bremen (2004) presents it as the lack of access to participation in mainstream society. It is a concept that describes the rupture of the social bond between the individual and the society in

which he or she lives (Department for International Development (DFID), 2002). It is considered to be both a direct cause of poverty (Du Toit, 2004), and a component or outcome of poverty (DFID, 2002). In most cases social exclusion is seen to be the same as poverty, wherein it is treated either as the social aspects of deprivation or else social conditions leading to deprivation (Fischer, 2008). DFID (2005) however view social exclusion as a cause to the poverty of particular groups denying some people the same rights and opportunities that are afforded to others in their society. It causes people to be denied access to resources and poverty reduction policies often fail to reach socially excluded people (DFID, 2005). It is worth noting however that it is possible to be poor but not excluded, and similarly one could be excluded but not poor even though in a majority of cases exclusion and poverty coincide (Estivill, 2003). Poverty is seen as the lack of capability to live a minimally decent life, and social exclusion may be directly a part of capability poverty (Sen, 2000).

An individual's desire to belong to a group is a fundamental human need (Derfler-Rozin *et al.*, 2010). Social exclusion as described above is however a means by which this need tends to be unmet. The vulnerability of an individual or household to social exclusion is seen to depend not just on their own resources but also on the local community resources that they can draw on (Room, 1999 in Saith, 2001). With most communities being governed by institutional structures, exclusion comes about when the various institutional mechanisms through which resources are allocated operate in such a way as to systematically deny particular groups of people the resources and recognition which would allow them to participate fully in the life of that society (Kabeer, 2000). An individual is defined as being socially excluded if they are geographically resident in a society but for reasons beyond their control they cannot participate in the normal activities of citizens in that society to which they would like to participate (Saith, 2001). It is for this reason that social exclusion is seen to capture an important dimension of the experience of certain groups of somehow being 'set apart' or 'locked out' of participation in social life (Kabeer, 2000) and these groups are usually given no reason to believe that they can change that state of affairs (Derfler-Rozin *et al.*, 2010).

One of the root causes of social exclusion, and by consequence chronic poverty and food insecurity is landlessness or poor access to land (Global Land Tool Network (GLTN), 2008, Quan, 2005). Land ownership is indeed regarded as one of the forms in which social exclusion manifests itself (Mategeko, 2011). Land is a basic asset for the economic empowerment of poor people and a safety net in times of hardship (United Nations Economic and Social Council (ECOSOC), 2008). The access and control of land particularly in Africa has resulted in some groups and individuals being excluded or marginalized from owning or accessing agricultural land (United Nations Economic Commission for Africa (UNECA), 2008). Land ownership is necessarily a key indicator of identity, power, wealth and political access (Wickeri, 2011). With this line of argument, individuals who are excluded from land access are not only powerless and poor, but their very identity is compromised. Landlessness, particularly in rural areas is often the best predictor of poverty and hunger (Wickeri, 2011). This is because landlessness can be responsible for generating deprivation (De Haan, 2000). In this sense landlessness results in exclusion because, as described by Clert (1999) it deprives an individual or a group certain rights and it prohibits access to a means of livelihood.

Rural poverty is strongly associated with poor access to land either in the form of landlessness or insecure land rights (Cotula, 2006). Landlessness is actually the major determinant of rural poverty in many developing countries (Hao, 2011). In rural areas the link between land and livelihood is a direct one, with landlessness impacting greatly in people's source of livelihood (Wickeri, 2011). Land is a means of production and exclusion such means of production can lead to exclusion from means of consumption (Breman, 2004), which basically constitute livelihood. Access to land and its resources, land tenure security, ownership and control over land are necessary for the fulfilment of fundamental human rights, and are frequently tied to indigenous, ethnic, and cultural identities of people (Wickeri, 2011). Indeed Breman (2004) argues that to give a small plot of land to members of the landless is to give them dignity and a fresh outlook on life as well as income independence. The social and economic impacts of landlessness,

including hunger, threats to health, homelessness create conditions intensifying exploitation of the landless by landowners (Wickeri, 2011).

Social exclusion is often operationalized in terms of poverty and inequality (Breman, 2004). This is because it explains the inability of the poorer strata of society to access the norms of operating at middle and upper strata (Fischer, 2008). In this sense social exclusion prevents certain groups to have access to the means that would move them up in the social ladder of society. In this regard social exclusion describes the social causes and consequences of poverty (Fischer, 2008). Sen (2000) describes an impoverished life as one without the freedom to undertake important activities that a person has reason to choose. It is this lack of freedom to choose that becomes a cause and consequence of social exclusion. Income is regarded as one factor that allows a person the freedom to engage in activities that they choose to. It is in this line of reasoning that poverty is regarded as frequently resulting from the inadequacy of income (Sen, 2000). Exclusion from means of income will therefore result in poverty. Social exclusion exacerbates poverty in the sense that it makes people to be unable to relate to others and to take part in the life of the community thereby directly impoverishing their lives (Sen, 2000).

Social exclusion can be constitutively a part of capability deprivation as well as instrumentally a cause of diverse capability failures (Sen, 2000). The alternative to exclusion, that is, social inclusion is a concept describing the state of being included in a community and society as a whole, allowing for individuals to access the range of available opportunities, services and resources; and contribute to planning and decision-making (Nelson *et al.*, 2007). In examining the exclusion of women from development in Uganda, Mategeko (2011) presents social inclusion as an issue intended to protect women from sinking into deeper poverty. Inclusion, however, needs to be closely examined because there are those whose problem has been identified as less of exclusion but rather the problematic terms and conditions with which they have been included (Gore, 1995 in Kabeer, 2000). These conditions may be ones that lead to further exclusion and exploitation. The excluded may for instance want to reconnect,

but may also be afraid of being further exploited (Vohs *et al.*, 2007 in Derfler-Rozin *et al.*, 2010). The inclusion of people may actually depend on the benefits of bringing people together as a group, as these will define the extent to which rules of membership are exclusionary (Kabeer, 2000). In most cases the participation of socially excluded groups is often on unequal terms (DFID, 2005). It is for this reason that resource based exclusion requires redistributive remedies which would close the economic gap between the advantaged and the disadvantaged (Kabeer, 2000). Inclusion measures are often costly, but these can be reduced by considering the needs of excluded groups from the start of the planning process (DFID, 2005).

The concepts of exclusion and inclusion are very much relevant with regards to land tenure. The land tenure systems in practice, in communities and societies, may allow for both exclusion and inclusion in as far as it allow for and address landlessness. In Swaziland for instance, the communal system allows for individuals to acquire rights to use parcels of land to the exclusion of others from using the same land (Hughes 1964 in Gina, 2000). It is from this angle that the legal recognition of even informal rights to land is seen as a powerful tool for social inclusion (DFID, 2002). Kabeer (2000) presents a case for institutions to say they present rules as to who has access, on what terms and with what degree of certainty. Institutions are important in processes of social exclusion as they structure the relationship between macro-economic change and the pattern of economic growth, on the one hand and the changing of life circumstances of individuals, households and groups on the other hand (IILS, 1997 in Kabeer, 2000).

The colonial era in Swaziland as in a lot of other African countries, was one that was characterised with land tenure systems that were highly exclusive. A vast majority of the land in Swaziland was allocated to the colonialists through what became known as concessions, to the exclusion of the natives (Nkambule, 1983; Simelane 1991). Since the early 1900s efforts have been made to repurchase the land for allocation to Swazis. The regained land has formed part of the Swazi Nation Land (Nkambule, 1983). Historically this allowed for the inclusion of Swazis who had otherwise been excluded from land access. The exclusive nature of the concessions has resulted in Swaziland

authorities to be opposed to freehold tenure. Indeed the SNL system is regarded as having no room for a Swazi to be landless (Sithole, 1994). With landlessness regarded as one of the root causes of social exclusion, the arguments presented for Swaziland's customary tenure system suggest that it is designed to counter exclusion and actually foster social inclusion.

The literature has focused on landlessness as a cause for social exclusion and by consequence poverty. It is clear from the arguments presented that social exclusion is closely related to poverty. An unmet need to belong, it has been shown, results in the impoverishment of lives at a number of levels. The literature has shown that the landless tend to be even compromised in terms of their identity, despite that they are part of a society. Landlessness contributes significantly to capability deprivation, a precondition to chronic poverty. Inclusion has presented as a solution to the problems of exclusion. The landless in this regard should be included such that they are given access as well. The role of community institutional structures responsible for the allocation of resources becomes critical in this regard. The land tenure system in place also plays a key role in terms of allowing for inclusion. In the case of Swaziland for instance land under Swazi Nation Land is arguably accessible to every Swazi citizen. This is important in terms of poverty alleviation because as Cotula (2006) notes land access creates the basis for the direct participation of the poor in socially inclusive development processes.

2.4 Equitable Access to Land and Livelihood Improvement

The sections above have examined the extent to which land tenure systems allow for access to land and agricultural production and consequently livelihood improvement, as well as how the landless tend to be socially excluded and thereby driven into further poverty. This section examines the extent to which equitable access to land could be a solution to livelihood improvement and poverty. An argument is actually presented to say economic growth tends to be higher and broadly shared when people have equitable access to land (IFAD, 2008). Land is a fundamental livelihood asset, with other livelihood activities like shelter and food production dependant on it (DFID, 2002).

Denying one the right to access land means denying the right to a livelihood (Filipe, 2005). This livelihood is defined as a family or community's ability to maintain and improve its income, assets and social well-being from year to year (Frenkenberger, 1996 in Lindenberg, 2002). Critical to this study with regards to land tenure is the issue of access to land by community members in an equitable manner for livelihood improvement for all. This is because land is the one asset that communities have readily available and on which they are dependant for their livelihood. Secure access to land therefore becomes critical for such land-based livelihoods (DFID, 2004). Opportunities for access to land will actually have implications for the distribution of wealth, rates of economic growth and the incidence of poverty (Cotula *et al.*, 2006). An even tiny landholding for an individual, where land and water are in a better condition, reduces significantly the risk of poverty and unemployment (Lipton and Lipton, 1993).

In defining land access Cotula *et al.* (2006) present it as constituting the processes by which people, individually or collectively, gain rights and opportunities to occupy and use land (primarily for productive and other economic and social purposes), whether on a temporary or permanent basis. These processes include participation in both formal and informal markets, land access through kinship and social networks, including the transmission of land rights through inheritance and within families, and land allocation by the state and other authorities (e.g. customary institutions) with control over land (Boto and La Peccerella, 2009). Access to land is a fundamental human basis for shelter, food production and other economic activities, and securing sustainable access to land for all, especially the poor has become critical (GLTN, 2008). It provides access to new pathways out of poverty (International Land Coalition, 2009). Increased access to land for the poor, therefore, can directly enhance poverty alleviation not least by contributing to increased household food security (Cotula, 2006).

Equitable access to land is fundamental for rural people, especially in developing countries, whose people depend on agriculture, forests and forest products for their livelihood (ECOSOC, 2008). Achieving equitable land access is integral to the protection and enforcement of land rights for marginal groups (FAO, 2010). With

equitable distribution of land, the poor can benefit from broad based economic growth (DFID, 2002). Greater equity in land access is indeed one of the fundamentals that are central to poverty reduction (ECOSOC, 2008). When land access and ownership is inequitable, economic growth delivers less benefit for the rural poor in terms of income, employment, and direct access to the fruits of the land (Quan, 2005). In the rural setting, people without land are more likely to be driven to further poverty (Lipton and Lipton, 1993). Poverty reduction and growth tend to be compromised by unequal land access and low absolute levels of land per capita of households (FAO, 2010). An argument is presented in this regard for land policies and institutions to establish an equitable basis for investment and land development whilst ensuring that the poor gain new livelihood opportunities and the protection of their rights (DFID, 2002).

The arguments for more equitable land distribution have been founded on both economic and social principles. From an economic point of view, the inverse relationship between farm size and productivity enables the achievement of higher and faster rates of overall economic growth, thereby contributing to poverty reduction across society as a whole (Quan, 2005). As alluded to, there is actually a positive relationship between equitably distributed land and economic growth (Deininger and Squire, 1998 in Cotula *et al.*, 2006). Generally, economic growth tends to be higher and more broadly shared when people have equitable and secure access to land (Deininger, 2003 in ECOSOC, 2008). Inversely there are strong links between inequality of asset distribution, land being one such asset, and poor macro-economic performance (DFID, 2004). Countries with high income inequalities usually have grossly unequal distribution of land and property ownership (DFID, 2004). Where land is concentrated in few hands, secure access for the poor will be limited and the consequence is likely to be inequitable patterns of income and wealth distribution (Quan, 2005). Researchers and policy makers have come to realize that unequal access to opportunities, which arises from a skewed distribution of assets like land, can be harmful for sustained long term growth (Deininger *et al.*, 2004).

From a social perspective, increased and more secure land access for the poor can assist them to meet their own basic social needs (Quan, 2005). Secure land access creates the basis for the direct participation of the poor in socially inclusive development processes (Cotula *et al.*, 2006). In this regard Rawls (1971) in Lindenberg (2002) argues that social welfare increases when the welfare of the worst off is purposefully increased. With regards to land, increasing access to the landless will increase their social welfare and consequently the social welfare of the communities of which they are a part. Equal land distributions are also associated with greater social peace and cohesion (Cotula *et al.*, 2006). Promoting equitable access to land is crucial for social justice, political stability, rural development and peaceful co-existence (Cotula *et al.*, 2006). Egalitarian land distribution safeguards against poverty and food insecurity, and provides a basis for access to livelihood opportunities by the poor in small scale farming and other activities (Quan, 2005).

The achievement of equitable access to land is in most cases faced with challenges. At a policy level, the absence of community based approaches in national land management policies has contributed to pro-poor perspectives in the improvement of land equity standards being marginalised (FAO, 2010). From a practical perspective, in areas where most of the arable land is already under agricultural use, solving inequality through expanding agricultural land becomes impossible (Niasse, 2011). The one option therefore in this context is land redistribution. This as well seems to be difficult to implement even by the state, with more democratic contexts proving to be even more difficult (Niasse, 2011). Land degradation has as well meant that land is dwindling at an alarming pace, compromising agricultural land expansion and consequently land access equity (Niasse, 2011). Where land rights are protected by customary systems, the lack of legal protection may result in loss of land access (Cotula, 2007), exacerbating the problem of inequality in land access. With all these challenges for equitable land access, the need for its improvement is huge, with most research indicating a positive relationship between equitably distributed land and economic growth (Deininger and Squire, 1998 in Cotula *et al.*, 2006), and consequently livelihood improvement.

With regards to the LUSIP, it is clear from the literature that for it to impact positively on people's livelihoods, the issue of equity in land access needed to be addressed. The FAO's argument in particular of enforcing land rights to marginal groups being linked to equitable land access is supported by the LUSIP model, wherein it creates a level ground for people to equally access land through shareholding in a farmer company. The issue of land shortage to meet the increased allocation demand is also addressed by LUSIP through the renunciation process wherein all the arable land is put together and redistributed to farmer companies for the benefit of all.

The literature has pointed to the fact that equitable access to land is both economically and socially desirable, with some cases actually showing that it is effective. An example of China is given wherein equitable access to land by farmers is said to have provided a basic foundation for poverty alleviation and it is one of the highest expectations for an ideal society (Hao, 2011). The opportunities for the poor to access land have direct benefits in terms of household food security, livelihoods, and income, thereby reducing poverty (Quan, 2005). Where there are no alternative income and livelihood opportunities, there is an association between poverty and unequal land distribution (Quan, 2005). Specifically to women, the International Land Coalition (2009) notes that they play a key role as producers and guarantors of household food security, yet their access to and control over land is very limited. The consequence of inequitable access to land is inequitable patterns of income and wealth distribution (Quan, 2005).

2.5 Addressing Landlessness through Land Redistribution for greater Participation in Poverty Alleviation Programmes

Access to land and the ability to make productive use of such land is critical to poor people worldwide (Deininger, 2003). Societies usually have strong feelings about how and by whom land should be used, because land is localized and fixed, and agriculture is an important source of income for most people (Binswanger-Mkhize *et al.*, 2009). This suggests that land use and its distribution is a contested space in societies. Where there is high unequal access to assets such as land, ensuring that development initiatives do not end up benefiting a few and deepening pre-existing inequalities instead

of helping the poor, is difficult (Birdsall and Londono, 1997 in Deininger, 2003). Where extreme inequality in land distribution coexist with deep rural poverty, a case for redistributive measures to increase access to land by the poor can be made, both politically and from an economic perspective (Deininger, 2003). Redistributive land reform is high on the development agenda, as it seeks to ultimately improve the livelihoods of disadvantaged groups (Sikor and Muller, 2009). Lahiff (2007) actually notes that redistribution is one version of land and agrarian reform. To address the issues of landlessness, social exclusion (particularly on the basis of land access) and inequitable access to land, a case for land reforms in the form of land redistribution is presented. This is based on a number of arguments and these will be presented in this section in relation to the justification for redistribution and how it allows for the participation of the previously disadvantaged with regard to land access.

Redistributive land reforms are about the redistribution of wealth and promotion of economic development (King, 1977). Highly skewed distribution of land ownership and access limit best use of land and constrains economic opportunities for disadvantaged groups often causing social conflict and violence (Deininger, 2009). Most redistributive land reform is motivated by public concern about the rising tensions prompted by existent unequal land distribution (Binswanger-Mkhize and Deininger, 2009). In many countries, the problem of rural landlessness is related to inequitable patterns of land distribution with the poorest people accessing only small proportions of land often on insecure terms (GLTN, 2008). Redistributive reforms are a necessary tool therefore, particularly in societies or countries where past policies created vast inequalities in land distribution (International Land Coalition, 2009). In Namibia for instance, redistributive land reform is widely regarded as a prerequisite for successful rural development and poverty alleviation (Werner, 2001). Land redistribution programmes aim to change the distribution of land within society to make it more equitable and efficiently used (Boto and La Peccerella, 2009). Efficiency arguments for land reform are typically driven by notions of economic transformation whereas equity arguments are driven by social transformation with a focus on the upliftment of the disadvantaged groups (Lahiff, 2007)

The institution of any land reform is actually aimed at improving the livelihoods of disadvantaged groups (Sikor and Muller, 2009). This includes those that have been socially excluded on the basis of landlessness. Redistributive land reform is generally taken to mean the redistribution of property rights in land for the benefit of the landless and the poor (DFID, 2004). In this regard, land reforms which have sought to systematically address structural inequalities and provide better access to land for the poor appear to show a positive impact (Quan, 2005). When poor people are given good farmland, they can lift themselves out of poverty permanently and this can lead to more vibrant local economies (Binswanger-Mkhize *et al.*, 2009). It is for this reason that the demand for the redistribution of land from the elite groups to the landless and near landless remains central for the rural poor (Lahiff, 2003)

Increasing land access for the poor allows the attainment of direct benefits of poverty alleviation, and contributes directly to increased household food security (Cotula *et al.*, 2006). To improve access to land, a case for land redistribution obtains (DFID, 2002). Access to land can be provided through land reform interventions, particularly in situations of past inequalities, to distribute land more equitably (Boto and La Peccerella, 2009). In South Africa land redistribution is being characterized as a poverty alleviation policy for rural areas (Zimmerman, 2000). Land redistribution in most of the literature is viewed as a means of correcting the injustice of the colonial period where most land was in the hands of the whites, to redistribute it to locals who were previously disadvantaged in terms of land access (eg, Zimmerman, 2000; Adams and Howell, 2001; Jacobs *et al.*, 2003). In defining land redistribution from the Southern African context therefore, Adams and Howell (2001) refer to it as the repossession of land alienated by white settlers and its reallocation to blacks, either as freehold or by its incorporation into the communal area. The process is seen as having a huge potential to improve the livelihoods of the rural poor and contribute towards economic development (Jacobs *et al.*, 2003).

Land redistribution can be justified both on grounds of efficient production and in terms of addressing the wider social impact of extreme inequality in the distribution of

productive assets (Deininger, 2003). Cotula (2006:8) presents three related but distinct objectives which are a motivation for redistributive land reforms, and these are:

- To achieve more equitable access to land, so as to reduce poverty and landlessness in rural areas.
- To improve social justice by shifting the balance between different groups in the ownership and control of land and restoring alienated land rights.
- To promote rural development by raising agricultural productivity and creating a class of productive smallholder farmers.

In essence land redistribution programmes aim to change the distribution of land within society, reducing land concentration and promoting more equitable access to and efficient use of land (Cotula *et al.*, 2006). There is significant and growing empirical evidence to suggest that well-targeted land redistribution programmes have a direct and meaningful impact on poverty reduction (Binswanger-Mkhize *et al.*, 2009). Moyo (2009) however, sees the rationale for land redistribution as veering towards advancing decasualized commercial agricultural development rather than addressing the problem of landlessness (Moyo, 2009).

In Swaziland domestic taxes were used to raise funds to repossess land from white settlers for the Swazi nation, resulting in the Swazis holding two thirds of the land by the 1980s (Adams and Howell, 2001). In South Africa, the Land Redistribution for Agricultural Development (LRAD) was launched in 2001 to pursue the objectives of land redistribution (Jacobs *et al.*, 2003). At independence Zimbabwe as well committed to embark on a land reform programme to redress the injustice in the form of ownership of fertile land by a few families of European descent relative to less fertile land occupied by indigenous families (Deininger *et al.*, 2004). In all these instances land had to be taken from the hands of the few and redistributed for the benefit of the majority. In the South African case, the White Paper on South African Land Policy provides the purpose of the

land redistribution programme as meant to provide the poor with land for residential and productive purposes in order to improve their livelihoods (Bradstock, 2006).

The cases above provide a case for efforts made by governments to ensure the participation of the previously disadvantaged with regards to using land productively to their benefit by increasing their access to land through land distribution. Indeed the concept of participation has in recent years been regarded as key ingredients in a successful development strategy (Stiglitz, 2003). It is the belief of most governments and donors that participation is highly effective in both delivering and sustaining benefits to the poor (Kleemeier, 2000). Research has also supported the notion of participation in development, with projects characterized by high level of participation shown to be more successful in addressing the needs and capabilities of beneficiaries (Stiglitz, 2003). Cohen and Uphoff (1980) then present participation as denoting the involvement of a significant number of people in activities that enhance their well-being. Participation enables the 'have-nots' to be deliberately included in the future (Arnstein, 1969 in Tosun, 2006). The literature therefore presents land redistribution as a process or mechanism that allows for the have-nots to have a stake in the future with regards to improved livelihoods. It is argued that with access to arable land people can, at minimum, be able to feed themselves and their families (Boyce *et al.*, 2005).

Land redistribution for community participation in development programmes is easier in a community that is blessed with substantial stock of social capital (Putnam, 1993). The concept of social capital refers to the social networks, norms and trust that enable individuals to act together to pursue shared objectives (Putnam, 1995). In the case of land redistribution, efforts to involve the previously disadvantaged to take charge of their livelihoods would be meaningless if there is division amongst communities. Presenting Brazil and Southern Africa as examples, DFID (2002) note that where governments, land owners and peasant farmers have remained divided, land has continued to be a source of conflict. This assertion suggests that for there to be meaningful participation in development programmes and projects, social capital is a pre-requisite. Social capital also increases where people are willing to participate and work together (Shortall,

2008). This suggests therefore that because land redistribution is meant to bring in the have-nots into the fray of livelihood improvement, it has the potential to increase social capital for communities.

Land reform programmes have not always been successful in sustainably reducing poverty, with past successes now widely regarded as difficult to replicate (Quan, 2005). It is perhaps for this reason that Cotula (2006) suggests that land redistribution must not be seen in isolation from the broader support to the agricultural sector. In fact land redistribution must be accompanied by support services in agriculture and credit if the beneficiaries are to productively use the land and retain the rights they have gained (International Land Coalition, 2009). For land redistribution programmes to be successful, it is also important that the definition of the objectives for which it is sought become the first step in planning for land redistribution (Binswanger-Mkhize *et al.*, 2009). There is further complication that comes with land resource scarcity. This will increase the value of land, thus causing friction and conflict over interpretation of traditional informal rights and this can perhaps be avoided by authoritatively redefining property rights as needed in line with new realities (Deininger, 2003).

The case for land redistribution rests on conflict prevention, equity, economic growth, jobs, and poverty reduction. (Binswanger-Mkhize *et al.*, 2009). It is however important to note that land reform is an inherently conflictive process, for it challenges economic and political structures and dominant cultural identities (Moyo, 2009). Social arguments for land reform are based on addressing inequalities, politically it is about ideological positioning, and economically it is about the benefit to an individual farmer or as part of a development policy (King, 1977). With these arguments, conflicts are inherently a risk because on the first instance addressing inequalities may mean the inclusion of the preciously disadvantaged on land that is currently under use and control of certain groups and individuals. Secondly from an ideological perspective, political tension may arise because land redistribution requires certain shifts in that regard. Thirdly the sharing of economic benefits through development policies and programmes by means of land redistribution is tension-laden.

It is worth noting that land reforms that are top-down in nature and implementation tend to impact less in terms of real change on the ground as it usually becomes non-existent in some cases and dangerously disruptive of the lives of supposed beneficiaries in others, and almost always unsustainable (Bruce and Knox, 2009). Land reform should therefore be generally driven by either efficiency or equity considerations where possible, both as this would be ideal scenario (Lahiff, 2007). LUSIP can be argued to be a project that primarily has a focus on addressing the equity considerations in terms of land redistribution, with elements of efficiency coming into play by way of beneficiaries operating on the distributed land as profit driven entities.

2.6 The Formation of Farmer Cooperatives and their Role in Poverty Alleviation

Rural producers' organisations (RPOs) have emerged as a mechanism to address issues of household food security, poverty reduction, agricultural development and economy-wide growth (Bernard and Spielman, 2009). Cooperatives are one such form of organisation and the farmer company model in LUSIP does in many respects take the form of cooperatives. In defining a cooperative Koopmans (2006) asserts that it should be seen as a business organisation that is jointly owned by its members, who also use its services. It is a user-owned and user-controlled business that distributes benefits equitably on the basis of use or patronage (Barton, 1989, in Ortmann and King, 2007). Cooperatives are about people organizing themselves in a manner so as to capture different opportunities in the economy to address their needs and aspirations (Chambo, 2009). Specifically, cooperatives are member-controlled entities producing goods and services, wherein the risks and profits are shared by the participating members, individual farmers or households (Koopmans, 2006). Rural producer organizations such as cooperatives and farmer organizations have received considerable attention in food policy debate because smallholders, particularly in developing countries have become increasingly vulnerable to traders' strong bargaining powers, thus requiring them to shield their economic interests by organizing themselves (Ito *et al.*, 2012). In organizing themselves, these organizations collectively own equity thereby standing in a good negotiation position when it comes to these economic interests such as provision of loan capital (Borgen, 2004).

Cooperatives operate by a broader set of values other than the pursuit of profit alone, because they tend to balance the need for profitability with the greater interests of the community which they serve (Schwettmann, 1997). The rules of conduct within cooperative organizations depend on equity-efficiency dilemmas, with equity preferences pushing of equitable distribution of value added by the organization amongst members whilst efficiency advocates for redistribution that is proportional to individual effort (Francesconi and Wouterse, 2011). The World Bank recognizes African farmer-based organizations as typically founded on values of equity (Francesconi and Wouterse, 2011). This is the case with the LUSIP farmer companies which are designed to create wealth for the benefit of the larger community in terms of poverty alleviation. Historically, the formation of cooperatives, particularly in the less economically developed countries was a way of modernising traditional economies (Birchall, 1997 in Simmons and Birchall, 2008). For this reason these organisations face a delicate balancing between community norms that prioritize social inclusion and solidarity, and business norms that demand professionalism and competitiveness (Bernard and Spielman, 2009).

The question of cooperatives benefitting the poor or actually succeeding in the fight against poverty always comes to the fore in most literature. This is because cooperatives are seen as arguably the only form of organization that meets all dimensions of poverty alleviation (Wanyama *et al.*, 2008). Bernard and Spielman, (2009:61) state that “the notion that RPOs are designed to “reach the rural poor”, suggests that they must offer at least one of the following: (a) membership that is inclusive of poor households, (b) benefits that are accessible to poor households even when they do not directly participate into the organization or (c) organizational structures and processes that represent the interests of poor households”. The argument in this regard is that RPOs like cooperatives are expected to serve socio-political and economic objectives ranging from self-help and grass-root participation to welfare and distribution, including the exploitation of economies of scale and social control over resource allocation and mobilization (Lele, 1981). The expectation is that cooperatives should impact positively in increasing production, employment creation

and income generation (Halse; 1980, Lorendahl, 1996; Schwettmann, 1997; Wanyama *et al.*; 2008). In essence cooperatives provide the opportunity for poor people to raise their incomes, empower them to come up with their own solutions and their security as members (Pinto, 2009).

The history of cooperatives however provides evidence of both success and failure in poverty reduction (Simmons and Birchall, 2008). Much of the recorded literature however points to failures of these organisations. State intervention is in most cases cited as one major reason why cooperatives fail (see Lele, 1981; Ahwireng-Obeng, 1986; Schwettmann, 1997; Simmons and Birchall, 2008). This is because there is an expectation that RPOs can serve as an effective means of reaching the rural poor and can partner state programmes and non-governmental projects in improving rural welfare and livelihoods (Bernard and Spielman, 2009). In so doing cooperatives have been abused to function as extended arms of the state, and in many countries farmers have been obliged to join cooperatives, a scenario which has made most of the members never to regard the cooperation as their own organization (Pinto, 2009). The unwillingness of rural people to share responsibility along with benefits has also led to the instability and short life-spans of cooperatives (Ahwireng-Obeng, 1986). In cases where these enterprises have been successful the tendency has been for the rural elites to benefit rather than the poor (Simmons and Birchall, 2008). In most cases, when members of the cooperative have opposing interests, those with high influence will tend to promote their own selfish interests (Borgen, 2004).

Another source of failure for cooperatives is cited as being centred on the common ownership of property. The common property problem of cooperatives is concerned with the disparity between members' contribution to the financing of investments and the distribution of benefits that result from members' investment (Borgen, 2004). This fosters apathy among members and the consequences come in the form of inefficiency and weak membership commitment (Borgen, 2004). It also results in free rider behaviour amongst members, because the equity is collectively owned (Borgen, 2004). This then compromises active participation of members in ensuring the organization is

actually sustained. Ozdemir (2005) actually notes that the development of the cooperative movement, especially in developing countries is actually highly dependent on the active participation of members, particularly in general meetings of the cooperative. It is for this reason that decision-making processes in cooperatives tend to be slow, but transparent, because they are meant to invite active participation, and members tend to be more loyal to decisions to which they have actively participated than to those imposed on them (Borgen, 2004)

Internal conflicts, which may also be a result of the common property problem, are also cited as another cause of failure for cooperatives. In relation to farmer based organizations, Karantininis and Zago (2001) in Francesconi and Wouterse (2011) actually note that they can fail to mobilize collective action due to conflicts within the organization. These internal issues of cohesion are mainly associated with poor leadership which manifests itself in the form of lack of motivation or capacity to keep organizational structure and conduct aligned (Francesconi and Wouterse, 2011). “Here-and-now” actions tend to dominate a long-term strategic perspective on the purpose of the cooperative (Borgen, 2004).

Despite all the areas of failure, cooperatives have impacted positively on rural development in terms of availability and access to amenities that improve the basic conditions of life for the rural people. These include employment creation, rural markets development, enhancement of rural incomes, and the improvement of access to social services (Chambo, 2009). It is perhaps for this reason that cooperatives are promoted in countries like South Africa as organizations that could help enhance the development of small-scale farmers and other communities (Ortmann and King, 2007). These organizations actually empower people to improve their quality of life and enhance their economic opportunities through self-help (Ortmann and King, 2007). The problem of common property may be reversed in a situation where members’ collective interests are threatened, because in that case common responsibility may be important (Borgen, 2004).

Overall, rural development would be greatly enhanced if people became members of agricultural cooperatives because these maintain higher levels of income, making small-scale farmers able to construct decent houses, send their children to school and provide health insurance to sustain rural livelihoods (Chambo, 2009). In developing countries however, attempts to organize farmers into cooperatives have often failed, and in Africa particularly the failure has been a result of the inability by members to hold management accountable to them resulting in irregularities in management (Ortmann and King, 2007).

The literature reflects that by design cooperative enterprises have a huge potential of empowering the rural poor in terms of controlling their resources and exploiting them for the greater benefit of everyone in the community. The LUSIP farmer companies are designed against this backdrop of a cooperative enterprise. The role of the state in the establishment of these farmer companies is also evident, wherein they were formed as a pre-condition to accessing the bulk water that is provided by government to the farmers. This raises a red-flag with regards to the sustainability of the farmer companies because, as noted by Ahwireng-Obeng (1986), the tendency is for people to join productive cooperatives merely to take advantage of government-provided facilities, the bulk water being a case in point with regards to LUSIP farmer companies.

2.7 Summary Conclusions

The literature review has been a presentation of debates around thematic areas that are relevant to the study. As the study has a focus on landlessness and land access, issues of land tenure were discussed with specific reference to agricultural development and livelihood improvement. The literature has indicated that there are two main forms of tenure, that is, formal and informal land tenure systems. Both forms of tenure have implications to agriculture and livelihood improvement, with the major factor being that of tenure security. Arguments presented are to the point that formal tenure systems are more secure, allowing for more agricultural investment, whereas the insecure nature of informal tenure inhibits investment in agriculture. There also are arguments to the effect that informal tenure systems are more inclusive because they are communal, whereas

formal systems are inherently individualistic with a high element of marginalization of the poor. Issues of exclusion and inclusion were discussed in the literature, wherein the point was raised that land access and lack of it thereof can be a major factor for social inclusion or exclusion in a society. This will be one of the issues to be uncovered in the study, to determine the extent to which landlessness has resulted in the exclusion of other people, and whether the inclusion model of the LUSIP has yielded positive results. The relevance of the arguments presented in this section to the study is in terms of how LUSIP is addressing the issue of landlessness, thereby consequently addressing social exclusion and poverty.

Issues of equitable access to land, as fostered in the LUSIP model have been covered in the literature, particularly with regards to livelihood improvement. The literature argues that equitable access to land is critical if the voices of the marginalized are to be heard. It is such arguments that have propelled projects such as LUSIP to emphasize the need for equity in the access of land earmarked for irrigation. The literature however, fails in this regard to address ways in which the equitable land access can be achieved without making current users of the land worse-off. Instead a case for land redistribution is brought to the fore. The argument as presented in the literature for land redistribution is that it is a necessity if poverty alleviation is to be achieved. The literature however, presents land redistribution as a means of correcting wrongs of the past, particularly the colonial era. In this context there is failure to recognise the need of land redistribution in response to development projects, wherein current inequities within a beneficiary community with regards to land access need to be addressed. The role of cooperative enterprises in poverty alleviation has also been explored. This is in relevance to the cooperative nature of the LUSIP farmer companies.

The Swaziland context has as well been brought in to the thematic areas covered in the literature. Most of the theories presented are supported by the Swaziland context. The issues around land tenure and agriculture have been seen to be relevant to Swaziland as well, wherein the literature has indicated that indeed commercial agriculture has over the years been associated with TDL, with SNL associated with farming for subsistence

purposes. Arguments for informal tenure not inhibiting agricultural investment and development have also been supported by cases where investments have been put on SNL for commercial agriculture.

With regards to the study, the literature will give insight on how these theories are applicable in the LUSIP context, in relation to the participation of the previously landless in the resultant FCs. Issues of how the land tenure system has allowed for the inclusion of landless will be uncovered. The effects of the land reallocation from individual users to FCs, in relation to the relationships between those who had land and those who did not will be put to the fore. The equity and social inclusion arguments as fostered in the LUSIP model will also be tested in this study.

CHAPTER THREE

RESEARCH METHODOLOGY

3.1 Introduction

According to Kitchin and Tate (2000) the methodology used in research constitutes a set of procedures, which can be used to investigate a phenomenon or situation. In this section the paper presents the research approach and the design with which the study was carried out. The procedures followed as alluded to by Kitchin and Tate are outlined in the approach and design. Issues of validity and reliability of the data that were obtained are discussed as well. The methodology section discusses how these two research concepts are addressed in the study.

3.2 Research Approach

In conducting research, two main approaches can be used. These are qualitative and quantitative research approaches. Commentators on these approaches present a number of differences in terms of their use. The one difference as noted by Bhattacharjee (2012) is that the qualitative approach predominantly relies on interpretive and critical methods of research, whilst the quantitative approach predominantly relies on positivist methods. In this regard the qualitative approach aims to apply logic in practice and follows a nonlinear research path, whilst the quantitative approach applies reconstructed logic and follows a linear research path (Neuman, 2011). Qualitative research emphasizes conducting detailed examinations of cases that arise in the natural flow of social life, whilst quantitative researchers emphasize measuring variables and testing hypotheses that are linked to general causal explanations (Neuman, 2011).

To conduct this study, the qualitative research approach was used. The nature of qualitative research is such that it draws on the participant's accounts of meaning, experience or perceptions (De Vos *et al.*, 2002). It is an approach that seeks to

understand and explain phenomena in context-specific settings where the researcher does not attempt to manipulate the phenomenon under study (Golafshani, 2003, Snape and Spencer, 2003). This falls squarely to the nature of this study as it also sought to understand experiences, meaning and perceptions with regards to the relations between the previously landless and those with previous access to land in terms of participating in the FCs that have been formed for the benefit of all. The interrelatedness of different aspects of people's lives is actually a very important focus of qualitative research (Snape and Spencer, 2003), and this is what the study is trying to understand in this context.

As already noted, the qualitative approach relies on interpretive or critical methods in terms understanding the social world. In this study, the interpretive research inquiry or tradition was adopted in terms of drawing meaning and interpretation of the data collected. This research tradition was seen to be the most appropriate for the study because as noted by Neuman (2011), it seeks to understand how people interact and get along with each other. It also stresses the importance of interpretation as well as observation in understanding the social world and these are regarded as integral elements of qualitative research (Snape and Spencer, 2003)

3.3 Research Design

Research design is a comprehensive plan for data collection in an empirical research project (Bhattacharjee, 2012) and all social researchers systematically collect and analyse empirical data and carefully examine the patterns in them to understand and explain social life (Neuman, 2011). A good research design is one which is realistic, conceived with due regard both for the practical constraints of time and money and for the reality of the research context and setting (Lewis, 2003). The research approach adopted in this study is the qualitative research tradition. It follows therefore that the research design is as well qualitative in its nature wherein as noted by Neuman (2011) it is concerned with collecting soft data in the form of impressions, words, sentences, symbols and so forth. This is in contrast with hard data in the form of numbers that are associated with quantitative research designs (Neuman, 2011). The data collection

techniques used in this study therefore, reflect its qualitative nature. Qualitative research uses methods which attempt to provide a holistic understanding of research participants' views and actions in the context of their lives overall (Snape and Spencer, 2003). The types of data collected and the data collection techniques used in this study were ones that would give this holistic understanding of the participants' views in their context.

To inform the study, both primary and secondary data were collected. Primary data according to Leedy (1997) are the data that lie closest to the truth because of the first hand nature of the information gathered. These are generated by the researcher in the field (Kitchin and Tate, 2000). Secondary data on the other hand are generated by somebody else (Kitchin and Tate, 2000). In the study therefore, information gathered by the researcher in the field was combined with already existing information that was obtained through document reviews and analysis to generate all the relevant data. To collect primary data, the research followed a field research design; in which case the researcher went to the field and interacted with the participants by means of conducting interviews and observing interactions amongst the participants. To collect secondary data, an analysis and review of relevant existing documents was done. These data collection techniques are described below as used in this study.

3.3.1 Interviews

According to Kitchin and Tate (2000), the interview is probably the most commonly used qualitative technique. The study employed interviews as a means of collecting data in the field. An interview guide with semi-structured questions was developed and used to ask information from the study participants. This allowed the interview process to be more guided without restricting the interviewee's responses. The interview technique used also allowed for further probing by the researcher in seeking clarity to certain responses.

Key informants for the interviews consisted of three FC shareholders (one from each FC) who previously had no access to a piece of land in the area under study, three FC

shareholders (one from each FC as well) who previously had access to a piece of land, and one member from the traditional authorities (the *indvuna*⁴). This brings the total number of interviews that were conducted to seven. Three sets of interview guides were used to gather information from the three sets of interviewees. For questions administered to the previously landless, those previously with land access, and the traditional authority member, the interview guides are in Appendices A, B, C respectively. These informants were interviewed separately in order to avoid group responses which could have compromised the validity of the responses.

One of the roles of the interviewer is to locate the respondents and solicit their cooperation (Bhattacharjee, 2012). In recognition of this view, the researcher had to first identify the participants to represent the two groups that were to inform the study. In this regard the researcher had to first identify the three previously landless FC shareholders and the three FC shareholders who were previous field owners. Because there is only one *indvuna*, there was no need to identify who would participate in the study for that purpose. From the three FCs under study, the researcher had to identify two participants from each, one previously landless shareholder and one shareholder who was previous field owner. To identify the participants the researcher relied on records from LUSIP project site office on the list of household heads from Sibhotela, their previous land access status, and the FCs to which they were shareholders. From the list the two participants from each of the three FCs were randomly selected by their names. As a fall-back strategy, the researcher identified more than one of each of the two sets of groups. In this regards three names of the previously landless and three names of previous field owners were taken from each FC. This was done to cover the researcher in case one of the identified participants refused to participate in the study.

To locate the identified participants, the researcher went to the study area and randomly asked people met along the way, directions to the homesteads of the identified participants. In doing this the researcher asked directions to the first household of the

⁴ Chiefdom headman and leader of the chiefdom inner council

three that were taken from the list. The reasoning behind this was that if the first agreed to participate, then the directions to the other two would not be needed. However where the first identified participant refused to participate, then directions to the next would be sought. Of the first three previously landless that were identified, one refused to participate in the study citing reasons of victimization should it be found out she had been giving information on issues relating to how they participate in the FCs. After failed attempts on assuring her on the confidentiality of the information sought and the purposes for which the study was done, the researcher moved to the next identified participant, who agreed to participate.

On the first visit to the homesteads of the participant which was about locating where they are, the researcher also used that time to meet the respondents, explained the study and its purpose and requested their participation. In cases where the respondent agreed to participate, the researcher then requested an appointment to come at a later date for the interview. Of the six respondents four were found at home on the first visit and appointments were set. Three of the four respondents requested that the researcher gets clearance from the Board of Directors (BOD) of their respective FCs before coming on the agreed date to conduct the interviews. Two of these were the previously landless and the other was a previous field owner. The other two the researcher was able to get their telephone numbers from family members found at home and managed to contact them telephonically to set the appointment for the interview. Both were previous field owners and none of them alluded to the BOD clearance. In light of this clearance issue having been raised by three of the participants, the researcher adopted it for all the participants and requested this clearance from the BODs of the three FCs. These clearances were obtained verbally through the chairpersons of the BODs who all expressed appreciation in being informed of the intention to conduct the interviews. One of them even expressed that they are familiar with people wanting to do studies on the manner their companies are operating. The researcher then communicated to the participants that the clearances were obtained and informed them that if in doubt they could contact their BOD chairpersons.

In the case of the *indvuna*, the researcher had to go back to his homestead three times to eventually find him. Because of his status in the society, it would have been deemed somehow disrespectful to engage him telephonically to request his participation and set the appointment for the interview. This is in line with the assertion by Neuman (2011) that some groups and elites often require special negotiation to gain access to them. The *indvuna* actually appreciated that the researcher came physically to his homestead to inform him of the study and request his participation.

When setting the appointments, the researcher informed the participants that they were at liberty to choose where they wanted the interview to be conducted. Two of the previously landless preferred to have the interview conducted at their homesteads. The one previously landless participant preferred to have the interview conducted under a tree near the fields of his FCs. This was because he is also employed as a worker in the fields of the FC and thus wanted to get back to work after the interview. For the three previous field owners, they all chose different venues for the interview. One preferred the interview at his homestead, the other preferred it to be done at the FC's farm because he as well is a worker in the FC's fields, and the last one preferred a neutral place in an eatery a few kilometres from the study area. The latter preferred this venue because he has a business that he is running in the business area where the eatery is located. The *indvuna* chose his homestead as an ideal place for him to give the interview.

Ideally as recommended in the literature a test or pilot interview session should be conducted to test the interview instrument and the nature of responses that may be obtainable from the participants (Leedy, 1997, Kitchin and Tate, 2000). Bhattacharjee (2012) suggests a rehearsal of the interview prior to the actual sessions. Due to time and resources constraints the pilot sessions could not be conducted in this study. The researcher however had a rehearsal with a colleague at his place of work, who assisted in terms of the choice of words to use and mannerisms to portray during the interview sessions.

The interviews were conducted over a period of four days. Two appointments were set per day with the researcher having one session with a previously landless participant and one with a previous field owner per day. This allowed the researcher to make improvements in the interview guides and also to improve the interview process itself for the two sets of participants. Indeed certain improvements were made in terms of the wording of the questions and their sequencing for both interview guides. The last day was dedicated to having a session with the *indvuna*. For this session the researcher ensured that he was appropriately dressed to meet the *indvuna*. In this regard the researcher made sure that he was wearing long trousers and a long sleeve shirt. This was done to ensure that the researcher was not misconstrued as being disrespectful considering the status of the participant within the chiefdom.

During the interview sessions with the participants, the researcher requested that he be allowed to record the sessions using his mobile phone gadget over and above the note-taking he would be doing. He however assured the participants that the recordings were only done to assist in filling of any gaps in the recorded notes. He also assured the respondents that after the transcription of the recordings, the voice records would be deleted from the gadget. All seven participants accepted this request. Transcriptions were done later on the same day of each set of interview sessions. This allowed the researcher to create space on the gadget for more recording on the next set of sessions. It also allowed the researcher to assimilate the information whilst it was still fresh on the mind.

On average each interview session took between one hour and an hour and a half.

3.3.2 Observation

To get more insight into manner of participation by the previously landless and enrich the data collection process, observation was used in the study. The observation technique used was direct observation which Bhattacharjee (2012) describes as one where the researcher is a neutral and passive external observer who is not involved in the phenomenon of interest. Observation as a data collection technique allows the

researcher to record and analyse behaviour and interactions as they occur (Snape and Spencer, 2003). To apply this technique for the purposes of this study the researcher attended one FC shareholders' meeting, wherein the level and manner of participation of the landless in the deliberations and decision-making was of particular interest. Snape and Spencer (2003) also note that observation becomes useful when non-verbal communications are likely to be important in the study. In this study the non-verbal communication between the researcher and the study objects in the form of how they behaved and interacted amongst themselves was important. This meeting provided a glimpse of these interactions. The researcher could not however attend meetings for all three FCs under study, because the other two had none scheduled during the data collection period.

The shareholders' meetings are normally attended by staff from the project implementing agency, Swaziland Water and Agricultural Development Enterprise (SWADE). The SWADE staff are regarded by the FCs as part of their operations, thus their attendance and even participation is accepted as the norm by the shareholders. To avoid being viewed as an outsider coming in to observe the interactions of the shareholders at the meeting, the researcher made an arrangement to join the SWADE staff and came in as part of them. This was helpful in ensuring that the behaviour of the meeting attendees is not influenced and modified by the presence of the researcher.

Materials carried by the researcher to the meeting were a notebook and pen. Because interest was on the level and manner of participation by the landless, the researcher took note of who was contributing the most in the meeting, how submissions were received relative to the persons submitting them, and on whose points of view was decision-making based. Issues of body language, voice tone, and mannerisms in general were also observed. To determine the previous land ownership status of those making submissions, the FC membership list which had details on the previous land-holding status was used. It was observed for example that the previous field owners tended to submit their points with more confidence. It was mainly them that made the most submissions, whilst the few previously landless that made submissions tended to

be less confident and tended to go the extra mile in ensuring that they appear respectful to the audience when making their submissions. All these observations were noted in the researcher's notebook. The observation process lasted for the duration of the meeting which was about two hours.

3.3.3 Document Analysis

As alluded to earlier, document analysis was used in the study to gather secondary data. As a process, document analysis involves the study of existing documents to understand their content as well as to get deeper meanings about a phenomenon which they may reveal by their style and coverage (Snape and Spencer, 2003). Bowen (2009) notes that document analysis is often used in combination with other qualitative research methods as a means of triangulation – a process defined by Neuman (2011) as a means of examining a phenomenon from several angles. For the purposes of understanding the relationship between the previously landless and the former field owners with regards to the participation of the former in the LUSIP FCs, secondary data in the form of documents had to be collected to complement the interviews and observation. Secondary data consists of data obtained from already available information (Leedy, 1997). In other words, these are data that the researcher did not collect first-hand. Sources of this kind of data, according to Singleton *et al.*(1993) may be placed in five broad categories: (1) public documents and official records (2) private documents; (3) mass media; (4) physical, nonverbal materials; and (5) social science data archives. All these sources of data are in documentation form, thus the use of document analysis to collect the data.

Bowen (2009) notes five specific uses of documents in research. For the purposes of this study, three of these uses are adopted. The first use of document analysis in this study was to obtain information and insight into the historical context of the phenomenon under study. In this case the researcher used document analysis to understand the issue of landlessness and the options presented to address it in order to incorporate the previously landless to be part of the FCs. The second use of documents as noted by Bowen is that of suggesting some questions that need to be asked and

situations to be observed as part of the research. In this study questions on land rights were largely influenced by documents and literature on the land tenure system in Swaziland, and the land tenure issues faced in LUSIP. Lastly Bowen suggests that documents can be used and analysed as a way of verifying findings or corroborate evidence from other sources. In this study the information gathered through interviews is triangulated with what was gathered through document analysis to determine areas of convergence and divergence.

In this study, secondary data were obtained from LUSIP project review and assessment reports which were obtained from SWADE as the project implementing agency. These review reports were prepared externally by the project financing partner, the International Fund for Agricultural Development (IFAD). One record of a shareholders' meeting from one of the FCs was obtained and analysed for data with regards to decisions made and how those decisions were reached. There are also newspaper and magazine articles that were reviewed and analysed for information relevant to the study. From these documents the researcher assessed the manner in which the previously landless are involved, contribute and benefit from the FCs. The actual analysis of these documents was done using the techniques suggested by Bowen (2009) of skimming, thorough reading and interpretation, all done in an effort to analyse the content of the documents reviewed.

3.4 Data Analysis

In this section, the report presents how the data were analysed. As already alluded to, the study is qualitative in nature and the data collected were qualitative. The research approach and design was grounded on qualitative methodology within the interpretive research tradition. In the analysis of the data therefore, the same qualitative approach was followed. Bhattacharjee (2012) argues that in qualitative data analysis, emphasis is in making sense or understanding a phenomenon rather than predicting or explaining. This study adopted this approach to make sense of the data collected through the interviews, observation and document analysis. The essence in this regard was to

understand the relational experiences between the previously landless and the previous field owners with regards to the former's participation in the FCs.

Initial data analysis in the study was done at the first encounter with the first sets of data. In skimming through and reading documents, the researcher began to identify themes and started to group the data according those themes. These themes were based on the three research questions raised in the study. The responses obtained during the interviews were as well grouped into these themes as raw data. Notes from the observation done in the one FC meeting were also categorised into these themes. This then suggests that as early as the data collection stage of the research process, the researcher was already able to identify patterns in that data as part of making sense of the information gathered.

The last stage of the analysis was done after the data had been organised and presented as findings. In this case the researcher adopted the triangulation approach, where the data collected through different techniques were analysed for areas of convergence and divergence. Over and above triangulation based on data collection technique, the data were also examined and interpreted against theory as presented in the literature review. This analysis was as well done within the ambit of the research questions as thematic areas. The results of the triangulation analysis are an effort to make sense of the data in as far as they address the research questions raised in study in relation to the problem statement. The analysis of the research findings is presented in Chapter Five.

3.5 Validity and Reliability

Validity and reliability are acceptable as basic research principles in qualitative research, but they are rarely used terms because of their strong association with quantitative research (Neuman, 2011). Validity talks to truthfulness, whilst reliability is about dependability or consistency (Neuman, 2011). With regards to what the study sought to uncover in terms of participation of the landless in the FCs, the two concepts of validity and reliability manifest themselves differently.

The results obtained are considered to exhibit a fairly high level of validity because they constitute the reality of how a group of people experience the world in a specific context as presented in the study. Obtaining data from different sources and using different techniques has also enhanced the validity of the findings. The researcher also made an effort to present the findings as documented in the study to two of the study participants. In this regard the researcher presented the results to one previously landless participant and to one previous field owner who participated in the study. Both participants accepted the documented findings as reflecting what their views and experiences with regard to what the study aimed to establish. This suggests that the social context presented in the study is a true reflection of the world as experienced by the study participants.

Reliability on the other hand was difficult to achieve, because the narratives constructed in this particular context may not be applicable in another context. For instance the participation of the previously landless in another chiefdom within the same project area may be constructed differently from the population under study.

3.6 Ethical Considerations

Every research project undertaken has ethical issues associated with it, particularly when people are directly involved as participants (Kitchin and Tate, 2000). As the interviews involved interacting with human subjects as participants in the study, there was need to follow some ethical procedures in carrying them out. Leedy (1997) states that ethics are concerned with the consideration of fairness, honesty, openness of intent, disclosure of methods, the ends for which the research is intended, and an informed willingness on the part of the subject to participate voluntarily in the research activity. In the study a deliberate attempt was made to follow what Leedy (1997) alludes to. Before the interviews were conducted, the participants in the study were given details on what the study is about and the ends for which it was conducted, and were invited to voluntarily participate in the study. The participants were also assured of anonymity and confidentiality. Lewis (2003) states that confidentiality can be achieved by avoiding the attribution of comments to identified participants. In this case the

researcher gave assurance that no comment shall be attributed to a name of a person or to an FC.

3.7 Summary Conclusions

This chapter, which constitutes the methodology section, has been a presentation of the methods that were used in conducting the study. Of importance is the approach or research tradition that was followed in the study. The interpretive approach was recognized as the most relevant with regards to the qualitative nature of this study. The research design was as well developed to be in line with the approach adopted. To this end interviews, observation, and document analysis were adopted as the most relevant data collection techniques for use. The data extracted through these techniques are presented mainly in the form of narratives coming out from interactions with the study participants and from the analysis of documents that were relevant to the study. The presentation of findings and the analysis thereof are presented in chapters 4 and 5 respectively.

CHAPTER FOUR

PRESENTATION OF FINDINGS

4.1 Introduction

The study sought to examine participation levels of the previously landless in the LUSIP FCs relative to those with previous land access to determine any form of marginalization on the basis of their previous status in relation to land access. It also set out to determine any form of misgivings and tensions between the two sets of groups who are now grouped together to work and benefit equitably in a block of land that once had people owning individual fields in varying degrees. Indeed Nkambule (2013) records conflicts within group membership as one of the not-so-positive aspects prevalent in the FCs. As mentioned in the problem statement, these tensions could be resultant from the fact that people had to relinquish their individual rights to pieces of land for the equitable benefit of everybody. To determine the unfolding of this scenario in the FCs that have been formed with the sole purpose of harnessing the use of the land resource for the benefit of all within a chiefdom, data were obtained in the field, using interviews, and from existing documents. This chapter therefore is a presentation of the research findings based on the data collected in Sibhotela, the study area.

The presentation of the findings has been organized into themes, which have been largely influenced by the three research questions as presented in Chapter One. In this regard therefore, this chapter first attempts to set out the scene by presenting the reality of landlessness in the study area. This is presented in terms of the state of affairs regarding land distribution before the LUSIP project. The causes of landlessness and its associated impacts on livelihood are also presented in this regard. The chapter then presents the experiences of the previously landless in terms of their participation and involvement in the affairs of the FCs in which they are members and shareholders. It then moves to present the perceptions with regards to rights of the previously landless over the land reallocated to the FCs. These perceptions are presented from three

perspectives, that is, the previously landless' perspective, the perspective of the previous users of the reallocated land (field owners), and the traditional authority's perspective. The last theme addresses safeguards put in place to protect the continued participation of the previously landless in the FCs.

For purposes of the presentation, the participants are categorised into PL₁, PL₂, and PL₃ for the 3 previously landless interviewees. For the previous field owners, they are categorised as FO₁, FO₂, and FO₃ for the three that participated in the study. Only one chiefdom headman was interviewed, and he is referred to as such in the presentation of findings.

4.2 The Reality of Landlessness in Sibhotela and its Impacts on people livelihoods

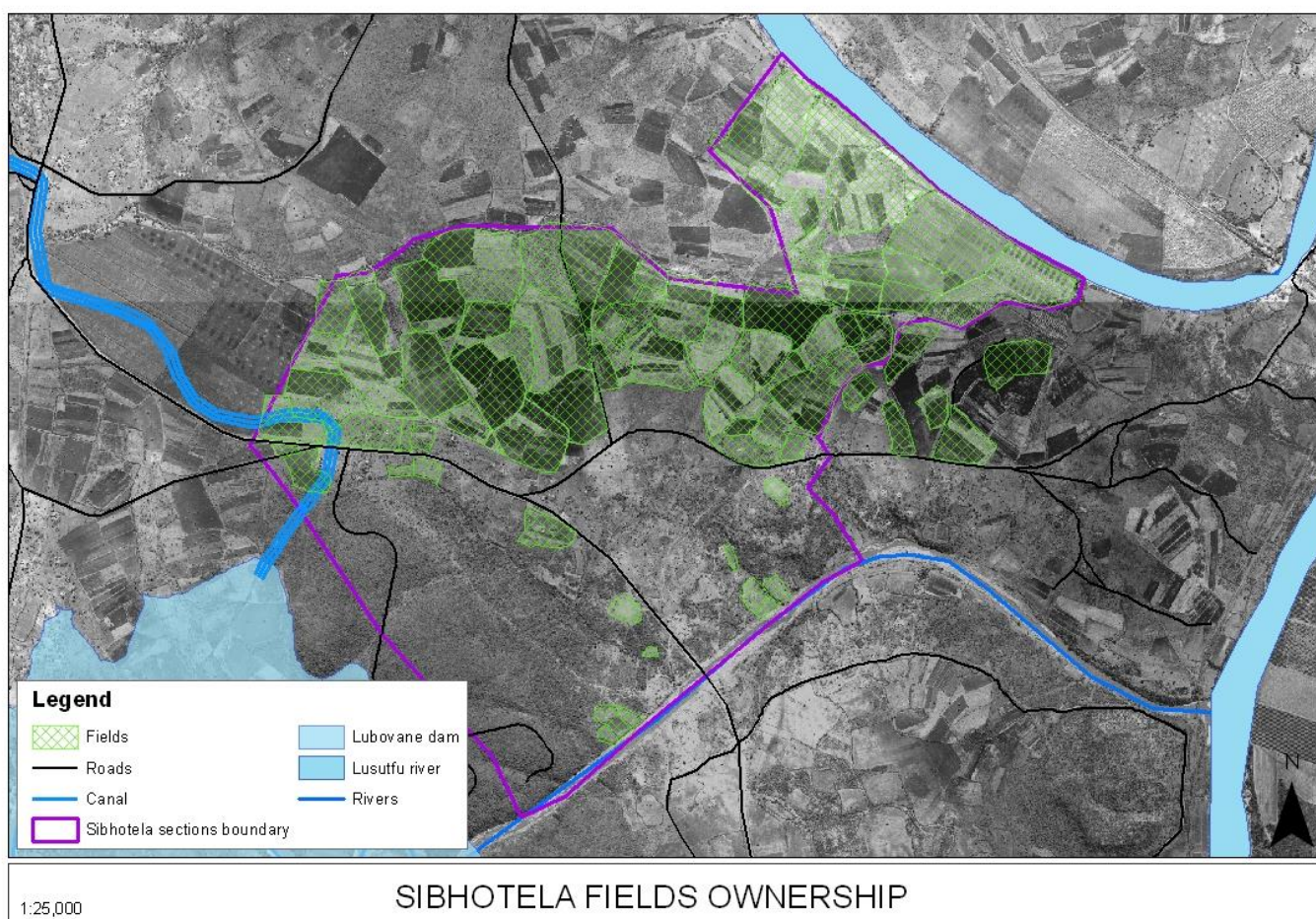
With regards to landlessness, indications are that at national level in Swaziland it is a reality and it tends to be gender-based. This is ascertained in IFAD's (2007) observation that constitutionally women in Swaziland, can own and control land, but traditional social systems discriminate severely against them and often bar them from owning and controlling land. To determine the extent of the landlessness problem in the study area, the study had to first examine its reality in terms of land distribution, its causes and its perceived impacts on livelihoods.

4.2.1 Land Distribution in Sibhotela Before LUSIP

For the purposes of this research, land distribution is viewed as the manner in which available land is shared amongst people within a community in terms of access and size. In examining land access in the study area, this study was mainly concerned with the number of households who had access to a piece of land for private use before LUSIP. The issue of the size was not necessarily considered as a significant factor in terms of what the study wanted to establish. In Swaziland land holdings of households on SNL are generally small, averaging 1.7 hectares, and two-thirds of households have less than one hectare (World Bank, 2000). Within the LUSIP project area, most people had access to less than two hectares of land and could barely grow enough to feed

themselves (IFAD, 2007). Of note was that it was observed and gathered that households who had access to land at Sibhotela, had it in unequal terms. Some people had a bigger land allocation than others. The World Bank (2000) notes that the skewed distribution of land-holdings, combined with the present system of land tenure, provides little prospect for improved earnings from agriculture for households on SNL. To determine the number of households who had access to individual pieces of land before the implementation of LUSIP, a field ownership map (Figure 6) was obtained from SWADE.

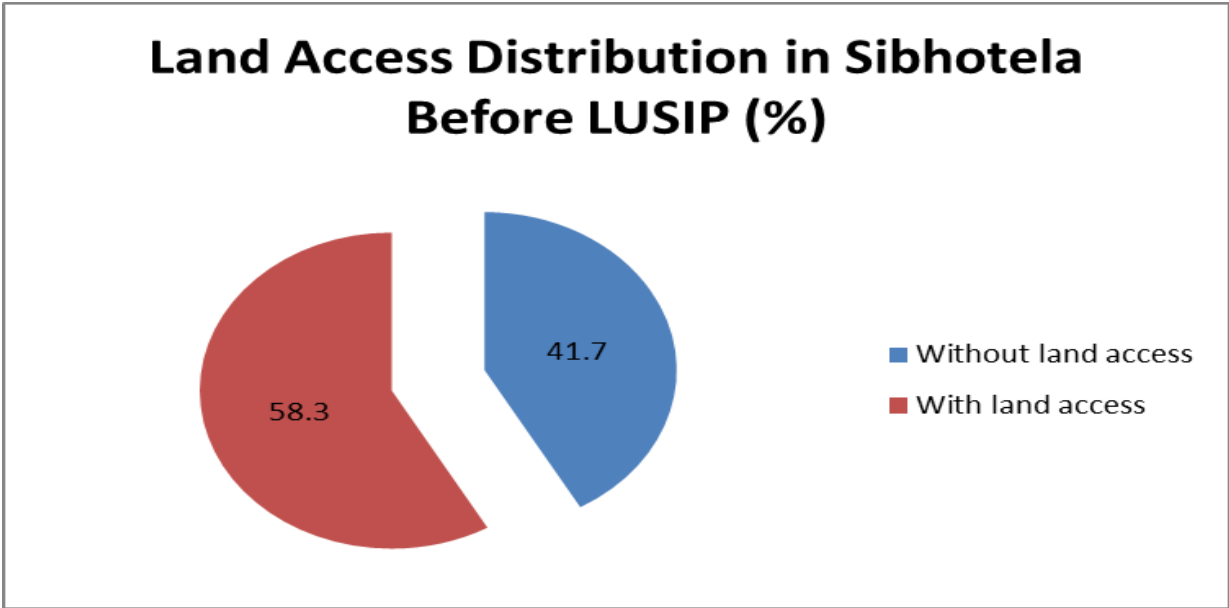
Figure 6: Field Ownership at Sibhotela before LUSIP



Source: SWADE, Fieldwork, 2013

This map reflects field boundaries in relation to individual ownership of a field. The small fields as reflected in the map support the observation by IFAD (2007) that most people who live on Swazi Nation Land farm small plots, cultivating maize and keeping cattle, and occasionally producing a cash crop. From the reading of the map, it was gathered that about 56 households had access to a piece of land at Sibhotela in the form of an agricultural plot or small field. With Sibhotela having a total of 96 households, this suggests that before LUSIP, about 40 households historically did not have access to any piece of arable land. This picture is depicted in Figure 7 below in terms of percentage.

Figure 7: Distribution of land access by households at Sibhotela before LUSIP



Source: SWADE, Fieldwork, 2013

Review reports by IFAD, the project financier, also suggest that land distribution at PDA level was such that landlessness was a reality. An analysis of the reports revealed that land access had to be addressed before LUSIP could be effectively implemented. In this regard the reports acknowledge the efforts that were done at project level to address the issues of distribution and access to land.

In one of their review reports, the project financiers, IFAD, state that;

“To tackle land access issues, the project developed a participatory approach (community development appraisal and action – CDAA) wherein locally defined solutions were reached based on options explored by key stakeholders, including traditional authorities at section and chiefdom level” (IFAD Aide Memoir, Nov, 2006).

In 2007, the IFAD review mission noted that land sharing options were being considered in the project area. In this regard the report states;

“Options for land sharing between users with land rights in the irrigable areas and those that do not have such rights are being considered” (IFAD Aide Memoire, July, 2007)

The mid-term review report by IFAD states that;

“To address access to land effective land reform within LUSIP needs to be managed through traditional chiefdom system” (IFAD mid-term review report, 2008).

Over and above the issue of access to a piece of land, the issue of equitable distribution of land access came to the fore during data collection. Information gathered did suggest discrepancies in land distribution, with others having no access at all. This was seen as a major threat in the implementation of LUSIP, and the achievement of the project goal of equitable benefits to all in the project development area. This also suggested that the issue of landlessness was a reality within areas such as Sibhotela, which are part of the project area. The project mid-term review report for instance states that:

“Equitable land distribution, a key concept in LUSIP planning philosophy remains a major stumbling block in land allocation” (IFAD mid-term review report, 2008).

The land distribution pattern at Sibhotela before LUSIP has shown that the reality of landlessness in the study area was significant. The data collected have shown that it was an issue that had to be addressed for the project to realize its goal. At Sibhotela for instance, the findings indicate that almost half the households did not have access to arable land. Even those that had access, they had it in great disparities. Without addressing this, the achievement of the project goal would have been greatly compromised.

4.2.2 Causes for landlessness

To gain an appreciation of the state of affairs with regards to land access at Sibhotela, the study sought to establish the major causes for the lack of access to land by the previously landless. Three major reasons that resulted from people being without access to arable land were given during the interviews.

The first cause or reason that was ascertained to the effect that people sought land for settlement purposes only. From the perspective of the landless, the priority tended to be the establishment of a home and having a roof over one head than to obtain vast pieces of land for other uses. So for them, at the time of *kukhonta*, they requested only a small piece of land from the chief just to establish a homestead. During the interview with PL₁, he attested to this issue by saying;

“I actually was under pressure to get a place to settle my family. I never took notice that I would need land for cultivation purposes. It was only at a later stage that I realized the need for more land, but unfortunately, land was no longer available.”
(Fieldwork, March, 2013)

There is, however, a different view to this reason from the perspective of those who previously had access to land for individual household use. They do agree to the fact that people sought land for settlement purposes only. Their perspective however is that this was done by people who were generally lazy. The laziness is in relation to the effort and energy required to first clear the land that is allocated and secondly to do the actual

farming activities. From this perspective therefore, people just went for small pieces of land just to establish their homesteads. In response to this FO₂ said:

“People did not get land access by choice. Land has always been available. The only thing about it is that when given land one was always allocated an area that was bushy and needed clearing. In fear of the lot of work to be done, people then resorted for the easy route of just seeking for a small piece just to place a house. Some of us who were prepared to work were able to get good and adequate pieces of land for farming” (Fieldwork, March, 2013)

The second cause for the non-access to land was quoted as being dependent on other means for livelihood purposes. In this case the interviewees alluded to the fact that at the time of *kukhonta*, the need for larger pieces of land was not there because they had other means of making a livelihood rather than farming. Such means included being in formal employment or running small businesses. In this regard therefore people did not see the need to acquire more land other than for settlement purposes because they could afford to feed their families. Interviewed on this PL₂ said:

“When I arrived here I was running a small business making and selling craft in town. It was working well at the time because I was still young and the raw material in the form of the required wood trees was available. I was able to make enough money to feed my family and develop my homestead.” (Fieldwork, March 2013)

PL₃ also alluded to the fact that he runs a glass-fitting business which is still in operation. It is from this business that he has been gaining meaningful income and through which he has been making a living thereby not seeing the need to have a large piece of land other than the one for establishing his homestead.

The third major reason given for landlessness during the interviews was that there was no longer land available at the time of *kukhonta*. In this regard as ‘late comers’ into the chiefdom, people found that all of the arable land had been allocated to individual

households. The only land that was available constituted poor soils in terms of agricultural production. People then tended to accept the status quo and just got land on the non-arable lands to establish their homesteads. An interview with the *indvuna*, who along with his council are responsible for the allocation of land in the chiefdom, revealed that there were indeed a number of residents in the chiefdom who found that land was unavailable at their time of *kukhonta*. Responding to this issue the *indvuna* said;

“We have a number of people who came to Madlenya at a time where land for cultivation was no longer available. As a traditional authority, we have always been reluctant to allocate people land without giving them a piece for farming because we understand farming to be a livelihood means for every Swazi. However, at their insistence to say they would like to settle in our chiefdom, and that they could manage without land for cultivation, we allocated them land in the spaces where no farming could be done, just for them to establish their homes.” (Fieldwork, March 2013).

The literature findings support this case of first comers attaining more land than those who settle late. On experiences in other countries in the African continent, the literature reveals that in Uganda for instance, the general trend is that people who settled first in rural villages have large pieces of land, while those who have migrated later into these villages are often unable to get access to land and if they do they get extremely small pieces (Nayenga, 2003).

The three major causes for landlessness have as well demonstrated that the reality of people not having access to a piece of land before LUSIP was apparent and significant. The traditional authority in the form of *indvuna*, also acknowledges the problem, and views it as one that came about in more ways than one as a matter of choice at the time of seeking land by a newcomer. Whatever the cause, the data collection exercise revealed that landlessness was a phenomenon that was a reality within Sibhotela as well as within the Madlenya chiefdom as whole, as revealed by the *indvuna*. Inasmuch as findings indicate that people in many ways ‘chose’ the landlessness status, the impacts of the phenomenon on people livelihoods were felt.

4.2.3 Effects of landlessness on livelihoods

To further illuminate the reality of landlessness at Sibhotela before LUSIP, the study sought to determine the effects it has had on people's livelihoods. This was determined from perspective of the previously landless in terms of the privileges they did not have as a result, and from the perspective of the previous land users in terms of what privileges they had by having access to a piece of land for individual use by their households. The major effect that was alluded to during the interviews was with regard to the fact that the landless could not practice farming for subsistence and commercial purposes. As a result three resultant effects from the major one came out during the interviews.

The first effect that was mentioned by the participants was with regard to food security. From the landless perspective, their lack of access to land resulted in a compromise in terms of guaranteed food security for their households. This is because they are unable to do farming activities for subsistence purposes. Even backyard gardens tend to be impossible because the land in which they are settled is not suitable for farming. So for them to have food on the table they have to buy. This has proven to be a problem because most of them do not have a steady source of income. The effect on food security is supported by Nayenga (2003) in asserting that having no access to land for cultivation exposes households to food insecurity.

The ones who had access to land on the other hand revealed that through the piece of land they had they were able to work on it to produce food for their families and surplus for sale. In Swaziland in general, investment in household farming is a high priority for most rural families (World Bank, 2000). The only challenge they alluded to was with regards to the frequent occurrence of unfavourable climatic conditions. Interviewed on this FO₂ said;

“On a good year, with good rains, I actually was able to produce enough maize to feed my family for two ploughing seasons. It was only during drought years wherein I would have a problem” (Fieldwork, March, 2013)

In terms of the quantity of maize produced on a good year, FO₂ estimated it to be between five to six tonnes. With regards to food security therefore, access to a piece of land meant enough food for a household, and vice-versa in terms of lack of access.

The second effect of landlessness was identified as the lack of ability to make income through the production of cash crops. From the fieldwork it was gathered that those with access to land were able to grow cash crops, the popular ones being cotton and sugar cane. From these they were able to sell and generate income to address their socio-economic needs. This is a privilege that was not available to the landless. To such an extent, landless people cannot, for instance, secure education for their children given that they do not possess the vital resource which brings in income from sale of both cash and food crops (Nayenga, 2003).

The last effect identified was in terms of sustainability of livelihood to next generations. The previously landless revealed that for them they had no guaranteed means of livelihood to leave as inheritance to their next generation at the time of death. This was supported by the finding that some of those who had access to land had gotten the land as an inheritance from their parents. Asked on how he got to have a piece of land, FO₁ said;

“Seeing as I had come of age, and had started my own family, I went to my father to ask for a piece of land, to which he gave me close to three hectares” (Fieldwork, March 2013).

The privilege of requesting and asking for land to start and sustain one’s livelihood is one which a person born of landless parents cannot have.

The identified effects of landlessness have as well shown the reality of the problem at Sibhotela as constructed by the residents. Although not fathomed, or taken for granted at the time of *kukhonta*, the reality of the effects of not having a piece of land to carry out farming activities were apparent and felt by the previously landless before LUSIP.

In the literature, landlessness is presented as a major contributor to poverty. Arguments around land tenure systems are mainly presented in as far as they ensure access to land that is secure. Major commentators in this regard, such as IFAD (2008), Payne (2004) and Cotula (2007) argue that if poverty and livelihood improvement are to be addressed meaningfully, the starting point in terms of intervention is land access. The rationale for this as stated by IFAD (2008) is that the landless tend to constitute the poorest and most marginalized groups of society. The literature reflects that the reality of landlessness is not peculiar to particular regions of the world and continent, but it is a global problem. The literature also indicated the powers of the chiefs in Swaziland with regards to the distribution of land. Gina (2000) has reflected how the limits of the chiefs in allocating and distributing land are unlimited. Because of the unlimited powers, with no codified procedures of land allocation, people are allowed to settle in a chiefdom, without due diligence to determine and make available their means of livelihood.

It was from this reality of landlessness as shown in the findings that LUSIP had to first address the issue so as to achieve the goal for which it was conceived as reflected in the review documents by IFAD. Adams *et al.* (1999) argue that land tenure reform tends to be necessary to avoid landlessness.

4.3 The experiences of the previously landless with regards to participation in the FCs

To determine the difficulties experienced by the previously landless, the study sought to establish their experiences in terms of participation as members and shareholders in the FCs. To determine the experiences five key issues were investigated. Firstly a determination was made in terms of how they became members and consequently shareholders in the FCs. Secondly their involvement in decision making was investigated. Their involvement in the operations of the FCs is also presented as the third issue. The fourth issue that was investigated was the socio-economic benefits they derive from being shareholders in the FCs. Lastly the issue of equity in the sharing of the benefits that accrue from being a shareholder in the FCs was investigated. Inasmuch as the focus was on the landless, views from those with previous access to

land were sought in all the issues investigated. The results therefore reflect the experiences of the previously landless in terms of how they themselves know them, and in terms of what the previously landless were articulating with regards to how they view the participation of the previously landless.

4.3.1 Becoming a shareholder in an FC

From the interviews with the landless, becoming a shareholder in the FC was obtained by virtue of being a member of the Sibhotela community. People were called to the *umphakatsi*⁵ and a pronouncement was made by the chief that everyone is entitled to belong to a farmer group, which would be allocated a piece of land to work on. In the pronouncement the chief made it known that all land in the chiefdom belonged to the *umphakatsi* and it was now reallocated to farmer groups to which everyone should be a member. This pronouncement was in line with the assertion by IFAD (2007) that for people in the LUSIP area, access to land and water for irrigation are key means to improving their livelihoods and reducing poverty. By making the landless people members of a farmer group was in many ways ensuring that they accessed land and water for their livelihood improvement. In this regard shares in the FCs were given to households who did not have land (SHIP, 2012).

From the interviews, two determining factors for joining a farmer group were established. One factor that was considered was the vicinity of the homestead relative to land allocated to the group. Agribusiness Monthly (2013) attests to this by stating that the groups comprise households that came together to undertake sugar-cane farming based on their geographical locations. The other factor was in relation to the proportion of a piece of land against the members of a group. This was determined by first merging fields into one block and then getting field owners to be in one group. At Sibhotela this merging exercise yielded three groups, which were later to become farmer companies.

⁵The royal kraal symbolizing the institution of traditional authority. It also constitutes the chief's residence.

The landless households were therefore accommodated in relation to the number of field owners each block had. Where there were few field owners in a relatively large block, more landless households were added to that block. So, first preference in terms of being a member of a group was given to those with previous individual access to a piece of land, after which the landless were accommodated to be members depending on the 'availability of space' in a group.

The previously landless view their accommodation as members of the farmer groups as a blessing that came with LUSIP, because before the project farmer cooperatives were formed and only had those with land access as members. In the interview PL₁, for instance, said;

“The implementation of LUSIP has really been a blessing for us who had no piece of land, because we are now benefitting from farming in the same way as everyone else. It is true that the *umphakatsi* played a big role in ensuring we all are part of the companies that have been established, but I doubt they would have been able to do so if it were not for the advent of LUSIP.” (Fieldwork, March 2013)

Those with previous access to land view this process differently. The one view was that being a member and a shareholder in an FC should have been based on land access, wherein as a shareholder one would get what was proportionate to the size of his fields. The other view was that the *umphakatsi* should have found a piece of land and grouped the previously landless together and not mix them with those who had access to land. The reasoning for the latter view is that the landless did not share the same work ethic as the previous field owners and would thus not put as much effort because they are not as used to working. In support for the last view, FO₂ stated;

“Grouping people who have a different work ethic and saying they should work together is a recipe for disaster. Because we do not have much of a say in terms of land allocation, the least that the *umphakatsi* could have done is not to group us together with those that had no land because they do not know what is

involved in farming and they are not used to working. This will de-energise people who otherwise would be working hard to ensure the success of their farmer companies.” (Fieldwork, March 2013)

4.3.2 Involvement in decision-making

From time to time in the running and operations of the FCs, decisions have to be made. Decision-making in these FCs is almost always done on the basis of unanimous agreements. Decisions of the company are made by majority vote (SHIP, 2012). Every shareholder has a right to submit his or her view and have it considered for adoption. In the study, the participants’ views on the involvement of the previously landless in decision making were sought. From the three previously landless interviewees, only one submitted that they were free to question decisions that have been taken, and that their views were taken on board in making decisions in the FCs. The other two submitted that they were not really free to be part of the decision-making processes. It was gathered from the two that in principle they were free to question decision and input in the decision-making process, but in practice they felt nothing was taken from them if at all they were given a chance to submit any views.

One of them actually stated that there were people whose voice was taken more seriously than others, and these are the ones who previously had access to larger pieces of land. From observation in the one meeting attended by the researcher, this assertion was largely supported. In the meeting only a few individuals made submissions and it was gathered that these were previous users of pieces of land within the land allocated to the FC. These were able to reprimand the board of directors and voice out their dissatisfaction. During the interviews PL₁ actually stated that he hardly attends the shareholders’ meetings because it made no difference. During the interview he stated;

“There is no point in me attending these meetings. I only wait for my share of the dividends whenever they give us. I basically accept whatever I get and do not question anything because no one listens anyways.” (Fieldwork, March 2013).

Views on the involvement of the previously landless in decision making were also sought from the previous field owners. The three that were interviewed submitted that because land now belonged to everyone, any shareholder in the FC has a right to question whatever they want to query in relation to the running of the company. Indeed as owner, you exercise your power at the general meeting where you can vote directors on to the board and make any policy decisions that the meeting decides (SHIP, 2012). The general view from the previous field owners was that people do not get involved out of choice. One view is that the previously landless tend to stigmatize themselves as people who should not have much of a voice. This view was presented in FO₃'s response wherein he stated;

“We are all equal as shareholders in the company. We all have a right to say what we want. The only thing is that those that joined the company without any piece of land tend to stigmatize and look down upon themselves as not having the same rights to say anything as those who had land” (Fieldwork, March 2013).

The other view is that the previously landless are only interested in the dividends. The assertion in this regard is that because they did not lose anything in the first place, they have no interest in how the business is doing. Presenting this view, FO₂ said;

“To expect commitment from a person who did not have anything to lose is not being realistic. People who had no land do not see the point of attending meetings and inputting in the decisions taken, because for them whatever they get at the end as dividends is a gain. They really have nothing to lose, so it makes no difference for them whether they attend the meetings or not, because they know they will get something at the end of it all.” (Fieldwork, March 2013)

4.3.3 Involvement in the operations of the FC

From the three FCs under study, it was gathered that there are a number of operations to which the shareholders are directly, and in some instances exclusively, involved. In determining participation experiences of the previously landless in the FCs, the study sought to examine the extent to which they are involved in these operations as

shareholders. The level of involvement was put into a scale of 'high', 'medium', 'low', and 'no involvement' against each operation. The scale was based on the number of responses obtained from the three previously landless interviewees. High level reflects that all three interviewees gave a positive response in terms of their participation, medium reflects two positive responses, low is one positive response, and no involvement reflects that all three gave a negative response. Table 3 below is a presentation of the results against each operation.

Table 3: The level of involvement in FC operations by the previously landless

Operation	Level of involvement by previously landless
Approval of business plans	Low
Procurement	No involvement
General meetings	Medium
Accessing employment	High
Election of the Board of Directors	Medium
Budget Approval	Low

Source: Fieldwork, 2013

Views on the involvement of the previously landless in the operations of the FCs were also sought from those with previous access to land. All three interviewees held the view that the previously landless were as involved as everyone else in the operations. Any non-involvement according to them was out of choice by the individual shareholder. FO₁ even alluded to the fact that the previously landless are even also elected into the board of directors without discrimination.

4.3.4 Socio-economic benefits from being a shareholder in an FC

In their appraisal of the LUSIP project, the African Development Bank (2003) anticipated an increase in income due to the project by the majority of the poor population through the reallocation of fertile land with easy access to water and other inputs. For participation in the FCs to be meaningful, households should realize the socio-economic benefits from being a shareholder. Agribusiness (2013), for instance, quotes a farmer from one of the FCs under LUSIP (not one of the three under study) who said;

“SWADE found us, especially the women, sitting at home doing nothing; now everybody is working in the fields and they are earning a living. It is all because of this dam. This dam has changed our lives” (Mr Simantji Mamba as quoted in Agribusiness, 2013).

The dam referred to by Mr Mamba is the LUSIP dam that forms part of the water infrastructure that was provided by government, through SWADE, for irrigation purposes by the FCs. It was ascertained in the investigation of the reality of landlessness in the study area that landlessness had compromised the livelihood capabilities of households. In this section the study presents the socio-economic benefits as realized by the previously landless now that they are shareholders in the farmer companies. It presents some of the change in livelihoods as suggested by Mr Mamba.

From the interviews, it was established that through being shareholders in the FCs, the previously landless can now afford to cater for their basic needs. Asked on this, PL₁ stated;

“From the money I get as a shareholder, I now am able buy most of the basic things that my family and I need. It is not a lot of money we get, but it is substantial and it has really made things better in terms of our livelihood.” (Fieldwork, March 2013)

PL₃ also echoed these sentiments. He stated that through the money he gets as dividends he has been able to pay for his children’s school fees, provide food for his

household, and connect electricity to his home. He stated that with more of the money coming he was looking at expanding his homestead by constructing another house. The African Development Bank (2003) adds to these socio-economic benefits by stating that with increased income the population will be able to afford better nutrition at family level, thereby reducing the occurrence of diseases, maternal and child mortality, and will also contribute to a decrease in children's nutrition related health deficiencies. Enrolment rates in schools are also anticipated to increase due to the increase in income at household level (African Development Bank, 2003).

The increase in income was ascertained by Sibandze (2012) in his article to say thirteen farmer companies under the LUSIP made over E29m turnover after their first sugar cane harvest. Sibandze goes further to quote SWADE's agribusiness team leader who said the dividends paid to the companies' shareholders ranged between E3,450.00 and E13,700.00 to a total of 549 FC members (Sibandze, 2012). For the three FCs under study, it was gathered during fieldwork that in all three FCs, dividends were shared in the years 2011/12 and 2012/13. According to data and records obtained from SWADE, in the first year the dividends ranged between E7,500.00 and E8,200.00 per shareholder in the three FCs. In the second year the records show that the range was between E4,500.00 and 6,700.00 per shareholder.

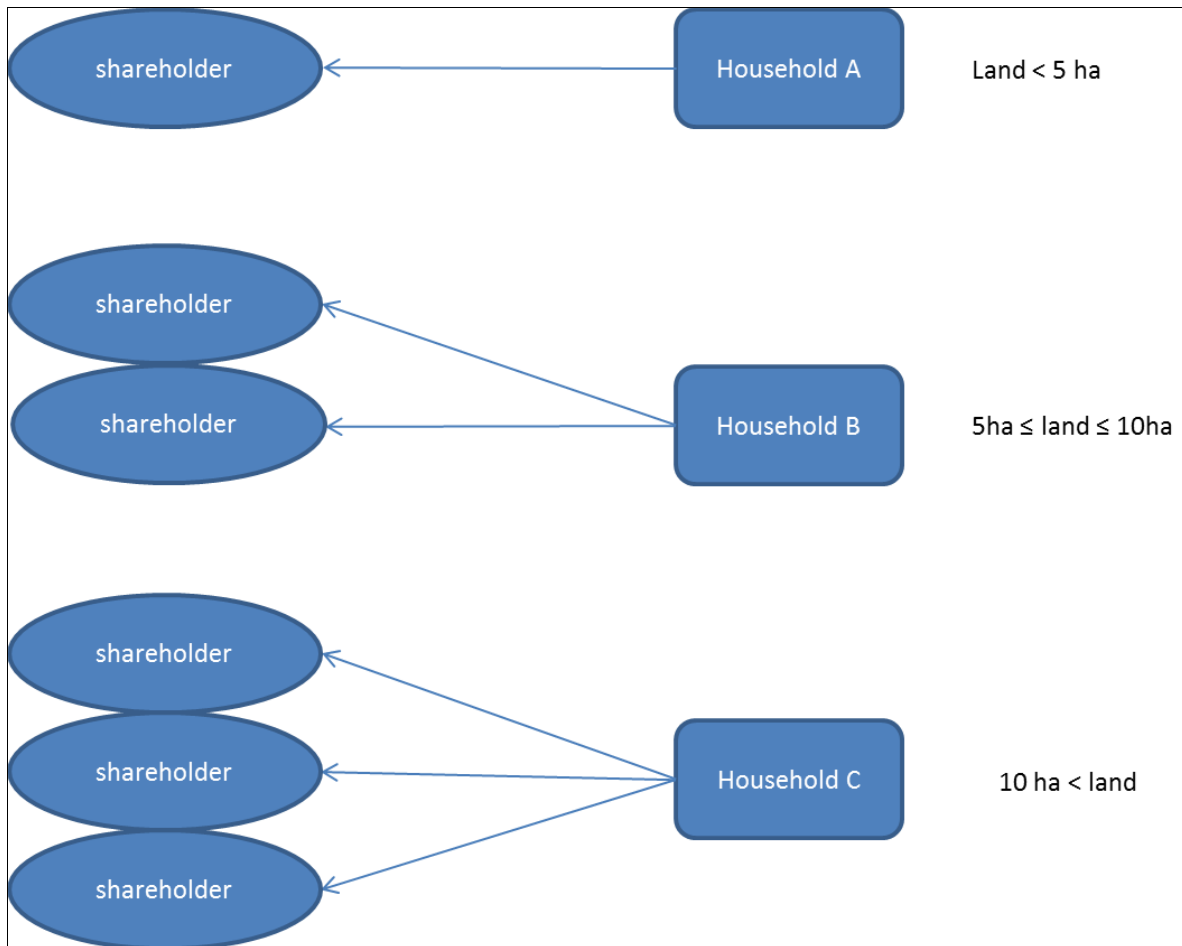
4.3.5 Equity in the sharing of benefits

A new, equitable and dynamic pattern of growth and human development is required for a serious poverty reduction agenda in Swaziland (World Bank, 2000). One major premise on which the farmer companies were established was to ensure equity amongst the households in the sharing of benefits and profits accruing from their operations. Each farmer company had to come up with its own approach on how it would achieve equity amongst the shareholders. A suggestion from IFAD through their aide memoires was to recognize the value of inputs each shareholder contributed into the company. In this regard IFAD states;

“Shares within a group could be allocated on equity basis, but other options are left open. One option could be recognition of the value of inputs by group members, especially land. A value could be attributed to lost rain-fed production, and this may be allocated as loan to the group which is payable over a period of time parallel to the dividends which are based on equity share” (IFAD Aide Memoire, September 2007).

The three FCs at Sibhotela actually took this equity option, wherein there was recognition of land as an input contribution. However for them it was not used as a loan to the FC, but instead large field owners were allowed to have more than one representative representing their households as shareholders depending on the size of the land. This consideration was made for people with fields that were 5 hectares and above, wherein they could have up to three representatives for those with relatively huge pieces (above 10 hectares) of land. The dividends are then shared equally amongst the shareholders. Figure 8 below is a representation of the equity model used in the three FCs at Sibhotela.

Figure 8: Equity model used in Sibhotela FCs



Source: Fieldwork, 2013

In figure 8 Household A represents the previously landless and those with fields that were less than 5 hectares, wherein only one shareholder represents the household in an FC. Household B represents those with fields above 5 hectares, but less than 10 hectares. These have two shareholders representing the household in an FC. Lastly, Household C represents those that had fields above 10 hectares. These were allowed to have three shareholders representing them in an FCs. Equity in this model is defined as a measure of ensuring a fair and justifiable sharing criterion that would recognize the value inputted by previous users of the land through surrendering their individual user rights for the accommodation of everyone.

This equity criterion is largely acceptable to both the previously landless and previous field owners. For the previously landless however, it was a model that they feel they could not really contest. All three that participated in the study voiced out the fact that they had no contributions on the decision-making process on how benefits would be shared amongst the households. They generally accepted whatever was decided and appreciated the fact that they were accommodated. Asked on this PL₂ said;

“We just accepted and appreciated what we were told. All we know is that as shareholders we have equal shares in the company. But in terms of how many shareholders could come from a household and the criteria for that, there was not really much one could contest, because we had no land in the first place. So we just accepted that some households would have more than one representative as shareholders.” (Fieldwork, March 2013).

Those with previous access to land, especially the ones with larger pieces of land had the view that this model was at least providing some form of compensation for the land they have put into the company. Of the three that were interviewed, two (FO₁ and FO₃) felt it was adequate compensation considering the fact that most of the land they had was lying fallow and not under any farming due to shortage of farm inputs and the scarcity of rain. FO₃ expressed this point by saying;

“In all honesty I, and most of the field owners, only had land in name only. Most of us were not ploughing the fields we had because over the years we had been hardly hit by drought and in most cases we had no money to buy the farming inputs. So to be allowed to have more than one representative was in many ways fair because it is not like we were getting anything from the field” (Fieldwork, March 2013).

FO₂ had a differing view. In his view the having more than one representative as shareholders did not suffice as compensation for the land given to the company. To him he has made a loss by joining the FC because he now cannot work on the land as he pleases and has to wait for twelve months before getting dividends which are very little

(E4,500.00) in his opinion. The other concern he presented was that as a head of the household he no longer had control in terms of what came from the land because the other two representative were shareholders in their own right and could do whatever they wanted with the money they got as dividends and still expect him to take care of the whole family. Voicing his discontent he said;

“This whole thing of putting land together and having equal shares in the company, has really been a loss to me. The money we get at the end of the year as dividends is just too little. There really is not much I can do with the money. It is true I was able to have two more people from my household to be included as shareholders, but the money is given to them directly and it becomes difficult to then say we should all put it in one basket for the use of the whole family. It still lies with me to ensure that there is food on the table. Even if we could put the money in one basket, it is just too little to cater for the needs of the family for the whole year” (Fieldwork, March, 2013).

The literature findings with regard to the experiences of the landless address the issues of social exclusion and inclusion. The Department for International Development (DFID) have commented extensively on the issue of landlessness and social exclusion. The Global Land Tool Network (GLTN) has also presented landlessness as a root cause of social exclusion. Commentators such as Kabeer (2000), Bremen (2004), and Wickeri (2011) have as well addressed the concepts of exclusion and inclusion in relation to the landless and the poor. Sen (2000) has presented the poverty problem as constituting lack of freedom to undertake important activities that a person has reason to partake in.

The experiences of the landless in the FCs at Sibhotela have in many ways reflected elements of exclusion and inclusion. Their being part of the FCs was a process of addressing their exclusion through inclusion. In defining exclusion DFID (2002) present it as the rupture of the social bond between the individual and the society in which he or she lives. In this regard they see it as a cause of poverty because it cements the denial to rights and opportunities of particular groups in society. In the FCs the previously landless are in practice denied certain rights which are enjoyed by the previous field

owners. Their voice in decision making as ascertained during fieldwork is not the same as the previous field owners.

Kabeer (2000) presents a case for community institutional structures influencing the extent of social exclusion. The argument in this regard is that these structures can operate in such a way that they systematically deny particular people the resources and recognition which would allow them to participate fully in the life of that society. In the case of Sibhotela, the community institutional structures in the form of the traditional authority played a major role in ensuring the inclusion of the previously landless in the economic activities of the society that came in the form of the FCs. Bremen (2004) supports this inclusion by arguing that giving access to a small piece of land to the landless is to give them dignity and a fresh outlook on life as well as income independence. The traditional authorities in Sibhotela followed this view by ensuring that the previously landless do get access to land by being included as shareholders in the FCs. The effort in this case was to address and remove what Wickeri (2011) presents as conditions intensifying the exploitation of the landless by land owners. Creators of such conditions as presented by Wickeri include hunger, threats to health and homelessness.

The findings with regards to the experiences of the previously landless in terms of participation in the FCs have revealed that their participation is viewed differently from their perspective and from the perspective of those with previous access to land. In terms of becoming shareholders the findings have revealed that it was more on an accommodation basis. Their involvement in decision-making and in the operations of the FCs is also not necessarily at the same level as those with previous access to land. This also manifested itself in the equity model adopted by the FCs at Sibhotela, wherein though they have equal shares as everyone else, their representation is limited to one person per household.

4.4 Perceived rights for the previously landless over land reallocated to FC

Land rights may amongst other rights, include the rights to exclude others from accessing land and transacting it, at community and/or individual levels (Adams *et al.*, 1999). To better understand how the reallocation of land to one entity in the form of a farmer company has affected rights to land, perceptions on rights to the allocated land were investigated. The study in this regard sought to unearth the constructed meanings and understandings of the renunciation of land. The World Bank (2000) notes that the insecurity of tenure on SNL has subjected land to periodic redistribution. It is the constructed meanings of this redistribution as done in Sibhotela that the study sought to understand in relation to land rights in the new allocation regime.

The study also sought to determine the understandings with regards to the relationship between the shareholder representing a household and the land reallocated to the FC. The essence was to get an understanding as to whether the shareholders believed they had the same rights to the land belonging to their FC despite their previous status in terms of land access. The understandings and perceptions were sought from three perspectives. Firstly, it was from the previously landless' perspective, wherein their views were sought on whether they believed they had a full claim on the land that was reallocated to the FC. Secondly, it was from the previous land users' perspective, who gave insight into whether they perceived the previously landless to have a claim and rights over the land given to the FC. Lastly, the traditional authority's view was sought. This section of the chapter therefore presents the perceptions on the rights of the previously landless over the reallocated land from these three perspectives.

4.4.1 The previously landless' perspective

From interviewing the three previously landless study participants, it was established that they are in many ways not certain of the rights they have over the reallocated land. In their general uncertainty over the rights they have, they however held different views on whether they had a claim over the reallocated land or not. One view was that in principle they had been given rights over the land allocated to the FCs by virtue of being members and shareholders of the FC. A response given by PL₃ on this was;

“In my thinking everyone, including us that had no fields, should have a right over the block of land given to the companies, because we were incorporated to be shareholders in the companies by the *umphakatsi* to which the land was given back by those that had fields. So the fact that *umphakatsi* allocated the land to the FCs to which we all belong meant that we all were given the land to use it equitably” (Fieldwork, March 2013).

The other view was that no one had a right over land now because it was not reallocated to people but to companies. According to this view the right to land was to the company and not the individuals who constitute the shareholders. It was established from the interviews that in this view that if anyone could claim to have a right over the land it can only be the *umphakatsi*. Asked on what would happen to land if the company could be liquidated, PL₁ and PL₂ were of the view that it would go back to the *umphakatsi* wherein it could be reallocated again at the *umphakatsi*'s discretion.

4.4.2 The previous land users' perspective

From the previous land users' perspective two views emanated as well. Two (FO₂ and FO₃) of the three participants that were interviewed were of the view that the previously landless cannot have rights to the land because they never had it in the first place. They pointed out that people who could have rights over the reallocated land were those that contributed their fields into the FC. From their perspective the previously landless only had rights, as per the instruction of the *umphakatsi*, to get dividends as shareholders, but could not claim to have land which they were never allocated.

From this view, the only way the previously landless could have rights over the land, was if they as previous field owners were compensated for the land that was allocated to the FC. Stating this point FO₂ said;

“We raised the issue of compensation to the *umphakatsi* to say for these FCs to operate well within the scenario of everyone being a shareholder, it would be better for the us as previous field owners to be compensated. This was turned down outright and we were told that we did not own land that had been allocated

to us because it belonged to the *umphakatsi* and now the *umphakatsi* was taking it back for development purposes. This compensation would have helped to quell these rumblings that we currently have on having the same rights to the land and consequently the benefits thereof as those who did not have land in the first place” (Fieldwork, March 2013).

The other view was that the previously landless did have rights to the land by virtue of being equal shareholders in the FCs. FO₁, who held this view, was of the opinion that there was nothing they could do because it was made clear to all that no one owned land but the *umphakatsi*. According to him the decision by the *umphakatsi* to include everyone in the FCs regardless of land access status, was an indication that the traditional authorities had seen in fit for all in the chiefdom to have a claim on the land within its boundaries. Land according to this view was redistributed in such a way that every household had access to land through the FCs to which they were shareholders. FO₁ was also of the view that if for any reason the companies were to be liquidated, the *umphakatsi* would have to reallocate the land to all that were shareholders in the FCs including the previously landless. The reasoning behind this was that the people were already living off the land, and to take it away by virtue of their previous status in terms of access would mean compromising their livelihood.

4.4.3 The traditional authority’s perspective

A risk was anticipated by the African Development Bank (2003) that the traditional authorities may not be receptive to the changes in their relationships to land and other resources that implicit in the project. According to the chiefdom headman, who represents the traditional authority, the development that has come with LUSIP has resulted in changes and uncertainties with regards to land rights. From the perspective of the traditional authority, no one piece of land can be allocated to two users who could have rights over the land. It was for these purposes that people had to renounce their rights to the land that they had been previously allocated, so that the rights could be reallocated to another user, who in this instance are the FCs.

From the perspective of the traditional authority therefore, there is no one person who can now claim to have rights over land that was reallocated to the FCs. Previous status to land access has become irrelevant in the new dispensation of land distribution according to this view. The chieftom headman made it clear that as a traditional authority, rights to land now belong to the FCs. Asked on what would happen in a case of liquidation, the headman responded that the land would be returned to the *umphakatsi* who could reallocate it using its own discretion. This assertion was also a finding made by IFAD and it was articulated in their aide memoir as follows;

“It is not clear how the land holdings would revert back to their original ‘owners’ should the businesses collapse. Current agreement documents are silent on this matter. When quizzed about this issue, some chiefdoms were of the view that, they will cross the river when they get to it. It is believed that the traditional leadership structure will be able to handle such an eventuality and put in place a formula to re-distribute the land according to known norms and procedures that would be prevailing at the time” (IFAD Aide Memoire, Nov, 2010).

4.5 Safeguards to protect continued participation of the previously landless in the FCs

The problem statement in chapter one of this research report alluded to possible tensions between the previously landless and those with previous access to land with regards to the participation of the previously landless in the FCs. Such tensions were assumed to likely stem from those with previous access feeling they contributed more. The findings have indeed shown that the participation of the previously landless is not necessarily the same as those with previous access to land. Elements of marginalization are noticeable. In view of these tensions between the two sets of shareholders in the FCs the study therefore sought to determine whether there are instruments that are in place to ensure the continued participation of the previously landless in the FCs. It has been established by the findings that being shareholders in

the FCs has positively impacted on the livelihoods of households that were previously landless, thereby cementing the need for their continued participation.

To determine the protection of the continued participation of the previously landless in the FCs, the study first sought to unearth the perceptions on their foreseeable future participation. These perceptions were sought from the previously landless themselves and from those with previous access to pieces of land. The transferability of shareholding by the previously landless as inheritance upon death was the second issue that was examined in relation to the continued participation. Thirdly the study probed the role of the *umphakatsi* in ensuring the previously landless were protected to forever be shareholders as long as the FCs existed. Lastly, formal instruments protecting the participation of the previously landless were investigated.

4.5.1 Perceptions on foreseeable future participation of the landless in the FCs

From interviewing the previously landless, it was apparent that they were not certain of their future participation in the FCs. The uncertainty stems from two major reasons. The one is the uncertainty over the rights to the land belonging to the FCs. The major concern in this case is that despite land being reallocated to the FCs, people still do talk of having pieces land within the reallocated land. One of the negatives that are given by Nkambule (2013) as cited by farmers with regards to the FCs is the failure to adhere to land renunciation agreements. This presents a challenge in terms of who has rights over the land. Bringing this point forth during the interviews, PL₂ said;

“It is difficult for us who had no land to say we are guaranteed to be part of the company for the foreseeable future. The big problem is the land which was given to the company. This land belonged to individuals, and people still point to where their fields were and maintain it is still their land. The worry then is if a person can wake up one day and say they want their land, what can we say?” (Fieldwork, March, 2013).

The other reason given for the uncertainty over the continuous participation in the FCs is the possibility of the landless being pushed out by the previous field owners because

of more money coming into the FC. This fear stems from previous observations in the older farmer cooperatives that have been in operation in the chiefdom over the years. It was stated during the interviews that some of the cooperatives which had incorporated people without land or with smaller pieces of land experienced internal conflicts, especially after the loan capital had been paid off. These conflicts resulted in those that had no land being expelled as members of the cooperatives. Explaining this uncertainty PL₁ said;

“We cannot really say we are safe. We have seen these things happening in this very area we live in, where people were pushed out after the loan had been paid off and the dividends were higher. We are not sure whether we will not suffer the same fate ourselves once the loans are paid off, and we are told we did not contribute any land in the establishment of the company. It is a matter of waiting and see what happens” (Fieldwork, March, 2013).

From the perspective of those with previous access to land, the continued participation of the previously landless was guaranteed, and even if they as previous field owners wanted to, they were powerless to push them out. This powerlessness stems from the fact that the inclusion of the landless was done by the *umphakatsi* which had taken back all land. So to expel people out of the FCs would be tantamount to challenging the authority of the *umphakatsi*. It was however stated in the interviews that most of the previous field owners were bitter about the arrangement and that out of fear of confronting the *umphakatsi*, people were voicing their discontent in ‘hush tones’ amongst themselves.

4.5.2 Transferability of shareholding by the previously landless as inheritance

When the FCs were established, the only transfer envisaged was through inheritance and it was assumed that shares would remain with the household and be passed on from generation to generation (SWADE, 2012). The ability to transfer shares as inheritance upon death was one determinant that was investigated in terms of continuity in participation in the FCs by the previously landless. During the interviews two views

came out from the previously landless. One view was that there was uncertainty in terms of whether the shares were transferable as inheritance. Of the three interviewees, two (PL₁ and PL₃) expressed their uncertainty on whether they could transfer their shareholding as inheritance. Expressing the uncertainty in the transferability of the shareholding, PL₃ said;

“It is not clear whether us that had no land to contribute into the company have the right to pass-on the shares we have to our children upon death. There has been talk that all shareholders should sign a form that nominates a beneficiary of their shares when they die. This however has not been done as yet, so one cannot be really sure if my children would be allowed to take over my shares if I could die” (Fieldwork, March 2013).

The other view was that the transferability was allowable as long as the beneficiary is close family. The one interviewee who held this view (PL₂) expressed the point that inasmuch as there was nothing documented in this regard, there is a general understanding that as long as the beneficiary is a known family member, then they could inherit the shares and be full shareholders in their own right in the company. This view is supported by SHIP (2012) wherein they state that when someone dies, the shares are passed on to their heirs.

During the fieldwork, it was established that there actually is no instrument at present that states how and to whom shares would be transferred to in the event of death of a shareholder. It was also noted during data collection that this problem was anticipated early in the life of LUSIP, and a recommendation was made to this effect during one of the review missions by IFAD. In their 2007 Aide Memoire, IFAD stated;

“To ensure safeguards of rights, FCs are to develop a constitution or shareholder agreement talking to, among other issues, the transfer of ownership rights in a business (inter alia inheritance and to other family members)” (IFAD Aide Memoire, July, 2007).

During data collection these recommended documents were sought and only one constitution, which was in draft form, of the three FCs studied was found. This however does not provide for the transferability of the shares but rather gives a provision for an instrument in the form of a nomination form to be put in place. During the fieldwork, none of the three FCs under study had these nomination forms as yet. All in all there are no clear succession plans in the event of death of a household representative (Nkambule, 2013).

4.5.3 The role of the *Umphakatsi*

It has been established in previous sections of this chapter that the *umphakatsi* played a pivotal role in the formation of the FCs, and in the constitution of their shareholders. It was the *umphakatsi* that ensured that individual landholdings were renounced, merged and reallocated as blocks to FCs. The *umphakatsi* was the custodian of the accommodation and subsequent shareholding of the previously landless in the FCs. As part of examining the safeguards for the continued participation of the previously landless, the role of the *umphakatsi* in this regard was therefore investigated. The views on the role of the *umphakatsi* were obtained from the previously landless interviewees and from the chiefdom headman.

All three shareholders expressed that they view the *umphakatsi* as the one institution that can protect them from being pushed out of the FCs by the previous field owners. The basis for this view is that the membership into the groups that subsequently became farmer companies was approved by the traditional authorities at the *umphakatsi* level, and endorsed by the highest authority in the chiefdom in the form of the chief. The assumption therefore is that the list of shareholders cannot be changed without the sanction of the *umphakatsi* and the chief. Inasmuch as there is some uncertainty among the previously landless in terms of their continued participation in the FCs, there is some level of confidence that the *umphakatsi* would intervene in their favour in cases where they would be ousted from the FCs.

The *indvuna*'s view was that the role of the *umphakatsi* was that of resolving any conflicts that may arise from time to time within the FCs. When the problems occur between the board and members, often the chief is to resolve the problem or take a position (SWADE, 2012). The *indvuna* acknowledged that there were grumbings and misgivings about the participation of the previously landless, particularly in an equitable manner as previous field owners. He however pointed out that the role of the *umphakatsi* in this regard was to ensure that people were not ousted on the basis of their previous land access status. He did confirm that any change in the list of shareholders representing the households in the FCs had to be sanctioned by the *umphakatsi*. The role of the *umphakatsi* as per the response from the *indvuna* was that of ensuring that every household is at any point in time represented in the FCs.

4.5.4 Formal Instruments Protecting the Participation of the Previously Landless

To further investigate safeguards into the participation of the previously landless in the FCs, the study sought to find out any formal instruments that protect them from being ousted by the previous field owners at some point in the life of the FCs. In this regard the study set out to examine written documents that address the composition and manner of the shareholding in the FCs. During data collection four instruments were found and examined. These are the Chief's Letter of Consent, Land Renunciation Letter, a Constitution belonging to one of the three FCs, and Form C of the company registration documents. These instruments were examined in terms of the purpose for which they were put in place and the elements in them that protect the continued participation of the previously landless in the FCs. Table 4 presents the four instruments in relation the two elements by which they were examined.

Table 4: Instruments and safeguards that protect the participation of the previously landless

Instrument	Purpose	Participation Safeguards
Chief's Letter of Consent	Proof of consent by the chief as a custodian of the land that he has allocated the block of land to the FC as an entity.	Grants usufruct rights on land by an FC on condition all homestead heads that previously held any rights or interests in irrigable fields that constitute the land have renounced such rights and interests in exchange for Share Certificates in the company. So rights to the land belong to the FCs to which the previously landless are shareholders.
Land Renunciation Letters	To allow for a level ground in becoming a shareholder in an FC, where no one can have a claim on the land allocated to the FC.	Provides for renunciation of land rights, removing power from previous field owners to oust the previously landless on the basis of field ownership.
FC's Constitution	Provides guidelines for the operation and management of the FC.	Makes a provision for conditions of termination of shareholding, wherein it states that it only upon death of the shareholder. It does not however provide for succession of the shareholding, save to say an instrument in this regard should be put in place.
Company Registration Documents (Form C)	Form C of the registration documents provides the list of the names of company shareholders	To be taken out of Form C requires consensus of all the shareholders and there has to be proof beyond doubt that a particular shareholder had to be removed.

Source: Fieldwork, 2013

4.6 Summary Conclusions

This chapter has presented the findings of the study with regards to the data collected. The results have been based on data collected in the field through interviews and observation as well as from project review documents. The findings established that the reality of landlessness in Sibhotela, the study area, was significant before LUSIP, with over 40 per cent of the households not having access to arable land. The causes of the phenomenon were as well established and its impacts were also apparent in the findings. To understand the difficulties the previously landless face in participating in the FCs, their experiences as shareholders were examined. These were largely examined from the point of view of the previously landless themselves and from the point of view of previous land owners. The study established in the findings that the experiences of the previously landless are not necessarily the same as those of the previous field owners. Although in principle these should be the same, based the equity premise on which the FCs were established, the findings have reflected that in practice this is not the case.

To determine the issue of rights to the land that now belongs to the FCs, the study sought to investigate perceptions on who has the rights over the land reallocated to the FCs. The perceptions were sought from three perspectives, that is, from the previously landless' perspective, previous field owners' perspective and from the traditional authority's perspective. The findings have revealed there are different views on the rights to the reallocated land. The previously landless largely reflected uncertainty on whether they had rights over the land allocated to FCs. The previous field owners largely reflected that for them the rights were taken and redistributed to all by virtue of making everyone shareholders in the FCs. The traditional authority, represented by the chiefdom headman also revealed some element of uncertainty over who had rights over the reallocated land, but expressed that it largely now rests with the *umphakatsi* to determine how the land would be distributed in the event of liquidation of the FCs.

Due to the apparent tensions and differing views on the participation of the previously landless in the FCs, the study as well set out to investigate safeguards protecting their

continued participation as shareholders. In this regard, the findings reflect that the previously landless are themselves not really certain of their continued participation, largely because they have seen in other cooperatives operating in the chiefdom, people being ousted based on their previous land access status. It was also revealed in the findings that there is uncertainty over the transferability of shareholding as inheritance upon death of a previously landless shareholder. There is no instrument that was put in place to ensure such transferability. The study then sought to investigate and examine formal instruments that safeguard the participation of the previously landless. Four instruments were found, and these make certain provisions that would ensure that the previously landless are not easily ousted from the FCs on the basis of their previous land access status. The strength of these instruments is however uncertain.

These findings are a reflection of what the study was able to unearth during data collection. They are a recollection of the responses and records that were found by the researcher. To address the questions raised in the study, the paper will analyse these findings in as far as they respond to the three questions raised in the study. This analysis is presented in detail in Chapter Five, which is the next chapter.

CHAPTER FIVE

ANALYSIS OF RESEARCH FINDINGS

5.1 Introduction

The findings presented in the previous chapter have largely been organized into themes that address the questions raised in the study. This chapter is therefore aimed at interpreting and making sense of the findings in relation to the questions raised. In doing this, patterns in the findings have been identified in as far as they provide answers to the research questions. Three questions were raised in the study. The analysis chapter is therefore organised according to these three questions. As mentioned in the methodology chapter, every effort is made in the analysis to make sense and understand the findings by means of triangulating all the information gathered. The study set out to understand the relations between the previously landless and previous field owners with regards to the participation of the former as shareholders of the FCs formed under LUSIP. The premise for the quest of such an understanding is in the problem statement, wherein some risk of marginalization of the previously landless by the former field owners is anticipated. This risk as stated in the problem statement is resultant from the previous field owners believing they deserve a larger share and a bigger voice. It is also resultant from the fact that they may have been 'forced' to renounce their pieces of land through the prevailing land tenure system on SNL that does not give ownership of the land, thus giving room for tensions between the two sets of shareholders in the FCs.

To understand this scenario, the study raised three questions as articulated below.

- What difficulties do the newly included, but previously landless, experience with regards to participation in the farmer companies that are resultant from LUSIP?

- How are the rights enjoyed by the previously landless affected by the fact that they are grouped with those who previously had user rights over the land that is reallocated to the FCs?
- What safeguards are built in to protect the participation of the previously landless in the FCs to ensure sustainable improvement of their livelihood?

It is these three questions that this chapter attempts to make sense of by analysing what was found in the field during data collection. As already mentioned these research questions formed the thematic areas for analysis. The analysis therefore is presented along these themes. The chapter therefore firstly attempts to make sense of the difficulties experienced by the previously landless with regards to participation in the FCs. Secondly it addresses the issue of rights of the previously landless as affected by the fact that they are grouped together as shareholders with previous field owners who had user rights over the land reallocated to the FCs. In this regard the study examines some factors that affect the rights enjoyed by the landless over the land allocated to the FCs. Lastly an analysis is made of the safeguards built in to protect the participation of the previously landless in the FCs as rightful owners of the business through their shareholding.

5.2 Difficulties experienced by the previously landless with regards to participation in the FCs

In examining the difficulties faced by the previously landless in their participation as members and shareholders of the FCs, the study sought to establish the areas of concern in terms of the conditions which do not put them on level ground as the previous field owners. The findings have revealed a number of issues in the experiences of the previously landless as shareholders in the FCs. In analysing the findings the study draws from the responses made by the people and excerpts from the documents that were reviewed as well as from the literature.

5.2.1 Passive incorporation as shareholders

Vanderpol and Waitzer (2012) define shareholders as the ultimate owners of the business entity, with a full entitlement to its profits and assets. From the interviews it was apparent that most of the previously landless are just appreciative of the fact that they are getting something from the FCs. The sense of being owners that comes with being a shareholder, as described by Vanderpol and Waitzer (2012), did not come out strong in the responses. This could be a result of the manner in which they were incorporated into the FCs. Their incorporation by virtue of being members of the community meant that they did not necessarily have anything as an input into the establishment of the FCs, unlike the previous field owners who had to forego their land user rights to have their land being placed under the control of the FCs. It is this arrangement that has somehow led to the self-stigmatization as less of shareholders than the previous field owners, as observed by FO₃. The literature also corroborates this finding by stating that when people are made to join these farmer organizations they tend not to regard them as their own (Pinto, 2009). It is for this reason that some of the previously landless do not even see the need to partake in shareholders' meetings as they do not consider themselves as important contributors to the discussions and decisions taken in these meetings. This leaves them to accept and live with decisions made on their behalf on the direction of an entity to which they have some level of ownership as shareholders.

5.2.2 The marginalization of the previously landless

The other area of concern with regards to the participation of the previously landless is the notion of 'us and them'. This notion is widely held by the previous field owners, who as reflected in the findings feel the gap between themselves as the haves and the landless as the have-nots should be maintained. This notion stems from the manner in which the landless were incorporated into the FCs as shareholders. The findings reflect that the landless were 'fit' into the created farmer groups after the previous field owners had organized themselves into groups. First preference was given to the field owners who then had to determine in consultation with the *umphakatsi* how many landless people they could accommodate.

In their reports IFAD also acknowledges that the traditional authorities were key in addressing land access issues through locally-defined solutions (see the IFAD Aide Memoir, 2006 and the IFAD mid-term project review report, 2008). The 'fitting' of the landless into these created farmer groups was one such solution. This solution however basically meant the previously landless did not join the groups that were later to become FCs on their own terms. They were not even at liberty to choose which group they wanted to be part of. They had to accept what had been given to them by the *umphakatsi* and the previous field owners. This means that they got into these farmer companies with the tag of 'those that did not have land.' This presents a case for what Gore (1995) in Kabeer (2000) calls the problematic terms and conditions with which the previously excluded are included. It is these problematic terms and conditions that, in many respects, meant the previously landless are marginalized in their participation in the FCs. They are seen in a different light as shareholders by those that had access to land through field ownership.

5.2.3 Lack of voice in decision-making

Linked to the above, the study also established that the previously landless do not have much of a voice when it comes to decision-making with regards to the direction and operations of the FCs. As observed in the findings through a response from PL₁ some have even opted not to attend fora like shareholders' meetings because they do not see their input and questions being valued by the majority of the shareholders who are the previous field owners. During observation in the data collection stage of the study, it was also noted that the majority of the previously landless did not contribute in the decision-making process in the shareholders' meetings. It was noted during the observation that this was not because they did not want or have anything to contribute, but it was rather a case of fear of being reprimanded or ridiculed upon making a submission. This conclusion is drawn from the fact that during the meeting, people were seen whispering to one another on the issues discussed, but could not stand and openly submit their views when called upon. This finding is a classic case of what is captured in Derfler-Rozin *et al.* (2010) to say in trying to reconnect, the previously excluded may be afraid of being further exploited. This observation is in agreement to

the response by PL₁ that they see no point in attending meetings because no one listens to them in any case.

As part of the observation as well it was noted that where the previously landless made submissions, they did not project as much confidence as the previous field owners. They were seen to be making every effort to choose the right words which would be acceptable to their audience, particularly the previous field owners. These findings all suggest a lack of voice on the part of the previously landless in the decision making fora like the shareholders' meetings. The findings in this case also reflect a violation of the purpose of social inclusion as suggested by Nelson *et al.* (2007), which, amongst other things, is to allow individuals to contribute to planning and decision-making in a community and society.

5.2.4 Unequal Participation

In principle and theory, the LUSIP FC model levels the ground for all to participate equally in the FCs resultant from the implementation of the project. This equal participation is even acknowledged by the previous field owners. FO₃ for instance alluded to the fact that as shareholders they are equal and all had equal rights to input in whatever way with regards to the direction and operations of the company. The study has however established that in practice this is not the case. From decision-making to involvement in the operations of the FCs and up to profit sharing, the previously landless are short-changed.

From the interviews and observation, the study ascertained that the previously landless were not freely participating in shareholders' deliberations and decision-making processes. This is attributable to a number of reasons, with some previous field owners even suggesting the marginalization in this regard is self-imposed on the part of the previously landless. Whatever the reason for their non-participation, this has meant they are not getting an equal chance as the previous field owners with regards to airing their views and discontent where necessary, with regards to the decisions taken in the FCs. A similar scenario unfolds as well when it comes to their involvement in the operations

of the FCs. From the findings, the study established that it was only in one area within which the previously landless were significantly involved, that is, access to employment in the FCs. For the other operations, some of which are critical, like the approval of business plans and procurement, the previously landless are either minimally involved or not involved at all. This suggests that they are treated as passive owners of these business entities.

The dividends equity model adopted in the FCs also puts the previously landless in different standing to the previous field owners. The previous field owners get more in the distribution of the profits by means having more members of their families as shareholders in the FCs. This means the wealth generated in the FCs is not equally distributed amongst the households that are represented as shareholders in these companies. Those that had no access to land before the reallocation to FCs get less than those that had land access. It is for this reason that this study presents this as unequal, because in as much as the shareholders get an equal share of profit, the distribution of the profit at household level is not equal. Quan (2005) also affirms the finding in arguing that inequitable access to land (which this study has revealed is the case in the FCs through unequal household representation) results in inequitable patterns of income and wealth distribution.

5.2.5 Fear of being ousted as shareholders

The other difficulty of note as determined by the study is the constant fear on the part of the landless of being ousted as shareholders of the FCs by the previous field owners. The findings made in this regard suggest that this fear is justified considering some of the sentiments coming from the previous field owners. FO2 was in particular very clear on the fact that he was not supportive of the incorporation of the landless in the first place. It was clear from his responses that he feels the incorporation of the landless made him worse-off in terms of livelihood. The indvuna also alluded to the fact that there is a significant level of uncertainty in the current land allocation dispensation with regards to the sharing of the land through shareholding in FCs.

The grumblings and misgivings about the participation of the previously landless as noted by the indvuna, are a cause for concern and a justifying factor for the fear of being ousted. This fear is as well justified by the fact that people have seen members of farmer organizations, in the form of cooperatives, within the chiefdom being pushed out on the basis of not having any piece of land on the block belonging to the cooperative. The observation exercise done during data collection in the one meeting attended by the researcher, revealed elements of fear from the previously landless, either by going the extra mile to appear respectful to the meeting attendees or by not submitting as much as the previous field owners. The refusal by the one previously landless shareholder to participate in the study was also an indication that the element of fear was to some extent prevalent amongst the previously landless. None of the previous field owners has concerns about participating in the study.

5.2.6 The Positive: Livelihood Improvement

Of note however is that despite the difficulties, the previously landless have seen their livelihoods improve in a number of ways. This is ascertained by the interviews conducted with them wherein they all reflect a significant improvement in their lives through the dividends they get as shareholders in the FCs. All three previously landless study participants reflected that through the money they get as dividends, they are now able to afford basic livelihood needs like food, improved housing, education for their children, with some affording even utilities like electricity. This is in line with the assertion by Frenkenberger (1996) in Lindenberger (2002) that a livelihood constitutes the ability to improve income, assets and well-being from year to year. This ability as reflected in the interview responses has certainly developed and increased on the part of the previously landless. Being shareholders in the FCs, therefore, has to a large extent addressed the impacts of landlessness at Sibhotela. Such impacts as identified in the study include food insecurity and lack of income. With proper shareholding safeguards, the impact of having nothing to leave as inheritance for future generations by the landless could as well be addressed through participating as shareholders in the FCs.

The improvement in livelihoods of the landless affirms the argument by Cotula *et al.* (2006) that opportunities for land access will have implications for the distribution of wealth and the incidence of poverty. Accessing land through the FCs have seen the capital stock of resources being distributed to all and has evidently reduced the incidences of poverty in the area under study.

5.3 Factors affecting the rights enjoyed by the previously landless over land reallocated to an FC

The research findings have in many ways reflected that the rights enjoyed by the previously landless over the reallocated land are affected and threatened by the fact that they are grouped together with previous owners of the fields. The effects are reflected in the perceptions held on who has rights over the land now belonging to an FC that is under the ownership of its shareholders. The findings show that whatever rights the previously landless have over the land are threatened and this in turn threatens their long-term participation as shareholders in the FCs. In principle, as owners of the FCs, every shareholder could be said to have, by extension, rights over the land belonging to the FCs. These rights are by nature attributable to informal land tenure, because these FCs operate on SNL.

As owners of the FCs all shareholders, including the previously landless, have rights to use and derive benefits from the land allocated to the FCs. As with everyone else on SNL they do not formally own the land belonging to the FCs, but they have user rights over the land. This principle is in line with Cotula's (2007) concept on complex systems of multiple rights to land where it is held on the basis of group and individual rights. However, at perceptual level of the study participants, this principle seems not to hold true as per the findings.

The study identified two factors that affect the rights enjoyed by the previously landless over the land reallocated to the FCs. These are analysed in this section of the report. In this regard the study firstly provides an analysis of the understanding around the renunciation of land rights. This understanding is regarded as crucial in terms of

interpreting how the rights of the previously landless are affected as a result of being grouped together with the previous field owners. The other factor that is analysed is around the question of whom the land used by the FCs belongs to, and who has rights over it. This question raises issues around whether the previously landless and the previous field owners themselves actually have any rights over the land allocated to the FCs.

5.3.1 The understanding of land rights renunciation

The first area that poses a threat to the previously landless' rights is with regards to the understanding and perceptions around the concept of land renunciation, particularly by the previous field owners. From the findings it is reflected that previous field owners still regard themselves as having made a contribution to the establishment of the FCs. FO₂ and FO₃ for instance were very clear in that they contributed their fields to the FCs. This is despite the fact that they renounced their rights to the land they had to the *umphakatsi* before it became the FCs' land. This renunciation meant that by the time the land was allocated to the FCs, it no longer belonged to them as field owners, but it now belonged to the *umphakatsi*.

The danger therefore of the previous field owners viewing themselves as having contributed land is in that they may at some stage demand their contribution back. This is a risk that was as well observed by PL₂ when he pointed out that the previous field owners may at some point demand to have their land back, and they as shareholders, particularly the previously landless, would be powerless to stop them. This suggests that in the main, both the previous field owners and the previously landless do not understand what this renunciation of land meant. With this lack of understanding, the rights of the previously landless over the FCs' land are therefore compromised, and by consequence their participation is compromised and threatened.

5.3.2 Whose Land, Whose Rights?

One of the contested areas as reflected in the findings is with regards to whom the land that is used by the FCs belongs to. The question of what rights the shareholders have

over the land comes to the fore. This question is brought about by the lack of understanding of the renunciation process by the previous field owners which has been discussed above. This has led to most of the previous field owners believing they still have a stake in the land allocated to the FCs. From this premise, they hold the perception that the previously landless do not have any rights to the land reallocated to the FCs. As established in the findings, of the three previous field owners that participated in the study, only one was of the view that as shareholders, the previously landless also had rights over the land allocated to the FC. The other two did not see where the previously landless could be deriving these rights because they had no land to contribute in the first place. As per the findings, the previous field owners have a sense that it is them that could have rights over the land. FO₂ even suggested that the only way they could be on the same level as the previously landless was if they had been compensated for their fields. From this perspective or view, the shareholders in the FCs do not have the same rights to the land belonging to the FCs. Rights to land in this view are held by the previous field owners who had the original access rights to the land, and not by the previously landless shareholders.

There is the other view that is presented in the findings that the land belongs to neither of the two groups. This view says the rights to the land were given to the FCs as entities. This view is largely held by the *umphakatsi* and one of the previously landless participants alluded to it as well. It is however not clear what could happen to the land and the rights thereto, in the event of an FC's collapse. This was as well noted by IFAD in their Aide Memoir of November, 2010, wherein they mention that it is not clear how the landholdings would revert back to the previous field owners should the business collapse. In this view, the rights of the previously landless are not affected because they are viewed in level terms as the previous field owners as shareholders. The only uncertainty is with regards to an event of business collapse, because the *indvuna* as well, did not come out clear with regards to what could happen, except to say the *umphakatsi* would use its own discretion. There is no evidence of a laid down procedure that would be followed.

From the study's perspective the latter view is supported in view of the processes followed before people became shareholders in the FCs. The fact that the previous field owners renounced their rights to the pieces of land they had access to means that at the time of being shareholders they were all in the same level as the previously landless. Rights to the land belong to the FCs, which are under the ownership of the shareholders. No one shareholder has more rights than the other over the land belonging to the FCs. The informal nature of the tenure system under which the FCs operate also gives the traditional authority, in the form of the *umphakatsi* in the SNL context, rights to exercise their discretion in the allocation of the land in the event of collapse of the businesses. This is because in Swazi Law and Custom, land administration in SNL lies with the chief and his councils, who use their discretion in its governance because of the lack of laid down rules and procedures (Gina, 2000).

5.4 Safeguards to protect the continued participation of the previously landless

To determine mitigation of the threats to the long-term participation of the previously landless in the FCs, the study sought to examine the safeguards that are in place to ensure their continued participation. In this section of the study, an analysis of each of the areas wherein the continued participation of the previously landless is safeguarded is done. Firstly an analysis is done around the transferability of shareholding. The section then moves to analysing the role of the *umphakatsi* as an institution that can protect the continued participation of the previously landless in the FCs. Lastly, the instruments that are seen to be protecting the participation of the previously landless are analysed, each in terms of its strengths and weaknesses in as far as they perform this function.

5.4.1 Transferability of shareholding

The findings of the study have shown that an assumption was made in the formation of the FCs that shareholding would remain within a household and be passed on from generation to generation. The study however established that there is uncertainty on whether the shares in the case of the previously landless were transferable. There was also no evidence in all three FCs studied of an instrument facilitating this transfer. This

finding is corroborated by IFAD in their July, 2007 Aide Memoir as well as Nkambule (2013) in the fifth issue of Agribusiness Monthly. In the Aide Memoir, IFAD suggests the development of constitutions by the FCs that would cover the transfer of business ownership rights to other family members. Nkambule also noted that there were no clear succession plans in the event of death of a household representative.

From the perspective of this finding, it is apparent that the participation of the previously landless in the long term is not guaranteed. There currently is nothing that would warrant a family member to draw dividends from an FC upon death of the current representative shareholder. For the previously landless this is made worse by the fact that they are regarded as not having contributed anything into the FC in the first place.

5.4.2 The Role of the *Umphakatsi*

From the findings, it was established that the *umphakatsi* as an institution is the one safeguard that can protect the continual participation of the previously landless in the FCs. It is apparent from the findings that the authority of the *umphakatsi* is held in high esteem and highly respected by all in the chiefdom, including the previous field owners. The fact that the *umphakatsi* was able to sanction people to renounce their land rights back to the institution does reflect a high level of authority over the people it governs. The indvuna did attest to the fact that the *umphakatsi* would prevent any ousting of a shareholder in an FCs on the basis landlessness in the old land access dispensation. All the previous field owners who participated in the study also reflected on the fact that they would be powerless to oust people from the FCs even if they wanted to because their shareholding was sanctioned by the *umphakatsi*. Any eviction of a shareholder from an FC would therefore have to go through the *umphakatsi*. For the previously landless, the *umphakatsi* is their only safeguard against being ousted by the previous field owners as shareholders in the FC. A case is presented by IFAD where the *umphakatsi* as a traditional authority overruled and fined a family that had turned around to claim their piece of land from the block allocated to an FC. This case is captured in the excerpt below;

“Some families are now changing their minds and trying to reclaim the family land holdings that they freely contributed to the farmers’ land blocks. There is a case of Matsenjwa siblings who have gone as far as erecting fences within a cane field in an effort to reclaim the original family land that was contributed to the scheme. Apparently, the family members were incited by a dissident member who resides in Johannesburg. He was not in full agreement with what was agreed to by the family members. They have engaged the services of a lawyer to regain the land. However, traditional authorities have since meted a fine against the Matsejnwa siblings for erecting fences in a piece of land that was legitimately used for commercial agriculture. The fences have since been removed” (IFAD Aide Memoire, November 2010).

Inasmuch as the powers of the *umphakatsi* are not in question and are respected by the people, there is no evidence from the findings to suggest any structural procedure to be followed should a situation where the previously landless are ousted. Documents obtained from SWADE only suggest that the chief is to take a position and resolve any conflict that may arise. The nature of the position to be taken by the chief or the instrument to be used by the chief is not clear. The only thing that the chief may rely on is his informal customary powers which as well are not laid down as reflected in the literature findings (see Rose, 1987, Sithole, 1994, Gina, 2000). An instance is quoted in the findings by PL1 that previously landless people have actually been ousted from other older farmer organizations within the chiefdom once the entities started reaping significant profits. This instance suggests that the authority of the *umphakatsi* can be put into test with negative results in terms of protecting the previously landless from being ousted from the FCs.

5.4.3 Instruments Protecting the Participation of the Previously Landless

To further analyse the safeguards protecting the previously landless in the FCs, the study provides an analysis of the identified instruments that aim to perform this function. From the findings, four instruments were identified by the study. These are the chief’s letter of consent, land renunciation letters, FC constitution and company registration

documents (Form C). These four instruments are analysed in this chapter in terms of their strengths and weaknesses with regards to protecting the participation of the previously landless in the FCs.

i) The Chief's Letter of Consent

The chief's letter of consent provides a form of documentation that the chief has allocated the land to the FC as an entity. As reflected in the study, it is only given to an FC on condition that the land to be used by the FC has been renounced by the previous field owners back to the *umphakatsi*. This letter acts as proof that the chief consented to the use of a given block of land by an FC. Its strengths and weaknesses are presented in table 5 below.

Table 5: Strengths and weaknesses of The Chief's Letter of Consent

Strengths	Weaknesses
<ul style="list-style-type: none"> • As a document it can always be retrieved in cases of dispute and used as evidence that rights to the land were granted to an FC, to which the previously landless are also listed as shareholders. 	<ul style="list-style-type: none"> • As noted by IFAD its admissibility in a court of law as proof of land ownership is in doubt (IFAD Aide Memoire, March, 2009). • It does not cater for possible future redistribution of land (IFAD Aide Memoire, September, 2007).

ii) Land Renunciation Letter

The land renunciation letter is an instrument that was designed for use of the previous field owners to take their land user rights back to the *umphakatsi* in return for being a shareholder in the FC to which the land is reallocated. It is an instrument that was

designed to entrench equity in the accessing of shares and benefits that derive from the FCs (IFAD, 2012). As determined in the findings, this letter serves to provide a level ground for people to be members of farmer groups and shareholders in the FCs. This it does by ensuring that by the time people join the formed farmer groups, no one has claim over the land allocated to that group. This then allows people to have equal shares once the groups are registered and operate as companies.

In essence therefore, the presence of these letters which have been signed by heads of households which previously owned fields, provides some form of security that no one can come back to say they have a personal individual claim on the pieces of land that form the block belonging to an FC. The renunciation letters provide some form of safeguard to the previously landless in that they cannot be seen to be benefitting from land belonging to individuals who can oust them at any point as it suits them. They also can be used to prevent the scenario alluded to by PL2, wherein a person can claim to be taking his fields out of the FC at any point in time in the life of the FC. The strengths and weaknesses of this participation safeguard instrument are presented in table 6.

Table 6: Strengths and weaknesses of The Land Renunciation Letter

Strengths	Weaknesses
<ul style="list-style-type: none"> • Provides a record that land was renounced back to the <i>umphakatsi</i> by individual field owners. • Allows inclusive access to land as it paves way for land redistribution (IFAD, 2012) 	<ul style="list-style-type: none"> • Powers to renounce rest with the head of the household, leaving a potential for other family members or future generations to refute the renunciation and claim their piece of land back. In their November 2010 Aide Memoir, IFAD noted that some families are already changing their minds and trying to reclaim the family land holdings that they renounced to the FC's land blocks.

iii) FC's Constitution

The findings reflect that one constitution was examined by the study. As an instrument the constitution is meant to provide guidelines for the running and management of an FC. It covers issues on conditions of shareholding and shareholder powers and behaviour. The one constitution that was examined in this study reflected that shareholding would only be terminated upon death of a shareholder. This condition safeguards the participation of the previously landless in that it provides a guarantee that as shareholders in the FCs, their participation will last for the duration of their lifetime. It also provides for the development of a tool that would allow for the nomination of a successor of the shares in cases of death of a shareholder. Putting this kind of tool in place would go beyond safeguarding the participation of the current

previously landless shareholders, but would go to the extent of protecting their future generations. A strength and weakness analysis of this instrument is provided in 7.

Table 7: Strengths and weaknesses of the FC's Constitution

Strengths	Weaknesses
<ul style="list-style-type: none"> • Provides a reference for agreements made with regards to conditions of shareholding. • Can be used as evidence in times of disputes and disagreements on the participation of the previously landless. 	<ul style="list-style-type: none"> • Does not have an inherent tool in itself in a form of a clause that protects the succession of shares from generation to generation, except to provide for the development of such a tool.

iv) Company Registration Documents (Form C)

The company registration documents provided by the Office of the Registrar of Companies have an attachment to them referred to as Form C. As established in the findings, Form C provides for the listing of company shareholders. This is one instrument that could be said to be formal in the sense that it is provided for by law through the Companies Act of 2009. This instrument provides proof of shareholding in the company. As a safeguard for the participation of the previously landless in the FCs, this instrument protects them from being ousted as shareholders without following the due process of the law. As noted in the findings, to be removed as a shareholder from Form C requires proof beyond reasonable doubt that a particular shareholder has to be removed. Of the four instruments this is one that could be said to be a stronger safeguard due to its formal nature and its basis on the law. Even during the interviews, the previously landless mentioned this instrument as one that really gives them some

level of assurance that they would not be ousted from participating as shareholders in the FCs. To further analyse this instrument as a safeguard for the participation of the previously landless, its strengths and weaknesses are presented in table 8.

Table 8: Strengths and weaknesses of Company Registration Documents (Form C)

Strengths	Weaknesses
<ul style="list-style-type: none"> • Provides proof of shareholding in the FCs. • It is supported by law in the form of the Companies Registration Act of 2009 • Can be used in a court of law in times of shareholding disputes. 	<ul style="list-style-type: none"> • Does not provide for succession of shares as only the name of the initial shareholder is in the list of shareholders. This gives room for future generations not to be included as shareholders.

5.5 Summary Conclusions

This chapter has provided an analysis of the findings as presented in Chapter Four. The aim of the analysis chapter was to interpret the findings and draw meaning from them. The research questions provided the basis from which the analysis themes came out. In this regard, three thematic areas came out of the analysis. Sub-themes also emerged and these were discussed to give meaning to the major themes thereby providing answers to the research questions raised by the study.

The study has thus firstly established that the previously landless are faced with some difficulties in terms of their participation as shareholders in the FCs. The study noted that there was no understanding both from the perspective of the previously landless and the previous field owners on what it means to be a shareholder in a company. The

previously landless are seen and also tend to see themselves as less of shareholders than the previous field owners. There is also the problem of the persistent divide between the previously landless and the previous field owners which manifests itself in the notion of 'us and them'. The previously landless have also been found to be voiceless in decision-making within the FCs. They also participate and benefit less in a model that has been designed under the guise of equity. The study has also established that they live in constant fear of being ousted as shareholders. Despite all these difficulties the study did find that the previously landless regard their livelihoods as having improved through what they get as dividends from the FCs.

To provide meaning to the second question of how the rights of the previously landless are affected by the fact that they are grouped together with the previous field owners, the study made an analysis of factors that affect these rights. Two factors were identified and analysed. The study firstly established that there was lack of understanding on the renunciation process. The previous field owners were found to still regard themselves as having contributed land to the FCs, a view which to a large extent was also accepted by the previously landless. The other factor was around the question of whom the land used by the FCs belonged to. Two views emanated. The first which was largely held by the previous field owners was that the previously landless did not have any rights over the land, with them as previous field owners still holding the rights. The other view that has come out is that the neither of the two sets of shareholders had rights to the land, but rather the FCs as entities were the holders of the land rights. This view was largely seen to be supported by the *umphakatsi*. In terms of inclination, the study tends to lean on the latter view based on the renunciation process and on the fact that no two entities can have rights over the same piece of land.

In terms of the last question on safeguards put in place to protect the participation of the previously landless, three subthemes emerged and were discussed. Firstly it was the transferability of shareholding, which was seen to be unclear in terms of an instrument that ensured that it would happen. According to the study, this places the participation of future generations of the previously landless in these FCs at risk because they will not

have anything supporting their claim to the FCs' shares. The role of the *umphakatsi* was analysed and it was found that as an institution it currently had power to protect the participation of the previously landless due to the respect and authority it still commands. The instruments that are in place to protect the participation of the previously landless were lastly analysed. Of the four that were identified in the findings (the chief's letter of consent, land renunciation letters, FCs' constitutions and form C of the company registration document) the company registration documents (Form C) were found to be the strongest tool due to their admissibility in a court of law, as they are established by legislation. The other three also have their strengths in that they provide a record of agreements and consents, but their non-legality makes them weaker.

CHAPTER SIX

DISCUSSION AND CONCLUSION

The implementation of LUSIP in Swaziland as a poverty alleviation project has resulted in changes in the manner of access to land within the project beneficiary chiefdoms. It has resulted in households who previously did not have access to land within the chiefdoms deriving livelihoods from land that had previously been allocated to individual households. Previous field owners have had to merge their fields and share their land with the previously landless. All these changes were made possible by a land tenure environment wherein people do not have ownership rights to the pieces of land they accessed. LUSIP, being implemented on Swazi Nation Land, where there is no formal ownership of land, but rather user rights to land, has taken advantage of that flexibility to incorporate more households as beneficiaries to the project. Because land on SNL is controlled by the traditional authorities with the chiefs at the helm, the project took that traditional route where field owners were made to renounce their user rights back to the institution of the *umphakatsi*. This renunciation process was meant to level the ground such that no one person or household could claim to have rights to any piece of land within the chiefdom. It was then on this level ground that farmer groups which were later to become farmer companies (FCs) were formed. These groups constitute households who previously had fields within the chiefdom and those who did not. These two groups of households were to become equal shareholders in the formed FCs through representation by a family member who was to be the actual registered shareholder.

This study therefore has been conducted on the backdrop of this background. The premise is that grouping the previous field owners together with the previously landless to benefit from land that was under individual private household use could result in tensions and conflicts between the two groups as they participate and run these FCs. This is on the basis that the renunciations may have been done unwillingly as a result of being powerless on the part of the field owners to contest on something they did not

own. However the previous attachment to the land is regarded in this study as a potential source of conflict, as the previous field owners would tend to feel they have more rights and a bigger voice in the operations of the FCs. This attachment was regarded in the study as likely to result in the previously landless being marginalised in terms of participation in the FCs by the previous field owners with which they are shareholders. The study therefore sought to examine the level of participation by the previously landless in the LUSIP FCs in light of the possible tensions with the previous field owners. Sibhotela, a section within Madlenya chiefdom, was selected as a case area wherein the study would be conducted.

To determine and gain an understanding to the level of participation by the previously landless in the FCs and the nature of the tensions between them and the previous field owners, the study raised three questions. These are:

- What difficulties do the newly included, but previously landless, experience with regards to participation in the farmer companies that are resultant from LUSIP?
- How are the rights enjoyed by the previously landless affected by the fact that they are grouped with those who previously had user rights over the land that is reallocated to the FCs?
- What safeguards are built in to protect the participation of the previously landless in the FCs to ensure sustainable improvement of their livelihood?

Through gathering data from the field, by mainly using qualitative methods, the study was able to come up with findings that addressed these questions. These findings were then analysed to provide greater insight to the questions raised.

The findings made in the study have revealed that indeed the previously landless are faced with a number of difficulties and challenges as they practice their shareholder participation rights in the FCs. The key cause to the difficulties as revealed in the study is the manner in which the previously landless were incorporated to be shareholders in the FCs. It has been established in the study that the negotiation process to have the previously landless incorporated as part of the LUSIP farmer groups may not have

followed due course. The field owners were not properly engaged to discuss how best the previously landless could be incorporated into the FCs. They were just presented with a tool to renounce their land back to the *umphakatsi* in the form of a renunciation letter which they had to sign. People were made to renounce their user rights to pieces of land using the authority of the institution of the *umphakatsi*. This renunciation was a prerequisite to being a shareholder in the farmer groups that would access water from the LUSIP irrigation infrastructure. This presented a classic case of a carrot and a stick. The previously landless were as well incorporated not in their own terms.

The previous field owners were not given much choice but to surrender their land to the *umphakatsi* so that more people could be made to benefit equitably in the development that came with the project. To this end people became shareholders in the FCs without knowing what it meant to be a shareholder and had nothing to show with regards to justifying their shareholding in the FCs. This has resulted in a form of bitterness amongst the previous field owners to a point where they make it difficult for the previously landless to participate in the FCs. As revealed in the study, the previous field owners tend to be the actual and absolute decision makers in the FCs to the neglect of any dissenting voices from the previously landless. To this end the previously landless have had to drift to a point of being passive shareholders in the FCs with no sense of ownership of the enterprises. Their interest has moved to a point of accepting whatever dividends they get at the end of the year, without questioning or contributing to ways of better running the businesses.

The study has also revealed that the rights of the previously landless over the land reallocated to the FCs are not clear at best and non-existent at worst. This is typical of the land tenure system within which the FCs operate. The flexibility and the informal nature of the land tenure system has meant that people actually benefit from the land without actually owning it or having clear instruments giving them rights to the land. Land access rights in the LUSIP project area have been passed on to FCs. The study has established that this new dispensation of access rights has created confusion in terms of what rights individual shareholders have over the land. To this end a number of

interpretations and perceptions have emerged, particularly with regards to rights enjoyed by the previously landless. From the perspective of the previous field owners there is no way the previously landless could have any form of rights over the land allocated to the FCs. Differing views emerge in this regard. Some of the previously landless feel they have full rights to the land belonging to the FCs by virtue of being shareholders.

A key finding of the study in relation to the rights of the previously landless is in terms of what happens to the land in the event of an FC's collapse. Project review sessions initiated by the project financier, IFAD, reveal that it is not clear how the land would revert back to the original field owners. From the perspective of the majority of the field owners, the expectation is that they be given their original pieces of land should such an eventuality occur. The traditional authorities are of the view that it would be to the discretion of the *umphakatsi*. It is not clear from the findings how the rights of previously landless would be considered in the eventuality of an FC's collapse. The nature of these rights is also not clear. The only hope the previously landless would have in the event an FC collapses, would be the *umphakatsi's* discretion. Whether this discretion would result into further land access conflicts, would be a matter to be determined if such an eventuality occurs.

With the difficulties faced by the previously landless and the lack of clarity in terms of their rights to land belonging to the FCs, the study sought to establish any safeguards that would ensure the long-term participation of the previously landless in the FCs. One major fear as determined in the difficulties they face is that of being ousted as shareholders from the FCs on the basis that they did not contribute anything in establishing these enterprises. The need to have safeguards to protect them from such was therefore recognized by the study. The findings reflect that to a certain extent the participation of the landless, though faced with challenges and difficulties, is protected. The major safeguards as determined by the study's findings are that of the authority of the *umphakatsi* and the one formal instrument in the form of company registration documents which have a list of shareholders. The *umphakatsi* as a traditional authority

is still largely regarded as the absolute authority that is not easily challengeable, especially on land issues. This is a fact acknowledged by both the previous field owners and the previously landless. With the incorporation of the previously landless sanctioned at the level of this institution, it would be difficult for previous field owners to oust them without the consent of the *umphakatsi*. The company registration documents are supported by an Act of law, thereby making the shareholding of the previously landless more authentic as long as they are listed in Form C of the registration documents.

In conclusion, this study has determined that the participation of the previously landless in the farmer companies that were formed under the auspices of LUSIP is compromised at the level of the operations and decision-making. The previously landless are also not benefitting equally at household level from these FCs, but they have equal shares as shareholders. This conclusion is based on the household representation model used, which is based on the amount of land a household had before renouncing it back to the *umphakatsi*. The study has established that the more land a household had, the more representation it would get in terms of the number shareholders. Despite this conclusion, it has been determined in the study that the livelihoods of the previously landless have improved as a result of being shareholders in the FCs. By their own saying, they are now able to afford some of the basic needs that previously they could not afford. Their social standing in society has significantly improved as a result of their inclusion into the FCs.

The study also concludes that, although the participation of the previously landless seems to be threatened, considering bitterness and mumblings of most of the previous field owners, it is to a large extent protected by the safeguards that are in place. The one question that needs to be answered is; what happens in the event a previously landless shareholder dies? In principle a family member should take over as a successor. However the study established that there is still no tool or instrument that would ensure this. Perhaps the *umphakatsi* would have to come in again and ensure this succession in the absence of an instrument that does this. For the previous field owners, the historical attachment to the land under use by the FCs puts them at a better

stead to claim succession in the event their representative shareholder dies. The other question that needs to be answered as well is with regards to what happens in the event of an FC's collapse. How the land would be redistributed is an issue that needs to be clarified. The question in this regard is whether the previously landless would be considered in this redistribution. All that was established in the study was that how that would be managed would be left to the discretion of the *umphakatsi*.

This study has to a large extent presented a rural development model that is in many respects novel, and tried to dissect how it affects relations between the people it is meant to benefit. This model recognizes land as a resource for development, and one that needs to be shared equitably if the development is to be meaningful. The study therefore was aimed at determining how this meaningful development pans out, considering that some people were made to forego their rights to land in order to accommodate those that did not have access to this important resource. It has been established by the study that development has been achieved in the study area through this model, but the extent to which it has been meaningful is still in question. This is because it has made those that had access to land to be bitter by being coerced to forego their pieces of land through renunciation, yet at the same time it has not necessarily ensured the meaningful participation of those that were being incorporated. With all the tensions and misgivings as unearthed in the study, the question of sustainability and longevity of the FCs comes to the fore. With the FCs having started operations in the year 2008, there is an opportunity for further research into the elements or factors that have sustained these FCs for the period they have been in operation.

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APPENDICES

Appendix A: Interview Guide for the Previously Landless

1. How did you come to not have access to land for cultivation in the first place?
2. How has being landless affected your livelihood and status in the chiefdom?
3. How did you become a shareholder in the FC you belong to?
4. As a member of an FC, do you feel you have rights to be involved in the decisions taken in terms of the direction the company takes?
5. Are you free to question decisions made in the operations of the company that you do not necessarily agree to?
 - If no, what blocks you?
6. How have you benefitted from being a shareholder in the FC (Socially and economically)?
7. Do you feel you have benefitted equitably to those who previously had access to land?
 - If no what have been the discrepancies and how big are they?
8. Do you feel you have a full claim over the land that is under the use of the FC?
 - If no, why not?
 - If yes, why is that?
9. What guarantee do you have that you will be a shareholder in the company for the foreseeable future?
10. Do you have rights to pass-on or transfer your shareholding in the FC as inheritance to your family?
 - If no, why?
 - If yes, what gives you those rights?
11. Do you feel the rights you have as a shareholder of the company are protected?
 - If no, why is that and what should be done to improve the security of the rights you now have?
 - If yes, how are they protected?

Appendix B: Interview Guide for the Previously with Land Access

1. How did you acquire the piece of land you had?
2. How has this land enhanced your livelihood?
3. What rights did you have over this land?
4. Why did you renounce it back to the chief?
5. How did you become a shareholder in the FC you belong to?
6. Do you feel you have benefitted from being a shareholder in the FC?
 - If you yes, how so?
 - If no, why?
7. Do you feel you should be compensated for the land you renounced for reallocation to the FC?
 - If yes, why and by who?
 - If no, why not?
8. Do the previously landless have the same rights as you with regards to decision-making in the company and to the proceeds coming from the land used by the company?
 - If yes, how so?
 - If no, why?
9. Do you accept views from the previously landless as useful and important for your FC?
 - If no, why?
10. Do you feel the previously landless have a full and equal claim as you over the land that is under the use of the FC?
 - If yes, how so?
 - If no, why not?
11. Are the rights of the previously landless as shareholders of the company threatened in anyway by those who previously had access to land?
 - If no, what guarantees do they have?
 - If yes, how are they threatened, and what should be done to protect them?

Appendix C: Interview Guide for Traditional Authority Representative

1. What powers, as the traditional authority do you have over land?
2. How did the previously landless end not having access to land in the first place?
3. In terms of social standing, were they afforded the same status as those with access to land?
 - If yes, how so?
 - If no, why not?
4. How did you come up with the idea of renouncing land?
5. How is the renunciation done? What instrument is used?
6. Is the renunciation authentic and does it work?
 - If yes, how so?
 - If no, why not?
7. How are the renunciation records kept, and who is the custodian for their safe-keeping?
8. What difficulties have you faced in reallocating the land to FCs and ensuring equitable sharing of proceeds coming out of the FCs?
9. Do you consider the previously landless as having the same rights as those who had access to land with regards to the use and control of the land under the FCs?
 - If yes, how so?
 - If no, why not?
10. How do you guarantee continued participation of the previously landless in the FCs?
11. Do you feel the rights of the previously landless as shareholders in these are protected?
 - If no, why is that and what should be done to improve the security of the rights you now have?
 - If yes, how are they protected