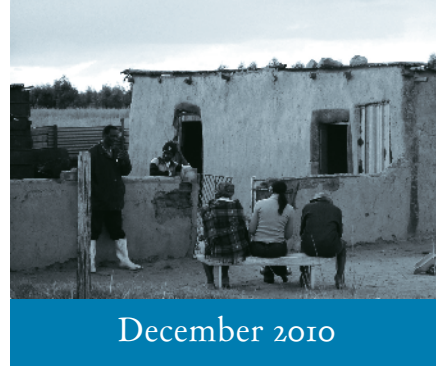


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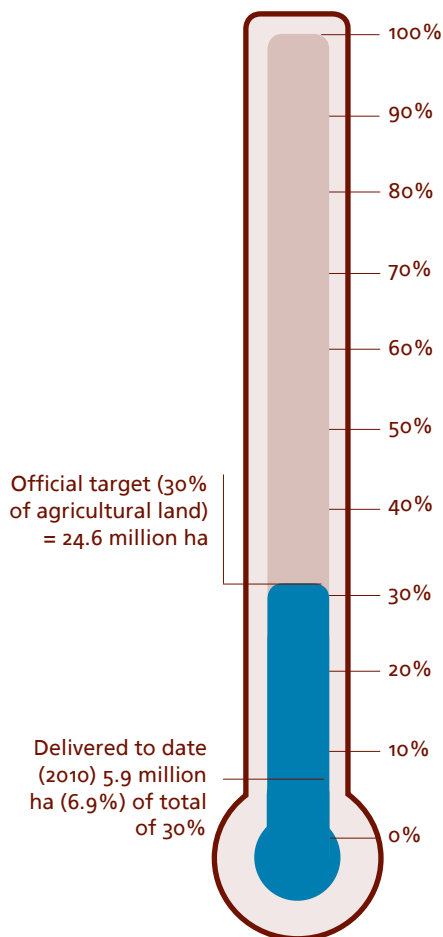
A bulletin tracking land reform in South Africa



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LAND BAROMETER



Source: DDLR, April 2010

By the end of 2010, the new policy direction for land reform has not been clear. The minister of Rural Development and Land Reform, Gugile Nkwinti, announced that a *Green Paper on Rural Development and Agrarian Transformation*, would culminate in a new land policy framework (White Paper) and an omnibus of legislation to consolidate all land-related laws. The Green Paper was due for submission to Cabinet by the end of April 2010. Although the Department made further similar announcements, Cabinet has yet to approve the process and as of December 2010 the Green Paper is yet to be published for wider consultation and public input. The Department said the final White Paper would be completed in 2011.

INTRODUCTION

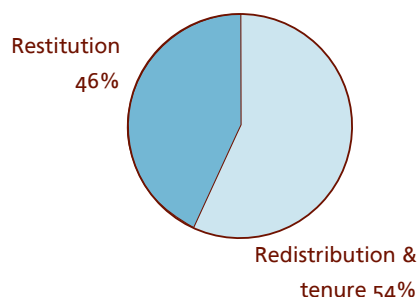
Meanwhile, in September 2010 the Department of Agriculture, Forestry and Fisheries (DAFF) released the draft of the *Integrated Growth and Development Plan 2011-2031* that creates a strategic plan and national goals for the Department. DAFF aimed to have a final sector plan by January 2011.

This edition analyses national and provincial spending on agriculture, reviews the 2010 land reform budget, highlights the judgment of unconstitutionality of the *Communal Land Rights Act* and provides regular updates and announcements on land and related issues.

Karin Kleinbooi, Editor

LAND REFORM SUMMARY (AS AT 31 MARCH 2010)

Percentage of land delivered by programme



Source: DDLR, April 2010

- 239 990 ha of the target of 656 000 ha for the delivery period April 2009 to March 2010 were transferred through land reform.
- Since the start of the land reform programme 5.67 million hectares (6.9% of agricultural land) had been transferred.
- This constitutes less than a third of the total target to be transferred.
- By April 2010 DRDLR official record indicated 46% of this land had been transferred through restitution and 54% under the redistribution programme.

RESTITUTION SUMMARY

Table 1: Outstanding rural claims as at 31 March 2010

Province	No. of outstanding claims at 30 September 2009	Total claims settled April 2009–March 2010	Total claims outstanding as at 31 March 2010
Eastern Cape	515	0	515
Free State	20	1	19
Northern Cape	170	14	156
Gauteng	3	0	3
North West	193	0	193
KwaZulu-Natal	1 642	313	1 329
Limpopo	107	-	419*
Mpumalanga	706	61	645
Western Cape	553	-	571*
Total	3 909	-	3 850

Source: CRLR, March 2010

- According to the Department 3 850 rural claims are still outstanding.
 - The total number of hectares of claimed land restored was 145 492 ha of a target of 1 513 712 ha set out for the 2009/2010 financial year.
 - There has been no movement on settling claims in the Eastern Cape, Gauteng and the North West.
 - Table 1 points to some discrepancies since the statistics released by the Department in September 2009. In the last restitution summary (*Umhlaba Wethu 9*), the highest number of claims (315) were settled in Limpopo Province, leaving only 107 outstanding claims for this province.
 - However, the statistics released in March 2010 indicated a substantial increase in the outstanding claims for Limpopo Province.*
 - Similarly, 18 extra claims are now outstanding in the Western Cape.*
- (The Department response indicated that statistics are subject to change.)*

NATIONAL AND PROVINCIAL GOVERNMENT SPENDING ON AGRICULTURE

Trends in recent state expenditure to support agricultural development are helpful to understand the emphasis in agrarian reform policies. This overview concentrates on the share of state expenditure on agriculture apparently allocated to make resource-poor black farmers more self-sustaining. The overview is based on publicly available estimates of national expenditure for 2001–8 when, especially from 2004 onwards, the state aggressively pursued policies to integrate 'previously disadvantaged entrants' into

agriculture. It does not exhaustively analyse the evidence, but merely aims to highlight expenditure trends that shed light on what priority government gave to agricultural development (or 'post-settlement support') until 2008. Details have been included on the 'transfers and subsidies' expenditure line item, the spread of Land Bank loans to classes of farmers, variations between budgets and actual fiscal expenditure, and investments by other government agencies in farming projects. We used the face value of state spending rather than real figures

as inflation did not fluctuate far outside its upper boundary. Some data gaps meant we could not accurately and plausibly connect state expenditure on agriculture to measures of rural livelihood sustainability.

National spending trends

Any assessment of state expenditure for agrarian reform must take into account key shifts in the national policy context, as these drive spending priorities. In the seven years under scrutiny, the state moved to implement important new policies – such



as the Land Redistribution for Agricultural Development, the Comprehensive Agricultural Support Programme (CASP) and Agricultural Broad Based Black Economic Empowerment – to fast-track agricultural support to poorer black farmers. These policies rest on vague notions of commercialising small-scale black farmers and continue to shape government’s vision of a so-called transformed agrarian landscape. Notwithstanding this ideological stance, it is interesting to identify and track the influence of shifts in state expenditure on agriculture.

From 2001 to 2008, the South African government significantly increased fiscal expenditure in the agricultural sector. In the 2001/2 fiscal year, national government’s total spending on agriculture amounted to R872 million, which increased nearly fourfold over seven years to R3.3 billion in 2007/8 (*Figure 1*). One way to express agricultural spending as a share of total fiscal spending is to calculate the former as a ratio of the latter and to plot this figure over time. This approach reveals that the state allocated 0.3% of its total spending

to agriculture in 2001/2. By 2007/8, this had climbed marginally higher to 0.6%.

Government’s farmer settlement support and development programme promotes sustainable agricultural production among small-scale resource-poor farmers. It targets farmers in communal areas and land reform beneficiaries with services ranging from agricultural extension to farming input subsidies. National state spending on farmer settlement support and development increased from just over R100 million in 2006/7 to over R2.3 billion in 2007/8. The solid line in *Figure 1* shows the priority attached to this element of agrarian restructuring: before 2004, the share fluctuated between 10% and 25% of total agricultural spending, but rapidly increased to around 70% in the 2007/8 fiscal year.

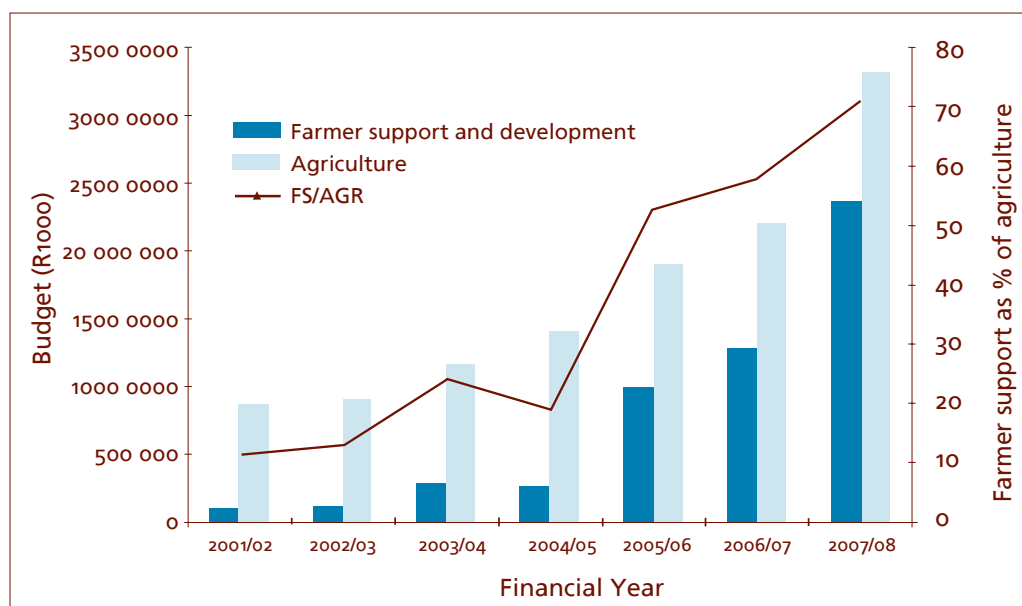
The sharp expenditure jump post-2004 is associated with the introduction of CASP, which on paper promotes several pillars of support for farmers who are able to make some of their own investments in farming. In practice, almost all grant funding was spent on farming infrastructure, ignoring other

critical inputs and market access, so spending has clearly not been ‘comprehensive’ and has thus failed to contribute to equitably redistributing agricultural resources.

Provincial spending trends

Agriculture is a provincial competency which gives ministries relative autonomy in terms of local fiscal expenditures. At provincial level, considerable variation prevails in the administrative location and structure of agricultural departments. In some provinces they are incorporated into a broader ministry for environmental affairs, water and tourism. Thus, aggregated items of expenditure are almost impossible to compare, but not so disaggregated spending items. To find out how much provincial governments spend on agriculture, and specifically agrarian reform-related expenditures, we limit ourselves to aggregated line items, bearing in mind that provincial spending depends on distribution through national fiscal expenditure and on how a provincial government redistributes its resources. Provincial departments occupy a central space in delivering agricultural services to poorer farmers.

Figure 1: National government spending on agriculture and farmer support, 2001–8



Source: National Treasury (various) Estimates of National Expenditure

Note: FSI/AGR = Farmer Support and Agriculture

Figure 2 displays the total provincial expenditure on agriculture. KwaZulu-Natal spends the most on its agricultural sector and Gauteng consistently spends the least. Interestingly, provincial governments that host the former homelands (KwaZulu-Natal, Eastern Cape, Limpopo, North West and Mpumalanga) evidently spend more on agriculture.

Provincial agricultural departments ought to collaborate with local departments of land affairs to deliver farmer settlement support and development. Provincial fiscal expenditure on farmer settlement support and development shows similar trends to those observed in Figure 2, with provinces that host ex-homelands having the highest spending levels, although the ranking order is slightly different from that in Figure 2. Figure 3 shows that Limpopo spends more than any other province, even exceeding KwaZulu-Natal – the top spender in Figure 2. Year-on-year spending on farmer support increased substantially in the Eastern Cape and Mpumalanga, with both moving from a similar low spending base in 2001.

Figure 4 explores the information provided in Figures 2 and 3 from another perspective: expenditure on farmer support is shown

as a percentage of total provincial expenditure on agriculture, giving some insights into the extent to which provinces prioritise the ‘commitment to expenditure on support for agricultural development’. Provinces might be spending more on farmer support, settlement and development, but the share of spending in the overall provincial agricultural spending basket might actually be shrinking. This sheds some light on shifting priorities over time and where provinces might actually diverge from national-level emphasis.

In all but two provinces, this percentage is concentrated within a narrow band: between 25% and 45% of total agricultural expenditure. Most provinces maintained relatively flat shares of expenditure in this period. Limpopo allocated the largest share (49%) whilst Gauteng allocated the smallest share (14%) to farmer support. In three provinces the percentage of provincial state spending in agriculture on farmer settlement support and development has been falling, especially from 2004 to 2008. It might be necessary to investigate

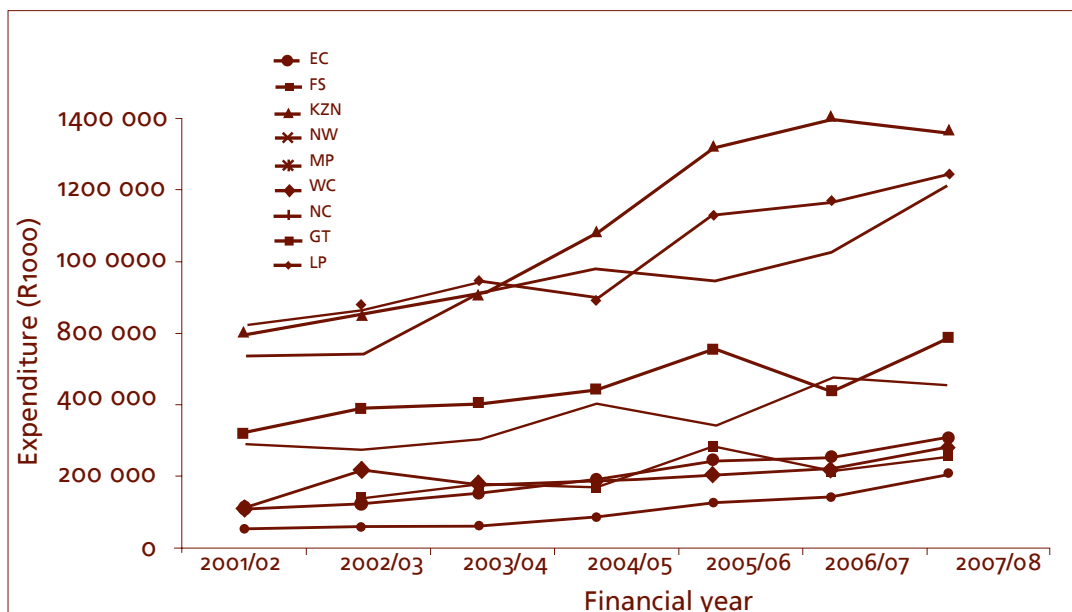
more carefully the reasons behind this apparent shift in spending priorities. The adoption of CASP seems to have exerted no visible surge in provincial government expenditure on farmer support, in sharp contrast to what was observed in national fiscal allocations after 2004 after CASP was adopted.

Concluding summary and further research

If agrarian reform is to achieve any of its goals, then agricultural development must be adequately financed. Without initial injections of fiscal support for the poorest small-scale farmers, they are unlikely to evolve into a dynamic force in an equitable agrarian set-up. They need to purchase production inputs and access credit and output markets.

State expenditure on agriculture and farmer support rose steadily from 2001 to 2004 and thereafter increased dramatically. But in the context of total fiscal spending, the record looks less impressive: less than 1% of national government spending has been allocated to agriculture. Provincial expenditure plays a critical role in delivering

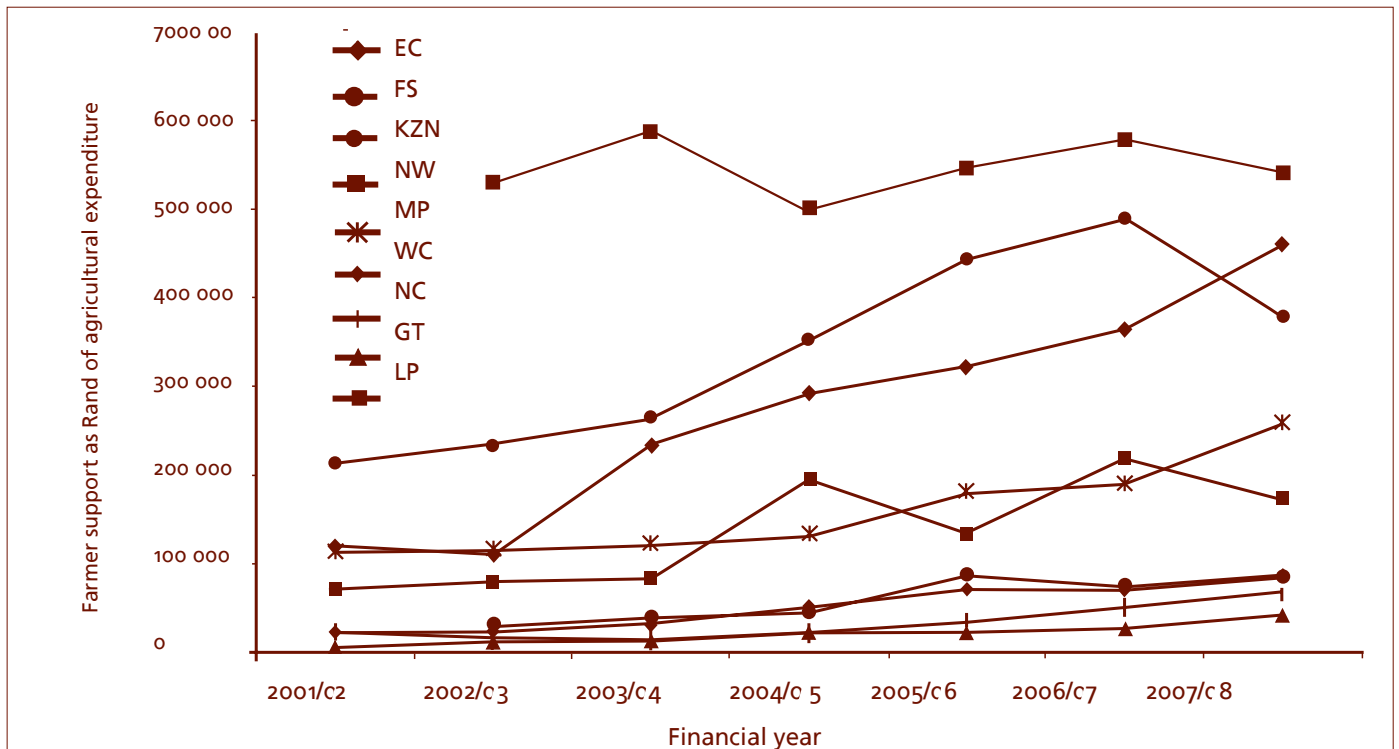
Figure 2: Provincial government spending on agriculture, 2001–8



Source: National Treasury (various) Estimates of Provincial Expenditure: Agriculture

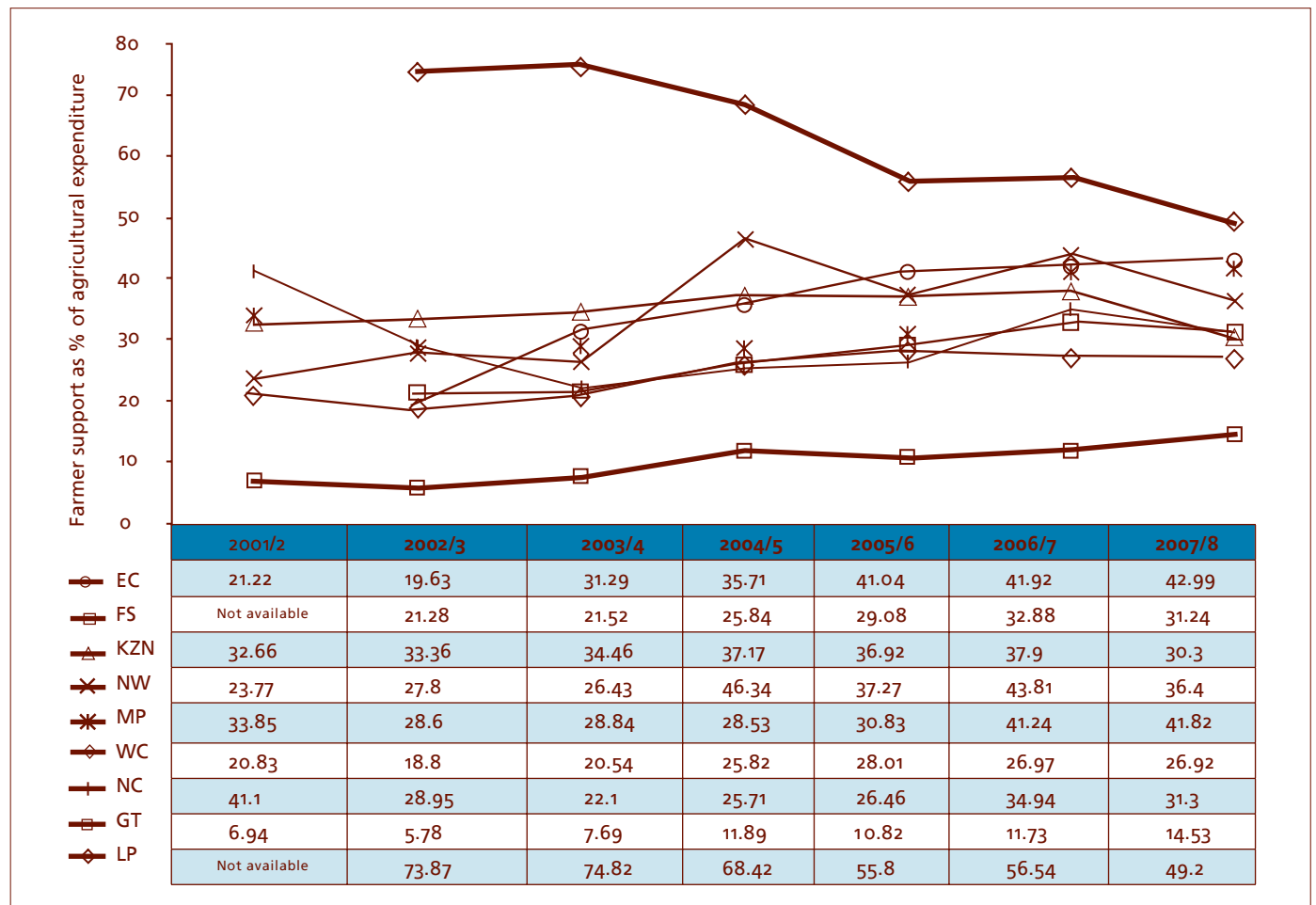


Figure 3: Provincial government spending on farmer settlement support and development, 2001-8



Source: National Treasury (various) Estimates of Provincial Expenditure: Agriculture

Figure 4: Farmer settlement support and development as a percentage of total agricultural expenditure, by province, 2001-8



Source: National Treasury (various) Estimates of Provincial Expenditure: Agriculture

agricultural development services to poorer farmers, yet provincial expenditures on farmer settlement support and development have been relatively stagnant or declining. This trend must be rapidly reversed for sustainable pro-poor farmer agrarian restructuring.

Further research is needed on how to scale up state investment in agricultural development support for poorer farmers, especially in the context of the economic downturn and agro-food price crises. The livelihoods outcomes of such spending

should be supported with credible factual evidence. Pertinent questions for a future research agenda might include:

- What relationships exist between overall state and private sector investment in agricultural development of resource-poor small-scale farmers?
- Are specific farmers prioritised? How and why?
- To what extent has this investment raised the productive capacity and

productivity of targeted small-scale farmers?

- What is the evidence of spillover effects on broader socio-economic developmental outcomes (household food and nutrition security, rural livelihood sustainability, off-farm rural employment)?

Robert Dzivakwi, Mogau Aphane, UWC, and Peter Jacobs, Human Science Research Council

REVIEW OF THE LAND REFORM BUDGET 2010

Land reform funding overall is modestly down in real terms from 2009/10, which itself was significantly down from 2007/8 and 2008/9. Falling spending on the restitution programme for each of the last three years accounts for most of the budget decline, whereas redistribution continues to climb, albeit more slowly than over the 2006/7–2008/9 period.

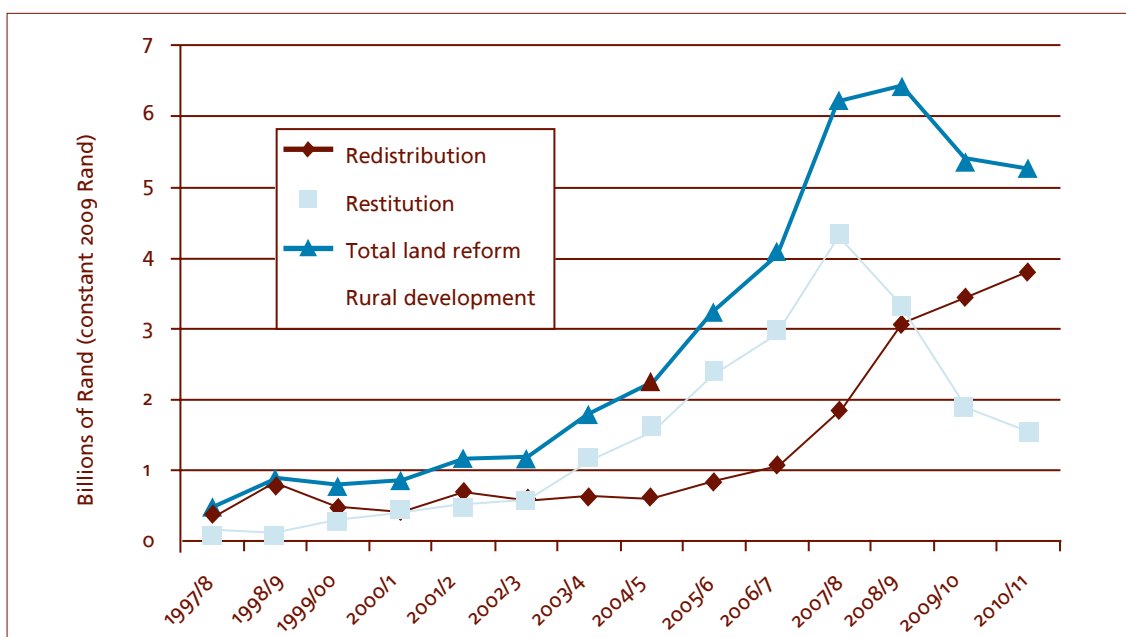
Why has restitution funding dropped so precipitously? While it is unclear, the Estimates of National Expenditure (National Treasury 2010: 673) cryptically states:

Expenditure decreased from R2.3 billion in 2006/07 to R2.1 billion in 2009/10, at an average annual rate of 3.4 per cent. This was as a result of the additional funds

received to enable the department to finalise all land restitution claims by March 2008. However, the department has not been able to settle all claims, and outstanding ones will be settled over the next 10 years.

Meaning? Meaning that the budget was only so large earlier in the mistaken belief

Figure 5: Expenditure/budget trends for land reform and rural development



Source: National Treasury (various) Estimates of National Expenditure

Note: Values for 2008/9 and before are 'audited outcomes', meaning verified actual expenditure; those for 2009/10 are 'revised estimates', meaning unverified actual expenditure; and those for 2010/11 are 'total to be appropriated', meaning what has been budgeted for the current financial year.



that the programme was approaching closure, and given that it now transpires that it will take 10 more years to complete, then it isn't the priority it once was. (Note also the odd statement about the decrease "at an annual rate of 3.4 per cent," which is calculated based on the difference between the values for 2006/07 and 2009/10, without taking into account the fact that it was between those years that the restitution budget peaked. In other words, between, 2007/08 and 2009/10, the annual rate of decline was far greater than 3.4 per cent. Is

this a vain effort to minimize the appearance of a radical down-scaling)?

The continued increase in redistribution is interesting, especially given acute concerns that have been expressed as to the efficacy of spending via the Proactive Land Acquisition Strategy, which now accounts for most redistribution expenditure. The estimates lack detail, so it is unclear how much of expected expenditure on redistribution is for additional land versus recapitalisation of existing projects. However, the Department

expects to acquire 436 245 hectares in 2010/11 via redistribution, down 9% from 2009/10.

As for rural development, the current budget is a modest R263 million – mostly destined for 'consultants and professional services'. Presumably, this means that the much vaunted (and probably far more expensive) guaranteed employment aspect of the rural development programme will be covered elsewhere, for example by Public Works.

Ruth Hall, PLAAS

GOVERNMENT, LAND REFORM BENEFICIARIES AND PRIVATE ORGANISATIONS: JOINING HANDS IN THE STRUGGLE FOR LAND RESTITUTION?

Angelique Bos conducted a study as part of her doctorate on strategic partnerships in land reform in Limpopo Province in 2009. The liquidation of the strategic partner South African Farm Management (SAFM) in Limpopo prompted her study.

SAFM seemed to be a strong partner and its bankruptcy in November 2008 was rather unexpected, given its involvement in several high-profile strategic partnerships. The study was based on interviews and meetings with, among others, strategic partners, members of Communal Property Associations (CPAs) and government officials.

Limpopo is the only province in South Africa where communities are obliged to engage in partnerships with private sector organisations before land is transferred back to them. This policy was implemented in 2003, with the aim of preparing beneficiaries to manage the land independently and sustainably, and to become active in commercial agriculture.

Looking at the challenges of partnerships, all the stakeholders indicated the lack of expectations at the start of the projects. Most CPA members and strategic partners noted that the government lacked the financial means, accurate statistics, and monitoring and evaluation systems needed to positively influence projects. Many strategic partners ascribed the financial deficit in projects to the deteriorated state of the farms and difficulty in acquiring funds, as government holds the title deeds. Therefore, in many cases the focus was solely on maintaining the project, very few skills were transferred and many community members highlighted imbalanced participation, where some community members were involved and some marginalised or excluded.

Regarding the role of the community, almost all stakeholders noted low community member motivation to get involved in farming due to negative associations resulting from the apartheid regime and the lack of skills transfer.

Blurred boundaries between the positions of strategic partners and different organisations (e.g. export and supplier companies) presented a final challenge, specifically noted in the SAFM case. Strategic partners explained that involvement in the agricultural mainstream is important to change from subsistence farming to commercialisation, but it is unclear if agricultural businesses always benefit the community. Blurred boundaries were also noted as a problem in relation to CPA members' membership in traditional structures and in the operating company. These multiple positions and responsibilities could initiate distrust and conflicts of interest.

The study concluded that most interviewees had a positive attitude to strategic partnerships, irrespective of whether these were partnerships with former owners or outside companies.

Angélique Bos, Vrije Universiteit, Amsterdam
<http://www.vu.nl>

COMMUNAL LAND RIGHTS ACT DECLARED UNCONSTITUTIONAL

In March 2006, four rural communities challenged the constitutionality of the Communal Land Rights Act (CLRA) of 2004, arguing that it would undermine their right to tenure security as set out in the South African constitution.

On 30 October 2009, Judge AP Ledwaba of the North Gauteng High Court in Pretoria handed down judgment in the CLRA legal challenge. The judge declared that fifteen key provisions of the Act – in particular those providing for the transfer and registration of communal land, the determination of rights by the minister and the establishment and composition of land administration committees – were invalid and unconstitutional. This rendered the Act impossible to implement in its present form, and effectively meant that if the Constitutional Court confirmed the judgment, government would have to fundamentally rethink its approach to communal tenure reform.

The judge did not find that the parliamentary process followed in passing the law was flawed, or that the Act in effect created a fourth tier of government, as argued by the applicants. He did not strike down the Act as a whole. The judgment focused on key arguments around security of tenure, and in particular on the problems that the Act could create for smaller or independent communities, such as the Makuleke community (one of the four applicants), located within the jurisdictional boundaries of large Traditional Councils. The judge accepted arguments that land rights and land administration in tenure systems derived from customary norms

and principles were nested or 'layered' in character, and it was therefore problematic to vest centralised control over land in overarching Traditional Councils.

In March 2010 the High Court's judgment was then referred to the Constitutional Court for confirmation. Hearings were held in March 2010 and on 11 May 2010 the Court handed down its unanimous judgement. Unlike the High Court, it did not find on the substantive issues, but only on the procedural. Accepting the applicant's arguments on these aspects of the challenge, it declared that the draft Bill before parliament in 2003 had been incorrectly tagged as a section 75 rather than a section 76 bill, which meant that the incorrect procedures had been followed by parliament. It also meant that parliament had failed to comply with its constitutional obligation to facilitate public involvement in the law-making process. The Department of Rural Development and Land Reform refrained from appealing the judgment and instead opted to correct the shortcomings through the Green Paper on Rural Development and Land Reform process.

After fifteen years of debate, law making and legal action, post-apartheid South Africa is no nearer to addressing the key issue of the uncertain legal status of the land rights of millions of people living under communal tenure, mostly in former reserves. Other components of government's tenure reform programme – such as those aimed at protecting the tenure security of farm workers, farm dwellers and labour tenants, as well as beneficiaries of land restitution and redistribution – are also in trouble. Land owners who wish to evict farm dwellers or labour tenants have found

ways to use tenure reform laws to their own advantage. Government support to these vulnerable groups has proved ineffective to date. Farm evictions continue apace. On farms transferred to beneficiaries of land reform, most legal entities set up to take ownership of the land (such as Communal Property Associations [CPAs] or trusts) are dysfunctional and fail to adequately secure members' rights. Again, effective government support to establish and operate these institutions is sorely lacking.

In my view, it is time for a fundamental rethink of tenure reform in all its components. Founding assumptions on the nature of land rights in these different situations and contexts need to be critically reviewed. As Lahiff (2009) argues, this will probably involve 'the abandonment of private ownership as the prime model of landholding in land reform, and a much greater role for the state in land ownership and land rights administration'. However, the key constraint of limited government capacity and resources must also be factored into realistic policy formulation. Tenure reform thus continues to present us with enormous challenges and dilemmas. The sooner we acknowledge the scale of the problems, and the need to go back to the drawing board, the better.

Ben Cousins, DSTINRF Chair in Poverty, Land and Agrarian Studies, PLAAS

Ref: Lahiff E. 2009. "With What Land Rights?: Foundational questions about land policy", in *Another Countryside: Policy Options for Land and Agrarian reform in South Africa*, Hall, R. ed. Cape Town: Institute for Poverty, Land and Agrarian Studies, University of the Western Cape. 93-120 (27pp)



SOUTHERN AFRICAN RURAL WOMEN'S ASSEMBLY

About 260 rural women from Malawi, Zambia, Swaziland, Lesotho, Namibia, Zimbabwe, Botswana, Mozambique and South Africa met in rural Limpopo in October 2009. This assembly was arranged by Women on Farms Project (convening organization), African Institute for Agrarian Studies (AIAS), Eastern and Southern Africa Small Scale Farmers Forum (ESAFF).

Land Access Movement South Africa (LAMOSA), Mozambique National Union of Farmers (UNAC), Namibia National Farmers Union (NNFU), National Small Holders Farmer's Association of Malawi (NASFAM), Trust for Community Outreach & Education (TCOE) and Via Campesina Africa. Rural women came from villages and farms to participate in the first Southern African Rural Women's Assembly under the theme 'The Guardians of Land, Life and Love'. The women were mainly small producers and farm workers or from peasant movements and land rights forums. They spoke in many tongues and spoke on many issues that affected their everyday lives. The songs they sang and the poems they read reflected their hardships and hope that another life was possible.

Access to land and women rights over land, food, degradation, patriarchy, HIV and AIDS, and domestic violence were debated and discussed formally in the commissions and informally during meals and in open spaces. Although women came from several different countries, their problems and challenges were very similar. Poverty, unemployment, migrant labour and the underdevelopment of the countryside were seen as integral to the rise of HIV and AIDS and domestic violence. Polygamy and some cultural practices were also identified as part of the patriarchal system that continues to oppress women.

The women called for a local, country and regional level movement to be built

through self-organising and developing a platform of action to promote solidarity and collective action between the rural poor. After three days of reflection, the Limpopo Declaration was adopted, reflecting this commitment. The Declaration demanded:

- a) That our governments honour their commitment of the Maputo Declaration, where they all signed for dedicating 10% of national budgets to agriculture.
- b) From this 10%, at least 60% should be allocated to small scale farmers.
- c) Scrap market-led land reform, land tenure policies and instead enact popular people-led land reform ownership.
- d) Our governments and SADC [Southern African Development Community] implement measures that protect our biodiversity, the atmosphere, the environment, native seeds, and our water resources.
- e) Our governments and SADC protect our local markets from dumping of cheap foods at the expense of achieving regional food sovereignty.
- f) Our governments and SADC enact measures that prevent dumping of toxic waste that destroys life on our soils, rivers and oceans.
- g) Our governments and SADC allocate greater resources to fighting preventable diseases linked to poverty (TB, Malaria) and implement an urgent plan of action to contain and eradicate the HIV-AIDS pandemic.
- h) Our governments and SADC acknowledge that polygamy, as a cultural practice, oppresses women and therefore discourage this practice.

- i) Our governments and SADC recognise that domestic violence, rape and abuse are destroying our societies and communities, therefore it requires common programme to retrain and resource our Police, the Justice Systems, our social and cultural Institutions and Education System.

As rural women from Southern Africa, and after this three days assembly which was very inspiring for us and for our struggles:

- a) We commit ourselves to building a country level rural women's movements as well as powerful movement of Rural Women in Southern Africa which puts our common humanity at the centre of our struggles and demands.
- b) Our movement must be feminist in orientation and approach.
- c) Our movement should break the silence on HIV-AIDS, polygamy and all other forms of cultural and religious practices that oppress women.
- d) Our movement will respect and celebrate our cultural and historical diversity and builds unity in action.
- e) Our movement will place mother earth, our seeds, our environment and another model of development in the centre of its demands.
- f) Our movement will demand peace and justice and rejects the system of capitalism that exploits life and humanity.
- g) Our movement should manage to hold an annual assembly like this one, so that we can reflect our common problems and struggles as well as progresses.

Guardians of Land, Life and Love Limpopo, South Africa

See the full declaration on <http://bit.ly/rurwomassmb1>

Mercia Andrews, Trust for Community Outreach and Education

ANNOUNCEMENT

The Future Agricultures Consortium

The Future Agricultures Consortium (FAC) encourages critical debate and policy dialogue about the future of agriculture in Africa. The Consortium has focused on these core themes: agricultural commercialisation; growth and social protection; policy processes; and science, technology and innovation.

In 2010, research in four new areas was launched: climate change and agriculture, land and tenure, pastoralism, and youth and agriculture. PLAAS is hosting the land theme, focusing on transnational commercial land deals. For more information, visit www.future-agricultures.org or contact Ruth Hall at rhall@uwc.ac.za.

'A matter of scale: Challenges in coastal management'

The Coastal Zone Asia Pacific (CZAP) Conference was held from 17 to 22 October 2010 in Bangkok, Thailand. The conference explored in what ways coastal zones could pave the way for learning in various contexts for more effective coastal governance. The conference was held in conjunction with the World Small-Scale Fisheries Congress (WSFC). The conference sessions covered six broad themes, among others: coastal fisheries and community empowerment, integrated coastal management, coastal governance, coastal development and population.

For more information, visit <http://bit.ly/CZAP2010>.

Appointments and Resignations

In July 2010 Mr Thomas Thozamile (Thozi) Gwanya resigned from his position as

Director-General of the Department of Rural Development and Land Reform (DRDLR). He was also previously the Chief Land Claims Commissioner in the Commission on Restitution of Land Rights.

On the 1st of November 2010 **Mr Mdu Shabane** was appointed as Director-General for the Department of Rural Development and Land Reform.

In July 2010 Mr Blessing Mphela resigned as Chief Land Claims Commissioner from Commission on Restitution of Land Rights (CRLR).

Mr Sibusiso Gumede is currently acting Chief Land Claims Commissioner in the Commission on Restitution of Land Rights (CRLR).

Deputy Minister of DRDLR Mr Joe Phaahla was replaced by Mr **Thembelani (Thulas) Nxesi** in the cabinet reshuffle announced by president Zuma in October 2010.

PUBLICATIONS

Food Security: The Science, Sociology and Economics of Food production and Access to Food

by *Stephen Devereux*

A special edition entitled *Food Security: The Science, Sociology and Economics of Food Production and Access to Food* – focusing on food security was recently launched. The Human Sciences Research Council has established a policy research initiative to monitor household food security and identify and evaluate policy options. This special edition assembles a selection of articles from this project. While deep chronic hunger has decreased with the expansion of social grants, under-nutrition is a serious and widespread challenge. This special edition draws together the

best available evidence on household food security with the aim of stimulating wider debate. The first issue is freely available at <http://bit.ly/foodprodjournal>.

Stephen Devereux is an associate editor and is contactable at s.devereux@ids.ac.uk.

PLAAS Working Paper 17: The Case for Re-Strategising Spending Priorities to Support Small Scale Farmers in South Africa

by *Ruth Hall and Michael Aliber*

This paper summarises what is known about South Africa's public expenditure trends in respect of small-scale farmers, and discusses the growing contradictions between the policy priority placed on small-scale farming and the adequacy of support provided

to small-scale farmers. It then proceeds to argue that: i) dramatic increases in public expenditure support to small-scale agriculture are highly unlikely, while further incremental increases to support the sector will in themselves make little difference; ii) a lot of the money already available to support small-scale agriculture is not well spent, with a particular imbalance evident between relatively large amounts of support to badly conceptualised land reform projects at the expense of black farmers in the ex-homelands; iii) there is an urgent need to shift the emphasis of support from on-farm infrastructure and inputs to community-level infrastructure, market development and institutional re-engineering.

Visit <http://bit.ly/PLAASwp17> for a full copy of the paper.



LEGISLATIVE AND POLICY UPDATES

Black Authorities Act Repeal Bill. National Assembly Rule 241 Notice 100310 was placed in the Government Gazette and the Bill introduced in Parliament in May 2010. Public hearings were held with rural constituencies. Publicly, the Repeal Bill was met with widespread agreement. However, the main question raised during submissions was whether repealing the Act would be enough to address the lasting legacy of traditional authorities that obtained their powers through the Act and continue to enjoy unaccountable governance powers through other pieces of legislation, in particular the *Traditional Leadership and Governance Framework Act 41 of 2003*. The Bill was approved by Parliament at the end of August 2010 and is being considered for adoption in the National Council of Provinces.

Regulating labour brokering. The Minister of Labour, Mildred Oliphant announced draft amendments to the Basic Conditions

of Employment Amendment Draft Bill, Employment Equity Amendment Draft Bill, Employment Services Draft Bill and Labour Relations Amendment Draft Bill at the final cabinet meeting of 2010. The drafts were published in December 2010. The amendments aim to deal with temporary employment services (labour casualisation, contract and temporary labour and labour brokers) and aim to regulate such practices in the South African labour market. This follows the bills' submission to Cabinet in July 2010 and their rejection. Cabinet requested research to be conducted to investigate the potential consequences if the amendment bills were passed in their current form. In response *'The Regulatory Impact Assessment of Selected Provisions of the: Labour Relations Amendment Bill, 2010 Basic Conditions of Employment Amendment Bill, 2010 Employment Equity Amendment Bill, 2010 Employment Services Bill'* (<http://bit.ly/LRAamend>), drafted by the

department of labour's principal advisors, Prof Paul Benjamin, a lecturer in labour law and Prof Haroon Borhat and Carlene van der Westhuizen from the Centre for Policy Development at University of Cape Town was released in September 2010. The report presents conclusions about the proposed amendments to labour legislation. Concerns in the report points to Constitutional violations one of which would be the narrowing down of the definition of a worker in terms of labour law and warnings that attempts to do away with fixed-term service contracts would result in a portion of the 2.13 million workers in this category (an estimated 16% of the country's total workforce) not receiving permanent appointments and possibly suffering unemployment. The report warns of additional administrative and financial burden on state institutions like the CCMA. Public hearings will commence in Cape Town in the 3rd week of January 2011. The Bills will be open for public comment until 17 February 2011.

NEWS

Commercialisation of land and 'land grabbing' in Southern Africa

PLAAS held a regional workshop, entitled Commercialisation of land and 'land grabbing' in Southern Africa, on 24 and 25 March 2010 at the Clara Anna Fontein Reserve in Cape Town, South Africa. It was the final workshop under the programme entitled Decentralised Land Reform in Southern Africa, jointly funded by the Austrian Development Agency and the Norwegian Centre for Human Rights. This workshop brought together participants from rural non-governmental organisations, academics and researchers, policy analysts, activists and international development institutions.

The workshop's purpose was threefold:

- sharing available information about the character and scale of the 'commercialisation of land', what is known about the impacts of major land deals in the region, how local people respond, and the adequacy of existing policy and legislation to safeguard the interests of poor land users;
- analysing and debating the implications for land rights and food security in the region, as well as critically analysing the global, regional and national political economy contexts in which we are to understand this trend, and therefore the possibilities for promoting more pro-poor agro-investments;

- developing an agenda for research and action, to support alliance building in civil society and inform a future programme of PLAAS work on this topic, which will provide platforms for the voices of local people to be heard, and will aim to address information gaps, engage in regional monitoring, support analysis and theorisation, and inform policy advocacy.

Documents about the workshop are available on the PLAAS website: www.plaas.org.za/research/land/landgrab. Please also note related information on the website about current and future PLAAS engagements in this area of work.



Another countryside

Our blog, <http://anothercountryside.wordpress.com> offers a space for democratic debate on policies and other key aspects of the politics and economics of land and agrarian change in southern Africa. Please feel free to participate in discussions.

If you would like to contribute content on topical debates around land and rural transformation, poverty, livelihoods, fisheries or any of PLAAS's other research areas, please contact our Information and Communication Officer, Rebecca Pointer on rpointer@uwc.ac.za.

We have created this space where we – and you – can speak and argue and debate about key issues relating to land and agrarian change in the subcontinent. Let us all imagine another countryside.



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PLAAS obtained information for *Umhlaba Wethu* from a wide range of sources, including documents from the Department of Rural Development and Land Reform and the Commission on Restitution of Land Rights: <http://www.ruraldevelopment.gov.za>. Views expressed here do not necessarily reflect the views of PLAAS.

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SEND SUGGESTIONS AND COMMENTS ON THIS PUBLICATION TO:

Karin Kleinbooi, Institute for Poverty, Land and Agrarian Studies, School of Government, University of the Western Cape, Private Bag X17, Bellville, 7535, South Africa, Tel: +27 21 959 3733, Fax: +27 21 959 3732, E-mail: kkleinbooi@uwc.ac.za or visit our website: www.plaas.org.za