

UMHLABA Wethu11



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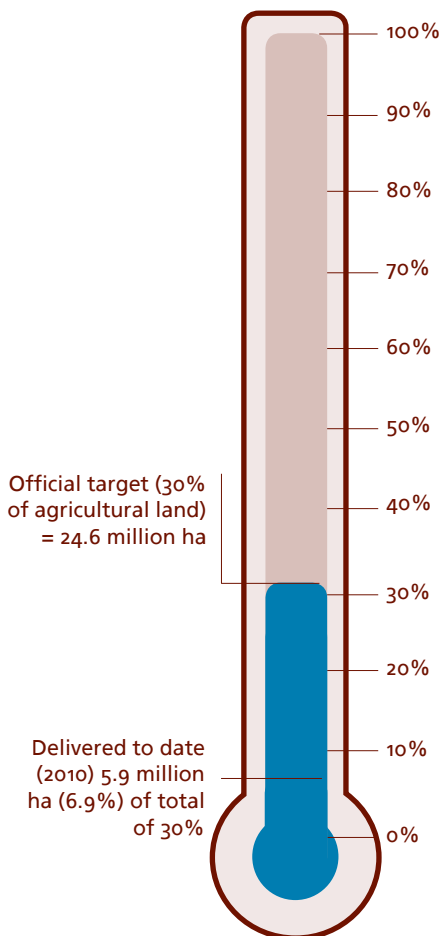
A bulletin tracking land reform in South Africa



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LAND BAROMETER



Source: DDLR, April 2010

A FOCUS ON VULNERABILITY AND INEQUALITY IN NATIONAL CONFERENCES

Since the national Department of Agriculture, Forestry and Fisheries (DAFF) held its National Summit on Vulnerable Workers in Somerset-West outside Cape Town to discuss better conditions for workers in the agriculture, forestry and fisheries industries in July 2011 very little movement on the resolutions had been observed. The summit brought together more than a thousand delegates from across the country and a host of political leadership, including President Jacob Zuma; Minister of Agriculture, Forestry and Fisheries Tina Joemat-Peterson; Cosatu Secretary General Zwelinzima Vavi; Premier Helen Zille and Agri SA President Johannes Möller. The Human Rights Commission report in 2003 and the National Land Summit in 2005 which preceded the 2010 Summit both considered the rights of vulnerable workers and the state of land reform in the country few recommendations by the Human Rights Commission or the resolutions from the land summit had been implemented to date. In the agriculture, forestry and fisheries sectors the long-standing inadequate protection of workers' labour, land and resource rights are deeply rooted patterns and these categories of workers remain most vulnerable in the labour sector.

In September 2010, PLAAS co-hosted the conference *Overcoming Inequality and*

Structural Poverty in South Africa: Towards Inclusive Growth and Development. One of the key points that emerged from this conference was that, while in the last 16 years some gains have been made in reducing poverty, the reality is that the gap between rich and poor has widened. So, while the poorest of the poor may be less poor, the richest are substantially richer, and those in between are poorer than they were at the end of apartheid – this picture of inequality applies across racial groups. The conference also noted that in South Africa's growing economy, the current growth path is not addressing inequality. According to Neva Makgetla, the formal economy is still concentrated in the minerals and energy sector, but this sector is not generating jobs. Meanwhile mining and agriculture have shed over a million jobs since the end of apartheid.

In this edition, we look at the National Summit on Vulnerable Workers, the regular updates and announcements and, lastly, we bid farewell to Sarah Beukes – a farm worker activist from Rawsonville who died of HIV-related complications. Sarah fought tirelessly to be heard and recognised as a human being and she became the voice of voiceless female farm workers as well as evicted farm workers.

Karin Kleinbooi, Editor

WHY THE AGRI SA WALKOUT AT THE SUMMIT SHOULD NOT MATTER

Agri SA walking out of the Vulnerable Worker Summit was disappointing, but not surprising to those of us who have engaged them over time. The walkout was mainly sparked by Agri SA taking offence at farm workers' repeated assertions at the Summit that they experience widespread rights violations, contrary to the staple Agri SA line that farmers are by and large law-abiding, except for a 'few rotten apples'.

Agri SA missed the main point of the discussion, which is not about whether individual farmers are 'good' or 'bad' people, but rather a plea to urgently transform a production system that robs most sector workers of any opportunity to dream of or realise their constitutional right to a life of dignity for themselves and their children.

Farm worker organisations have gone to great lengths over the years to provide evidence (research on evictions, documentaries on pesticide poisoning, protest actions and media opinion pieces such as these) to support the assertion that South African farm workers in the twenty-first century still live in a system of virtual slavery. But the onus should be on farmers to prove their claims that contradict popular farm worker experience. Without proof to back the claims, Agri SA still maintains that all is largely well on South African farms. If this is indeed the case, they should be open to the repeated calls to set up open and transparent farm worker rights monitoring and evaluation mechanisms, with representation from legitimate farm worker organisations, rather than the plethora of farmer-puppeteer farm worker structures currently mushrooming on farms.

Agri SA insists it will deal with any rights violations reported to it. However, it rejects out of hand the extensive record of wide-scale violations covered in the 2003 South African Human Rights Commission's investigation into conditions on farms; Agri SA has done nothing further to deal with these abuses. Even if rights violations are reported to the organisation, it is not accountable to anyone. When Leeu-Gamka farmer Piet Botes was found guilty of raping and murdering 13-year-old Elizabeth Martiens, the daughter of one of his workers, Agri Western Cape did not make public whether Botes was a member or not. Similarly, Agri SA is silent about the spate of road accidents involving unsafe transportation of farm workers on the back of open vehicles, in violation of many traffic laws. Agri SA has repeatedly resisted calls to make its membership list public so that so-called 'bad apples' can be rooted out. So, how serious can the organisation be?

The continuous refrain throughout the Summit was, 'So what's new?' Having attended the 2005 Land Summit and the 2008 Consultative Conference on Agriculture in Polokwane, many resolutions did indeed sound very familiar. However, despite Agri SA's walkout, the Summit nonetheless made some potentially ground-breaking resolutions.

In addition to affirming the resolutions of the 2005 Land Summit (including abandoning the willing-buyer, willing-seller approach to land reform), the Summit also adopted a decision to establish agricultural bargaining councils. Farmer unions have always opposed this, without giving any reasons why commercial agriculture should be

exempt from establishing a labour rights mechanism – the norm in almost all other sectors. If realised, agricultural bargaining councils will be a significant step forward to realising farm worker rights. Currently, unions have to embark on individual farm-by-farm negotiations. With more than 40 000 farms in South Africa (where workers earn low minimum wages with correspondingly low union subscription fees and resultant under-resourced unions), a centralised agricultural bargaining council would go a long way towards freeing union officials to undertake the education and rights defence work so urgently needed by workers.

The Summit also adopted a resolution to develop a sector-wide comprehensive gender equity strategy. Systemic and historic discrimination against women workers has deepened due to increased casualisation and outsourcing through labour brokers. Even in 2010, a woman's position on a farm is still largely determined by her relationship to a male farm worker. Women are seen quite literally an extension of male workers and an auxiliary source of labour to be drawn on as needed in high seasons. This restricts women's ability to engage in off-farm employment, as they must be available when the farm needs them.

While such feudal labour practices are not formally written in contracts, certain – mostly higher paying – positions are reserved for men. Their labour on the farm is valued less than that of men and usually not accorded high status in the farm worker hierarchy. With her perceived "nimble fingers", the female worker is restricted to lower-status functions on a farm. Women are thus discriminated against both in the



terms of their employment and the type of work they are able to do.

Because women's work is seen as low-status 'unskilled' labour, in monetary terms it is valued well below men's work. Farmers justify this by claiming that women usually perform 'unskilled' work on the farm, but even when men and women work alongside each other fulfilling identical work functions, women still often earn less than their male counterparts.

Female farm workers are also at a disadvantage in housing allocation, as housing contracts have been historically tied to permanent farm labour contracts, which historically only men can access. So when men lose their jobs, the whole family can be left homeless, and if a male worker dies or is retrenched, the whole family can be out on the streets. While laws introduced since 1994 prohibit linking employment contracts with housing, the practice is still common.

Since physical and emotional abuse of women by male partners is rife (in part because of the legacy of the tot system

and pervasive alcohol dependence), this systemic discrimination against women further compromises their ability to leave abusive relationships and undermines their safety of that of their children. Given the known intersection of gender-based violence and HIV/AIDS infection rates, this blatant discrimination against women has life and death consequences for them and their children.

So it is significant that DAFF has for the first time committed to going beyond slogans and developing a comprehensive strategy on women's empowerment to combat the pervasive discrimination against and marginalisation of women in agriculture.

The litmus test of success for the Summit is not participation by 600 hope-filled farm workers, or addresses from President Zuma, Cosatu Secretary General Vavi or even the disarming Northern Cape charm of Minister Joemat-Pettersson, who held us all in the palm of her hand in her closing address, but rather whether it delivers on its promises. Libraries can be filled with

summit resolutions, but the millions spent on delegates from across the country will come to naught if the lofty goals are not implemented.

It is unfortunate that Agri SA walked out on an important opportunity to help shape agricultural transformation, but we hope government finally realises the truth that white farmers have little commitment to doing right by those who built their wealth – the evidence is all around us. These farmers – prime beneficiaries of apartheid through direct subsidies, protectionist measures and a guaranteed steady cheap labour supply due to influx controls and poor labour laws – still don't grasp the magnanimity of farm workers who continue to carry the industry despite having nothing to show for over 300 years of exploitation. Instead of again bending over backwards to accommodate the whims and tantrums of commercial agriculture, let's proceed in the hopeful spirit of the Summit.

Fatima Shabodien, Women on Farms Project (WFP)

RESEARCH UPDATES

'Threats Towards Attaining Food Security and Food Sovereignty in the Eastern Cape Province'

Masifunde, Zingisa and the Trust for Community Outreach and Education (TCOE) will be launching their new study, 'Threats Towards Attaining Food Security and Food Sovereignty in the Eastern Cape (EC) Province', at Rhodes University towards the end of May 2011. The study investigates projects initiated under: a) the Massive Food Production Programme (MFPP) funded by the Eastern Cape Department of Agriculture and Rural Development (ECDoA), which adopted a 'green revolution' strategy to promote genetically modified maize and

soya production; and b) private sector-initiated cash crop production projects.

Research in four villages in communal areas in the Amathole District Municipality shows that these projects do not serve the interests of small-scale black farmers or promote food security in the region. Rather, they promote the interests of agri-business while using small-scale farmers as a testing ground for the 'green revolution' in South Africa. The projects rely on intensive use of expensive chemical inputs, with potentially devastating effects on the health, environment and natural resources (such as water) of local populations. These populations are also used as cheap labour and integrated into formal value chains and markets under

highly exploitative conditions that extract their surplus, while leaving them to assume all the risks of production. They use their best (consolidated) lands and scarce rain-dependent water resources under collective financial and production contracts that lack transparency and accountability.

Most projects in these villages have failed to fulfil their promise to increase food security, create jobs, alleviate poverty and enable small-scale black farmers to become 'successful commercial producers'. Failure has translated into indebtedness linked to:

- production failure due to lack of water and late delivery of inputs and services;

- where production occurred, farmers had no storage facilities and had difficulty accessing markets;
- crops sold are perceived as being severely underpaid (since production was insufficient to repay loans) or payment never materialised; and
- where additional income was derived from the projects, individual incomes were negligible.

For most farmers' households, more than half of household income still comes from state welfare grants, even for those who participated in the so-called MFPP 'success' story – the Peleton maize (Majali). Furthermore, the only jobs created by these projects were short term and casual, and were created by the farmers themselves during land clearance and harvesting.

It is worrying that for most farmers these projects made 'no difference' to previous levels of household hunger and the amount

and variety of food produced in some areas could in fact be declining as a result of dedicating more land and time to MFPP and cash crop production. Recent changes to the MFPP incorporate the production of vegetables and livestock, a tacit acknowledgement of past MFPP failures. Although the changes should be welcome, livestock production on a meaningful scale in the communal areas is not viable under the prevailing conditions of overcrowding and environmental degradation (Mayende 2010).

The agricultural programmes promoted in communal areas are being used as substitutes for land and agrarian reform in the province. The ANC's Polokwane Conference (2007) resolutions indicated a policy shift towards integrating land reform into a broader strategy of rural development and pronounced that part- and full-time agriculture was an opportunity to combat poverty and build sustainable livelihoods

in communal areas. However, we insist it is not viable to build sustainable and decent livelihoods in communal areas under current conditions, and livelihoods for some cannot be substitutes for agrarian transformation and rural development, which require: a) access to land outside communal areas to transform the dominant social and property relations; b) changes in agricultural policy; c) water reform and providing infrastructure; and d) marketing and financial support from the state to build on people's own initiatives through incorporating new technologies in agro-ecological farming.

For more information contact Masifunde at 046 6362017. Reference: Mayende G 2010. Rural Development under a 'developmental state': Analyzing the policy shift on agrarian transformation in South Africa in 'The Zuma administration: critical challenges (K Kondlo and M Maserumule – eds). HSRC. Cape Town.

Paula Cardoso, TCOE

POLICY AND LEGISLATIVE UPDATES

Land Tenure Security Bill

In December 2010 Cabinet approved the Land Tenure Security Bill and a draft bill was published in the Government Gazette on the 24th of December 2010. The Department allowed 6 weeks for commentary which created a public outcry for an extended period which was subsequently granted. The Bill stands to repeal the Extension of Security of Tenure Act 67, 1997 (ESTA) and the Land Reform (Labour Tenants) Act 3 of 1996 (LTA). The Bill aims to secure land rights for farm dwellers.

The new Bill proposes:

- to promote and protect the relative rights of persons working on farms, persons residing on farms and farm owners;

- to enhance the security of tenure of persons residing on farms;
 - to create conditions conducive to peaceful and harmonious relationships on farms and in farming communities; and
 - to sustain production discipline on land in the interest of food security.
- This was announced in a recent cabinet statement.

This Bill promotes the establishment of agri-villages (Chapter 6-7) and proposes amongst others 'where the Minister acquires or expropriates land, a portion of land or a right in land under this Act' the amount of compensation and the time and manner of payment shall be determined

either by agreement or as regulated by the Expropriation Act 1975 (Act No. 63 of 1975) and in accordance with section 25(3) of the Constitution (Sec 28 (2)). Comments on the Bill will end on Thursday, 24th of February 2011.

Land Use Management Bill

The Land Use Management Bill moved to establish a single, national legislative and institutional framework for spatial planning and land use management with the repeal of a range of existing planning laws and ordinances formulated and passed before 1994, including the Development Facilitation Act. The Land Use Management Bill was set to be reintroduced in Parliament in 2010. However, no new submissions have been introduced to Parliament yet.



PUBLICATIONS

Municipal Commonage – How to Access and Use It!

The Legal Resources Centre and the TCOE released a booklet discussing:

- the history of municipal commonages in South Africa;
- opportunities municipal commonages can create for land reform and rural development;
- the rights of poor town residents (who were excluded from municipal commonages under apartheid) to prevent municipalities from selling municipal commonages and to access them to supplement livelihoods;
- the relevant municipal laws and the national legal and policy framework that permit the DRDLR to grant funding to municipalities to buy land to extend existing commonages or establish new ones;
- how to establish infrastructure, plan and implement projects and do audits.

The main aim of the booklet is to help 'previously disadvantaged' town residents to mobilise to access municipal commonages for agricultural production.

This publication is available from LRC <http://www.lrc.org.za/booklets/1243-municipal-commonage> and TCOE offices.

The Land Tenure Law

Ashraf Mohamad of Cheadle, Thomson & Haysom Inc. under the auspices of the Department of Rural Development's Legal Services Project of the Land Rights Management Facility. Juta.

This book covers complex legal issues relating to land tenure law, including the Labour Tenants Act 3 of 1996, Labour Tenancy Arbitration Rules, Extension of

Security of Tenure Act 62 of 1997, and the Regulations under the ESTA and the Prevention of Illegal Eviction From and Unlawful Occupation of Land Act 19 of 1998. The book explains key definitions in the law and provides practical guidelines on land rights disputes. It also explains relevant case law in accessible language and sets out the nature and scope of legal protection available to land occupiers and labour tenants, with a section on access to the courts, including the Land Claims Court. The book also includes a bibliography of local and international publications on land tenure.

Working Paper 11. A Field not Quite Her Own – Single Women's Access to Land in Communal Areas of Zimbabwe.

Gaynor Paradza

Dominant arguments about women's land access stress the vulnerability of single women's land rights in customary tenure areas. The vulnerability is based on long-held assumptions about customary tenure land governance, land use and gender relations. The paper – the first in a series looking at secured access to land for poor women in southern Africa – contributes to the debate on customary area land access, landlessness and understanding customary tenure evolution. Although single women have increasingly insecure tenure on customary tenure lands, spaces do exist in those systems for single women to negotiate access to land. Such spaces remain hidden in customary tenure analysis that focuses on the primary-secondary rights dichotomy and the use of land as an agricultural asset. Drawing on case studies of 22 women in a customary tenure area in Zimbabwe, the paper shows that although resource governance systems in customary tenure areas are male-biased,

more diverse access opportunities exist than previously thought and single women have some room to manoeuvre. Visit http://www.landcoalition.org/sites/default/files/publication/954/WLR_11_Gaynor_A_field.pdf

Working Paper 12. Differentiation of Women's Land Tenure Security in Southern Africa.

Gaynor Paradza

The comparison of women's land access is predominantly measured against that of men, and this has been the basis for formulating policy aimed at increasing women's land tenure security. However, this dichotomy reduces women to a homogeneous group that experiences tenure security in an identical manner, so masking several differences which exist among women. A focus on the differences among women allows for significant insight to emerge into how women experience tenure and access differently, how various policies impact on different women, and the specific ways these differences could be used to inform policy formulation and evaluation. Focusing on differentiation among women also illustrates other important factors shaping women's access to land – factors that are generally overlooked when research focuses on differences between men and women. This paper highlights how differentiation is useful to explain women's differences in land access and how policy aimed at ensuring women's tenure security could be more effective. Visit http://www.landcoalition.org/sites/default/files/publication/955/WLR_12_Gaynor_Differentiation.pdf for a full copy of the working paper.

International Land Coalition (ILC)

NEWS

Leading international scholars of agrarian change visit PLAAS

Four leading international scholars of agrarian change will visit the Western Cape in the first quarter of 2011. Henry Bernstein, James Ferguson, Bridget O'Laughlin and Pauline Peters have undertaken research on rural social dynamics, processes of agrarian change and related themes over many years in different parts of Africa. They are widely recognized for the powerful contributions they have made to scholarship.

They were being co-hosted by the Stellenbosch Institute for Advanced Study (STIAS). Discussions and debates between February and April 2011 between the visitors and local scholars will focus on a number of inter-related themes, including: the character and dynamics of rural poverty in Africa; processes of social change that are recomposing rural households and communities; customary law and women's land rights; the evolution of agrarian structure in the Southern African region; and the wider implications of such processes for policies of land and agrarian reform.

Together with a number of other local and international researchers, they will participate in a PLAAS/STIAS colloquium on "land reform, agrarian change and rural poverty in the Southern African region" on 8-9th March. From 15-16th March they will contribute to a workshop on "gender, land rights and contested boundaries in customary law contexts" being hosted by the Law, Race and Gender Unit at UCT. They will also contribute to a seminar on "trajectories of global capitalism and the

implications for Southern Africa", hosted by the Department of Sociology and Social Anthropology at Stellenbosch University on 22nd March.

Bridget O'Laughlin was Reader in Population and Development at the Institute of Social Studies, The Hague, until her recent retirement. Her PhD in Anthropology from Yale University, and undertook research and teaching at the Universidade Eduardo Mondlane in Maputo, Mozambique from 1979 until 1992, based in the Centro de Estudos Africanos and the Department of Economic Policy and Development. Her scholarship focuses on the politics of gender, culture and class in social policy, and on gender, land, health, migration and agrarian change in Southern Africa. She is on the editorial board of Development and Change and the international advisory board of the Journal of Agrarian Change.

Henry Bernstein is Professor Emeritus of Development Studies, at the School of Oriental and African Studies (SOAS), University of London, and Adjunct Professor in the College of Humanities and Development, China Agricultural University, Beijing. He has taught and researched at universities in South Africa, Tanzania, Turkey, China, France, the Netherlands, Canada and the USA, as well as the UK. His scholarship focuses on comparative political economy of agrarian change, land reform, social theory and development theory. Between 1985 and 2000 he was co-editor (with TJ Byres) of the Journal of Peasant Studies. From 2000 he was co-founder and co-editor (with TJ Byres) of the Journal of Agrarian Change, of which he is now an editor emeritus.

Pauline Peters is Faculty Affiliate and Senior Research Fellow of the Center for International Development, Harvard University and until recently taught in both the Harvard Kennedy School of Government and the Department of Anthropology at Harvard University. She is on the international advisory board of the Journal of Agrarian Change.

James Ferguson is a Professor of Anthropology at Stanford University. He has a PhD in Anthropology from Harvard University and has taught at the University of California, Irvine, where he also directed the Critical Theory Institute. His scholarship focuses on political economy, "development", culture and power, systems of discourse and knowledge, labour migration, poverty, and the theory and politics of ethnography. He serves on the editorial or international advisory boards of numerous journals, including Cultural Anthropology and Critical African Studies.

Strategy workshop: Re-thinking rural transformation in South Africa

31 January 2011, Mandela/Rhodes Place in Cape Town

Hosted by Foundation for Human Rights in collaboration with Institute for Poverty, Land and Agrarian Studies

The Foundation for Human Rights (FHR) and Institute for Poverty, Land and Agrarian Studies (PLAAS) hosted and convened a civil society workshop aimed at strengthen strategic engagement around rural development and land reform in South Africa. The workshop helped developed new thinking on these complex and contested issues,



and contributed to more inclusive, open and participatory policy processes on rural transformation in South Africa. It created a space for in depth content-oriented discussions while current policy proposals were clarified and debated.

The workshop took place in the context of heated and controversial policy debates in

the media alongside a closed and increasingly opaque policy process with the Green Paper on Rural Development and Agrarian Transformation which is meant to be informed by the Comprehensive Rural Development Programme, (however it is not clear what the successes of this programme are and the Green paper continues to be delayed), the Land Tenure Security Bill that

was released for public consultation in December 2010, The Recapitalization and Development Programme which replaces all 'development' grants for land reform in a bid to revive struggling land reform farms, and a host of suggested legislative reforms recommended by the South African Law Reform Commission.

CONFERENCE

International Conference On Global Land Grabbing

The phrase 'global land grab' has become a catch-all phrase to describe and analyse the current explosion of (trans) national commercial land transactions. Around the world, various state, corporate and civil society groups have reacted, albeit in different ways. Some see this as a major threat to the lives and livelihoods of the rural poor worldwide, and so opposes such commercial land deals. Others see economic opportunity for the rural poor,

although they are wary of corruption and negative consequences, and so calls for the improving land market governance feature prominently. Between these two extremes for and against large scale land purchases/sales are a range of intermediate positions offered by other groups.

PLAAS with the Future Agricultures Consortium (FAC), the Institute of Development Studies (IDS) at the University of Sussex, and the Land Deal Policy Initiative (LDPI) in collaboration with the Journal of Peasant Studies are hosting an International

Academic Conference on Global Land Grabbing from 6–8 April 2011. The conference starts off with a plenary, chaired by Ruth Hall and a keynote address will be delivered by the UN Special Rapporteur on the Right to Food. Different panel session will be held discussing various aspects of land grabbing, including: land rights, land title deeds, environmental matters and ecological perspectives, governance, politics and participation, and the impact on livelihoods of pastoralists. www.future-agricultures.org/landgrab.html

APPOINTMENTS

Mr Langa Zita was appointed new Director-General in the DAFF in September 2010. Until his appointment, Mr Zita was Special Advisor to the minister, focusing on policy. Mr Zita also held positions in the National Assembly:

Dr Gaynor Paradza has joined PLAAS as a Senior Researcher. Dr Paradza completed her PhD entitled 'Single Women, Land and Livelihood Vulnerability in a Communal Area in Zimbabwe', in June 2010 at

the Wageningen University in the Netherlands. Previously she was a Senior Researcher at the Centre for Policy Studies. Her research interests lie in gender and land tenure, livelihood vulnerability, local governance, pro-poor agrarian land reform and grassroots innovations to secure women's access to land in sub-Saharan Africa. Publications of Dr Paradza includes:

- Paradza G. 2010. Single Women, Land and Livelihood Vulnerability

in a Communal Area in Zimbabwe. Wageningen Publishers: Wageningen, the Netherlands. <http://edepot.wur.nl/139210>

- Paradza G. 2010. Single Women's Experiences of Livelihood Conditions, HIV and AIDS in the Rural Areas of Zimbabwe, in Anke Niehof, Gabriel Rugalema and Stuart Gillespie (eds) Dynamics and Diversity in sub-Saharan Africa. Earthscan Publications Ltd: London.



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 and let us all imagine another countryside.

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.



Like us at <http://on.fb.me/plaasuwc>



Follow us at <http://twitter.com/PLAASuwc#>

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:

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