

UMHLABA Wethu13



June 2011

A bulletin tracking land reform in South Africa

PLAAS

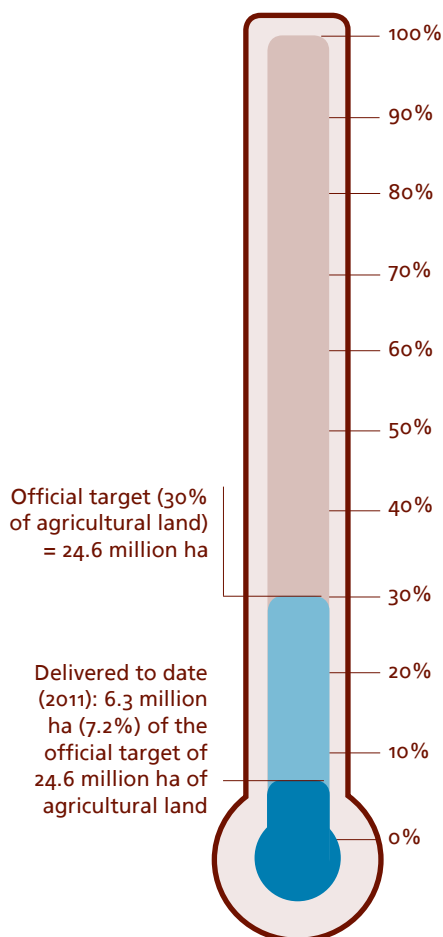
Institute for Poverty, Land and Agrarian Studies



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LAND BAROMETER



Source: DDLR, April 2010

Recently, land reform has gained greater prominence in public debates, notably with the latest call for the nationalisation of land, which has been met with mixed responses. The call highlights why the need for nationalisation of land is being emphasised, and accentuates the lack of transformed land holding patterns in the country. The land reform process has been slow and uneven and many land reform projects have failed. In 2009, Government created a new Department of Rural Development and Land Reform (DRDLR) and committed itself to linking land reform to a broader programme of rural development. Nonetheless, two years later indications are that land reform has not sped up sufficiently to meet its targets or to revive the broader rural economy. Emerging policy proposals - the Land Tenure Security Bill (LTSB) and the Spatial Planning and Land Use Management Bill (SPLUMB) - indicate that policy processes are poorly focused, contradictory and not informed by an adequate analysis of real needs and past problems.

The long awaited Green Paper is meant to be a framework for land reform and rural development. It is still not known whether the Green Paper provides a clear strategy for land reform, which includes: what type of land reform, which beneficiaries should be targeted in which areas and what the expected outcomes are. The Green Paper could potentially shift land reform away from the haphazard approach it has been following since its inception in 1995 and address some of the constraints and neglected issues of the current land reform programme. However the policy process has so far been isolated from wider public input and consultation and many actors have been left in the dark.

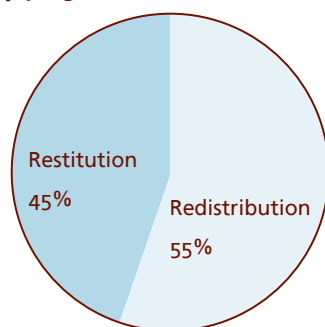
This edition looks at the role of local government during evictions, the LTSB and the restitution programme.

We dedicate this edition of *Umhlaba Wethu* to Tessa Cousins, who was a remarkable colleague to many in the land sector. Hamba Kahle, Tessa Cousins.

Karin Kleinbooi, Editor

LAND REFORM SUMMARY (AS AT 31 MARCH 2011)

Percentage of land delivered by programme



Source: DRDLR May 2011

- A total of 3 447 228ha has been transferred to beneficiaries through the redistribution programme since the start of land reform in South Africa.
- The restitution programme has restored 2 760 527 ha of land to the previously dispossessed.
- In total, land reform has delivered 6 270 755.6125ha or 7.2% of the agricultural land in South Africa.

- Hall (2011) suggests that thus far the total cost of land reform is an estimated R35 billion. This includes capital and current budget allocations for restitution; redistribution and tenure reform from 1995/96 - 2010/11 (including salaried staff and related institutional costs), and not only for the cost of land.
- The initial aim was to complete restitution by 2005, and then a presidential extension (under the Mbeki administration) was granted to extend the deadline to 2008 - which was then followed by another extension to 2011. Minister Nkwinti announced in the first quarter of the year that this target would not be met.
- The redistribution programme had an interim target of redistributing 30% by 1999. In 2000 this target was reviewed and extended to 2014. Projections in 2009 showed how far off track land reform was, and a new target date – 2025 – was set.
- At the current slow rate of land reform implementation, this target also seems highly unlikely.

RESTITUTION SUMMARY

Table 1: RESTITUTION: Land delivery per hectare per province per financial year

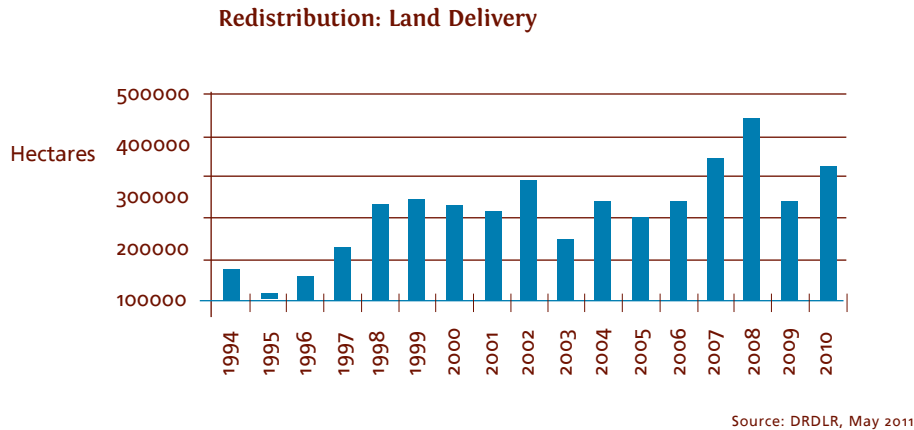
Province	*1995/2002	2002/2003	2003/2004	2004/2005	2005/2006	2006/2007	2007/2008	2008/2009	2009/2010	2010/2011	TOTAL
EC	0	22 143	2 112	17 414	4 031	15 389	25 909	6 602	1 289	34 186	129 075
FS	0	40 152	1 906	2 391	15	0	154	2 745	252	3 837	51 452
GP	143	3 453	0	102	0	4 002	1 874	45	0	6 759	16 378
KZN	34 939	70 603	73 507	80 307	92 092	100 087	119 733	44 308	30 469	23 853	669 898
MP	0	33 453	34 212	24 184	8 019	113 238	70 545	105 490	10 481	10 043	409 665
NC	0	263 372	1 657	0	3 764	58 710	107 552	56 617	67 724	238	559 634
NW	0	31 300	19 122	3 099	4 688.00	134 876	69 607	87 126	9 551	13 175	372 544
LP	45 276	11 866	20 668	80 029	51 515.00	152 687	36 750	91 816	25 089	32 348	548 044
**WC	0	3 008	0	1	0	15	102	5.58	637	68	3 836.58
TOTAL	80 358	479 350	153 184	207 527	164 124	579 004	432 226	394 754	145 492	124 507	2 760 526

- Of the 79 696 claims lodged, the restitution awards of land were heavily concentrated in KZN (where 15 075 claims were lodged) followed by the Northern Cape (where 3 707 claim were lodged), Limpopo (where 3 326 claims were lodged) and Mpumalanga (where 2 778 claims were lodged).
- The province in which the least amount of land has been restored under restitution is the **Western Cape, where merely 3 836.58 hectares of land was restored between 2002 and 2011.
- The data from 1995-2002 appears to be inaccurate. For example, in the Western Cape, the Elandskloof and Riemvasmaak land claims are not reflected in this period. The reliability of the information for this period is thus questionable.



REDISTRIBUTION: LAND DELIVERY PER FINANCIAL YEAR (AS AT MARCH 2011)

The graph below indicates the delivery of land through redistribution between 1994 and 2011.



- Land delivery through redistribution picked up speed incrementally in 2007. This could be as a result of the department's proactive land acquisition strategy introduced in 2006.
- It peaked in 2008 and then sharply declined in 2009 when the recapitalisation of land reform projects was announced and budgets were redirected away from buying more land.
- The transfer of land is gradually picking up pace again, with just over 300 000 ha of land delivered in the last financial year.

EVICCTIONS FROM FARMS – THE ROLE OF LOCAL GOVERNMENT

As a result of the historical link between housing and employment on farms, farm dwellers are particularly vulnerable to eviction. Evictions and the subsequent homelessness of farm dwellers have reached crisis proportions in some of South Africa's rural areas. The 2005 Nkuzi Development Association study found that almost 1.7 million people had been evicted from farms between 1984 and 2004. A more recent study by Phuhlisani Solutions in 2010 looked at the impact of evictions that occurred after a legal process in terms of the Extension of Security of Tenure Act 62 of 1997 (ESTA). This study focused on the impact of such evictions within the Cape Winelands District Municipality. It found that of the approximately 630 eviction orders that had been dealt with by the Land Claims Court between 2005 and 2010, it

had confirmed 529 or 84%. These statistics raise serious questions regarding local government's responsibility for dealing with farm evictions and addressing the human impact of these evictions.

The overall experience of legal non-governmental organisations defending farm dwellers in ESTA eviction cases is that courts routinely grant eviction orders without any form of alternative accommodation being made available. Legally-granted evictions without the provision of alternative accommodation have devastating physical and psychological effects on farm worker families. In most cases, the Sheriff of the court forcibly removes the occupants from their homes on the farm and often places evictees' belongings on the side of the nearest road. Possessions such as furniture, household items and clothing are often

damaged, lost or stolen during the eviction process. Many legally evicted families have to spend a few days with no shelter until they manage to obtain alternative accommodation - generally from friends or relatives. Forced evictions are obviously a traumatic experience for children. Schooling is disrupted until such time as the family finds alternative accommodation, which also affects their overall well-being.

There can be little doubt that local government is under a constitutional obligation to provide temporary emergency shelter to evicted and homeless farm dwellers. Section 26(2) of the Constitution obliges the state to take reasonable legislative and other measures within its available resources to achieve the progressive realisation of the right of access to adequate housing. The Constitutional Court has made it clear in

a number of judgments that local government is required by the Constitution to provide services to communities in a sustainable manner, promote social and economic development, and encourage the involvement of communities and community organisations in matters of local government. The Court has held that one of the most important duties of local government is to respect, protect, promote and fulfil the rights outlined in the Bill of Rights.

Despite local government's mandate to respond to threatened or actual evictions and to monitor the forced movement of people off farms, the reality on the ground is that most municipalities in South Africa

The applicant in this case, Mr Gert Pieterse, was one of the victims of a court ordered eviction, executed without alternative accommodation being made available. On 20 October 2010, Mr Gert Pieterse and his family were evicted from Bloemendal Farm in Stellenbosch after working and living on the farm for 21 years.

The eviction order was carried out after Mr Pieterse had been dismissed and a subsequent application for his eviction was granted by the Stellenbosch Magistrate's Court. The execution of the eviction order rendered Mr Pieterse and his family homeless. The family, including two young children, was forced to sleep on the side of roads for two days. They subsequently found temporary accommodation at a municipal homeless shelter for a week.

have no coherent plan for responding to evictions of farm dwellers by private landowners. When a farmworker loses his/her job, eviction proceedings normally follow. The Cape Winelands District has the highest rate of court-ordered evictions in South Africa. In order to address the endemic problem of provision of alternative accommodation in the Cape Winelands area, Lawyers for Human Rights (LHR) has brought a test case in the Western Cape High Court to challenge the failure of the Stellenbosch Local Municipality and the Cape Winelands District Municipality to provide emergency temporary accommodation to evicted farm dwellers in their jurisdiction.

Sheldon Magardie from Lawyers for Human Right describes what happened:

LHR brought an urgent two-part application in the Western Cape High Court on 9 November 2010. In the first part of the application, we sought an order directing the Cape Winelands District Municipality and the Stellenbosch Local Municipality to provide Mr Pieterse and his family with basic temporary shelter as an interim measure. In the second part of the application, we sought orders declaring the failure of these municipalities to provide alternative shelter to be unconstitutional. We also sought a structural interdict directing the municipalities to comply with their constitutional and statutory duties by delivering a report to the court detailing a plan to provide suitable relief for evicted farm dwellers living in

intolerable circumstances. The Women on Farms Project, a non-governmental organization which works on a range of farm worker issues in the Western and Northern Cape, is also a party to the case and has provided important information regarding its experiences of the devastating human impacts of legal eviction without alternative accommodation. The case will be heard by the Western Cape High Court on 8 November 2011 – more than a year since the family was evicted.

It is unfortunate that civil society organizations have had no option but to resort to litigation to compel local government to comply with its constitutional and statutory obligations. In an ideal world, local government would recognise the scale and impact of farm dweller evictions in South Africa and the unique vulnerability of this historically marginalised group to evictions and other deprivations of human rights. Local government would then take steps to address this problem by at the very least developing a well-resourced plan to provide temporary shelter to those who have been evicted. The Constitution requires that the obligations imposed on the state must be complied with diligently and without delay. Farm dwellers in South Africa live in conditions of insecure tenure, vulnerable to eviction. Unless local government develops a plan to address the scale and human impact of farm evictions in South Africa, the constitutional rights of farm dwellers to have access to land and adequate housing, will remain only illusory.



FARM WORKER AGRI-VILLAGES: BACK TO RESETTLEMENT SCHEMES?

The Land Tenure Security Bill published for public comment in December 2010, has raised the ire of both of the constituencies whose interests it sets out to address: those who own commercial farms and those who live and work on them. Contrary to its name, the Land Tenure Security Bill appears to deal largely *not* with how to secure people's land tenure, but rather with how to manage their resettlement off farms.

Replacing failed (and unimplemented) laws

The Bill is to replace two post-apartheid laws: the Extension of Security of Tenure Act 62 of 1997 (ESTA) and the Land Reform (Labour Tenants) Act 3 of 1996 (LTA). These two laws set out to secure the rights of farm dwellers (all people who live on farms, not only those employed) to the houses, land, water, firewood and other goods and services that they have already accessed on farms, and to prevent arbitrary evictions.

The only national survey on evictions (conducted by Nkuzi Development Association and Social Surveys) showed that more people were evicted from farms in the first ten years of democracy (1994-2003) than in the preceding ten years, and that only one percent of these evictions involved legal proceedings and a court order – as required in our Constitution. Only one farm owner was prosecuted for illegal eviction. Clearly, the state has demonstrated very little inclination to implement or enforce these existing laws.

What does the new bill say?

Like the existing laws, it protects the rights of people living on farms to continue to do so, except where the owner applies for a court order for their eviction. It gives special rights to people over the age of sixty (60) to remain on farms for the rest of their lives, but these rights are not heritable, and so their families can be evicted following the death of a family elder.

The entire chapter of ESTA that dealt with how farm dwellers could secure and upgrade their rights on farms has been removed, together with the provisions for government to assist people to do so. Instead, an entire section in the policy statement and chapter in the bill are dedicated to 'resettlement'. Roughly translated, this means that those facing eviction will have narrow choices of relocation to 'agri-villages' instead of securing rights on the farms where they live. In the 'agri-villages' they will acquire 'temporary permits' to occupy land and housing, but they could later be removed to make way for others who can demonstrate a better ability to use the land – in other words, their tenure will not necessarily be more secure in these 'agri-villages' than it was on farms. As tenants of the state, they will be subject to the rules of a new Land Rights Management Board, a national body consisting of nine people who will issue temporary permits, resolve disputes and decide who gets to stay in these villages. What role municipalities are expected to play, whether they are in agreement about this new expanded responsibility, or able to fund and provide the required infrastructure and services in these agri-villages, is unclear; they are not mentioned in the bill.

Addressing farmers' concerns

This focus on agri-villages is in line with the commercial farmers' association, Agri South Africa's vision of settlement in the rural areas, as contained in its own land reform policy. Under the new plan, dense new settlements of ex-farm workers will be accommodated on land acquired and serviced by government, and yet remain available for seasonal and informal work on farms when required.

In reality, most objections by farmers are not about the new legal provisions, but

are to (a) the existing laws that are now to be combined in this new bill, and (b) the political rhetoric from government that has accompanied the bill, including the policy statement attached to it.

Agri-villages not the answer

Farm worker unions and land rights organisations are also protesting against the bill – with some warning that, if it is promulgated, they will challenge it in court. They claim the bill does nothing to secure people's tenure on farms, or to remedy the failings of the existing laws.

I agree: the answer is not to embark on massive resettlement schemes that will displace the rural poor – including those evicted from farms – to new settlements, without the means of building their own economic activities. At best, they would have the benefit of state services and be able to continue to work on surrounding farms. At worst, though, these could well become the new dumping grounds, devoid of economic opportunities, with poor public services and without any independent rights to land, water and other resources.

The great irony, then, is that the Land Tenure Security Bill shifts the focus away from securing people's rights, to facilitating their eviction and resettlement. It is unclear what problems it is meant to solve, or whose interests it is meant to address. The bill is highly unlikely to be passed in its current form, and so the debate on the Bill should therefore not merely focus on its flawed provisions, but on an alternative paradigm that can guide the future of rural settlement and secure the rights of farm dwellers.

Ruth Hall, PLAAS

ANOTHER MISSED DEADLINE FOR RESTITUTION

The Restitution process has been mired with difficulties and delays. From 6-8 May 2011 the Department of Rural Development and Land Reform held a National Restitution Workshop to discuss these challenges in settling land claims. This national workshop, according to the Department, was the culmination of provincial workshops between November 2010 and April 2011 and the purpose was to ensure resolutions towards completion of the restitution programme – expected by the Department to be by the end of 2011. The resolutions acknowledged the successes and shortcomings of the restitution programme and an agreement on the need for increased capacity, operational efficiency and the filling of vacant posts within the Commission on Restitution of Land Rights and the Department. The most significant resolution was the establishment of a National Council of Stakeholders which would meet on a monthly basis to monitor

progress. However a month later in June 2011, the Minister announced that the 2011 target to finalise lodged restitution will not be met at the end of 2011. The first deadline for completion was 2005 and was subsequently extended with a presidential deadline to 2008, and then 2011. To meet the annual target the Department will have to top up the allocated R2 billion for land claims this year and will engage Treasury for additional funds.

Statistics released by the department in March 2011 reported that 3 673 claims for settlement are under investigation. These outstanding claims presumably all involve contested rural land. Amidst the numerous delays and current challenges to complete the existing claims, the Minister mooted the reopening of restitution claims that were not lodged by the 31 December 1998 deadline. Similarly, the reconsideration of the June 1913 cut-off date has been mentioned in recent public debates.

However the political implications for the latter are considerable, as it would require revisiting and amending the Constitution and relevant regulations, not to mention the fiscal, as well as time implications it may hold for Government. The most realistic assessment of the extent of the restitution process was raised at a Parliamentary committee meeting held in parliament in March 2009, when the previous Director General Tozi Gwanya warned that the implementation of the 30% land reform target may only be met in 2025. Clearly, another deadline is not needed. What is necessary is a more in-depth consideration of what the restoration of land should bring about for claimants and what institutional and support framework, resources and legislative tools are necessary to speedily conclude the current outstanding claims and ensure that beneficiaries are able to use restored land effectively.

Karin Kleinbooij, PLAAS

TRIBUTES TO TESSA COUSINS

It was with shock that we learned of the tragic death of Tessa Cousins on the 31 May 2011. I was only able to work with her for a short period on a forthcoming book on decentralised land governance, but in that time, learned and experienced much of the wealth of Tessa's knowledge on tenure and governance. Tessa had a more significant history with PLAAS around land tenure and was part of the broader PLAAS family. Her contribution to the work here at PLAAS is a lasting legacy of her exceptional knowledge of participatory research and learning methodologies - her enthusiasm for understanding the practice, the shifts in rural tenure, the lessons and the alternatives, and her eagerness to share

these insights with the wider land sector. Tessa's experience and work is captured in a wide range of PLAAS intellectual property through her participation in thoughtful discussions, her written contributions including : Leaping the fissures: Bridging the gap between paper and real practice in setting up common property institutions in land reform in South Africa (2002) and Tenure and security: The Leap analytical framework (2002); and co-authoring: Will formalising property rights reduce poverty in South Africa's 'second economy'? Questioning the mythologies of Hernando de Soto (2005).

She played a leading role in the Securing Women's Access to Land Regional

Programme. At the heart of the project were gender sensitive and participatory approaches to fieldwork, policy and advocacy that link research with action and support, capacity strengthening, learning and exchange of experiences between community-based organizations at grass-roots level. We remember Tessa for her scintillating mind, humble nature and endearing character. She was an inspiring, warm, wonderful activist, a teacher who mastered raising the most complex issues in a simple manner, always asking questions followed by more questions until everyone was able to think through the most complex issues from all possible angles.

Karin Kleinbooij, PLAAS



FINDER OF PATHS, MAKER OF MAPS

Tessa Cousins, climber, social activist, farmer, development professional and writer, who died in an accident in Scotland at the end of May 2011, was a pioneering figure in the history of South Africa's rural development movement: a woman who was never satisfied with the safe confines of the already known and authorised versions of reality, and who sought to create spaces where new voices and new ways of knowing and being could arise. Keeping out of the limelight, often working in the background to support the development of other minds, preferring to attend to the process of the journey rather than the certainty of arrived-at positions, she was a woman whose quiet intelligence and moral authority touched all she worked with.



Tessa grew up in a politically conscious family in a time when South Africa was lurching into repression and when the policy of forced removals was just taking hold. For many years of her early life she explored, and helped build, a world in which people experimented with alternative politics and ways of relating to the land - dropping out of school at the age of fifteen, travelling with her mother and step-father by bicycle to India; working on an organic farm in Dorset; coming back to South Africa to farm at Groentetuin near Stilbaai in the Southern Cape; helping run a nursery school in Swaziland; running a fruit farm and working as a midwife in Ladismith together with her husband and children. She lived close to the earth and to the ordinary working people of South Africa.

As South African politics changed, so did her life. Working for a Canadian NGO called *Plenty* in Lesotho in the 1980s, she became interested in co-operatives and in organisational development. In the early 1990s, she became involved in designing and facilitating participatory community development processes for the Association

for Rural Advancement (AFRA). The ethos, strategies and processes of participatory rural appraisal (PRA) methods, with their commitment to creating spaces for marginalised voices that would otherwise be silent, soon became a passion. In 1996 she obtained an M.Sc. in Agricultural Development from the University of London, in which she further pursued her interest in understanding gender relations and tenure security on the land. For many years she worked closely with the Association for Water and Rural Development (AWARD) in Bushbuckridge, Mpumalanga Province. She was a member of the Board of Directors from 1996, and from 2003 to 2010 worked as part-time Executive Director as well as a field researcher. In the years after 2000, she grew to be a widely respected development worker and writer, known for her skill as a facilitator and for her ethical commitment to creating processes and learning spaces where those usually not seen as authoritative could come to voice and explore new ideas.

Another important chapter in her professional life was her involvement in an

innovative action learning organisation, entitled the Legal Entity Assessment Project (LEAP), into which she poured her creativity and invited that of other writers, facilitators and activists. Initially conceived as a short-term training project aimed at building institutional capacity in Communal Property Associations, LEAP soon became a longer and more complex journey of discovery and innovation, interrogating the nature of the underlying institutions and tenure arrangements that could support sustained rural development. In her work with LEAP, and in her role as an independent development consultant, Tessa combined her deep knowledge and understanding of rural and farming life, her personal commitment to social and gender justice, her keen critical grasp of the social dynamics of knowledge and power, and her passion for the empowerment of others with her own considerable personal moral force, her gentle humour and her questioning intelligence. This work allowed her to play to her strengths and her passion: playing her role not by acting alone but by inspiring teams; advancing knowledge not simply by

the assertion of ‘truths’ but by supporting a Socratic, questioning re-examination of the known. Her low-key, often diffident style in this work belied her formidable persistence and her sure, unwavering sense of where the work had to go next. In this way her personal journey became one in which her friends and colleagues shared, and in which she challenged them to discover new truths and ways of working for themselves. In 2011 she and her colleagues were in the process of putting together a book capturing the emergent lessons of LEAP research.

Throughout this time of innovation and exploration she continued living life to the full. After many years of journeying, she had created a life and co-created a home centred around her values: social justice, thoughtful enquiry, relatedness to people, and a connection with the land. It

was life lived off the beaten track, a life of adventurous questing but also of the gentle way: seeking always to chart new paths into the unknown, to scale new heights and find new ways, but making those paths not by pushing obstacles aside, but by following ways of working with and alongside the energies in her world.

Tessa had a quiet presence; I was aware of how her life touched many of those around her, but our meetings were few and far between. It is in a way only now that she is gone and the impact both of her presence and her absence on those around her becomes clear to me, that I am able to understand something of the imprint of her footsteps, and the path she made for herself and for her life. Our most sustained interaction was in early 2010, when she was part of a team helping

to pull together the PLAAS-ILC project on Securing Women’s Access to Land in Southern Africa. I remember the down-to-earth professionalism she brought to this daunting task. For someone who had spent much of her life eschewing overt, asserted, socially certified authority, Tessa had enormous personal authority and power. But this power was carried not by the social trappings of rank and status but in her clear-sighted direct, green eyed gaze and the deft, sure, calm way she would offer her penetrating observations and her questions.

Finder of Paths, Maker of Maps... The paths she made remain, and I know that her friends and colleagues and comrades will continue with the journeys, and with the making of the maps.

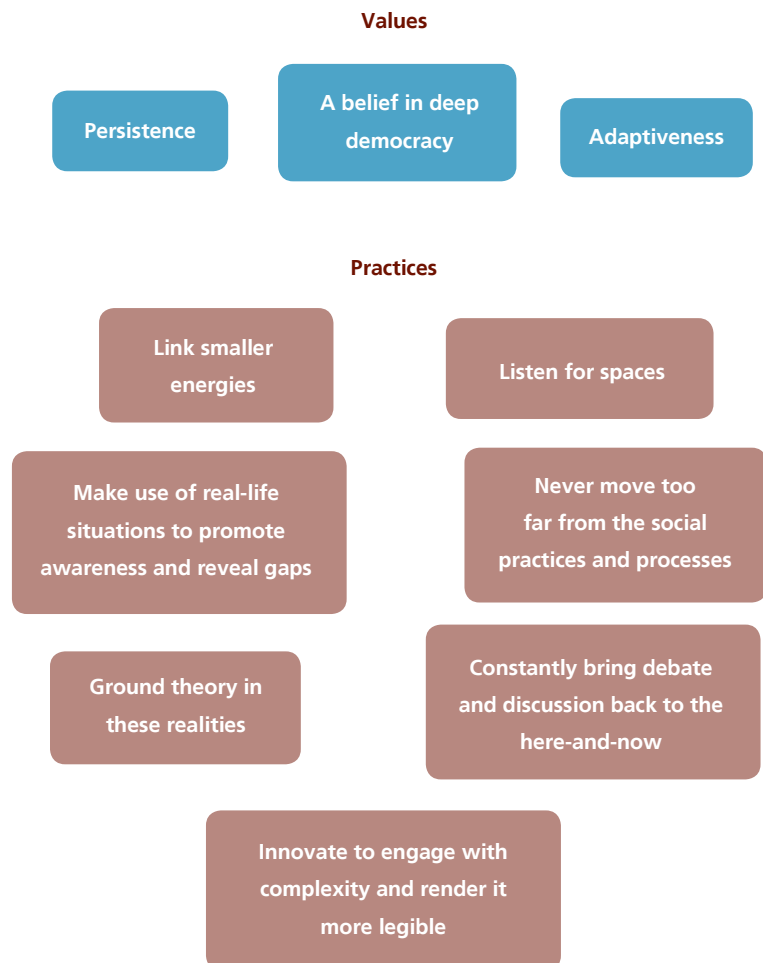
Andries du Toit, PLAAS

VALUES AND PRACTICES

On the afternoon of the 31st May 2011 I was sitting at my desk beginning to edit and comment on what was to be Tessa’s last piece of work. Tessa had promised me a draft before she went away on her holiday to Scotland. Her partner Dirk told me how she worked on the plane and again in London before she was able to click the send button. This was Tessa – someone to be relied on, no matter the context – whether working on a joint research project, facilitating a learning process or belaying a fellow climber.

In her professional life Tessa was a listener, a creator of conversational thinking spaces which gave voice to so many different people, which provided the impetus for dialogue, the interrogation of problems and practices and which generated both practical solutions and further questions.

Knowing Tessa, many images of her will come to mind. For me as a fellow facilitator and researcher it is the tools of her trade: the emerging lines of enquiry, the kokis, the





coloured cards, the matrices, the maps and ideograms – the means to record thoughts and ideas, to ground concepts and leverage different interpretations and meanings.

From the many deeply thought and felt tributes which family, friends and co-workers have written it is clear that Tessa has made a lasting imprint on many lives. I have sifted through these, as Tessa

might, gathering and sorting individual observations and comments. This is what emerged:

We do not have to search hard to discover the patterns and trends that represent Tessa's life. They are writ large. The diagram above is the volatile mix of complexity and simplicity which characterise the life of a remarkable woman.

As Robert Chambers, originator of participatory rural appraisal (PRA) methodology has advised, we must take comfort in her life, what she did, what she started, who she influenced, and in this way we can add to the legacy that she leaves behind.

Rick de Satgé, Phuhlisani Solutions

PUBLICATIONS

The Land Deals Politics Initiative (LDPI)

- in collaboration with PLAAS at the University of the Western Cape and the Institute for Development Studies at the University of Sussex, the International Institute of Social Studies in The Hague and the Polson Institute for Global Development at Cornell University - published a series of 20 working papers on the political economy of (trans) national large-scale land acquisitions. These include:

LDPI Working Paper 1: Commercial Biofuel Land Deals & Environment and Social Impact Assessments in Africa: Three case studies in Mozambique and Sierra Leone

by Maura Andrew & Hilde Van Vlaenderen. This paper examines three case studies of proposed biofuel developments in Mozambique and Sierra Leone. The case studies show that even in areas with low population densities and settlements concentrated in villages where it is easier to minimise displacement impacts, livelihood displacement impacts still cannot be entirely avoided due to communal and scattered land use in most rural areas. The three biofuel ventures also highlight the influence of tenure security for local land rights holders in determining the nature of the land deals and the consultation processes: cases where land leases are made with central government seem to provide fewer incentives for developers to negotiate directly with local communities

and lead them to provide lower levels of compensation.

LDPI Working Paper 2: The role of foreign investment in Ethiopia's smallholder-focused agricultural development strategy

by Tom Lavers. This paper examines the political and social dynamics of foreign agricultural investment in Ethiopia. The paper links macro-level analysis regarding the types of projects and their role in the Ethiopian economy to case studies of investments at the micro-level, which examine changing patterns of land use and implications for displacement, employment and technology transfer. The paper concludes that the government's move towards an export-led development strategy comes at the cost of increased micro-level risks to those living in the vicinity of new investments, in particular, politically marginalised pastoral populations in remote regions.

LDPI Working Paper 3: Household livelihoods and increasing foreign investment pressure in Ethiopia's natural forests

by Kathleen Guillozet and John C Bliss. Foreign investment in Ethiopia's forestry sector is currently limited, but agricultural investments that affect forests — largely through forest clearing — are commonplace. The authors describe the nature of forest investments and outline

the challenges and opportunities associated with implementing them. Their case study in the Arsi Forest area of Oromia Regional State examines historic and contemporary forest benefit distributions and investigates the potential for conflict over competing forest access claims associated with new investments. Given the key role forests play in rural livelihoods, new tenure arrangements will have significant implications for communities located at the forest-farm interface.

LDPI Working Paper 4: 'Land belongs to the community': Demystifying the 'global land grab' in Southern Sudan

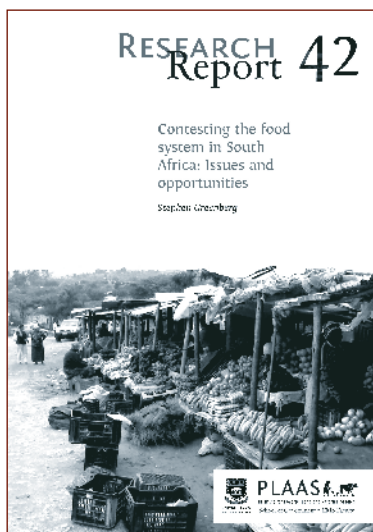
by David K Deng. This paper presents preliminary data concerning large-scale land acquisitions in two of the 'Green Belt' states of Southern Sudan: Central and Western Equatoria. It explores the concept 'land belongs to the community', a statement that has been taken up by communities in their demand for greater involvement in decision-making regarding community lands. It also examines processes of company-community engagement and the extent to which rural communities are being involved in investment projects. Finally, the paper presents a number of case studies that illustrate the complex interplay between cultural sovereignty, conflict, and post-war reconstruction in Southern Sudan. It concludes with recommendations for the government in moving forward.

PLAAS Working Paper 18: Rights without Illusions: The potential and limits of rights-based approaches to securing land tenure in rural South Africa

by Ben Cousins and Ruth Hall, May 2011. Summarising the trajectory of tenure policy and law making from 1994 through to the present, the paper shows how discourses of rights, citizenship and democracy shape policies and legislation. The authors assess the policies and outcomes, and argue that the degree to which legally defined rights to land have been realised in practice depends in large part on the outcome of local-level struggles within shifting relations of power. To download the publication visit <http://www.plaas.org.za/pubs/wp/WP18Cousins-Hallo52011.pdf>

Research Report 41: Volume 1 & 2: Strategies to support South African small holders as a contribution to government's second economy strategy

by Michael Aliber (ed) Mompoti Baiphethi, Rick de Satge, Jonathan Denison, Tim Hart, Peter Jacobs and Wim van Averbek, with Rauri Alcock, Mike Antwi, Abenet Belete, Ben Cousins, Larry Field, Irvine Mariga, Patrick Masika, Simeon Materechera, David Mayson, Nomakhaya Monde and Barbara Tapela, July 2011. These volumes contain a



situation analysis, fieldwork findings, and the main conclusions of 16 case studies of smallholders in South Africa. As a group these case studies present a rich and diverse repository of descriptive and interpretive narratives depicting various types of smallholders in diverse circumstances and environments. The authors highlight the difficulty in categorising the case studies in some meaningful way (e.g. by type of enterprise) or in sequencing them in some telling fashion (e.g. along a continuum from 'subsistence' to 'commercial') and show that many, if not most, smallholders combine different types of activities, often dynamically, and that while one cannot deny that there is a distinction between 'subsistence' and 'commercial' modes of production, it is very difficult to 'peg' actual case studies to a clearly-defined continuum. The case studies are not an attempt to achieve 'national representivity', although they do address a wide breadth of agro-ecological zones and production systems.

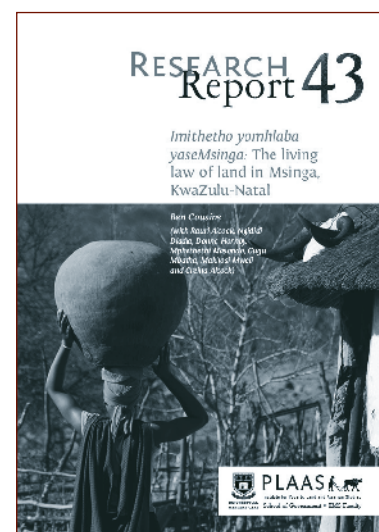
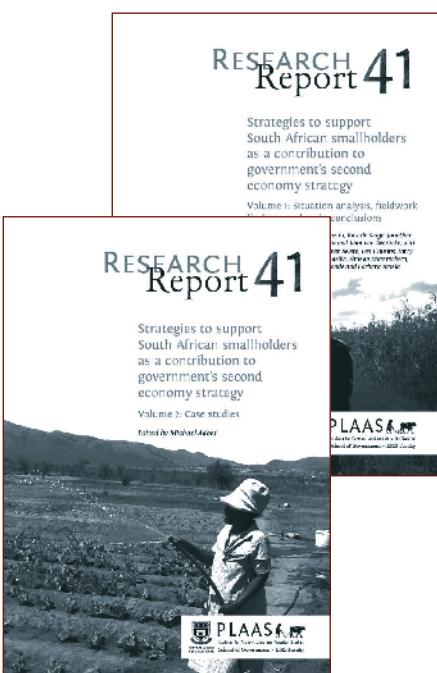
Research Report 42: Contesting the food system in South Africa: Issues and opportunities

by Stephen Greenberg, Overall, none of the practical activities that seek to transform agro-food systems engage with the idea of value chain governance, or currently perceive it as a useful entry point into transformation. This may be because it is

not an issue presently confronting them and their constituencies. Some corporations, especially in retail, may be trying to improve certain aspects of governance. This is generally being considered as part of their ongoing pursuit to improve efficiencies, thus creating added value which they will seek to secure for themselves as far as possible. It thus appears that there are no social forces currently capable of and willing to transform agro-food systems by engaging with their forms of governance. This report explores South African agro-food systems and what type of governance systems are needed.

Research Report 43: Imithetho yomhlaba yaseMsinga: The living law of land in Msinga District, KwaZulu-Natal

by Ben Cousins (with Rauri Alcock, Ngididi Dladla, Gugu Mbatha, Makhosi Mweli and Donna Hornby, Mphethethi Masondo, Creina Alcock), June 2011. This report describes the 'living law' of land in one part of Msinga, a deep rural area of KwaZulu-Natal. It presents research findings from the Mchunu and Mthembu tribal areas, where a three-year action-research project was carried out by staff of the Mdukutshani Rural Development Programme. Launched in 2007, at a time when implementation





of the Communal Land Rights Act of 2004 (CLRA). appeared imminent, the project aimed to gain a detailed understanding of land tenure in Msinga, facilitate local-level discussion of potential solutions to emerging problems around land rights, provide information on the CLRA to residents and authority structures and help generate ideas on how local people could engage with the new law.

Agenda Special Issue on: Gender, food and nutrition security in the context of the global economic crisis. This special edition

is the culmination of a partnership of Agenda Feminist Media in partnership with Economic Performance and Development (EPD) and the Human Sciences Research Council (HSRC), aimed at understanding

how the rise in food prices and the global economic crisis might have affected the food security status of low income households. Shirin Motala from EPD was Guest Editor for this edition. The issue provides a chilling reminder of the vulnerability of large parts of sub-Saharan Africa to hunger and under-nutrition. The study by Jacobs, based on official surveys, suggests that household food insecurity increased globally from 12% in 2007 to 20% in 2009 – driven primarily by the food price crisis and job losses due to the economic downturn. Ruiters and Wildschutt highlight the reality that women and children are hardest hit by the global crisis, drawing on International Labour Organisation (ILO) estimates that 22 million women globally lost their jobs in 2009 due to the economic crisis. Food insecurity

mapping across district municipalities in South Africa provides a spatial dimension to the distribution of food insecurity. Altman and Ngandu found that in 2010, only 47% of women in South Africa between the ages of 15 and 65 participated in the labour market, and 27% were unemployed, while in comparison 61.2% of men in the 15-65 age group participated in the labour market and 23% were unemployed. Hart amplifies the contribution that women, particularly rural women, are making in addressing food security of their families and communities. The stories of Mma Tshepo, Mavis Mathabatha and Sister June Jantjies all give testimony to the innovation and courageous leadership that these women display in finding ways to improve the lives of those in their community.

POLICY UPDATES

Farm Worker Equity Share Schemes

In May 2011 the Minister of Rural Development and Land Reform (DRDLR), Mr Gugile Nkwinti announced that the moratorium on Farm Worker Equity Schemes which was imposed in 2009 had been lifted. Farm worker Equity Schemes is a land reform model which requires farm workers to buy shares of commercial farms through a state grant system. The reasons for the moratorium were mainly due to the

lack of economic empowerment for farm workers in the majority of the agricultural share equity schemes. The new action plan is aimed at increasing the success of partnerships between farmers and workers, but the Minister also said that farmers will not be forced into equity partnerships. Alarmingly, this indicates no active display of a proactive approach to ensure that farm workers benefit from land reform and transform rural land patterns and to create

economic empowerment and ensure tenure security for farm workers. Instead, the Minister announced that the re-investment into farm share equities depends on the *willingness* of farmer owners to engage willingly. The willing-buyer, willing-seller approach has been identified by both government and stakeholders as one of the key challenges that has weakened land reform so far.

ANNOUNCEMENT

Congratulations Ruth Hall!

PLAAS researcher Ruth Hall successfully completed her doctoral dissertation entitled *The Politics of Land Reform in Post-Apartheid South Africa, 1990-2004: A shifting terrain of power, actors and discourses* at the University of Oxford. She

has led several national and international research projects at PLAAS and is currently part of the Land Deal Politics Initiative and the Future Agriculture Consortium, which are global and continental initiatives. Her major publications are *Land, Memory, Reconstruction and Justice: Perspectives on Land Claims in South Africa* (2010) co-

edited with Cheryl Walker, Anna Bohlin and Thembele Kepe; *Another Countryside? Policy Options for Land and Agrarian Reform in South Africa* (2009) and *The Land Question in South Africa: The Challenge of Transformation and Redistribution* (2007) co-edited with Lungisile Ntsebeza. Well done on a remarkable achievement, Ruth!

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.

Umhlaba Wethu is supported by:

Austrian
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SEND SUGGESTIONS AND COMMENTS ON THIS PUBLICATION TO:

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