

# AT THE CROSSROADS: LAND AND AGRARIAN REFORM IN SOUTH AFRICA INTO THE 21ST CENTURY

PAPERS FROM A CONFERENCE HELD AT ALPHA TRAINING CENTRE,  
BROEDERSTROOM, PRETORIA ON 26-28 JULY 1999



PUBLISHED BY PROGRAMME FOR LAND AND AGRARIAN STUDIES (PLAAS),  
SCHOOL OF GOVERNMENT, UNIVERSITY OF THE WESTERN CAPE  
AND NATIONAL LAND COMMITTEE (NLC)

 **National  
Land  
Committee**

AT THE CROSSROADS:  
LAND AND AGRARIAN REFORM IN  
SOUTH AFRICA INTO THE 21ST CENTURY

Published by  
Programme for Land and Agrarian Studies (PLAAS), School  
of Government at the University of the Western Cape  
and National Land Committee (NLC)

PLAAS  
Private Bag X17, Belville  
Cape Town, 7535  
South Africa

NLC  
P. O. Box 30944,  
Braamfontein, 2017  
South Africa

© PLAAS (UWC), NLC

This material may be used by non-profit organisations. We do request that such users acknowledge PLAAS and NLC. No part of the book may be reproduced by any means, electronic, mechanical, photocopying, recording or otherwise for the purposes of profit without the prior written consent of the copyright holder.

First published in 2000

ISBN 1-86808-467-1

*Editor:* Ben Cousins  
*Publication co-ordinator:* Natashia Emmett  
*Design, layout and cover design:* Rosie Campbell  
*Copy editing and proofing:* Stephen Heyns  
*Cover photograph:* South Photos

*Reproduction:* Image Mix  
*Printing and binding:* Logo Print

## CONTRIBUTORS

*Martin Adams*, Department for International Development (DFID), m.adams@mweb.co.za

*Aninka Claassens*, Consultant, aninka@icon.co.za

*Ben Cousins*, Programme for Land and Agrarian Studies (PLAAS), School of Government, University of the Western Cape, bcousins@uwc.ac.za

*Geoff de Beer*, Development Bank of Southern Africa (DBSA)

*Andries du Toit*, Programme for Land and Agrarian Studies (PLAAS), School of Government, University of the Western Cape, presence@iafrica.com or adutoit@uwc.ac.za

*Derick Fay*, Department of Anthropology, Boston University, isdf@warthog.ru.ac.za or dfay@bu.edu

*Stephen Greenberg*, National Land Committee (NLC), nlc@wn.apc.org

*Samantha Hargreaves*, National Land Committee (NLC), nlc@wn.apc.org

*Donna Hornby*, Association for Rural Advancement (AFRA), afra@wn.apc.org or donnah@icon.co.za

*Dave Husy*, Umhlaba Development Facilitators

*Thembela Kepe*, Programme for Land and Agrarian Studies (PLAAS), School of Government, University of the Western Cape, tkepe@uwc.ac.za

*Eddie Koch*, MAFISA Consultants, eddie@icon.co.za

*Edward Labiff*, Nkuzi Development Association, nkuzi@imagnet.co.za

*Tom Lebert*, National Land Committee, tom@nlc.co.za

*Richard Levin*, Chief Director: Implementation Branch, Department of Land Affairs, rmlevin@sghq.pwv.gov.za

*Charles Machete*, Department of Agricultural Economics, University of the North, machete@unin.north.ac.za

*Vuyo Mablati*, Co-ordinator: Wild Coast Spatial Development Initiative (SDI)

*Sibongile Makopi*, Deputy Director: Tenure, Department of Land Affairs, svmakopi@sghq.pwv.gov.za

*Siyabulela Manona*, Ikhwezi Development Facilitators, siyabu@iafrica.com

*Charles Mather*, Department of Geography, University of Witwatersrand, 017chm@cosmos.wits.ac.za

*Julian May*, Centre for Social and Development Studies, University of Natal (Durban), mayj@mtb.und.ac.za

*Alistair McIntosh*, McIntosh, Xaba & Associates, mxa@eastcoast.co.za

*Shamim Meer*, Consultant, shamim@iafrica.com

*Najma Mohamed*, Programme for Land and Agrarian Studies (PLAAS), School of Government, University of the Western Cape, nmohamed@uwc.ac.za

*Kgopotso Mokgope*, Programme for Land and Agrarian Studies (PLAAS), School of Government, University of the Western Cape, kmokgope@uwc.ac.za

*NM Mollel*, Department of Agricultural Extension, University of the North

*Lungisile Ntsebeza*, Programme for Land and Agrarian Studies (PLAAS), School of Government, University of the Western Cape, lntsebeza@uwc.ac.za

*Robin Palmer*, Department of Anthropology, Rhodes University

*Kate Philip*, Mineworkers Development Agency (MDA), kphilip@mda.org.za

*Kobus Pienaar*, Legal Resources Centre, kobus@lrc.org.za

*Dylan Rawlins*, Border Rural Committee, drawlins@mweb.co.za

*Charles & Sheona Shackleton*, Envirotek, Council for Scientific and Industrial Research, cshackle@csir.co.za and sshackle@csir.co.za

*Andrew Shepherd*, International Development Department, School of Public Policy, University of Birmingham, a.w.shepherd@bham.ac.uk or shepheaw@spp2.bham.ac.uk

*Sipho Sibanda*, Director: Tenure, Department of Land Affairs, smsibanda@sghq.pwv.gov.za

*Anne Vaughan*, Institute for Social and Economic Research, University of Durban Westville, avaughan@pixie.udw.ac.za

*Ashley Westaway*, Border Rural Committee, brc@wn.apc.org

## ACKNOWLEDGMENTS

The Programme for Land and Agrarian Studies (PLAAS) and the National Land Committee (NLC) wish to thank Kellogg Foundation for their generous grant which made the conference possible, and the Department for International Development (DFID) of the United Kingdom government, which made funds available for the publication of these proceedings. DFID also provided funds for the preparation of Andrew Shepherd's paper, and for him to travel to the conference.

Many thanks too to the Conference Steering Committee (Dave Husy and Abie Dithake of NLC, Ben Cousins of PLAAS, and Vuyi Nxasana of the Department of Land Affairs) for their time and commitment. They were given valuable assistance by Brendan Pearce of the NLC. Dave Husy acted as Conference Co-ordinator and somehow managed to pull everything together, despite the odds, and thus make the conference the success it was; his contribution was particularly valuable. Other staff who worked long hours behind the scenes, often way beyond the call of duty, include Natashiá Emmett of PLAAS, and Dinah Madliwa and Maureen Moleya of NLC, ably assisted by Florence Cairncross, Elizabeth Kgwadi and Neo Mogale of NLC.

This publication would not have been possible without the sterling efforts of Rosie Campbell, who designed the publication and managed the production process, and Stephen Heyns, who undertook proofreading and copyediting. Grateful thanks go to them too.

## CONTENTS

Contributors .....	i
Acknowledgments.....	ii
Introduction: Does land and agrarian reform have a future and, if so, who will benefit? <i>Ben Cousins</i> .....	1
Summary of conference proceedings <i>Dave Husy</i> .....	9
SECTION 1: THE IMPACT OF LAND AND AGRARIAN REFORM ON LIVELIHOODS	
The structure and composition of rural poverty and livelihoods in South Africa <i>Julian May</i> .....	21
The economic value of land and natural resources to rural livelihoods: case studies from South Africa <i>Sheona E Shackleton, Charlie C Shackleton and Ben Cousins</i> .....	35
Towards a national implementation strategy for land redistribution <i>Richard Levin</i> .....	68
The end of restitution: getting real about land claims <i>Andries du Toit</i> .....	75
The impact of land reform policy in the Northern Province <i>Edward Labiff</i> .....	92
Community and diversity: the complexity of interests in land reform – a case study of Gallowater A farm in the Eastern Cape <i>Kgopotso Mokgope</i> .....	107
Land tenure and economic development in rural South Africa: constraints and opportunities <i>Martin Adams, Ben Cousins and Sijabulela Manona</i> .....	111
Land rights and local decision making processes: proposals for tenure reform <i>Aninka Claassens</i> .....	129
Awards to provide security of tenure and comparable redress <i>Sibongile Makopi</i> .....	143
South African agriculture and rural livelihoods in the era of liberalisation <i>Charles Mather</i> .....	151
Greening land and agrarian reform: a case for sustainable agriculture <i>Najma Mohamed</i> .....	163
Land reform in South Africa: the potential role of tourism and forestry to promote equity and productivity in the rural economy <i>Eddie Koch and Geoff de Beer</i> .....	176
Prospects for redistribution of wealth through land reform in Dwesa-Cwebe <i>Derick Fay and Robin Palmer</i> .....	194
SECTION 2: INSTITUTIONAL DIMENSIONS OF LAND AND AGRARIAN REFORM	
Rural development and poverty reduction at the end of the century: lessons for South Africa <i>Andrew Shepherd</i> .....	211
Experiences of agrarian reform in South Africa: the limits of intervention <i>Alastair McIntosh and Anne Vaughan</i> .....	224
Decentralised planning and development: the legal framework and experiences in implementation <i>Tom Lebert and Ashley Westaway</i> .....	235
Integrated planning and implementation in rural areas: experiences from agri-tourism Spatial Development Initiatives (SDIs) <i>Vuyo Mablati</i> .....	248
Clearing the ground in the Spatial Development Initiatives (SDIs): analysing ‘process’ on South Africa’s Wild Coast <i>Thembele Kepe</i> .....	254
Out of the margins and into the centre: gender and institutional change <i>Samantha Hargreaves and Shamim Meer</i> .....	264
Traditional authorities, local government and land rights <i>Lungisile Ntsebeza</i> .....	280
Proposals for the management of land rights in rural South Africa <i>Sipho Sibanda</i> .....	306

Tenure rights and practices on a state-owned farm: the community of Ekuthuleni <i>Donna Hornby</i> .....	311
The three-pronged approach to rural development: the case of Gasela <i>Dylan Rawlins</i> .....	318
‘Communal’ property arrangements: a second bite <i>Kobus Pienaar</i> .....	322
Extension and support services for smallholder agricultural development in South Africa: who is the smallholder farmer? <i>CL Machethe and NM Mollel</i> .....	340
Creating jobs in rural southern Africa: the rural enterprise support strategies of the Mineworkers Development Agency <i>Kate Philip</i> .....	349
Building a people-driven rural development strategy: lessons from the RDI <i>Stephen Greenberg</i> .....	361
APPENDIX	
Poster session papers .....	383



# INTRODUCTION: DOES LAND AND AGRARIAN REFORM HAVE A FUTURE AND, IF SO, WHO WILL BENEFIT?

BEN COUSINS

*In South Africa after apartheid, the land question retains a powerful symbolic and material charge, generated by the long history of dispossession and continuing widespread rural poverty and inequality. There is also a widespread politics of land, and by extension, of farming and livelihoods. At the same time, land and agrarian reform is politically marginal to the concerns of the ANC and the government (Bernstein 1997:26).*

## LAND AND AGRARIAN REFORM AT THE CROSSROADS

These conference proceedings are published at a time of extraordinary fluidity and uncertainty as to the future of the ambitious programmes of land and agrarian reform<sup>1</sup> initiated by the first democratic government in 1994. A number of fundamental questions are currently being asked within the sector:

- What is the future of land and agrarian reform in South Africa in the 21<sup>st</sup> century? Some observers assert that the African National Congress (ANC) government has effectively jettisoned land reform, without actually announcing this decision to the world at large. If 'agrarian questions', including but not limited to questions as to the nature and distribution of land rights, are seen as marginal by those holding state power, then what are the implications for rural people, for land activists, and for the politics of land and agriculture in democratic South Africa?
- Alternatively, will land and agrarian reform be re-oriented so that its central focus is the fostering of a class of small, medium and large-scale black commercial farmers? If so, will government attempt to alleviate rural poverty primarily through welfare programmes and expanded social services rather than through the transfer of productive assets and support for wealth-creating productive activity?
- If at least *some* elements of land and agrarian reform continue to be oriented to the needs of

the rural poor, what lessons from the first five years need to inform the design and implementation of more effective policies and programmes?

These are challenging questions, but important ones to seek answers to. The papers in this collection may assist in such efforts, despite significant shifts in the political context between the early months of 1999, when the papers were written, and March 2000, as these proceedings go to press. The most obvious difference, of course, is the appointment of a new Minister of Agriculture and Land Affairs, Thoko Didiza (formerly Deputy Minister of Agriculture). However, the policy implications of this change in leadership are only just beginning to emerge, with the Minister announcing a major new policy thrust on 11 February 2000 (see below).

Some of the key policy questions are discussed in this introduction, which describes the context within which the Land and Agrarian Reform Conference of July 1999 was organised, and summarises the key issues addressed in the papers collected here.

## THE POLITICAL CONTEXT OF THE CONFERENCE

The conference was organised in the run-up to the second democratic elections of May 1999, and timed to coincide with the coming to office of a new political leadership within the country. There were indications that electioneering politicians might be beginning to understand the concerns of rural



people, and some speculated that rural development might become an important political issue. An alliance of rural NGOs was organising the Rural Development Initiative – a process to enable rural people to be mobilised and their demands to be expressed – which culminated in April 1999 in a national convention and publication of the Rural People's Charter (see Greenberg in this volume). Land reform policy was also in flux, and there were indications of an emerging openness on the part of officials to new ideas and different approaches. The conference was intended as an opportunity for government and non-governmental agencies, together with researchers and policy analysts, to critically assess past experience and to debate the way forward.

The land sector has always been characterised by lively and public arguments over policy, and some of the central and recurring themes of the previous five years of debate were expected to surface at the conference. One of these is whether or not the ANC has the 'political will' to seek to radically alter agrarian power relations and the distribution of resources that underlies them. The Reconstruction and Development Programme (RDP) of 1994 called for a wide-ranging and redistributive land reform<sup>2</sup>, portrayed as the central driving force behind a large scale rural development programme. Since then the effective displacement of the RDP by the Growth, Employment and Redistribution strategy (GEAR) and the derisory budget for land reform since 1994/95 (never more than one percent of the total budget) have called this commitment into question. Is government's oft-repeated statement that it intends to eliminate rural poverty (most recently in President Mbeki's state of the nation address of February 2000) only a rhetorical gesture?

It has become increasingly clear that the primary orientation of economic policy is towards creating favourable conditions for local and foreign investment in industry and tourism, and attaining international competitiveness – these being seen as the key to job creation and rising incomes. In this context land reform may well be viewed by key decision makers in government as at best a 'welfarist' programme to 'alleviate' poverty, and agrarian change may be equated with enabling the emergence of a class of small scale commercial farmers – the rural equivalent of 'black empowerment' in mining and industry.

The tension between issues of 'production' and those of 'equity, rights and historical redress' has bedeviled the land reform programme from its inception. It may be that the ANC has increasingly seen the latter as secondary goals, if not unaffordable luxuries, in the primary emphasis on economic growth. Against

this backdrop, the economic dimensions of land and agrarian reform, viewed by some as perhaps the key to winning greater political support for the programme, became a central theme which the conference aimed to discuss.

Another was the design and implementation of the three key sub-programmes of land restitution, redistribution and tenure reform, as set out in the 1997 White Paper on Land Policy, together with the lack of integration of these with agricultural support services or other rural development policies. These sub-programmes have been the subject of heated debate over the past five years, with many critics pointing out their inherent limitations (as a result, for example, of constitutional constraints, inadequate capacity, budgetary limitations, structural problems within government, and problematic assumptions as to the beneficial effects of market deregulation, the role of law in social change, and the nature of 'community' and 'household').

By mid-1999 the tension between the limitations, on the one hand, and the ambitious goals of these programmes on the other, had become so severe that a fundamental re-thinking of many aspects of policy was clearly necessary. This was widely recognised in the rural sector – despite the significant increases in delivery of land under both redistribution and restitution which were beginning to be evident in the annual reports of the Department of Land Affairs (DLA).

It was also clear that senior decision makers in the DLA had begun to confront these issues themselves, partly as a result of self-critical internal reviews, and partly due to continuing critique and pressure from land NGOs, and, in part, from rural people. A ministerial review of land restitution had been completed, and far-reaching changes in the administration of the programme were initiated in 1999. A systematic attempt to adjust redistribution policies and procedures to achieve a better fit between complex rural realities and the 'products' of the department was under way (see Levin in this volume), and the issue of integration and improved co-ordination within government at large was acknowledged as crucial if more equitable access to land was to serve the goals of agrarian reform and meaningful rural development. Long-delayed legislative proposals on tenure reform in the former 'homelands' were tabled and discussed internally. Decentralisation of decision making within the DLA so that the enormous diversity of conditions across the country could be dealt with at provincial and district level, and so that effective integration could be enabled (for example, of land reform and agricultural support services) was well under way.





Budgetary and capacity constraints continued to frame all these efforts, however. Thus, in relation to tenure reform, doubts were expressed by some officials as to the wisdom of attempting to legislate on land rights in the so-called 'communal areas', and to intervene in a complex political terrain (in relation to the powers of chiefs) without a clear political commitment by the ANC, without an expansion of staff capacity to implement legislation, and without an adequate budget.

By mid-1999, then, the institutional environment within which land reform was being implemented was in a state of flux, and the degree of political commitment by the new government remained unclear. The conference took place two months after the new Minister had been appointed, and was potentially an ideal forum for a vigorous exchange of views on future directions. The fact that Minister Didiza agreed to open the conference was a positive sign; disappointingly, she stayed only for one full presentation and did not return.<sup>3</sup>

The eight months following the new Minister's appointment have been characterised by a disconcerting lack of information and inadequate public communication, and there has been widespread confusion over where land and agrarian reform is heading. Although few hard data are available, there appears to have been a continuing improvement in delivery of restitution, but a dramatic slowing down in the redistribution programme (due to a moratorium on new projects and an internal review of previous policies), and key elements of the tenure reform process have been placed 'on hold'. This period has also seen the surfacing of internal tensions within the DLA and speculation as to their origins in political rivalries within the ANC<sup>4</sup>, the exodus of senior officials appointed under the previous Minister (Derek Hanekom), and rumours of fundamental policy shifts, as well as (thus far unsubstantiated) stories of growing inefficiency in the processing of submissions. However, in the absence of transparency or open discussion by those in the know, it has been difficult to sort rumour from reality.

## INTEGRATED RURAL DEVELOPMENT

In September 1999, government announced a new programme of integrated rural development, and President Mbeki re-affirmed its importance at the opening of Parliament in February 2000. However, details of the programme have not been released, and information on what precisely government has in mind is still hard to come by. NGOs and rural development organisations outside of government have not been consulted or informed, and 'an

atmosphere of unease pervades the rural sector' (Greenberg 1999:14).

According to Greenberg (1999:12), one component of the new programme may be a co-operation agreement between the Ministry of Land Affairs and Agriculture and the Food and Agriculture Organisation (FAO), which is focused on agriculture and agro-processing, improved extension services, rehabilitation of irrigation schemes, and reform of communal tenure systems (which is reported to include the leasing of land to foreign investors by chiefs). He reports that government officials have revealed in interviews that the programme will be piloted in three provinces (the Eastern Cape, Kwazulu-Natal and Northern Province) and in the first two of these will work in regions which fall within government's Spatial Development Initiative (SDI) zones (Greenberg 1999:12–13). Improved integration and co-ordination of government delivery are said to form a central focus.

Recent newspaper reports suggest that five government ministries (Minerals and Energy, Housing, Public Works, Provincial and Local Government, and Land Affairs and Agriculture) have formed a cluster to be charged with formulating a rural development strategy (*Business Day* 3 February 2000). With the relief of poverty as its focus, the programme will focus on infrastructure and the promotion of 'viable economic projects'. The contribution that land reform is envisaged as making to rural development is as yet unclear.

## NEW POLICY DIRECTIONS ANNOUNCED IN FEBRUARY 2000

On 11 February 2000 a major policy announcement by Minister Didiza outlined new strategic directions for the land reform programme. The proposals were thin on detail, and referred to further guidelines and policy frameworks to be developed in future. Certain components of the existing land reform programme were confirmed, others were subjected to criticism and modification, and some major new thrusts were outlined.

The detailed proposals will clearly be subjected to close scrutiny by land activists and analysts, and will no doubt generate heated debate. At this early stage only a preliminary assessment can be offered, but it is clear that two key components, the *new redistribution grants* and *tenure reform*, are going to prove highly controversial.

Some elements of the new thrust, however, are likely to be met with widespread approval. For example, the limitations of the R16 000 settlement and land



acquisition grant (SLAG) are clearly identified, building on the insights of previous reviews initiated in the time when Derek Hanekom was Minister. These include over-reliance on the market as a mechanism within redistribution. The statement that a supply-led approach will now be piloted is likely to be welcomed, as is the continued disaggregation of the diverse needs of different groups of people intended to benefit from land reform. This will allow room for the further refinement of land reform programmes and 'products' (see Levin in this volume).

Other aspects likely to be welcomed by many in the land sector include a commitment to speeding up the restitution process, an emphasis on enhancing the developmental potential of both restitution and the Extension of Security of Tenure Act, an extension of the time period for labour tenant claims, and a review of equity share schemes. In line with previous thinking, the statement emphasises that land reform must be fully integrated into government's rural development programme, requiring joint planning and better co-ordination with other departments.

Much more problematic is the addition of a grant system aimed at gradually changing the (racial) structure of South African agriculture by creating opportunities for emergent black commercial farmers. There will be three new 'redistribution windows', at different scales, with the grant contributing different proportions of land acquisition costs. Although it is difficult to evaluate their practical feasibility at this stage, the proposals give rise to several concerns.

Emergent farmers are legitimate beneficiaries of land reform, and have probably not been well served by the programme to date. Thus it is not the addition of a grant for full-time black farmers, operating at different scales, which is problematic. The key issue, rather, is the balance of resource allocation between this *relatively* well-off, but currently small interest group, and the millions of poor households living either in the former bantustans or on commercial farms. Optimistic estimates of the number of potential emergent farmers range between 20 000 and 30 000 (and sceptics will, no doubt, put it at a much smaller number). Compared to the bulk of the rural poor, this is a tiny fraction of those in need of land for improving their incomes – at best less than 2 per cent. Thus any allocation of funds to this group (from the very limited budget for land redistribution) larger than, say, 10 per cent of the total, would not seem justified if the primary goal of land and agrarian reform is to address deep poverty and inequality.

The balance in resource allocation envisaged by government is not at all clear at present, and urgently

needs to be addressed. The Minister's announcement is ambiguous as to priorities, although occasionally it does assert that the core business of the Department of Land Affairs remains 'land redistribution to the landless poor'.

The second concern in relation to the redistribution grants is the sharp and entirely false dichotomy drawn in the document between commercial, 'market-based' agriculture, on the one hand, and farming as a 'food safety net' (read 'subsistence farming'), on the other. With a lineage as old as early colonialism, this stereotype of African agriculture attempts to separate the mass of 'backward peasants', farming on household plots in the reserves, from 'progressive', market-oriented farmers who deserve to own land under individual title and to receive real support from the state.

In the Minister's statement, only the emergent farmers are seen as having the potential to contribute to local economic development in rural areas, and implicitly, only the increasing ownership of land by them is seen as significant 'structural change' in agriculture. This view of the part-time farming practised by most rural people as one livelihood strategy amongst many ignores its very real economic value and potential, as is evident all over Africa, and as shown by recent research to be true for South Africa as well (see Shackleton et al. in this volume). Thus large scale land redistribution to part-time farmers operating on a very small scale, often in communal tenure systems, *if* accompanied by real improvements in infrastructure and services, would not only directly address the poverty of the majority (many of whom are women), it would also contribute greatly to both the local and the national economy. This is the real challenge for redistributive land reform – and, it must be said, one which has not been effectively addressed thus far.

A key resource for land redistribution is state-owned agricultural land, most of which is at present leased out to commercial farmers (black and white) on short term leases. This is indeed unsatisfactory, as the policy statement asserts, but the proposal to dispose of this high potential land only to emergent farmers is even more so. It will rob the rural poor of a potentially crucial route to an expanded land base beyond the boundaries of the bantustans, and flies in the face of President Mbeki's recent commitment, in his state-of-the-nation address, to 'reverse a century-old legacy of white minority rule according to which millions of our people were confined in poverty stricken areas described as native reserves, bantustans and homelands'.

Another central issue is tenure reform in the former homelands and South African Development Trust



areas. The Minister's statement asserts that a new 'draft framework document' to guide tenure policy and legislation is to be prepared, although it is not clear what is seen as inappropriate in previous policy frameworks (for example, as set out in the 1997 White Paper on Land Reform). Elements of this previous framework, including some (such as the rights enquiry approach) which were drastically altered after field testing and much debate, reappear in the new policy statement, prompting fears that there has not been a thorough and considered appraisal of tenure reform policy options.

Most worrying of all is the clear intention of the Minister to address tenure security by an attempt to transfer state land to 'tribes' (as well as to communities and individual occupants), and to use the Upgrading of Land Tenure Rights Act of 1991 (a National Party land law) to do so. The dangers of transferring ownership of communal land to a legal entity known as a 'tribe' were extensively debated within the land reform sector over a five-year period, and also at the conference. They include the fact that chiefs, who may or may not be legitimate leaders for the members of a particular community, and may or may not be abusive or corrupt, will be given *de facto* power by any such transfer.

Since the only rules which govern a 'tribe' are those of custom, as interpreted by (usually male) elders, there will be no way from within the tenure system itself to protect the rights of community members (for example, through a system of checks and balances, including mechanisms to appeal against abuse and seek redress). Compare this to the provisions of laws governing companies, trusts or communal property associations. However, since these legal entities, highly formal in character, are often seen as inappropriate by rural people, they are clearly not the answer either. Hence the provisions in the draft Land Rights Bill for strong statutory rights just short of full ownership, vested in members not in institutions, and state-funded support structures, such as land rights officers (see Sibanda in this volume and Claassens in this volume).

These proceedings are thus published at a time when information on the new directions in government's land and agrarian reform programme is only just beginning to emerge, albeit in sketchy detail, and when fierce debates as to the appropriateness and feasibility of policies look set to be renewed.

## STRUCTURE AND CONTENTS OF THIS VOLUME

### LIMITATIONS AND OMISSIONS

The conference was intended as a vehicle for debate on the politics of land and agrarian reform and on

appropriate policy frameworks, and most of the papers presented had an 'applied' or policy focus. Few attempt to assess political dynamics within the state or within the agrarian/rural sector. In addition, some important issues received only cursory attention or were not discussed at all – mostly because of time constraints. There are simply too many aspects and dimensions of land and agrarian reform for them all to be addressed in a three-day conference. Thus the conference did not allow for adequate consideration of farm workers, labour tenants, new directions in restitution, natural resource management and environmental issues, and mineral rights.

In addition to commissioned papers which were formally presented at the conference, two poster sessions allowed 20 volunteered papers to be discussed in a less formal setting (see appendix). Some of these are published here; constraints of space did not permit the full set to be included. Other omissions from the proceedings<sup>5</sup> include papers by Naidoo (on monitoring and evaluation of land reform), Mbongwa (on policies for small scale agriculture), Magombo (on district level co-ordination), Newton (tenure upgrading in the Free State), Cousins (on the performance of legal entities), and Simbi (integrating land reform and agricultural support). A brief summary of the main arguments of these papers is included in the overview of the conference by Husy, which follows this introduction.

### THE IMPACT OF LAND AND AGRARIAN REFORM ON LIVELIHOODS

Papers in the first section of the proceedings focus on the achieved or potential impact of land and agrarian reform on rural livelihoods. The theme for this section is thus the 'economic' dimensions which were somewhat neglected in earlier years. Papers by May and by Shackleton et al. describe poverty and livelihoods in the former 'homelands', where the bulk of South Africa's rural population are still resident, and assess the economic value of land-based livelihoods. They thus help set the scene for the policy-oriented papers which follow. A feature of these contexts is marked social and economic differentiation, along lines of gender, class, age and status.

Levin's paper focuses largely on the re-design of land redistribution policies and procedures, but in so doing provides a useful critique of those features of policy which have limited the impact of redistribution projects on livelihoods.<sup>6</sup> Du Toit critically examines fundamental assumptions which have underpinned restitution policy, and which have led to the neglect of developmental aspects of restitution. He also suggests ways forward, building



on the positive experience of urban land claims in Port Elizabeth.

Lahiff's paper on the impact of land reform in the Northern Province and Mokgope's case study of a redistribution project in the Eastern Cape illustrate the problematic nature of certain features of the policy framework, and the importance of sustained commitment and engagement by government if land reform is to succeed in addressing poverty and inequality. Both papers emphasise the highly differentiated nature of rural communities, and the need for policies to address this in a disaggregated manner (for example, through addressing unequal gender relations).

Three papers on the economic dimensions of tenure reform policy (in the form of the draft Land Rights Bill) follow. Adams et al. argue that tenure reform in the 'communal areas' has the potential to impact positively on rural livelihoods. Claassens outlines the manner in which the draft Bill defines the form and content of land rights, with major implications for decision making on land transactions, investment, and common property management. Makopi discusses the draft Bill's proposals for resolving disputes over overlapping and conflicting rights through making additional land available, thus giving tenure reform a redistributive dimension.

Two papers follow which focus specifically on agricultural production: Mather suggests that deregulation and liberalisation of the agricultural sector, as one segment of the country's macro-economic policy, will have negative effects on the livelihoods of smallholder farmers, farmworkers and the rural poor. Mohamed discusses the need for environmentally-sustainable farming methods, and outlines the possibilities for integrating this approach within land reform projects.

The section concludes with two papers which examine non-farming options as sources of livelihood for rural people benefiting from land reform, with a particular focus on tourism and forestry. Koch and De Beer provide case studies of the Makuleke and Madikwe experiences in eco-tourism, and discuss the potential for community-based forestry schemes, but also warn against lack of realism: these options cannot provide all the answers. They also emphasise the centrality of land rights to attempts to develop viable models in these two sub-sectors. Fay and Palmer illustrate these points with a richly detailed case study of Dwesa-Cwebe on the Wild Coast, and once again call attention to social differentiation as a key feature of rural social formations.

## INSTITUTIONAL DIMENSIONS OF LAND AND AGRARIAN REFORM

The papers in the second section of these proceedings focus on a range of institutional issues within land and agrarian reform, some of which (for example, in relation to gender relations, and traditional authority) also involve deeply *political* questions. This should come as no surprise: institutional realities are often embedded within more or less taken-for-granted relations of power, which are often highly contested in contemporary South Africa.

The section begins with a review by Shepherd of current thinking about the design and implementation of rural development aimed at poverty reduction, drawn from an analysis of experiences elsewhere in the world. The paper's lessons in relation to the need for asset redistribution as a key strategy for addressing poverty, and for more effective integration and co-ordination, are particularly relevant for South Africa. This is followed by McIntosh and Vaughan's paper on the limits of state interventions in rural administration, given the legacy of the 'bifurcated state' (Mamdani 1996), which granted significant powers of administration to traditional institutions. They suggest that these limits make the approach to tenure reform proposed in the draft Land Rights Bill appropriate and feasible, and of relevance to other aspects of land reform (including local level co-ordination of development).

Lebert and Westaway review progress in the decentralisation of the development planning process, first examining the policy and legal frameworks which have evolved, and then critically assessing experiences of implementation. This reveals a worrying disjuncture between policy and practice which impacts negatively on land reform, and an urgent need for institutional clarity, training, resources, regulation of consultants, and institutional dialogue. Mahlati's paper on the Wild Coast Spatial Development Initiative (SDI) also addresses the key issue of integrated planning and implementation, and underlines the importance of clear institutional roles and responsibilities (for example, for the community, the state and the private sector), capacity building at community level, and the mobilisation of private investment. Mahlati emphasises that land reform is a pre-requisite for revitalisation of the rural economy, which is seen as requiring a transition from 'peasant' to commercial agriculture, together with other forms of profit-earning land uses such as tourism.

Kepe also uses the Wild Coast SDI as an example in his discussion of the importance of paying attention to the process dimensions of development planning



and implementation. He analyses problems experienced within the SDI in relation to communication strategies and conflict management, and suggests that significant investment in securing the conditions for meaningful participation in development projects is money well spent.

Hargreaves and Meer critically review gender policies and practices in both the Department of Land Affairs and the National Land Committee network. They argue that land reform policies and programmes have thus far not addressed the goal of gender equity in a meaningful manner, and that this derives from a lack of conceptual clarity on gender as a key social relation. As a consequence, gender remains on the margins rather than being seen as part of the core business of both government and the NGO sector. This means that a central objective of land reform is not being met.

Ntsebeza's paper examines the role of traditional authorities in land tenure systems and in rural local government, from the colonial period through to the post-apartheid era. He analyses emerging policy frameworks, and points to a fundamental contradiction: both local government and tenure reform policies are premised on the extension of democracy to the local level, but the Constitution also recognises the non-democratic institution of traditional leadership. Case study material from Tshezi, on the Wild Coast of the former Transkei, highlights the complexities and difficulties of attempts to implement policy within this framework.

Sibanda's paper summarises the key provisions of the draft Land Rights Bill in relation to decision making within reformed land tenure systems, which address some of the problems identified by Ntsebeza. These provisions vest rights in members of groups, and give rights holders the power to decide which institution will manage land on their behalf, thus creating accountability. This would allow popular and legitimate chiefs to be selected as a management structure by rights holders, but also require principles of democracy, equality and due process to be observed. Sibanda thus argues that the draft Bill is not anti-traditional authorities (see McIntosh and Vaughan in this volume).

Three papers address the issue of land rights and land administration through presenting case study material. Two describe viable systems which have evolved through local practice: Hornby describes community land rights in Ekuthuleni in Kwazulu-Natal, and Rawlins discusses the system which has recently emerged in Gasela in the Eastern Cape with the assistance of an NGO, and where land use planning has been integrated into land rights management. In contrast, Pienaar's paper describes

the difficulties and conflicts experienced in a number of land reform projects when trusts or communal property associations have been formed to take ownership of land, but where fundamental questions in relation to land rights, management systems, rule enforcement and development support have not been resolved.

Two papers take up the question of appropriate support services within South Africa's land and agrarian reform programme. Machethe and Molle discuss the difficult issue of how to define 'small holder farmers' in South Africa, and distinguish between 'resource-poor farmers' and 'middle-income farmers'. They also review key aspects of improved extension services – access, quality, expenditure and accountability, and suggest that public sector extension should focus mainly on the resource-poor group. Philip describes the rural enterprise support programme of the Mineworkers Development Agency, which has developed innovative strategies to support small-scale manufacturing, processing and agricultural production activities. Success has been achieved here by effectively integrating a range of support services, enabling increasingly diverse and sustainable local economic activity. This example demonstrates clearly the potential for sustainable rural livelihoods in South Africa.

Finally, Greenberg's paper takes up the central but vexed question of political mobilisation and organisation in South Africa's rural areas. He describes recent attempts by the NGO sector to facilitate the emergence of a rural social movement through the Rural Development Initiative and the drafting of a Rural People's Charter. The paper provides a critique of government policy, from a civil society perspective, and outlines a way forward for rural and land activists who are located outside of the state.

---

<sup>1</sup>Land reform involves the redistribution of land, a consequent change in the structure of land holdings, and the redefinition of the character and legal status of land rights. Agrarian reform, on the other hand, connotes a fundamental transformation in the social and political relations which underpin systems of production, and thus involves changes in the balance of power between different classes in the countryside. It has a wider scope than programmes of developmental support to those who benefit from land reform, that is, rural development (Levin & Neocosmos 1989; Wildschut & Hulbert 1998; Bernstein 1997).

<sup>2</sup>The RDP's goal of redistributing 30 percent of commercial farmland within five years has now been



accepted as wildly unrealistic, and can be understood as a rhetorical gesture rather than as a serious political commitment. However, the necessity of wide scale redistribution of land in order to overcome the legacy of forced overcrowding in the former bantustans (that is, 'going beyond the 13 per cent' of land allocated to blacks in the Land Acts of 1913 and 1936) is still seen by many as necessary and fundamental to agrarian reform.

<sup>3</sup>Conference organisers went to great lengths to secure the participation of senior officials in the Departments of Land Affairs and of Agriculture, but only some attended. They also extended invitations to directors general or their deputies in other departments with rural development responsibilities (for example, Water Affairs and Forestry, Environmental Affairs and Tourism, Constitutional Development), but none participated. This prompted some at the conference to ask: 'is government truly interested in the views of civil society?'

<sup>4</sup>See Barrell, H. 2000. A struggle rooted in the land. *Mail & Guardian*, January 7–13.

<sup>5</sup>These papers were incomplete or not in publishable form at the time of publication.

<sup>6</sup>To date there have been few systematic attempts to assess the impact of land reform in South Africa. One is the *Quality of Life Report* produced by DLA's

Monitoring and Evaluation directorate (DLA 1998), which is limited in its scope. Another is a paper by Deininger et al. (1999).

## REFERENCES

- Bernstein H. 1997. *Social change in the South African countryside? Land and production, poverty and power*. Land Reform and Agrarian Change in Southern Africa Occasional Paper Series, no. 4. Cape Town: Programme for Land and Agrarian Studies, School of Government, University of the Western Cape.
- Deininger, K, Naidoo, I, May, J, Roberts, B & Van Zyl, J. 1999. Implementing 'market-friendly' land redistribution in South Africa: lessons from the first five years. Unpublished paper.
- Department of Land Affairs. 1998. *Annual Quality of Life Report*. Pretoria: DLA.
- Greenberg S. 1999. Mbeki's rural plan of action. *Land and Rural Digest*, November/December.
- Levin R & Neocosmos, M. 1989. The agrarian question and class contradictions in South Africa; some theoretical considerations. *Journal of Peasant Studies*, 16 (2):230–259.
- Mamdani M. 1996. *Citizen and subject: contemporary Africa and the legacy of late colonialism*. Cape Town: David Philip.
- Wildschut A & Hulbert, S. 1998. *A seed not sown: prospects for agrarian reform in South Africa*. Johannesburg: National Land Committee.



## SUMMARY OF CONFERENCE PROCEEDINGS

---

DAVE HUSY

### MONDAY, 26<sup>TH</sup> JULY 1999

#### OPENING AND WELCOME

Zakes Hlatswayo, Director of the National Land Committee, welcomed all the delegates to the conference. He outlined the background of the conference, and emphasised the importance of the issues facing rural people before asking Dene van Rooy, Chairperson of the National Land Committee, to give a few words and to introduce the Minister.

#### NLC CHAIRPERSON'S ADDRESS

Ms Van Rooy emphasised the need for effectiveness by both NGOs and government in their rural development efforts. There have been numerous community-driven events which provided a voice for rural people, like the Community Land Conference in 1994 and the Rural Development Initiative in 1999.

However, a high degree of land hunger in South Africa remains, and the demands of rural people remain very similar to those voiced in previous years. The challenge for rural development is to make an impact, so that the same needs do not simply resurface in a few years' time. Ms Van Rooy challenged the conference delegates to engage with the issue with frankness and to take forward the issues in a serious way. She then welcomed the Minister of Agriculture and Land Affairs.

#### MINISTER'S ADDRESS

Minister Thoko Didiza opened the conference with a message of support for rural people. She indicated her strong interest in hearing the issues emerging from the deliberations, and said she was willing to learn and consider various options in land and agriculture policy. The conference gave her an important opportunity to consult with a constituency outside of the government and political arena, and

she was willing to engage with participants over the issues which would be raised.

The Minister said she would take forward the search for renewed focus and effective delivery. She had met with the different branches of the Department of Land Affairs (DLA) to ask for clarity on their objectives and core business. Referring to the need for consensus on how to take policy forward, Ms Didiza said current approaches to restitution, tenure and land redistribution would have to be reviewed. As an example, she said there would have to be a serious rethink on the issue of labour tenants if the need and situation of these people was to be adequately addressed, possibly necessitating viewing labour tenancy as a restitution issue.

Ms Didiza wished the conference well in its endeavours, saying she would return the following day to hear more debate and discussion. The chairperson thanked the Minister, and expressed confidence that the conference would provide her with food for thought. He told participants that there was a labour dispute at the venue, but that the conference organisers were dealing with the issue.

#### PROGRAMME BRIEFING

Conference co-ordinator Dave Husy outlined the structure of the programme, organised around theme days. Monday 26<sup>th</sup> July was to deal with the theme of economic impact and development; Tuesday 27<sup>th</sup> with institutional questions, and Wednesday 28<sup>th</sup> with integrated rural development. Within each of these days there would be a general plenary session to introduce broad papers and inputs, which would be followed by commission discussions focusing on tenure, land reform, and agrarian reform. These commissions would hear presentation of input papers, and discuss the emerging key issues. Each day would conclude with reports on these discussions in plenary.



## SESSION 1: ECONOMIC DIMENSIONS OF REFORM

Dr Julian May of the University of Natal presented his paper *The structure and composition of rural poverty and livelihoods in South Africa*. He emphasised the following points:

- Poverty in rural areas is extreme, and there are stark levels of inequality between rural and urban areas. This takes place in the context of South Africa experiencing 'poverty amongst plenty'.
- Rural survival strategies rely on multiple incomes to households, and agriculture is an important supplementary, rather than primary, component of household income.
- Three key contributing factors to poverty in South Africa are the erosion of the rural asset base, the impact of a disabling state, and the direct impact of apartheid policies.
- For any reform initiative to significantly address poverty, it would need a set of coherent policies and co-ordinated programmes designed to strengthen the asset base of the poor, and the promotion of livelihood activities based on these assets.
- Due to the distortions of the market, state action to promote asset use should take the form of specific measures to restructure markets to benefit the poor.

Sheona Shackleton and Prof. Ben Cousins presented their paper *The economic value of land and natural resources to rural livelihoods*. They emphasised the following points:

- The economic value of rural assets, and the contribution of crop and livestock production and natural resource harvesting to livelihoods in the rural areas of South Africa is consistently under-valued.
- Evidence suggests that wild resources, livestock production, and cropping in communal areas in South Africa make significant contributions to rural livelihoods, and this has important implications for the conceptualisation, design and implementation of land and agrarian reform.
- While it is clear that deep poverty in these areas requires radical measures, not least redistribution of resources, including land, a sustainable livelihoods approach suggests that building on the land-based livelihoods which rural people currently practice, and seeking ways to enhance their economic value, might be more appropriate than attempting to replace them with fully market-oriented or commercialised approaches.

## SESSION 2: THEME COMMISSIONS LAND REFORM COMMISSION

### INPUTS

The Land Reform Commission reviewed three input papers during the course of the day. The chairperson, Andile Mngxitama of the National Land Committee, introduced the issues and the presenters for the session.

The first presentation was a paper on *Measuring the impact of land reform* by Indran Naidoo, Director of Monitoring and Evaluation at the Department of Land Affairs. The following key points were made:

- The difficulties experienced by the monitoring and evaluation programme reflect the difficulties of the land reform programmes themselves, especially with regard to the limited capacity available to implement them.
- The mid-term review of the land reform pilots revealed problems related to the grant, the lack of interdepartmental co-ordination, the varied needs on the ground, and the difficulties of breaking the apartheid legacy. These all have a bearing on the programmes themselves, and the monitoring and evaluation components.
- The current monitoring and evaluation programme relies on both statistical analysis, and more qualitative methodologies.
- It has become clear that the reform programmes have not significantly enhanced livelihoods or benefited rural households in any real way, and progress is hampered by a lack of inter-departmental support, conflict in communities, discrepancies between plans and actual processes, and passive beneficiary groups.
- The monitoring and evaluation programme will continue to be a difficult activity because priorities and outputs are likely to change, and programmes will approach implementation differently.

Dr Andries du Toit presented his paper *The end of restitution: getting real about land issues*. The following points emerged:

- The most important problem in the restitution programme is not only the slow rate of delivery, but also the question of *what* is being delivered: the vision, aim and policy that drives delivery. Restitution needs to therefore redefine what its ends are.
- Many of the problems of restitution arise out of some of the underlying, often unstated, but powerful assumptions and frameworks with which role players approach restitution. One of these is an approach to claimants as victims of a loss, rather than beneficiaries of an opportunity to be maximised.





- The entrenchment of these assumptions underpins forms of implementation and practice which marginalise and disempower claimants, and undermine the contribution of restitution and rural development.
- At current rates of cost and delivery, the restitution process is likely to draw increasing proportions of budgetary resources away from other land reform programmes.
- The restitution process needs to be reviewed and focused on principles including – amongst others – the centrality of planning, and the notion of co-operative implementation.

Dr Richard Levin, Chief Director of Implementation in the Department of Land Affairs, reviewed land reform policy and delivery, arguing the following:

- The land redistribution programmes are not benefiting the poor in rural areas, and in fact are promoting excessive and unsustainable densities of people in land reform projects.
- The inflexible use of the land acquisition grant is creating poverty traps and unsustainable practices in land reform, and there is an urgent need to revisit the core objectives of such a grant in the context of a review of land redistribution programmes.
- A key obstacle to effective reform is the continued disorganisation of rural people, and the fact that land redistribution programmes are not promoting sustainable organisation. The term ‘beneficiary’ encapsulates the limitations of a bureaucratic approach, and future policy should focus on promoting rural people as active participants in reform, with responsibilities clearly outlined for them and the DLA.
- Delivery of land reform is removed from the local level, the result of a skewed capacity distribution (highest at national level, lowest at local) and a lack of understanding as to the problems of delivery at local level. There is a need to integrate delivery with other institutions at this level.

## DISCUSSION

The following discussion points were raised:

- There is a need to revisit how appropriate existing land reform programmes are and which mechanisms are used for achieving aims of rural development of people. In particular, issues related to the approach of restitution and redistribution processes need to be revisited to identify the ‘core business’ of land reform and the DLA.
- The role of government, communities and NGOs needs to be debated and refined to allow for greater focus of action. Programmes need to reflect these discussions and debates.

- The monitoring and evaluation system needs to be better co-ordinated and integrated into land reform programmes. It also needs to be much more gender-sensitive in its methodology.
- Restitution policy and process needs to undergo a paradigm shift to be able to adequately address the huge number of claims in the country, and to overcome procedural and administrative problems.

## TENURE REFORM COMMISSION

### INPUTS

The chairperson, Thembela Kepe from the Programme for Land and Agrarian Studies, outlined the session and introduced the speakers. The commission opened with an input by Martin Adams of the Department of Land Affairs, Siyabu Manona, and Ben Cousins, based on their paper *Land tenure and economic development in rural South Africa: constraints and opportunities*. Their input emphasised the following argument:

- The current legal uncertainty attached to land ownership in the former homelands is an underlying cause of poverty and rural conflict. It is a serious disincentive for households, entrepreneurs and government to invest in development.
- Proposed land rights legislation would confirm rights to land, clarifying who can make decisions, and who enjoys the benefit of investment. It is proposed that customary rights be given legal protection and administrative support be provided to achieve this, rather than to introduce compulsory titling.
- The benefits of introducing these measures outweighs the administrative costs and the opportunity costs of no action. The most significant economic benefits are likely to come from the stimulus to land-based livelihoods in the communal areas, the economic importance of which have been consistently underestimated in the past.

The second paper was *Land rights and local decision making processes: proposals for tenure reform*, by Aninka Claassens. In her input she raised the following key issues:

- The proposed tenure reform measures are an attempt to introduce a ‘bottom-up’ system of land management in areas where control was the predominant consideration in the past.
- The most urgent need for intervention is where people are most vulnerable. The proposed intervention would be an attempt to ensure that basic rights are protected.
- The proposals intend setting in place a framework for securing rights in this way:
  - The content of land rights would be provided for in legislation, but variations



- and limitations would be determined locally.
- Locally-adopted rules would govern the exercise and management of land rights in specific areas.

In his paper *Awards to provide security of tenure and comparable redress*, Sibongile Makopi argued the following points:

- The provision of redress awards is a necessary feature for resolving certain types of tenure disputes. Comparable redress awards provide for a mechanism for unpacking overlapping rights in overcrowded areas by the provision of extra resources, primarily land.
- If these resources are not directed to these tenure situations, serious negative consequences are likely to emerge, including the continuance of intractable historical disputes about access to grazing and ploughing land, occasionally flaring up into violence. Without the proposed redress awards, people with underlying rights may effectively have these 'expropriated' if existing rights are awarded to others.
- The proposal steers clear of the danger of being an overly complex and slow process by virtue of being driven by negotiation, rather than adjudication.
- The costs of the proposals are acknowledged, but rather than being criticised for being potentially expensive, or financially draining on other land reform programmes, the proposals should bring to the fore discussions about the overall limitations of the land reform budget, and the need for a general increase in support and resources.
- The increased pressure of retrenchments and poverty in ex-homeland areas makes more pertinent and critical the need for mechanisms to improve land use and expand existing boundaries.

## DISCUSSION

Some of the key issues raised in discussion were:

- The financial system is critical to the debate on tenure rights, especially with regard to collateral requirements for credit. There is a need to review these systems.
- Tenure reform is one component of a larger land reform agenda, which must promote greater access, and security of access, to land both inside and outside homeland areas. While the point was made that separate tenure regimes for different areas may appear to entrench apartheid systems, there is an immediate reality which requires intervention.
- The proposed legislation needs to be communicated and debated to allow for consultation on its key components. There is a need for clearer political direction as to where

the proposals are going, and when processes may be expected to be initiated.

- The costs of the proposals must be viewed in the light of the social, political, and economic costs of doing nothing.
- Decisions on appropriate tenure systems at local level must rest with the affected rights holders, that is, the people themselves. Traditional authorities and local communities must engage with the proposed processes if they are to play a role in determining the system of rights adopted.

## AGRARIAN REFORM COMMISSION

### INPUTS

Sam Bonti-Ankomah of the National Institute for Economic Policy was chairperson for this commission. The first input was a paper presented by Dr Charles Mather of the University of the Witwatersrand entitled *South African agriculture and rural livelihoods in the era of liberalisation*. He outlined the main thrusts of his argument as follows:

- Agriculture continues to play an important role in economic development due to its high employment and value-added multipliers. However, the current structure of markets, and increased liberalisation, have not benefited emerging farmers.
- Increased liberalisation and the opportunities offered by the EU trade deal will benefit agro-export industries and resource-rich farmers, but may also have deep effects on the structure of production, and result in the recruitment of a highly vulnerable and exploitable labour force (such as seasonally-employed women).
- South African agricultural policy needs to examine the potential for market restructuring to benefit emerging farming systems, and to ensure access to resources for less well-resourced farmers. As all markets are regulated to some extent, South Africa needs to establish the extent and form of regulation to benefit development priorities.

Deputy Director-General of Agriculture Dr. Masiphula Mbongwe presented the department's *Draft framework for agricultural services delivery and empowerment*. The presentation focused on the key components of services provided by the Department of Agriculture:

- farm and agribusiness development
- food security promotion
- managing risks in agriculture
- training and skills development
- natural resource management and use
- improving agricultural services provision
- international co-operation.



The third presentation of the day was provided by Eddie Koch of Mafisa Consultants, who presented a paper on *Land reform in South Africa: the potential role of tourism and forestry to promote equity and productivity in the rural economy*. He emphasised the following:

- There is a need for secure land rights and defined responsibilities to ensure effective empowerment of and benefits for rural communities engaged in alternative land use options.
- Investments in forestry and eco-tourist schemes can be high, and there is a long turn-around time before benefits are realised. This is an essential element to be factored into project and policy. At the same time there is a pressure for short-term benefits, which requires a range of short-term activities.
- It is important that small businesses are established, and that these are drawn into projects through outsourcing and being afforded access to business opportunities.
- Wage labour plays an important economic role for rural households engaged in projects, and should be promoted and enhanced through project planning and design.
- There is a need for realism in the understanding of what projects based on eco-tourism can offer. Low numbers of foreign visitors, and a declining investment scenario require more realistic and cost-effective planning.

### DISCUSSION

The following discussion points emerged:

- Deregulated markets have benefits as well as disadvantages. The impact of market change on different groups of people needs to be considered. For example, without significant support, emerging farmers and farm labour in domestic sectors may bear the brunt of restructuring effects with negative consequences for their employment and livelihoods.
- Tourism may well push reactionary agendas, especially in relation to land claims. One has to be wary of the extent to which tourism and alternative land use systems can support livelihood creation in the longer term, especially in terms of employment.
- Co-ordinated actions by rural development role players is critical for any venture.

### PLENARY SESSION AND CLOSURE

The conference received reports from the commissions which synthesised the discussions and conclusions. The conference chairperson thanked the participants for their contributions, and invited all to attend a presentation of papers presented in poster session format. He formally closed proceedings.

## TUESDAY, 27<sup>TH</sup> JULY 1999

### OPENING

Vuyi Nxasana of the Department of Land Affairs opened proceedings by introducing the theme for the day: institutional frameworks. She said that the inputs during the morning were to set the scene for more specific discussions in the theme commissions, and urged presenters and facilitators to ensure more commission time would be spent on discussions and engagement. Ms Nxasana introduced the guiding questions for the commissions as being:

- Have the inputs provided a good basis for review of the issues?
- What are the experiences emerging from the inputs?
- Have the inputs provided an adequate analysis of the impact on different groups (for example, men and women)?
- What are the key learnings and proposals which emerge?

The presenters for the first session were then introduced.

### SESSION 1: INSTITUTIONAL FRAMEWORKS PRESENTATIONS

The first presenter was Dr Andrew Shepherd from the School of Public Policy, University of Birmingham. His input focused on the theme *Rural development and poverty reduction at the end of the century: lessons from South Africa*.

- Key themes relating to the co-ordinated planning and delivery of rural development and land reform are:
  - the importance of redistribution in the context of extreme poverty
  - the importance of participation, and the difficulties of participation where institutions are weak
  - the requirement for action across several key sectors
  - the key role to be played by local government in planning and co-ordination.
- The lessons from around the world for South Africa relate specifically to the following:
  - Integrated government action at project level alone cannot reduce poverty; the impacts and opportunities of macro-policy action need to be considered.
  - While a social sector approach may well seem to be the right approach, it will have limitations in impacting on the economic life chances of the poor.
  - Linkages are important, and so are the settings of priorities, but it is the sequencing



of implementation which is critical to the achievement of priorities and targets.

A second presentation was given by Alistair McIntosh and Anne Vaughan, based on their paper *Experiences of agrarian reform in South Africa: the limits of intervention*. Key elements of their argument were:

- It is important to understand the notion of the 'bifurcated' state, which absorbs traditional or indigenous institutions in a system of indirect rule.
- A lack of resources and effective governance has limited the ability of the South African state to extend full citizenship to its population.
- Although significant progress has been made in providing policy and institutional frameworks which attempt to rectify the legacy of apartheid planning and administration, transformation in rural areas has remained elusive because vast tracts of the countryside remain beyond the reach of democratic systems and governance and administration.
- Traditional authority or other community and land management structures remain the institutions through which rights are mediated and resources allocated. With the limited resources available to the South African state, this is likely to continue.
- These factors pose a significant challenge to the ability of the government to deliver effective development services, and ultimately empower rural people.
- The proposals for tenure reform embodied in the draft Land Rights Bill offer a way forward.

Shamim Meer and Samantha Hargreaves focused on the impact of land reform on gender relations in their paper *Out of the margins and into the centre: gender and institutional change*. The key issues raised related to the following:

- The integration of gender indicators, and specific targets and objects, has been conspicuously lacking from the Department of Land Affairs reform and its monitoring programmes. As a result, it is not clear what the impacts of reform are on rural women, nor what the key objectives of these programmes are in relation to women.
- An analysis of five affiliates of the National Land Committee found that, while expressing a commitment to gender in their programmes, the discernable indicators and targets necessary for promotion of gendered implementation are lacking.
- The gendered nature of the DLA and NLC as institutions proves to be a key factor in the prominence of gender as a strategic issue, and the

lack of conceptual clarity on gender strategy reflects the gendered bias inherent in the institutions.

- A transformation needs to occur in the rules, practices, and perceptions of the two institutions if gender programmes and priorities are to be developed, and if these programmes are to be effective.

## DISCUSSIONS

The discussion in plenary focused on the following key issues:

- The need for a more in-depth understanding of the history of land occupation and dispossession as a basis for understanding existing situations.
- The issue of empowerment and the means to develop it are critical.
- We need to examine the paradigm being used – what are we trying to achieve?
- We need to question what 'political will' means, and whether it currently exists in relation to rural problems.

## SESSION 2: THEME COMMISSIONS

### LAND REFORM COMMISSION

#### INPUTS

This reform commission heard three input papers during the course of the day. The chairperson, Peter Mokomela from the Association for Community and Rural Advancement, introduced the speakers.

In the first presentation Tom Lebert and Ashley Westaway of the National Land Committee outlined their paper *Decentralised planning and development: the legal framework and experiences in implementation*, putting forward the following points:

- The South African Constitution and development planning framework sets the foundation for development and planning by setting in place the broad parameters of a new development paradigm which promotes the locus of delivery at the district level. However, this has yet to filter through into practice.
- There are a number of urgent needs in the current situation:
  - to clarify the division of functions and responsibilities
  - to clearly allocate resources and develop capacity
  - to provide training in the new development planning paradigm
  - to regulate consultant-based planning
  - to build the planning capacity of district councils
  - to decentralise sectoral programmes so that they can be integrated into district planning processes
  - to promote institutional dialogue.



Tessa Cousins of the Legal Entity Assessment Project provided an input on *Legal entities in land reform: lessons for policy and practice*. She outlined the following key issues:

- Communities engaged in land reform are in a complex and dynamic institutional and social context where rights, duties, responsibilities, and power are often ambiguous, and highly contested.
- Legal documents and the language they are written in provide significant barriers to accessibility and understanding and should therefore be changed.
- Clarity is needed about priorities and realistic objectives within land reform projects.
- The policy framework for the establishment and management of legal entities needs careful consideration, and may need review in light of the difficulties experienced by many communities.

The final input was provided by Angeline Magombo from the Department of Constitutional Development (DCD) in which she presented the experiences of the department in district-level development delivery.

The key programmes of the DCD are:

- The Consolidated Municipal Infrastructure Programme
- The Local Government Transformation Programme
- Build, operate and transfer (BOT) – a focus on public-private sector partnerships.
- Effective implementation of these programmes is hindered by inadequate capacity, the poor financial status of local authorities, and the legacies of inefficient and inappropriate planning frameworks.
- The DCD is continuing to seek the most effective manner to implement district level delivery, and the municipal systems processes are critical to this.

## DISCUSSION

Discussion in the commission centred around the following points:

- It is critical to identify and refine the roles and functions of local government, and how different structures of government relate to district-level planning and governance.
- Legal entity creation and registration are overly bureaucratic and demanding, and are required mainly for the purpose of land transfer. Business/project management capabilities must be separated from rights management functions.
- While capacity at local levels, in both communities and councils, is critical to the success of delivery systems, it is essential that the kind of capacity generated is appropriate to the

roles and functions played by the local stakeholders.

## TENURE REFORM COMMISSION

### INPUTS

The Chairperson, Alida van der Merwe from the Centre for Rural Legal Studies, introduced the commission's speakers. The first commission input of the day was by Lungisile Ntsebeza from the Programme for Land and Agrarian Studies, who presented his paper *Traditional authorities, local government and land rights* in which he argued the following:

- Current initiatives to implement local government and tenure reform policies are being frustrated by a contradiction inherent in the Constitution: on the one hand, the role and authority of unelected traditional authorities are recognised, while the right to elected representative government is enshrined on the other.
- Models of rural local government based on a district council structure are too remote for effective governance at a local level, thereby increasing the opportunities for traditional authorities to usurp the role intended for elected representative structures.
- If government is committed to extending democracy to land tenure and local government reform, traditional authorities cannot play a decisive role in decision making. They should be either incorporated in the democratic model of governance or play a role in 'other aspects of rural life'.

Debbie Newton of the Department of Land Affairs (Free State) presented a case study of the upgrading of land rights in Thaba N'chu drawn from the experiences of the Free State DLA, with a focus on mechanisms for community participation.

A final input came from Dr Siphosiphiso Sibanda of the Department of Land Affairs who outlined the following points in presenting his paper *Proposals for the management of land rights in rural South Africa*:

- Proposed new tenure measures have yet to be published for comment and debate. The Minister and Cabinet will decide on when and how this will happen. The proposals need to provide for:
  - enabling rights-holders to determine who should manage their land and how the land shall be used
  - the broad powers and processes of land management
  - the regulatory mechanisms to ensure that the new powers, institutions and organs



operate according to broad principles of democracy, equity and transparency.

- Four principal role players are envisaged in the proposals:
  - rights holders
  - land rights holder structures
  - land rights boards
  - land rights officers.
- The proposals are not anti-traditional leaders.

#### DISCUSSION

Two points emerging from the discussions were:

- Tenure reform proposals need to be implemented as soon as possible, but this requires political direction and championing from powerful political players. DLA has indicated that it is engaged in discussion with the Minister as to the process which may follow.
- There is an urgent need to engage with the issue of traditional authorities and their role in the management and allocation of land and development resources. The political approach to traditional authorities also has to be defined.

#### AGRARIAN REFORM COMMISSION

##### INPUTS

The Chairperson, Signet Mashego of Rural Development Services Network, introduced each speaker in turn.

The first input was a paper presented by Prof Charles Machete and Dr N Mollel of the University of the North: *Extension and support services for smallholder agricultural development in South Africa: who is the smallholder farmer?* In it, the authors argue:

- While it is critical to identify the smallholder farmer, there is no clarity or consensus on who is a smallholder farmer in South Africa, and few data with which to analyse the current economic status of smallholder farmers.
- The state must provide services, but must not monopolise the extension system. There is an increasing role for the private sector, NGOs, and farmer organisations to play in the provision of extension services to smallholder farmers.
- The current extension system is not accountable to clients. South Africa needs to learn and borrow from other systems which promote accountability of services to clients.
- A needs assessment is important for developing an effective extension service for smallholder farmers.

The second input was provided by the Mineworkers Development Agency's Rabona Majola, who put forward the agency's perspective outlined in the paper by *Creating jobs in rural South Africa: the rural*

*enterprise support strategies of the Mineworkers Development Agency:*

- The MDA's experience to date points to the fact that the delivery of an effective programme of rural enterprise support requires a whole range of elements to be present in an integrated way. The cost of providing such a service across dispersed settlements is high.
- Without other support services, training and counselling are insufficient to assist people to create viable incomes, and other support services are meaningless without adequate skills development and follow-up services.
- An institutional grid which works in local centres and subsidiary local service outlets is an important component of building integrated services in rural areas.

A final presentation was provided by Tracy Simbi, based on an examination of issues contained in her paper *Integrating land and agricultural reform*. She emphasised the following points:

- Land and agrarian reform are essential links in the rural development process. The continued lack of integrated programmes will have serious consequences for the efficacy of development impacts.
- The benefits of rural development are of critical importance in a context of increasing poverty and marginalisation, and the integration of priorities and targets of land and agriculture policy is a critical mechanism for achieving development targets.

#### DISCUSSION

- The lack of information on emerging farmers is a crippling gap for the development of policy in relation to this sector. Mechanisms need to be put in place to ensure that this information is generated in future.
- The importance of appropriate extension services cannot be underestimated, especially if the principle of sustainability is to be upheld.
- The MDA approach to broad-based integrated support for rural development programmes needs to be reviewed, and possibilities for broadening this approach implemented. It is clear that development in rural areas requires the establishment of a significant institutional base for supporting rural economic activity.

#### PLENARY SESSION AND CLOSURE

The conference received reports from the commissions which synthesised the discussions and conclusions. The Chairperson thanked the participants for their contributions, and invited all to attend a book launch later in the evening before formally closing proceedings.



## WEDNESDAY, 28<sup>TH</sup> JULY 1999

### OPENING

Abie Dithlake of the National Land Committee opened the day's proceedings by reiterating the importance of some of the issues raised at the conference. He said the theme of the day was integrated and coherent rural development strategies, and emphasised the importance of the day for developing some ideas for moving forward. Mr Dithlake forwarded an apology from the Director-General of Agriculture, Bongiwe Njobe, who was unable to make her presentation, and introduced the key speakers for the first session.

### SESSION 1: CO-ORDINATED LAND AND AGRARIAN REFORM

The first speaker of the morning was Stephen Greenberg, presenting a paper on behalf of the Rural Development Initiative (RDI) titled *Building a people driven rural development strategy: lessons from the RDI*. In this paper he made the following points:

- The RDI grew out of desire by organisations of civil society working in the rural sector to become more effective in their joint co-ordination, and in their interaction with the state. Methodologically, the RDI seeks to draw rural communities into direct engagement with policy and political processes by basing itself at the grassroots and amplifying implementation experiences into a popular development strategy.
- At present, there are many documents emanating from government, but no integrated rural development strategy has emerged. In order for rural development to occur, there are a number of requirements. The most significant of these is the need for political commitment from government.
- Government also needs to be prepared to confront entrenched power holders if these refuse to accept the redistribution of resources that is the basis for rural development.
- Another requirement is an integrated implementation strategy which details precise steps, targets, budgets and time lines for the development of rural areas in a systematic way. This is best achieved through the creation of an institutional 'home' for rural development in national and provincial governments.
- A strategy of this nature can only be successful if there is ongoing popular participation in the planning, implementation and updating of development plans. Women need to be empowered, and space created to allow them to participate equally in these processes.
- Organisations in civil society have an important

role to play in connecting communities to one another and to policy makers, in building organisational and technical capacity in rural communities, and in connecting the current reality with a future vision. This means encouraging and supporting the creation of sustainable organisation in the form of a rural social movement.

Vuyo Mahlathi, Project Manager of the Wild Coast Spatial Development Initiative (SDI), presented a framework for the implementation of the SDI, and emphasised the following points:

- The SDI should be seen as one component in a broader strategy for spatial development, not *the* strategy.
- The absence of a cohesive development strategy and a supportive planning and institutional framework is a factor inhibiting the success of the SDI in rural areas.
- Weak rural organisation, and the continued confusion over land and restitution processes are contributing to the slow pace of the SDI and its limited impact on the livelihoods of people.
- The huge challenge is to turn around communal-based agriculture and tourism sectors, which are characterised by enormous underemployment and low incomes. Land reform is a key factor in revitalising rural economies, and a question must be asked as to whether current land reform policy enhances economic benefits.

### SESSION 2: THEME COMMISSIONS<sup>1</sup>

#### INTRODUCTION

As a prelude to the theme commissions for the day, Ben Cousins presented a synthesis of the issues raised thus far.

#### LAND REFORM

The conference raised and debated critical issues related to:

- The notion of co-operative governance and the need and responsibility for integrated development.
- The limiting paradigm in the restitution programme, the need for its overhaul, and the potential for the restitution process to draw resources away from the other land reform programmes.
- The need to rethink redistribution processes and products and the roles of DLA and others in the redistribution programme.
- The need to revisit the notion and mechanism of legal entities in land reform.

#### AGRARIAN REFORM

The key emerging points were as follows:

- The importance of markets, our limited



understanding of them, their benefits to emerging farmers, and the need for sustainability.

- The critical need for appropriate support systems for emerging small scale farmers.
- Policies, programmes and projects for enhancing rural livelihoods are inappropriate.
- The synchronisation of land reform, agricultural development and support, and other complementary programmes is essential.
- A range of options for rural livelihoods and enterprises is necessary.

### SYNTHESIS MODEL

Prof Cousins suggested that the host of emerging issues may be considered with the use of the analytical model presented by Andrew Shepherd. See the diagram on the opposite page.

### POINTS FROM THEME COMMISSION DISCUSSIONS

#### LAND REFORM COMMISSION

This commission was asked to consider the following question:

How can land reform programmes and products be redesigned to match people's needs more closely in relation to:

- redistribution grants, systems and procedures
- legal entities for land holding
- restitution procedures?

In doing so take into account:

- the need to integrate or synchronise programmes of land reform, agricultural support, and other relevant programmes
- the full range of livelihood options.

The commission did not reach agreement on many issues, but did propose a review of the R16 000 land acquisition grant.

#### RURAL DEVELOPMENT STRATEGY AND IMPLEMENTATION COMMISSION

This commission was asked to consider the following questions:

1. How should rural development be structured, delivered and driven at a national level, given the need to be clear, efficient and democratic in:
  - roles and functions
  - budgets and authority
  - accountability?
2. In the context of decentralisation or devolution of development planning and a move towards 'local governance' arrangements between diverse stakeholders, how can land and agrarian reform be more closely integrated into development planning and budgeting at provincial and local levels?

The following responses were formulated:

- Taking cognisance of the fact that planning and policy integration should happen at national level, and that implementation and delivery happen at local/district level, there is an urgent need for political action to forge an integrated planning and vision process at the highest level of government which can pressure departments to integrate programmes on the ground.
- National government should provide budgets and resources for components of such a strategy. The devolution of these sectors is critical in linking resources to plans emerging at local level.
- The RDI should continue with making policy proposals related to community needs, while government should review the Rural Development Framework as a point of departure for the alignment of budgets and resources of national line departments and local government structures.

#### LAND RIGHTS AND GOVERNANCE COMMISSION

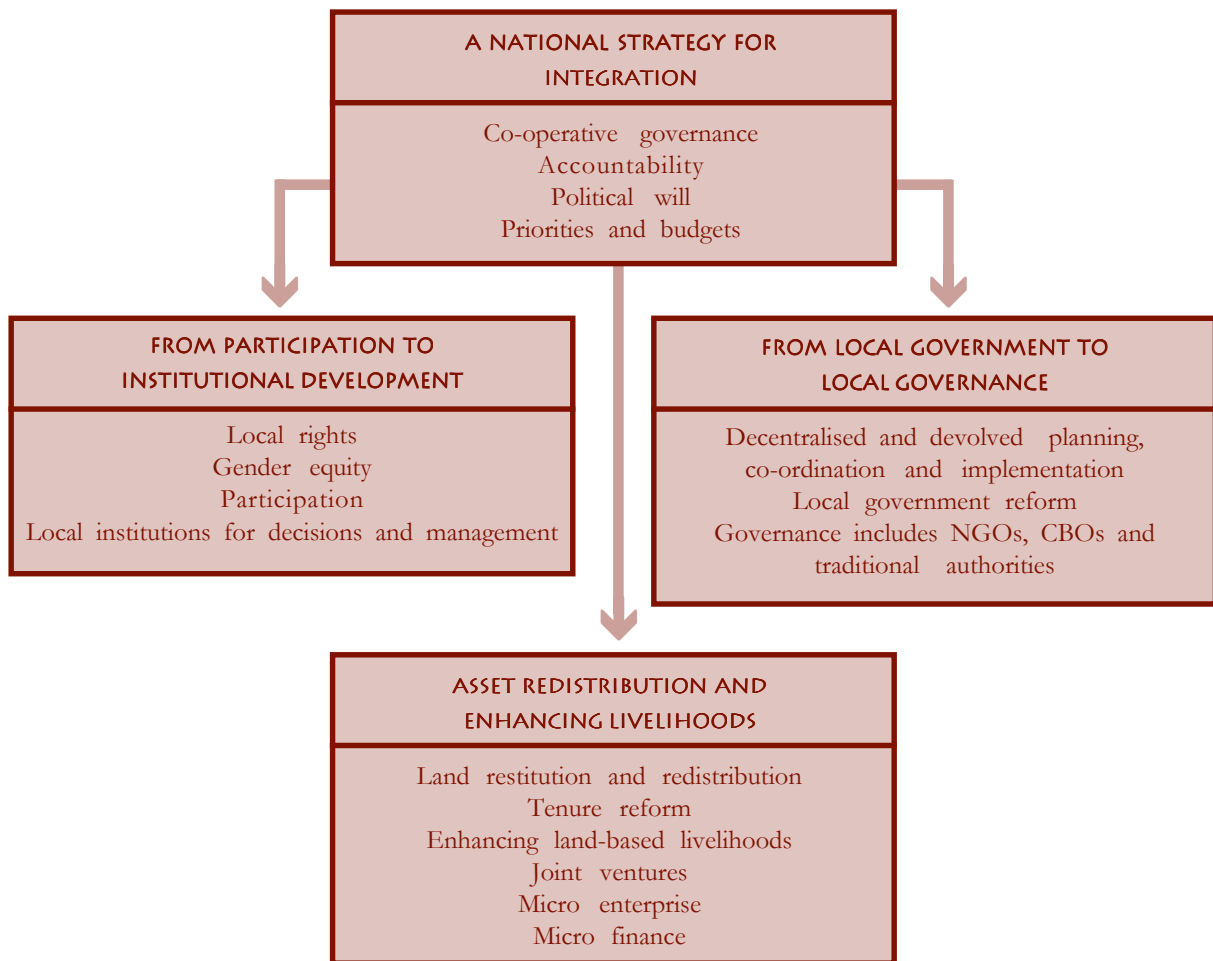
Points from this discussion were as follows:

- There needs to be political will both from the top (government), and the bottom (from community initiatives such as the RDI) to ensure a better match between redistribution programmes and people's needs.
- Grants should be given to individuals and not households, and must be needs driven:
  - people over the age of 18 years should access grants as individuals
  - note is taken that women can have families while under 18 years old – they should not be discriminated against
  - systems and procedures should be streamlined to speed up delivery.
- Are we evaluating transfer of land rights or sustainability? How can popular participation by communities be enhanced?
- Farmworkers, especially women farm workers, are not secure, and therefore the Extension of Tenure Security Act (ESTA) needs to be revisited to ensure that women do not remain victims.
- There is broad agreement that tenure reform in the former 'homelands' needs to happen. The Commission is in broad agreement with the legislative proposals, and calls for an open, consultative process on the proposals, and for a politically-driven process to implement the proposed measures.
- There are still areas of debate, especially with regard to the practicality of proposed rights and mechanisms. For example, while there may be sufficient clarity on the right of people to choose traditional authorities as a land rights management option, it is not clear how this will happen in practice.





### SYNTHESIS MODEL (FROM SHEPERD, THIS VOLUME)



- The proposed land rights officer will be key in conflict situations by bringing stakeholders together and facilitating solutions in the proposed land rights board. If land rights holder structures are discriminated against, it should be possible for a compliance order to be issued against local government structures.
- There is a need to pilot the proposals:
  - to test the tension between standardisation of procedures and flexibility of design; this can only be worked out by testing concrete cases
  - to be aware of the limits of law making, and to test how far laws can go in creating an enabling framework.
- The fact that credit is a central anticipated benefit of tenure reform requires education of financial institutions on the reform process, and pressure for change to allow credit benefits to flow.

### PLENARY REPORT BACK

The broad points from commissions were received and accepted by the plenary. A summary of the critical points follows.

### ENSURE LAND REFORM IS BASED ON NEEDS

Current land reform redistribution programmes are not meeting the needs of people in rural areas. Key problems identified are the implementation of land redistribution through the land grant, and security of tenure for farmworkers on private farm land. The focus of land reform programmes on the household is disadvantaging women by excluding them from the benefits of the subsidy.

Government needs to review the R16 000 land acquisition grant, investigate additional means to secure farm worker tenure on private farm land, and devolve greater powers for land reform to local and provincial levels.

### INTRODUCE TENURE REFORM IN FORMER HOMELANDS AREAS

The current problems in tribal and communal (ex-homeland) areas need urgent attention, and the Minister of Agriculture and Land Affairs should initiate an open, consultative process on proposals to give people in these areas greater tenure security on land, and regulate the power of traditional leaders to allocate and administer land rights.



### **IMPLEMENT A NATIONAL RURAL DEVELOPMENT STRATEGY**

Rural areas remain undeveloped with increasing burdens in the form of the return of retrenched workers and increasing pressure on natural resources. The lack of co-ordination and integration between different levels of government is also frustrating development programmes. There is a need for a national rural development strategy to be implemented which is promoted at the highest levels of government. Rural community delegates also committed themselves to continue their efforts to organise and influence government through the Rural People's Charter. Other issues agreed to by the conference included the need to focus attention on the negative impacts of retrenchments on rural

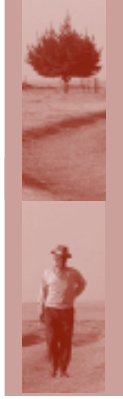
families and women, and the need for rural people to be more engaged in rural development policy and implementation processes.

### **CLOSURE**

Abie Dithake and Prof Ben Cousins closed the conference by reiterating the need to take forward the issues raised in discussion. They thanked those who had worked on organising the conference, and indicated that a follow-up report would be distributed to delegates.

---

<sup>1</sup>Notes from a commission discussion on tenure reform have been mislaid.



**SECTION 1:  
THE IMPACT OF LAND AND  
AGRARIAN REFORM ON LIVELIHOODS**