

Land reforms in South Africa: the issues and challenges- ideology, politics and post-settlement support services

By:

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ABSTRACT

This thesis is about land reforms in South Africa. In particular, the study investigates the issues and challenges facing the land reform programme in South Africa. The research assesses the ideological assumptions underlying the current approach to land redistribution, and the free-market approach to land reform, which is based on the 'willing buyer, willing seller' principle. The Constitution, Section 25 provides for a far-reaching land reform programme. Section 25(5) states, "The state must take reasonable legislative and other measures, within its available resources, to foster conditions which enable citizens to gain access to land on an equitable basis." Section 25(6) states, "A person or community whose tenure of land is legally insecure as a result of past racially discriminatory laws or practices, is entitled, to the extent provided by an Act of Parliament, either to tenure, which is legally secure or to comparable redress". Section 25(7) states, "A person or community dispossessed of property after 19 June 1913 as a result of past racially discriminatory laws or practices is entitled, to the extent provided by an Act of Parliament, either to restitution of that property or to equitable redress". This thesis discusses the policy-making process and how certain policies (neo-liberal economic policies) were favoured. The research study adopts a qualitative approach to research and uses a documentary analysis approach to research to analyse and describe the land reform process and programmes. The method shows that land reform has been slow and inefficient, because the current approach, market-based land reform, has led to inflation of prices on the market. Given that land reform has not delivered on the desired development outcomes, I use international experiences as a comparison to understand how other countries carried out their land reform processes. The document-data triangulation technique employed in the data analysis reveals that although the market-led approach has been supported on economic terms, accompanied with the right legislations, programmes and support services, the major issues and challenges facing land reform go beyond legislations, programmes and delivery methods, to three key categorical areas, namely: Ideology, Politics and Post-settlement support services. The study finds that the unresolved themes in these three areas have proved to be the major obstacles, impacting on the pace and performance of land reform.

DECLARATION

I declare that this thesis is my own original work and has not previously been submitted by me at any other institution for a degree at this or any other tertiary institution.

Signature.....

Student name.....

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Chapter One

Introduction and background

“...whatever the reason for white European settlement, land was their main pre-occupation.” Sam Rugege (2004).

1.1 Introduction

This thesis is about land reforms in South Africa. In particular, the thesis investigates the issues and challenges facing the land reform process and programme. In this regard, the research seeks to find out the reasons why land reforms have been slow and inefficient since the democratic dispensation. The study traces the policy making process and how different policies have been adopted and how global development policies have changed and informed the direction of the goals of land reforms in South Africa. The researcher discusses how three thematic areas: Ideology, Politics and Post-settlement or post-transfer of land production support mechanisms are important considerations for a complete and successful land reform process. I argue and show that ideological considerations are imperative given how they guide the process. That is, ideology informs the approach to land reform. I point out from this that the politics of land is also an important social pillar as it guards the process from unintended consequences in this regard. The researcher notes that the reforms cannot be complete without putting in place sufficient post-settlement support services and coordination efforts for the sustainability of land reform projects.

The paper draws out a number of valuable lessons from international experiences. I advance the argument that a Developmental State is better suited in addressing these three areas of social policy. In the final analysis, the researcher is of the view that, in South Africa, land reforms can be quick and efficient when land reform practitioners incorporate the broader social considerations into the formulation and design of land reform legislations and programmes. Therefore, the thesis of this study is that in South Africa, there is a need for strong dependence of legislative frameworks and social considerations.

South Africa faces the triple challenge of poverty, inequality and unemployment. These challenges have persisted since the colonial and apartheid eras to over two decades, post-Apartheid. This is despite South Africa being a fairly well-industrialised and developed economy. The country's wealth is concentrated in the hands of a minority

White population while the vast Black majority continues to be marginalised from the mainstream economy. The origin of a 'two economies' state is rooted in the country's history of the colonial and apartheid regime's land dispossessions and racial discrimination. The Constitution, section 25(5), (6) and (7) provides for a far-reaching land reform programme.

The objectives of South Africa's land reform programme are set out clearly in the White Paper on South African Land Policy document of 1997. The white paper summarises the goals of land reform thus: 'to redress the injustices of apartheid; to foster national reconciliation and stability; to underpin economic growth; and to improve household welfare and alleviate poverty' (DLA, 1997: v). The land policy document says that the state will not be the buyer and distributor of land but play the role of facilitator. Is it not surprising therefore, that although land reform is part of the constitution, land redistribution continues to be slow and inefficient.

In 1994, the post-Apartheid state adopted the free-market ideology as its economic development policy. This socio-economic development policy has largely failed to redistribute land and other resources to target beneficiaries (the poor, landless, women, the disabled and the youth). Surprisingly, however, although the constitution gives wide ranging powers to the state to expropriate land, however, the state has not used much of its powers. The national debate on land reform has centred on issues of approaches, beneficiary selection, post-settlement support services and coordination and expropriation with or without compensation. Ideally, these areas speak to the structure of the agrarian sector which call for the de-racialisation and de-agrarianisation of the agricultural sector. However, given the peculiarity of the development of capitalism in South Africa, the post-Apartheid state has been in a dilemma whereby there is a need for historical justice on the one hand, which requires redistribution of wealth and other resources, and the need for global capitalist integration, cooperation and development in the other. Ideally, and essentially, this necessarily requires the full cooperation of the system of capitalism's institutions. According to Bresser-Pereira (2017), there are two institutions of capitalism, the state and the market. In respect of the fact that democratic

South Africa is faced with the triple challenge of poverty, inequality and high rates of poverty, there is a need for the full cooperation of the two institutions of capitalism.

The post-Apartheid state's ideological orientation is in line with international norms (free trade, de-regulation and regional integrations). Although this study finds that on a deeper analytical level, issues of legislations and programme design play a part in the success of any land reform, a number of other issues and challenges are also equally important for assessment. This research finds thematic areas under the approach, power and post-settlement support services coordination as topics that equally impede land redistribution and need social redress but have largely not been sufficiently addressed and incorporated into the formulation of land reform legislations and in the design of land reform programmes or projects. This thesis is an inquiry into how these areas significantly hinder land reform.

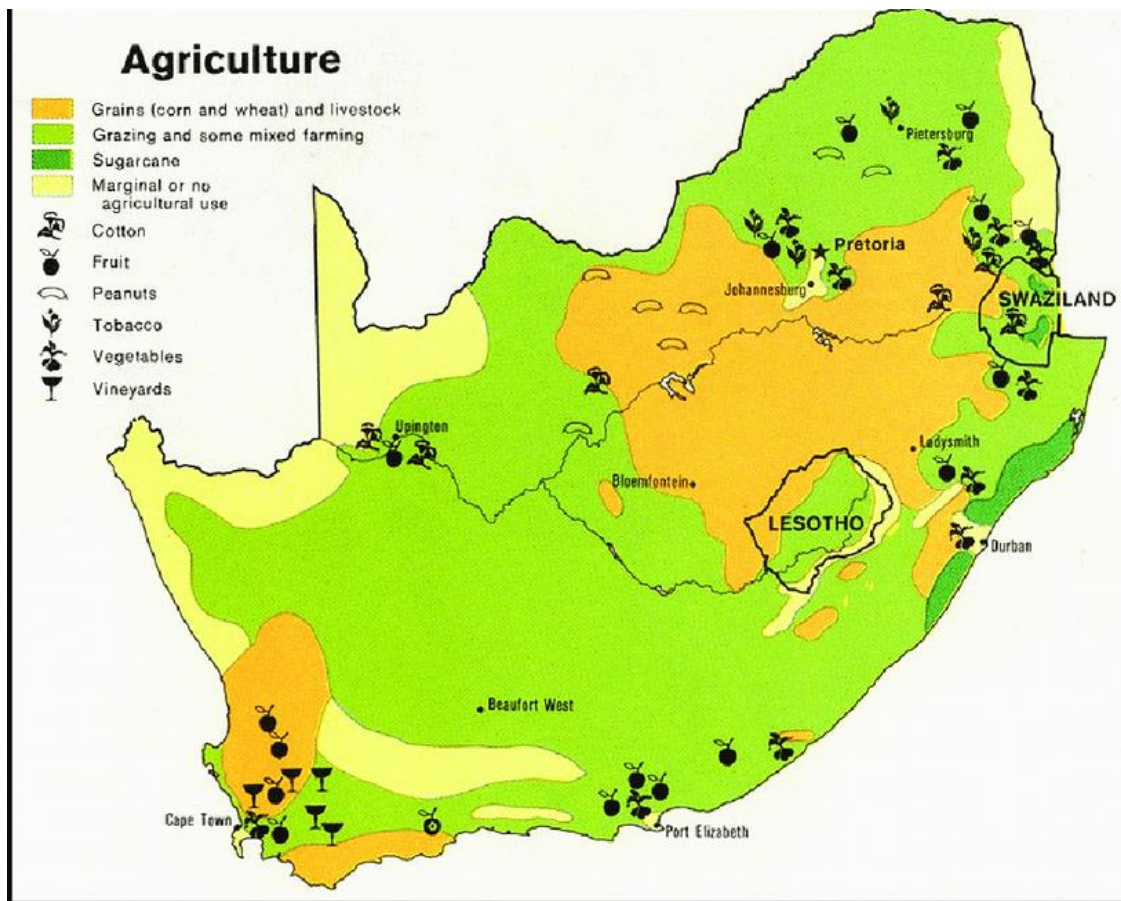
This study is motivated by an interest to find out why, after over twenty years after political freedom in South Africa, 'land reform and land hunger remain the proverbial elephant in the room', with no prospect of a speedy resolution in sight. I use international experiences from Brazil, East Asia (South Korea and Taiwan) and Kenya to briefly understand how land reforms were not only a hallmark and critical trigger point for subsequent industrial growth but also consolidated diverse political interests. The international experiences' discussion focus on a number of variables (equality, employment, agricultural output productivity, industrial growth and development) as indicators that show that the land reform process had significant impact on the general economic development of these developmental states. Below, are two maps of South Africa: a political map and agricultural land productivity areas.

Map 1. Political map of South Africa



Source: www.SAhistory.org.za

Map 2. Agricultural map of South Africa



Source: University of Texas, USA (2005)

1.2 Background

During the colonial and Apartheid eras, millions of Africans were forcibly removed from their land into the Bantustans/ Homelands or the 'former reserves'. During this time, Africans worked as wage labourers on White people's gold and diamond mines and on White people's commercial farms. However, Africans were oppressed politically, socially, economically and culturally. Segregation or Apartheid/ separate development was a development model based on racial segregation of people based on one's skin colour.

The 'reserves' served to provide cheap labour to gold mines and large farms. This was part of a racial capitalism which served the interests of white settlers. Before Black people were removed from their land, Africans used to have a relatively thriving agricultural sector but it was systematically destroyed through racist policies, most notably the infamous Natives' Land Act 27 of June 19, 1913 which limited black people's access to land. In addition, African agriculture was destroyed by what then became known as 'Betterment Planning'. Betterment planning was a policy that was initially designed to modernise the Bantustans by extending the land available to blacks. However, betterment planning only became a measure to complete the proletarianisation of Africans. It involved restrictive policies such as 'fencing'. This rule restricted the amount of land that Africans could produce on. Also, black people were limited in the amount of crops and livestock that they could produce. In many cases, black people in the reserves complained that the soil was infertile and this meant that they could not productively work the land. Life was difficult for many people in the former homelands as a result of these restrictive racist policies. Women played the role of reproduction of active African men by cooking, cleaning and rearing and caring for children. Other racist policies included the pass laws which restricted black people from accessing certain white areas preserved for white people. The mixed-marriages legislations prohibited blacks from going into unions with white people. The education system also limited African people's access to good education. Black people were subjected the system of Bantu education. As part of Bantu education, blacks were required to learn in the Afrikaans language. This was arguably part of the establishment of Afrikaner hegemony and ideology. Many white people benefited economically from colonial and Apartheid-era racist legislations and/ or policies. The Apartheid system has been commonly called Colonialism of 'Special Type' in that it comprised of a modern (agricultural) sector (mainly white) together and long with a rural undeveloped agricultural sector (mainly black). After years of political activism and struggles, the democratic government managed to bring the Apartheid regime to the negotiations table. There were two types of talks around the democratic peace process the formal talk (political freedom) and the informal talks (economic rights). In its election manifesto, the African National Congress (ANC)-led government put land reform as one of the country's priority sectoral areas for reconstruction and development. Land reform

was seen as part of national social redress given the country's history of land dispossessions. The legacy of Apartheid is that it left the majority of black people impoverished and with little skills to help themselves. Today, post- Apartheid South Africa faces the triple threat of relative poverty, persistent inequality and high unemployment rates. It is in this context. In 1994 after the democratic dispensation, the post-Apartheid state promised to redistribute land to people who were historically disadvantaged. Since 1994, land reform has been the post-Apartheid state's hallmark for national economic development. However, the land reform programme has done little to transfer land resources to the poor. Bradstock (2005) argues that even where land has been redistributed, the poor have gained little or no improvements in their economic livelihoods. Land inequality is a legacy of Apartheid and democratic South Africa has recorded some good achievements in addressing the oppressive legacy of colonialism and Apartheid in that the provision of infrastructure and basic services such as housing, water and sanitation, electricity, healthcare and education to ordinary South Africans has improved greatly and economic growth has generally occurred prior to the advent of the Covid-19 crisis. However, inequality of land based on race and class have persisted despite constitutional and legislative provisions.

It should be acknowledged though that the state has to a certain extent provided for welfare grants, including social grants such as old age pensions, disability grants and child welfare grants. However, these strategies have been criticized for encouraging a culture of dependency. In its election manifesto, the Reconstruction and Development Programme (RDP), the African National Congress Party (ANC) promised to redistribute land to those who were previously disadvantaged. Land reform was therefore widely seen as a way of redressing the imbalances created in the past. However, in the first five years of the land reform programme, the pace of redistribution was extremely slow (about 4.5% of all agricultural land was redistributed during this time).

Therefore, the need arose to re-consider the land question in South Africa on outcomes that can be measurable and sustainable. There is general consensus in the country at present that land reform has largely been unsuccessful. However, there is lack of agreement on what exactly the problem is for achieving a quick, efficient, complete and

successful land reform and what remedial action should be taken to accelerate fundamental and transformational social change.

1.3 Problem statement

The problem identified from the literature review on land reform in South Africa is the lack of a clear, commonly shared vision and purpose of and for the programme. There appears to be no clear direction and unity among stakeholders on how land reform should be implemented. Since 1994, the approach to land redistribution has been based on free market visions on the basis of the ‘willing buyer, willing seller’ principle. This approach has been criticized on two accounts: first, landowners have too often been criticized for inflating prices on the market. Second, the ideological assumptions on which the model is based (economic growth before redistribution), has been criticized for not responding to the needs of the poor. As a result, the poor have found it difficult to purchase land that became available. This has led to situations whereby the poorest of the poor are marginalized, leading to little land being transferred to the needy who are – according to the national policy – the intended target groups for social emancipation. Concerns and questions raised by people at the high-level panel’s commissioned round tables and public hearings reveal that although key legislation had weaknesses, people complained mainly about issues and challenges relating to the lack of a clear vision, unequal power relations and dynamics, and insufficient post-settlement support services and/ or post-transfer of land support. In this light, political ideology (economic and political beliefs) and social differentiation based on race and class relations become important social considerations in the land reform equation. In post-apartheid South Africa, this issue speaks to the lack of social cohesion among land reform stakeholders in the sense that the country had been historically divided on racial terms and in the past 27 years along social class lines. In the land reform process, people are not united along racial and class lines. From landowners’ perspectives, this challenge manifests itself in land uses, that is, knowledge about what uses beneficiaries would like to use the land for. The issue is that

the agrarian structure of South African agriculture is still racially divided along racial and class lines. In some communities, land is unevenly divided along gender lines and this has led to situations whereby in rural communities, land destined for the poorest of the poor consistently ends up in the hands of powerful groups and people who are economically well off or 'connected'. Another problem has been the insufficient provision of post-settlement/ post-transfer support services. This is a problem for land reform because support services to rural communities speak to issues of monitoring and evaluation systems and processes for purposes of measuring impact and they present a measure for judging success of the process. In post-apartheid South Africa, this has mainly been carried out at local government level. However, evidence points to weak and largely inefficient or even corrupt local government institutions.

In 2019, Zenande Leadership Consulting, in their project, aimed to revamp the Senior Municipal Manager's Induction Programme (SMIP) and the Women in Leadership Development programme with the aim of revamping the programme that is designed to train senior local government staff with the requisite skills needed to carry out their duties and responsibilities. The status quo report (2019) shows that land reform is at the heart of local governance. However, the report shows that senior managers rarely share information. Ideally, local governance has a role to play in the sustainability of land reform projects, but evidence points to issues and challenges of weak government capacity in terms of staff skills and resources. Thus, this seems to suggest that there is a lack of dependence of legislative frameworks and social considerations. Theoretically, it seems, a strong and reliable (inter)dependence of legislations and social policies could be functional and operational in and within the parameters of a developmental state architecture. In this respect, it is important to define what developmental states are and how they function and operate.

According to Heywood (2002: 15), "Political ideology is a set of related beliefs about political theory and policy held by an individual, group of individuals or a particular social class." From the above definition, ideologies therefore form the basis of how people view the world around them and the proper role of government in the world. Without defining ideology, Marx used the term to describe the production of images of social

reality. According to Engels (1905), "Ideology is a process accomplished by the so-called thinker consciously, it is true, but with a false consciousness." Today, scholars generally talk about five major political ideologies: Anarchism; Absolutism; Liberalism; Conservatism; and Socialism. Liberalism is one of the major political ideologies of the world and according to Harvey (2005), it focuses on individual freedom, de-regulation (limited government), privatization, free trade, little government spending, control of inflation and interest rates and equality before the law. In the 'critical' literature, David Harvey stands out as being one of the few who tries, in his 'A Brief History of Neo-liberalism', to give the concept a wide-ranging definition. Harvey (2005) defines neo-liberalism as, "...a theory of political economic practices that proposes that human well-being can best be advanced by liberating individual entrepreneurial freedoms and skills within an institutional framework characterized by strong private property rights, free markets and free trade." The role of the state is to create and preserve an institutional framework appropriate to such practices. Furthermore, if markets do not exist (in areas such as land, water, education, health care, social security, or environmental pollution) then they must be created, by state action if necessary. But beyond these tasks, the state should not venture (Harvey, 2005). Taking Harvey's definition of neo-liberalism as a political ideology, it can be understood that ideology is a set of ideas. In application of this theory in the land reforms, neo-liberal ideas have defined solutions, goals and strategies and have been the means by which agents have communicated them. These ideas have allowed political agents and policy makers to interpret the world, decide what is important, and they have informed what agents think is right, appropriate or possible. Put in another way, the main agents responsible for the allocation of resources in society (the state and the market) are informed, guided and directed by political and economic beliefs. Therefore, ideology is an important consideration in any social formation, phenomena and/ or event. Therefore, ideology is important because it informs and guides the vision. In the land reform context, ideology informs the constitution's vision of land reform, that is, redistribution, restitution and tenure security. I contend that ideological considerations give direction, meaning and puts in place measurable outcomes. It has been 25 years since the current capitalist free market (neo-liberal) ideology was adopted as a means of land redistribution in South Africa. This arrangement has done little to transfer land to the

poor (Lahiff, 2007). Since the advent of democracy, South Africa has relied on market-assisted land reforms based on the willing buyer, willing seller principle to redistribute land. As it shall be seen later, the effects of neo-liberal free-market policies have not trickled down to the poor masses.

1.4 Research aim

The aim of the research is to find out the reasons why land reforms have stalled in South Africa and not delivered on the desired development outcomes. My interest was to find the key factors that contributed to the slow pace and poor performance of the programme/projects. In this regard, the study seeks to achieve a number of goals. First, the researcher aims to understand land reforms and what factors have informed the need for different aspects of land reformation not only in South Africa but also international experiences. I emphasise the importance of land and hence the need for land reform. In other words, what does land reform aim to achieve or what is it ideally supposed to achieve? Is it political reforms or economic development? Following this, is the need to cover issues and challenges confronting the post-Apartheid state in land redistribution and provision of basic support mechanisms and services to poor and marginalized communities and reflecting this growth in industrialization projects and rural-urban development. In order to understand these issues, the state need to seriously consider assessing local people's needs and weigh it qualitatively against the government's goals plans, targets and aspirations.

Politically, there is therefore the need to understand the current political landscape in view of the 'democratic movement' but also in terms of the ANC as government which formulates social and economic policies. In this light, ideological considerations such as what is or has been South Africa's approach to land reform is an important consideration for understanding the government's impartial development goals and aspirations. In this regard, the study aims to discuss the different issues and challenges facing South Africa's land reform programme. The issues and challenges are the different topics that people

are discussing in land reforms. In order to do this, one must define certain words and principles. The third objective of this study is to show that certain words and principles have had implications on the way the land reform process has been carried out.

A preliminary literature review (Jacobs et al. 2003; Hall, 2004, 2010; Ntsebeza, 2000; Bernstein, 1996, 1998; Lahiff, 2007; Wegerif, 2005; Cousins, 2010; Cousins and Scoones, 2010) shows that certain words and principles have not been adjudicated by the respective constitutional courts and that this has had unintended consequences in and for the way the land reform process has been carried out and the development results that have resulted from the process and the different programmes. Considering this, the fourth aim of the project is to assess key land reform legislations that have informed and governed the different aspects of the programme (land redistribution, land restitution and land tenure security).

I argue that the global capitalist free-market neo-liberal economic ideology as policy, has done little to transfer land to the poor. Ideologically speaking, be at the global, international, national, local, community, household or individual level, this shows that local economic development necessarily requires a certain and right amount of state intervention in the market economy. Interventionist states have in recent history been associated with the East Asian developmental states that used economic goals, targets and plans to reach high levels of economic growth and industrialization through not only through a pro-active state machinery but also through incentives/ or targeting. The result was rural equality and economic development.

The thesis of this research is therefore to give the reasons why or how developmentalism (livelihoods) approaches to development could better respond to South Africa's cultural, social, political and economic issues and challenges and to out that in any given land reform process, politics plays out in and through political interests which produce and reproduce unequal power dynamics and categorise different land reform winners and losers. The goal of land reform is therefore twofold: historical redress and economic growth and development. In the final assessment, the objective of this research study

project is to give ideas on how post-settlement support services can contribute to poverty reduction, inequality reduction, job creation, productivity, rural transformation, economic development, social cohesion and nation-building.

1.5 Market-led approaches to land reform

Chapter Two shows that since 1994, South Africa has used the neo-liberal free-market friendly approach (ideology) to a reformation of land (HLP, 2017; Hall, 2004, Jacobs et al. 2003; Wegerif, 2005; Lahiff, 2007; Borrás, 2004; Deininger 1998; Cousins 2010). With limited success, in 2012, the state assumed the role of the buyer and distributor (Hall & Kepe, 2016). However, the approach was criticized for not completely transferring land ownership titles as the approach was based on lease agreements. The state-led approach was also criticized for only redistributing land to those who are already well off (Lahiff, 2007; Hall, 2004; Hall & Kepe, 2016; Thebe, 2017). Having a clear ideology is necessary for any land reform programme because ideology informs vision and gives direction on implementation. One of the reasons why market-led approaches have failed in South Africa is because the approach is demand-driven which results in market distortions. Also, the demand-driven nature of the approach usually means that business plans are almost always a top-down process as beneficiaries have to submit viable plans.

Finally, in and through the neo-liberal free-market policy of land reforms landowners have been criticized for inflating prices and holding the best pieces of land for higher prices. This criticism comes in light of the finding that past land redistribution programmes required beneficiaries to make a co-contribution towards grants and this made it difficult for the poor to purchase land. In the final analysis, the market-assisted land reforms, as stated earlier, have only opened up the door for elite capture (Lahiff, 2007; Hall, 2010; Cousins, 2010). The market-led approach has done little to transfer land resources to the poor. In this research, I apply the idea of the Developmental State through the lenses of different 'competing alternative visions of farming viability- 'framing viability'' of land reform and agriculture to understand the post-Apartheid state's policy choices.

I will argue that the market-led approach was chosen by the post-Apartheid state as a result of both local and international demands and pressures (the exigencies) albeit, at the expense of radical state-led social democratic approaches which would have been more hands-on. I explain the exigencies that surrounded the ANC leadership in choosing the market-led approaches to agrarian reforms instead of state-led approaches such as developmentalism (both welfarist and livelihood approaches). I emphasize that given the nature of historical dispossessions, the ANC leadership entered the political negotiations for a democratic South Africa with social democratic values and principles for the reformation of the land but that there was a policy somersault or U-turn to neo-liberal policies that gave the state a limited role to play in the market economy.

Taken together the framework can assist to better understand what goals land reform is supposed to achieve but also why land reforms have been slow and inefficient. This framing therefore helps to understand or answer the widely asked question of whether or not the liberation movement was coerced into accepting the neo-liberal capitalist market-friendly ideology which would, in turn, inform the agrarian land reform vision. The question is, however, did the post-Apartheid state have room to manoeuvre to implement radical redistributive approaches to land reformation? Was the ANC leadership pushed and/or did they jump to embrace neo-liberalism? My informed opinion is that the liberation movement jumped to embrace the global trending policies at the expense of globally weakening socialist policies as a developmental growth path. This was mainly because neo-liberal policies were the global 'rules of the game'. I explain this topic in more detail in the literature review in Chapter Two.

1.6 Politics of land

As evidenced at the public hearings of the HLP, people voiced the concern that the country lacks a clear vision of what and how the Land Reform process should be carried out. One common refrain was that legislation (or sometimes the implementation of legislation) had not changed people's lives. This finding collaborates with Bradstock (2005)'s; van Der Elst (2008)'s; and Cousin's (2010) findings that even where land has been redistributed, the poor have gained little or seen no improvements in their economic livelihoods. The panel was told that 'the country stinks of poverty and inequality and that people go to bed hungry at night' (HLP 2017). The most frustrating thing for the poor is that the government seems to have no convincing vision on how it intends to redistribute land quickly and efficiently so that the poor can benefit economically from land-based livelihoods.

The lack of a clear vision of the land reform programme led many rural dwellers in many of the nine provinces visited by the HLP to concede that 'they feel let down by government'. In fact, a review of the literature and analysis of the HLP (2017) document reveals that the process has only opened up the door for elite capture where politicians, traditional leaders and government officials are benefiting more than the poor. This finding is also evidenced by Thebe (2017) and Cousins (2010) who attribute elite capture to the bureaucratic nature of land reform programmes. Yet, the poor are by national policy the intended target group for economic emancipation. This is one area in which strictly legislative measures would do little to resolve the matter. In this light, I argue in later chapters that in order for the process to have a clear vision and direction, there needs to be ideological cohesion and certainty which are currently absent.

The debate has thus far revolved around which mechanism (the market or the state) is better suited to carry out an efficient land redistribution programme. Ideological cohesion here means that all stakeholders, political parties; beneficiaries; and landowners agree to a single ideological approach to agrarian reform (market-assisted or state-led). The land

reform process has potentially been captured by elites (Jacobs et al. 2003; Hall, 2004; Lahiff, 2007; Cousins; 2010; Thebe, 2017). The bureaucratic nature of land reform programmes and Community Property Associations (CPAs) and Trusts have all opened up the door for elite capture. The HLP (2017) found out that the problem with most CPAs and Trusts is that they are largely dysfunctional. Furthermore, in communal areas, the system of land rights administration is in disarray. This has led to issues of corruption in the reforms whereby traditional leaders politically dominate community members in land governance issues.

The thesis advances the suggestion that these issues prevail because there is neither a policy framework for the politics of land reforms to guard against unintended consequences such as elite capture nor a deliberate policy to fight corruption specifically in land reforms. The above-mentioned issues show that there are power dynamics inherent in the reforms whereby there are winners and losers. The objective of South Africa's land reforms is to redistribute land to the poor so that they can use it for settlement or productive uses but closer inspection indicates that the poor are being marginalized in land reform programmes (Lahiff, 2007; Thebe, 2017).

The issue of politics dominated the HLP public hearings. The people feel betrayed by politicians and government officials. At the public hearings in many of the provinces, people said that they are angry at the government (HLP 2017). These issues are political in nature and therefore call for a political solution. In the final analysis, the thesis argues that the state's hands-off approach and the dwindling land reform budget are signs of lack of political will and what this has done is it has put the cost and burden of purchasing land onto poor households mainly through land redistribution programmes (Hall, 2004, 2010; Lahiff, 2007; Wegerif, 2005). Whether lack of political will refers to lack of a clear vision on land reforms by the state or the state having taken a hands-off approach to land reforms as manifest in dwindling reforms budget, for example, or both of these, my proposition is for the country to draw lessons from the East Asian developmental states as these countries addressed this impediment very well. Again, in this area, legislation alone cannot effectively address this issue.

1.7 Post-settlement support services and coordination

Chapter Five (5) discusses the topic of post-settlement support services and coordination in detail. This section in ways exhausts the exciting literature that exists on the topic. The documentary analysis undertaken in this study reveals that even where land has been redistributed, the poor have gained little or no improvements in their economic livelihoods. The thesis shows that land reforms should not be seen as an end in itself but as a means to an end.

Therefore, a third important issue is that the land reforms programme should have a clear policy for developmental provisions that focus on post-transfer of land phases such as capacitating new entrants to the agricultural sector with the knowhow; inputs, including credit; information; markets; development infrastructure; and legal advice so that they can be productive farmers. Without this support emerging farmers, mainly, Black South Africans, are bound to fail and there is a good chance that beneficiaries of land might end up re-selling the land back to white landowners. All this would have implications for food security and rural social relations. Attainment of sustainable development outcomes also depends on the provision of settlement support which should not be added at the end of the land reform process but should form an integral part of the entire process of land reform.

1.8 The 2017 Parliamentary Speakers Forum's High-Level Panel

The development of progressive policies and legislation that are in line with the constitutional requirement are necessary to achieve the progressive realization of land reformation. What emerges from the assessment and analysis of the HLP document is that the mandate by the Parliamentary Speakers Forum's High-Level Panel's assessment of key land reform legislations is that the areas of ideology, politics and post-settlement support services was largely unassessed and unaddressed and yet the findings in the HLP document are that the programme has the right legislations but that the main obstacles (issues and challenges) to a quick and complete land reform are found outside legislative gaps, inadequacies and weaknesses. In this regard, some pertinent stakeholder questions and concerns around broader social policy considerations were not answered or addressed. Concerns such as lack of a clear vision, ideology or approach to the reforms (what land, where, for whom, how and for what purposes) or in other words, lack of ideological cohesion; lack of political consensus; and what post-acquisition support services are there; perceptions and allegations of corrupt government officials in implementing the reforms were issues that have largely not been adequately understood and addressed.

Corruption was a major recurring theme at the HLP public hearings. People complained that government officials are often corrupt, rude and unhelpful (ibid). The major issue was that for the most part, government officials divert the land reform budget for personal use. In their final analysis, the HLP found that the constitution is in fact not the major constraint but rather it is issues of corruption, diverging of funds, lack of political will and lack of training and capacity that are the major constraints (HLP, 2017: 300). Here, I contend that only a combination of good legislation and a clear policy on corruption can address this problem.

1.9 Rural economic development

Another important theme that emerged from the review of the literature as well as in the analysis of the HLP assessment of the land reform process is that of the need for rural economic development. The burning issue here is the need to transform the rural economy so that it can contribute to the national economy. In chapters 4 and 5, I argue and show that the rural economy lacks agricultural investments (capital) and also that rural dwellers lack access to inputs, including credit; markets; information; legal advice; and development infrastructure (Bernstein, 1996). The theme highlights the need to change rural social class relations of production (who does what? How? And who gets what? And when and where?), in order to ensure equality in the benefits of farming. The discussion centers on what have been some of the gaps in as far as rural finance schemes are concerned. This recurring theme is closely related to developmental provisions: post-settlement support (weak government capacity) already discussed above.

1.10 Poverty reduction

South Africa faces a triple disease challenge of high poverty rates; wide inequality; and high unemployment rates (particularly amongst the youth in rural areas). This triple threat emerged as a recurring theme in the research. The theme of job creation for purposes of poverty reduction is highlighted throughout the chapters that follow. My intention is to show that land reforms should not be seen as an end in itself but as a means to an end. In this light, land reforms should be seen as a means to job creation and poverty reduction (Lahiff & Cousins, 2005) and not just the practice of redistributing land for purposes of social justice although this has a place in South African history.

There is therefore the need for the right mix of state and market corporation in South Africa's global capitalist development. The study argues and shows that land reforms can

play a critical role by first redistributing land to the poor, women and young people so that they can use the land for settlement and/or productive uses such as small-scale farming. This can then assist with job creation and sustainable rural multiple livelihoods that are diversified on different economic incomes. Sustainable livelihoods are a good idea on grounds of humanity, development and progress especially given that the majority of the rural population are unemployed.

1.11 Food security

Since the 2008 global recession, which affected South African markets, there has been an increase in food security indicators (DoA, 2002; Moyo, 2004; Bonti, 2005; Kepe & Tessaro, 2012). The recession in 2008 plummeted food prices and South Africa has never really recovered yet from the crisis. South Africa is characterized by large capital-intensive commercial farming mostly owned by White landowners. Large commercial farms have a monopoly on food production and distribution and commercial farms sell produce to large supermarkets (Lahiff, 2007; Seekings, 2008; Aliber et al. 2013). However, in the land question, an old debate resurfaced: are large farms more productive than small farms? (Bernstein, 1996, 1998; Lipton, 2014). This question is called the 'farm-size' debate and the thesis presents the different sides of the debate.

The thesis shows that in South Africa the land reform process aims to redistribute land to black beneficiaries so that they can farm on it on a small-scale basis on the one hand and that there is a need for social redress. I however argue that there is a need to strike a balance between getting rid of large-scale commercial farming businesses and redistributing land for purposes of small-scale farming. In the chapters that follow, I remind that there is a possibility that South Africa could become another 'Zimbabwe' in terms of food security and sovereignty investments if large commercial farms are done away with and replaced by small-scale farming (Herbst, 2000; Moyo, 2005). As I show, the danger is that black African farmers are only new to the sector and so do not possess the skills, knowledge, and know-how of commercial farming.

The above issues and challenges are all pressing questions and concerns that even the best piece of legislation alone cannot address and would require a dependent relationship between land reform legislations and broader social considerations. Much literature is in conformity with the finding of the HLP that it is not weak or inadequate legislation that has mainly been responsible for the prolonged failure of the reforms. It is government's non-interventionist development approach to the reforms that has been the culprit. Also, certain interest groups have favoured the neo-liberal agenda as it serves their best interests.

The politics of this has been that these groups have maintained the status quo in and through the politics of land. Expropriation of land without compensation for a just and equitable cause, for example, is a law that already exists and government has not, for the past 20 years, been used for the benefit of the reforms. In the same way, government 'smartly' used the market-led 'willing buyer, willing seller' principle despite it not being in the Constitution. The East Asian countries of South Korea and Taiwan also with a similar past of poverty and inequality for the majority resolved their problem through the government's deliberate and pro-active interventionist approach.

In this thesis, I make the key conclusion that unless South Africa adopts a social democratic style of governance, based on developmentalism (especially livelihoods approaches) and beyond rhetoric, inequality of land and poverty is likely to persist in the foreseeable future.

1.12 Contribution of the study

The contribution of this study is that it opens a terrain of discussion on ideological assumptions and issues of power and basic service delivery. Current research shows that land reform is one of post-Apartheid's responses to the injustices of the past. However, research also shows that the approach to land redistribution is an important consideration

for a complete and successful land reformation. Also, issues of power hinder the land delivery to the 'voiceless' in different parts of the country. In addition, post-transfer support services and coordination must be an integral part of a complete land reform and agrarian transformation plan. These three areas form part of the broader social considerations as part of a wider aim to achieve economic growth and development. Therefore, prior to drafting any further legislation and formulating policies or designing programmes and development strategies, this study finds that it is necessary that deliberate assessment of the social imperatives in rural communities in the three social policy pillars (ideology, politics and post-settlement support services) must be undertaken.

This research underscores the finding that the assessment undertaken by the High-Level Panel assessment of key legislation and the acceleration of fundamental change (HLP, 2017) and the Presidential Advisory Panel report on land reform and agriculture (PAP, 2018) can only go so far regarding its having an impact on the acceleration of land reform. The thesis finds a need for consideration of the broader social issues such as the ideological mechanism that will enable redistribution on a large scale; coordination of power dynamics (politics of land) to curb corruption; and the role of post-settlement support services for ensuring sustainability of redistributed land. The thesis also shows that there are two important ideologies at play in land reform. According to Hall (2010), these have been concerned with what she referred to as the "redress economy" and the "growth economy", implying the need for land reform for purposes of national historical-social redress (redress economy) and land reform for purposes of economic growth and development (growth economy). These two forms are orchestrated by the role of the state and the market, respectively. Given this, I argue that in South Africa, capitalism, as a system of production (Marx, 1848), could better be driven by a developmental state, where the state has the double role of coordinator of the two economies.

1.13 Thesis chapter layout

Chapter One: Introduction and background

Chapter 1 introduces the subject of land inequality. The chapter sketches the problem of land inequality and the need for land reform in post-Apartheid South Africa. The chapter discusses why and how the post- Apartheid state has continuously failed to redistribute land to the rural poor. The chapter identifies issues and challenges of ideology, politics and post-settlement support services.

Chapter Two: Literature review

Chapter 2 is a literature review on the subject of land reforms in post-Apartheid South Africa. The discussion is on the approaches to land reforms. The chapter is a review, assessment, evaluation and summary of previous research on the topic of land reform. The chapter defines important terms, words, principles and theories that inform land reform. The review assesses and evaluates previous research studies on land reform. The researcher mainly draws from international experiences to find valuable lessons that South Africa could learn from other contexts where land reforms were complete and successful. The literature review surveys scholarly articles, books and other sources that are relevant to issues and challenges facing the land reform programme. The purpose is to establish familiarity with and understanding of current research in the national and international debate.

Chapter Three: Research methodology

Chapter 3 gives the research methodology. The chapter presents the methods, techniques and tools employed in the study. I also give the advantages (strengths) and disadvantages (weaknesses) of the method used.

Chapter Four: Putting the South African land reform in historical context

Chapter 4 locates land reform in the country's history of land dispossessions, colonialism, segregation and Apartheid (separate development). The chapter argues that the overarching motive for land reform in South Africa is to redress the institutionalized land inequality, as provided for in the Constitution, Section 25(5)- see Abstract.

Chapter Five: Insights from the 2017 Parliamentary Speakers Forum's High-Level Panel

Chapter 5 gives important insights on the issues and challenges facing the land reform programme. In analyzing the issues and challenges, I use the 2017 Parliamentary Speakers Forum's High-Level Panel's Assessment of Key Legislations and the Acceleration of Fundamental Change document (HLP, 2017). I use this document in conjunction with other scholarly work, research papers, policy documents and other government reports. The reason for including the HLP document, amongst other documents is because the HLP (2017) is one of government's latest comprehensive reports on land reforms in South Africa.

Chapter Six: Discussion/ synthesis

Chapter 6 is a discussion of the research's findings. I interpret and describe the significance of the study's results in light of what was already known about the research problem (lack of a clear and commonly shared vision and purpose of the land reform programme, unequal power dynamics and insufficient post-settlement support services). The chapter also explains the insights that emerged in chapters 2, 3, 4 and 5. From the discussion, I develop and propose a stronger model of land reform. **See Appendix A.**

Chapter Seven: Summary and conclusion

Chapter 7 presents a summary of the issues and challenges facing the land reform programme in South Africa. The chapter finds that land reform has been inefficient, for many reasons, including continued use of the market-led approach to land reform, which did not respond to the needs of the poor. Analysis of the key land reform legislations finds that the post-Apartheid state has, in general, the right legislations for historical redress in place, but that the legislations have not been well-informed by social considerations, local traditions and customs. The issues and challenges related to approach, power struggles, corruption and, a lack of capacity in government departments and institutions are critical impediments to land reforms. In summary, evidence presented points to issues and challenges around ideology, politics and a lack of post-transfer support services. The chapter concludes that, apart from a Land Reform Bill/ Act as main policy, a developmental state approach to land reform would respond to the needs of the poor, especially given the nature of the country's history of land dispossessions, an interventionist state would be efficient for development.

Chapter Eight: Recommendations and policy direction

Chapter 8 offers some recommendations for a quick, efficient, complete and successful land reformation. The chapter recommends that a successful land reform programme has strong dependence of legislations and broader social issues and challenges considerations. Social considerations ought to inform the design and formulation of legislation and policy/programmes. The chapter underscores the necessity for addressing the issues around ideology for land reform, politics of land in land reform and post-settlement support services and coordination for sustainability of land reform projects.

Chapter Two

Literature review

“The rate of land transfer remains far below official targets and the limited available evidence suggests that, where land has been transferred, it has made little positive impact on livelihoods or on the wider rural economy.” Edward Lahiff (2007).

2.1 Introduction

This chapter reviews the literature on land reforms in South Africa. The task of the chapter is to evaluate the pace, performance and approach of South Africa's land reform. In this regard, the discussion centers on the market-led approach to land reform (MLAR) and how this method of land acquisition and implementation has fared both in terms of scope and impact. The object of the chapter is to draw lessons from international experiences and point out policy areas that South Africa could learn from them. The chapter therefore discusses the approach, pace and performance of land reform internationally and in South Africa. In order to gain an understanding and provide clarity, I give brief definitions to different land reform concepts and theories that have informed and guided the land reform programme internationally and in South Africa. The aim of the chapter is to discuss researches that have already been conducted in the study's area of investigation (issues and challenges of approach to land reform, the politics of land and post-settlement/ post-transfer of land production support services). I focus the discussion on the post-apartheid state's adoption of a global capitalist neoliberal economic policy (the free-markets approach) for land reform, based on the 'willing buyer, willing seller' principle (WBWSP). The researcher investigated the competence and ideological assumptions of the market-led approach to land reform (MLAR).

The chapter assessed how the goals and objectives of the different aspects of the programme (redistribution, restitution and security of tenure) were met, and how MLAR in particular has performed in this regard. The international experiences chosen for study are: Brazil, East Asia (South Korea and Taiwan) and Kenya. In this part, I gave extended attention to the East Asian developmental states (Japan, South Korea and Taiwan), where land reforms were not only quickly to be carried out, having taken an impressive two years to complete in some instances, but where they were also efficient in terms of attainment of the set social and development indicators. From the East Asian land reforms, the researcher strongly advocates for a Developmental State machinery as the most suitable state-type that could better respond to South Africa's land reform social and economic needs. The study, however, limits the discussion on developmental states to

their definitions, features and characteristics. This was done in order to find out policy directions that operationalized successful land reforms in East Asia, considering the achievement of economic growth and development. I used cases of the East Asian states to differentiate between state-led and market-led approaches to land reform with the view to positioning the land question in post-apartheid South Africa. The idea was to understand how different political contexts require market-led, state-led or both (a mix) approaches for successful land reforms. At the end of the chapter, I review the different roles that the market and the state play in different political economies. I also review the new state-led land reform initiative, the Pro-Active Land Acquisition Strategy (PLAS) to assess how the programme has performed. I specifically note the significance of the 2005 National Land Summit that informed the design of this strategy. I point out that although the current approach to land reform is a state-led initiative, there are ideological differences between South Africa's new approach and those that have been commonly referred to in this study as developmental states.

2.2 Significance of ideology

According to Heywood (2002: 15), "Political ideology is a set of related beliefs about political theory and policy held by an individual, group of individuals or a particular social class." From the above definition, ideologies therefore form the basis of how people view the world around them, and the proper role of government in the world. Without defining ideology, Marx used the term to describe the production of images of social reality. According to Engels (1905), "Ideology is a process accomplished by the so-called thinker consciously, it is true, but with a false consciousness". Today, scholars generally talk about five major political ideologies: anarchism; absolutism; liberalism; conservatism; and socialism. Consensus and unity between the state, large commercial farmers and land reform beneficiaries would be one of the key deciding factors for a successful land reform programme. In South Africa, the land reform process can be described as a tug of war between those fractions who want to see land redistributed on a wide scale, and

those who want to maintain the status quo – capital-intensive commercial farming. The thesis therefore contends that there is nothing wrong with the neoliberal free-market ideology per se, but the issue is that of the clash of policy, that is, the use or choice of a free market ideology in a context that calls for state intervention. There is no coherent vision, direction and purpose for the programme. The socio-eco-politico effects of rural revolution and transformation based on land reform and agrarian change are significant. Historical circumstances (colonialism, imperialism, settler-colonies and/ or separate development/ apartheid) allowed many countries to reduce their dependency on agriculture and transition to industrial economies. Needless to say, the circumstances themselves cannot be replicated, superimposed or transplanted. However, what can be learned is that a strong political will pushes through dramatic changes in land inequalities. The critical lesson is that land redistribution is a prerequisite to full-scale development. The rural poor in developing countries cannot be forced out of agriculture or pushed into low-paying wage labor for private corporations in special economic zones. If land, stolen from the rural poor, continues to be sold to large landowners and companies, resentment and resistance against such policies is likely to continue and this will have implications on democracy and political stability.

2.3 State-led approaches to land reform

State-led approaches to land reform are understood through the lens of classical economics. According to Ricardo (1929), classical economics are economic policies that relied on the state for the distribution and allocation of resources. Classical economics took center stage during the Great Depression (1929 to 1931), when as a result of the food shortage crisis, governments found the need for central state planning. State-led approaches to land reform emerged out of this ideological and definitional truism (Barraclough, 1999). In this view, Barraclough (1999: 1) argued, “The role of the state in land reform is crucial”. According to Barraclough (1999), this was so important, because the state comprises the “institutionalized political organization of society”. Therefore, the

state plays the role of providing security. It also formulates and implements public policy and manages conflicts. “In theory, the state has a monopoly over the legitimate use of coercive force within its territory, together with the responsibility to pursue the public good for all its citizens” (Barracough, 1999: 1). Therefore, the method of acquisition in state-led approaches to land reform is populist in nature. This is in contrast to ‘laissez-faire’ economic policies that deliberate the distribution of scarce resources to market forces as initially advocated for by Adam Smith. Land reform without the state would be contradictory to democratic values, principles, and systems and processes.

In state-led approaches to land reform, the state assumes the role of both buyer and seller. In order to purchase or acquire land, state-led approaches typically offer ‘cash-bonds payments’, usually at below market price. With this approach, land redistribution beneficiaries are identified by the state. This is mainly based on the assumption that state-led approaches emerge out of the need for historical and/ or national redress. In this way, the approach is supply driven. State-led land reform approaches rely on the state machinery as the implementor of land reform.

Therefore, the specific method of implementation is through the central state. Here, the government opens up platforms, programmes and other mechanisms. It is also noted that the private sector can also come on board to support the government with investments in the agricultural sector (Deininger, 1999). State-led approaches to land reform follow a particular sequence. In this regard, post-settlement support services and coordination (or farm/ beneficiary development) are considered after land redistribution. Ideally, this is about ensuring that land switches hands and thereafter, matters relating to farm development can be addressed. State-led approaches to land reform see the state take on matters and be responsible for providing the relevant support services.

Borras (2004) stated that the criticisms of SLAR land policies have been levelled on two points. Borras (2004) argued, “On the one hand, the rural poor remain poor either because most of them live and work on lands that do not have clear property rights, or because these poor households do not have sufficiently secure private property claims over these lands. From a purely fiscal standpoint, these conditions are considered

insecure, and they discourage banks and other financial institutions from investing in the rural economy. On the other hand, there is a perceived wide-spread economic inefficiency in many state and collective farms, both in socialist and capitalist settings, supposedly because (private/ individual) property rights are unclear, which, once again, discourages both domestic and international investment.” Borrás (2004: 102). In state-led approaches to land reform, programmes are financed through the state’s ‘universal’ subsidies. This means that where there is a need for land beneficiaries to pay a cost, beneficiaries pay subsidized land prices.

2.4 Criticisms of the SLAR approach

Heavy reliance on the central state

Another criticism levelled against the SLAR approach was its heavy reliance on the central state. Gordillo (1997: 12) argued that the central government has a large bureaucracy and this has implications for the implementation of its top-down methods. Essentially, top-down approaches limit participation and thus, government officials do not to capture the diversity between and within local communities and are unable to respond quickly to the actual needs identified or present in rural communities.

Below market value prices

Critics of the SLAR have explained that the payment given to landowners is too often below the market price, done in parts and over-relies on government bonds. This allows for the erosion of the real value of the landowners’ money. It is this reason that many landowners have resisted land reform (Binswanger & Deininger, 1996: 71). As a result, there have been reported instances where landowners kept the best pieces of land for people who could pay higher prices. Lahiff (2007b) reported long court processes for processing land claims. Also, the SLAR approach was criticized for its ‘supply-driven’ nature: “It starts either by first identifying land for expropriation, and then looks for possible

peasant beneficiaries, or by first identifying potential peasant beneficiaries and then seeking land to be expropriated. This leads to heightened economic inefficiency, when (1) productive farms are expropriated and subdivided into smaller, less productive farm units, or when environmentally fragile (usually public) land is distributed by the state; or (2) when peasant households considered unfit to become beneficiaries are given land to farm (World Bank, 1994: 2).

Limits on a ‘land size ceiling’

Borras (2004: 105) stated that the SLAR was also criticized for its concept of a ‘land size ceiling’. The criticism was that the land size ceiling limits land ownership to a specific maximum farm size. Deininger and Binswanger (1999: 263) argued that “Ceiling laws have been expensive to enforce, have imposed costs on landowners who took measures to avoid them, and have generated corruption, tenure insecurity, and red tape”.

Under-utilization of land

The main criticism levelled against SLAR is about economic under-utilization of land resources. “The main policy reform called for is privatization and individualization of property rights in the remaining public/ communal lands and in state and land reform: critical debates and perspectives” (Borras, 2005: 105). Borras (2003) contended that in cases of development policy, practitioners allowed “the existence of (formal) communal/ community property rights, [where] the basic approach is to privatize and individualize some bundles of property rights within these communal/ community lands (for example, creating private individual land use rights), which can be traded in the open land market”. This leads to the under-utilization of land, especially in farm development.

2.5 The Market-led approach to land reform (MLAR)

The market-led approach to land reform (MLAR) emerged out of neo-liberal economic policies. Stiglitz (2002) argued that neo-liberalism emerged as a re-surfacing of classical economics (Laissez-fair economics or free market, based on the principle of the 'invisible hand' or the economic principles of supply and demand in the allocation of resources). Borrás (2003) argued, "The MLAR model adopts a flexible loan-grant financing scheme". In this scheme, stated Borrás, each beneficiary is given a fixed sum of money. Borrás stated, "The beneficiary is free to use the fund, but in accordance to this rule: Whatever portion is used to buy land, that portion is considered as a loan and has to be repaid by the beneficiary (100% of the amount at market rates)". Whatever was left over after the land purchase was given to the beneficiary as a grant to be used for post-land-transfer development projects, and did not have to be repaid by the beneficiary.

2.6 Neo-Classical Economics

According to Hayek (1953), neo-classical economics emerged as a political ideology in the 1930s and 1940s. After the failure of government interventions during and after the Second World War (1939 to 1945), nations sought to intervene in the market in order to ameliorate market distortions (see Adam Smith's work, 'The Wealth of Nations'). According to Cousins and Scoones (2010: 39), "The central concerns of neo-classical economics are well-functioning markets." Here, say Cousins and Scoones, government planning and intervention are viewed as being accompanied by rent-seeking behavior, and therefore inefficiency. Key concepts in neo-classical theory include the notion of utility-maximizing activities by individuals who produce commodities for self-consumption or for sale, operating through a firm (or farm, in a rural setting), in order to maximize profit. Efficiency is evaluated by assessing factor productivity, referring to the relative productivity of land, labor and capital. The market-led approach to land reform uses a 100% cash payment to landowners at market value. The process is demand driven. This

means that there must first be a demand for land and once there is demand, land reform practitioners look for willing sellers.

Borras (2004) argued that the MLAR also uses a progressive tax system and a 'land ceiling', referring to a limitation on the quantity of land, usually in hectares (ha) that can be bought by an individual or a group of people. Given that the MLAR uses market forces for the distribution and allocation of resources, beneficiaries are self-selected. The MLAR model relies on a decentralized method for implementation such as that land is privatized. The idea is to give beneficiaries land titles through a title deeds registry system. The MLAR approach is financed through a flexible loan or grant mechanism.

Deininger (1999) argued that this is usually done in order to 'co- share' risks. Also, this means that farm development costs are given via the grant. MLAR follows a particular sequence. Borras (2003) informed, "The MLAR model takes on the programme implementation sequence of 'farm plans before land purchase' and so it argued that farm development was assured, because no land will be purchased without viable farm plans that emphasize diversified, commercial farming". That is, farm development plans/ business plans are done before land is redistributed. Deininger (1999) stated that because beneficiaries were given a cash grant/ loan to be able to purchase land and develop their farms, project development would be quick. A portion of this grant must be spent on extension services. In as far as extension services are concerned, beneficiaries can hire consultants, for example, Non- Governmental Organizations (NGOs) and/ or cooperatives, to assist them with project plans.

Deininger (1999) was of the view that this type of assistance is efficient, since accountability between beneficiaries and service providers is direct and the process transparent. Borras (2004) stated, "Widespread credit and investments are expected to come in quickly, because land is acquired via outright purchase, and so, land titles are honoured as collateral for bank loans." Nonetheless, cooperatives and other forms of assistance have been downplayed on grounds of a culture of dependency from the local level of analysis to the international arena. In the next section, I examine international experiences. I focus the discussion on the ideological underpinnings of the market-based

reforms versus state-led approaches to land reform and how these have been used in the identified areas of successful implementation: ideology, politics and post-settlement support services. However, given the predominance of market-led approaches, the next section presents country case studies, where, like South Africa, market-led approaches to land reform have been used. Research that discusses state-led approaches to land reform and/ or agrarian transformation has more or less focused on political history (colonialism, imperialism and political landscapes). Beyond the theoretical debates, most of the literature critiquing the market-led approach relate to country-specific experiences. The country case examples presented in this chapter illustrate constant tensions between these oppositional interests, and various moments of victory and defeat in struggles for land reform.

A cross-country look at international experiences and achievements will, hopefully, reveal alternative routes and paradigms. The Brazilian experiences with land reform highlighted the potential of adopting multiple solutions to complicated land issues. Any land redistribution programme, therefore, should not be simply the transfer of land; it will need complementary assistance, such as the provision of basic infrastructure, rural credit, extension services, and education services, which can help contribute to the long-term success of the programmes.

2.7 International experiences

2.7.1 Brazil

Cardoso and his government were the first administration to introduce market-led approaches to land reform. Mattei in Moyo and Yeros (2005: 351) stated that the MLAR was introduced through a partnership project between the World Bank (WB) and the Land Reform and Poverty Alleviation Pilot Project. Domingos (2002: 4) described the MLAR in Brazil as, "...the stimulation of sale and purchase of land at the expense of *latifundos*..." The MLAR system in Brazil was therefore 'demand-driven'. The justification by the

government for introducing the market-assisted agrarian reform approach was the cheap cost of implementation and the fast delivery in terms of the time that it took state-led expropriation and redistribution programmes' transfer and delivery of the land to the targeted beneficiaries. Deer and De Medeiros in Akram-Lodhi et al. (2007: 89) and Domingos (2002: 5) stated that the pilot project target intended to settle 15 000 families in a time period of four years at a cost of US\$150 000 000. Deer and De Medeiros in Akram-Lodhi et al. (2007: 89), Mattei in Moyo and Yeros (2005: 351) stated that the WB covered the grant component of US\$90 000 000 in the form of a loan that was extended to the Brazilian Government (with the government providing a counterpart funding of US\$60 000 000). The project was locally known as '*Cédula da Terra*' (PCT) or the Land Title Project. It was implemented through the federal system of Brazil in five federal states. The five federal states where the project was implemented were: Ceará, Maranhão, Pernambuco, Bahia and Minas. According to Wolford (2007: 559), "The move towards implementation of neo-liberal policies from 1990 onwards coincided with the parallel process of agrarian reforms" (Wolford, 2007: 559). Wolford (2007: 559) is of the opinion that 'neo-liberalism facilitated the implementation of land reform'. Land reform received much attention in the 1990s, because it fitted in with an existing international agenda of neo-liberal land reform as advocated by the World Bank (Wolford, 2007: 560). This reason, among others, contributed to the World Bank agreeing in 1997 to provide funding in the form of a loan to the Government of Brazil for the implementation of a market-led approach to land reform. Wolford (2007: 560) argued that the need for land reform was therefore the result of a combination of the creation of political space with the advent of democracy and the implementation of neo-liberal policies. Wolford (2007: 560) asserted that neo-liberal policies such as the privatization of public services and reductions of social support tended to further disadvantage those people who were already marginalized. Alston et al. (2000) argued that neo-liberal economic policies led to the reductions in support for agricultural producers in terms of subsidies and other protective measures. This exposed many farmers to international competition from the globalized agro-food markets. The result was increased structural unemployment. Domingos (2002: 3) explained that structural unemployment was mainly created by the inability of industrial firms to absorb labor that was shed by an unregulated and globalized agro-food sector.

This situation led to the rise in grassroots movements, for example, the *Movimento dos Trabalhadores Rurais Sem Terra* (MST or Landless Rural Workers Movement). The MST demanded access to land and other reforms.

Fernandes in Moyo and Yeros (2005: 336) argued that grassroots movements were also involved in land occupations. Deer and De Medeiros in Akram Lodhi, Borrás, and Kay (2007: 109) concluded, “With the dramatic fall in inflation, it was no longer appropriate to keep unproductive land and use it as a hedge against inflation”. This led to a significant lowering of the land prices between 1994 and 1995. Alston et al. (2000: 167) and Wolford (2007: 560) contended that as a result, land lost its value as a speculative asset. All this forced large landowners to get rid of their properties to the state or to national agrarian reform agencies. The identification of target beneficiaries was based on and achieved through the formation of associations. In other words, beneficiaries were not identified or selected by the government or other agencies. According to Deer and De Medeiros in Akram-Lodhi et al. (2007: 89) and Wolford (2007: 89), beneficiaries were expected to form an association with other willing buyers in order to negotiate land prices with willing sellers. This was subject to the approval of the association and the proposed purchase price by the designated government agency. The conditions for approval of the purchase price included that it had to be a reasonable market price. Deer and De Medeiros in Akram-Lodhi et al. (2007: 89) posited that in addition to this requirement, government agencies had to satisfy themselves that the title deeds were in order, the land could be used in a sustainable manner, that beneficiaries could generate profits, that irrigation and access to markets, information and development infrastructure were adequate and that the property could sustain the proposed number of beneficiary families. Buainain et al. (1999) admitted,

“...the self-selection process has not been happening in such a ‘pure’ way, and part of the beneficiaries were actually ‘selected’ to participate. The ‘selected’ beneficiaries were those who first obtained information about the programme, either sought after to participate or were invited and stimulated to join it”. Buainain et al (1999: 84).

Navarro (1998: 15) found “...the associations merely had an instrumental orientation, to get access to the different projects... where they were obliged to be formed into associations...”. The Constitution of the associations in the visited states obeyed a logic that clearly threatened the structure and stability of the *Projeto Cédula da Terra* (PCT), because they did not represent the interests of the people who were associated with them. This led Navarro to caution against lack of sustainability of the projects. Many, if not the majority, of the beneficiaries visited by Navarro wanted to pursue individual farming, but the PCT operators prevented them from doing so. Navarro (1998: 19) found that the internal conflicts within the beneficiary organizations (caused partly by the manipulation by beneficiaries coming from the ranks of the rich peasants and other rural elites) had forced some beneficiaries to abandon the purchased lands. Although the PCT was implemented largely in a decentralized manner, the promised good governance ideals of transparency and accountability were not adhered to.

Buainan et al. (1999: 83) contended that the result was the opposite of what they had intended to achieve: local elites rigged the process of programme implementation. For example, local government officials arbitrarily intervened in the selection of beneficiaries, the lands to be purchased and their prices, and in the types of development undertaking. Buainan et al. (1999: 39)’s research study found that landlords/ landowners who sold their land under the *Projeto Cédula da Terra* (PCT) were paid 100% in cash. However, the large property landlords as well as owners of productive land did not sell via the PCT process. Only small and medium-sized farms that were underutilized and abandoned were actually sold. Underutilized and abandoned land comprised 81.6% of all land purchased under the PCT. The remainder, the so-called well-utilized land (18.4%) comprised in fact land planted with crops that had old and less productive trees (cacao and coffee) that were plagued by disease, and whose market prices dropped radically over the past years.

In short, the so-called well-utilized land was that of bankrupt farms, while the majority of the PCT land was situated in remote, less populated areas, without road access, without irrigation or electrical installations, and far from the local markets. Moreover, Buainan et al. (1999: 19) found that the beneficiaries were generally the rural poor, but not the

poorest of the poor, since beneficiaries “had not been marginalized or excluded from the economy”. The predicted quick pace of land purchases did not materialize. Six years into its implementation, the programme was able to lead to the sale/ purchase of less than 10% of the total target of one million hectares for the years 1994 to 1998. Also, Forero (1999: 4) calculated the land prices and found that land prices were not as low as had been projected. In many areas, the average was COP2 800 000/ hectare. However, Deininger (1999) was of the view that the majority of this land was land under pasture. It comprised 75% of the country’s potential crop land. As the livestock sector continued to enjoy state subsidies, and thus, according to the MLAR analysis, the land market in this sector was distorted.

Deininger (1996) also noted the vast tracts of land lying idle and under-utilized cattle ranches, which had been caused by the violence and conflict being observed in the countryside. The average pre-PCT (1998) entry’s annual income of beneficiaries was R\$2 057.82, which was below the maximum income limit requirement imposed by the PCT at R\$3,312/ US\$2,880 per annum, but above the national poverty line of R\$1,383. Buainan et al. (1999: 85) stated that according to the standards set by the PCT (*Projeto Cédula da Terra*), the beneficiaries were “not the ‘fittest type’, since ‘they were not experienced in the use of ‘modern’ agricultural practises and trade...”. The average farm size per beneficiary was 27 hectares. Navarro (1998: 19) was of the opinion that to a large extent, the beneficiary (self) selection process had been manipulated by local government officials, interested church people and elite peasant leaders. These local elites controlled the information about the project and they selected the beneficiaries (ibid.: 19). In fact, Navarro (1998: 15) established that in some regions, “The friars are who decided who could or could not be part of the association to be formed”, as he pointed to “...the manipulation of the local peasants... induced into forming associations, not knowing the conditions... of the process”. Navarro (1998: 24) observed that “...in other places (under PCT), the interested are farmers and local leaderships who ‘choose’ as they will the association members, hiding from them crucial information about the PCT. Almost all the visited sites have less or greater influence of a minority group...”. In as far as post-settlement support services have been concerned, Buainain et al. (1999: 94) stated,

“...the consolidation of the programme may eventually require additional support. The challenge is how to introduce safeguards to avoid that beneficiaries and future beneficiaries anticipate the action of the state institutions and incorporate their interference as some kind of tutelage on the programme, with well-known negative consequences”. Sauer (2002) casted doubt on whether beneficiaries could pay their debts that carried 4% interest rate per annum, which was payable within 10 years. In his final analysis, Sauer (2002) stated that it was very difficult to derive at a conclusion from the foregoing as to whether the Brazilian MLAR programme had been a success.

2.7.2 East Asia

2.7.2.1 SOUTH KOREA

Kay (2002) argued, “Prior to 1945, when South Korea was under Japanese rule, it was largely a rural-based country with over 75% of its population living in rural areas”. Sharma and Jha (2016) argue, “Land distribution in colonial Korea was highly skewed. While nearly 60% of the population was landless, landlords, who made for less than 3% of the total population, owned around 64% of the land area”. According to You (2008), the land tenure system in Korea was also highly skewed, reflecting that 2.7% of farm households possessed nearly two-thirds of the land; yet, most of the land was cultivated by tenants. Tenants were mainly share-croppers, struggling to make ends meet. With respect to the income distribution, Ban et al. (1980) pointed out that 4% of the rural population received almost half of the main crop or around one-quarter of the farm’s income. Therefore, the relationship between tenants and landlords was strained. Jeon and Kim (2000) stated, “Once the Japanese colonization ended, there were widespread peasant-based protest movements involving the refusal to make rental payments and strikes [took place] by tenants”. After 1945, the US military government implemented the first phase of land reform in South Korea. Dorner and Thiesenhusen (1990) found that in order to enhance political control, the US occupation was in general supportive of tenants. They distributed

over 280,000 hectares of former Japanese land, which was about 13 to 15% of the total arable hectares to 588,000 former tenant cultivators (ibid.). In addition, the US military government set the rental rate at a maximum of one-third of the annual crop yield, which was much lower than the 60% that prevailed before 1945 (ibid.). Thus, a miniscule segment of the total population possessed most of the agricultural land (ibid.). According to Sharma and Jha (2016), “A high rental rate seriously compromised the economic life of tenants who comprised a huge chunk of the population”. Sharma and Jha (2016) argue, “This pattern of land distribution, however, also meant that once any significant movement for land redistribution started in the country, it would have such a mass base for it to gather an unstoppable momentum”. This is exactly what happened in post-colonial South Korea. The movement was initially sparked by a struggle of the natives against colonial Japan, a movement against the remnants of the colonial system. Sharma and Jha (2016) say,

“With the defeat of Japan in the Second World War, and beginning of the US military administration, a movement of denying rental payments, as well as strikes, demanding redistribution of the land previously owned by the Japanese, became frequent and violent in regions that were dominated by committees and agricultural cooperatives. Once the issue of rights over land and cultivation had taken a cognitive value in the minds of the native population (in howsoever limited context of land owned by erstwhile colonial rulers), it had enough fire in the needs and life struggle of the masses to soon engulf the land owned by the Korean landlords, too. On the other hand, the landlords’ position was compromised by the fact that after the collapse of the colonial system, there was no institutional mechanism of ascertaining and punishing violations of tenancy contracts, particularly in rural areas. All the more, suspected pro-Japanese activities of landlords added fuel to the fire of this movement against them.” (Sharma & Jha, 2016).

Land reforms were taken up in the southern regions of Korea for both economic and political reasons. Sharma and Jha (2016) state, “The movement against tenancy had such powerful effect that while 1,500 suks of rice could be collected by the landlord as rent during the colonial period, it fell to 100 suks right after August 1945, settling at 400 to 500 suks after 1946 for the same acreage of share-cropped land.” During this time, transaction and law enforcement costs had risen so high that by 1945, landlords lost the

incentive to keep their land (ibid.). Sharma and Jha (2016) argue, “It was finally the inability of the government to secure socioeconomic order, and a powerful movement for redistribution that raised the costs of keeping land high enough to disincentivise the landlords from keeping land”. This is what many have argued that made for the success of land reform in South Korea (Sharma & Jha, 2016). Sharma and Jha (2016) posit,

“[The] land reform measures initiated had three major planks: First, it brought in the clause of self-cultivation for ownership of land, meaning that an individual could own agricultural land only if they cultivated or managed it themselves; second, even in the case of self-cultivation/ management, an ownership of a maximum of three jungbo of land was allowed; and finally, tenancy arrangements and land renting activities were legally prohibited”.

Sharma and Jha (2016) explain that the land reforms were not an exercise in outright expropriation of land owned by landlords. “After a survey of landlord-tenant relationship was done in 1949, government purchased the land from the landlords with land securities under the provision of the Agricultural Land Reform Amendment Act (ALRAA)” (ibid.). Sharma and Jha (2016) state that the Act specified the price of land as a percentage of annual crop yields from the land. However, actual compensation was made by cash, and the compensation period was prolonged to more than ten years for some of the land under reform (Sharma & Jha, 2016). However, the actual reimbursement period lasted for more than ten years, and the payments were made in cash at cheaper prices than stated in the contract. Jeon and Kim (2000) conceded that under these circumstances, landlords found it more attractive to sell their lands directly to tenants at a ‘negotiated price’, instead of going through the government. The United States controlled South Korea from October 1945 to August 1948. During that time, over 500,000 hectares of farmland were sold voluntarily from landlords to tenants (Ban et al., 1980). Execution of the South Korean land reform was facilitated by the existence of a relatively competent bureaucracy (ibid.). According to Sharma and Jha (2016), “Land reforms were largely complete by the beginning of the 1960s”. This is evident in the amount of compensation that was paid to landlords by this time. By the end of 1961, about 97.3% of compensation had been paid to landlords. Sharma and Jha (2016) inform that altogether, it took well over ten years to complete the land reform process. In addition, the government sold the land to tenants

who made payments with rice. In fact, the central state acted as an arbitrateur between landlords and tenants. It is noted that while the reforms had complete success in bringing down tenancy incidence to almost zero, the number of owner-cultivating households significantly increased from 349,000 in 1949 to 1,812,000 in 1950 (Sharma & Jha, 2016).

The success of this exercise also owed a lot to the thorough development and support given to the local village government to assume land administration functions. The success of the land reform soon manifested itself in economic growth outcomes. Sharma and Jha (2016) say that agriculture achieved an annual growth rate of almost 4% under the impact of this reform. Ban et al. (1980) found that since 1954, the South Korean agriculture entered a long-run steady and sustained growth path. The annual growth rate of total agricultural output increased from 1.4% during the years 1920 to 1939 to 2.4% in the years from 1953 to 1980 (ibid.). For a shorter time-span, the average growth rate of agricultural output was 3.19% between 1954 and 1973 (Ban et al., 1980). “While the primary source of output growth in Japan and Taiwan was the improvements in TFP, the substantial increase in capital inputs was the most important contributor to South Korea’s agricultural output growth. Before the land reform, the annual growth rate of capital inputs to agricultural production was only 1.5%, while after the land reform, this figure increased to 7.9%. Moreover, the annual growth rate of capital per worker in agriculture was 7.6%, which was higher than that of the non-agricultural sectors. Upon closer examination of agricultural productivity data, during the period from 1954 to 1973, labor productivity increased at a rate of 2.85% and land productivity increased at 2.65%.” (ibid.). According to Ban et al. (1980), the increase in land productivity resulted from improvements made to the land quality, increased application of fertilizer and changes in the product mix. The influences of land reform on farmers’ incentives to invest in their own farmland are thought to be a major cause. In spite of its sustained growth both in output and productivity, agriculture made a smaller and declining contribution to the South Korean economy. Agriculture’s share in GDP decreased over the years after the land reform. In the mid-1950s, agricultural output made up almost 47% of total GDP. When industry and exports took off after 1964, the share of agriculture had fallen to 29% of GDP in 1970. After the land reform, the agricultural labor force became a much smaller fraction of the total labor

force than in the pre-war period. For instance, while the share of employment in agriculture was 77% in 1950, by 1980 only 37% of the labor force was employed in agriculture. Ban et al. (2016) state that by land tenure status, in 1945 the ratio of tenant-cultivated land to total farmland was about 64%; this figure decreased to 18% by the end of the land reform. The improvement in farmers' tenancy status was more notable. Ban et al.'s study also found that while 48.9% of farm families were tenants in 1945, only 7% of farm households were tenants after the land reform. Ban et al. (1980) argued that on the side of income distribution, since the government compensated former landlords at a price lower than the market price, the landowners received reimbursement valued only between one-sixth and one quarter of their former assets. By contrast, it was found that ex-tenants, who purchased land from the government, paid less than the contract price as a result of a large discount offered by the government (*ibid.*). Ex-tenants, who paid the entire land price and were removed from the burden of rents, enjoyed an increase of 33% of per capita income (Ban et al., 1980). Ban et al. (1980) argued that the top 4% of the rural population (ex-landlords) lost 80% of their income, which corresponded to a 20 to 30% increase in the income of the bottom 80% of ex-tenants.

2.7.2.2 TAIWAN

Thompson (1984) stated that after the Second World War, Chiang Kai-shek, the military leader of the Chinese Nationalists (Kuomintang, KMT), and his government in Taiwan set their priority as the development of Taiwan's agriculture in order to safeguard their political control. Thompson (1984) argued that with the assistance of the Sino-American Joint Commission on Rural Reconstruction (JCRR), the Nationalist government carried out an effective land reform between 1949 and 1953. Prior to the land reform, tenants' rental was approximately 50% to 70% of the total annual main crop yield. Sharma and Jha (2016) state, "Colonial rule in the province of Taiwan had seen substantive intervention by the Japanese in the agrarian sector. Japanese colonial rule had brought a green revolution to the island, which was basically intended to provide for the

consumption of the metropolis. Right from 1895 to 1945, the island had witnessed introduction and extension of modern technology. There was large-scale development of water resources and technological improvement in rice and sugar cane production under the colonial regime, which had interests in exporting the produce to meet the needs of the metropolis. The class differentials arose as the Japanese left the province of Taiwan in 1945.” Moore (1993) argued that land reform in the province of Taiwan, beginning in 1953, redistributed a total of 44% of cropland among nearly all of the non-landowning families. He reported, “Land reforms were imposed by the Nationalist government, which – having been exiled from the Chinese main land, had no obligation towards the landlords, who exploited tenants with ironclad rents, guarantee money, advance payments, and security deposits”. According to Moore (1993), “Land reform in the province of Taiwan was carried out in three phases: 1) rent reduction in 1949, 2) the sale of public land in 1951, and 3) the initiation of a land-to-the-tiller programme in 1953. Land rentals were reduced from 50% to 37.5% in 1949.

In 1949, the government limited the rents to 37.5% of the total main crop (usually rice) yield. The government also set regulations for farm lease contracts to protect tenants’ rights. Contracts signed covered a land area of 256,557 hectares and benefited 296,043 farming families. The second stage consisted of sale of public land. A total of 139,058 hectares of land has been sold to 286,563 farming families since 1951. From 1948 to 1958, arable public farmlands were sold to the incumbent cultivators at a price of 2.5 times the average. The JRCC was an institution for administering US’s aid to Taiwan” (Moore, 1993). Moore (1993) stated that this effectively promoted and monitored Taiwan’s land reform. Farmers could pay the sale price in 20 semi-annual instalments. Each farm household was limited to 0.5 to 2 chia of paddy and 1 to 4 chia of dry public land (ibid.). According to Koo (1968), the annual instalment would be about 25% of the annual main crop yield. When added to the land tax, which ranged from 4.5% to 7.5% of the total annual main crop yield, the burdens of farmers who purchased public land would not exceed tenant rents (37.5% of the annual yield after the rent reduction programme). Koo (1968) stated that the third and final stage of land reform in Taiwan, the land-to-the-tiller programme, was promulgated in 1953. Koo (1968) reported that similar to the programme

in Japan, the Taiwanese Government set a ceiling on the acreage of farmland that one household could keep. According to the regulations, stated Koo, each farm household could own at most three chia of a medium-grade paddy field or six chia of dry land. Any excess land was purchased by the government and sold to the current tenants at a price of the annual yield of the main crop multiplied by 2.5. Farmers who purchased the land were allowed to pay in instalments over a ten-year period (ibid.). Koo (1968) pointed out that in addition, the Taiwanese Government provided a production fund with low rates of interest. Former landlords were encouraged to convert their landholdings into industrial holdings by enjoying a favorable price of stocks of state-owned industries. Koo (1968) was of the opinion that an efficient administration guaranteed the success of Taiwan's land reform. Koo (1968) argued,

“Each level of government, the JCRR, and farmers' organizations contributed to the effective execution of land reform. For example, the government conducted massive inspections and 1 chia = 0.96992 hectare = 2.39680 acres and conducted supervisions in an attempt to enforce law throughout rural areas. Moreover, since programmes in Taiwan were enacted in a sequence, the process of implementing the reform was smooth and peaceful. Land ownership ceilings were fixed at one hectare. The former landowners were compensated in industrial bonds, which they invested in urban-industrial zones (Koo, 1968).

Between 1953 and 1960, the annual production and consumption of inputs was of 23% and 11%, respectively. This policy of 'nurturing industry with agriculture and developing agriculture with industry' has laid a solid foundation for Taiwan's rapid economic progress. A total of 194,823 farming families have received a land area of 139,249 hectares. The rent reduction increased the income of the peasants threefold, while the production of rice doubled. The productivity of land also increased. While the peak per hectare rice output was 2,052 kg in the thirties, it shot up to 2,322 kg per hectare after the land reform. The increase in income in this period also saw positive changes on the front of the educational level of the children, thereby indicating a positive causality from land reform to income, and further to education. The percentage of primary school graduates enrolled in junior schools was less than 35% in the years 1949 to 1950, while in 1961 to 1962, it was 52%.

For junior secondary school graduates enrolled in senior secondary schools, the figure was 56% and 82% for those years, respectively.

The ‘land-to-tiller’ programme

Stage three of Taiwan’s land reform was about the ‘land-to-the-tiller’ programme. The programme began in 1953. It was designed to enable tenant farmers to own the land they tilled, so as to increase farm production and the farmers’ income, as well as to transfer landlords’ capital towards industrial production. In 1956, the Equalization of the Land Rights Programme was designed to maximize land utilization, and to bring the public to share the benefits thereof by “regulating land value, taxing and purchasing land according to the value, and giving the unearned increment to the public” (Ryoo, 1980). Basically, provincial governments would verify and adjust land values by cross checking with actual cases and prices of urban land transactions in all counties, cities, district towns and townships (ibid.). These were analyzed so as to ensure an accurate picture of movements in land prices as a basis for adjusting county and city land values, setting new land values and banding taxation levies, with the aim of making tax assessments fairer and more reasonable, and thoroughly implementing the policy of directing price increases into public coffers (Ryoo, 1980). Ryoo (1980) argues,

“In 1994, land value was reassessed with the total land area affected being 1,765,422 hectares. Cooperative use of land in both urban and rural areas has been affected to maximize land utilization. By the end of the fiscal year 1994, a total of 374,835 hectares of farmland had been consolidated. In 1993, among the farming population of 3,993,051, a total of 82.5% of these citizens were farming their own land, with each family farming an average of 1.07 hectares and each person owning about 0.22 hectares. Currently, the government has begun the third stage of farmland consolidation, hoping to expand the scale of farm operations and to promote joint, entrusted, and cooperative management” (Ryoo, 1980).

Land reform in Taiwan also achieved huge success from the perspective of a more equalized distribution of land. According to Ryoo (1980), “As an intermediate effect of

land reform, about 70% of all the public and privately leased land had been transferred". By area, Ryoo (1980) found that the share of tenanted land to total land decreased from 40% to 14%, and as the tenure status changed to that of a farm household, the change became more dramatic. One of the indicators that was used to show the impact of land reform in Taiwan was the Gini Coefficient on land (in)equality. According to You (2008), after the reform of the land ownership, the land Gini coefficient for rural Taiwan decreased from between 0.58 and 0.62 in 1950 to between 0.39 and 0.46 in 1960. Therefore, land reform not only led to a wider distribution of land ownership, but also to a smaller size of land holdings. Ryoo (1980) reported that after the reforms, the percentage of land holding size below 3 hectares increased from 58% in 1952 to 77% in 1955, and amounted to 85% in 1960. Koo (1968) found that tenants and the new owner-cultivators experienced increasing incomes. At first, the effect of the rent reduction programme contributed significantly to the new landowners' increased income. In later years, the impact of the switch of landownership became even further pronounced (ibid.).

According to a report from the Taiwan Provincial Food Bureau, 85% of the total increase of farmers' income came from reduced rent in 1949; in 1960, the proportion decreased to 24%. On the other hand, attributed to the rent reduction programme, landlords received less rent than before. You (2008) stated that the reduced rent also lowered land prices. The combination of the reduced rent and lower prices of land resulted in a decline in the return of investment in farmland and former landlords suffered a capital loss. You (2008) reported that in the rural areas of Taiwan, the income Gini measure dropped from 57.4 in 1953 to 32.7 in 1964.

Taiwan experienced notable agricultural development after its land reform. Koo (1968) stated that the annual growth rate of agricultural output reached 3.6% during the years 1952 to 1980. Koo (1968) explained that the improvement in TFP accounted for about 60% of total output growth. Chen (2013)'s evaluation shows that the remaining 40% of the output growth came from the substantial increases in labor and capital inputs. For the input of labor, not only were there more farm workers in 1960 than in 1953, but also each farm worker worked more than before (about eight more days a year on average). The annual growth rate of labor productivity was 4.2% during the period from 1952 to 1980

(ibid.). Capital inputs increased even more dramatically, especially in materials and fertilizers.

Chen (2013) argues that during the period of 1952 to 1980, the annual growth rate of capital inputs in agricultural production was 6.2%. However, he also says that the increased agricultural productivity and output after land reform contributed to labor out-migration from agriculture. Chen (2013) illustrates this by pointing out that at the beginning of land reform, agriculture accounted for 63% of the total labor force and by 1980, this figure dropped to only 28%. According to Chen (2013), “This change indicates that about 35% of the labor force transferred to the non-agricultural sector within only 30 years”.

Young (1995) linked the increased labor productivity (and increased number of working days) to the resulting rural-to-urban migration as the main cause of Taiwan’s rapid structural transformation. In line with the decreased share of accommodating a labor force, agriculture’s share in output also decreased after the land reform. Chen (2010) argued that this was caused by the fact that when the Taiwanese land reform was completed, agriculture’s share of GDP was about 29% and within only 15 years, the ratio dropped to approximately 15% in 1970.

Sun et al. (2007) examined the three drivers of agriculture’s declining share in total output as mentioned above. Their results showed that the changes in factor endowments in the whole economy played the major role, and the influence of Engel’s law was positive but small. For instance, during the period from 1952 to 1980, the growth rate of capital per worker in agriculture was 6.8%, and it was higher than the rest of the economy (4.3% in whole economy, 6.5% in the secondary sector and 1.6% in the tertiary sector). Therefore, the uneven and concentrated distribution of land ownership had been improved remarkably after Taiwan’s land reform. That is, a more equal land distribution was achieved and the rural society of Taiwan saw a significant change in the pattern of income distribution as a result of labor and agricultural productivity. However, it also led to labor moving away from the rural areas and agriculture and into the urban areas in search of work.

In sum, in South Korea and Taiwan, all experienced rapid structural transformation from predominantly agricultural societies to industrial-based economies. After land reform, these economies not only achieved rapid increases in agricultural output, but also attained rapid productivity gains. Meanwhile, agriculture's share in the total labor force and overall output decreased dramatically in all three economies.

2.7.3 Kenya

Boone et al. (2018) argue that in Kenya, land issues have been a dominant theme in politics for a long time. Today, Kenya is one of the most unequal countries in Africa. According to a World Bank (1997) report, this was reflected in its relatively high Gini coefficients for land inequality on the African continent. Historical land injustices, land grievances, and land revendications have fuelled political mobilizations and violent conflict at key junctures in Kenyan politics. Anderson and Lochery (2009) conducted a research study on how violence in Kenya has resulted in an economic crisis in the early 2000s. In their assessment, Anderson and Lochery (2009) attributed the wide inequalities (including unequal societal power relations that lead to violent general elections) to an ongoing ability of powerful individuals and groups to use state power to allocate land and other resources to themselves and to politically favored groups.

Anderson and Lochery (2009) stated that these long-standing tensions and conflicts, culminating in land-related electoral violence around the 1992, 1997 and 2007 elections, all contributed to very high levels of pressure for land law reform in Kenya. A series of Presidential Commission Reports (the Njonjo Commission Report and the Waki Commission Report), official policy review processes and especially the Ministry of Lands, clearly pointed to a chronic pattern of land abuses by the executive branch. Boone et al. (2018) point out that during the post-election violence in 2008, more than 1,000 people were killed and over 300,000 were displaced in violence that was partly land-related. This brought Kenya to its lowest point since its independence, disgracing the ruling elite and

adding impetus to long-standing calls for political reform. Boone et al. (2018: 7) posit, “One result was approval of a new National Land Policy (NLP) in 2009, after more than a decade of civil society activism on the land issue”. The main lines of the NLP were incorporated into the 2010 Constitution. Boone et al. (2018) go on to say that Kenya’s 2012 land laws provided the enabling legislation to put the new principles and procedures into practice. According to Boone et al. (2018: 7), “One of the targets of the new Constitution, and to a lesser extent the 2012 land laws, was to deal with the politicized and corrupt ‘den of thieves’ that was the old Ministry of Lands”. The evidence showed, however, that the new land laws in 2012 did little to achieve a radical overhaul of the Ministry of Lands other than what many people had hoped for. However, some important changes were made.

Boone et al. (2018: 8) say that, for example, the Ministry of Lands was divested of some of its key land powers such as sole control over the registries, control over the allocation and management of public land, control over resettlement, and powers to revoke title deeds that were found to have been acquired illegally. Also, the Ministry of Lands was changed to the Ministry of Land, Housing and Urban Development (MoL) and many important powers of the ministry were transferred to or were to be shared with the National Land Commission (NLC), which was a decentralized institution that was mandated in legislation (National Land Commission Act 2012) (Boone et al., 2018). Boone et al. (2018) explain that the NLC was mandated to establish its presence on the ground through the CLMBs established in each county.

Boone et al. (2018: 8) argue that seven to nine members of each CLMB were to be appointed by the NLC, but they were subject to approval by the new County Assemblies and the county governors. Governors were to appoint one CLMB member (ibid.). Deconcentration thus intersected with devolution, giving both county executives and county legislatures a say in the CLMB composition. However, some have questioned whether or not the CLMB is really an instance of decentralization or just a ‘decentralized technocratic’ institution. Potentially significant powers were given to the new NLC. It was supposed to manage and administer public land in the counties in collaboration with county-level land use and physical planning committees. According to the Ndugu

Commission, a key responsibility was to recover public land that had been irregularly or illegally allocated, a mandate that extended to the investigation of private land that might have been acquired illegally. Boone et al. (2018) contend,

“County governments were also given unclearly defined, but potentially significant powers to manage land within their counties. Most notably, they were to manage ex-Trust Land (unregistered rural land managed by the old county councils) during the interregnum between passage of the 2012 land laws and the writing and passing of a new Community Land Bill, constitutionally mandated to be completed by 2016. The Constitution and the 2012 land laws left open the question of the Land Control Boards, which controlled land transactions on adjudicated family land in ‘land control areas’, on Trust Lands (coinciding mostly with administrative divisions). The LCBs were part of Kenya’s powerful Provincial Administration, which answered directly to the president. The net effect was envisioned as a far-reaching overhaul that would bring land administration under the rule of law through the actions of the non-partisan and supposedly independent NLC, with some powers diffused through devolution to the new county governments” (Boone et al., 2018).

Manji (2014) argues that it was soon clear that the ambiguities and limitations of the land laws would be obstacles to the kind of land reform envisioned by the land activists and civil society groups, who had pushed for the 2009 National Land Policy and the 2010 Constitution. The land legislation’s drafting and path through Parliament in 2012 was a process that was rushed, apparently disconnected at key points from the intent of the land provisions of the 2010 Constitution, and largely divorced from meaningful citizen and civil society participation (ibid.). The Kenya Land Non-state Actors Alliance and a number of individuals, most notably, Kituo cha Cheria, noted that this was starkly evident in the National Land Commission Bill, which was hastily drafted by a consultant who was hired by the Ministry of Lands itself. Given the centrality of the NLC to the success of the land law reform effort, the Bill was remarkably sketchy. Crucially, say Boone et al. (2018), “The Bill failed to clearly locate and delineate the respective responsibilities of the NLC and the Ministry of Land in the domain of land registration and titling, and it failed to delineate the functions of the NLC’s county level emanations, the CLMBs”. Boone et al. (2018: 10) argue, “Lack of clarity about the respective roles of the old Ministry of Lands and the new

NLC thus bound the NLC in ambiguous and overlapping relationships with the national executive branch, county executives, and county legislatures”. A group called the Katiba Institute’s Consortium on Land (headed by the former Chairperson of the Constitution of Kenya Review Commission) and Professor Yash Pal Ghai, pointed out at the time that the proposed bills would be very hard to implement. The Katiba Consortium on Land prepared a document called *The Katiba Consortium on Land: Areas for Review, 2012*. The document was presented to the Drafting Committee on Lands in 2012. Boone et al. (2018: 11) say that the Katiba Report found that the laws were structured in ways that created opportunities for diverse actors seeking to block, capture, or prevent elite capture of the new land institutions to exert veto powers over strategic decision areas and processes. Boone et al. (2018: 11) posit that from 2013 to 2016, the land reform process was dominated by blockages and exercises of veto powers by the Executive branch. “The Ministry of Land resisted yielding its powers and responsibilities and worked to retain the mandate of the NLC within its control” (Boone et al., 2018: 12).

Klopp and Lumumba (2012) conducted a review study, which sought to find out the state of land reform in Kenya. Klopp and Lumumba (2012) found that the land reform process was like a back-and-forth entanglement in the fight for policy implementation. “The ministry and the executive branch battled the NLC in every conceivable way, including by starving it of funds, failing to turn over relevant information, blatant obstructionism, and openly defying constitutional and legal provisions that mandated a transfer of power to the NLC” (Klopp & Lumumba, 2012). Critically, between 2013 and 2016, the NLC was not able to get access to inventories of public land or land registries. This meant that it could not identify titles or allotment letters issued for holdings on public land and was thus unable to investigate the many past land allocations that were suspected to have been illegal or irregular (Boone et al., 2018). It was also blocked from regularizing the allocation and titling process on smallholdings, especially in settlement schemes, even though taking up this responsibility was another core objective of those who had backed the land administration reform in Kenya for many years. Boone et al. (2018) posit, “The NLC eventually took its case to the High Court, seeking arbitration in its institutional battles with the Ministry of Land around powers of land taxation; control of the land registries,

registrars, and surveyors; and control over land registration and the issuance of titles”. Boone et al. (2018) state, “The High Court of Kenya’s Constitutional and Human Rights Division ruled on the relationship between these bodies in a case concerning the validity and constitutionality of title deeds and lease documents issued by the Land Ministry” (See the Kenya Supreme Court advisory opinion of 2 December 2015: ‘In the matter of the National Land Commission (2015); Advisory Opinion Reference No 2 of 2014’, Kenya National Council for Law Reporting, The Attorney-General’s Office, Nairobi). Manji (2009) reported that in December 2015, the court confirmed the ministry in many of its powers, including land titling. It obliged the ministry to ‘share information’ with the NLC and called for the two institutions to ‘work together’. A Land Laws (Amendment) Bill drafted by the Ministry of Lands in 2015 proposed to re-center control over land information systems in the ministry and to disband the CLMBs that the NLC had succeeded in setting up in 44 of the 47 counties. In a newspaper article in *‘The Star’*, Wiley (2018) writes that this included the Community Lands Bill.

Klopp and Lumumba (2012) observe that what this did was it morphed into an Omnibus Bill that was described by Muhammad Swazuri, Chairman of the NLC, in his testimony to Parliament on 23 June 2015, as ‘undermining devolution’ and being ‘unconstitutional’. It appeared to many reformers as a complete clawback of land administration powers by the ministry. It was passed by the National Assembly and the Senate, and was signed by the president in August 2016, two weeks before the constitutionally mandated deadline for passage of this legislation. Enactment and implementation of the 2012 land law reform at the county level appeared to many observers between 2013 and 2016 to be a process that was slowed, and in many cases subverted, by poor planning, weak institutional capacity, and corruption. Following this, the Ministry of Devolution, in its ‘Draft Devolution Policy’ paper, listed the main weaknesses facing devolution of land administration. The ‘Draft Devolution Policy’ (2015) paper found that devolution was set back by issues and challenges of weak collaboration between stakeholders, weak monitoring and evaluation, insufficient legal frameworks, the inability to develop quality legislation, the challenge of attracting and retaining staff, an absence of information systems, inherited staff from local authorities, unstructured public participation, uncoordinated planning, duplication and

conflict of roles and functions, and tokenism in public participation (Ministry of Devolution-Draft Devolution Policy, 2015). Boone et al. (2018)'s main argument is that at county-level, politics determine that an interpretation focused on institutional structure and on institutional and partisan veto players is also possible. Boone et al. (2018) find,

“The new land institutions and their mandates were intertwined with representative and administrative agencies at both the national and county levels. Several types of political actors, most of whom were elected, occupied positions within the state apparatus that enabled them to veto the set-up or the effective operations of the CLMBs. These political actors included the county executive or governor, factions within the county legislatures or assemblies, and political/ partisan elites at the national level. County executives acted as veto players in Kiambu, Machakos, and Isiolo. In Kiambu, NLC chair M. Swazuri nominated CLMB members for local vetting in 2014, but the Kiambu County executive branch refused to reveal these names to the County Assembly members for vetting and a vote. Kiambu's governor was able to block the formation of the CLMB in the face of the vigorous opposition of the majority of MCAs, who passed an unsuccessful motion in December 2015, demanding that the Governor release the names of the seven persons nominated to the Kiambu CLMB, so that the process could move forward. Between 2013 and 2016, the county executive controlled land issues in Kiambu and was able to veto the involvement of other actors. One MCA, Karungo Thang'wa from Ngewa Ward, commented that '[w]hat we see is an ostensible move by the county government trying to grab land... the names have continued to remain secret up to date'. Limuru Central MCA Njenga Murugami seconded the motion to employ a legal mechanism to compel the county government to make known the names, allow the vetting and voting, and create the CLMB: 'We need the board to check what has been happening for the last three years in Kiambu County in regard to land matters and also issue title deeds'. MCAs believed that the Kiambu County executive branch official refused to constitute the CLMB in order to assert unmediated control over the alienation and allocation of public land” (Boone et al., 2018: 12).

Boone et al. (2018) point out that public land was indeed the key land resource under government control in this county (given that there is little Trust Land; most land is registered and adjudicated). Kiambu County officials worked concertedly to identify and assert control over public land held under expired leases, by squatters, under allotment

letters, and held illegally. According to Boone et al. (2018), the county executive argued that it held at least shared powers in the repossession and reallocation of public land, as well as in regulating change-of-user on private leasehold land, authorizing subdivision of leaseholds, and even the management of forest land and vacant public land. This, say Boone et al. (2018), set the stage for stalemate with the NLC, which argued in defense of its mandate to administer public lands and insisted that control over land under expired leases reverts back to the central government. Machakos County created a CLMB in 2014, but neutralized it entirely.

The CLMB was constituted mostly by members of the county land administration bureaucracy who, like other land actors in local government, were pre-devolution era hold-overs. The county level lands executive and CLMB thus 'shared staff', allowing the same person to act on behalf of both the county and the NLC. Furthermore, many former Machakos County councilors remained in land offices in the new county government (as was the case in several of the other counties included in this study). In Machakos as in other counties, such government employees were often associated with the privatization and sell-off of public land in the transition period. After 2013, they were strategically positioned to stall or obstruct any inquiry into these activities. The legal mandate of the NLC made it a potential obstacle to the advancement of the ambitious development plans of the Machakos governor. As things turned out, however, the NLC did not play this role. After the Jubilee Alliance's national electoral victory in 2013, opposition-aligned Machakos governor Alfred Mutua forged an alliance with his erstwhile partisan and Machakos rival, Charity Ngilu, who was appointed Cabinet Secretary for Lands in 2013 (Boone et al., 2018). Between 2013 and 2016, the county government and the Ministry of Lands worked together on a series of large-scale land initiatives, at the expense of the NLC. Members of the Machakos County Assembly, 71% of whom were elected on Mutua's party ticket, followed the Governor in the land politics domain, and they did not act as an independent force in county land politics. Mutua's political alliance with the Cabinet Secretary of the Ministry of Lands, Ngilu, cleared the way for large-scale smallholder land titling initiatives in Machakos. Machakos was one of three counties (including Meru and Kilifi) targeted by the Ministry of Land for smallholder titling in Spring

2016, a part of the national government's larger plan to issue three million title deeds before the 2017 elections. Issuing titles worked to shore up the Machakos governor's political base as well as provide support for the Jubilee government, but the Ministry of Land's authority to do so was vigorously (and ultimately, unsuccessfully) contested by the NLC. Mutua also teamed up with the head of the ministry to allocate large tracks of land for developmental mega-projects. Over the objections of the Ministry of Agriculture, Livestock and Fisheries, Machakos County obtained 2,000 acres of public land for the Machakos City Project, aimed at attracting investors to fully serviced industrial sites on tax-free land. Kenyan reformers and their international allies threw their post-2009 efforts into a legal reform process, rather than investing equivalent effort and resources into building grassroots political momentum or political party agendas around the 2012 legislative effort, or around support for elected county-level representatives, who would tackle the substantive issues that animated land politics in specific counties. Although urban-based professional civil society organizations consulted widely with citizens at the grassroots level in the run-up to the drafting of the National Land Policy, after 2009, there was no institutionalized mobilization from below around substantive land demands. Boone et al. (2018) speculate that the fall-off of popular mobilization at the legislative stage, coupled with the lack of an institutionalized movement such as a broad-based political party committed to the land law reform agenda, may have helped to empower the institutional veto players at the national and the country level who have worked to stall or thwart the constitutional promises of land law reform.

2.8 South Africa's land reform programme

As the transition from apartheid approached, there was a need to work out concrete initiatives – the aims, modalities and methods of work - to give substance to the principles and aspirations contained in the Charter and in various ANC policy documents. Three main sets of perspectives on possible approaches can be identified with particular lobbies, each with some associated publications. One sprang from the wide range of on-

the-ground struggles of the 1970s and 1980s. These had been campaigns against forced removals, land confiscations and evictions of workers and other dwellers from white-owned farms. Activists engaged in such campaigns were among the few supporters of the new order that had experience of land issues, and many were recruited to new roles and institutions as they were set up in government to promote land reform. This perspective gave emphasis to the rights of the dispossessed and urged restitution of those rights. Second, there had also been some limited brain-storming among exile wings of the liberation movement, but this was restricted to a small handful of interested individuals who thrashed out policy options at a 1989 conference at Wageningen in the Netherlands and in an ANC reading group on land and agriculture that met in Lusaka up until 1990. This constituency did take on board socio-economic arguments for land reform, but did not develop policy outlines, and seemed to have picked up little from potentially relevant lessons, positive or negative, from parts of Africa where the movement had a presence, such as Kenya and Zimbabwe.

The ANC itself (and other liberation movements) were divided between a vision of smallholder peasant production, on the one hand, and a view that supported large-scale and mechanised farms until their eventual conversion to collective or state farms on the other, with the latter being preponderant. A third direction was from specialist international actors, notably the World Bank, which underwrote a major review by a joint ANC World Bank mission as early as 1993. The thrust of the World Bank input, then and since, has been to push its finding from international experience that “smaller farms have consistently higher profits and employ far more labor per hectare than large farms”. Starting from this view of the economic benefits of land redistribution, rather than the question of rights, they sought to promote land redistribution but through a ‘market-based’ approach, where the state role was restricted to assisting the sales of land by existing white farmers, without compulsion, to prospective users.

The policy finally adopted by the new Department of Land Affairs in its 1997 White Paper as the Settlement/Land Acquisition Grant (SLAG), resembled the market-based model proposed by the World Bank (WB). On core questions it remained agnostic: what kinds of farming and social relations were envisaged, and how this would be brought about?

Land redistribution merely aimed to contribute to a more diversified size structure in agriculture where all producers would compete in a deregulated environment. That this would entrench rather than erode inequalities – both between white and black and between family and corporate farming enterprises – was eminently foreseeable and is precisely what resulted. The White Paper said: ‘The purpose of the Land Redistribution Programme is to provide the poor with land for residential and productive purposes in order to improve their livelihoods... Land redistribution is intended to assist the urban and rural poor, farm workers, labour tenants, as well as emergent farmers.’ Among these broad groups of ‘the poor’ certain priority criteria were established: ‘The most critical and desperate needs will command government’s most urgent attention. Priority will be given to the marginalized and to the needs of women in particular.’ Alongside this policy process, parties in the Constitutional Assembly debated whether to include a property clause in the Constitution, and if so, what its provisions should be. Ultimately, the ANC acceded to a property clause providing for expropriation of property subject to compensation, while also mandating land restitution, land redistribution and land tenure reform.¹⁴ But despite the ANC having fought for these provisions, the policy did not promote expropriation and instead adopted the market-based and state-assisted purchase of land proposed by the World Bank.

The initial approach to land reform combined several other features. First, it promoted access to land for poor people only, as it was means-tested. Second, it provided a R16,000 household grant, initially equivalent to the urban housing subsidy, with which people could buy land. Third, while the policy focused on ‘communities’, many different interests were to be accommodated in the policy, including 17 people wanting land for their own use as well as those wishing to live and use their land together as community. Yet the policy alienated almost all interest groups: the NGOs, who opposed its market-based framework; many of the rural communities with whom they worked, who were frustrated with slow delivery and the absence of support for them after they took ownership of their land; the white farmers, who objected to large-scale black settlement in the white commercial farming heartland; and black ‘emerging’ capitalist farmers, who were excluded from the programme by its pro-poor means test and whose aspirations to

individual ownership of whole commercial farms were thwarted by its criteria and the small grants it offered. The Land and Agriculture Policy Centre's (LAPC) ambitious initiative from 1994 onward to audit the demand for land had confirmed very widespread expressed demand, with 67 percent of respondents in a national survey indicating that they wanted access to (more) land to live on and use for production. It also showed that the vast bulk of this demand was for small plots, with nearly half (48 percent) indicating a desire for one hectare or less. It confirmed 'universal and immediate' demand for land for residential purposes from which to supplement other incomes and to pursue 'straddling' livelihood strategies – rather than the idea of full-time farmers that underpinned Tomlinson's vision. Many respondents aimed to use residential plots for gardening and hoped to be able to run livestock on commonage land. Agricultural production was found to be a secondary objective, to supplement income, rather than the primary demand among those surveyed. DLA argued that the LAPC findings illustrated that: 'the majority of landless people in rural districts and dense settlements prioritise a secure residential site, services and access to income, rather than agricultural land, even if such land were available in the locality, which very often it is not. It was then realized that it would not be sensible to insist that allocation of the HBNG should be conditional on the recipient physically moving to new land. Further, the question arose whether poor households, who did not wish, or who are unable, to move to new land, would be deprived of the land acquisition grant.' This provided a research basis to justify provision of a settlement grant and exclusion of a complementary grant for acquisition of agricultural land for farming at scale. While the target population was yet to be determined, the single policy instrument by which all these varied needs would be met was defined. It would take the form of a single once-off subsidy for 'settlement and land acquisition' which could be used to pay for land purchase and provision of basic needs on this land, including water, sanitation, waste disposal, internal roads and fencing – but not housing. This was because the grant was set at a maximum of R15 000 'to be consistent with the level of the existing Housing Subsidy' and as an alternative to it because, in the view of DLA senior managers, this was the only way to get the land grant to be taken seriously by the Treasury. Beneficiaries would be registered on the same national database, so that any household receiving a subsidy for land could not also receive a housing subsidy. Rather like the target of redistributing 30 percent of

farmland in the first five years, defining the level of the grant had been arbitrary, in the sense that it was not informed by any inherent logic. It was adopted because it was the solution that conformed to an existing formula for state transfers and would encounter least opposition from within the state bureaucracy.

By the end of 1995, the DLA had conceded that the redistribution of land would be broadened to meet multiple target groups, including 'emergent farmers'. However, this concession did not become a reality until the lifting of the means-test in 2001. Municipal commonage (1997) Providing poor households with access to municipal commonage land is another way in which access to land has been redistributed, and the constitutional requirement of 'equitable access' promoted. The White Paper identified the need to redistribute existing commonage land and to expand commonages, as follows: 'Municipal commonage provides opportunities for land reform, primarily because it is public land which does not need to be acquired, there is an existing institution which can manage the land, needy residents live next door and have certain rights to this land. A reallocation of commonage to poor residents who wish to supplement their incomes, could help address local economic development and provide an inexpensive land reform option.' The problem of municipalities renting out commonage land to commercial farmers and other wealthy land users – often at rates far below market levels, and on long-term leases – was identified as a way in which public land was being used to entrench inequality, and therefore as an opportunity for redistribution.

The White Paper committed government to assist municipalities to provide poor residents with access to existing municipal commonage as well as to assist them to acquire additional land to create new, or expand existing, commonages. A specific Grant for the Acquisition of Land for Municipal Commonage was created for this purpose. Commonage was a large part of land redistribution in the first decade of democracy, providing poor people living around rural towns and villages with access to land for their livestock to graze, and for small food gardens. Commonage projects accounted for nearly half (44%) of all land redistributed in the period 1994-2002, while accounting for just 10% of the land reform budget in each year. Overall, commonage may have been seen to be supporting

small-scale farmers, rather than enabling wealth accumulation by capitalist farmers, and so did not fit with the shift first to LRAD and then to PLAS and Recap.

2.8 The World Bank Group

According to Williams (1996), the World Bank (WB) conducted research between 1992 and 1993, concerning agriculture in poor countries. Murray and Williams (1994) stated that the findings of these reports were selectively incorporated into the WB's 'Options for land reform and rural restructuring' document, which became commonly known as the 'Options' document. The 'Options' document aimed at identifying appropriate strategies for land reform, agriculture and agrarian transformation for poor developing countries. This was mainly done in a series of dialogues with policy-makers. In the early 1990s, South Africa also funded its own research projects and reports on a transformation strategy for the new South Africa. Williams (1996) discussed the WB's strategy in the context of South Africa. Williams (1996) found that the WB played a decisive role in influencing the post-apartheid state's land policy. Essentially, this role was around policy directives in exchange for foreign aid, loans and other development assistance. As a result of the WB's neo-liberal ideological orientation, it was recommended that post-apartheid South Africa should adopt 'Free Market' approaches to land reform. The recommendation of the free market policy was informed by the MLAR's efficiency and affordability criteria (World Bank, 1994). The South African reports recommended that 6% of land changes hands in South Africa every year, while there was a quest to achieve a 30% redistribution target within five years (Murray & Williams, 1994). The WB estimated that the cost of settling more than 600,000 smallholdings on 24 million hectares of agrarian land in four fertile regions would be at around R17.5 billion (ibid.). According to Lahiff (2007), "Land distribution in South Africa over the last two decades has been market-based land reform (MBLR), and debates and experiences around major stakeholders and other African countries have revolved increasingly around the merits and demerits of this approach". Marrais (1998) argued, "The ANC-led government seems

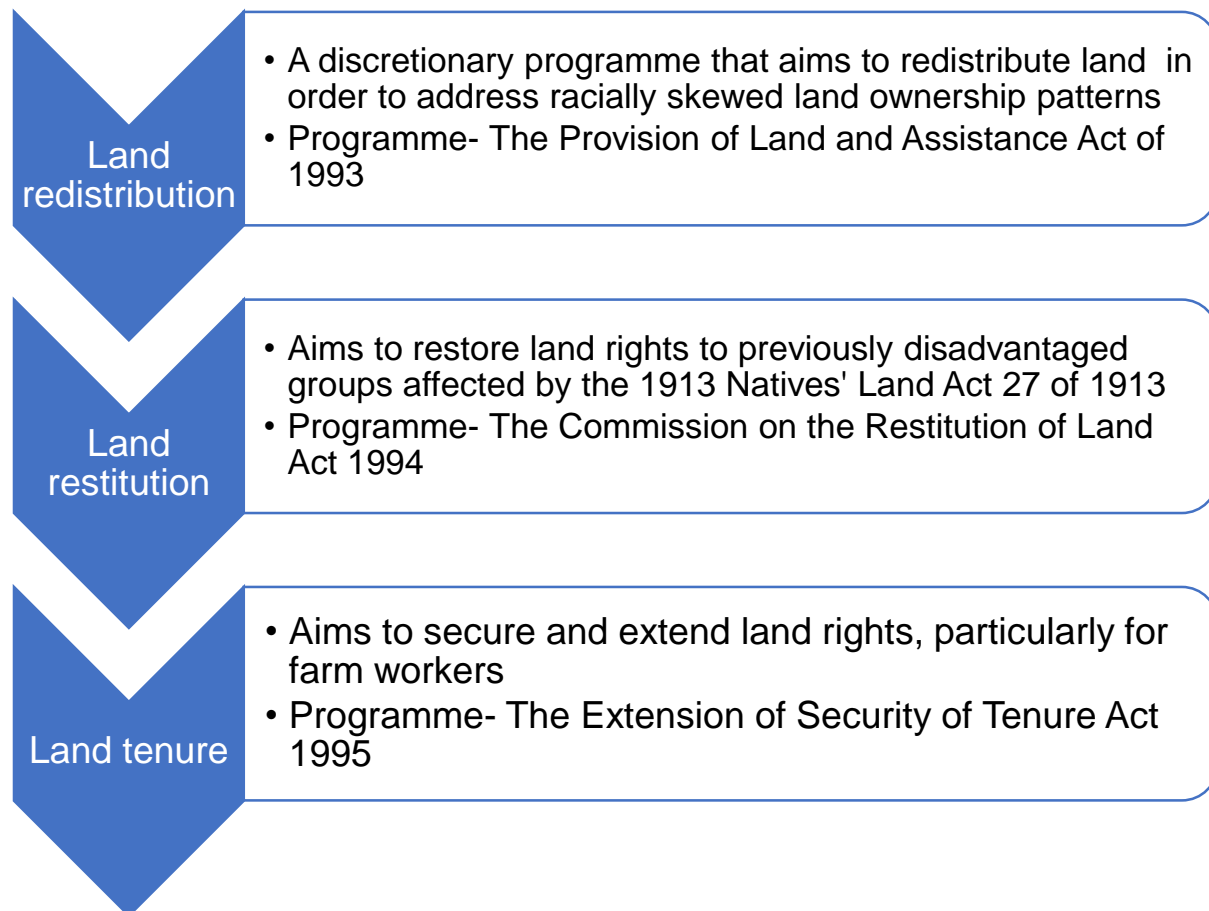
to have embraced a more neo-liberal macroeconomic policy of a market approach”. Lahiff (2007) stated that the market-led agrarian reform approach had been based on the ‘willing buyer, willing seller’ principle. Wegerif (2005) stated that this was known as a negotiated land reform. Lahiff (2007: 1) posited, “In line with this market approach, the ANC’s vantage point to land reform has been based on the use of free market mechanisms”. The South African Land Policy White Paper (1998) document is clear in its set objectives for land reform.

The White Paper (1998) states that the goal of land reform is to redistribute land to those who were previously disadvantaged, so that they can use the land for settlement or productive uses. Target beneficiaries include those who were dispossessed of land on or after the Natives’ Land Act 27 of June, 1913, farm workers, labor tenants, the poor, women, the landless, young people and the disabled. Therefore, the South African Land Reform Policy aims to redistribute land for purposes of social justice (historical redress) and economic productivity. However, Lahiff (2007: 1) found that through the free market approach, the post-apartheid state failed to achieve the objectives of redressing the racial imbalance in land-holding. Terreblanche (2002) argued that in the early 1990s, in the international arena, neo-liberal global capitalist free market policies were ‘the rules of the game’. Because post-apartheid South Africa was attaining democracy during this time (and was therefore integrating itself into the international arena for purposes of international trade and cooperation), the ANC led government was left with little room for manoeuvre, but to choose neo-liberal free market policies. Walker (2007: 52) explained, “The strength of both the international and South African business lobbies pushing for market-led reforms, as well as fears about the devastating potential of capital flight from the country, all contributed to a rapid scaling back of demands about the future of the agrarian order. As a result, social or redistributive alternatives to the agrarian question lost favor on the political agenda of the ANC top leadership. Wegerif (2005) summed it up thus, “In an effort to redress past inequalities regarding land and stimulate self-sufficiency, many developing countries sought to redistribute land from big landowners to poorer peasants and the landless. It is within this context that the first democratically elected government in South Africa followed international trends by adopting market-

based land reforms”. The market-assisted agrarian reform strategy was embraced by international liberal forces and conservatives within the country and within the ruling ANC, which was committed to maintaining the structure of large-scale, capital-intensive farming (Lahiff, 2007b). However, the policy document was heavily criticized by the National Land Committee (NLC) for its potential to curtail the scope for South Africans to define their own policy agendas (Murray & Williams, 1994).

The National Land Committee was an organization that comprised many different stakeholders who had land reform as their common goal. The Committee offered alternative ways for land redistribution along with those proposed by other landless people’s movements (Ntsebeza & Hall, 2007). The organization called for community-led approaches to development. Hall (2008) discussed community-led approaches to land reform, and found that community-based organizations (CBOs) had limited resources and lacked organizational capabilities. As a result of these two shortcomings, Hall (2008) argued that community-led social movements showed little desire for a rural revolution in terms of political struggles that could affect rural transformational social change.

Figure 1. Aspects of South Africa's land reform programme



Source: Lahiff (2007b).

The White Paper on South African Land Policy document of 1998 included the need for complementary development support in the following key functional support areas:

- a) Skills development and capacity building
- b) Financial assistance such as grant finance and credit facilities
- c) Extension and advisory services
- d) Infrastructure support such as irrigation systems, networks and fencing
- e) Access to feasible markets.

The ANC-led government has consistently believed that the combination of all land reform developmental provision factors (support mechanisms, basic services, and so forth) will yield sustainable agricultural development (ANC, 1994; RSA, 1996; DLA, 2004, 2005; ANC, 2011). This paper notes that the White Paper on South African Land Policy (1998)'s complementary development support provisions have been provided in one or two instances. However, these have largely been insufficient to have any major impact. Bradstock (2005) posited that 'even where land has been redistributed, the poor have gained little benefits or seen no improvements in their livelihoods from land reform projects.' The White Paper on South African Land Policy has clearly been overtaken by later policies, laws and practices, and there is no national policy framework for land reform that could guide an approach to compensation across all areas of land reform.

2.9 The Settlement of Land Acquisition Grant (SLAG)

The RDP target was meant to transfer 30% of agricultural land within the first five years of the programme. In terms of the White Paper on South African Land Policy (DLA, 1997), from 1995 to 2005, the main land redistribution programme was the Settlement/Land Acquisition Grant (SLAG). With this programme, households with incomes below R1 500 a month were eligible to access a modest settlement/ land acquisition grant (SLAG) with which to buy land and settle on it. By 1999, less than 1% of commercial farmland had been made available by government to black South Africans; and ten years after the advent of democracy, only 3% had been transferred through all aspects of the land reform programme combined. By 2013, about 6.5% had been transferred by government to these beneficiaries (Mala, 2004; SANews.gov.za). Initially, the programme focused on land redistribution for purposes of settlement. However, because the programme ran hand-in-hand with neo-liberal policies of free markets, land prices were too expensive for the poor to buy land, because the grant proved too little to purchase any available land on the market.

2.10 The Land Redistribution for Agricultural Development Programme (LRAD)

In 2000, the World Bank returned to South Africa to work with the Department of Agriculture, to design a revised grant that would replace the SLAG programme and aim instead to create a new class of black commercial farmers.” Hall & Kepe say that LRAD process criticised the government for setting up large collectives unable to manage and use their land, and for failing to address the class interests of those with the resources and capacity to go commercial. In 1999, the former Minister of Agriculture and Land Affairs announced a review of Land Reform Policy and programme, after the failure of SLAG (MALA, 2001). The review included a moratorium on new SLAG projects (Jacobs et al. 2003: 4). In August 2001, the Department of Land Affairs (DLA) launched a revised programme, the Land Redistribution for Agricultural Development (LRAD), which was to become the primary mechanism for land redistribution. With this programme, the grant amount was increased on a sliding scale of between R20 000 to R100 000, depending on the amount of an individual’s ‘own contribution’ in kind, labor or cash. The minimum own contribution category was R5 000, in which an applicant could qualify for a grant amount of R20 000, while an own contribution of R100 000 would qualify an applicant to receive a grant amount of R400 000. The more people were in a group, the higher the amount of the grant they would qualify for. From 2001, the new Land Redistribution for Agricultural Development (LRAD) programme provided instead a sliding scale of grants from R20,000 to R100,000 per individual (ibid.). The level of grant, say Kepe & Hall (2016), ‘would now be determined by the level of contributions that applicants themselves could make, meaning that those who were better off would get more state support.’ They go on to say, “The funds were now only available to those wishing to farm, and gave priority to those aiming to farm commercially who could show that they had the means to do so. Under the watch of Thabo Mbeki, the class agenda of land reform had been inverted.” Requiring applicants to contribute their own capital and assets was government’s response to production failures on redistributed farms. Now, applicants’ ability to contribute financially would serve as a proxy indicator of their commitment to

farming: if they put in their own money, they would be 'committed'. No research was conducted to demonstrate that this would, or did, have the effect claimed. Nor did this address the possibility that people might be committed to farming but not have the money to invest. By removing the means test, government abandoned the one area in which it could (and did) confidently report success – namely that land reform had been successful in targeting the poor, even if not making real inroads into reducing poverty.

With LRAD, redistribution policy came to prioritise productivity and economic efficiency instead of poverty alleviation and rural livelihoods. This justified channeling available budget resources to fewer people than in the past. A 'picking winners' policy focused on 21 'emerging farmers' at a variety of scales, and assumed that all black farmers were 'emerging farmers' at a variety of scales, and assumed that all black farmers were 'emerging' from non-commercial and into commercial farming. It did not address the land needs of people wanting a secure place to live, instead of farming. Nevertheless, it fulfilled the political purpose of accommodating contradictory interests in the policy process by obscuring class differences. By 2001, when LRAD was launched, Minister Didiza warned of the dangers of 'squatter farming' on redistributed land. She was responding to the commercial farming lobby's attempts to pressure government to ensure that redistributed land would be commercially farmed – and that settlement on farm land in the commercial heartland would be strictly controlled. The government's response was to limit group sizes in LRAD to 10 people per project; this would, she explained, address the problems of overcrowding and group-based conflict that had emerged under SLAG.

The primary effect of limiting projects to 10 people, however, was to limit the number of properties that could be bought for redistribution, especially as government did little or nothing to enable farms to be subdivided. For those without money of their own, it meant that they had to find farms that they could buy, invest in and operate for under R200,000. Not surprisingly, very few such opportunities existed. LRAD, remarkably, involved a return to the logic of the apartheid government's DRLA scheme, which also aimed to create 'a small class of black commercial farmers'. Both were based on a logic that state subsidy, applicants' own contributions and loans would comprise the market price of land to enable its purchase by aspiring black capitalists, from willing sellers. This focus on enterprising

individuals, farming full-time, and the imposition of income targets shaped the implementation of LRAD, favouring businessmen with income from other sources and marginalising the majority of rural farmers who are women. In this period, land reform, which was initially conceived as a means to transform the stark contrasts between white commercial farming areas and black Bantustans, succumbed to deeply in-grained dualistic thinking. It would promote (mostly male) entrepreneurs in the commercial farming areas who would require private title to pursue full-time commercial farming while in the ex-Bantustans, communal arrangements would persist for the majority of rural people, holding land as whole communities.

Nearly 80 years earlier, President Hertzog did precisely the same thing: while allowing black and white to compete to buy land in the ‘released areas’ of the reserves, his Pact government restricted the size of black groups purchasing land to 10 people, to guard against expanded black settlements in farming areas. In contrast, both then and now, expanded community landholdings have been allowed as long as they were under ‘tribes’ and therefore the authority of chiefs.

Table 1. LRAD grants and own contribution per individual

Own contribution (Rands)	Matching grant (Rands)	Proportion of total cost %	
		Own contribution	Grant
5 000	20 000	20	80

35 000	40 871	46	54
145 000	68 888	68	32
400 000	100 000	80	20

Source: LRAD Final Document; DLA and DoA (2000: 6).

The strategic objective of the programme was to redistribute 30% of the country's agricultural land by 2015, and thereby improve the nutrition of the rural people, and decongesting former homeland areas (NDA, 2001). In essence, the LRAD programme aimed to improve the livelihoods and quality life of the beneficiaries, as well as to stimulate the growth in the agricultural sector (Mala, 2001). The table below shows LRAD grants and their own contribution per individual. LRAD was promoted by the DLA as the flagship programme through which it were to pursue the objectives of land redistribution. The programme included grants for individual aspiring farmers, food safety-net grants for the rural poor, settlement grants for both the urban and rural poor to access land for settlement, and a revised commonage grant that would benefit both municipalities and tribal authorities (Jacobs, Lahiff, & Hall, 2003: 4). However, because land redistribution was taking place in the context of a neo-liberal paradigm of the political economy, this curtailed the role of the state and the public sector in the economy and promoted service delivery through the market (Jacobs, Lahiff & Hall 2003: 7). According to Wegerif (2005: 41), "The implementation of the LRAD projects on state land has merely completed a project initiated by the apartheid regime some 20 years ago". He went on to say, "The transfer of these farms into ownership to those who were already leasing them has done nothing to change the racial inequalities or structure of the agricultural sector in the country". For Wegerif, market-based land reforms in and through the LRAD projects in

the Limpopo Province did not show any real transformation. As argued throughout this thesis, these land reforms have largely ended up in elite capture and Wegerif (2005)'s research of LRAD projects in Limpopo confirmed this finding. For example, Wegerif's research found that at Manamead, businessmen and civil servants with good political connections gained access to the land free of charge through the old Venda Land Board.

Wegerif (2005)'s paper on market-based land reforms in South Africa also found that it was concerning that the land redistribution process utilized the methods of beneficiary selection that were not participatory processes. Even where land was leased to beneficiaries, the process was not open or involving market forces. In fact, some people had lived in particular areas because of affiliations to a local church, where connections (and corruption) played a larger role than mere commercial market-based consideration. Wegerif (2005)'s main finding of the market-led land reform LRAD projects in the Limpopo Province was that although the LRAD was supposed to be market-agri-parks-based, empirical data showed that state land was valued by the Land Bank at production values that were well below the market value. In the Case of Vaalkop, the land was donated by the church. According to Wegerif (2005), all this created inequality between the intended beneficiaries who acquired private land and those who acquired state land.

Table 2. LRAD projects by province.

Province	Number of projects
Eastern Cape	129
Free State	149
Gauteng	16
KwaZulu-Natal	13

Limpopo	10
Mpumalanga	36
Northern Cape	23
North West	10
Western Cape	29
Total	415

Source: DLA (2012).

As far as the researcher can determine, there has been no spatial targeting directed from the national level, or at least there are no public documents indicating as much. District and provincial offices have made the decisions about where resources should be prioritised. In the future, the choice of land will depend on a range of factors, such as concentrations of population. A priority now is to determine how a programme of land reform should target people and land – and match these.

2.11 National land summit of 2005

According to Kepe and Hall (2016), “Substantial opposition not only to the market-based ‘willing buyer, willing seller’ redistribution, but specifically to the LRAD was voiced at the National Land Summit in 2005”. Kepe and Hall (2016) say that delegates were worried that land grant amounts were not high enough and that those who owned land were able to make the price of land too expensive and in some cases, chose to refuse to sell to land

reform applicants. Kepe and Hall (2016) state, “A credible threat of expropriation, coupled with below-market value compensation was deemed necessary to encourage landowners to agree to reasonable offers”. It was from this perspective that the Summit proposed a new direction for land redistribution. The main outcome of the Summit was to recognize the need for a pro-active state that intervenes in the land market as buyer and distributor of land. Kepe and Hall (2016) say that with the exception of Agriculture South Africa (AgriSA), representing the established commercial farming sector, there was consensus on the rejection of the willing-buyer, willing-seller principle, and a call for the state to become the driving force behind land redistribution. The Summit proposed a new direction for land redistribution, as itemized in the resolutions, summarised below.

Proactive role of the state

With the exception of Agriculture South Africa (AgriSA), representing the established commercial farming sector, there was consensus on rejection of the willing buyer, willing seller principle, and a call for the state to become the driving force behind land redistribution. The alternative to willing buyer, willing seller was “proactive acquisition by the state in response to identified needs, through negotiated purchase and where necessary expropriation”. There was a call for less bureaucratic processes and substantially increased resources to be allocated to the programme, including for staffing, to enable state agencies to engage in active negotiation with land owners and to expropriate land where needed.

Regulating land markets

Various measures were proposed to regulate land markets to reverse the growing concentration of landholding, including a ceiling on the size of land holdings, a right of first refusal for the state on all sales of agricultural land, and imposition of a land tax to

curb speculation and bring under-utilised land onto the market. These proposals were not unanimous; AgriSA contested all measures proposed. There was agreement on the need for proactive subdivision of farms to make available parcels of land appropriate to the needs of smallholders.

Who should benefit

Although the issue was not extensively debated, the Summit resolved that specific measures should be taken to target the poor, women, farm workers and the youth. Implicit in this was a rejection of land reform as a means of promoting a black commercial farming class – though most speakers felt that a wide range of land needs should be addressed. Wegerif (2005: 41) argued that the process of access to land did not involve beneficiaries and was a closed-door affair between government officials and landowners who negotiated the price. Because of such process, some people were given land that was unproductive and of a size not suitable for farming and which the beneficiaries may not have wanted. This was ascribed to the method of redistribution, which relied on market forces (and corruption), which in turn distorted the land markets and sidelined the poorest of the poor (Wegerif, 2005; El Ghonemy, 2003). In many instances, this led some groups being forced or coerced to acquire land that was unproductive. In fact, some white landowners argued that they would like land to be redistributed on a voluntary basis.

There were also reports that some landowners were reluctant to give up their land. Wegerif (2005: 42) concluded that his research confirmed the critic of market-based land reforms and that the process created inequalities and land usually ended up in elite capture. Wegerif claimed that this happened not so much because of their wealth, but because of their access to information and political influence. Wegerif (2005) believed that market-based approaches to land reform would not yield any substantial gains as long as the process continued to fail in providing the appropriate production, marketing and other support to beneficiaries. Wegerif's research found no evidence to show that land reform projects did not form part of any wider rural development strategy and local

government, despite their development coordination mandate, had not been involved in these cases at all or made any meaningful contributions. The alternative to ‘willing buyer, willing seller’ was claimed to be in the form of ‘proactive acquisition by the state in response to identified needs, through negotiated purchase and where necessary, expropriation’. However, this would not address the identified issues of the elite capture, corruption and lack of support, as it would be these bodies that would determine who had what need. There was a call for less bureaucratic processes and substantially increased resources to be allocated to the programme, including for staffing, to enable state agencies to engage in active negotiation with land owners and to expropriate land, where this was appropriate. Kepe and Hall (2016) state, “Within one year, a new strategy responding to the demand for ‘proactive’ identification and acquisition of land by the state was initiated, and ran alongside continued implementation of the LRAD and related grant-based purchases until 2011, when these were discontinued and the state-purchase-and-leasing model became the entirety of land redistribution.” In this regard, PLAS is a state-led approach to land reform. In other words, the state became the agent of land reform and social change.

2.12 The Pro-Active Land Acquisition Strategy (PLAS)

PLAS was launched in 2006 under then Minister of Agriculture and Land Affairs, Lulu Xingwana. Initially an adjunct to the LRAD programme, the strategy really took root from 2009 under Zuma’s government, under the leadership of Minister of Rural Development and Land Reform, Gugile Nkwinti, during which time it emerged as the primary and, by 2012, as the only means of land redistribution. PLAS gives far-reaching discretionary powers to officials of the renamed and redefined DRDLR (previously the Department of Land Affairs) to purchase land directly, rather than disburse grants to enable beneficiaries to buy land for themselves. Officials may determine which land should be acquired by the state, whether it should be transferred or leased, and if so, to whom and on what terms. A key feature of PLAS is the provision of state land on leasehold, ostensibly on a trial

basis pending an assessment which could pave the way towards a later ‘second’ transfer of ownership to beneficiaries. This direct purchase of farms by the state was itself a reversal of the state land disposal thrust emphasised by Mbeki. For this reason, all land sold by the state under Mbeki, and all land bought by the state under Zuma, now count towards the original RDP target of 30 per cent. As the PLAS framework explains: ‘The department leases farms to emergent black farmers for a minimum of three years [and] after the trial-lease period has expired the land can be disposed of to the same beneficiaries if they have been satisfactorily assessed by the Department. Out of the entire purchase price, the beneficiaries pay 6% as rental fee for three years as part of the loan agreement with DRDLR.’ According to Kepe and Hall (2016), “PLAS gives far-reaching discretionary powers to officials of the renamed and redefined DRDLR (previously the Department of Land Affairs) to purchase land directly, rather than disburse grants to enable beneficiaries to buy land for themselves”. Officials decide which land should be bought by the state, whether it should be transferred or leased, and if so, to whom and on what terms. Kepe and Hall (2016) say, “A key feature of PLAS is the provision of state-owned land on leasehold, ostensibly on a trial basis pending an assessment that could pave the way towards a later ‘second’ transfer of ownership to beneficiaries”. This direct purchase of farms by the state was itself a reversal of the state land disposal thrust emphasized by former President Mbeki. For this reason, all land sold by the state under Mbeki, and all land bought by the state under Zuma, now counts towards the original RDP target of 30%. As the PLAS framework explains, ‘The department leases farms to emergent black farmers for a minimum of three years [and] after the trial-lease period has expired the land can be disposed of to the same beneficiaries if they have been satisfactorily assessed by the Department. Out of the entire purchase price, the beneficiaries pay 6% as rental fee for three years as part of the loan agreement with DRDLR.’ (PLAS Framework, cited in Kepe & Hall, 2016). Kepe and Hall (2016) criticize PLAS for a number of reasons. For example, they argue that PLAS perpetuates the reliance and use on land markets and purchase of whole farms at market price, while it is supposed to be ‘state driven’. For Kepe and Hall (2016), “This raises the question of how to match people to land, or land to people: ‘the state can buy/secure suitable land before or after beneficiaries have been identified and quantified’”. Not only

the timing of such purchase or transfer, Kepe and Hall warn, but also the mechanisms and criteria for identifying and quantifying beneficiaries, are left unspecified. According to Kepe and Hall (2016), “A central component of PLAS is the privatization of implementation, through service level agreements with estate agents, financial institutions, commodity groupings, as well as the Land Bank and major agribusinesses such as Illovo and Tongaat-Hullett” (DLA, 2006:9). Kepe and Hall (2016) argue, “This has been entrenched further with the adoption of the Recapitalization and Development Programme (RECAP) which similarly transfers state functions to private service providers, some of whom have business interests related to the projects in which they are involved”. The authors also state, “The PLAS model was designed to involve a ‘double transfer’ of land: from the current owner to the state, and then later from the state to identified beneficiaries. The state, as the new owner, could determine the nature of the second transfer, although the terms on which people would eventually acquire ownership was not clarified”.

2.13 PLAS and area-based planning (ABPs)

Kepe and Hall (2016) argue that ‘area-based planning’ (ABP) was considered in 2006 to be a way to integrate land reform planning into local economic development. “ABP plans for land reform were to be developed in each district, and form part of IDP processes, enabling municipalities to plan and budget for support for land reform projects” (Kepe & Hall, 2016). These were to be developed through participatory processes, driven by a local steering committee that was supposed to include key national, provincial and local state institutions, and non-governmental stakeholders, to define a strategy, conduct a situation analysis, identify priority areas and identify specific projects to be taken forward (ibid.). “ABPs were intended to guide land acquisition under PLAS. The ABP approach was piloted in several districts, starting in 2006, before being rolled out nationally. However, the process was halted in 2009, and reinstated in 2010. The current status of ABP processes is not known, and no details are evident in annual reports since 2007”

(Kepe & Hall, 2016). The authors say that the only available review, published in 2012, “...assessed 22 district level area-based plans; of these, only four were not dysfunctional, and achieved either an ‘average’ or ‘strong’ rating in an assessment exercise”. The review found that some of the underlying reasons for ABP not working was that the Department contracted consultants who had no relevant capacity to develop ABPs; they failed to engage municipalities and provincial governments in the inception phase before initiating these plans in their areas; terms of reference were vague and generic. Further, the Department had no authority to get ABPs approved as part of IDPs, and the municipalities considered these an unfunded mandate. The official review found that ‘very few if any of the plans were formally approved and there is little evidence of implementation’.

According to Kepe and Hall (2016: 25), “Area Based Planning (2006) Initiated in 2006, ‘area-based planning’ (ABP) was considered to be a way to integrate land reform planning into local economic development.” Kepe and Hall say that the ABP plans for land reform were to be developed in each district, and form part of IDP processes, enabling municipalities to plan for and budget for support for land reform projects. “These were to be developed through participatory processes, driven by a local steering committee including key national, provincial and local state institutions, and non-governmental stakeholders, to define a strategy, conduct a situation analysis, identify priority areas and identify specific projects to be taken forward.” Kepe and Hall (2016: 26). ABPs, say Kepe and Hall (2016), were intended to guide land acquisition under PLAS.

Table 3. Land redistributed under all aspects of the land reform programme: 1995 to 2007.

Programme	Land transferred (hectares)	Contribution to total (%)
Redistribution	1 477 956	43.8
Restitution	1 007 247	29.9
State land disposal	761 524	22.6
Tenure reform	126 519	3.7
Total	3 373 246	100.0

Source: Hall and Ntsebeza (2007).

Table 4. Land reform projects in Limpopo.

Limpopo Province	All projects	R5000 own contribution	R6000- R99 000 own contribution	R100 000+ (own contribution)
All projects	17	8	3	6
Transferred projects	12	2	3	7
Individual participants	2 320	227 Winners and losers	867	1 550

Land (hectares)	10 454	2 010	3179	5 326
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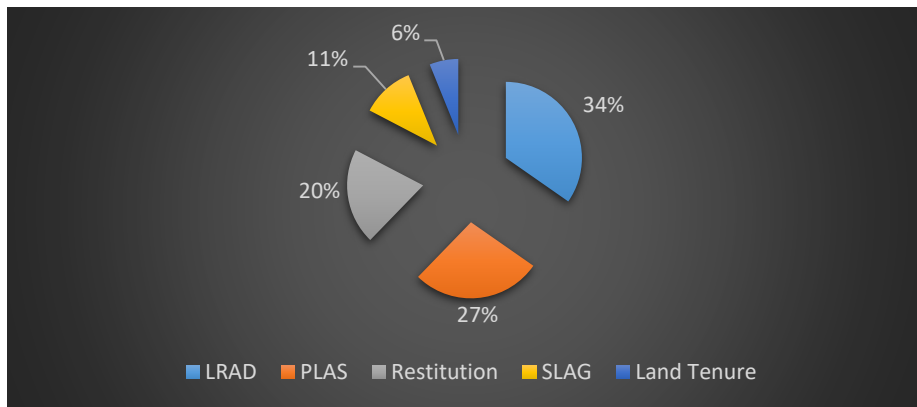
Source: Lahiff (2007b).

Table 5. Land reform projects in the Free State.

Free State Province	All projects	R5000 own contribution	R6000 - R99000 own contribution	R100 000+ (own contribution)
Approved projects	27	6	19	27
Transferred projects	14	3	4	7
Individual participants	3 870	267	928	2 432
Land (hectares)	28 971	5 927	8 246	13 844

Source: Lahiff (2007b).

Figure 2. Land acquired through different aspects of land reform programmes



Source: Masoka (2011).

2.14 South Africa's post-settlement support services and coordination

Post-transfer support is a key element in acquired land for agricultural production. Post-settlement support services and coordination (also known as post-transfer support) for land reform beneficiaries ranks high as a key challenge to any successful land reform. Van der Elst (2007: 290) asserted that within the context of land reform, sustainable development entails that beneficiaries' quality of life improves substantially, and that acquired land becomes utilized to its full commercial potential after resettlement on the acquired land. Thus, post-settlement support refers specifically to government's function and responsibility in assisting beneficiaries of the programme after they have received land (Rungasamy, 2011: 4). This definition means that beneficiaries of the various land reform programmes (redistribution, tenure or restitution) must be empowered to utilize the land in such a way that their livelihoods improve substantially within a given timeframe (Van der Elst, 2007: 290). The South African Government's mandate is not limited to the redistribution of land or making land more accessible to the intended beneficiaries, but also entails that government ensures that the acquired land is utilized to its full productive potential. Land reform is generally understood as the redistribution of rights in land for the benefit of the landless, tenants and farm laborers (Adams, 1995: 1; Gilliomee, 2001: 3). Manenzhe (2007: 12) took the argument further by stating that it involved a significant change in the agrarian structure, and resulted in increased access to land by the rural poor, and security of land rights and titles, and included access to production inputs, markets and other complementary support services such as extension, training and mentorship programmes. There is an intricate relationship between land redistribution and post-settlement support, where the latter is regarded as part of land reform (Rungasamy, 2011:4).

According to the United Nations Food and Agricultural Organization (FAO, 2006: 1), "Land reform becomes more effective when beneficiaries have or acquire the necessary experience in land use and management, and when they have the capacity to generate

sustainable income or sufficient food. Rural infrastructure, improved technologies and a range of responsive rural services, including training, have proved essential to effective and lasting agrarian reform”. Despite government legislation governing post-settlement support, evidence shows that even where land has been transferred to the poor, the poor have gained little support and have seen no improvements in their economic livelihoods (Bradstock, 2005; Masoka, 2011; Madletyana, 2014). This has largely been attributed to the lack of efficient post-transfer support services and the coordination thereof. Bernstein (2013) convincingly argues that land redistribution goes further than the redistribution phase. Bernstein (2013) shows not only how post-transfer support and coordination can lead to successful farming, but also how rural relations need to be altered. He argues that the aim of land reform is to change the social relations of the poor.

For Bernstein, the idea of land reform is to empower rural dwellers and transform the rural economy. These two factors change the social relations of people in the rural communities. Van der Elst (2008: 1) stated, “The South African Government has an obligation to empower land re-distribution beneficiaries by creating an efficient support foundation that ensures that sustainable development takes place”. The need for post-settlement support was identified early at the inception of the White Paper on Land Reform Policy (DLA, 2005). The Land Reform Policy states: “Government has a responsibility to provide assistance with farm credit, farm-inputs and marketing. Advice and assistance may be needed to facilitate the productive use of the land, as well as the provision of rural infrastructure such as water supplies, drainage, power supplies, and roads.” However, post- settlement support has been one of the weaknesses of the country’s land reform programme, in that to date, many rural dwellers have not managed to improve their livelihoods or seen the transformation of the rural economy. If anything at all, poor rural people have complained that their communities have been given development infrastructure, but that their lives are still the same as before.

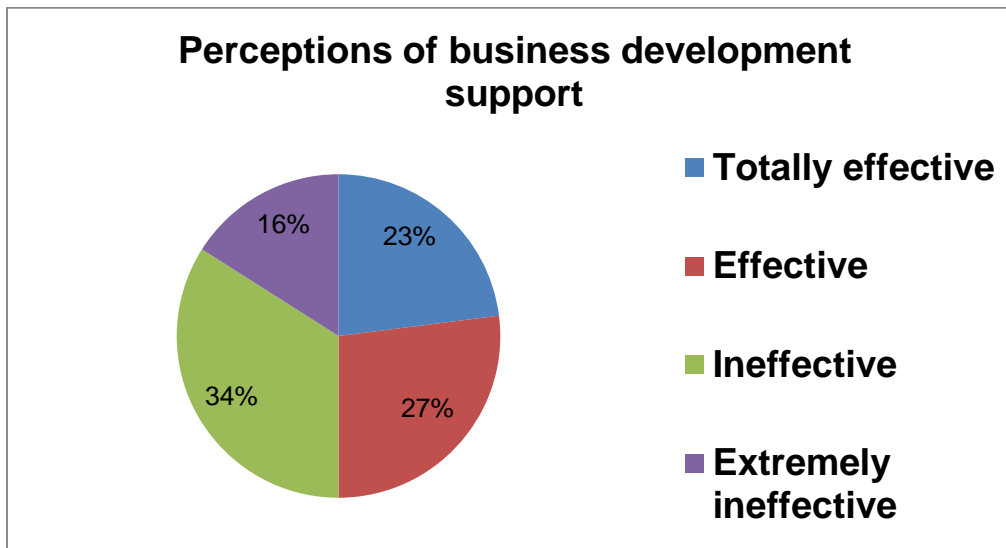
The success of land reform in impacting positively on the livelihoods of the poor is dependent on the efficient and productive use of the land concerned. Various studies undertaken in South Africa have indicated the need for post-transfer support after the transfer stage of the projects (Jacobs, 2003; Bradstock, 2005; Masoka, 2011;

Madletyana, 2014). The DLA's White Paper on South African Land Policy distinguishes between equitable distribution of land and the provision of complementary development or support services. However, major challenges have arisen regarding the provision of such services, which concerned poor co-ordination, role confusion, staff and budget shortages, and inefficiencies. Beneficiaries of land redistribution and restitution projects face multiple challenges, for example, lack of access to adequate inputs such as credit; information; markets; extension services; group tensions; lack of support from official agencies; lack of infrastructure on the farms; no development; group tensions; poor business management; lacking legal advice; and lacking development infrastructure in general. Complementary development support as specified in the White Paper, 1997, should include the following key functional areas of support:

- a) A variety of training programmes, including management and mentorship programmes aimed at skills transfer
- b) Advisory services
- c) Credit facilities to assist with farming operations
- d) Access to feasible markets

The problem, according to Bernstein (2013), is mostly no credit or capital to access these services. For example, many of these support services are in distant areas and cannot be accessed by many of the poor, as they require transport. In some instances, there is no development infrastructure such as roads and bridges to get from one place to another. Thus, the problem of lack of efficient post-settlement support is often structural. These challenges have been compounded by weak local government departments that do little in the line of service delivery or the provision of support services and their coordination. Legislation alone will thus not secure fast and efficient land reform, and the success of the land reform programme is dependent on the existence of a comprehensive policy on post-settlement development support. The effective and efficient systems and processes.

Figure 4. Perceptions of business development support



Source: Madletyana (2014).

2.15 Land reform and agrarian transformation

In 2004, former President Thabo Mbeki characterized the South African developmental challenge in terms of connecting and integrating the ‘two economies’ of the modern industrial, mining, agricultural, financial and services sector, on the one hand, and the ‘third world economy’ found in those urban and rural areas where the majority of poor people lived (Mbeki, 2004: 10). According to Hall (2004), “South Africa’s agrarian structure is ‘dualistic’ in the sense that it comprises, in the former ‘white’ rural areas, a capital-intensive commercial farming sector engaged in large-scale production, which is strongly linked to global markets, and in the former ‘black’ homelands, an impoverished sector dominated by low-input, labor intensive forms of subsistence production as a key source of livelihood along with migrant remittances and state pensions”. While the two sectors were presented by past governments as reflecting ‘modernity’ and ‘tradition’, respectively, the economic function of the black ‘reserves’ was to reproduce and subsidize the cost of labor (Wolpe, 1972). In this way, the reserves subsidized

industrialization and economic growth in ‘white’ South Africa’s manufacturing and mining sectors (ibid.). This dualism had been widely recognized as a feature of ‘racial capitalism’ during the apartheid era, understood as the collusion of racism and capitalist interests (Lipton, 1985). Hall (2012) describes the South African agrarian structure thus:

“Land reform is one way in which the ‘new’ South Africa set out to redress the injustices of apartheid and, by redistributing land to black South Africans, to transform the structural basis of racial inequality. During the first decade of democracy, land reform has fallen far short of both public expectations and official targets. This article describes the progress of the programme and its changing nature. It is argued that a recent shift in land policy, from a focus on the rural poor to ‘emerging’ black commercial farmers, is consistent with changes in macroeconomic policy and reflects shifting class alliances (ibid.). The programme now appears to pursue a limited de-racialization of the commercial farming areas rather than a process of agrarian restructuring. Most fundamentally, land reform has not yet provided a strategy to overcome agrarian dualism” (ibid.).

Cousins (2005) focused on the rural dimensions of the ‘two economies’ debate, and in particular on the question of what contribution land and agrarian reform can make to reducing inequality and addressing the structural nature of rural poverty in post-apartheid South Africa. According to Cousins (2005), the former president suggested that the two economies are ‘structurally disconnected’, which meant that economic growth in the ‘first economy’ does not automatically benefit those in the ‘second economy’, and that integration will require ‘sustained government intervention’, including resource transfers and the infusion of capital (ibid.: 11). Cousins (2005) posited, “Against this perspective, a number of counter-arguments, with extensive supporting evidence, can be mounted, asserting, “(a) the social inefficiency of large-scale commercial farming, in terms of land use in particular (Moyo, 1995; Levin & Weiner, 1997); and (b) the under-acknowledged productivity of communal-area farming systems (Shackleton et al., 2000). Cousins stated, however, that a deep scepticism prevailed in relation to the contribution of rural areas and agriculture in general, and especially of the contribution of production by smallholders to national economic development. In answering the question regarding the origins of this social phenomenon, Cousins was of the view that this was simply “an issue of inherited bias and prejudice, originating from a history of discriminatory dualistic policies”. Cousins also asked whether “Alternatively, is this view nothing other than a fairly unadulterated

(but reborn) version of ‘modernization’? It is tempting to dismiss South African scepticism in relation to smallholder production as stereotyped, over-simplistic and unhelpful”. Cousins stated that in dealing with the agrarian question, one should however, also take note of analysts such as Bryceson (2000) who pointed to profound transformations in livelihood systems in Africa over the past two decades. He stated that many of these transformations were set in motion by Structural Adjustment Programmes (SAPs), the removal of agricultural subsidies and the dismantling of parastatal marketing boards. The terms of trade for many agricultural export crops had declined, and many small-scale producers had shifted out of commercial crops (Raikes & Gibbon, 2000). SAPs had also resulted in a rise in cash needs, as subsidies had been removed from education and health.

Cousins (2005) said that in response, many households had shifted to non-agricultural income sources, and diversified their livelihood strategies. “Individualization of economic activity has begun to dissolve household ties and internal divisions of labor”. Cousins (2005) suggested that the problem needed to be conceptualized in terms of an ‘agrarian question of the dispossessed’, which can only be resolved through a wide-ranging agrarian reform. This, according to Cousins, must include the redistribution of land and the securing of land rights, but go beyond the land question, and aim to restructure rural economic space, property regimes and socio-political relations. This approach was premised on the potential for ‘accumulation from below’ in both agricultural and non-agricultural forms of petty commodity production and expanded opportunities for multiple livelihood strategies. Cousins (2005) argued, “The classical agrarian question was concerned with the transition to capitalism, both within agriculture and in the mechanisms through which agricultural development contributes to industrialization”. For Cousins (2005), the agrarian question of capital is resolved when transitions to capitalist agriculture and industry are complete (Bernstein, 1996; Byres, 1991). However, he added, “There is not just one pathway through this transition. Both its character and the outcomes are shaped by class relations and struggles, depending on the strength of contending interests of landed property and agrarian capital, agricultural labor in a variety of forms (including tenant peasants), and emerging industrial capital. State policies and

interventions also influence agrarian transformation”. According to Byres (1991) (as cited in Cousins, 2005), following Lenin, described two broad alternative pathways: (a) ‘accumulation from above’, the Prussian or Junker path, in which pre-capitalist land owners are transformed into agrarian capitalists. This occurred in parts of Latin America, northern India and South Africa, as well as in 19th century Germany; (b) ‘accumulation from below’, or the American path, where conditions for petty commodity production are established and a fully capitalist agriculture emerges through class differentiation of peasants and other kinds of small producers. Cousins (2005) reported that Bernstein (2004) suggested a reconsideration of the classical view of the agrarian question under the conditions of contemporary capitalism. He stated, “On the one hand, capitalist development imposes a particular logic of social change and agrarian transition on pre-capitalist social formations; on the other, its uneven development on a world scale means that this logic is not realized in the same manner, or to the same degree, everywhere”. Cousins (2005) argued that the persistence or reconfiguration of pre-capitalist formations may continue to be a barrier to capitalist transformation, and the international division of labor and modes of functioning of international capital may alter the trajectory and forms of the transition, and render it ‘incomplete’. Bernstein concluded that given the massive development of the productive forces in capitalist agriculture, the agrarian question is no longer significant for capitalist industrialization: “...there is no longer an agrarian question of capital on a world scale, even when the agrarian question, as a basis of national accumulation and industrialization, has not been resolved in many countries of the ‘South’...” (ibid.: 202).

According to Cousins (2005), “A reconsideration of the agrarian question in post-apartheid South Africa requires us to frame it in terms of contemporary realities of structural poverty. The linkages between rural and land-based livelihoods and formal and informal jobs in small towns and urban areas are still important, but massive job shedding from the core economy means that contradictory trends are evident”. On the one hand, he says, “The functional articulation of wage income and rural production is reduced, and people look to farming or natural resource harvesting as sources of livelihood”. On the other hand, “Cash is still needed for the purchase of agricultural inputs and assets such

as livestock, and when asked why they do not plant more crops, rural people often reply ‘because we have no money from a job’”. Cousins stated that many rural people are now neither ‘workers’ nor ‘peasants’ nor a hybrid of the two, but an under-class with an uncertain future, or what Breman (1996) termed ‘footloose labor’ (cited in Bernstein, 2004: 205). Neocosmos (1993) as cited in Cousins (2005) argued, “The agrarian question of the dispossessed thus revolves around the constituting of a class of emergent petty commodity producers from within the ranks of the desperately poor. It cannot be constituted on the basis of production in agriculture alone, given the density of settlement and population resource ratios in the countryside, as well as the difficulties faced by the agricultural sector as a whole”. ‘Multiple livelihood’ forms of petty commodity production, articulated with wage labor in many instances, will have to be created, both within and beyond the borders of the former homelands, and in urban and semi-urban zones as well as in deep rural areas. “The rallying cry for this emerging class could be ‘accumulation from below, not above’ Mamdani (1996). The close connections between the urban and rural sites, in which households constitute and reconstitute themselves, mean that these livelihoods and forms of production will have a hybrid character, combining the ‘urban in the rural’ and the ‘rural in the urban’. From all of the above, South Africa’s way to land reform must be clearly distinguished from agrarian reform. For Cousins (2005),

“The former is concerned with rights in land, and their character, strength and distribution, while the latter focusses not only on these, but also on a broader set of issues: The class character of the relations of production and distribution in farming and related enterprises, and how these connect to the wider class structure. It is thus concerned with economic and political power, and the connections between them; its central focus is the political economy of land, agriculture and natural resources” (Cousins, 2005).

In one of his more recent papers, Cousins (2013) states that what is needed is for the agrarian sector to be reformed. He uses the terms ‘decoupling’ of land reform and agricultural policies to denote the separation of land-based activities from land reform projects and the wider de-agrarianisation of the sector, while Cousins and Walker (2013: 13) argue that class politics in South Africa look at socioeconomic indicators. Cousins

and Walker (2013: 13) assert, “This kind of analysis is based on fine-grained analysis of survey data on income, occupation and social identity. It is useful, but ultimately limiting; it does not adequately explain the dynamic processes that create unequal class structures”. The authors are of the view that an approach that understands class under capitalism as a social relation between owners of the means of production (capital), and those who must sell their labor power to such owners in order to stay alive (labor), is preferable. There are key differences, however, among the capitalist class (for instance, differences of type as well as scale of production) and the working class (for instance, differences of skill, pay and conditions of employment), and there is also a range of ‘intermediate’ classes that include professionals, state employees, petty traders, petty agricultural producers and the self-employed. The ‘reserve army’ of the unemployed and those engaged in survivalist enterprises, of whom many in South Africa are located in rural areas, is also highly diverse in its conditions of existence. Class is thus more complex than simply distinguishing between capital and labor. Below, I give some of the lessons that South Africa could learn from the international experiences. I mainly draw out lessons from the East Asian developmental states model because it is this kind of state that best responds, I think, to historical injustice and economic growth and development needs.

2.16 Lessons from East Asia

I have already shown how land reform in South Korea and Taiwan acted as a springboard for broader industrial growth, equity and development. The East Asian ‘miracle’ was a function of the developmental state. The developmental state was, to a large degree, responsible for the fast and efficient land redistribution programme as evidenced from the strategic policies that were undertaken, and which in essence, created rural and industrial jobs and improved the human development indicators of the poor people.

A pro-active state that actively intervenes in the market economy

Land reform in East Asian states entailed having a proactive state that actively intervenes in the economy. In these countries, the state set out economic development objectives and one of these objectives was a land redistribution programme. In order to achieve economic development and the land redistribution programme, development agencies were put in place that were run by a developmentalist elite with an efficient bureaucratic system and an export-oriented growth path. The elite were educated people with the necessary know-how and tasked with the overseeing of the development projects. In essence, the developmental elite had the ‘big ideas’ and the necessary knowledge or experience needed to drive the economy forward. An interventionist state apparatus was necessary to deal with the market ‘distortions’ such as imperfect knowledge and information held by rural dwellers, peasants and farmers, caused by the Japanese colonial regimes that had oppressed the indigenous population. In South Korea and Taiwan, state intervention was done for purposes of economic development. The state deliberately steered economic activity so as to achieve high economic growth rates. To do this, they established economic development agencies that drove the development of the country. In South Africa, a developmental state would have to deal not only with land reform. National priorities would have to span across all sectors of the economy as far as

an allocation of resources is concerned. The private sector would also need to play a role in assisting with job creation in the primary, secondary and tertiary sectors of the economy. However, such job creation will rest on a growing economy, growing demand for their goods and services, and growing exports. Given the nature of South Africa's historical land dispossessions and the institutionalization of inequality, the challenges of state bureaucracy and corruption, there is need for the state to assume a leading role, currently uncertain, in the development of land redistribution. This is the essence of a developmental state.

Unity amongst different land reform stakeholders

A developmental state would bring together all sections of society and a sense of unity of purpose and direction for the programme. This is essentially built around reconstruction and nation-building. For over 300 years, South Africa underwent oppressive political regimes that denied the majority of its people the access to political, economic and social rights. These inequalities were based on a person's racial profile. They inadvertently affected every sphere of a black person's life. Most black South Africans are impoverished as a result of the oppressive and racist policies. Moreover, market-led land reforms have only reproduced inequality and entrenched poverty, while powerful landowners seek to maintain the nature of the agricultural sector (large capital-intensive commercial farming to ensure economies of scale), while the state wants to redistribute land to the poor for purposes of historical redress. Agricultural capital has argued that large farms secure food security, while the state's redistribution agenda seeks to address historical land inequality, but has to guard against such land not being productive and thus not reducing poverty. Thus, the land reform programme seems to be in state of flux, where the programme seems to chase a limited de-agrarianisation process rather than the de-racialization of the agricultural sector. This has been a consequence of neo-liberal policies, which as indicated earlier, have been criticized for producing inequalities throughout the world. The poorest of the poor have been eclipsed and crowded out by powerful groups such as the political elites (including chiefs and traditional leaders in the

case of communal areas) and large companies by way of land grabs (see the case of Shell in Nigeria). Thus, the researcher finds that unity among land reform stakeholders will have to be in place for development to take place. This study finds that there is a lack of understanding by the various stakeholders of the purpose of land reform in South Africa. The challenges of elite capture, corruption and unclarity of purpose of the programme do not further the performance of the programme.

A pilot economic development agency

In almost all East Asian countries that managed to industrialize within a short time-span, there was always an economic development agency in place that drove economic growth. In Japan, this was through the MITI (Ministry of Trade and Industry); in South Korea, there was the Economic Planning Board (EPB); and in Taiwan the task was in the office of the Ministry of Finance. As mentioned earlier, these agencies steered economic development through vigorous monitoring and evaluation systems, which had the sole purpose of achieving economic growth and development. However, a key element of their success was their efficient bureaucracies, where appointments were based on skills, know-how and merit. Only the best of the best were selected into these agencies (Moon, 2017). Furthermore, the agencies and the public sector put in place competitive salary packages that acted as incentives for employees to perform at their best all the time. Economic development agencies, therefore, played a crucial role in the industrialization processes of the East Asian countries' development miracle. Amsden (1990) argued that in some of these countries, certain sectors were also given priority over others with the hope that they could not only bring in foreign capital, but also act as the main sectors for industrial growth and development. South Korea used the power of Samsung, Hyundai Motors and other electronics companies. Taiwan was mainly involved in the textiles industry. However, Moon (2017) concedes that the textile boom in Taiwan was the result of the financial aid that Taiwan received from the US. These key or priority sectors and companies were given incentives to perform. For example, companies were relieved of having to pay tax as long as they performed above certain thresholds. It appears that

prioritization of certain sectors and companies plays an important role and that in the East Asian states prioritization acted as a motor for development.

A developmental elite with the ‘big ideas’/ a developmental coalition

In South Korea, a developmental elite emerged from the military. This elite had the objective of driving the country forward economically. In Taiwan, the elite emerged out of the populace. During the era of apartheid, a developmental elite can also be found. During apartheid, the *Afrikaner Broederbond* (Afrikaner Brotherhood) was the intelligentsia elite group that came up with developmental ideas or the ‘Big Ideas’, albeit in a repressive manner for the majority of the population. Moon (2017) argues that the Kempton Park political negotiations for a democratic South Africa “...precluded the possibility of an insurrectionary seizure of power by the ANC”. Instead, he argues, a protracted and in many respects, an extremely circumscribed transitional deal catapulted the ANC to power. The settlement included a power-sharing arrangement (with the architects of the ‘old’ order), the National Party and the Inkatha Freedom Party. Moon says that these parties certainly did not share the ANC’s developmentalist and statist policies (Freedom Charter, MERG, RDP). Moon (2017) sums it up thus, “So, at the very outset, the ANC elites were circumscribed by realities of power-sharing and deal-making politics”. Therefore, while trying to deal with legitimate and urgent pressures and expectations, internally and externally, the leadership had to adopt certain policies and in this way, radical developmentalist projects were limited. My argument is that these developmentalist projects would have included redistribution matters (land, property, assets, resources, goods and services), but they were curtailed by the ideological shift that took place during the time of the political negotiations. The old communist bloc that informed the ANC’s economic policies of social democracy had dissolved and the neo-liberal free market capitalist bloc emerged as the winner. For this reason, the ANC leadership was forced to play by the international rules, which in this case were promoting free trade, deregulation and for the distribution of resources via the market’s ‘invisible

hand'. This leaves us with important questions: (i) Can the ANC leadership elite fashion themselves into a determined developmental leadership; and (ii) would they be able to navigate their given circumstances (internal and external) to implement a state-led programme as envisaged in the Freedom Charter, MERG and the RDP, especially when one takes into account their most recent loss of power in local elections? The RDP was used as the ANC's election manifesto for the 1994 general elections, but it was never successfully implemented. Other reconstruction and development policy documents included, but were not limited to: MERG and the Ready Govern documents. Terreblanche (2002) stated that these documents were socialist in nature and so redistribution was at the center of the documents. To achieve economic growth, the documents emphasized 'growth through redistribution'. In other words, the state would first redistribute land, assets and other resources to the previously disadvantaged groups, and once these people were empowered, they could become more productive, and the anticipated result would be economic growth. However, one can use the structure-agency debate on the ANC leadership and its supposed dilemma. The question to be asked is: Did structure play a larger role in directing the policy choice of the neo-liberal free market ideology or did they have room to exercise agency, that is, make calculated decisions that have intention and purpose (Hay, 2002). My answer to this question is that because the ANC abandoned its socialist and redistributive ideologies envisaged in the Freedom Charter and the RDP, the ANC was guided by structural factors that included the international arena, but also internally, the negotiated settlement that had included compromises. My analysis leads me to conclude that the ANC leadership was not forced to, but chose to select the global neo-liberal capitalist ideals to achieve economic growth.

An equity-based land reform programme

Another lesson that South Africa could learn from the East Asian countries is that the reform should benefit all of its citizens equally. This implies that all the people who are by national policy the intended target beneficiaries should receive the amount of land that has been set aside for such purpose. In furtherance of this argument is the idea that in the post-transfer phases, rural dwellers should also develop sustainable livelihoods.

Currently, the reform seems to be benefiting particular sections of society (traditional elites, political leaders and business people), because the issues and challenges ‘from below’ do not effectively find themselves at the policy-making platform. The South African Constitution indicates that landowners should be giving up land for redistribution for purposes that are in the ‘national interest’. However, developments over the years have been that landowners have felt that such redistribution as indicated by the national policy to redistribute land in the national interest would result in putting land rights in jeopardy and act as a breeding ground for capital flight. Ntsebeza (2000) put it succinctly by saying that this would be a form of ‘messing with the golden goose that lays the golden eggs’. Also, if land reform would merely be land redistribution without skills development and the provision of the necessary resources and systems to ensure farming productivity, such redistribution could result in a loss of food security, as seen in the case of Zimbabwe, where the country turned from a “food basket” to a destitute nation. This shows that there is a lack of a shared vision as to what land reform is supposed to achieve and how it is supposed to be executed for optimal results for the whole nation. A successful land reform process requires that the landowners be willing to participate and give up their land for purposes of land equality (Borras, 2003).

Equity-based land reforms would play a crucial role in the country in that it would reduce the actual inequality of land (Wegerif, 2013), be it racially or intra-racially. However, the methods of adopting an equity-based approach to land redistribution are still being debated among stakeholders, including the civil society. In sum, the objectives of post-apartheid land reform are to address historical inequalities and/or to empower poor citizens. The first land reform programme was the Settlement for Land Acquisition Grant (SLAG). Grants were made available to applicants. The rural poor, farm workers, labor tenants as well as women were targeted. Criteria for prioritizing projects included the ‘viability and sustainability of projects’ defined in terms of economic and social viability of intended land use, fiscal sustainability by the local authority, environmental sustainability, proximity and access to markets, employment creation, and availability of water and infrastructure. However, socioeconomic development policies focused on redistribution of resources (including land) through the free market system. As shown in this chapter,

in 1994, a 'market-assisted' approach to land acquisition and transfer was adopted, which was based on voluntary transactions between willing sellers and willing buyers. The problem was that this led to inflated prices and has crowded out the poor who were unable to purchase land. Thus, different approaches unfolded within the policy-making processes that have seen land reform programmes change or shift in ideological focus on intended target beneficiaries.

Therefore, the post-apartheid state's development has not only required the state to leave redistribution matters to market forces but has also simultaneously called for state intervention, given the country's past social, economic and political injustices. The post-apartheid state's ideological orientation is in line with international rules of deregulation, free-trade and regional integrations. However, although this study finds that on a deeper analytical level, issues of legislation and programme design play a part in the success of any land reform, a number of other areas are equally important for assessment. These are: Ideology, Politics of land and Post-settlement support services and coordination. This study project uncovered issues and challenges related to the 'broader social considerations', for example, on ideology, the researcher found that issues and challenges of approach to land reform have been ideologically underpinned by assumptions which have not 'trickled down' to the target beneficiaries. On politics of land, the researcher uncovered the challenge of imbalances in social class power relations of production for sustainable livelihoods. On post-settlement support or post-transfer of land farm production and support mechanisms, the researcher was surprised to note that the government has done little with regards to delivery of basic services to rural communities in post-transfer land reform projects. The results of the research undertaken are that the three areas (ideology, politics of land and post-settlement support services) impede land redistribution. Moreover, there is no formal mechanism (a Land Reform Bill/ Act) to sufficiently address and incorporate the issues and challenges into the formulation of land reform legislation and the design of land reform programmes or projects.

2.17 Competing alternative ‘visions’ of farm ‘viability’’: a framework for assessing land reform and agriculture

According to Cousins and Scoones (2010), “In ‘settler’ colonial states such as South Africa, Namibia and Zimbabwe, colonial regimes attempted to modernize rural agriculture. In South Africa, this was in the name of ‘Betterment Planning’ through the Tomlinson Commission”. Cousins and Scoones (2010) added that, “These ideas were understood in the context of traditional versus modernity”. They stated,

“There are four competing analytical framings of the notion of ‘viability’. These are: neo-classical economics, new institutional economics, developmentalism (both welfare and livelihood approaches), radical political economy and Marxism. These approaches are associated, to varying degrees, with competing political ideologies and stances, and all have resonances in the South African land reform debate. The idea of farm ‘viability’ offers an important way of framing and analyzing how land reform farms are understood” (Cousins & Scoones, 2010).

From this quotation, it can be deduced that there are five main framings or competing alternative visions of land reform and agriculture such as neo-classical economics, new institutional economics, developmentalism (both welfare and livelihood approaches), radical political economy and Marxism. In brief, neo-classical economics are concerned with liberalism or associated economic principles of free markets (*laissez-faire*) or neo-liberalism (Harvey, 2005). New institutional economics are about strengthening institutions (North, 1991). The main institutions in society are the government, the economy, banks and the church. This paradigm focuses on the rules of institutions. Developmentalism is about developing progress in society. The ideology seeks to improve the lives of everyone, including the poor. There are two strands in the model: welfare approaches and livelihood approaches. *Welfare* approaches focus on providing welfare assistance/ ‘cash transfers’ to the needy. These are usually in the form of social grants such as old age pensions, child grants and disability grants. This system is currently prevalent in South Africa, where a huge proportion of the population is receiving

some form of grant. The *livelihood* approaches, on the other hand, aim to improve people's economic livelihoods. In agriculture, the idea is about 'diversification' of livelihood strategies, that is, people having multiple livelihoods (or sources of income).

The livelihoods approach to development requires capacitating people or providing them with the necessary support services needed for them to lead sustainable livelihoods. The last category, Marxism, is a theory that points to issues of social class and status (Marx, 1848; Heller, 2014). Marxism argues that society is made up of two social classes: the upper class (bourgeois) and the lower class (the proletariat). Karl Marx (1848) was the main philosopher of the Marxist theory. He argued that the two social classes are antagonistic to each other in as far as people's social standing in relation to the 'means of production' (land, labor and machinery) was concerned (Marx, 1848). Therefore, the theory focusses on issues of social inequality with a focus on power (Marx, 1848; Braverman, 1974; Wolpe, 1972). Marxism was especially important during the early years of industrialization in the northern hemisphere, where there was no real middle-class. These theories, paradigms or ideologies have been used in different contexts to understand different societies and social phenomena. However, it should be noted that all these ideological orientations serve, to the largest extent, different explanations about how society works and that they have largely emerged in global affairs in different historical periods. In this respect, I focus on two theories (neo-classical economics and developmentalism (both welfarist and livelihoods approaches), as it is mainly these two ideologies or theories that have been the most influential since the 1990s. The researcher will focus more on the livelihoods strategy as it is this model that best responds to the needs of South Africa's land reform and agriculture. However, I acknowledge the existence of the other paradigms.

Cousins and Scoones (2010) argued, "In the South African land question, the contested arena of policy choices, this choice of framing, is often driven primarily by ideological commitment rather than simply analytical considerations". This research uses farm 'viability' as an approach to understanding land reform in as far as which ideological stance offers the combined benefits of equality and productivity. I argue that although all framings offer insights into the development of policies in South Africa, the neo-classical

model comes closest to the stated aims, while the developmentalist approach serves the goals of reducing inequality and poverty. Cousins and Scoones (2010) argued, “Each framing offers a different perspective as to the purpose of land reform, methods of acquisition, beneficiary selection methods and agriculture in the wider context”. Thus, no framing holistically offers an explanation of why certain policy choices were made. Rather, it is to show why and how the post-apartheid state is operating within a market-based land reform and how this policy is spilling over into notions of socialism (read the South African Constitution).

Cousins and Scoones (2010) stated that the idea of farm ‘viability’ can be traced back to the days of colonialism. During colonialism, ideas of farm ‘viability’ centered on the question of whether or not to alter the agrarian sector by introducing large commercial sectors among the black population. This can be seen when, for example, the apartheid regime tried to improve African agriculture through modernization (see the Tomlinson/Beaumont Commission). However, given the arguments made surrounding the ‘farm-size’ debate, and that large-scale farms are more productive or profitable than small-scale farms, the advent of democracy saw agricultural policy continue to favor large-scale production, although this structure continued to exhibit a racial divide. The researcher is of the view that the ‘farm-size’ debate is important in South Africa, given the idea of farm ‘viability’ and the dualistic nature of agriculture in the post-apartheid era. In this regard, Cousins and Scoones (2013) posited the questions, “Should land reform involve the break-up of large-scale farms into smaller production units allocated to large numbers of the rural poor, with agrarian restructuring conceived of as a key poverty reduction measure? Or, alternatively, should a productive large-scale commercial farming sector be retained but de-racialized, as a contribution to national reconciliation?” Both existing land owners and aspirant capitalist farmers have a clear interest in resisting the break-up of large farm/land holdings, and this has converged with a seemingly apolitical and ‘technical’ notion of farm viability to support arguments that large production units need to be preserved rather than restructured for purposes of food security. Those advocating the break-up of large farms, on the other hand, have advanced political rather than

economic arguments for land redistribution and have often shied away from debating the question of viability.

In South Africa, ideas of breaking up large farms have been based on the quest for restorative justice (historical redress). In land reform, this debate has centered on the idea that access to land is a human right for those who were previously disadvantaged. As maintained throughout this paper, the post-apartheid state has tended to embrace a more business oriented approach that encourages rural dwellers to engage in agricultural activities for purposes of improving their economic livelihoods. Yet, the issue has also been around what methods can be used to redistribute land fast, efficiently and on an equal basis, without such redistribution causing further widespread poverty as the beneficiaries lack the necessary skills, resources or access to markets to sustain themselves. Thus, a primary influence in assessments of viability in redistributive land reform is the choice of the analytical paradigm. The key focus of viability assessment is farm efficiency, as well as overall economic efficiency. Assessing the potential for growth multipliers and backward and forward linkages to farming is also important, because these help contribute to rural poverty reduction. Cousins and Scoones (2010) asserted, “In terms of the neo-liberal ideology, then, viability must be assessed simply in terms of farm efficiency and the rate of return on investments in land and agriculture”. This means that a viable land reform ought to promote market and business efficiencies as its primary goal. As discussed in Chapter 4, the post-Apartheid state was almost forced to choose neo-liberal policies, given the global context in which the state found itself. This explains why the post-apartheid state has espoused market-friendly approaches to agrarian change, but it also explains how and why the post-apartheid state has championed the idea of farming as a business model for rural socioeconomic development. In this light, the method of land acquisition was through the market. Therefore, land reforms were implemented under market mechanisms, that is, through a ‘willing buyer, willing seller’ policy as the policy.

Thorsen and Lie summarized the concept of neo-liberalism as a set of political beliefs that freely adopt market mechanisms as the optimal way of organizing all exchanges of goods and services. However, as a result of global capitalist trade relations, markets have not

always been optimal in the allocation of resources. Since the increasing prevalence and impact by globalization, the interconnectedness of people, goods, services, information and skills (Stiglitz, 2002), Picketty (2014) reports that the more countries develop, the more global capital is concentrated in the hands of a few wealthy individuals, who are usually owners of multinational corporations, among them companies such as Facebook, Google, Tesla, Tik-Tok, Toyota, Samsung, and many multinational and international food companies. This has in essence led to situations whereby the poor have been sidelined due to their lack of skills, but also in because they live in an era that requires technological advancements. To be able to be part of such advancements, it would require cultural changes, social, political and economic reforms in order for the poorest of the poor to be able to participate in a world that is driven by science and technology for solving contemporary issues and challenges. Free markets and free trade are believed to set free the creative potential and the entrepreneurial spirit, which is built into spontaneous order any human society, and thereby lead to more individual liberty and well-being, and a more efficient allocation of resources (Hayek, 1973; Rothbard, 1970). However, as discussed above, in the underdeveloped world, the political economy has not fully democratized these social differentiations in rural communities. In fact, as shown earlier, a social-democratic peasant revolution could appear to some to be the only route to the emancipation of the poor rural people, although this would never address their lack of skills to survive in an advanced economy.

Therefore, it is my contention that agrarian change and land reform ought to transform the rural areas in fundamental ways, including the element of education and skills development. From these arguments, theories and perceptions from the different scholars, I advance the argument that agrarian reform should aim to achieve economic freedom beyond land reform. Basically, this would require development strategies to not only put in place policies and programmes for land reform, but also to ensure the development outcomes that are tangible (apart from social grants and other direct cash transfers). In modern society, Sen (2008) argued that this would include access to electricity, running/piped household water, television, radios, washing machines and

internet connections (at household and local level). In addition, the debate can extend to include 'smart' phones.

Thus, the peasant “revolution” ought not only to focus on agricultural productivity and improving economic livelihoods. I am of the view that contemporary development studies should develop ways that rural communities will have the means so that they can access information via the internet by way of smart phones or laptops. This would require rural areas to be connected to electricity, and constructing fibre cable networks across different municipalities or districts. Also, in line with their generated incomes, they should be able to access to credit finance, which can lead to the purchase of electric household items or vehicles that enable transport of their produce to markets. However, in as far the land and property issue is concerned, I am also of the view that it will be important to prioritize young adults in the land redistribution projects, those who are able and willing to run commercial farms. Many young adults (from rural areas and urban areas) have found it difficult to become independent; living and staying with their parents or grandparents for a prolonged period of time. Some have argued that this has been because of the global financial crisis of 2008, which made many people unemployed (Sociology 2e, 2008). Thus, it is therefore important that young adults are given preference in access to and ownership of farm land to become self-sufficient and productive. The Covid-19 pandemic had increased the numbers of unemployed people dramatically, and it will need major foreign financial investments, or the commitment by the local public and private sectors, to turn this situation around and achieve economic growth rates above 6% per annum in South Africa to be able to absorb many of the unemployed into formal employment. Only formal employment or successful self-employment will lead to young and old people being able to service their debts, and their official commitments (rates and taxes, payments for water and electricity, grant or loan repayments, school fees, university fees, and so forth).

Khothari (2007) argued that development can be a process or it can be a practice. The idea of development therefore finds itself in different political contexts, whereby some places require modernization (or industrialization) and other places require the practice of development. Given Khothari (2007)'s point, I argue that it is not in the scope of this paper to discuss welfare states or how this system has unfolded and performed in the

post-apartheid South Africa, because South Africa's history can be understood better by studying the *livelihood* approach and not necessarily a welfare perspective. After all, the UN Human Development (2001) report called for development goals that aim to alleviate, reduce and eradicate poverty. In this regard, this thesis limits the discussion of development processes to the livelihood approaches. This is in consonant with the kind of development policy that could be more responsive to South Africa's past, present and future, although the two approaches are in many ways interrelated and interconnected, and speak to similar issues and challenges, and arguably seek to achieve the same outcome.

2.18 Conclusion

In conclusion, there are two main approaches to land reform: the SLAR and the MLAR approaches. The chapter identified that the SLAR approach to land reform was driven by the central state, and as such, the SLAR approach to land reform relied heavily on the central state. The problem with heavy reliance on the central state has been that on balance, government's bureaucratic systems and processes are inefficient. This led to issues of cumbersome processes for participants, who had the challenge of limited skills and knowledge on what the land reform process aimed to achieve, how interested participants could participate and where or how individuals could lodge claims to land. The researcher established that the sequencing of the SLAR approach (land redistribution before farm development) did not work. It would be better if the SLAR approach ensured that projects were clearly designed before, or at least incorporated into the overall land reform programme in the formulation of land legislation and in the design of programmes. This could be far more effective for the purpose of successfully carrying out land reform, because only the state has the necessary power and resources to conduct such programmes. On the other hand, while the SLAR approach was stated as being relatively cheap to implement, the state has to carry the full burden of funding the programme. The MLAR approach to land reform had done little to transfer land resources to the poor,

mainly because it gave landowners the power to decide on the land prices and this resulted in situations where landowners raised prices, making it difficult for the poor to purchase available land.

The sequencing of the MLAR programme is reasonable (farm development before land redistribution), but the researcher deduced that the MLAR approach had also been a top-down process, whereby participants of the programme (beneficiaries) had little say on the design of 'viable' business plans, which were almost imposed onto beneficiaries. As a consequence, the MLAR in South Africa had deregulated the sector in the political and economic context that required state intervention for purposes of coordination and support. International experiences showed that there was always a rationale for every one of the approaches to land reform. Generally, the researcher deduced that the goal of land reform is to bring about equality and economic development through agricultural production. In many contexts, land reform and agricultural transformation are a political process, usually calling for democratic values and principles. There is also a power factor that speaks to the need for decentralization of power to local communities, although in South Africa, local governments were often not capacitated to execute such role. In Brazil, land reform resulted in the formation of peasant group alliances, which were more democratic. However, upon adopting the MLAR, many people did not benefit from the programme.

In East Asia (South Korea and Taiwan), the state played a key role in land reform. Where these countries adopted a developmental state ideology, which meant a state apparatus that was proactive and interventionist. Land reforms were also executed within a political context, but with an economic rationale tied to them. In South Korea, land reform resulted in a far more equal distribution of income. Many people in the rural areas received access to land that they were then farming. As a result of this, agricultural productivity increased and land reform acted as spark to broader industrial growth and development. In Taiwan, land reform took an impressive two years to complete. The programme mainly relied on the 'land-to-the-tiller' principle. The state assumed the role of buyer and distributor. As a result of state intervention, the reformist government achieved high rates of economic

growth. On the other hand, Zimbabwe showed a combination of almost all approaches (first MLAR in the 1980s, then SLAR in the 1990s, and expropriation in the mid- 2000s).

The Zimbabwean case offers valuable lessons on the severe and disastrous implications of expropriation. In Zimbabwe, expropriation of land resulted in unproductive, often idle farms, because the government redistributed land to farmers who were unskilled, or did not want to productively work the land, and there was very little post-transfer support. In Kenya, land reform was highly politicized. The programme revolved around the devolution of powers to local counties. However, this led to situations of political contestations between the three spheres of government around the allocation of resources. The researcher identified that land reform is a political process more than a purely economic or social one. The process usually begins when people come together around a common cause. This brings a sense of unity between and among them. In South Africa, land reform will not necessarily achieve unity among all role players, as their interests are vastly different.

Therefore, I argue that the state and state institutions will have a role to play in land reform and land redistribution matters. However, the missing link to achieving an equity-based agrarian reform is the lack of involvement of the targeted land reform beneficiaries, where there should be some kind of a community-based approach for consultation, and a process that uses the two institutions of capitalism: the state and the market. Ideally, the approach needs to inculcate all matters of redistribution at the policy-making and programme development stages of land reform or land redistribution. This platform would need to address questions of what the land reform aims to achieve (the vision of land reform) and the intended land use, and who the target beneficiaries of such land reform should be. This could help with giving a clearer direction to the land reform process. It would also help address questions related to what sort of final agrarian structure is envisaged by all stakeholders.

Given the nature of historical dispossessions (of land, political and economic power and social inequality, resulting in poverty), there is an urgent need for a comprehensive state intervention approach. However, the kind of state intervention would depend on the

prevailing economy as much as of the political will (and the necessary resources). The East Asian developmental states are examples where land reform was fast and efficient. After a careful literature review, the research identified that these states managed to achieve successful land reform, because of the type of state architecture and policies that were adopted, in other words, having declared themselves developmental states. In this regard, I argue that state-led approaches to land reform will have a better chance of success.

The literature review has shown that state-led efforts distort the markets and this disrupts market efficiency. It is true that if successful, land reform would disrupt the current unequal functioning of the market. However, once the transfer of the selected land is completed, it would lay the foundation for a vibrant farming production system, with potentially remarkable economic results and political stability on the basis of a more equitable distribution of wealth. At the same time, it has to be remembered that the rural market is a small sector, and most, young, and unemployed individuals (all over the world) tend to leave the rural areas to look for the “shining lights” of the urban areas in the hope to find well-paying jobs there. In most rural areas, it is only the older population and pre-school going children who live there, and who survive on grants.

Urbanization is happening all over the world, and South Africa is no exception. Thus, most young people would rather have access to a small house/apartment in the cities, so that they are close to work, than having to rely on farming for their income. Especially young families do not want to stay in the rural areas as they lack the infrastructure that the cities can offer them, including public transport, quality schools, healthcare and shops. However, as the question of land reform applies mostly to the rural areas, South Africa should seriously consider adopting the developmental state-led type of economic policies. In applying this understanding to South Africa’s economic development, it could be argued that if South Africa is to achieve a far-reaching land reform, the state must consider taking on a more proactive role in the market economy, because neo-liberal economic policies have given the state a limited role to play in the (land) market and within the political context that calls for the full cooperation of the institutions of capitalist development.

Chapter Three

Research Methodology

“The term social research... denotes academic research relating on topics relating to questions relevant to social scientific research...” **Alan Bryman (2016).**

3.1 Introduction

This section presents the methodology adopted for exploring the issues and challenges facing the land reform programme in South Africa. It starts by a description of the research plan (or steps taken), the research design, methods and research techniques, and other considerations that went into the research process. The research is mainly a qualitative inquiry, by way of a documentary analysis, into the politics land inequality in South Africa. The study makes significant use of primary sources of data. The reason for choosing this framework is because of the objectives of the study (Bryman, 2016), to understand people's attitudes and perceptions on the land question. Unlike the many equity and resource allocation studies that focus only on establishing the extent of equity in allocations.

This research seeks to achieve two things: 1) examine whether the legislations and programmes are responsive to the country's social and economic development needs; 2) explore the key underlying political drivers of the obstacles to a quick and efficient land reform programme with the discussion focusing on the impact of elite power relations. There are two datasets that were required to achieve this: legislative/ policy assessments and the resulting pace and performance of the land reform programme. This data provided important information regarding the reasons why land reform has been slow and inefficient. This dataset force-reveals the state's goals of land reform but also ways in which politics and power relations shape resource allocation processes and outcomes in South Africa.

The central argument of the thesis will be that a quick and successful land reformation will not be dependent on legislations, policies and programmes (gaps and inadequacies therein) concerns alone but that it would also require assessment of 'broader social considerations' in key policy areas of implementation of land reform which comprise of: the ideology for driving the land reforms; the politics of land reforms; and also post-settlement services and post-transfer of land production mechanisms, coordination efforts

and support services. In this regard, the researcher interprets the impact of South Africa's key land reform legislations on rural economic development. The interest of this research is to find out why, after over 20 years after political freedom had been achieved in South Africa, land hunger and land reform remain the proverbial elephant in the room, with no prospect of a speedy resolution in sight. I use international experiences from Brazil, East Asia (South Korea and Taiwan) and Kenya to draw out lessons for South Africa's land reform process and programme. The international experiences' discussion focuses on a number of variables (inequality, output productivity, unemployment, and industrial growth and development) as indicators that show that the land reform process had significant impact on the general economic development of these developmental states. This is in contrast to South Africa's position where the ANC administration, the two decades of post-apartheid's political freedom, chose economic growth and development as its primary goal before land reform.

The researcher chose to study Brazil's land reforms because just like South Africa, Brazil carried out one of the well-known free-market-led approaches to land reform. The reason for choosing to look at the East Asian states (South Korea and Taiwan) is because land reforms in these countries were quick and efficient to carry out. The case studies are used in order to explore the connection between progressive land reform and economic development.

The reason for choosing Kenya is because the case of Kenya is a good example of a land reform programme that not only was motivated by political needs but also economic growth and development goals and plans but also how local groups are important in any land reform process. The international experiences show that land reforms were not only a critical trigger point for subsequent industrial growth and development, but also reduced inequality. I argue and show that land reforms in South Africa can be realized in and through a developmental state architecture.

3.2 Research question

The key research question is:

- **Why has land reform been slow and inefficient in South Africa? What have been the issues and challenges?**

This question is important given the importance of assessing and addressing social ills and issues of power, cultural and social needs of rural and urban communities. South Africa has for a long time been an economic hub for the region and the continent at large, however, the citizenry continues to face high levels of unemployment, lack of skills and access to the banking, finance and insurance services. Democratic South Africa is called the rainbow nation but the people are largely still unequal based not only on race but now also considering intra-based inequities in social, political and economic terms.

The country's history of Apartheid necessitates tapping into various sectors of the economy, such as land reform, particularly land redistribution, for purposes of not only rural transformation but also for purposes of attracting foreign direct investment into the country. This challenge falls into the category of economic development. Theoretically and practical considerations, including finance budgeting, are all important questions in political economy. As such, grand theories, for example, globalization, beg the need for answering contemporary social questions and problems historically and economically. Historically, land reform has been associated with political reform but in the global context, land reform is an economic question that not only requires redistribution but also economic growth and development (this category also speaks to the challenges and issues of power). The current political landscape still remains antagonistic based of 'white monopoly capital' (van der Walt, 2009) but also based on inequities between class, gender and tribe.

The Economic Freedom Fighters (EFF)'s Julius Malema has in recent years been calling for radical reforms. In 2012, the former president Jacob Zuma, echoed Malema's sentiments and advocated for radical economic reforms. This included expropriation of land with(out) compensation. For South Africa, radical approaches to land reform, such as expropriation have largely been associated with the Zimbabwe experience where radical measures became highly politically blown out of proportion and there have been many debates as to the effect and impact of the land invasions (or preferably, 'land grabs') and occupations had on local production of food and other goods and services. It is therefore economically critical that the state delivers the needs of the people and the broader community. Questions such as: what is land reform speak to questions of what is the rationale of land reform and how is it generally undertaken and carried out. In other words, what are the different approaches to land redistribution, land restitution and tenure security. This theme speaks to the issue of a clear vision for the land reforms and also the need for unity, social cohesion and nation-building.

Equally important are questions of what is land reform ideally supposed to achieve? This question speaks to issues and challenges of post- settlement support services and post-transfer of land farm development and beneficiary improvement. In other words, how do post-settlement and other production support mechanisms and services contribute to a quick, efficient, complete and successful land reform process need to be assessed, evaluated, analysed and addressed. This topic which can be conceived of as both a social redress issue and as an economic issue speaks to the theme of developmental provisions in services such as food security, land and/ or housing, water, electricity, transport, health, education and finance and banking services as well as other social grants and insurance and investment opportunities for a vibrant economy.

The Covid-19 pandemic has brought with it new patterns of struggle, such as 'work-leave permissions' lock downs etc. Land reform has also been affected by the corona virus pandemic and this points to the need for identifying different socio-economic profiles based on tribe, nationality, class, ethnicity, race, status, religion, gender, sex and level of skills but a global democratic infrastructure (equal opportunities, goals, dreams and

ambitions). This requires unity and ideological coherence. Post-Apartheid South Africa is faced with the dilemma of needing to redistribute resources to previously disadvantaged groups and for purposes of economic growth and development, in which the ANC-led government makes policies. In this English school of thought, therefore, there is a need to strike a balance between the two as arguably, and empirically, local groups need social justice. Given, therefore the country's past of land dispossessions, segregation and Apartheid, land reform forms part of historical redress and is or should be the first point of reform in the country's future reconstruction and development.

3.3 Hypothesis

According to Neuman (2000: 128), a hypothesis is “a proposition to be tested or a tentative statement of a relationship between two variables”. Therefore, a proposition, is an assumption. This research began with the assumption that the lack of assessment of the issues and challenges in the three land reform social policy pillars (ideology, politics and post-settlement support) has been one of the major obstacles to land redistribution. The objective of the analysis was therefore to test the assumption that social and political forces and processes have a critical bearing on the outcome of land reform. The intention was to identify the issues and challenges that fell outside the legislative weakness regime. The assumption was primarily based on the fact that the method of land acquisition and redistribution has been unclear since 1994 and therefore potentially a major obstacle to land redistribution.

The hypothesis was formulated after a preliminary literature review, which found that literature attributes the slow pace and lack of performance of the South African land reform to a lack of capacity and legislative weaknesses. The variables that the paper measured were: the extent of market and/or state intervention in socioeconomic development; the country's state of unity (social cohesion and nation-building) among the citizenry; and the efficiency of post-transfer services (beneficiary and farm productivity

and development). Therefore, the thesis sought to test the dependence of legislative frameworks and broader social considerations.

3.3 Research plan and the research steps

The researcher planned to do the proposed study by completing a number of steps. The steps formed part of a wider social research process (Bryman, 2016). According to Bryman (2016), a research study is made up of a number of steps that need to be followed. Ideally, these include: finding a research topic, formulating a question or questions around the topic or subject, developing a hypothesis (or assumption/s), carrying out the research (finding data), interpreting the data, and then writing up the research findings for example through a report and or publishing. However, the research process can always change at different stages depending on how the process is unfolding and what new developments are happening, for example, in current affairs and this happened in my research especially when researching on policy development in the last 2 years. This research followed a number of research steps and principles. I follow the research steps provided for by Bryman (2016).

Bryman (2016) argues that a research plan describes what a researcher is going to do in order to do the research. In this regard, the plan was to do the research study by first identifying and selecting a host institution in a particular country. In this case, I opted for the University of Pretoria (UP), Hatfield campus. I was given a place in the department of Anthropology and Archaeology and was allocated a supervisor. The researcher paid for his own university tuition fees for the study of the PhD degree programme plan. As part of my research plan, I also found accommodation. This was organized prior and during the university registration period.

I also secured different modes of transportation (e.g. public bus services, subsistence etc.). In addition, I bought essential items such as cutlery, phone sim cards and other items that were deemed necessary for the duration of my course study. The research

process followed Alan Bryman (2016)'s research steps. Bryman (2016)'s research steps were used in this research study as guiding social research principles and as such were not necessarily in any particular order (given the changing nature of the topic or as new developments emerged and unfolded). Below is a list of some of the steps that the researcher took as part of the research process in order to achieve the study's goals and objectives.

3.4 Research steps and research process

- 'Step one- Find or choose a research topic in certain subject
- Step two- Ask sociological questions/ formulate the research question and sub-questions
- Step three- Induct and deduct a hypothesis (mixed- methods approach to research process)
- Step four- Identify the unit(s) of analysis (this includes sampling)
- Step five- Conduct a literature review/ document analysis (books, journals, government policy documents)
- Step six- Collect data (this was mainly done by way of a document analysis approach to research)
- Step seven- Analyse (or interpret) data (this is because data is raw; needs to be turned into information, because information has meaning)
- Step eight- Write up the report (presentation of findings in a PhD thesis document format)
- Step nine- Publication'

Bryman (2016).

3.5 Research design

This research was informed by a historical-longitudinal research design. Bryman (2016) stated that a historical research design examines historical events and social and political events that occurred and necessitated a certain course of action. In the case of this study, the historical research design examined South Africa's (and the region and global) politics to understand how South Africa's past has informed the present and prospects for future development. In so doing, the design showed that at different political junctures, certain policy choices were made and adopted. Bryman (2016) stated that there are many research designs. For example, some designs are descriptive and others are explanatory. The descriptive design seeks to describe social phenomena, while the explanatory design seeks to explain social events. This forced the researcher to study the land reform process at different times in history (a longitudinal research design) that was explanatory. In this regard, the specific research design used by the researcher was a historical-longitudinal-explanatory research design. In this regard, the study sought to understand historical events that led to the need for land reform and how at different periods, the state chose to adopt certain policies.

3.6 Unit of analysis

This research analyzed land reform legislation, policies, programmes, ideologies, the politics of land and post-land transfer support services. Under each of these areas, and through documentary analysis, the researcher elicited the views of stakeholders in an effort to identify what the issues and challenges were that were raised in public debates. In this regard, the researcher garnered some insights into what the different stakeholders thought and believed have been some of the major issues and challenges regarding the land reform programme.

3.7 Location, time-line and time-frame

The location where the study was undertaken was in South Africa. The study used a longitudinal research design. The period the study covers is longitudinal. According to Bryman (2005), a longitudinal research design studies a social phenomenon over a prolonged period of time. Depending on the unit of analysis under investigation, researchers may prefer to use a longitudinal research design, which studies a political process or event at different points in time. This study used the first meaning of a longitudinal research design (analyzing a social phenomenon over a prolonged period of time). In this regard, the researcher studied the land reform process from a historical perspective. The thesis was written at the University of Pretoria (UP), Hatfield campus. The research process was done between the years 2017 and 2019. Here I clarify, in response to the terms of reference, the way in which we have approached assessing performance in the land redistribution programme. First, I outline policy changes over time. Related to this are changing institutional arrangements, including the creation of two separate ministries responsible for land and agriculture, and relationships with other bodies, including the Land Bank and private consultants and service providers. The researcher notes changes in the objectives of the various land redistribution policies, their target groups, their modalities and implementation strategies. Second, I assess progress with 'delivery' on a national scale, and break this down wherever possible by province, by year, and by sub-programme. I do so for hectares, beneficiaries and expenditure, but one cannot compare hectares with beneficiaries, beneficiaries with expenditure. I was however unable to draw firm (numerical) conclusions as to how available resources have been spread across different projects and people.

With regards to scale, I use the 30% target previously set as the primary point of comparison, as this target was set for 1999, then deferred to 2014, then to 2025, then apparently abandoned, and was in any case based on estimates of affordability rather than any inherent social, economic or political logic. Third, I describe the forms of post-settlement and post-transfer of land support mechanisms and services, including agricultural infrastructure, extension and operating funds, to beneficiaries of land

redistribution. With regards to the outcomes of redistribution on the livelihoods of beneficiaries – and the crucial question of whether or not it is reducing poverty – I present the very limited official data, as well as evidence from several independent surveys and case studies. This research report therefore assesses policies made on the basis of the enabling legal framework discussed above, which are both enabling and prescriptive, as well as its implementation and the relationship between the policies, delivery and outcomes, on the one hand, and the overall political goals of land reform on the other, as have been stated in various ways over time.

3.8 Epistemological orientation

According to Bryman (2016), epistemological orientation has to do with what kind of information should be accepted as knowledge, raising the question as to what constitutes the appropriate knowledge. There are two types of orientation in this regard, namely, the natural science model and interpretivism. The question is whether the social sciences can be studied in the same manner and with the same methods as the natural sciences. That is, can social science be a science of its own kind? Natural scientists study the physical world, while for social scientists, the objects of analysis are to the largest extent, human beings and societies to which humans belong. For social scientists, the debate between these two orientations has to do with personal beliefs, which can lead to bias entering social research.

Bryman (2016) argued that the interpretivist model focuses on symbols, human interactions and people's beliefs and attitudes. It is therefore a qualitative framework. The orientation chosen for this study was an interpretivist one. To this end, the research sought to understand the social and political phenomena of land reform by understanding people's perceptions, beliefs and attitudes with regard to how they think the land reform process has performed. However, because of limited resources, the researcher could not conduct interviews with land reform stakeholders. Instead, the researcher relied on

empirical evidence from other research documents to anchor or dispute the evidence already found in this study.

3.9 Ontological considerations: reliability and validity of the research findings

Ontological considerations revolve around the question of what constitutes acceptable knowledge (Bryman, 2005). There are two main considerations: objectivism and constructionism. Objectivism holds that the researcher should study social facts as objects with an existence of their own. Constructionism, on the other hand, holds that the world is constantly being constructed and so human beings and society cannot be studied at almost any given time, as the process is continuously being built. According to Bryman (2005), this referred to the positivist framework. Furthermore, constructivists see bias entering research, because the interpretivist approach is oriented to put human beings in a subjective position. That is, researchers enter the research field with their own biases. This study used the interpretive framework as opposed to the positivist framework. This researcher admits that he has certain biases in certain areas. However, the empirical data from other researchers confirmed the claims that he raised in this thesis as valid and reliable data and knowledge. The use of triangulation in this study was to increase the credibility and validity of the findings so that the research can be reliable and replicable. Bryman (2016) defined reliability as ensuring that if other researchers were to conduct the exact same research, they would find the exact outcomes/ results, that is, replicability. In order to reduce bias and render the findings valid and reliable, the researcher used, as data collection sources, official government documents, conference reports, research reports and publications on the land reform process in South Africa.

Greenstein et al. (2003) argued that documentary analyses can infer evidence from the behavior and attitudes without disrupting those being studied. The researcher applied for

ethical clearance from the relevant University department and received ethical clearance to go ahead and conduct the study. A number of documents, including books, journals, government documents, and other policy documents, confirmed the consistency of the arguments and debates that are pressing issues in the country's land reform process. They are presented in this research project through a critical documentary analysis of the high-level panel's assessment of key legislations and the acceleration of fundamental change. This qualitative methodological route enabled an in-depth exploration and analysis of the land reform process in South Africa. The document analysis led to a number of discoveries that are suitable to answer the research questions that were set out. However, literature on 'land uses', 'urban land reform' and 'expropriation of land' is sparse. Nonetheless, the application of a multifaceted data collection method such as document analysis, data triangulation and case studies gave substance to the outcomes of this study. It is because the sociological measures of concepts and themes identified accurately reflect the topic of the study (Bryman, 2005) that the researcher claims that the research is valid.

3.10 Ethical considerations

Babbie and Mouton (2001) stated that any research should have ethical considerations. According to Babbie and Mouton, ethical considerations are concerned with protecting the health and safety of participants. These considerations are important, because some research involves research participants (people). Ethics are measures undertaken by the researcher to protect the 'personal' aspect of the participants. Research must not cause any harm to participants in the research process (for example, during interviews or experiments). The American Sociological Association (ASA) and the British Sociological Association (BSA) have codes of ethics that are useful guides to ethics in research. For example, the association promotes voluntary participation. This means that research participants must give their consent to participate in a research study. Also important are concerns of anonymity, that is, where participants choose not to have their identities

revealed, because some research tools and methods involve reporting on people's personal beliefs and, sometimes, people's personal information. The research was by way of a documentary analysis. It did not involve any human subjects. It relied on the researcher collecting a number of documents (print and electronic) to find data and information relating to the area of investigation. Documents are non-reactive. This meant that the researcher did not intervene in the context of subjects. The researcher also did not rely on the cooperation of any participants. Therefore, the research did not pose any risk to any human subjects. However, Greenstein et al. (2003) cautioned that each method has its own advantages and disadvantages. Fieldwork (primary data, interviews, participant observations, and so forth) yield first-hand experience with subjects and give details to issues. Secondary data does not offer this advantage. Denzin (1970: 291) found that 'data triangulation' (use of two methods, in order for the one method to check the findings and results of the other method), is not only about using different research methods, but can also take the form of using different documents to answer the same research question or problem.

3.11 Research methodology

Bryman (2013) describes a research methodology as a tool that is used to collect data. This research used a qualitative approach to research. A qualitative approach is an interpretive framework that relies on words to describe a phenomenon. According to Greenstein et al. (2003: 49), "Qualitative research is a broad approach in social research that is based upon the need to understand human and social interaction from the perspectives of insiders and participants in the interaction. The aim is to describe, understand and explain human behavior". Bryman (2013: 379) states that a qualitative approach enables issues to be studied in depth by supplying detailed information about a smaller number of people or cases at a researcher's disposal. In order to collect data, the researcher adopted a qualitative approach to the research. The researcher used the qualitative framework, because the land reform topic (the issues and challenges facing

the land reform programme/ or process) required an in-depth examination of the issues. This involved gathering and understanding people's views and attitudes with regard to land reform. Bryman (2013) says that a document analysis method is a qualitative approach. Different types of documents helped the researcher to uncover meaning and develop understanding of different land reform words, principles, types, approaches and theories. This category of data constituted existing empirical research on land reform, both within a local and international context. This method enabled the researcher to garner different insights and perspectives relevant to addressing the research problem. The framework enabled the researcher to increase the depth of understanding of land reform processes, cases and situations studied. There is an interesting literature on land reforms in South Africa, post- independence, but a notable lack of research in questions relating to why the programme has stalled and not delivered. By comparison, there is a substantial literature on the pace, scope and performance of the aspect of land redistribution programmes I have drawn from a broad base of the primary literature on land reforms which has provided a base within which to situate my questions. I have extracted material specific to my topics. My approach to the literature targeted three subject areas: ideological orientation/ coherence, the politics of land, post-settlement support services portfolio and wider analysis of the post-Apartheid state. My reliance on primary literature varies according to the periods under review. In order to find out the issues and challenges facing the land reform programme, the researcher used the university's library to access the internet, and the researcher owes much gratitude to the library center.

Data was collected from hard, material and electronic (or soft and non-material) sources such as the internet, and books, journal articles and, other research papers and government policy documents researchers, books, journals and government reports. This included organizing materials suggested by authors. Having identified book shelves or internet websites, I examined other sources that were relevant to my topic. Economic and social research websites were surfed. From there, I searched for other material that was relevant by browsing the internet and using the library catalogue and internet. Also, having identified relevant journals, the researcher looked through recent issues being

debated to find the most up-to-date writings on the topic of study. Basically, this was about reading outwards from my original sources by following up interesting-looking references. The aim was to become familiar with the topic. The researcher read the documents, while also focusing on implementation issues. The words, phrases, terms and sentences that occurred and recurred in the reading were those that later formed the key issues and challenges. First, key words of concepts were taken as categories. Each category yielded a number of emerging themes and recurring themes. Of critical importance were words and principles in the colonial and apartheid past, and words and principles of land reform legislation such as 'equitable' access to land. However, issues regarding the future of the agrarian structure, the 'farm-size' debate and 'land uses' have only been presented in this paper for discussion because of their recurrence in the land reform debates. They too were found to be relevant to the debate, especially with regard to how the agricultural sector can significantly contribute to economic growth and development.

A key document used in the documentary analysis was the High-Level Panel of experts on Key Legislations and the Acceleration of Fundamental Change document of November, 2017 [HLP] (2017). The researcher relied on this document, because it is one of government's later processes in reviewing the legislations passed since 1994. The HLP document assisted the researcher to identify some of the issues and challenges facing land reform.

The documentary analysis developed understanding of concepts central to land reform that have had implications for the way the land reform process has been carried out. Other research used in this study included: Morris (1993)'s description and depiction of the rationale of capitalism based on race (Apartheid) and how this produced antagonist class relations between rich and poor peasants or 'working class'. I also use Bundy (1972) and Wolpe (1972) to explain the history and the development of capitalism in South Africa. The focus is in the 19th century. Neocosmos (1993)'s paper on tenure security is also relied upon. Neocosmos (1993)'s article discusses how the Apartheid regime faced a 'social crisis' that led to the end of Apartheid.

I also use Terreblanche (2002)'s research on inequality in South Africa from the 19th century to the 20th century which provides an interesting account of the Apartheid regime's different accumulation strategies that enriched white people and impoverished the majority of the African population post-Apartheid. I also consistently remind us of Marrais (1998)'s research on some of the technical aspects of the development of capitalism in South Africa and descriptions of capitalism in South Africa and Morris (1979) explanations of how capitalism developed in South Africa. On approaches to land reform, I heavily relied on Lahiff (2007)'s article on the market-led experiment in South Africa; as well as on Borras (2004)'s, Deininger (1999)'s articles for international experiences. I heavily rely on Hall (2004)'s article on the political economy of land reform in South Africa. Hall (2010)'s PhD thesis is also referenced for purposes of the politics of land. Bernstein (1998), Lipton (1985), and Scoones and Cousins (2010) and a number of research papers and policy documents on the land question in South Africa are used for purposes of theoretical explanations of why or how land reforms are supposed to function and for what reasons.

I also briefly looked at one of the latest Expropriation Policy process (2013-2016) documents issued by radical movements. The recent Presidential Advisory Panel on Land Reform and Agriculture (PAP, 2018) report was also discussed and used as a source document. This method proved fruitful, because it enabled the researcher to understand why and in what context certain policy choices were made in 1994. The methodology helped the researcher to answer the question of why the reforms were governed by neo-liberal market-led policies, when the land reform vision in the Constitution is socio-democratic/ redistributionist in nature.

In sum, documents provided the background and context, for additional questions to be asked and provide supplementary data. This was a means of tracking change and development of the reform process. It also verified the findings from other data sources. Throughout the timeframe of this research, I collected and gathered a vast amount of literature on different aspects of the land reform process in South Africa. This collection formed the basis for my documentary analysis. The challenge was selecting the key documents that were most relevant for the investigation. In order to understand these

policy choices, I relied on four socioeconomic development theories: neo-classical economics, new institutional economics, livelihoods (developmentalist and welfarist approaches) and Marxism. These theories formed the analytical framework for understanding land reform policy choices during the timeframe 1994 to 2018. Although some of the theories were outdated, they nonetheless offered a lens through which to understand land and agricultural policies in different historical periods (from colonialism and apartheid to the post-apartheid era).

3.12 Data collection

Data collection is the process of gathering information. It is an important aspect of any research study and must observe the ethical principles of research. This research used a documentary analysis approach to research. According to Bowen (2009), document analysis is a systematic research procedure that entails reviewing or evaluating documents, both printed and electronic material. Similar to other analytical methods in qualitative research, document analysis requires that data be examined and interpreted in order to elicit meaning, gain understanding, and develop empirical knowledge (Bowen, 2009). This study used secondary sources to collect data. The secondary sources included: books; journal articles; research papers, policy documents and various reports for review and analysis.

In order to use internet sources, the researcher used the University of Pretoria's Merensky Library to access the information. The researcher browsed the internet for information. The researcher also utilized the University library's computers and retrieved these sources from the World Wide Web (or internet). The researcher used Google Scholar. I entered land reform key words. Words that were used to search for information included, but were not limited to: Colonialism in South Africa; apartheid; capitalism; inequality of land; the Natives' Land Act 27 of 1913; the ANC; the Freedom Charter; land reform; Nelson Mandela; the South African Constitution; the RDP; market-assisted land reform

programmes; land reform; expropriation of land, the environment and other words that were relevant for purposes of supplying information through Google Scholar. This facilitated to build a knowledge base, where discoveries from other studies and arguments raised in other scholarly texts were used to augment my claims and analytical stances in this paper. See List of References at the end of the thesis.

3.13 Data analysis (generation of categories and themes)

Data analysis as defined by Neuman (2006), involves examining, sorting, categorizing, evaluating, comparing, synthesizing and contemplating the coded data as well as reviewing the raw and recorded data. The analysis of this research was qualitative in nature, data collected was interpreted through a review of literature. The analytic procedure in this study was by way of document analysis, which entailed finding, selecting, making sense of, and synthesizing data contained in the source documents. This process combined elements of content and thematic analyses. In order to address the research question and problem, the researcher relied on content analysis in the form of textual/ thematic analysis. According to Greenstein et al. (2003: 66), content analysis “entails the systematic examination of forms of communication in order to identify patterns emerging from the data. Content analysis is a method for gathering and analyzing the content of text. The content refers to words, meanings, pictures, symbols, ideas, themes or any message that can be communicated”. The text is anything written, visual or spoken that serves as a medium for communication. It includes books, journals, newspapers or magazine articles, and official documents. Content analysis allows the researcher to reveal the content.

By examining the presence or repetition of words and phrases in the texts, the researcher can make inferences about the open and hidden assumptions of the writer, the audience, and the culture and time in which the text is embedded. The advantage of this approach is that documents provide a source of data that is available in a form that can be verified

by others. In addition, there is an abundance of information that is contained in documents. The approach is also relatively inexpensive. However, the weakness of documentary analysis was that the researcher found it difficult to find the right and exact documents that dealt with the particular area of interest to the researcher. According to Bowen (2009), this is mainly because all documents have their own line of inquiry or investigation. Also, some documents may not necessarily be credible sources of information and so the researcher must always check how the data in different documents was produced. My document analysis yielded key words, principles, sentences, phrases, quotations and entire passages that were then organized into major categories, major and recurring themes, and case examples. The researcher analyzed a number of land reform articles, research publications, government documents and reports from experts and the academia, and these formed the researcher's personal reflections on the major obstacles to land reform. The approach was not to identify causal relations on land reform. The particular method entailed deterministic causal explanations (for illustration: when X is present, then Y necessarily always follows).

Categorising and understanding the 'issues' and 'challenges' facing the land reform programme in South Africa

In this study, **issues** refer to the important (key, sensitive or controversial) topics that people are discussing or arguing about in land reform. Issues have great value or effect on people. **Challenges** are the difficult or new tasks that test the ability (or skills) of people or institutions. **Categories** are groups or classes of themes. **Themes** are subjects that have particular meaning in common and come up repeatedly in discussions of people. Since 1994, there have been a number of Land Acts (legislations/ policies) and programmes for purposes of land reform. These include redistribution, restitution and tenure security. For purposes of analysis, legislation and programmes become categories. Legislation (Land Acts) have given wide enough powers to the state (Ministers

of Agriculture and Land Affairs). However, the concern that has repeatedly been raised is that the state has not used its powers extensively for the purpose of land redistribution. Two themes emerged out of the first category (legislation): 'weak legislation' resulting in little land transferred and the resultant 'persistent inequality'. In the second category (programmes), three themes emerged: 'the rights or redress' approach to land redistribution'; the 'market-led or growth' for productivity approach, or state-led, 'elite capture' (bureaucratic systems and processes and power dynamics) and 'corruption'.

The categories, major and recurring themes identified during the review emerged from the chronology of land dispossession events and from the need to reform land and agriculture. To this end, the categories and themes are key words (some words are implementation issues and challenges and others are consequences of such), principles and phrases that occur and recur in the literature on land inequality and land reforms, particularly with regard to the question of why the pace and performance of land redistribution had been slow and inefficient. The task was to show the significance of the information collected in relation to how it constrained fundamental social change and transformation.

Categories and themes were taken to be the major and recurring issues and challenges to land reform. These included words, principles and sentences in the data analysis that had been used by different scholars to be the obstacles to land reform or land redistribution. The content analysis involved the process of organizing information into categories (land inequality and land reform topics) related to the central argument of the research (Strauss & Corbin, 1998). The researcher took a close look at the selected data and performed category construction and coding, based on the characteristics of the data to uncover themes pertinent to the reasons why the post-apartheid state had continuously failed to redistribute land or conclude a successful land reform.

Thematic analysis is a form of pattern recognition within the data for analysis. In some cases, emerging categories became the themes for analysis (Fereday & Muir-Cochrane, 2006). The generation of emerging themes thus involved a process of careful, more focused re-reading and review of the data (Bowen, 2009). Below are the categories and

themes that emerged from the document analysis on the topic of land reform (the issues and challenges) in South Africa during the years 1991 and 2018.

3.14 Categories

- a) Race-based colonial and apartheid policies
- b) Inequality of land
- c) Land reform
- d) Section 25 of the Constitution relating to property rights
- e) Ideology
- f) State-led approaches to land reform, the role of the state
- g) Politics of land
- h) Post-settlement support services and coordination
- i) Agriculture
- j) Agrarian transformation
- k) Unemployment
- l) Poverty reduction
- m) Rural economic development
- n) Food security

From these categories, themes were developed and slotted into each category. These were identified by following a process of careful, more focused re-reading and review of the data in the documents on land reforms. The categories and thematic areas are sector cross-cutting issues and challenges. The following were the major themes that emerged.

3.15 Themes

- a) Insecure land rights
- b) Restorative justice
- c) Persistent inequality
- d) Lack of a clear vision and direction
- e) The role of the market
- f) The role of the state
- g) Post-settlement support services and coordination
- h) Power dynamics
- i) Corruption
- j) Expropriation of land without compensation

The themes identified were the major topics of the land reform process in South Africa. They were also identified as the main issues and challenges facing the land reform programme. The issues and challenges are cut-across different sectors of the economy. The study argues that in many significant ways, it is these themes that hindered pace and performance of land reform in South Africa.

Chapter Four

Putting the South African land reform in historical context

“Apartheid, or separate development, has meant merely tightening the loopholes, ironing out the informalities, eliminating the evasions, modernizing and rationalizing the inter-war structures of ‘segregationist’ labor control”. Legassick (1972).

4.1 Introduction

The task of this chapter is to provide a brief contextual and historical background of land dispossessions, land ownership inequality and the reforms that have followed in South Africa. The aim of this chapter is to familiarize both the researcher and reader alike with the historical prelude that gives rise to the need for urgent land reform in the new constitutional dispensation. In 1994, the new democratic government embarked on a process of rebuilding the country's post-colonial and post-apartheid dispensations. Land reform was seen as an important national programme for reconstruction and development, especially in a country that was facing triple challenges of inequality, poverty, and unemployment.

The review of the literature shows that post-apartheid South Africa faces a variety of challenges that emanated from the injustices caused by colonialism and apartheid. One of the earliest challenges faced by the first democratically elected government was how to address the unequal distribution of land in the country. The South African Government has shown commitment to eradicate the inequalities and injustices of the past and initiated a comprehensive land reform programme, which was backed by strong legislation. This chapter provides a brief overview of some of the key historical events and predominant legislation that brought about land removals and dispossessions, including the Natives' Land Act 27 of June, 1913. The chapter begins with a discussion on the development of capitalism in South Africa. The discussion focuses on how, as a result of capitalist development, African agriculture was systematically destroyed by different regimes and this resulted in black people being forced to supply labor needs for white mining and commercial agricultural farms. I point out the importance of the Bantustans and what role they played in the sustenance of the system. I provide the different definitions that have been used by scholars on capitalist development in South Africa. From this, I point out that capitalism in South Africa was based on race. From the review, it is shown that during the colonial and apartheid eras, race-based policies were

implemented at institutional levels. This system deprived black people of their political and economic rights. The chapter then looks at how black people responded to these historical injustices. This discussion centers on 'radical political economy' in Southern Africa. Special attention is given to black African peasants, petty commodity production and the need for a socio-democratic revolution in rural communities.

I then briefly discuss factors that led to the demise of the apartheid regime. I argue that the apartheid system ended, because it was faced with what became a 'social crisis', that is, the problem of 'unfree' labor leading to little economic productivity. The system was also confronted by international sanctions, and a dramatically slowing down economy. I also discuss the 'negotiated peace process' and show that as part of the negotiations for political freedom, certain policies were adopted. From there, I explore a number of important parts of the post-apartheid state's reconstruction and development programme (the RDP). Then I discuss issues of agrarian change (the need for 'accumulation from below') and rural economic development and how this requires addressing the 'history of the dispossessed'. Lastly, I provide the different competing alternative visions of land reform and agriculture. I argue that given the nature of the country's history of land dispossessions, a developmental ideology (as opposed to a free market ideology) could better respond to the needs of the rural poor.

4.2 The development of capitalism in South Africa

Capitalism in South Africa developed out of the feudal system (Marx, 1848). Briefly, feudalism was a system that was based on land activities (ibid.). It was made up of a landed elite, the gentry and peasants. With the growth of industries emerged a bourgeois class (capitalists). Capitalists built factories that were focused on making profits. They owned and controlled key factors of production such as land, labor and machinery. As a result of land having been taken over by corporates, the peasantry was forced to find

alternative sources of income and work in factories (see David Nye, 2013 on Fordism and the American Assembly Line).

Terreblanche (2002) argued that agricultural peasants cannot remain free if there is abundant land, scarce labor, and a landed elite. Terreblanche (2002:12) added, “This situation necessitated the free peasants to become an unfree labor.” It is a modern way of production that differs from feudalism. In South Africa, the specific type of capitalism was ‘racial capitalism’. It must therefore be noted that apartheid is viewed as ‘colonialism of a special type’, that is, South Africa was as an imperialist state with black people being the colony. The implication of this was that the wealth of the white minority had been achieved by the exploitation of an impoverished black population through a system of race-based policies (SACP, 2010: 1). While many may criticize this ideological approach, it is not possible to ignore the effects of colonialism and of apartheid policies and legislation.

The infamous Natives Land Act (Act 27 of 1913) remains the symbol of past dispossession of black people’s land by a white minority. According to Holden and Plaut (2012: 305), “One of the most famous quotes explaining the effect of the Natives Land Act was from Sol Plaatjie’s political tract, *Native life in South Africa?* in which he stated, “Awakening on Friday morning, June 20, 1913, the South African native found himself, not actually a slave, but a pariah in the land of his birth”. In the past, the indigenous population used art as a form of literature, communication and entertainment or leisure activities such as music.

Photograph 1. A rock art painting by the indigenous Khoi-San people



Source: www.SAhistory.org.za

Legassick (1972: 47) argued, “Apartheid, or separate development, has meant merely tightening the loopholes, ironing out the informalities, eliminating the evasions, modernizing and rationalizing the inter-war structures of ‘segregationist’ labor control”. For Wolpe (1972:426), these explanations have generally accounted for the increased racial oppression manifested by apartheid on the basis of the contention that the Nationalist Party’s ideology was more racist than that of its predecessors, and for the intensified political repression by reference to the party’s totalitarian ideology. Wolpe (1972: 426) stated that according to this view, “The government, in pursuance of its racist ideology, and even at the cost of economic rationality, introduced a series of measures that extended racial discrimination to its limits. The effect of this was to produce opposition, which the government met, acting in pursuance of its totalitarian ideology, by a drastic curtailment of political rights and an elaborate system of state security”. Mafeje (1972) stated, “sub-Saharan Africa is characterized by some unique land tenure regimes and systems of social organization for production, which have profound conceptual implications and raise intriguing questions with regard to agrarian transformation in the subregion”. In this paper, Mafeje argued that most of these were lost in the welter of Eurocentric theories and universalizing tendencies, where a careful study of African agrarian systems showed that there was more than one way to agricultural and rural social development, which he stated was especially important in the wake of economism

from the West and the drive towards globalization or homogenization in a unipolar world order. Mafeje (1972) was of the view that recognition of variety was not only one of the imperatives of democratization of the world order, he claimed, but was also enriching for everyone in the long run. Mafeje (1972) dealt with five major issues. First, he interrogated Eurocentric concepts and notions about land tenure in sub-Saharan Africa. Second, he sought to reinstate the authenticity of African systems of land tenure and social organization for production by examining them through a study of African attitudes towards land, its acquisition and uses, and its management for social reproduction and production. Third, Mafeje described how African producers have adapted to changing economic conditions, especially the introduction of the capitalist system and the market for agricultural commodities. This also entailed a review of the theoretical constructs that had been promoted mainly by Eurocentric advocates to characterize such adaptations or responses, and the policy predispositions which they evoked. Fourth, the author attempted to clarify some of the conceptual issues involved, so as to discern more clearly some of the underlying processes and thus explain why African peasants behaved in ways that were unpredictable, even towards their governments. Finally, he evaluated the prospects for a genuine agrarian transformation in sub-Saharan Africa. Mafeje also discussed the concept of ownership of land in sub-Saharan Africa. The concept is alien to African customary law, where property is held by, and transmitted through, lineages or unilineal descent groups. African jurisprudence recognizes rights of possession determined by prior settlement and membership in given social groups, use rights that are contingent on social labor, and rights of social exchange underscored by implicit reversionary rights. Mafeje (1972) posited, "Attempts by some African governments to introduce individual land tenure have often met with resistance from the population". Mafeje claimed that the decline in agricultural productivity in Africa was not the result of a lack of access to land or individual tenure. Rather, he attributed it to the degradation of the soil, which was largely attributable to inappropriate production techniques. Africa will have to industrialize as a matter of urgency and not only to survive economically, but also in order to meet the technical and scientific requirements for the development of agriculture. Mafeje stated that the immediate task for African planners and policy-makers was to make sure that agriculture can, in the foreseeable future, feed the rapidly growing

African population. He emphasized social democracy as a necessary condition for equitable development in Africa. Several surveys from different sub-Saharan countries (FAO, 1985) have shown that more than 90% of the land rights enjoyed by African cultivators and pastoralists are generated through customary tenure. This applies even to those cases where demographic pressure has reached critical proportions, for example, in Rwanda, Burundi, Gambia and Lesotho.

The FAO (1985) document showed that membership in given lineages or clans is still the major criterion for allocation of land. "Recognition of certain clan domains makes it easy for lineages to maintain a steady pool of land and to control any influx of strangers such as non-kinsmen. Likewise, the corporate land rights that lineage members have in common guard against alienation of land to outsiders" (FAO, 1985). Mafeje (1972) contended that "Land reform programmes in sub-Saharan Africa did not aim at redistribution of land, but rather at improving what was thought to be insecurity of tenure under customary tenure". Seidman (1972) posited, "Caused by the impact of European colonialism, this became strongly associated with only one alternative, namely, individual land tenure". Consequently, shortly after independence, various African governments made strenuous efforts to achieve this objective through a number of schemes. However, this did not presuppose eviction or expropriation of sitting cultivators. The envisaged schemes were introduced either on vacant land generally considered public land, or on occupied land with the cooperation of current holders who hoped to secure title deeds for themselves, as in Kenya. Elsewhere, this applied specifically to planters who were anxious to ensure ownership of their trees by acquiring exclusive rights over the land itself. In addition, estate farms of departing colonial settlers were sold to some privileged individuals through government loans. Mafeje (1972) provided peasants' responses to the agrarian question and stated,

"From the point of view of development, it is most important to bear in mind that governments, despite their critical role, do not have monopoly of initiative. In sub-Saharan Africa, small producers or peasants have shown themselves to be quite responsive to the capitalist market and have taken the necessary initiatives when opportunities offered themselves. In Southern Africa and Kenya, they responded to maize production with great zeal. Likewise, they became the biggest cotton growers in Uganda and Tanzania. In West

Africa, they were largely responsible for groundnut and rice production. As a response to the prolonged agricultural crisis in sub-Saharan Africa in some countries such as Kenya, Tanzania, Zimbabwe and Senegal, they have switched from traditional crops to high-value crops such as hybrid maize, horticulture, paddy-rice, poultry and dairy farming. Some have gone back to the original heat- and drought-resistant varieties, such as millet and sorghum. All these adaptations are taking place within the confines of customary tenure. But the individuals involved are modernized in the sense that they have received minimal modern education, have had experience in the cities as migrant workers, and have had enough imagination to mobilize kin group resources and labor to adapt their agricultural activities to changing market conditions. Over time, their numbers will increase, because participation is in principle open to all under customary tenure, and it is in the interest of less fortunate producers to prevent any foreclosure” (Mafeje, 1972).

Although Mafeje (1972) conceded that the concept of communal land tenure, irrespective of its prevalence, was incapable of explaining how land rights were to be generated and vindicated in black Africa. He stated that whereas grazing grounds, trees for firewood and building, and grass for thatching were used communally, plots of arable land were not free for all. Their use was allocated or restricted not to individuals, but to particular production units that were represented by heads of minimal lineages or the so-called extended families. Bromley (1989) explained that land tenure systems were sometimes classified as private property regimes, common property, state property or open access (non-property). This typology is helpful for some purposes but less so for others. In reality, one finds that the rights and obligations associated with land ownership and tenancies can assume an almost infinite number of forms in practice. Barraclough (1999: 4) contended, “The simplistic dichotomy between public and private property, frequently used indiscriminately by both neo-liberals and Marxists, is dangerously misleading. The terms ‘land tenure systems’ and ‘agrarian systems’ are often used interchangeably”. He stated that the FAO’s distinction between the two terms, however, is useful both for exposition and analysis. Land tenure systems, as explained above, are defined by the legal and customary relations among parties directly using the land or appropriating its products. Barraclough (1999) stated that agrarian systems refer to the broader institutional framework within which agricultural and related rural activities take place. Agrarian systems include credit, marketing, agro-processing, irrigation, technical

assistance and other socioeconomic and political institutions and the public policies most relevant for the rural population. Barraclough (1999) stated,

“Land tenure systems constitute the core of agrarian structures, as they most clearly crystallize rural power relations. They strongly influence the complementary social institutions that comprise agrarian structures. Land tenure relations, like other institutions, are constantly changing, although their resistance to change is what distinguishes them from more ephemeral policies (purposeful courses of action) by the state and by other social actors. Agrarian institutions have a historical dimension that analysts and policy-makers must understand if they are to take effective action to achieve their goals” Barraclough (1999: 5).

Morris (1976) reported that a situation developed whereby two antagonist classes faced each other head-on. In Marxist terms, this political landscape was made up of the bourgeoisie and the proletariat. According to Marx (1848), the bourgeois are people who own the means of social production such as land, factories and machineries. In contrast, the proletariat are people who have to work in factories (the shop floor) or on the land to earn wages. This is the capitalist system of production. However, as shall be seen later, this divided, but co-relyant system of production led to the organization and uprise of the proletariat against landed elites. It is not in the scope of this paper to give a detailed description of capitalism and consequent systems of production such as communism or socialism. The idea here is to explain the events that led up to the system of segregation and apartheid (separate development). Morris (1976) argued, “The development, and later the resolution of this structural crisis was not an immediate effect of the structure. The transformation maintenance of structural relations (economic, political and ideological) is, and can only be, the effect of, concrete class struggles”. Therefore, in South Africa, land reform emerges out of an unequal and antagonist political landscape that was made up of two (or more) differing classes. Interestingly, the two antagonistic classes are also in the vast majority of different racial groups. According to Morris (1976: 322), it was precisely this particular form of class struggle, which took place not only in the rural areas, but “through the migration it engendered to the towns, spread throughout the social formation and that accounted for the displacement of contradiction the possibility of alliance breaches between fractions of the dominant classes within the

power bloc, and finally the tragic failure of the dominated classes to wage a successful protracted political class struggle” (ibid.).

Wolpe (1972) sought to show that apartheid was embedded in capitalism and that apartheid was actually a quite efficient model. This perspective critiqued the other liberal claim, which stated that capitalism would simply wither away the apartheid structures. The thrust of his argument was quite strong, stating that segregation and apartheid, following the destruction of pre-capitalist African modes of production, created a system by which cheap migrant labor power was provided. Wolpe’s view went against the dominant narrative set 20 or 30 years later by liberal historians such as Terreblanche (2002) and Marraais (1998), who believed that apartheid was different from previous South African institutions, because the Nationalist Party was just more racist. Wolpe (1972) had stated that,

“...The supply of African migrant labor power, at a wage below its cost of reproduction, is a function of the existence of the pre-capitalist mode. The dominant capitalist mode of production tends to dissolve the pre-capitalist mode, thus threatening the conditions of the reproduction of cheap migrant labor power and thereby generating intense conflict against the system of segregation. In these conditions segregation gives way to apartheid which provides the specific mechanism for maintaining labor- power cheap through the elaboration of the entire system of domination and control and the transformation of the function of the pre- capitalist societies.” Wolpe (1972: abstract).

Wolpe concluded that apartheid was not a white capitalist institution, but merely a racist system by the Afrikaners. For Wolpe, this changed the way tribal institutions and economies functioned to reproduce the cheap labor power. However, borrowing from Laclau, there was a distinction between a ‘mode of production’ and an ‘economic system’, which can contain within it different modes in articulation with one another. “An ‘economic system’, on the one hand, designates the mutual relations between the different sectors of the economy, or between different productive units, whether on a regional, national or world scale”. According to Laclau (in Wolpe, 1972: 428), an economic system “can include, as constitutive elements, different modes of production, provided always that we define it as a whole”. Wolpe (1972: 433) forwarded also notions of a dual economy,

implying that there was a capitalist economy, integrating aspects of pre-capitalist social formations in the reserves, which were helping to subsidize the cost of the labor. The only way this could have been maintained was through the migrant nature of the labor. The perspective of a dual system or the existence of two social classes was also maintained through the social reproduction provided by women as child rearers and carers.

Wolpe (1972) stated, “The extended family in the reserves was able to, and did, fulfil ‘social security’ functions necessary for the reproduction of the migrant workforce”. Basically, by caring for the very young, the old and the sick, and the migrant laborer in periods of ‘rest’, by educating the young, and so forth, the reserve families relieved the capitalist sector and its state from the need to have to expend resources on these necessary functions. Wolpe also noted that state expenditure in the reserves was incredibly low and therefore, this had implications on the agricultural productivity, which was mainly on a subsistence level and handled by the women living in the rural areas, while the men worked at the mines and in the factories. In terms of agriculture, Wolpe (1972: 436) criticized the African farming methods as being ‘relatively backward and inefficient’. Wolpe concluded that therefore, the system of labor provision was based on migration. He concluded that “Above all, a migrant labor force is a labor force that is both mobile and ... a particular economic basis in the pre-capitalist reserve economy” (ibid.). Thirty years later, Terreblanche (2002) argued that during those earlier years, African production was limited mainly because the African population was not politically and economically unfree to move anywhere they wanted, which had been caused by the racial policies such as segregation, separate development, Bantu education and the system of pass laws, which restricted Africans from moving or working anywhere except where they had been granted access. This also had an immense impact on many important spheres of social life. This was in contrast to Bundy (1979), who claimed that while Africans had a ‘thriving’ peasantry prior to the advent of the 19th century, this was systematically destroyed in the 19th century, prior to the advent of apartheid.

Marraais (1998) stated that the system was destroyed through what became known as ‘betterment’ planning. Betterment planning, for example, required Africans to build fences around crop and livestock production. However, Terreblanche (2002) and Marraais (1998)

stated that 'betterment' planning, by and large, restricted African production by controlling and restricting the quantity of crops and livestock that Africans could own and produce for subsistence and to sell. "That is to say, the practice and policy of separate development must be seen as the attempt to retain, in a modified form, the structure of 'traditional' societies, not as in the past (for the purposes of ensuring an economic supplement to the wages of the migrant labor force), but for purposes of reproducing and exercising control over a cheap African industrial labor force in or near the 'homelands'" (Bundy, 1972).

Therefore, the logic of the apartheid system was not only based on labor demands, but also on the preservation of the pre-capitalist mode of production by the political, social, economic and ideological enforcement of low levels of subsistence. The researcher notes that the Beaumont Commission and the Natives Land Commission were therefore not set up as correctives to an unequal system, and it would be incorrect to assume that the system of black administration that ensued after these events was in the interest of preserving the African heritage. These were policies aimed to deprive Africans, and part of an effort to strengthen the system for purposes of continued capital accumulation. The apartheid system was therefore institutionalized in and through racist policies. It was these racist policies that deprived millions of Africans of their economic, social and political rights. As a result of apartheid, the indigenous African population was left impoverished and with little chances to achieve a prosperous life. Neocosmos (1993) analyzed the agrarian question in Southern Africa. He used Lenin's ideological struggles with the Narodniks, which had shown in detail the development of capitalist relations among peasant producers and the trend towards the class differentiation of such producers in Russia.

Neocosmos (1993: 11) argued that in sub-Saharan Africa, the agrarian question had been retarded in the sense that democracy had not been achieved in the rural (and the urban) areas. Neocosmos (1993: 10) was of the view that this could largely be ascribed to the fact that class differentiations had not been identified. Neocosmos (1993) focused the discussion on the importance of democracy in capitalist development. Neocosmos advocated for the 'accumulation from below' as a route for a social revolution. Neocosmos

stated, “To this, Lenin retorted that these forms of bourgeois democracy and capital accumulation were not the only forms in existence in Russia. To such forms, which amounted to bourgeois transformations ‘from above’, should be counterposed forms of democracy and ‘accumulation from below’. Neocosmos added that the former had their origins in the gradual bourgeois transformation of the landlord economy and left the political superstructure of that economy (autocracy) in large measure intact; the latter had their basis in the capitalist transformation of a peasant economy and amounted to a clear sweeping away (in a ‘Jacobian or plebian way’) of the remnants of serfdom and of a tsarist autocracy. Neocosmos stated, “These latter forms amounted to a deeper and more and more extensive kind of democracy and a clearer demarcation of classes in the economic, political and ideological senses”. Neocosmos was of the view that it were these forms of capitalist development, those ‘from below’, based on the democratic transformation of production by the peasants, which the proletariat and its party should be supporting and even leading.

Neocosmos (1993) stated that in a capitalist democracy, a number of forms of state and democracy are possible, and that a number of forms or paths of economic development are also possible under the same conditions. Neocosmos also claimed that for Lenin, the character of these political forms or economic paths was largely determined by the class, which led and stamped its character on the process of revolutionary change. “A bourgeoisie, petty bourgeoisie, peasantry, proletariat – the people – need not necessarily be led by the bourgeoisie” (Lenin cited in Neocosmos, 1993). Neocosmos (1993) focused on three case studies from the region, which included South Africa, Mozambique, Swaziland, Botswana, Lesotho and Malawi. Neocosmos (1993) stated that rural communities comprise of different classes that in essence have different interests in the development process and that these different interests are not all represented. In Lenin’s view, there were two forms of bourgeois democracy, confronted by two antagonistic forms of capitalist development in agriculture, which had co-existed in Russia.

“One alternative is evolution of the Prussian type – the serf-owning landlord becomes a Junker –, the landlords’ power in the state is consolidated for a decade; monarchy; ‘military despotism, embodied in parliamentary forms; instead of democracy; the greatest inequality

among the rural and non-rural population. The second alternative is evolution of the American type – the abolition of landlord farming; the peasant becomes a free farmer; popular government; the bourgeois democratic political; the greatest equality among the rural population as the starting point of, and a condition for, free capitalism” (Lenin, 1907a: 356).

Photograph 2a. A De Beers mining company’s migrant labour compound



Source: www.SAhistory.org.za

Photograph 2b. Farmworkers demanding wage hike



Source: www.SAhistory.org.za

Photo 2c. Migrant labourers demanding wage increases



Source: www.SAhistory.org.za

Neocosmos (1993) argued that in those countries, the agrarian question was centered on a radical political economy, a conceptualization, which he stated, had in the region aligned itself with leftist politics. A radical political economy, he argued, had been understood in Southern Africa along with the nationalist democratic movements, which had sought to democratize the state machinery. Neocosmos (1993: 15) claimed that “In view of the contemporary debates on land reform in Southern Africa, it should be added that despite the fact that peasants demanded land that was being monopolized by the latifundia, for Lenin the land question was not the primary issue. It was not just a question of providing land to the peasants, but through the provision of land, of destroying the politically repressive relations of landlordism”. Thus, stated Neocosmos, providing land to the peasants through colonization, would not solve the agrarian question, as it would leave the latifundia and political oppression intact (ibid.: 250).

According to Neocosmos, democratic values and principles had been unevenly applied in the rural areas. In the one case of Eswatini (then Swaziland), Neocosmos identified that the ruling black elite had become a comprador elite. The demand for land is and should be inseparable from democratization. Neocosmos pointed out that in many of these countries (Russia, China, Cuba, and many African countries), there were individuals who managed to climb up the social ladder and become middle-class citizens or even wealthy, politically well-connected individuals. However, Neocosmos believed

that these categories of people had been wrongly labelled as the ‘petit-bourgeois elite’, ‘governing elite’ or ‘ruling elite’. In this regard, African countries have perceived rural communities as homogenous groups and have not recognized that there could be social class differentiation. For example, Claasens (1990: 15) noted, “...there are vast numbers of black people (living on white farms) who are not wage laborers or their dependents”. This discussion centered on what Neocosmos called the ‘linear proletarianisation’ thesis. That is, a process whereby a black farmer employs other black farmers as wage laborers. Neocosmos stated that such evidence testified to the fallacy of the linear proletarianisation thesis and the determinism inherent in radical political economy. He said,

“Unfortunately, we have little information regarding production relations on white farms and we have to rely primarily on impressionistic accounts by activists. Thus TRAC (1988)’s description of labor tenants in one of the obvious pockets of ‘survival’ in South Eastern Transvaal and Northern Natal noted that tenant families sometimes employ labor to pay their labor dues to the farmer and that this practice ‘is very common’ (ibid.), a process which implies differentiation among labor tenants and which is similar to practices recorded elsewhere in the world (for example, Chile in the 1960s)”.

Neocosmos’ PhD thesis stated that the left-wing parties in Chile during the 1960s and early 1970s also misrecognized the class nature of labor tenants, confusing them with laborers paid in kind. This, he stated, had disastrous consequences for Allende’s Popular Unity government, as these parties relied on this class for their agrarian programme and ignored the real semi-proletarians and agricultural wage laborers. According to Neocosmos (1982), this was one of the reasons for the failure of the class struggle in the countryside and the ultimate success of the coup. Neocosmos (1993: 49) stated that the same account of these tenants also noted, “It is not uncommon for families to have bred cattle of excellent stock, which are coveted by other farmers, black and white alike. I have seen big oxen change hands for over R1,000 apiece and goats and sheep for R80. Often, people own ploughs and sometimes even tractors, which they have acquired and maintained over generations”. In as far as the Bantustans are concerned, Neocosmos (1993: 49) argued, “The Bantustans are usually described by the radical political economy

as 'labor reserves' or bases for a 'reserve army labor'. Attention is drawn to their environmental degradation caused by overgrazing, soil erosion, and water shortage, so that a strong case is made for the 'non-viability' of agricultural production in these areas". Neocosmos (1993) agreed that while such arguments provided a strong corrective to the crass notions of the apartheid ideology, "they are limited by their moralistic approach and their inability to comprehend the contradictory nature of social relations in the Bantustans, which have meant that state policy, even when uniformly applied, has had contradictory effects". Neocosmos (1993) regarded these programmes as having had destructive effects. Cooper (1988: 95) found that in Qwa- Qwa and Kwandebele, 80% of the population were landless in modern terms, while in less crowded areas such as the northern Transkei, 40% did not own any plots. "The overcrowding in relation to land availability in the Bantustans is a fact. However, it is also a fact that the Bantustan authorities had been restricting the access to land by the land-hungry peasants, preferring to lease it out to ambitious large-scale capitalist (so-called 'commercial') farming schemes under the pretence of 'development' exigencies. Neocosmos noted that the majority of the land in the Bantustans was under so-called 'traditional' tenure and thus allocated and controlled by the local chiefs.

Beinart (1988) argued that there was a substantial agricultural (and non-agricultural) presence of petty commodity producers (PCPs) in the Bantustans. Beinart claimed that the difficulty was in trying to ascertain the nature and extent of the differentiation process. Neocosmos (1993) believed that the issue of 'control of the state' was largely not addressed, "...partly because such a question did not arise for a viewpoint that saw democratic struggles as primarily necessitated by 'backward' social relation, meaning in the present context, relations in which a majority of peasants dominate the social formation". In essence, economics overlooked assessments of democracy. Neocosmos stated that Southern African countries found themselves dependent on state social grants during the popular struggles for economic and political freedom. Neocosmos (1993) also reported that in East Asia, the countries adopted a 'developmental' ideology. According to Shivji (1985, 1988a), cited in Neocosmos (1993: 35), "... the 'ideology of developmentalism' is a state ideological discourse whereby the masses of the people

(who were the ones to have fought for independence in the first place) were systematically depoliticized, while the state itself was seen as the agent of ‘development’ and ‘social transformation’”. Although this is not what his paper focused on, he pointed out that developmental states proved successful in East Asia, albeit in an authoritative manner. It followed that the developmental agenda went together with popular democratic struggles.

According to Neocosmos (1993: 35), “...as the masses were seen as homogeneously proletarianized, there could be no detailed class analyses from the perspective of ‘radical political economy’ as a prerequisite to developing a debate on the kinds of democracy, which could be pertinent or strategically advisable in such conditions”. Neocosmos (1993) argued that the issue of popular democratic struggles was largely seen as irrelevant for the aim to overcome dependency (economic dependence). Instead, Neocosmos believed that only socialism and a developmental, state-led system could achieve a proletarian socialist revolution. For Neocosmos, this was an indication of the “fallacy of the linear proletarianisation thesis” regarding the widespread popular demands for land in South Africa, whether from urbanized petty bourgeoisie, as noted by Keegan, or from the peasantry and the agricultural laborers. Neocosmos believed that land shortages in the Bantustans had affected individuals at the level of consciousness. He stated that it would be a strange proletariat indeed that clamoured vociferously for land to be redistributed, even though this demand was not organizationally articulated by an independent peasant movement. Neocosmos continued, “On the other hand, all liberation movements contain sections in their programmes regarding land redistribution, despite the fact that this struggle had (with rare exceptions) been largely urban-based in the 1970s and 1980s”. Neocosmos (1993: 52) pointed out, “This extensive demand for land had been manipulated by the ruling classes of most Bantustans, who had attempted to acquire more land from the central apartheid state by negotiating for ‘consolidation’ of their territories”. For Neocosmos, such ‘consolidation’ was reactionary and also undemocratic in countries such as Eswatini (Swaziland) and Lesotho, where their governments expected South Africa to ‘redress historical grievances’. Neocosmos believed that what was addressed in Africa at the time was the relationship between economics and politics.

Therefore, for Neocosmos, and caused in part by the restructuring of imperialism on a world scale, the dominant threat to the reproduction of existing forms of state in sub-Saharan Africa seemed still to come from imperialism, which had undermined the 'international social-democratic consensus' on which statism and developmentalism or neo-colonialism in Africa had hitherto been based. Neocosmos added that the fact that the discussion was unfolding within the context of mass popular upsurge was already indicative of the political weaknesses of the left-wing movements. In this regard, actual transformation of state power undermines the basis of the neo-colonial state and the collapse of 'actually existing statist socialism' in Eastern Europe, Cuba and the USSR has undermined the ideological support of statism. In his Masters dissertation, Mfune (2014: 2) conducted a research study that aimed to assess the impact of Malawi's Poverty Reduction Strategy Papers (PRSPs) of the 2000s. According to Mfune (2014), poverty in Malawi is structural. Mfune (2014) surveyed a number of sectoral areas, which included education (primary and secondary school enrolments), agriculture, healthcare, nutrition and infrastructure development.

Mfune (2014) sought to identify any instances of economic growth in these sectors in relation to the poverty reduction strategy papers. Other factors were held constant. Mfune (2014) attributes the large-scale poverty in Malawi to macroeconomic mismanagement (hyper-inflation, weak exchange rates, and so forth). Mfune (2014) notes the deep-rooted nature of poverty in Malawi. Mfune (2014: 7) notes that PRSPs targeted various sectors such as education, healthcare, infrastructure development and agriculture, and found that in the case of Malawi, PRSPs had a significant impact on poverty reduction. Between 2004 and 2008, Malawi experienced higher economic growth rates of roughly 3%. Mfune (2014) points out that between 2009 and 2012, one of government's strategies for reducing poverty was the introduction of a farm input subsidy programme (Malawi Farm/Food Input Subsidy Programme, FSIP). The programme's aim was to provide the poor with farm inputs such as fertilizers, seeds and other relatively cheap food staples, for example, access to a 1kg bag of maize for rural households earning less than MK50,000.

According to Mfune (2014), because the majority of people in Malawi reside in rural areas (villages), and engage in agricultural activities, the farm input subsidy programme had a

huge impact on the lives of the poor. However, because of political parties' contestations, the programme was halted. In 2020, during the general elections, the new reformist Alliance government, the Malawi Congress Party (MCP), led by Dr. Lazarus McCarthy Chakwera, the newly formed United Transformation Movement (UTM), led by Dr. Saulos Chilima and the Peoples Party (PP) re-introduced the programme with a focus on providing village communities with access to a reduced cost of fertilizer, set at about MK4,950. However, according to Mfune (2014), there was no real direct causal link between the poverty reduction strategies and the statistical reductions in poverty, and Mfune could only establish a correlation of other factors, which were held constant.

Photograph 3. Rural women in a maize farm in Malawi



Source: www.SAhistory.org.za

4.3 Factors that led to the end of Apartheid

Terreblanche (2002) and Marrais (1998) believed that apartheid ended because of the 'social crisis', internal resistance and international sanctions. The fact that the African labor force was deprived of freedom of movement, and blacks could not travel freely to find other places to work where they were not registered, also had an impact on low levels of commitment to their work or to their levels of production. Connected to this were African

people's grievances towards the repressive system, which increased the resistance from the democratic liberation movements (the ANC, SACP, COSATU and religious organizations). The international community also denounced apartheid. The international community imposed sanctions on the apartheid regime and these began to bite the corporate sector and the apartheid government's economy. The white corporate sector could no longer function properly, as they were denied access to exports or imports and other resources, and met increasing resistance by their labor. As a result of these pressures, the apartheid state was forced to the negotiations table. However, Terreblanche (2002) believed that the reason why the apartheid regime came to the negotiations table was because the white corporate sector had to address the African resistance to be able to function and grow the economy. The decades of political conflicts, sanctions, economic boycotts and the high levels of international borrowing had taken their toll. GDP growth, which in the 1960s had been second to Japan's 'miracle' economy, stood at 0.2% since the onset of the sanctions in the mid-1980s, while inflation had risen on average by 14.6% per year over the same period.

Photograph 4. Nelson Mandela released from prison in 1991



Source: www.SAhistory.org.za

4.3.1 The ‘social crisis’

According to Terreblanche, during the Afrikaner hegemony (1974-1994), “a crisis developed surrounding the legitimacy and sustainability of white political supremacy and the profitability of racial capitalism.” The crisis was referred to as the ‘social crisis’, because it involved the resistance by Africans, through the ANC liberation movement. Morris (1976: 326) stated that the fundamental problem of the social crisis was that the black population had begun to struggle against the system, supplying the market in an economy that it was in the first place designed to supply. This crisis began in the 1950s. Therefore, said Morris (1976), the collapse of the Afrikaner hegemony and political system had its antecedents in the economic crisis of the 1950s that became unsustainable in the 1990s. The exclusion of blacks through exclusionary policies and the resultant low incomes resulted in a smaller domestic market that was already suffering because of the impact of sanctions. This represented a major constraint to any economic growth within a largely ‘enclave capitalist economy’. Marrais (1998) claimed that by the late 1970s, the apartheid state could no longer sustain itself, as it realized the need to include blacks politically and economically for purposes of economic growth. Marrais (1998) argued that the problem was that black people were a labor force, but they were not free as a result of the pass laws and other racist exclusionary laws. There was, therefore, the need to make the black population a free labor force for purposes of growing the economy. This became known as the ‘social crisis’ and it included the problem of rising unemployment following the oil crisis, which led to the recession of the 1970s (Marrais, 1998).

4.3.2 Resistance: social movements and armed struggle

Resistance took place in the form of armed struggles, boycotts (daily politics) and popular uprisings. Tilley (1997) stated that social movements are usually formed when people come together with a common cause or interest. In the case of apartheid, black people demanded political freedom. Young people in rural areas played a big role in these daily

struggles (Marrais, 1998). During the struggle era, the ANC was a national liberation movement. Nationalist movements had been called 'new social movements'. However, after implementation of global neo-liberal capitalist policies, there was a surge in 'new, new social movements' and these included resistance against capitalism, with environmental activists and academics leading the way. In South Africa, the nationalist movement expanded into all sectors. However, in 1991, Nelson Mandela was released from prison and former President FW de Klerk's government agreed to go to the negotiation table as a result of the 'social crisis', internal resistance and international sanctions. International criticism of apartheid, either through international organizations such as the UN and the Commonwealth, or through bilateral relations with non-Western countries, was also crucial to sustaining the liberation struggle.

The armed struggle was always seen by senior figures in the ANC as a means for what would ultimately be a diplomatic end to apartheid. Even at the height of the township rebellion in the mid-1980s, the ANC retained its commitment to negotiations, while many of the ANC's followers on the ground may have felt otherwise, and produced public statements reflecting this outlook time and again (Sisk, 1995). Other African countries, especially Zambia, Nigeria, Tanzania, Mozambique, Angola and Malawi were sites of political refuge and, in some cases military training camps for the military wing Umkhonto we Sizwe (ibid.). At that time, initial hopes of a swift achievement of its objectives had to be tempered by the disappointment with the limited measures invoked by the international community after Sharpeville and the Rivonia trials in the early 1960s or the student uprisings in the 1970s (Thomas, 1990). Significantly, former President Thabo Mbeki, who was then the ANC's international officer, declared that the liberation movement "...wanted to avoid a situation like the Namibian situation, where principally the Western powers got together and put together Resolution 435 and all its elements". Former President FW de Klerk's announcement before Parliament on 2 February 1990 of the government's decision to release Nelson Mandela and un-ban the ANC and the PAC was a turning point in South Africa's history. The changing international environment, especially the fall of the Berlin Wall in Germany in November 1989 and concurrent collapse of communist governments in Eastern Europe, had been key factors in the timing

of his decision (De Klerk, 1998). Competitive diplomacy ensued between De Klerk and Mandela, with both seeking to win international kudos (Alden, 1993).

Photograph 5a. Women marching against the Pass laws, September 1956.



Source: www.SAhistory.org.za

Photograph 5b: Women's march against pass law system in Sharpeville, 1956.



Source: www.SAhistory.org.za

4.3.3 The Soweto student uprising of June, 1976

In June 1976, student and learners' protests took place in the South Western Townships (Soweto), where students and learners rose up against being forced to learn the Afrikaans language in schools (Mngxitama, 2000). The system of education taught at black schools became known as Bantu education. It had been widely criticized for being responsible for African people's lack of skills in post-apartheid South Africa. Many young people died during the protests. One of the pupils killed was a boy by the name of Hector Peterson. His death described the apartheid regime's police brutality. Police responded violently during the June 1976 student protests (Terreblanche, 2002). The security or police force was there to suppress any resistance to the system, as the police state strategy was institutionalized to resolve the accumulation crisis, which had resulted from a number of factors, among them the international sanctions, and a rising sense of labor resistance, plus the slow economic growth that the country was going through as a result of the oil crisis of the 1970s. The Soweto student uprising was informed by the Black Consciousness movement that informed the black youth about their values and principles. Steve Biko was the founder of the movement. In his book titled 'I write what I like', Biko (1978) argued that being black was not a matter of skin color, but had to do with being conscious of one's circumstances and relation to social opportunities. Steve Biko was killed in detention during this time (Marrais, 1998; Mngxitama, 2000; Moon, 2017). The two photographs below show the Soweto student uprisings of June 1976.

Photo 6a. Youth protests in SOWETO. 16 June, 1976.



Source: www.SAhistory.org.za

Photo 6b. The SOWETO student uprising.



Source: www.SAhistory.org.za

Photograph 6(c). Soweto student uprising in June, 1976.



Source: www.SAhistory.org.za

Photograph 6(d). A young pupil killed by police forces during the Soweto student uprisings.



Source: www.SAhistory.org.za

Photograph 7. Steve Biko in the University of KwaZulu-Natal (UKZN) student Representative Council (SRC).



Source: www.SAhistory.org.za

4.5 The peace process: the ‘negotiated settlement’

The apartheid system in South Africa was ended through a series of negotiations between 1990 and 1993, and through unilateral steps by the De Klerk government. These negotiations took place between the governing National Party, the African National Congress, and a wide variety of other political organizations such as the South African Communist Party (SACP), the Congress of South African Trade Unions (COSATU), NGOs, and a number of faith-based organizations (FBOs).

4.6 The two types of negotiations (formal and informal)

Terreblanche (2002) explained that there were two types of negotiations. These included the formal (political negotiations) and the informal (economic negotiations). The formal

negotiations were about political freedom for black people, while the informal negotiations were about the economy. Negotiations took place against a backdrop of political violence in the country, including allegations of a state-sponsored third force aiming to destabilize the country. The negotiations resulted in South Africa's first non-racial election, which was won by the ANC. For the ANC and its followers, the international community was for the most part a life-line for survival in the many decades of exile (Thomas, 1990). According to Terreblanche (2002), the political negotiations for a democratic South Africa resulted in the ANC's choice of a neo-liberal setting. The white corporate sector came into the negotiations with the belief that a neo-liberal ideology would be the best fit for post-apartheid South Africa. The ANC, on the other hand, entered the negotiations with the view that a radical, redistributionist approach would be the best arrangement, given the country's history of dispossession and inequality (Marrais, 1998, Terreblanche, 2002). The negotiated settlement included the drafting of an interim Constitution, and the formation of a Government of National Unity (GNU), in which a power-sharing deal was reached (ibid.). It also included the formation of nine (9) provinces and a 'property clause' in the newly drafted Constitution (Lahiff, 2007). The property clause secured and protected the rights of landowners (Ntsebeza, 2000). Terreblanche (2002) argued that during the formal (political) negotiations, the white-dominated corporate sector 'misled' the ANC leadership and advised the incumbent government that a neo-liberal ideological position was the best arrangement for post-apartheid South Africa. The agreement reached by both parties was a neo-liberal, market-led land reform programme, based on the 'willing buyer, willing seller' principle. However, as pointed out in Chapter 2, the neo-classical model of an economic development policy achieved very little in terms of land reform and also in other areas of social importance.

Terreblanche (2002) stated that in the years leading up to the democratic negotiations, Joe Slovo and Tito Mboweni were put in charge of the ANC's economic policy. However, Terreblanche (2002) and Marrais (1998) believed that the ANC leadership in their policy documents such as the Macroeconomic Research Group Paper (MERG) and the 'Ready to Govern' documents showed little ambition for new economic policies. The corporate sector, which was nearly exclusively in the hands of white males, held the view that neo-

liberal policies would ensure economic growth and that the fruits of economic growth would trickle down to the poor masses. However, Terreblanche (2002) pointed out that in the years after the advent of democracy, economic growth rates were far from impressive, putting the figure at around or less than 2%. This poor result was largely caused by the 2001 economic crisis and its aftermath. Terreblanche argued that because the ANC did not sufficiently put up a comprehensive economic policy plan (in the two documents- MERG and 'Ready to Govern' documents), this showed little ambition or 'little knowledge' on part of the ANC leadership, about economic principles and how to address a worldwide economic crisis. The relationship between the economy and politics was highlighted in the fact that the word 'economy' appeared in the two documents only twice. Terreblanche (2002) pointed out that even after the advent of democracy, the Growth, Employment and Redistribution strategy (GEAR), masterminded by Trevor Manuel, did also not use the word 'economy' to address any economic ambitions for the poor. If anything at all, the policy document deliberately maintained previous policy continuities in the sense that the document still emphasized the need for a free markets economy.

Photograph 8. Election queue in the first democratic general elections.



Source: www.SAhistory.org.za

4.7 The advent of democracy

The advent of democracy ushered in the first free and democratic general elections in 1994. Thousands of people casted their votes with the NP, the ANC, the Inkhata Freedom Party (IFP) and other smaller parties standing. The ANC won the first general free and fair democratic elections with an outright majority victory. However, at the dawn of freedom, landownership patterns were highly skewed along racial lines. The table below shows land ownership patterns at the advent of democratic South Africa.

Table 8: Landownership by race at the advent of democracy, 1994.

Province	White		African		Colored		Indian		Other		Total
	No.	%	No.	%	No.	%	No.	%	No.	%	
EC	6 047	52	2 747	23	1 492	13	895	8	499	4	11 680
FS	10 034	66	1 684	11	1 977	13	833	5	649	4	15 177
GP	26 622	56	8 887	19	6 220	13	3 640	8	2222	5	47 591
KZN	8 748	29	11 215	37	2 711	9	5 960	20	1 358	4	29 992
LP	8 225	52	4 690	29	1 679	10	777	5	542	3	15 913
MP	7 375	57	2 891	22	1 575	12	722	5	457	3	13 020
NW	12 265	51	7 652	32	2 400	10	1 040	4	764	3	24 121
NC	5 247	73	170	2	1 175	16	404	6	191	3	7 187
WC	11 110	66	558	3	2 898	17	1 330	8	955	6	16 851
Total	95 673	53	40 494	22	22 127	12	15 601	9	7 637	4	181 532

Source: Land Audit Report (2016).

The ANC-led government promised to redistribute land to the poor, so that they would be able to use it for settlement and productive uses. However, since its implementation, the land reform programme has continuously failed to meet official government targets and public expectations (Lahiff, 2007).

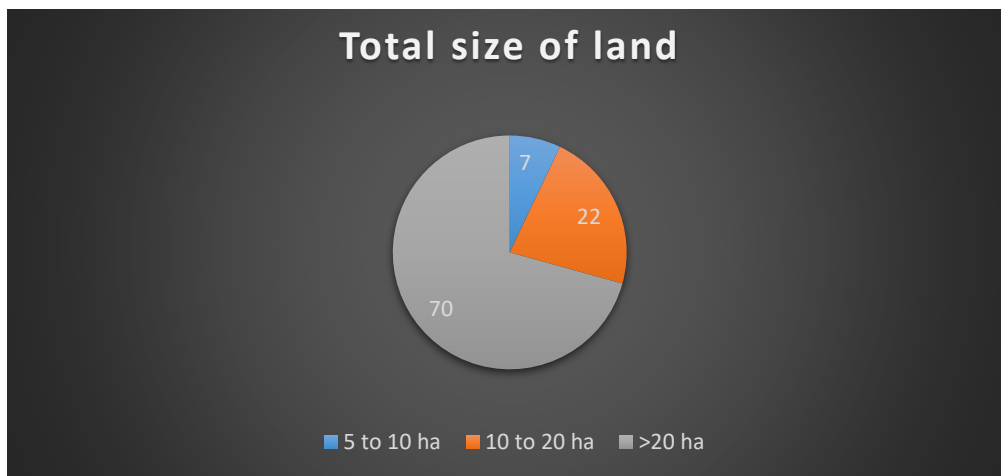
Since 2012, government policy has also shifted its focus from the rural poor as target beneficiaries to people who are already skilled and have the access to capital needed to productively work the land. The paper noted that this had been a result of changes in macroeconomic policy (Hall, 2004). As a result, the programme had not only failed to de-racialize the commercial farming areas, but had also not succeeded to de-agrarianise the structure of South African agriculture. According to Hall (2004), "...land reform has not yet provided a strategy to overcome agrarian dualism". Additional to popular criticism in the mainstream literature was that legislation (Section 25 of the Constitution, the 'property clause') has been the major obstacle to land redistribution in the form of expropriation without compensation.

This thesis argues that despite their weaknesses, legislation and programmes have not been the major obstacle to achieving a far-reaching land reform. Instead, it is the lack of a consistent adherence to the legislative framework and the broader social considerations, where the state's weighing up of international reactions, the threat of capital flight, and a chaotic economy had the enduring crippling effect on the performance of the reform programme. The broader social considerations of unity (social cohesion), resource redistribution and allocation, and service delivery, most notably at the local government level, where incapacity and a lack of skills have hampered improvements, have not been influenced by legislation.

During the political (informal) negotiations, the ANC had expressed the view that economic growth should be attained through redistribution. The white corporate sector, on the other hand, believed that redistribution could only take place once there was economic growth. Marrais (1998) argued, "After the fall of the communist bloc, which had for many years mentored the ANC, the liberation movement was left with no options or choice", lacking international left-wing support, "and was forced to accept a neo-liberal

ideological arrangement for economic growth and development”. The ‘willing buyer, willing seller’ arrangement was put in place and the target was to redistribute 30% of the country’s agricultural land in the first five years after the launch of the programme.

Figure 4. Sizes of land at the advent of democracy.



Source: Lahiff (2007).

4.8 The Reconstruction and Development Programme (RPD)

The Reconstruction and Development Programme (RDP) was the post-apartheid ANC-led state’s development plan for reconstruction. It was promulgated in 1994 by the ANC and was the democratic movement’s election manifesto. It set out an economic recovery plan by prioritizing different sectors. The RDP focused on service delivery as well as access to healthcare, education, water, electricity and sanitation, and covered land reform and gender equality. It was designed through wide consultations with citizens, NGOs,

FBOs and CBOs. Land reform was one of the document's main priorities. Land reform policies were developed that were linked to the government's post-apartheid economic plan.

In its election manifesto, the RDP, the ANC vowed to make land available to previously disadvantaged groups that had been affected by discriminatory laws (ANC, 1994). Although it was initially agrarian in nature, the RDP document stated that land reform was necessary to redress the injustices created in the past. In this regard, the land reform process was seen not only to be a decisive element of the ideological transition, it was also held to be one of the conditions of political, economic and social stabilization of the country. The importance of this issue caused the ANC to commit itself to redistributing 30% of agricultural land within five years of taking office. The RDP began with projects in different provinces, most notably in Limpopo.

The RDP also built houses in Johannesburg's Alexandra township and other townships across the country. The wide consultations with different actors for the development of the RDP process culminated in the publication of the White Paper on South African Land Policy of 1997. This process included convening a conference that brought together all the national and international protagonists concerning land, where preliminary drafts related to land policy were developed. These drafts were formalized in the 'Green Paper on South African Land Policy'. The latter was distributed widely. This information then guided the Department of Land Affairs in its efforts to integrate the interests of each group or community to develop a set of Land Acts, laws, policies and programmes (for purposes of implementation). "The challenge faced", said Hart (2002), "by the democratically elected government was to develop policies that reflected the interests of its key constituency, without unduly disrupting the economically and technologically developed important commercial farming sector". Neo-liberalism was the 'rule of the game' (Stiglitz, 2002), and post-apartheid South Africa played along. Land reform had to be endorsed in accordance with a market-led 'willing buyer, willing seller' principle and had to be achieved within the framework of a free market. It was based on the core criterion of economic efficiency and was racially color-blind (ANC, 1994; World Bank, 1994) and cheap to carry out. The adoption of this market-led reform approach, according to the

Department of Agriculture, underscored the necessity of the maintenance of the national productive capacities to ensure economic stability and sustainable development. This would have happened without neglecting the imperative of more equity across the racial groups. Accordingly, within this framework, provision for state intervention was made in the Constitution and was embodied in a government land reform programme regarding the land restitution, land redistribution and land tenure reform (DLA, 1997). This was South Africa's land reform programme.

4.9 Rural economic development

4.9.1 The Comprehensive Rural Development Programme/ Framework (CRDP)

The strategic objective of the CRDP was to “facilitate integrated development and social cohesion through participatory approaches in partnership with all sectors of society”. To achieve the broad objectives of rural development, the CRDP uses a three-pronged strategy, namely, agrarian transformation, rural development and a reform programme. The framework document stipulates a range of ambitious and very specific programme activities that make up each of the three pillars of the CRDP, namely, agrarian reform, land reform and rural development.

The CRDP was seen to be a welcome innovation, given the fact that post-1994, rural development strategies had largely been informed by pro-poor growth strategies and sustainable livelihoods, as well as concepts of reality (for example, poor, subsistence farming, women in a poverty-wrecked agricultural landscape). While these frameworks had some systemic elements, in practice pro-poor interventions have tended to be conceptualized separately from broader growth and development strategies. As a result,

rural pro-poor interventions have often focused only at the micro or community level (DBSA report, 2008).

4.10 Poverty reduction: job creation

The Department of Agriculture and Land Reform's report of 2014 on rural economic development stated that rural economies will be supported by agriculture, and where possible by mining, tourism and agro-processing, achieved through successful land reform, job creation and poverty alleviation.

4.11 The National Development Plan, Vision, 2030!

Land reform has the potential to transform the rural economy. According to Simkins and Thomas (2013), "The National Development Plan (NDP) views agriculture as critical to employment and food security". Simkins and Thomas state that it is estimated that agriculture could potentially create a million jobs by 2030. Vision 2030 of the NDP calls for an inclusive rural economy, wherein rural communities should have greater opportunities to participate fully in the economic, social and political life of the country. This means that people should have access to 'quality basic services that enable them to be well-nourished, healthy and increasingly skilled'. The 2030 vision speaks of the inclusivity and integration of rural areas through successful land reform. Job creation and poverty alleviation place agriculture as the driving force behind this vision. The NDP identifies the following as key catalytic interventions: Expansion of irrigated agriculture supplemented by dry-land production, where feasible. In areas of low economic potential, the NDP speaks of the importance of basic services such as basic education, healthcare and social security to support the development of human capital (DRLA, 2014).

The DRLA (2014) states, “Agri-parks will serve as important mechanisms to execute the NDP’s proposed rural development strategy because of their potential for supporting small-scale agricultural production and stimulating agro-processing in rural areas”. The document goes on to say that one element of this approach will be conducting commodity and value-chain analyses and mapping exercises to establish Agri-parks based on the growth potential of value-adding commodities. As such, each Agri-parks will focus on specific prioritized commodities that have the highest prospect of succeeding in their region (ibid.). This is directly in line with the NDP’s approach of targeting high-value commodities (most of which are labor intensive) to stimulate industrial growth, accompanied by measures that ensure sustainable production on redistributed land and an improved institutional support system.

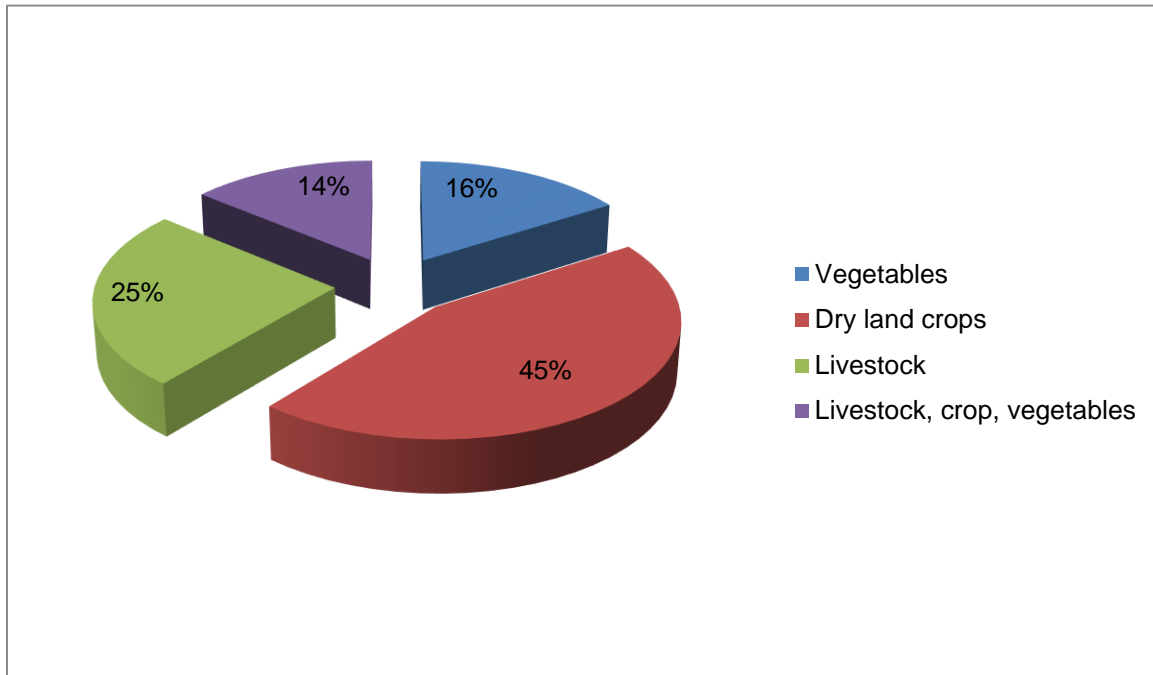
4.12 Agriculture Parks (Agri-Parks)

Agri-parks have been identified as one of the key drivers in revitalizing the agriculture and agro-processing value chain. The Department of Rural Development and Land Reform (the Department) planned and coordinated the implementation of this programme in all 44 districts of the country. This was in line with the pronouncements of former President Jacob Zuma, during his State of the Nation Address in 2015 (SONA, 2015), when he pronounced the 9-point plan to ignite growth and create jobs. One of these catalysts was identified as the revitalization of agriculture and the agro-processing value chain. All 44 district municipalities have since been included in this programme. In this regard, former President Jacob Zuma, stated:

“Agriculture is a catalyst for growth and food security. We are working with the private sector to develop an Agricultural Policy Action Plan (APAP), which will bring one million hectares of underutilized land into full production over the next three years. Among key interventions this year, we will promote the establishment of agri-parks or cooperatives and clusters in each of the 27 poorest district

municipalities to transform rural economies. Initial funding of R2 billion has been made available for the agri-park initiative” (SONA, 2015).

Figure 4. Types of agricultural enterprises.



Source: Masoka (2014).

4.13 The Medium-term strategic framework (MTSF): 2014-2019

According to Cliffe (2000), colonialism of a special type (CST-dualism) needed to be removed, and the strategy that was put in place for this purpose was the Rural Economy Transformation Model (RETM). The Medium-Term Strategic Framework (MTSF) was in place in the years between 2014 and 2019. The MTSF emanated from the ANC’s 2014 election manifesto (2014-2019) and the National Development Plan: Vision 2030 (NDP). It was a medium-term plan of government for the electoral cycle. The MTSF had 14 outcomes that were to be implemented by government. The Department of Rural

Development and Land Reform is responsible for leading Outcome 7: Vibrant, equitable, sustainable rural communities contributing towards food security for all.

4.14 Priorities of the MTSF

- 1) Improved land administration and spatial planning for integrated development in rural areas. Legislation to guide this priority will be the Spatial Planning and Land Use Management Act (SPLUMA).
- 2) Sustainable Land Reform (agrarian transformation): The Rural Economy Transformation Model (RETM).
- 3) Improved food security: Agricultural Policy Action Plan (APAP).
- 4) It will involve smallholder farmer development and support (technical, financial, infrastructure) for agrarian transformation: (One household, one hectare).
- 5) Strengthening of relative rights of people working the land: (50/50 Policy Framework).
- 6) Increased access to quality basic infrastructure and services, especially in education, healthcare and public transport in rural areas (National Development Plan, NDP Vision 2030).
- 7) Growth of sustainable rural enterprises and industries characterized by strong rural urban linkages, increased investment in agro-processing, trade development and access to markets and financial services, resulting in rural job creation.

Hall (2018) points out that in as far as rural economic development is concerned, a number of challenges have limited the execution of the programme. The following were the main challenges that were experienced by the Department of Agriculture and Land Reform (DALR) in implementing the medium-term strategic framework:

- a) Institutional challenges
- b) Limited strategic capacity in the Department

c) Instances of fraud, corruption and/ or maladministration.

In respect of institutional challenges faced by the CPAs, trusts and other land-holding legal entities, the Department has been mitigating this challenge through political interventions and amendments to the Extension of Security of Tenure Act (ESTA) and the Communal Property Associations Act. These Bills have aimed, among other things, to strengthen governance of communal property institutions and ensure greater accountability of committees to the households. Furthermore, the Department has been providing legal and mediation support for land reform beneficiaries to promote security of tenure through the Land Rights Management Facility (LRMF) (Hansard, October, 2019).

4.14.1 ‘Prioritised categories’

The Department of Agriculture and Land Reform has identified the following social categories for prioritization in land distribution: women, youth, agricultural graduates, military veterans, people with disabilities, and farm dwellers and labor tenants. R140 million was utilized in the financial year 2016 in this regard. The implementation of the programme on Strengthening of Relative Rights (SRR) of people working the land (50/50 Policy Framework) was expedited. R500 million was then set aside for this purpose in the financial year 2017. The Department rolled out the ‘One Household, One Hectare’ programme with an aim to eradicate poverty and create a class of black smallholder farmers, producers and agro-manufacturers. It targeted especially state-owned and, what could at best be described as traditional communal land. The land reform policies, programmes, legislation, priorities and strategies during the years 1994 to 2017 were in flux. Policy shifts in direction, programme changes in focus of beneficiaries, new priorities, new medium-term strategic frameworks and legislation set or amended, and new rural economic development initiatives were all indicative of the unresolved issues and

challenges facing the land reform programme operating in a neo-liberal paradigm of a political economy.

Aliber (2017) was interested in understanding how poverty and inequality can be reduced through redistribution and through a process of democratizing decision-making processes. The aim of his paper was to summarize what is known about the contribution of land and tenure reform to the reduction of poverty and inequality, while reflecting on the status of and challenges to such reforms, and on the possible role of democratized decision-making in advancing pro-poor land and tenure reform. Apart from the redistribution of assets, Aliber (2017)'s study places emphasis on forests and water as being critical. However, Aliber argues that re-assigning rights to forest farming/ cultivation can be regarded as a subset of land reform, and water reform (for example, undertaking a pro-poor reassignment of water rights) is often understood as a corollary of land reform.

Aliber (2017) says that a well-known but still startling assessment of the importance of redistributive land reform to date, is that provided by Lipton (2010:1) in the opening of his seminal book titled, 'Land Reform in Developing Countries: Property Rights and Property Wrongs'. According to Lipton (2010) as cited in Aliber (n.d.), "In 1980, half the people in the developing world were dollar-poor; by 2005, it was a quarter. Absolute poverty probably fell more in 1950 to 2005 than in 0 to 950. How? The sharp acceleration of poverty reduction is due in large part to land reform" (Lipton, 2010: 1). Yet, to the extent one can summarize the current global situation, commitment to land reform is modest, if not faltering. Has land reform lost its relevance? Has it lost its constituency, because it has largely been accomplished? Aliber (2017) reflects briefly on these questions by making specific reference to Southern Africa, which provides a reasonably good and generalizable illustration of the issues at play. It is not in the scope of this thesis to discuss this topic in detail. However, Aliber's conclusion is noteworthy. Aliber (2017: 7) indicates that "As far as mechanisms go, the available evidence provides little to indicate an operative causal pathway via the credit access effects, although there is some evidence to suggest an active pathway through tenure security and investment effects" (Lawry et al., 2017: 72). Furthermore, regarding "investment, long-term production, leasing out land and consumption, the qualitative literature reflects almost exclusively positive

experiences”. However, out of the nine studies examined, the authors also acknowledge that “two examples of perverse productivity effects” (Lawry et al., 2017: 76). Aliber remarks that while it is comforting to know that the empirical evidence finally seems to support what has long been self-evident, perhaps one should not exaggerate the importance of the economic impact of improved tenure security to rural livelihoods. Poverty is best understood as a multi-dimensional experience of which money-metric poverty is an important but not singular component. The psycho-social importance of tenure security has attracted less attention than the issues of investment and productivity, perhaps only because until the recent interest in quantifying subjective well-being, it was even less amenable to measurement; and yet, there is little doubt that improved tenure security does much to improve the subjective experience of well-being (for example, see Vāth et al., 2014), whether it is based on ‘customary’ or statutory tenure.

4.15 Conclusion

Addressing historical legacies in South Africa around the unjust and unsustainable past systems requires challenging the fundamental drivers of access to land by the few, including the elite and corporate power. Land, and with it the environment, and labor cannot be treated simply as commodities for only the most powerful to profit from. A range of different interventions can be made, from agrarian reform to land and wealth taxes and market regulations. For purposes of this thesis, the above-named interventions can be regarded as the basic need for land reform and also the need for an amended or alternative ideology that can replace the current neo-liberal free market one to a more regulated developmental state approach.

Chapter Five

Insights from the 2017 Parliamentary Speakers Forum's High-Level Panel

“The land tenure arrangement has changed; the class agenda has changed; and the intended land uses have changed. The development of policy and law has also drifted away from its initial pro-poor stance and lacks a vision for inclusive agrarian reform.” HLP (2017).

5.1 Introduction

This chapter is an analysis of South Africa's key land reform legislation and programmes from 1993 to 2018. Land reform in South Africa is framed by a range of laws, policies and programmes. This section focuses on the laws, drawing attention to some of the weaknesses regarding their provisions, interpretation and enforcement. The reports of the High-Level Panel on the assessment of key legislation and the acceleration of fundamental change of November, 2017 (HLP, 2017), the Presidential Advisory Panel report on land reform and agriculture of 2018, books, journal articles, research papers and policy documents on land reform programmes of SLAG, LRAD and PLAS are used in the analysis. In 2016, the Parliamentary Speakers' Forum mandated a high-level panel of experts to assess key legislation passed since 1994.

The HLP identified four (4) themes, namely: Poverty, inequality, unemployment, land reform and nation-building. This chapter focuses on the HLP (2017) document's land reform theme. The HLP's mandate was to review legislation, assess implementation and impact, identify gaps and propose action steps with the view to identifying laws that require strengthening, amending or change. This intervention entailed identification of existing legislation that enables the transformational agenda and the pursuit of the developmental state, as well as laws that impede this goal. The aim was to derive at policy recommendations that would affect acceleration of fundamental change.

The HLP's mandate, clearly, focused on reviewing the legislation governing land reform in order to improve effectiveness. The objective of an analysis of the HLP document was to assess the HLP's remedial measures recommended to affect acceleration of fundamental change. The researcher used this document, because it focuses on a number of important land reform legislations. Methodologically, the object was to identify issues and challenges that fall outside of the legislative regime in the land reform programme and process alike. The task was to show that successful land reform would require an understanding of the issues and challenges that rural communities are facing on a regular basis. This follows on the finding that different rural communities are distinct,

unique and exhibit social differentiation between and within them. This means that any economic development programme would necessarily need to survey and appreciate the issues and challenges of people on the ground. The analysis was intended to assist in identifying implementation issues and challenges. The panel's mandate was to examine the extent to which current laws and policies uphold and fulfil the rights to equitable access to land, tenure security and restitution, and to identify possible proactive interventions to address any shortcomings identified (HLP, 2017: 1). The panel's terms of reference provided for three components (also referred to as 'aspects' in this thesis) of land reform: redistribution, tenure security and restitution. Each of these components is governed by a specific subsection of Section 25 of the Constitution. The panel's approach was first to investigate the nature of the problems on the ground to be able to recommend solutions that address these problems directly. The approach of the HLP to the assessment was to obtain public submissions, commissioned research papers, conduct expert round tables, and host public hearings in all of the country's nine (9) provinces. The chapter also looks at the 'Presidential Advisory Panel's report on land reform and agriculture of 2018' (PAP, 2018).

In 2017, President Cyril Ramaphosa requested a presidential advisory panel to investigate the state of land reform and agriculture in South Africa. It aimed to judge whether or not there was a need for expropriation of land without compensation. To this end, the Presidential Advisory Panel reviewed the Constitution to see if the Constitution can and/or should be amended to allow for expropriation of land without compensation. The presidential panel then made recommendations on how land reform and agriculture can be altered to fast-track the process. A comprehensive assessment of the Presidential Advisory's Panel's report on land reform and agriculture, however, is not in the scope of this thesis, mainly because the process took place outside of this study's timeframe. To this end, the Presidential Panel's Report is only used for purposes of pointing out key legislation issues on land reform and agriculture, and what the document finds as the shortcomings (challenges).

The 'issues and challenges' facing land reform have been the bases of debates and discussions in many stakeholder fora as found in this review. Therefore, an examination

of the legislation and programmes should shed light on how and why the reform process has not delivered what it had set out to deliver. From the narrative below, it will be clear that two focus areas have been the approach by government for implementing land reforms: focus on strengthening legislation and reactionary policy formulation. The research examined these implementation approaches to uncover the missing imperatives that could well be having an impact on the pace and performance of land redistribution.

The analysis is framed in the context of the main research question, 'What are the key issues and challenges facing the land reform programme?' Apart from weak legislation and stakeholder interests-based policies, what other forces or factors significantly affect the pace and performance of land redistribution? Two interfaced questions on the sub-questions were asked in Chapter 3. This undertaking was based on the research design (historical and explanatory), which yields concepts that have been the drivers of social change in as far as historical land dispossessions and the land reform as a redress remedy are concerned.

From the documentary analysis of the HLP public submissions, commissioned research papers, expert round table reports and the questions, views and concerns raised at the public hearings, this research finds that the big issues and challenges of the reforms fall outside the realm of legislation. This research therefore shows that continued focus on strengthening legislation without concomitant assessment of broader social policies might not secure a complete and successful land reform. It is from this finding that I advance the argument that in order for South Africa to achieve an efficient and successful land reform, there is a need for a stronger relevance on the legislative frameworks and broader social and political considerations.

5.2 Constitutional provision of land reform

5.2.1 Section 25 of the Bill of Rights- ‘the property clause’

The Constitution of the Republic of South Africa provides for a range of rights and freedoms. Section 25 of the Constitution on property rights provides as follows:

1. ‘No one may be deprived of property except in terms of law of general application, and no law may permit arbitrary deprivation of property.
2. Property may be expropriated only in terms of law of general application (a) for a public purpose or in the public interest; and (b) subject to compensation, the amount of which and the time and manner of payment of which have either been agreed to by those affected or decided or approved by a court.
3. The amount of the compensation and the time and manner of payment must be just and equitable, reflecting an equitable balance between the public interest and the interests of those affected, having regard to all relevant circumstances, including (a) the current use of the property; (b) the history of the acquisition and use of the property; (c) the market value of the property; (d) the extent of direct state investment and subsidy in the acquisition and beneficial capital improvement of the property; and (e) the purpose of the expropriation.
4. For the purposes of this section (a) the public interest includes the nation’s commitment to land reform, and to reforms to bring about equitable access to all of South Africa’s natural resources; and (b) property is not limited to land.
5. The state must take reasonable legislative and other measures, within its available resources, to foster conditions that enable citizens to gain access to land on an equitable basis.
6. A person or community whose tenure of land is legally insecure as a result of past racially discriminatory laws or practices is entitled, to the extent provided by an Act of Parliament, either to tenure which is legally secure or to comparable redress.

7. A person or community dispossessed of property after 19 June 1913 as a result of past racially discriminatory laws or practices is entitled, to the extent provided by an Act of Parliament, either to restitution of that property or to equitable redress.
8. No provision of this section may impede the state from taking legislative and other measures to achieve land, water and related reform, in order to redress the results of Chapter 2: Bill of Rights of past racial discrimination, provided that any departure from the provisions of this section is in accordance with the provisions of section 36(1).
9. Parliament must enact the legislation referred to in subsection (6)' (RSA, 1996).

Section 25 provides a broad mandate to the state to enact land reforms and other related measures. Among the three components of land reform is an injunction to redistribute land by the state taking reasonable legislative and other measures, within its available resources, to foster conditions which enable citizens to gain access to land on an equitable basis. While section 25(1) prohibits arbitrary or discriminatory deprivation of land, there is a safeguard clause to prevent any provision from impeding reform to redress past discrimination: 'No provision of this section may impede the state from taking legislative and other measures to achieve land, water and related reform, in order to redress the results of past racial discrimination, provided that any departure from the provisions of this section is in accordance with the provisions of section 36(1).' [i.e. the limitations clause] (section 25(8)).

The meaning of section 25(5) has not in the past 20 years been interpreted judicially; in other words, while other provisions, such as the right to restitution and to secure tenure, have been extensively challenged and adjudicated in the courts, what constitutes adequate measures to 'enable citizens to gain access to land on an equitable basis' has not. There is no existing jurisprudence as far as we are aware related to this right which forms the constitutional basis for land redistribution.

The land redistribution aspect of the land reform programme aims to redistribute land with the objective of reducing the gap in racially skewed land ownership patterns. While there is no legislation directly on redistribution of land, there are two key pieces of legislation

that refer to land redistribution. These are: The Prohibition of Subdivision of Agricultural Land Act No. 70 of 1970 and the Provision of Certain Land for Settlement Act 126 of 1993 (later amended to the Provision of Certain Land Assistance Act). The HLP's key finding was that since 1994, land redistribution has performed poorly, when compared with the constitutional provision and government's own official targets and public expectations. The HLP (2017) document posits, "Initially, the target was to redistribute 30% of the country's agricultural land by 2005. However, by 2005, only about 3% of agricultural land had been redistributed". In 2018, only about 5.46% of land had been redistributed. From a social and restorative justice point of view, there is an urgent need for the post-apartheid state to redistribute land to those who were previously disadvantaged so that they can use such land in a productive manner and thereby achieve a sustainable livelihood and reduce poverty.

5.3 Key legislations for land redistribution

The Prohibition of Subdivision of Agricultural Land Act no. 70 of 1970

According to the report of the Presidential Panel on Land Reform and Agriculture (2018: 26), this piece of legislation is an apartheid era law, which gave the state powers to block the subdivision of agricultural land. The purpose was to grow the commercial farming sector. However, the presidential panel on land reform found that it is antithetical to the country's land reform agenda in that the Constitution provides for land reform. As a result of this law, few subdivisions of large farms to small-scale producers have taken place. The Act was repealed by Section 1 Repeal Act No. 64 of 1998; however, since then no president has put the repeal law into effect.

The Provision of Certain Land for Settlement Act 126 of 1993

The Provision of Certain Land for Settlement Act 126 of 1993 is the main piece of legislation that governs land redistribution. It has since been renamed twice: First as the Provision of Land and Assistance Act, by an amendment, Act 26 of 1998; and second, as the Land Reform: Provision of Land and Assistance Act, by an amendment, Act 58 of 2008. The HLP (2017) finds,

“While it is therefore an apartheid-era law, the amendments to the Act by Parliament have provided a mandate to the minister to continue to appropriate funds to enable land redistribution under changed conditions. Act 126 and its various amendments create wide-ranging power for the minister to acquire, maintain, plan, develop or improve property, or to delegate these powers to any state entity or any other body or person. Progress with land redistribution, and its outcomes, therefore needs to be assessed against both Act 126 (which empowers the minister) and the Constitution (which mandates equitable access to land)” (HLP, 2017: 219).

On the aspect of land redistribution, the HLP (2017) reviewed the impact of the Provision of Certain Land for Settlement Act 126 of 1993. This piece of land reform legislation governs land redistribution. As far as this piece of legislation is concerned, the HLP (2017) found that “legislation has had minimal impact on the objectives of the land reform programme (improved livelihoods), because Act 126 does not adequately define ‘equitable access’ in a meaningful manner”. In addition to this, the Act does not give substantial guidance with regard to how beneficiaries are to be selected and how land is to be acquired (ibid.) and for what land uses. While it is an apartheid era law, passed by the National Party government during its own limited and pre-emptive attempts at land reform, it remains the legislation that empowers the Minister to appropriate funds for disbursement as land purchase grants or subsidies, and for direct state expenditure on land acquisition, settlement services and production support.

The Provision of Certain Land for Settlement Act 126 of 1993 (commonly known as ‘Act 126’) provided for the broadening of access to land through land purchase while retaining state powers of regulation over non-productive uses of land. The Act provided for land

use conditions to be imposed on land designated for settlement and exempted this land from the provisions of the Prohibition of Subdivision of Agricultural Land Act 70 of 1970. The Minister would retain the power to make regulations concerning any aspect of the Act, including the size of subdivided portions, and applicants would acquire land by purchase. The objects of the Act are: 'To provide for the designation of certain land; to regulate the subdivision of such land and the settlement of persons thereon; to provide for the rendering of financial assistance for the acquisition of land and to secure tenure rights; and to provide for matters connected therewith.' Section 10 of Act 126 sets out the Minister's powers to acquire land or provide land purchase subsidies for the acquisition of land. Hall (2004) stated that several issues speak to problems of proper planning and conceptualization of the reform agenda. Hall highlighted the need for creative ways of thinking about different land uses (what farmers or beneficiaries use the land for, specifically in order to assist emerging farmers with multiple agricultural livelihoods). In line with Hall (2004)'s view, the HLP (2017) found that the socioeconomic profile of those who are already well-off seem to be the winners in the process of acquiring land, whereas the poor have remained the losers. In other words, the land reform process has been captured by powerful political elite groups or those who are politically well-connected.

The Presidential Advisory Panel on Land Reform and Agriculture's report (PAP, 2018: 26) also identifies that Act 126 is an inadequate vehicle for driving land redistribution. The presidential panel reports that the issue is that the land redistribution process fails to identify eligible beneficiaries to receive land and/or financial assistance. It is worrying that the process appears to lack transparency in the selection of beneficiaries. This, according to the PAP (2018) report, undermines Section 33 of the Constitution, which provides for a fair and equitable process. Further adding challenges to the process is the fact that the land redistribution agenda has been placed in the Department of Rural Development and Land Reform (DRDLR), which has been underfunded (ibid.). How can an under-resourced department carry out such an ambitious and far-reaching land reform programme? The report of the Presidential Panel on Land Reform and Agriculture recommends a 'National land reform framework that should empower the government to deliver on its obligations of Section 25(5) of the Constitution'. In the past three years or

so, there have been calls for the Constitution to be amended, because of the belief that compensation is on the basis of a 'willing buyer, willing seller' principle (ibid.). As has been stated, the Constitution provides for constitutional and judicial control to ensure equitable access and prevent abuse. It contains no 'willing buyer, willing seller' principle, the application of which could make expropriation unsuitable. The overall concern has been the issue of 'denial of land rights' and the resultant persistent land inequality (PAP, 2018: 26). The theme of 'persistent inequality' was mainly in the context of tenure security (see 50/50 land policy on the section of land reform programmes). According to the HLP (2017) document, the difficulty that stakeholders face (landowners, claimants and the state) is the absence of clear guidelines to determine 'just and equitable' compensation in any particular case to allow for expropriation for purposes of redistribution. The poor are concerned that land is not being delivered fast enough, because, in their view, there is no clear direction for the land reform programme. These concerns could be indication of the absence of ideological cohesion on the purpose of the reforms. These considerations are therefore important for determining the direction of land reform and agrarian change. As a result of the absence of these two considerations (ideological cohesion and certainty, and specifications on different land uses), the process has no buy-in and is not owned by the potential beneficiaries. That is, the process is a top-down approach between landowners and government officials who negotiate prices on behalf of beneficiaries on the land market and impose land reform models or business plans. Mtero, Gumede, and Ramanstia (2019) conducted an intensive research on elite capture in land redistribution. They conducted fieldwork in five provinces and focused on the State Land Lease Disposal Policy (SLLDP). Their report shows that land redistribution has been captured by wealthy and well-connected people. This mainly happens when men 'step in' different land reform projects and crowd out women.

Mtero et al (2019)'s research reveals that 18% of farms are allocated to farm workers and that about 82% of farms are allocated to those who are economically and politically influential. The issue of elite capture was also a recurring theme at the HLP public hearings. People complained that land reform is not transparent and in flux. In some instances, beneficiaries complained that they did not even know that there was a land

reform budget. Mtero et al. (2019) report that about R428 million had been allocated to land reform projects, but that these funds were misused, resulting in about 54% of the funds having been allocated to places where the state had issued leases. The evidence examined by the HLP indicates that people at the hearings expressed their feelings of having been betrayed by government officials and politicians. The HLP (2017:308) states, “They expressed deep distrust of the motives of officials and politicians, accusing them of diverting farms and other resources to themselves, at the expense of the rights of the poor and dispossessed”. Clearly, this shows that corruption is also an issue that is rampant in the land reform programme. This is a major concern, because it shows that instead of land being transferred to the target groups, it is taken up by the black elite and the politically well-connected. According to the HLP, the issues and challenges around land redistribution also include overlaps between the category of redistribution and restitution (definitions of words and principles); changing policy agendas (target groups) and ideological positions (market-led versus state-led approaches to land reform); and insecure land rights resulting in the persistence of land inequality. Lahiff and Cousins (2010) studied the status of smallholder farmers. Their study found that smallholder agriculture was found in a wide range of locations, including “deep rural” areas of the former homelands, in townships and cities, and on commercial farms, and reflected mainly the production of staple foods for household consumption.

Lahiff and Cousins (2010) reported, “Relatively few products find their way into local or other markets. Production may take place in gardens, demarcated fields or on open rangelands. It is highly differentiated by race, class and gender, with large numbers of very poor black women producing purely for household consumption and a small ‘elite’, mainly men, producing on a much greater scale”. It is worth mentioning that according to this study, many smallholders would not consider themselves to be “farmers” in the conventional sense. Lahiff and Cousins (2010) reported that many of the black people who had access to agricultural land were still largely confined to the former homelands. Lahiff (1997) found, “Access to arable land in the homelands is available to a relatively large proportion of households, perhaps as high as 50%, but the average holdings are extremely small, in the order of 0.5 to 1.5 (ha) per household”. Lahiff stated that there

was, however, considerable variation in plot sizes, with a substantial proportion of households cultivating less than 0.5 ha, and a small group cultivating plots greater than 5 (ha). “Livestock farming remains widespread, albeit with wide variations between households and regions. Between one-quarter and half of households own cattle, and the great majority of herds comprise fewer than ten animals. Only a tiny elite own herds of 50 cattle or more. Small stock – sheep and goats – are probably owned by slightly more households. While livestock numbers per household are low, the overall contribution to the economy is significant” (Lahiff, 1997). Below, I present the major challenges (themes) facing land redistribution.

5.4 Issues and challenges facing land redistribution

- ***Overlaps between different aspects of the programme***
- ***Changing policy agendas***
- ***Insecure land rights***
- ***Lack of a clear purpose and direction***
- ***Issues of beneficiary selection***
- ***Inefficient bureaucratic system***

Overlaps between different aspects of the programme

At the public hearings held by the HLP panel of experts, ‘overlaps’ was a major theme in the redistribution and restitution programmes. There seems to be an overlap between land redistribution and restitution in that redistribution entails equality of access to land (for all black South Africans) and restitution focuses only on those who were dispossessed of land through structural racist policies. In the land reform programme, redistribution refers to reallocation of land previously reserved for white people by the

Land Acts of 1913 and 1936, while the basis of land redistribution in the Constitution is that: ‘All people should have equitable access to land’ to redress past imbalance. Restitution is limited to people who can prove that they were dispossessed of land after 1913 through racially discriminatory laws and practices. However, as was seen in Chapter 2 on the historical account of dispossessions, a great number of Africans were forcibly removed or denied access to land. O’Sullivan (2011)’s definition of land reform offers insights in this regard. O’Sullivan defined land reform as a process of transferring land resources from landed elites to poor peasants. However, by the mere fact that land redistribution overlaps with restitution, it is an indication that the land reform programme does not currently have a clear direction and purpose.

Therefore, it is my perspective that given the nature of the historical land dispossessions, there is need to undo the overlaps that exist between the redistribution and restitution aspects of the land reform programme for real change to happen. The review of the literature showed that South Africa’s land policy objective is to redistribute land to the poor: farm workers, labor tenants, women and ‘emerging black farmers’, so that they can use the land for settlement or productive uses. By inference, one could argue therefore, that the majority of rural black South Africans deserve redress in the new South Africa. At present, beneficiaries are restricted to the poor. The issue of ‘overlap’ therefore speaks to the question of whether or not all black South Africans are entitled to land redistribution and whether all black South Africans were dispossessed of their land.

Changing policy agendas

The HLP found that the record of land redistribution over the past two decades reflects changing policy agendas and ideological positions. According to the HLP,

“Its focus, criteria and modus operandi have also undergone several significant shifts. The character of land redistribution policy has altered over time: The land tenure arrangement has changed; the class agenda has changed; and the intended land uses have changed. The development of policy and law has also drifted away from its initial pro-poor stance and lacks a vision for inclusive agrarian reform” HLP (2017: 143).

Insecure land rights

The HLP (2017)'s work reveals, "The record on equitable access to and the progressive realization of land rights is concerning". They concede that the pace of land reform has been slow. The first problem of the policy guiding land redistribution is that 'The meaning of Section 25(5), which governs land redistribution, has not in the past 20 years been interpreted judicially; in other words, while other provisions such as the right to restitution and to security of tenure have been extensively challenged and adjudicated in the courts, what constitutes adequate measures to enable citizens to gain access to land on an equitable basis has not". There is no existing jurisprudence related to this right. According to the HLP (2017), "There are significant gaps, such as on tenure security, where legislation has not been passed, putting the lives and livelihoods of many rural dwellers in peril" (HLP, 2017). The panel further reports that the desperate plight of farmworkers was raised in all the public hearings. Evictions have continued, despite the laws that were meant to curtail them. Moreover, laws and provisions that require the Minister of Rural Development and Land Reform to provide independent land rights to farmworkers and labor tenants, and on and off-farm settlements, are not complied with. According to the HLP (2017: 362), "A key issue raised at the public hearings is that the relatively few people who do manage to get land through redistribution and restitution do not get secure rights to the land they acquire". The policy at present states that people do not get ownership of redistributed land. Instead, the land remains the property of the state and beneficiaries are given leases or 'conditional use rights'.

According to the HLP, research indicates that in practice, and in many cases, "they get no recorded rights to the land whatsoever. This makes it very difficult for them to develop the land or protect their right to it" (ibid.). Put simply, the pace and performance of the land reform programme can greatly be improved if the state puts in place a clear vision that is shared by all stakeholders of the reform for purposes of ideological and social cohesion. It must govern the programme with the interests of land beneficiaries in mind (voices from below finding themselves at policy-making platforms) and provide post-settlement support (development provisions) that focus on assisting the poor with 'viable'

business plans, inputs, including credit, markets, information, legal advice, and development infrastructure.

Lack of a clear purpose and direction

At the HLP public hearings, people complained that government seemed not to have a clear vision of the land reform process, and lacked a vision of how the process should be carried out and what exactly should be achieved. These questions relate to the political economy of land and whether all racial groups be involved in large capital intensive commercial farming or not (de-racialization of the agricultural sector) and the ‘farm size’ debate (large-scale versus small-scale farming).

Issues of beneficiary selection

Also, questions of who the target beneficiaries should be and which land should be targeted and for what use remain unclear and unresolved. Although the national policy is clear that the beneficiaries of land redistribution are the poor, farm workers, labor tenants, women and ‘emerging farmers’, those who were dispossessed of their land after the cut-off date of 19 June 1913 have found it difficult to provide proof to government officials that they were indeed disposed of land. In addition to the above challenge, those who have insecure land rights in communal areas (owned by traditional leaders or churches), the HLP found that in practice those who were gaining from restitution seemed to be mainly politicians or those who were politically connected and other elites such as traditional leaders or churches. This finding confirms the themes identified in this thesis that there are issues of lack of a clear vision and direction; lack of political will; elite capture; corruption and persistent inequality. In 2004, Professor Ruth Hall published an article on the political economy of land reforms in South Africa. Hall (2004: 26) found, “It is not possible, on the basis of existing official data, to draw precise conclusions about who is benefiting from LRAD, but the sizes of grants disbursed and levels of capital contributed do tell us something about the socio-economic profile of applicants.” Hall (2004) argues, “This ranges from the poor to the very well off, with substantial variation between provinces. In KwaZulu-Natal, for instance, it is almost exclusively the well-off who have

been able to participate, by contributing substantial cash, assets or loan finance.” In the Eastern Cape and Western Cape, in contrast, a cross-section of socio-economic groups have participated, with some entering at the lowest grant levels (Jacobs, Lahiff and Hall, 2003). Most applicants have made some contribution in cash or kind, and most have been men (ibid.: 26). Hall (2004) contends, “To the extent that the poor are accessing LRAD, it offers a higher level of grant than was available in the past, but to fewer people.” Despite some gains in terms of delivery, then, poor and rich compete for limited resources. Some of the central challenges encountered under the previous programme are yet to be addressed. These include problems of the availability of land for sale at reasonable prices in areas of high demand and in parcels appropriate to the needs of applicants; financial and practical obstacles to the poor accessing the programme; and limited post-transfer support in the form of extension services, training, infrastructure development and access to credit and markets.

Inefficient bureaucratic system

According to the HLP document (2017: 168), people complained of ‘rude and often unhelpful government officials’. Rural dwellers said that sometimes, instead of them being the beneficiaries, government officials end up being the beneficiaries of land assets. The issue of inequality led to discussions of power dynamics in that the poor thought that they had no voice whatsoever in the land reform process. In order to assess and capture the structural changes and economy-wide impacts, Mukarati et al. (2020) use the South African Social Accounting Matrix. Mukarati et al. (2020) argue that this can be used as a database to construct a dynamic, computable general equilibrium simulation model to simulate the potential impact on household welfare in South Africa. Their study seeks to assess how government’s redistributive policies may affect household welfare in the short and in the long run, focusing on poverty and income distribution in South Africa by applying a dynamic, computable general equilibrium microsimulation model. The results showed that rural land distribution increases poor households’ income through an increasing factor of an average of 0.82 (82%). However, for most macroeconomic

variables, the impact was negative in the short run, with a gradual increase in the long run. The results support the claim that rural land distribution, coupled with investment into agriculture and government support of infrastructure and inputs can be effective in improving these households' welfare. Morris (1976) had argued that 'accumulation from below' had been minimal. It also speaks to what Cousins (2010) referred to as the need for 'decoupling'. As argued by Hall (2004), addressing the dualistic nature of the sector is paramount. On balance, the panel was of the view that land redistribution has been slow, because certain words and principles such as what constitutes 'equitable access' to land had not been judicially defined. This has had implications on the way the process has unfolded. This study agrees with this observation and would extend the argument that the undefined words and principles have led to a form of capture of the process as a result of the gaps. These gaps cannot, in essence, be resolved by remedial legislative measures, as the fundamentals in terms of policy and legislation are in place and that the main problem lies with the implementation of these policies. Proponents of this view go on to blame the lack of implementation on what they perceive to be lack of capacity on the part of those who are supposed to drive and implement policy. Vink and Kirsten (2019) argue that land redistribution is not in itself sufficient for successful land reform. They argue that the issue has been a lack of administrative efficiency and market-based land access to mechanisms.

Vicol (2019) explored the implications of contract farming for patterns of agrarian change in India. He draws on a detailed analysis of primary qualitative data from a case study of potato contract farming in the state of Maharashtra. It argues that debates on contract farming are often ideological in nature, leading to overly simplified narratives of 'win-win' or 'win-lose'. Instead, by combining the strengths of the agrarian political economy and rural livelihood analysis, the paper offers a concrete exploration of the intersections between contract farming, livelihoods, and agrarian change. It finds that contract farming activities in the case study villages are focused on a group of petty commodity producers. However, rather than sparking dynamic new processes of accumulation among contract farmers or leading to new forms of exploitation, the paper argues that contract farming is contributing to processes of agrarian change "already under way". These processes are

intimately connected to livelihood diversification and the struggles of new classes of fragmented labor. Aliber (2019: 1) wrote a position paper, which sketches an approach to improving land redistribution in South Africa, in which the broad aim is to use redistribution to create a range of livelihood opportunities, in meaningful numbers, in proportion to the understood need.

5.5 Key land restitution legislations

The Restitution of Land Rights Act No. 22 of 1994

The mandate for land restitution is provided for under Section 25(7). On land restitution, the HLP reviewed and assessed the Restitution of Land Rights Act No. 22 of 1994 and its amendments. The Section states, “A person or community dispossessed of property after 19 June 1913 as a result of past racially discriminatory laws or practices is entitled, to the extent provided by an Act of Parliament, either to restitution of that property or to equitable redress” (HLP, 2017). Land restitution is a process that provides the mechanism so that those who were dispossessed of land after the Natives’ Land Act lodge claims to land or receive equitable compensation. However, claimants are required to give evidence that they had owned such land and that their land was taken away. According to the HLP and a number of research studies, the challenge has been for claimants to prove with evidence, knowledge and skill that they were indeed dispossessed of land on or before the cut-off date of June, 1913. According to the report of the Presidential Panel (2018: 27), the Restitution Act, in its formulation has the unintended consequence that lost ‘rights in land’ are invariably lesser rights such as labor tenancy or occupier rights, as opposed to ownership or freehold title.

5.6 Issues and challenges facing land restitution

- ***Lack of departmental capacity (Land Claims Commission)***
- ***Arbitrary definition of the word ‘community’***
- ***Corruption***
- ***Ethnic and tribal conflicts***
- ***Mismatch between the three spheres of government***
- ***The slow pace of processing land restitution claims***
- ***The personality-driven nature of the commission’s administration***

Lack of capacity at the Land Claims Commission

According to the High-Level Panel of Experts, “The Land Claims Commission was set up to monitor claims to land” (HLP, 2017). However, the HLP (2017) found that the Commission has a history of poor capacity. The panel found that within the Commission, “Staff lack the capacity, legal and historical training necessary to do their job” (Ibid.). The parliamentary document states that no eligibility criteria were provided for the qualifications of the Commission’s staff or for a training programme to equip staff with the necessary skills regarding the performance of the Commission’s functions. The document indicates that Section 6, which outlines the functions of the Land Claims Commission, was not detailed enough to provide the Commission with proper guidelines, and failed to list functions essential for ensuring the Commission’s accountability. However, one serious problem is that the Commission’s staff lacks an understanding of the Afrikaans language, in which many of the archival documents for researching land claims were written. Therefore, staff members need to be trained and resources (of translators) need to be increased for the Commission. The panel recommended that a permanent Land

Claims Court with permanent judges should be put in place. The aim would be that the court should be responsible for settling claims and disputes that may arise. While this would be a step in the right direction, this study finds that what the panel did not address were the remedial measures needed for development of social policies to address restitution claims and disputes (such as tribal and/or ethnic conflicts) before they arise. The panel only focused on the legal prescriptions (Land Claims Court) that would assist with the faster processing of claims.

Limited definition of the word ‘community’ in community property administration

The HLP found that sometimes the Restitution Claims Commission ‘bunches’ claims together, and thereby creates artificial Communal Property Associations (CPAs). The Commission, inadvertently, overlooks to define the ‘community’ eligible to apply for restitution. The word ‘community’ has also not been judicially defined by the courts. The result of this has been an overlapping of claims. This has further resulted in conflicts between land claimants. This state of affairs has had implications on the way the land reform process has been carried out. Of particular concern is that when officials consolidate claimants into large dysfunctional groups of people, who in many instances have no shared identity, people tend to enter into serious internal disputes with one another. These groups are then expected to manage large farms together, which makes successful agricultural production practically impossible.

Corruption

At the HLP public hearings, some people voiced concerns about corruption in the restitution programme. For example, one speaker at the public hearings said that at one time, new funds were allocated to the programme, but a few days later, he was surprised

to see one of the officials brandishing a new car in the very same community and the funds were no longer available. People alleged that the same piece of land is also sometimes given to two beneficiaries, and the officials collect funds twice. Fraud and corruption has led to situations where claimants enter into conflicts with each other, as both believe they are the rightful new owners of the land. Linked to this was the issue of group-based projects and issues of productivity. According to the HLP, the Restitution Commission, due to its capacity limitations, sometimes encouraged people to enter into groups and execute projects together. However, this has resulted in tensions within groups, especially given their limited resources. This research makes the argument that remedial legislative measures cannot resolve such social problems. Aliber and Hall (2012) argue that the South African Government aims to expand the smallholder sector as part of its broader job creation strategy. However, their research shows that government's attempts to support smallholder farmers have generally been costly and ineffective. Using secondary data and case study evidence, their study investigated the problems of supporting this sector. One finding is that while budgetary allocations to the sector have increased impressively over the last decade and a half, the distribution and use of these resources are such that few farmers benefit and the overall impact is small.

Aliber and Hall (2012) argue that strategic choice has to be made between two strategies: Supporting a few selected farmers to become large-scale commercial farmers ('accumulation for the few'), or supporting a large number of individuals and helping them to increase and diversify their produce so as to become sustainable commercial smallholders ('accumulation from below'). These authors believe that past experience and a new national initiative favor the latter, using geographically targeted generic support services.

Ethnic and tribal conflicts

The HLP found ethnic conflicts to be another 'issue' and 'challenge' to the land reform. Because of a failure to efficiently address overlapping claims, land restitution has brought

conflict, and a diversion of resources away from rural development and caused frustration among the poor communities. People overwhelmingly blame corrupt government officials for this state of affairs (ibid.). This research finds that ethnic conflicts, being a social 'issue/challenge' to the reforms, remedial measures could be more about social policy-making than legislative weaknesses. During the early 2000s, KwaZulu-Natal, Mpumalanga and Limpopo Provinces were widely described as 'hotspots' for restitution. This was because a high (but unknown) percentage of land was under claim. Competing claims and the possibility of further dispossession in the course of implementing land reform made these regions conflict-prone. Although the Department of Land Affairs (DLA) and the Commission on Restitution of Land Rights (CRLR) had improved their coordination in KZN, in Mpumalanga the Commission had reportedly restored land to claimants without talking to the DLA about how to deal with labor tenants claiming the same land (Williams, 2004).

Hall (2004)'s empirical data and evidence showed, for example, "The separation of restitution from other land reform programmes is a problem... In Gongolo, we have 1,200 families that are resident on the farms. Some are restitution claimants and some are not. Some are labor tenants and some are not. If we do not find a holistic approach, then we will have another problem" (Mkhize, 2004). Hall also warned that conflict is also more likely to arise, where landowners have resisted restitution on a political basis. For instance, stated Hall (2004), the Transvaal Agricultural Union (now called the TLU-SA) is assisting landowners to respond to claims through its Restitution Resistance Fund (Gwanya, 2004). The requirement to submit business plans, under LRAD (and also for Recap) also generates exclusions. Kepe and Hall (2016) posit, "The use of income targets in some provinces requires applicants to demonstrate their anticipated profit in the first year of operation – effectively making the majority of poorer applicants ineligible." Kepe and Hall say that the criteria being applied in approvals processes may result not only in applications being rejected, but there is some evidence that consultants and planners encouraged LRAD applicants to take out loans as one way of making the figures work on paper, thereby promoting indebtedness which became a major problem facing LRAD beneficiaries.

According to Kepe and Hall (2016: 39), “Under PLAS, eligibility is broad: black South Africans not employed by the state – and including households with limited or no access to land; expanding commercial small holder farmers; well established black commercial farmers; and financially capable aspirant black commercial farmers.” Kepe and Hall argue (2016: 39), “The two main rural constituencies privileged in the Freedom Charter’s statement that ‘The Land Shall Be Shared Among Those Who Work It!’ – residents of the bantustans, and farm workers and labor tenants – are not explicitly privileged in the land reform process currently, but compete for public funds (in selection processes obscured from public scrutiny) with those able to bring capital and skills from other sectors. In all periods, how these varied target groups are to be addressed and weighted has not been clarified. Decisions about who actually gets land are opaque.”

5.7 The Land Claims Court

According to the Presidential Advisory Panel report on land reform and agriculture (2018: 27), “The Land Claims Court, which is the court that regulates restitution processes developed jurisprudence, which instead of it developing and enriching the discourse of democratizing landlessness, it has in fact, by and large, served to solidify the ‘willing buyer, willing seller’ notions of compensation, as opposed to assisting in the development of jurisprudence that brings to life the meaning and import of ‘just and equitable’ compensation”. The report says that the Restitution Act does not contain any statutory obligation for the state to provide post-settlement support services, and this has proven to be a major hurdle to successfully complete the land reform process by capacitating the beneficiaries to use the land productively. On 19 March 2019, the Constitutional Court in the matter of *the Speaker of National Assembly and another V Land Access Movement of South Africa and other CCT 40/ 15A*, handed down a judgment in terms of which the Speaker of the National Assembly and Chairperson of the National Council for Provinces had applied for an extension of an interdict issued by the Constitutional Court against the processing of land claims lodged between 1 July 2014 and 28 July 2016. The first

LAMOSAs judgment of the Constitutional Court declared as unconstitutional, Parliament's Act aimed at re-opening the lodgment of claims after 31 December 1998. The first LAMOSAs judgment afforded Parliament 24 months within which to enact a new Amendment Act (PAP: 27). The HLP panel found that the process of settling land restitution claims has been very slow. For example, the HLP (2017) states, "There were more than 7,000 unsettled claims and more than 19,000 un-finalized 'old order' claims. At the current rate of finalizing 560 claims a year, it would take at least three decades to finalize the old order claims. New order claims that had already been lodged after 2014 would take over a century to settle, and if land claims were reopened and the expected 397,000 claims were to be lodged, it would take seven centuries to complete land restitution" (HLP, 2017: 234). Ascribed to the limited capacity of the Land Claims Commission, the panel recommended that the 1913 cut-off date for claims should be maintained. The panel supported the subdivision of the large shared land allocations in addition to introducing a Land Claims Court, independent from government.

Land restitution claims

In as far as land restitution is concerned, the HLP (2017) found that many people who had applied for restitution complained of long delays, qualification requirements being changed and 'strategic partners' being imposed on them as a condition of receiving their land or compensation. According to the HLP (2017: 234)'s document, "Both restitution and redistribution beneficiaries complained of officials who were unhelpful, rude and dismissive of their concerns". They also pointed to an increasing level of corruption in that both restitution and redistribution of land was going to unknown people rather than those whose names were on the claim forms and applications. The PAP (2018: 27) states, "The Restitution Act fails to ring-fence land that has been restored against any future overlapping claims". The HLP argues that this was evidenced by the fact that after the re-opening of land claims in 2014, the Commission of Restitution of Land Rights received more than triple the number of land claims received before the 31 December 1998 cut-off

date. The PAP (2018: 27) states, “It has been reported that most of the post-1998 land claims received are on land claims, which were in fact, settled before the 2014 amendment, which was declared unconstitutional”. This illustrates that there are administrative gaps (and efficient record-keeping) that need to be closed at the Land Claims Commission. The HLP stated that many people and groups who submitted restitution claims before 1998 had still not received land, despite signed settlement agreements having been issued in some instances. Hall (2004) said that at the deadline of December 1998, a total of 19,140 claims to rural land had been lodged, which accounted for just 28% of total claims. Hall (2004) believed that the majority of rural claims were clustered in the north-eastern regions of the country, in Limpopo and Mpumalanga and, to a lesser extent, in KwaZulu-Natal. There were very few rural claims in the Western Cape and the Free State.

According to Gwanya (2004), this could be attributed to the fact that the majority black people had no independent access to land by 1913. As of August 2004, a total of about 9,000 rural claims were still outstanding, although the Commission of Restitution of Land Rights had no comprehensive list of these claims. According to Hall (2004), these represented consolidated claims, since the validation process resulted in multiple claims in respect of the same land (made by individuals, communities and traditional leaders) being consolidated into single community claims for the purposes of settlement. While fewer in number, the rural claims accounted for the bulk of the restitution programme, since these represented the majority of the people claiming restitution and this portion will probably also account for most of the cost.

Hall (2004) reported, “Although many closely-knit urban communities were dispossessed, where Sophiatown and District Six are two examples, in general, rural communities have stronger links with the land they lost and are more insistent on returning to those particular pieces of land and reviving the social networks and livelihoods that were disrupted or destroyed by forced removals”. Hall (2010) reported that the LRAD’s shift in its ideological position, from a focus on the rural poor to a class of ‘emerging commercial black farmers’, land NGOs responded to the policy shift with hostility, arguing that the LRAD represented an abandonment of the poor, because it opened the programme to people who already

owned substantial resources. They also stated that this introduced a principle of ‘the more you have the more you can get’, and emphasized the creation of a class of black commercial farmers, in place of the previous emphasis on redistributing land to the poor for subsistence purposes. Hall (2004: 26) argues, “Limited restoration to the Dispossessed Forced removals of black people in support of apartheid laws like the Group Areas Act, the Natives Land Act, and in processes of homeland consolidation and clearing ‘black spots’, were features of apartheid repression and formed a potent basis in the 1990s for the dispossessed to demand that their land be returned to them.” Hall (2004) says that a restitution programme was adopted in 1994 as a separate process of redistributing land rights from white to black South Africans, to restore land rights to people dispossessed of land since the Natives Land Act 27 of 1913. “Claimants could return to their land or opt for other redress, for instance in the form of cash compensation.

A Commission on the Restitution of Land Rights (CRLR) was established to assist claimants to make their claims, to investigate claims and prepare them for adjudication by a specially constituted Land Claims Court (LCC) (DLA, 2003; (CRLR 2003a). Hall (2004: 27) posits, “A total of 63 455 claims were lodged by the deadline for submission of claims in December 1998, of which most were urban claims to residential land made by individual households. In the rural areas, though, claims by entire communities to large tracts of land – including prime commercial farmland – numbered nearly 20,000. Processes of accumulating evidence in support of these historical claims proved to be arduous and time-consuming.” Hall says only one claim was settled by 1997. By 1999 it was clear that the programme was in trouble, having resolved only 41 of the 63,455 claims. The rate at which land restitution claims have been settled increased dramatically since the adoption of an administrative route (where the state seeks negotiated settlements with claimants) rather than a court process, and peaked at nearly 18,000 in one year in 2001/02 (ibid.: 27). At the same time, she goes on to say, the number of households per claim settled has dropped sharply from 432 in 1998 to 2 in 2002, and the number of hectares restored per claim dropped from 5,185 in 1998 to 8 in 2002. Together, these indicate that the vast majority of claims settled over the past few years have been individual household claims in urban areas, settled through cash settlements (Hall, 2004).

Very few rural claims have been settled and rural land had been earmarked for transfer in respect of only 185 of the 36,488 claims settled by March 2003, again indicating that the bulk of complex and costly rural claims involving large numbers of people and large tracts of rural land remain unresolved (CRLR, 2003b; Hall, 2003). According to the Commission, just over 800,000 hectares had been earmarked for restoration by March 2004, though only a proportion of this had actually been transferred to, or settled by, claimants (CRLR, 2004). Yet a perspective on where this has happened, and what quality of land has been restored, indicates that both restitution and redistribution have disproportionately provided black people with access to relatively low-value land, making few inroads, as yet, into white ownership of the profitable high-value sectors of agriculture. Mayende (2004) reported that “In 2004, the Director-General defended the policy, claiming that 72% of land reform beneficiaries were ‘poor’, from which he concluded that ‘targeting of the poorest has taken place’”. In her study of the ‘land or cash’ argument, Hall (2004) found that claimants were also generally provided with Restitution Discretionary Grants (RDGs) of R3 000 per household during the early 2000s. In addition, where the claim involved land or development, settlement planning grants (SPGs), a percentage of the value of the claim, were paid to consultants to assist with the planning process. However, Hall (2004)’s research found that there appeared to be inconsistent practices applied to determine what claimants would get. Land restoration and ‘development’ in urban areas, including city centers and upmarket suburbs, proved challenging and prohibitively costly. Most claimants were offered and had accepted standard settlement offers, even though these ‘did not adequately compensate for the market value of what was lost’. As a result, restitution made little contribution to confronting and eroding ‘spatial apartheid’ in the cities. In rural areas, in contrast, where claimants opted for cash, the level had been determined on the basis of the property’s current market value or, in some cases, the historical market value at the time of dispossession, inflated to the current value of the rand. Official statistics indicate that 6% of the settled claims, or in the region of 3,000, were rural claims.

Hall (2004) was concerned that what constituted being ‘poor’ or how this was measured was not clear, although there existed the official definition by various global and local

bodies. Hall argued that the poor were likely to be no longer exclusively targeted, but it was not apparent how benefits were then being distributed and whether or not the poor continued to be the primary target. Available data during this time pointed, for example, to nearly a quarter of the 72 LRAD projects in the Western Cape involved applicants accessing the grant at the R20,000 level, without making any own contribution in cash or kind or any loans. Hall concluded, “These are likely to be poorer applicants and because they are generally in larger groups, they represent the majority of LRAD applicants: 2,444 of the total of 4,647 adults who have received grants”.

In recent years, one of the sentiments echoed in leftist political perspectives (most notably the EFF, led by Julius Malema, who was concerned about matters in the Limpopo Province) on the question of whether land reform should give land titles through a deeds registry system (or to simply lease out the land), raises the concern that some beneficiaries may opt for cash compensation or they could receive the land and sell it to benefit financially. This presents the danger that ironically, farm workers could become jobless and homeless in the course of land reform. This could be the case where commercial farms are to be returned to their former owners who plan to farm without hired labor or who will sell off the farm. Opponents of giving titles to land fear that this may make the transformation problematic.

Although most rural claimants want their land restored, in some cases, they have opted for cash compensation. The land management regime put in place for the new commonage farms bears remarkable similarity to the attempted privatization of the old commons under the ‘economic unit’ policy of the 1980s, and serves to benefit the same ‘black elite’ group of people in local communities. Hall and Kepe (2017) say that in Leliefontein, this capture of the new commons by a local elite was caused by a number of factors: The land reform programme promotes a rather rigid conceptual model of sustainability, based on commercial range-land management practices prescribed under the apartheid-era’s definitions. Hall and Kepe (2017) find a number of issues and challenges:

- a) 'The black elite retain and reinforce their positions through their activism in local institutions and to a certain extent through patronage'.
- b) 'As representatives charged with regulating the commons, the elite have aligned themselves with degradation narratives and commercial range-land management models, because these further their own interests, although they have no intention of adhering to the practices which these models necessitate'.
- c) 'The municipal managers (who are responsible within municipalities for the newly acquired commons) lack the capacity to enforce rules of commonage management and the elite know this'.
- d) 'All stakeholders agree that the creation of a commonage management structure, however imperfect, is a first step to creating accountable, democratic local institutions, but the form of this structure has come into existence without full participation of disadvantaged communal farmers'.

According to Hall and Kepe (2017), "This situation is compounded by the strong legal focus and emphasis on institutions as rules and regulations in relation to the commons in Namaqualand. In adopting a 'new-institutionalist' approach to the creation of commonage management, the character of common property as a terrain of contestation and struggle has not been adequately acknowledged nor addressed". The assumed homogeneity of interests among commonage users inherent to this approach has helped to further the interests of a small elite who have been able to dominate the newly established management structure and strongly influence the choice of range management options for the new commons. "As representatives of the community, these elites have a clear self-interest, and their motivations are in many instances contrary to the needs of the majority of communal farmers. The municipal owners of the commons, as part of the co-management arrangement, have failed to effectively mediate this diversity of interests because of their lack of capacity and an intersection of interests between key municipal officials and local elites" (ibid.). Hall and Kepe (2017) contend, "This situation has been compounded by the 'facilitation approach' used in this process. To date, the priority has been on building up a Leliefontein Commonage Committee". By focusing on establishing this Committee as the front-line operational manager of the commons, the power of elites

has effectively been concentrated, as the few wealthier (or well-connected) individuals in each settlement have been drawn out and brought together within this 'higher-level' structure (ibid.). Hall and Kepe (2017) are of the opinion that if the focus had instead been on building the village-level sub-committees first, and supporting the participation of the poor in this, and from thereon build up a broader collective committee, local elites would have been outnumbered in their respective settlements, thus at least providing a chance for their power and influence to be diluted and the voices of the poor in these communities to be heard.

According to Hall and Kepe (2017), knowledge of the 'natural' world, whether from the perspective of a scientist or a communal farmer, is neither a representation of something that exists independently 'out there in the world', nor merely a social construction. It is a negotiated relationship based on meaning, which actually reconstructs nature in the process of representing it. "If land reform is to play a part in the socioeconomic transformation of Namaqualand's communal areas, then it must be recognized that this process of negotiating meaning in relation to communal land has deep cultural and historical roots, which find expression in ways that are often obscure to scientists, range managers and the lawyers involved in creating new property institutions" (Hall & Kepe, 2017). The fact that the voices of the majority of poorer communal farmers remain unheard or unheeded by those in positions of power suggests that present policies will merely reproduce many of the mistakes of the past in a new context.

The 'personality-driven' nature of the Commission's administration

The HLP's assessment is that one of the reasons why issues of inefficiency and corruption have entered the restitution programme is because in 1999, the Commission was given the capacity to settle claims administratively out of court in order to speed up the process of land restitution. This decision had unforeseen consequences in that administrative settlement made the process 'personality-driven', ad hoc, and vulnerable to corruption. One outcome was that the Commission has been very inconsistent with spending on

restitution awards. Another method for speedily settling claims was to ‘bunch’ them together, creating artificial CPAs in the process. In doing this, the Commission overlooked the definition of ‘community’ that would be eligible to apply for restitution. As a result, there have been overlapping claims and this has led to many disputes between claimants. Further, the Commission has not been effective at researching claims, and, as noted above, has frequently settled claims despite the lack of credible research, something that was only possible when the administrative process was introduced in 1999. As a result, projects have stalled, claimants have been unable to develop the land productively, and they often have to hire lawyers at high expense to resolve these and other issues. The Parliamentary Speaker’s Forum’s HLP document finds that some claimants suggested that without money to hire lawyers, poorer communities are unable to progress with their claims. Therefore, unable to adequately process claims despite their legal powers, the Commission has referred many cases to court. Some of these cases, where claims have been ‘bunched and artificial CPAs created, stand little chance of success, if the definitions contained in the Act will be used to assess validity of the claims.

It is also worth noting that according to the report of the Presidential Panel on Land Reform and Agriculture (2018: 27), some of the land claims that have been lodged since 2014 have been found to have already been settled in the first phase. Therefore, some land has been given to people who already settled a claim on that particular piece of land. This finding is another argument in support of the need for the development of social policies to address such social and political issues and challenges. From the themes above, none is a legislative challenge. They all are either social challenges or institutional capacity challenges, and only if both these challenges are adequately addressed, will there be a real change in performance of the reform.

5.8 Key legislations for security of tenure

The right to secure tenure is provided for in Section 25(6) of the Constitution. This provision states that ‘a person or community whose tenure of land is legally insecure as a result of past racially discriminatory laws or practices is entitled, to the extent provided by an Act of Parliament, either to tenure which is legally secure or comparable redress’. Section 25(9) stipulates that Parliament passes legislation to give effect to this provision. This is the legal protection for those whose tenure is insecure because of past discrimination or comparable redress (which adds a redistributive component to tenure reform). Section 25(7) of the Constitution provides for restitution for those who can show how they lost land through racially discriminatory laws and practices such as forced removals after June, 1913. There are 11 relevant key pieces of legislation. These are: The Upgrading of Land Tenure Rights Act No. 112 of 1991; The Land Titles Adjustment Act No. 111 of 1993; The Ingonyama Trust Act 3 of 1994 (ITA); The Communal Property Associations Act No. 28 of 1996; The Interim Protection of Informal Land Rights Act No. 31 of 1996; The Land Reform (Land Tenants) Act No 3 of 1996 (LTA); The Extension of Security of Tenure Act No. 62 of 1997; The Prevention of Illegal Eviction and Unlawful Occupation Land Act No. 19 of 1998; The Traditional Leadership and Governance Framework Act 41 of 2003; The Communal Land Rights Act No. 11 of 2004; and The Mineral and Petroleum Resources Development Act 28 of 2002. However, for purposes of this research, I focus the discussion on the two key tenure security acts (the Interim Protection of Informal Land Rights Act, the Extension of Security of Tenure Act, the Labour Tenants Act and the Ingonyama Trust Act) have performed in as far as land rights are concerned. I do this because these three pieces of legislation are the main pieces of legislation that govern security of tenure.

The Interim Protection of Informal Land Rights Act no. 31 of 1996

The Interim Protection of Informal Land Rights Act no. 31 of 1996 (IPILRA) recognizes informal rights to land and stipulates under what conditions people may be deprived of such rights. It was intended as an interim measure to secure the rights, pending the promulgation of a more comprehensive law, but in the absence of such law, it has been renewed annually since 1996. The IPILRA is, according to the HLP, applicable to residents of the communal areas of the former Bantustans. Informal rights to land such as household plots, homesteads, cropping fields and grazing land, as well as rights to common resources, are protected through this Act. A key finding of the panel is that Parliament has not yet replaced this Act and thus met its obligation in respect of the 17 million South Africans who live in the former homelands and on communal farms (communal areas). Section 25(6) envisages both that vulnerable land rights must be made legally secure. Also, because of the forced overlapping of land rights during the apartheid era, some people will have to be provided with alternative redress, because others may have stronger or more compelling rights to the land in question. It thereby includes a redistributive component, which recognizes that were all rights to be confirmed in situ, past dispossession would be entrenched. Section 25(7) of the Constitution mandates the state to 'respect, protect, promote and fulfil' the rights contained in the Bill of Rights, which includes the right to secure tenure for those whose tenure is insecure as a result of previous racially discriminatory laws regarding people who live in communal areas.

The Extension of Security of Tenure Act no. 62 of 1997

The Extension of Security of Tenure Act No. 62 of 1997 (ESTA, 1997) sought to extend protection of land rights to all people living on farms. There is clear evidence that despite the constitutional requirements of Section 25(6), implementation of tenure reform laws

has been weak and ineffective. This is particularly the case with the Extension of Security of Tenure Act 62 of 1997 (ESTA) and the Land Reform Labor Tenants Act 2 of 1996. One of the problems identified by the HLP is that the Act does not refer to these people as farm workers but as ‘occupiers’. One of the challenges facing ESTA, according to the research done by the HLP is that “it does not make a distinction between occupiers who took residence after 1997 and those already living on farms prior to the Act’s promulgation, giving stronger tenure rights to the latter” (HLP, 2017: 288). The HLP also found that ESTA gives land rights to those who are too old or ill to productively work the land.

The Ingonyama Trust Act 3 of 1994 (ITA)

ITA established the Ingonyama Trust and vested ownership of 2.8 million ha of communal land in the trust, on behalf of King Goodwill Zwelithini, who was its sole trustee until his recent death. The Legal Resources Center filed an application in the Pietermaritzburg High Court in November 2018 on behalf of the Council for the Advancement of the Constitution, the Rural Women’s Movement and several informal rights holders. The Ingoymana Trust Board was established in 1994 to be the custodian of land previously administered by the former KwaZulu-Natal government. The court application sought to challenge the conversion of permissions to occupy (PTOs) or informal land rights to long-term leases by the trust. The constitutional dispensation that is applicable in the democratic South Africa is set out in the Traditional Leadership Framework Act, as read together with Chapter 12 of the Constitution. The Ingonyama Trust Act and the unlawful practices that persist especially in so far as gender discrimination is concerned, were raised by the Presidential Advisory Panel on Land reform and Agriculture document of 2018. Of note are vulnerable groups who are often having to pay sums of money to traditional leaders, for the administration of the land, and in particular to the Ingonyama Trust.

5.9 Issues and challenges facing tenure security

On tenure security, the document analysis yielded five thematic topics, namely:

- ***Restorative justice***
- ***Absent legislation***
- ***Spatial inequality***
- ***Communal areas: Traditional authority, elite capture and participation***
- ***Farm evictions***

Restorative justice

As shown from the race-based historical landownership injustices from the past colonial and apartheid regimes, land reform and redistribution are thus an important approach to ensuring social and historical redress, given that the majority of the rural population relies on land-based activities for their economic and social livelihoods. However, little has thus far been achieved to get the rural population to receive land, be able to have a secure tenure and be productive in land-based activities. As a result, inequality has persisted and the rural poor remain in poverty. In their assessment, the HLP concludes that legislation has had little impact to accelerate change (land redistribution) in the past 20 years. The target of redistributing 30% of all agricultural land was moved from 2005 to 2015. However, the date of 2015 was also changed as a target date, ascribed to the continued slow pace and performance of the land reform programme. The target of redistributing 30% of all agricultural land has since then been moved from 2015 to 2025. The HLP are concerned that even this new target will not be reached if the process is not fast tracked (HLP, 2017). Kepe and Hall (2016: 29) state, “It is widely held, among

politicians, civil servants, and the general public in South Africa that the process of land redistribution is 'slow'. Since the inception of the land redistribution programme, an annual average of 214,415ha has been redistributed.” Is this a lot or a little? This depends on many variables, including how it compares with the 30% target (now apparently abandoned), and what quality of land is being redistributed. There are several ways to explore the scale, pace and spatial spread of delivery but these are beyond the scope of this thesis. However, according to Kepe and Hall (2016: 29), “Since its inception 21 years ago in 1995, the land redistribution programme has transferred 5.46% of commercial agricultural land.” There has been a downward trend in the pace of redistribution, measured by hectares, since 2008. The pace of redistribution has fluctuated with the changing of ministers (and in two cases ministerial reviews leading to policy change), but also in response to changes in budget allocation. The high point of redistribution was in financial year 2007/08. Last year 2015/16 was the lowest year since 2000/01, and the current financial year 2016/17 is projected to be the low point since the pilot programme of 1995. What this shows is that the pace of land redistribution is far from even and political choices – not only in relation to budget – can have a big effect. It also suggests a winding down of redistribution in the past seven years. Overall, land redistribution is slowing down quite dramatically.

Absence of legislation

The main law regarding the issue of land reform is the Interim Protection of Informal Land Rights Act (IPILRA) of 1996. The law provides for secure tenure on farms, with the two laws also under discussion being the Extension of Security of Tenure Act of 1996 and the Land Reform (Labor Tenants) Act 3 of 1996. Despite the constitutional imperative to secure and protect land tenure, there remains no substantive legislation to defend communal land tenure. The only existing legislation is the Interim Protection of Informal Land Rights Act (IPILRA) of 1997. This was introduced as a ‘holding measure’ or ‘safety net’ to ensure temporary legal protection of tenure for people in communal areas and for farmworkers, while the state developed comprehensive legislation to give effect to

Sections 25(6) and (7) of the Constitution. The HLP panel found evidence of unfair treatment and a weak administration of land rights. The HLP proposes that a system of “...affordable recorded land rights that are accessible to all South Africans at family and individual level is a prerequisite to tenure security being achieved, and to economic and political inclusion.” (HLP, 2017). In line with the concept of redistribution, the HLP’s assessment of tenure security focuses, and rightly so as mandated, on legislation and not on the broader social issues mentioned earlier.

Spatial inequality

Colonialism and apartheid “left South Africa with a deeply divided and inequitable distribution of people and economic activity” (HLP, 2017). This spatial inequality traps disadvantaged communities in poverty and under-development, it creates inefficient cities and robs the rural poor of secure livelihoods. The panel recommends that it is important to break this damaging spatial pattern that was built on past laws that marginalized the black majority to the outskirts of the cities and to the Bantustans in order to preserve key assets, economic opportunities and the wealth of the country for the white minority. The legacy of spatial inequality appears intractable, despite the National Development Plan and Spatial Planning Land Use Management Act (SPLUMA)’s aim to address this pattern. This issue needs an integrated solution that goes beyond the mandate of any one government department or specific level of government. Thus, the HLP recommends that a structure must be created that can operate and craft solutions in an integrated manner, while also recommending some specific urgent interventions to address barriers that continue to form barriers to property rights of the majority and marginalize them from the main economy.

The release of available urban land to mitigate the ‘legacy of the apartheid city’ is an urgent priority to address the urban housing crisis. The panel also makes recommendations for the enactment of laws to recognize and administer a continuum of land rights, and address insecurity of tenure in rural areas. The PAP (2018) report states,

“...addressing the urban spatial and developmental challenges requires that land reform objectives must become a key consideration in the manner in which urban plans, housing projects and land-use management are planned and implemented, and must be linked with ensuring that those who remain landless have legally recognizable, protectable and registrable tenure rights”. The HLP report states that about 80% of the total South African population in urban areas has ‘off-register’ rights or no rights to land tenure that are recognized in law. The importance of urban tenure security is to be found in Chapter 8 of the National Development Plan, Vision 2030 (NDP).

The NDP envisions a democratic South Africa where people have access to areas of work and play, but also have access to basic services in their communities. According to Kepe and Hall (2016: 32), “The provincial breakdown of land redistribution shows the general trend of the Northern Cape being the province in which most land is redistributed, and also shows increases in delivery in KwaZulu-Natal and the Eastern Cape in the past decade.” Kepe and Hall say that this picture of delivery of hectares by different project type shows strong provincial variations. It shows that in the early years of the SLAG projects (1994-2000 exclusively, and partially thereafter), more land was redistributed in the Western Cape and KwaZulu-Natal and Mpumalanga. “The commonage programme (running concurrently with the SLAG programme) delivered most in the Northern Cape, which is not surprising and is explained by the demand for large areas of land for extensive grazing. Commonage has also been a fairly significant feature of land redistribution in the Eastern Cape, Free State and to a lesser degree in the North West.” Kepe and Hall (2016: 29) state, “The largest area of land redistributed – via commonage in the Northern Cape – was achieved almost entirely in the decade between 1997 and 2006, after which the commonage programme appears to have been discontinued.” Kepe and Hall say that it is striking that commonage was not promoted in KwaZulu-Natal, Gauteng or the Western Cape, and there was no commonage projects at all in Limpopo. ‘One of the implications of the provincial breakdown above is that far more land has been redistributed in the semi-arid Northern Cape than elsewhere.’ (ibid.: 29). With regards to LRAD (2001-2011), Kepe and Hall found that most land was redistributed in the Western and Eastern Cape, followed by KwaZulu-Natal and the North West. The least land

redistributed via LRAD was in Gauteng, followed by Limpopo, Mpumalanga and the Free State. (ibid.: 29).

The NDP directs the state to pursue and sharpen spatial development with the view to creating vibrant urban settlements. However, according to the PAP report (2018: 35), it says, “South Africa’s land reform discourse and focus has tended to focus much less on the urban dimension than on rural land and agrarian reform”. The HLP argues that the prevailing trends of widespread urbanization in South Africa and across the globe, suggest that the failure to deal with urban land and urbanization within the discourse of land reform will not lead to the constitutional realization of a successful land reform that not only transfers rural land but also delivers justice, unity and economic development.

5.10 ‘Farm-dweller precarity’ in KwaZulu-Natal

Hornsby et al. (2018)’s paper investigated whether farm dwellers in the KwaZulu- Natal (KZN) Province were subject to a ‘double exposure’: vulnerable both to the impacts of post-apartheid agrarian dynamics and to the risks of climate change. The evidence was drawn from a 2017 survey that was undertaken by the Association for Rural Advancement (AFRA), which is a land-rights NGO, among 843 farm-dweller households. Data on the current living conditions and livelihoods was collected on 15.3% of the farm-dweller population in the area. The paper demonstrates that farm dwellers are a fragmented, agricultural precariat, who are subject to push and pull drivers of mobility that leave them with a precarious hold on their rural farm dwellings. The key question was whether the hold farm dwellers have over land and livelihoods is slipping further as a result of the lack of stability in the agrarian economy. This instability arises from agriculture’s arguably maladaptive response to the intersection of structural agrarian change and climate risk in South Africa.

While the climate change outcomes will only be apparent in the years to come, the risks are real, and the paper concludes with a call for agrarian policy pathways that are both

more adaptive and achieve social justice objectives. The NGO also stated that there is a general lack of understanding of current and historical communal land tenure. “As a result, pre- eminence has been given to individual land rights over communal rights, thus undermining the communal land tenure systems” (PAP, 2018: 35). Traditional leaders argue that the current Western-imposed legislative framework fails ‘to appreciate the interplay of individual and group rights; how these live side by side in a mutually beneficial, inclusive and harmonious fashion rather than in a competitive manner’ (ibid.).

The Presidential Advisory Panel on Land Reform and Agriculture (2018: 36) states, “The primacy of private property rights and the privileging of individual rights asserted in South Africa’s Roman Dutch Law governance framework, wrongfully sidelines the principles and practices of communalism practiced successfully over many generations within African societies”. To avoid an inevitable conflict with rural communities, the report argues that land tenure reform should build on customary African traditional systems and not rely solely on perspectives that bear little reality to the lived experiences of rural communities. How does one put in place constitutional provisions without necessarily upending the traditional system? This is the real crux and challenge. Therefore, there needs to be recognition of the role to be played by customary land administration and that of the Western-style land rights models, which prioritize and serve individual ownership and property rights over communal relationships.

Ms. Sizani Ngubane from the Rural Women’s Movement

Ms. Ngubane focused on the main theme of women versus the Amakhosi. Ms. Ngubane said that women live in dire circumstances, and this was especially true for widows, divorcees and unmarried women, who are usually hounded off the land and prohibited from access to land or land ownership. Ms. Ngubane’s story serves as a case study that reflects the plight of women when it comes to access to land. Her upbringing, says the presidential panel, brings to the fore the issue of discrimination against women that has adversely affected the livelihood of millions of people. Ms. Ngubane complained that after 60 years of having been dispossessed of land by men, she is still landless today. The problem is that women’s status denies them audience with traditional leaders who are

also predominantly male. This is, according to the presidential panel, the way in which women are incapacitated.

Mama Ngenzeni Chiliza

“A story was told by Mama Ngenzeni Chiliza of how she was exchanged at age 15 for cows and how, when her husband passed away, she and her children were unable to inherit or occupy her late husband’s land, which they had occupied until then due to the lack of rights of women in her rural community” (PAP, 2018: 37). The report on land reform (2018) says that the status of rural women is as workers of the land, not as owners of the land. For many rural women, “they are not property owners, in their own right, but the property of men, without rights”. The presidential report on land reform (2018:38) states that the displacement from land as well as the fostering of social maladies as a factor of landlessness was given an interesting perspective through the lens of a young researcher, Ms. Fundi Skeyiya, who studied land dispossession, with a special focus on the Eastern Cape Province. For Ms. Skeyiya, it was clear that some laws that discriminate against women and girls should be repealed and amended accordingly and that families who have lost their land through dispossession perpetrated by the Amakhosi – who flout traditional laws – should be compensated. The Amakhosi must be forced to be transparent when they propose business to the communities and/or when they negotiate investment projects in rural areas.

Evidence reviewed by the Presidential Advisory Panel on Land Reform and Agriculture shows that women are reluctant to speak up in meetings, because “they feel intimidated by men who use obstructive behavior to resist women’s attempts to participate in land reform” (ibid.). This argument is consistent with Mosse (2000)’s argument around issues of participation in rural community development decision-making and women’s participation, where it was found that on balance, development practitioners impose development models that have not been informed by practical social problems that the communities face. Certainly, issues and challenges of power are recurring themes in this body of literature.

Therefore, 'accumulation from below' ought to be the anti-thesis to 'accumulation from above'. The HLP's empirical evidence points to similar issues and challenges of little participation from voiceless communities (or women) and instances of elite capture. As demonstrated in this chapter, undemocratic practices have persisted in a democratic dispensation that has provided for empowerment legislations, policies and programmes. Walker (2007) discussed women's social standing and economic opportunities through land reform legislation, policy and implementation practice. Walker (2007) identified the importance of the state in supporting women's access to land. As found by the HLP (2017) report and the PAP (2018) report that the plight of women in matters of land is concerning, Walker (2007) argued that the advancement of women's access to land and land rights required addressing issues and challenges in communal, family and household lands. Walker (2007) contended that it was equally important to recognize women's right to participate on equal terms with men as individuals in land reform projects.

Walker (2007) pointed out that since many rural communities have single-headed and female-headed households (whereby women have little access to land), it is important that the debate on women's land rights is not understood in terms of women-headed households only, nor as a policy choice between individual or household land rights and interests for women. Walker (2007) was of the opinion that most, poor women live in households dominated or headed by men, and their interests and rights in the property resources of these households need attention in the Land Reform Policy as well. Walker (2007) provided a schematic outline of what should be the priorities in South Africa's land reform programme. Walker's approach included the identification of actual needs against what policies aimed to achieve. Walker's scheme highlighted the practicality of carrying out land reform, while considering the specific aspects of for what and for whom such land reform was to be conducted. In this light, Walker (2007) argued that there was a need for a much greater role for the state to play to proactively acquire land that was suitable for land reform.

This interventionist role of the state must, out of necessity, be to acquire land not only for one social class or group, but it should target different groups. Ideally, this means that the state can play the role of the 'buyer' of land in the land market. In certain contexts,

according to Walker, this could mean using the state's constitutional powers of expropriation, with 'just and equitable' compensation to land owners. Walker (2007) also suggested that greater importance should be given to peri-urban land reform, because of rural-urban migration patterns that show that when rural dwellers move to the cities, they are faced with a land and housing shortage. All policies relating to land redistribution emphasise gender equity as a goal, and prioritise women to gain access to land. What exactly this prioritisation consists of is unclear. Nationally, women constitute 23% of land redistribution beneficiaries (House hold Survey Study- HSS, 2004). The researcher does not have detailed breakdowns of women beneficiaries, or women headed households, under the various land redistribution programmes. However, I can present summary of women as a percentage of land redistribution beneficiaries by province (**see table 8**). I cannot draw conclusions as to why the figures for Limpopo are so much higher than elsewhere; further studies including interviews and analysis of project data would be needed to explain this pattern.

Table 9. Farms and Agricultural Landholdings by gender: 1994-2016.

Province	Male		Female		Male-Female		Co-owners		Other		Total
	Ha	%	Ha	%	Ha	%	Ha	%	Ha	%	
EC	3 704 812	80	439 032	9	229 159	5	60 218	1	178 308	4	4 611 528
FS	3 518 907	70	854 107	17	414 059	8	44 566	1	177 626	3	5 009 264
GP	235 362	51	112 110	24	98 483	21	6 060	1	10 654	2	462 669
KZN	934 891	58	134 896	8	130 532	8	86 998	5	330 76	20	1 617 493
LP	1 022 742	58	275 057	16	315 703	18	46 164	3	90 310	5	1 749 977
MP	955 454	66	218 791	15	190 483	13	27 293	2	49 131	3	1 441 152
NW	2 047 590	62	487 229	15	523 392	16	120 084	4	132 914	4	3 311 210
NC	11 000 772	73	1882 645	12	1 693 539	11	166 088	1	267 958	2	15 011 002
WC	2 782 161	72	467 145	12	374 965	10	97 772	2	141 951	4	3 863 994

Total	26 202 689	714 871 013	133 970 315	11 655 242	2 1 379 029	3 37 078 289
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Source: Land Audit Report (2016).

In short, while all land reform policies claim to promote gender equity and prioritise women, the national data shows that women are a minority of beneficiaries in all provinces bar one. We cannot show whether there have been changes over time. Overall, women make up less than one quarter of beneficiaries. Aliber (2017) says that 30 years ago, David Korten wrote about issues of decision-making processes in development programmes. Korten (1984: 178) launched a perceptive critique of how governments and donors tended to pursue their economic development/ assistance programmes. Korten (1984: 178) reported that “In hindsight, the results of government and donors’ various rural development initiatives seemed quite predictable.... It remains the rule rather than the exception to see in development programming: a) Reliance, even for the planning and implementation of ‘participative’ development, on centralized bureaucratic organizations that have little capacity to respond to diverse community-defined needs or to build on community skills and values; b) inadequate investment in the difficult progress of community problem-solving capacity; c) inadequate attention to dealing with social diversity, especially highly stratified village social structures; and d) insufficient integration of the technical and social components of development action”. Aliber (2017: 8) argues, “The development literature since Korten has recognized the distinction between the ‘blueprint approach’ and the ‘process approach’, where the former involves centralized planning and often futile attempts to implement, while the latter is a more people-centered, bottom-up approach”. The point is not necessarily that one approach is always better than the other (moreover, the advantages of hybrid approaches are also recognized; for example, see Brinkerhoff and Ingle, 1989), but that in certain contexts or for certain tasks, there may be a good reason to lean in favor of one over the other. By 2004, land transfers were largely disappointing. Hall (2004)’s article was based on the findings of in-depth telephonic interviews with key national government officials, directors of the provincial land reform offices of the DLA and with the directors of NGOs in the land sector. Analysis of the interviews provided the study with a geographic description of trends in different regions, and it highlighted the contradictory views of different sources.

In a nutshell, Hall (2004) found that between 2000 and 2002, the DLA and the NLC jointly engaged in the Promoting Women’s Access to Land (PWAL) project to try and identify obstacles and opportunities to advance women’s rights to land. The project demonstrated that a legalistic approach to addressing gender discrimination had very limited effect, and that tenure and inheritance practices constituted long-term barriers to realizing gender equality leading to equity in land. It called for innovation in policy and new approaches to implementation. According to the PAP report (2018: 38), “There has been little paradigm shift from male control of land, which makes it difficult for women to access land”. The report added, “Rural communities in particular are still governed by traditional authorities such as chiefs (Amkhosi), headmen (Izinduna) and informal committees who exercise power and authority in spite of the election of democratic local government structures” (ibid.). The presidential advisory panel states that it is under these customary laws that women are prevented from taking full control of land, thus increasing their vulnerability, marginality and dependency. None of these factors and how they can be legally overcome are addressed by the current land reform structures or aims.

5.11 Voices from below: “Can anyone hear us speak?”

A speaker in Mpumalanga highlighted,

“Rural communities still do not own land. They continue to live under an old legal system...People live on the land, but they do not own the land.” He laments the intention of the Land Reform legislation: “Instead of ordinary people getting back the land, the land is given to senior government officials and politicians. They are taking the land that is supposed to be owned by ordinary people...People continue to suffer because the land is sold...It is common here in Mpumalanga, where I live, that traditional leaders sell land to foreigners”. He gives the example of Nkomati Local Municipality, where the levels of unemployment are very high. Yet ‘day in and day out, “the land is sold by traditional leaders to foreigners” (HLP, 2017).

In KwaZulu-Natal, a speaker told the panel:

“...We live in great hardship in South Africa. We are dispossessed of our land by development, by the mines, and we get no compensation or benefits out of the so-called development on our ancestral land. We are not consulted. We have turned into non-entities with nothing, and yet, we are the rightful owners of the land. We do not have certainty as to what is going to happen to us and our land” (HLP, 2017).

According to another speaker in KwaZulu-Natal:

“Investment deals are concluded by the traditional leaders without consulting with, or even informing, the community, who simply see bulldozers and trucks on the job. Dynamiting operations crack the walls of houses; coal dust covers roofs, so that it becomes impossible to harvest rain-water; the same soot covers grass and renders it unfit for grazing. The traditional leader does not want to account, refuses to attend meetings” (HLP, 2017).

The empirical evidence presented above points to issues of the distorting role of traditional leaders, who do not adhere to the official laws of the country and who are also severe barriers to the implementation of efficient land reform that gives individuals the ownership of land and thus security of tenure. There is also a lack of a clear vision and direction. The issues of power, ideological assumptions and support services in relation to government’s role and its approach to traditional leaders. Therefore, the real challenges of land reform are not legislative but social. The HLP (2017) summarizes the issues and challenges facing land reform by asking questions around acquisition methods, implementation and sequencing. The questions to be answered, include:

1. How should land be identified and acquired for the purpose of land reform?
2. How should the land be redistributed?
3. Who should be the recipients of such land?
4. How should the land be used?
5. What type and scale of farming or other productive uses?
6. Should land be redistributed to enable settlement and multiple livelihoods, including in designated urban areas? Or should it be exclusively used for farming?

7. Should redistribution be restricted to those properties that are offered for sale, in other words no targeting? Or should there be area-based and population targeted priorities?
8. How is land to be valued?
9. What should the state or beneficiaries pay for land? Should this be a market price, a 'negotiated' price or a price determined on the basis of Section 25(3) of the Constitution? If the latter, how should 'just and equitable' compensation be defined?
10. What rights should beneficiaries have?
11. Which financial obligations should beneficiaries have (rates and taxes, lease payments, payments for utilities such as water and electricity)?

5.12 Main recommendation by the HLP

After identifying some of the weaknesses of the legislation and policies of land reform that constrain redistribution, restitution and tenure security, the HLP formulated remedial policy recommendations. The main recommendation is that there needs to be a Land Reform Framework Bill or Act to guide the reform process. The HLP believes that the new framework legislation would address the deficiencies in law and policy, and provide potential solutions in the form of a coherent and consistent set of guiding principles; definitions of key terms such as 'equitable access'; clear institutional arrangements (especially at district level); requirements for transparency, reporting and accountability; and other measures that promote good governance of the land reform process. The HLP reports that a new bill "...would also allow government to consider both rural and urban land reform as part of a broader land reform programme, designed to address the spatial restructuring objectives of the National Development Plan, and thus address spatial inequality" (HLP, 2017). The HLP also calls for a reaffirmation of who the target beneficiaries of land reform should be. In particular, it upheld the notion that women

should be prioritized in all land reform projects, as they form part of the vulnerable groups in society. They also recommend that there should be a permanent land rights act that secures farm worker's rights, which emerged after the finding that the IPILRA was only a temporary or holding measure. In order to deal with the key issues and challenges facing the three aspects of the land reform process, the HLP recommends that there needs to be a system that ensures equitable access to land. By this, they mean that the new system "...should be able to do away with the divides between white and black, rich and poor" HLP (2017: 219).

On balance, the panel's main recommendation is that there needs to be an adequate provision in policy and practice for the provision of land for non-agricultural purposes in both rural and urban areas.

5.13 The researcher's critique of the 2017 HLP

My analysis of the HLP report is that the panel did an excellent job in identifying gaps and weaknesses in land reform legislations and the impact that these legislations have had on the lives of ordinary South Africans. The evidence presented above shows that the legislations have actually had only a minimal impact on the lives of people. The report's findings confirm what the review of the literature review conducted in Chapter 2 found to be the issues and challenges of the land reform programme. For example, Borrás (2004) found that landowners inflate land prices and this makes it difficult for the rural poor to buy land. This has been explained by Hall (2010), who stated that the programme underwent ideological shifts from a focus on the rural poor to a class of emerging black farmers. This shift was in line with economic policy shifts reminiscent of the direction and priority of the beneficiary selection. As found by Cousins (2013), the agricultural sector is dualistic (the existence of large farms alongside smallholder farms). Cousins (2013)'s research raises important questions around 'the agrarian question of the dispossessed', that is, the need for the formation of 'petty commodity producers' from the rural population.

Hall (2012) conducted a research around community-based approaches to development and found that in the South African context, they are largely unorganized in terms of resources and also ideological vision. The panel heard substantial evidence that governance of the programme has been far from optimal, and in many cases has meant that even when the allocated budget was fully spent and many hectares were acquired or transferred, the objectives of land reform were not met. In this regard, a livelihoods approach to development becomes an important framework for land reform. In Chapter 2, I argued that the concept of a developmental state is more suited to responding to the needs of the poor, mainly because the state assumes the key role in redistributive matters. However, as pointed out by Bresser-Perreira (2017), as capitalist development has two institutions: the state and the market, the logic of capitalist development therefore depends on the smooth cooperation between the two institutions. Therefore, it is imperative that land reform legislation is informed by the logic of the state and the market forces. As maintained throughout this paper, the state is premised on the provision of basic services and provide an enabling environment for investments, and the market is there to encourage competition and innovation. In this light, it would be wrong to leave redistribution matters to only one of the institutions.

As illustrated in the literature review, the theoretical framework and this chapter, market-led land reform in South Africa has sidelined the rural poor and have only ended up in elite capture (for example, a speaker from KwaZulu-Natal said that land reform officials divert the funds for personal use or Ms. Ngezani says that in rural communities, women have little participation in land-related matters). This means that the process 'excludes' or does not 'listen' to the voices of the rural poor or the designated target groups

In conclusion, the issues and challenges facing the land reform programme are more to do with social dynamics (social class inequality) and the role of traditional leaders regarding communal land. Thus, the HLP finds that the major obstacle to land reform is not weak or ineffective legislations, but it rests more on the issues of land reform budget diversions for personal use by officials and other corrupt behaviors. The particular ideological economic policy adopted by the state (neo-liberalism) has not been informed by the lived experiences of the rural communities. Neo-liberal policies have given a limited

role for the state to play in the land market and this has been in a political landscape that urgently calls for state intervention. I am of the view that the three areas, which include ideology, politics and post-settlement support services, have largely been underestimated or not assessed. The issues and challenges therein need to inform legislation and land reform programmes.

The evidence presented in this thesis shows that apart from legislative implementation weaknesses, the issues and challenges in the three areas have proven to be the major impediments to an effective, fast and efficient land reform. Similarly, the evidence points to the lack of proper planning in programme design and implementation. This can be attributed to the lack of consideration for 'broader social considerations', that is, the areas of local traditions and customs, ideology, politics and post-settlement support services. The thesis makes the claim that there is a need for land redistribution to seriously consider social policies when designing and implementing land reform programmes.

5.14 Conclusion

The development of policy and law has, in the past two decades drifted away from its initial pro-poor and pro-rural-poor stance. The drift away from pro-poor is assumed to have occurred because of the neo-liberal free market paradigm, which as policy, delegates the distribution of resources to market forces, leaving the state to only play a limited role. This approach implies that the state prefers 'a class of emerging black commercial farmers', while marginalizing the rural poor, who are – according to the national policy – the intended target beneficiaries. This calls for a 'suitability review' of the neo-liberal market-led ideology to drive the land reform.

At the heart of any successful land reform will be whether government delivers on its constitutional mandate on land reform, and whether Parliament legislates and exercises the relevant oversight over the executive's actions to bring about change. These are issues of implementation. A wider mandate by Parliament to the HLP to include

assessment of the broader social policy issues and challenges would move the land reform debate in that government could then develop and implement/monitor the policies that would efficiently drive the reform, curb corruption and institutionalize good governance (transparency and accountability) in the land reform process. It is evident that there has been inadequate transparency in the implementation of the land reform, and insufficient accountability of traditional leaders, tribal authorities and government departments to Parliament and the public at large.

To strengthen the land reform process, the problems facing the programme need to be addressed; problems of an unclear goal (the purpose) of the programme. Does land redistribution primarily aim to redress the land inequality created by the past, or does it primarily aim to improve the efficiency of productivity of the agrarian sector and thereby reduce poverty? Or, should the primary aim of land reform be both of these as two-prong objectives? The issue of the relevant institution to drive the reform needs to be resolved (including cooperative governance across all the spheres and levels of the state, and extended across society as a whole).

The challenges of politics of land (power dynamics and corruption) that currently bedevil the land reform process effectively rendering the programme elite captured, need to be decisively addressed. The issue of adequate post-settlement support services to ensure sustainability of the post-transferred projects need to be addressed and resolved. To ensure compliance to the purpose of the programme, at implementation, the issue of the design and implementation of a comprehensive land reform legislation and policy framework need to be finalized to guide the land reform process. These issues and challenges, the major constraints to performance of the land reform, do not reside in the Constitution or are a result of weak legislative provisions. They are issues in the broader social and political sphere of society as further evidenced by the questions and concerns raised by people at the meetings of the public hearings organized by the HLP.

Chapter Six

Discussion/ Synthesis

Introduction

This chapter presents a discussion of some issues pertaining to the land reform programme in South Africa. The task is to describe and explain the issues and challenges that have been uncovered from the documentary analysis of the preceding chapters. The object is to combine a number of important areas related to implementation of the land reform programme that have a critical bearing on the outcomes of the reform process. The chapter discusses topics related to land reform in South Africa, namely: Section 25 of the Constitution, the 'property clause'; land uses; selection of the target beneficiaries of land reform; issue of agrarian transformation; and the issue of expropriation.

Section 25 of the Constitution

The post-apartheid, democratic state has continuously promised to redistribute land to the poor masses on a far-reaching scale. The South African Constitution (RSA, 1996) includes a 'property clause', which guarantees, secures, protects and promotes landowners' property rights. Having promised the redistribution of land to the poor, the following question arises: How can the state redistribute land, while including a 'property clause' of guaranteed property rights in the Constitution? The answer to this question has important implications for the kind of approach that will inform and guide the land reform process, because it speaks to the issues of ideology. In this regard, I hypothesize that the 'property clause' was included in the 1996 interim Constitution as a result of the neo-liberal economic policy that was adopted by the post-apartheid state. In a neo-liberal free market economy, the allocation of resources is executed through market forces, where the state is there only to ensure the adherence to the rule of law and to protect property rights. This means that the state must protect its citizens' properties against risks such as theft, damage (or expropriation). Hence, in the land reform process, the ANC-led state assumed the role of 'overseer'. This necessarily required the 'property clause' for purposes of guaranteeing land rights for landowners. In principle, there is nothing wrong with state protection of property rights. However, it seems that the types of property that

the 'property clause' guarantees and protects are assumedly mostly developed properties in urban areas and not necessarily vacant property, meaning undeveloped land. Hypothetically speaking, a land claimant could try to claim a property in any urban area of the territory of the country and the claimant would be legally charged with invasion. This issue has mainly been understood in terms of 'private property'. Therefore, the questions that arise from this are: What constitutes 'private property'? Which specific land (or 'property') does the state intend to redistribute to the poor and dispossessed groups? According to Hugo Grotius, property law says that private property is any property or entity that has been legally acquired on the market at a market price. The post-apartheid state has, over the years, intended to redistribute (or at least, subdivide) large commercial farms, state-owned land and municipal commonage land.

More recently, the state included abandoned buildings or land that has not been developed or not being used productively (idle lands). When one considers the above, it raises concerns over who the target beneficiaries of land ought to be. This is because historically, the territory of South Africa was invaded by European settlers and therefore (one could reason), all lands in South Africa should be subject to redistribution, irrespective of whether the land has been developed into a property or entity of some kind such as a building, home or office space. On the other hand, such land was acquired by the settlers through wars and battles that they won, or exchanged for goods with the local chiefs. Similar wars were won by other black nations who invaded the territories from other regions. Internationally, wars have been won and lost, and in the process, land was also won or lost. In view of the above-said I contend that land reform in South Africa needs to seriously consider reforming rural as well as urban areas and where possible, redistribute all land that is state-owned, municipal commonage land, idle and unused land, abandoned buildings or land that has not been developed. However, as long as the state does not have the capacity of providing the necessary support and supply of infrastructure development or inputs, redistribution would merely result in more idle land, or land being sold and the poor remaining poor and the wealthy buying their acquired land.

In the face of high levels of corruption, a lack of transparency and accountability, only the well-connected would benefit both in the long term and short term. The poor would not be able to acquire stock, or grow crops, buy machinery or equipment, build houses or any other infrastructure. Expropriation of title-deed properties would result in capital flight of citizens as well as corporates, and international sanctions would hamper any further development if the rule of law and property rights are not assured for all.

Beneficiary selection

The question of who the target beneficiaries of land should be has been one of the so-called 'pressing questions' facing the land reform programme in South Africa. Conceptually, this question has been operationalized through the land restitution aspect of the programme. Land restitution aims to re-settle people who were forcibly removed from their land as a result of the Natives' Land Act 27 of 1913. The cut-off date was limited to those people who were removed from their land on or after the cut-off date of 19 June, 1913, because land redistribution cannot redistribute land before the evacuation laws were implemented. In other words, restitution has a legal aspect to it. The restitution programme aims to give land to people who were previously disadvantaged as a result of the Land Act of 1913. Accordingly, the affected people lodged their claims to land they had lost. Debates around restitution have been about providing evidence that land was taken away during this period. Many people did not have enough evidence that land was indeed taken away from them during this period. The researcher found that many people who had lost their land as a result of the Natives' Land Act of 1913, had already died and so it is usually only their descendants who could claim such land, but with the challenge of proving that their family was forcibly removed from a particular piece of land. South Africa's land reform programme, especially the land redistribution aspect, aims to redistribute land to the rural poor, farm workers, labor tenants, women, youth and the disabled. Tenure security aims to give and protect land rights for farm workers and labor tenants on large farms. The question that arises from this is, if the land reform programme in its entirety aims to restore land rights or access to land for those who were forcibly

removed from their land and for the poor, farm workers and so forth, does this not necessarily imply that all those black people are entitled to land reform (redistribution, restitution and security of tenure) who had been subjected to separate development and apartheid, racist segregationist policies, land dispossessions and, political and economic oppression? That would mean that in theory, all black people who were born before the official end of apartheid, and who were/are not part of the black elite or those who had benefited from the prior system, should then qualify for redistribution. Interestingly, the rise of the black middle class reveals that many black people have succeeded in their lives without having benefited from land reform. For example, there are many black people in suburban South Africa (and rural areas alike) who have literally never participated in the land reform project, albeit for various reasons. This shows that: 1) not all people are interested in land redistribution matters; and 2) it tells a story of black people who are satisfied with the current landownership patterns and who prefer to live in the urban areas. The first reason is understandable, because research has shown that because South Africa is an industrialized economy, many people are more interested in having a good job than land that they would not know what to do with. The second reason gives illuminating evidence to the argument that land reform is not necessarily in the interest of all black people, that is, in the 'national interest'. These two points raise another interesting question, which has largely been contextualized on a regional basis. That is, black South Africans charge that land reform is important for purposes of historical-social redress. In recent years, apart from land reform, other social justice reforms have included employment equity schemes (for example, Broad-Based Black Economic Empowerment or B-BBEE policies). B-BBEE policies have been criticized for only empowering a few elite Africans into powerful political and business positions, while marginalizing the poorest of the poor. However, this discussion has in many corners been discussed around the economic development of South Africa after the repressive regimes had been dissolved and replaced by democracy. That is, some people have asked why black South Africans still refer to their social standing in relation to the economy as 'second-class citizens', more than two decades after the end of the apartheid regime, despite 1) many empowerment policies having been implemented and; 2) when South Africa 'inherited a modern equal opportunities' open to all? These two points indicate that there has been a

lack of social programmes and other development projects that could improve black people's sense of self-worth. It could indeed be argued that if the social perception of many black people in South Africa is related to their lack of skills, which had been a legacy of the apartheid system, then it can be argued that since 1994 to 2021, the new dispensation has been in place for 27 years. In terms of access to education, it arguably takes 15 to 16 years for a person to start school in grade 1 and complete a university degree. This means that since 1994, many young people have now entered higher education, which means that there is a chance that prospects for a better South Africa can be realized. However, the issue still remains that many black people, young black people included, are not necessarily interested in land-based activities, mainly because there are far more attractive jobs available in the modern economy. However, the modern economy calls for skilled jobs in industries such as manufacturing, engineering, finance, and ICT. It is acknowledged that other African countries did not necessarily inherit truly modern economies upon gaining political independence. However, these views need to be contextualized not only regionally but also understood in terms of global developments.

Land uses

Another pressing issue has been that of land uses. It has been argued that one of the reasons why land reform has been slow and inefficient is because different land uses (also considering the impact climate change, over-grazing, land erosion, floods and droughts) have not been established. This means that beneficiaries may receive land, but they are unsure what to use the land for. In land reform theories (political and economic perspectives), land reform has usually had two rationales: for purposes of social justice (political, for settlement), agricultural productivity (economic, for improving rural incomes and benefit the wider economy) or both. However, given the modern economy, many South Africans do not aspire to engaging in land-based livelihoods, and because for many rural dwellers, the income from the land cannot sustain them and accordingly, obtaining formal jobs is their main aim. Over the years, many young people have been migrating to

the cities and other urban areas in search for work. They then send remittances back to the communal areas. African's agricultural peasantry, which was mostly of a self-sufficiency or even subsistent nature, was systematically destroyed by different oppressive regimes for purposes of supplying cheap labor to gold and diamond mining companies and large commercial farms. Unlike other African countries that continued to engage in agriculture (although also on a subsistence basis), South Africa became highly industrialized. Some have argued that in this respect, South Africa cannot transplant the usual agriculture model of a mixture of large and smallholder farming (for both white and/or black people), because of the 'speciality' of the agrarian sector in this regard, given that many people do not want to be agricultural peasants. This is true. However, perhaps government should consider putting in place incentives that encourage rural dwellers to engage in agricultural beneficiation activities. For example, government could incentivise farms that are productive and those who use local produce and add value to it before selling it on, instead of selling it as "raw material". Land use needs to be broadened, so as to open up other avenues for livelihoods. Currently, the agricultural sector contributes very little to the economy. This, perhaps, has been the main reason why many young people do not want to work in this sector, as they still perceive agriculture as a primary sector that involves hard work, uncontrollable climate challenges and small returns. Ideally, this calls for change in people's perceptions of the value and importance of agriculture. Other land uses that have been added over the years and becoming important rural economic pre-occupations, include forestry, mining, tourism and cultural activities.

Chapter Seven

Summary and conclusion

SUMMARY

This thesis set out to investigate the issues and challenges facing the land reform programme in South Africa. The research found that land reform has been slow and inefficient, for many reasons, including the market-led approach to land reform, which did not respond to the needs of the poor. The study has analyzed key land reform legislations and finds that the post-apartheid state has the right legislations for historical redress in place, but that the legislations have not been informed by social considerations, local traditions and customs, or the patriarchal system that is still dominant in most of the rural areas. The thesis has also evaluated land reform programmes and has found the land reform programmes have not been effectively implemented, because of issues and challenges related to power struggles, corruption and a lack of capacity in government departments and institutions.

The evidence presented points to issues and challenges around ideology, politics and a lack of post-transfer support services. The notion of the developmental state, with a focus on livelihood approaches proves to be a better approach to development. However, this should not mean the complete abandonment of free markets. What is needed is the right mix of state and market cooperation. In the South African context, the right mix of state and market institutions needs to be realized, while land reform approaches tend to be two mutually exclusive alternatives: state-led or market-based.

The central economic issues of land reform are the effects on productivity, on the society's resources for the future, and on social equality. This suggests that land reform is likely to cause increases in productivity after some time, although in the short run, there may be problems of adjustment. Increases in productivity and better results will strongly depend on state-led support, input and training of the relevant people. Therefore, I would speculate that tenure change is also neutral with respect to investment. However, the absence of differences in productivity and investment behavior among groups may not imply that movement of people from one tenure group into another will have no productivity effect. The lack of variation among tenure patterns is likely to prove true only

for intensive farming. Moreover, land reform is not merely a shifting of personnel among tenure statuses within a given system; a thorough land reform is a major system change. If the reform is successful, one would expect a new sense of hope, of independence, and of opportunity among vast numbers of people, and such psychological changes might enhance investment and hard work. However, it will only manifest itself on a permanent basis if all new land owners will have their title deeds and confirmed property rights. The proposed 30-year leasehold will not provide such sense of security, as the lessees may lose their property after the first generation and have nothing left for the next generation to inherit - which would result in landlessness again. The agrarian reform accompanying land reform must aim to raise the productivity of all beneficiaries. If these speculations prove accurate, then land reform should not generate declines in productivity, but should promote sustainable livelihoods of any group, promote higher productivity, equality and a process of rapid modernization.

In Taiwan, land reform created a class of farmers who constituted a market for consumer goods; that market facilitated industrialization; industrialization speeded up urbanization and thus made possible larger farms; and larger farms implied greater efficiency and higher incomes. These conclusions have important implications for equality. Given the dynamism that land reform can generate for the larger economy, landlords and tenants are necessarily in a zero-sum game over any substantial period of time. The landlords who not only get 92% of the value of their land, but also secure a place in a dynamic economy, may actually have improved their situation. Other considerations also qualify the equality decisions reflected in the payment by the tenant of 68% of the land's value and the receipt by the landlord of 92%. In areas where landlords have been unable to collect rent or have been unable to supervise the rent collection properly, their return may not have been as high as the land values would suggest. A contrary consideration is that the 68% or 92% calculation assumes that the tenants actually possessed the total security of tenure and the 25% ceiling on rent payments guaranteed by the old laws. Taiwan's land reform highlighted a number of political problems. The Kuomintang government in Taiwan was firmly committed to a socialist ideology, which provided land reform with a generally accepted legitimacy. The Kuomintang was not reforming the lands of its own

officials. An immediate communist threat made land reform an immediate imperative. An administrative apparatus of extraordinary competence relative to Taiwan's problems was backed up by an army of overwhelming size. The peasantry was accustomed to following orders, extreme discipline and formal organization and thus effective rural institutions were established with relative ease. Government ownership of all key industries and of former Japanese holdings provided an economic base for a money transfer to former landlords in exchange for land. This was most true of the major political institutions. The Congress was recruited almost exclusively from landlords or landlord families. Villages were governed both formally and informally by a patron- client relationship. Martial law proved to be no panacea for change, but after discounting the inflated statistics, and the problems addressed the rates of progress were far greater than in the past. The first strategic choice was the sequencing of land reform, with the following options: 1) identify the largest landlords; 2) identify regions of highest inequality; (3) identify regions or areas of most likely to succeed; 4) use an 'everybody first' mindset; and 5) redistribute the most fertile and productive land to the poorest of the poor. The advantage of the 'big-fish' first strategy was the political impact and its potential for disarmament of the most powerful opponents of land reform. The disadvantage of this approach was that it encouraged landowners not to participate or to give up their land (that is, victimization syndrome). I would recommend major incentives in this regard. The advantage of giving priority to areas of the widest inequality is that the process builds a culture of social equality (although these are usually areas that are most difficult to transform). However, land reform needs to begin with a common purpose, vision and unity. This leads to the essence of political will or commitment from central government, measured in terms of budget, extent and scope of the programme.

The researcher finds that the imperatives of pursuing a successful land reform programme consist of putting in place efficient administrative systems and processes and stimulating peasant enthusiasm and commitment to wanting to work the land. The advantage of starting land reform everywhere simultaneously is the tremendous positive political effect of such a strategy. However, this should not portray itself as an overwhelming political coup. This may face the danger of over-extension that could create

a circle in which one failure leads to another failure. The advantage of proceeding through land reform to the degree of industrialization and modernization is sustainability of productivity. Perhaps, this re-calls the need for protecting modernized economic sectors and a minimized political opposition. That is, the researcher finds that political alliances have a place in the administration of land reform processes and programmes as they are typically represent different interest groups. A challenge that such broad-based approach could face one of lacking capacity, as currently seen during the impact of the Covid pandemic and the lack of capacity in local healthcare systems, which highlights the severe capacity shortcoming regarding the plans for a national health system (NHI).

Globalization has resulted in an unequal global-food regime. Poor countries have been told to liberalize their economies for purposes of economic growth and development and yet, the rich countries have shown instances of state protectionism. Overall, global capitalist development has entrenched and re-produced inequality in the poorer countries. The global food regime has led to looming food insecurity instead of food security, especially in countries where climate change has had a severe impact. The thesis notes the need for local food sovereignty for purposes of sustainable development and environmental protection. Therefore, the daunting challenge that faces the international globalized capitalist development nation-state system is how to proceed with capitalism, while ensuring not only food security but also food sovereignty.

Land reform is largely a political process. Although programmes shift towards an economic rationale, land reform is usually initiated by political events. Land issues and related contestations allow us to draw a variety of lessons from political history. For it is land that lies at the center of all the questions on economic, trade and environmental policy plaguing governments, lawmakers, activists, and most importantly, ordinary citizens. When the World Bank implements top-down poverty alleviation strategies, they fail to see the most basic underlying causes of poverty and destitution in much of the world. In opposition to this institutional ignorance, we witness a variety of people's movements emerging from below, composed of the landless rural and urban working poor, struggling to survive and voicing their demands through mobilizations, both violent and peaceful. The examples given in this study locate these moments of public discontent

and pressure exerted on the state to address the need for land – not as an ideology, but as a source of income to fight poverty. In order to reassert the importance of land reform to current questions on global socioeconomic structures, we retrace the key components of our arguments. A proper economic transformation must imply an opening up of new cultivation activities for a land-dependent population. In fact, one may even argue that the whole successful resolution of ‘the agrarian question’ means that dependence on agriculture for livelihood as a percent of GDP and workforce becomes smaller. However, this must not be a forced transfer of people from agriculture to so-called development. To avoid this, redistribution of land becomes a prerequisite for economic growth and development as long as such land will be used for production purposes instead of being idle. It must be emphasized that the models of economic transformation in developing countries will be necessarily different from the models of Western capitalism. This is largely because the historical conditions and the overall global conjuncture are very different from what those countries confronted when they embarked upon economic growth, especially when they had to rebuild their countries after the wars. It is extremely important to realize that one obvious consequence is that the pace of movement out of agriculture will necessarily be much slower. This also implies that instead of copying the contemporary models of corporate capitalism, which is what is being done by governments of many developing countries, we need to find our own appropriate models that would ensure decent livelihoods to the people living in rural areas. For reasons of space, we cannot elaborate here.

Inequitable land distribution has resulted in elites, rich peasants and the politically well-connected, and those who are part of the tribal authorities, and control the best lands, as well as expand agricultural production for export, continually displacing the poor to ever more into marginal areas for farming. The poor are forced to fell forests located on poor soils, to farm thin, easily eroded soils on steep slopes, and to try to eke out a living on desert margins. As they fall deeper into poverty, especially if they have to sustain large families, they are often accused of contributing to environmental degradation, and are treated as criminals on the charges of encroaching on what has come to be defined as public property. The inability to own and productively farm land in rural areas is closely

linked to urban poverty. The landless poor must abandon the countryside in massive numbers and migrate to cities in search of work, where only a lucky few make a living wage, while the majorities languish in squatter camps. Arguably, these dire consequences reaffirm the need to redistribute productive land through a comprehensive agrarian reform. This is a basic prerequisite for the kind of inclusive, broad-based development that would allow the nation to provide all of its citizens with a decent standard of living and make possible more ecologically sustainable management of natural resources. Compelling empirical evidence strengthens arguments for a well-planned and effective land redistribution, empowered through solid support post-transfer. For instance, in India the redistribution of only 5% of farmland combined with better access to livelihood resources could reduce poverty levels by as much as 30%. In addition, as the cases in this monograph showed, multiple actors and interest groups either push for, partially support or altogether prevent or block land reform. The economic and political elite of a country, external agencies such as the World Bank and the IMF, citizens' initiatives and organizations, and NGOs influence land policies, keeping in mind the contestations and conflicts between these actors.

Land reform happens through the development of legislation and formulation of policies. The effective implementation thereof can be derived from the force of peasant mobilization; it is the character of the peasant movement that shapes the agenda of reform. Through political organizations, coalitions and alliances, land reform demands have been pushed to the forefront of social justice movements and national policies. The presence and pressure of multiple interests can break or make changes in land policy. In democratic countries, it was seen that governments often paid lip service to the recommendations of NGOs, while pushing through land legislation that was favorable to the landed and corporate interests. In other cases, we observed small but effective initiatives, where the social and economic roles have been fundamentally altered and formerly subjugated people are now empowered. However, to replicate this experience in South Africa requires sweeping changes in the goals of economic policy and a vast improvement in ethics, capacity and political will within the state mechanisms and institutions.

The pressures of external agencies such as the World Bank on the agricultural policies of post-colonial nations also need to be read critically. As the case of South Africa shows, it is clear that conditional policies intending to 'integrate' countries into global markets and trade resemble a double-sided sword. On the one hand, the implementation of market-led land reforms has deepened poverty and inequality internally. On the other hand, free trade and de-regulation have put small producers out of business. If anything at all, the process has been captured by elites. Another important lesson to be learnt from country experiences is that a cultivator (for example, 'land-to-the-tiller') has to be the base of any agricultural enterprise. In this regard, policies should target at the poorest of the poor, albeit, on a needs-based assessment. It can also be argued that it was not the market-led, free market ideology that hampered the success of land reform in South Africa, but the lack of capacity, experience and funding available for such undertaking that hindered a fast implementation, combined with a lack of political will, latent interests, and high levels of misuse/abuse of funds and power, and corruption.

State-enforced collectivization often runs into difficulties because of the loss of incentives on the part of the peasantry, and many social conflict areas. It fails to take cognizance of social differentiation in rural communities and the character of land as a living unit rather than a production unit. Clearly, the lesson is that peasant mobilization can influence and transform the economic regime as long as it is when supported by broader networks and mechanisms. Any effort at land reform, therefore, should follow a bottom-up approach, at least in policy formulation and implementation design at various stages.

The experience of countries such as Japan proves the economic viability of small farms. The Japanese case indicates that economies of scale are not an issue in agriculture, especially in a country that has very high population density, and an incredibly disciplined, hard working population. Wherever land reform succeeded in redistributing a significant proportion of quality land to a majority of the rural poor, and when the power of rural elites to distort and capture policies was broken, the results have invariably been real, measurable poverty reduction and improvement in human welfare. Therefore, development's primary purpose needs to shift from large industrial farms focused on profit to small farms that are offered with secure tenure and long-term productivity.

Women's right to land is an issue largely ignored by policy-makers and organizations. The thesis also found that women have been sidelined in many land reform projects. The researcher noted, for example, that in the South African case, in communal areas, women face issues and challenges related to power dynamics in the form of domination manifesting itself in gender roles. The HLP report pointed out that women sustain rural households through unpaid labor both within and outside the home, yet they are far more impoverished than men. The lack of land and the inability to divert resources towards women prevents women from being able to break the cycle of poverty. The enormous benefits of winning land rights for women are shown in improved family structures, better nutrition and rising incomes in rural households. The gap between policy-making and implementation continues to debilitate the possibilities of effective land reform. Thus, successful transformation of an inequitable agrarian structure warrants not only a proactive state to take on policy orientation that derives from not only the needs and welfare of the masses. Such policy must also be based on the livelihoods of the peasantry, be conscious of their needs and interests, and seek them pro-actively. When developing the rural areas, access to information and knowledge is paramount. Mobilization and movements have the power to impact political processes, which ultimately lead to policy transformation.

Clearly, what is at stake is a model of development that is inclusive, rather than exclusive. The varied examples prove access to land as a fundamental basis for citizenship. Internationally, strong social justice movements have been the impetus and motivation behind changes of overarching economic policies, and have inevitably encountered resistance from those in power. Both the state and international agencies have to come to terms with the fact that their policies will fail to survive, if they continue to benefit the few at the expense of the majority. To make international economic policies and civil society 'work for all', new paradigms that include all, need to be re-developed. I argue that improving people's livelihoods in a sustainable way necessarily calls for a developmental state architecture, similar to the East Asian model. Admittedly, developmental states' models cannot be superimposed, 'copied and pasted' or transplanted, considering differing country histories, development trajectories, political

landscapes and the social needs of the poor. The voices of citizens from across the globe show that alternatives to prevailing policies exist and can be created. Unless a peasantry can in effect carry out a reform itself, no administrative structures and strategies will successfully implement reform without firm central political commitment to the reform. It is this shared global experience that has, hopefully, revealed to us a variety of possibilities and lessons for the future of land reform.

Thesis conclusion

Experiments with land redistribution since the National Land Summit in 2005 show continuities not only with the struggling programme of the decade preceding that, but also much older ideas. Notions of ‘proper farming’ that were used by the apartheid government have been invoked yet again in the democratic era, shaping and often constraining opportunities, for poor people in particular, to secure rights to land, and precluding fundamental social change in the countryside. In the past, the creation of ‘self-governing’ Bantustans saw successive attempts to control and ‘modernise’ black agriculture, from the Tomlinson Commission in the 1950s, through betterment planning, through parastatal development corporations, to ‘emerging’ farmer support in post-Apartheid. The ideological advancement of ‘modernisation’ of a small core of black emerging farmers was central to the apartheid government’s Bantustan policies, which aimed to show ‘development’ and to secure political support from a black rural elite, while leaving the vast majority of rural people as surplus labour in the reserves. However, as shown in the historical context, this was done mainly for purposes of growing the ‘pool of labour supply’ for purposes of labor’s self-social reproduction and for use in white people’s mining and farming operations. Such an agenda was premised on ideas about minimum farm-sizes and full-time farming – a debate which has ensued into post-Apartheid on socio-economic profiles participation in the sector. These historically-produced and ideologically-underpinned notions continue to have currency in land reform policies today. Kepe and Hall (2016) argue that these ideas ‘should be interrogated, both because they lack intrinsic value and because their effect is to justify prioritizing a narrow sector of black

commercial farmers instead of creating a more inclusive redistribution process.’ This review of policy changes shows how land redistribution has changed. Several significant changes were made: the land tenure arrangement has changed; the class agenda has changed; and the intended land uses have changed. Although since about 2013, the state is now being the pro-active buyer or ‘willing buyer’, the method of acquisition has not changed, and remains one of market-based purchase. In conclusion, the study finds that the key issues and challenges facing the land reform programme go beyond the realm of legislation and extend to cultural, social and political dynamics. Also, land reform policies are subject to the dynamics of power struggles in society and beyond. Therefore, concomitant assessment of the broader social considerations is key to a fast and efficient land reform, as long as the state’s capacity, skills level and funding commitment is improved. The development of legislation and design of programmes also needs to be informed by the broader social considerations. South Africa can learn from the experiences of others, but it is important that these lessons are adapted to the local needs and context. A successful land reform programme depends on the strength of dependence of legislations and broader social issues and challenges. Social considerations, therefore, must of necessity be addressed to inform the design and formulation of legislation and policy/programmes. Ideally, this means addressing the issues around ideology, politics of land and post-settlement support services and coordination. In the final analysis, this study advances the claim that there is in South Africa a need for robust dependence of the legislative frameworks and the broader social considerations if land reform is to achieve its intended objectives.

Chapter Eight

Recommendations and policy direction

RECOMMENDATIONS

a) Ideological coherence

Addressing ideological coherence is important, because ideology informs the vision. In turn, consensus around the vision helps to give direction to the programme. Therefore, ideology guides land reform in terms of its approach. Ideally, this means questioning the assumptions of any given ideology (MLAR or SLAR) and how that ideology can be applicable to a political context.

b) Politics of land

Addressing the politics of land in land reform is an important consideration, because it is in this realm that issues of power and allocation of resources are decided. Social class equality should be the goal of land reform and agrarian transformation. In essence, this means that a complete land reform programme must be guided by a common interest where democratic values and principles are followed. Democratic politics creates the needed pressure for effective land reform.

c) Post-settlement support services and coordination

Within the confines of the relevant budget allocations, and the capacity of the departments or institutions that will be responsible for the implementation, post-settlement support services and coordination must be put in place. This should be for purposes of farm development and sustainable land reform projects. Ideally, this is about creating and ensuring sustainable livelihoods. Complementary support must include: access to inputs, including training, credit, information, markets, legal advice, extension services and development of infrastructure. Local government needs to do more in order to ensure the programme's efficiency. Unfortunately, at this time, local government seems to be government's weakest link, where lack of skills, capacity and resources, as well as corruption are serious barriers to efficient service delivery.

d) Programme financing

Land reform requires a substantial and consistent budget. Therefore, the researcher recommends that sufficient funds for carrying out the programme must be found. This may be a major challenge because of the shrinking economy, international crises, a lack of foreign investment, and the effect of the Covid-19 pandemic.

The international experiences reviewed in this thesis suggest that there can be benefits from working strategically with the market, and where possible, to determine how land is allocated. The same can be said about the role of the state in land reform. The state plays the active role of coordinator and mediator. Therefore, there is no 'one size fits all' approach. In this regard, the researcher recommends that government arranges for the full cooperation between all the institutions of capitalism: the state, the market and (land) banks.

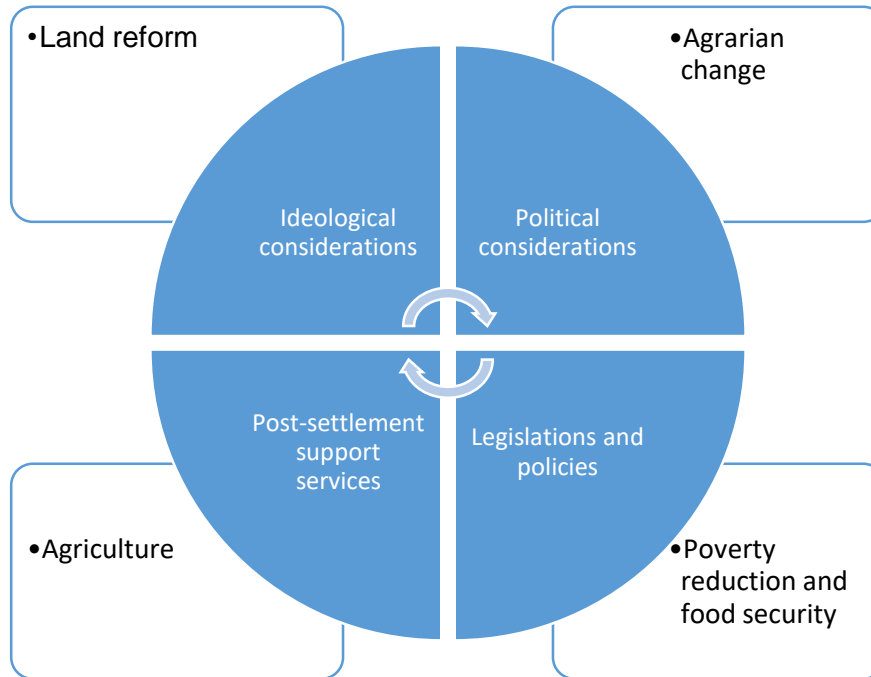
POLICY DIRECTION

The three areas (ideology, politics of land and post-settlement support services and coordination) highlight the need for land reform governance. This means that an efficient land reform programme must be governed by ethical, capacitated and effective state institutions. Project design must consider political context. Therefore, there is a need for stakeholders to understand that land reform is a process and not a once-off event. Land reform takes time. Efficient and stable markets are critical for a well-functioning growing economy. In this regard, the land reform programme must secure sustainable economic livelihoods and be seen to ensure stability in the country. A stable 'growth economy' sustains a healthy 'redress economy', and a healthy 'redress economy' sustains a stable 'growth economy'. This state of affairs can only be operationalized by a developmental state type apparatus.

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APPENDIX A: PROPOSED MODEL FOR LAND REFORM AND AGRICULTURE



By: Wisdom Mfune (PhD thesis, 2022).

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