

## Grounding 'effective land reform' for 2030: past, present and future considerations

Discussion paper:

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The National Development Plan (NDP) of the National Planning Commission (NPC) highlights the need to build an 'inclusive and integrated rural economy' (NPC 2012: 34), if its compelling vision of eliminating poverty, reducing inequality and building a cohesive society by 2030 is to be achieved; while the rural share of poverty has declined in recent years, poverty is still disproportionately a rural phenomenon. In this regard the NDP sketches an optimistic set of possibilities for the creation of up to a million rural jobs through, *inter alia*, agricultural development and 'effective land reform' (ibid: 44). In 2012 few commentators doubt the need for effective land reform but there is little consensus on what this means substantively, with the political debate driven more by powerful sentiment than sober analysis.

This discussion paper aims to contribute to the discussion of what effective rural land reform should entail.<sup>1</sup> It reflects on conceptual weaknesses underpinning land policy since 1994 and emphasises the need for more context-specific evaluations of the relationship between land rights, social justice and development in different parts of the country in 2012/2013. While it is a truism that land is the foundation on which society is built and the ultimate source of its wealth, this does not mean that in contemporary South Africa ownership of land for farming is necessarily the best route out of poverty for the majority of people who are today classified as rural by virtue of a painful history of 'displaced urbanisation' (Murray 1988). Part of what needs to be promoted in the national debate is a more nuanced understanding of the history of the countryside and the profound changes it has undergone since the advent of the mining revolution in the latter part of the 19<sup>th</sup> century; given the extent to which such an understanding runs counter to a powerful political narrative of loss and restoration, this is one area where the issue of political leadership flagged by the NPC (or, rather, its lack in the case of land reform) is highly pertinent.

As the NDP acknowledges, South Africa is not the predominantly agrarian society it was at the turn of the twentieth century, even though – in large part because of the distorted policies of segregation and apartheid – a substantial minority of the population continue to find their primary residence in former bantustan districts. However, many rural residents no longer look to farming as their primary and preferred route out of poverty; this is especially true for younger people. In this respect South Africa is very different from neighbouring Zimbabwe, with which it is often compared in discussions on land

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<sup>1</sup> As the NDP acknowledges in passing, many of the critical land issues facing the country relate to urban and peri-urban development challenges, and the role of urban land reform is a neglected issue. Urban restitution is an aspect of the current land reform programme that most clearly straddles – uneasily – the rural/urban divide and also reveals the limitations of applying a programme developed with rural issues in mind to the urban context. The focus of this paper is on rural land reform, but the importance of urban land issues and a careful analysis of what general land reform principles should apply to the urban context and what requires sector-specific policies are acknowledged.

reform. One of the urgent tasks facing rural land reform, then, is to distinguish between those who are already committed or are willing to commit to an agricultural future (at various scales), and those who are not, and to tailor its offerings accordingly. In many cases a development-oriented land reform programme may do better to assist people to shift away from land-based livelihoods, rather than insist on yoking beneficiaries who are 'rural' by default (as a result of past policies) to a bureaucratically imposed agricultural future. Here I am thinking in particular of the potential for the rural land restitution effort, which still has a long way to go in settling all outstanding claims, to be more imaginative and forward-looking in the way in which it conceptualises 'alternative forms of redress' (as provided for in the Constitution) for claimant households who are not committed to farming.

At the same time, given South Africa's history of radical land dispossession and racialised exclusion, it is not possible to address land reform as if it is simply a matter of livelihood options and dispassionate economics. Clearly it is not. The current debate is a highly emotive and politically charged one, and the symbolic aspects of land reform in terms of social justice and redress have to be acknowledged and addressed. However, if the reduction of rural poverty and inequality is indeed the primary objective of land reform, then the distinctions between the material, symbolic and political dimensions of land and land reform have to be teased out analytically. What also needs to be understood is that these dimensions function differently at different scales of sociality: the national, regional, local and household dynamics around land are not commensurate, even though the political rhetoric of land reform often collapses the complex matrix of issues into a single, flat redistributive imperative.

My discussion of these undoubtedly difficult issues is structured as follows:

- Section 1 provides a brief overview of the 'master narrative of loss and restoration' which continues to dominate the political debate on land reform;
- Section 2 summarises major land use and demographic changes over the past 100 years that render this narrative inadequate, and also points to key environmental constraints that need to be taken into account;
- Section 3 gives an overview of the current status of land reform and challenges facing the programme
- Section 4 looks briefly at the NDP's proposals for land reform, and
- The concluding section provides some pointers on issues that an effective land reform programme needs to consider.

## **1. THE LIMITATIONS OF THE NARRATIVE OF 'LOSS AND RESTORATION' AS THE BASIS FOR LAND POLICY**

This is an issue that I have discussed at some length elsewhere (Walker 2008). The crux of the argument is that the 'master narrative of loss and restoration' that has driven the political demand for a far-reaching land reform programme is inadequate as the primary lens through which to view both the history of land relations and current efforts to undo its legacy through land reform.<sup>2</sup> In summary this narrative positions the far-reaching dispossession of black South Africans' land by white settlers since 1652 as the central motif of the country's history, and argues that, as a result, the restoration of land to

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<sup>2</sup> The idea of a master narrative is not original; its application to land reform allows one to look at the underlying assumptions driving the political discourse around land restitution and land redistribution.

the dispossessed as a collective is land reform's most urgent task. A very clear example of this comes from the website of the department of Rural Development and Land Reform (DRDLR), which states:

The resolution of the 52<sup>nd</sup> National Conference of the ANC (December 2007) on agrarian change, land reform and rural development, confirmed the ANC's acute awareness and sensitivity to the centrality of land (the land question) as a fundamental element in the resolution of the race, gender and class contradictions in South Africa. National sovereignty is defined in terms of land. Even without it being enshrined in the country's supreme law, the Constitution, land is a national asset. This is where the debate about agrarian change, land reform and rural development should, appropriately, begin. ...

The strategy of the Department of Rural Development and Land Reform is, fittingly, 'Agrarian Transformation' .... The goal of the strategy is 'social cohesion and development.' All anti-colonial struggles are, at the core, about two things: repossession of land lost through force or deceit; and restoring the centrality of indigenous culture (DRDLR nd).<sup>3</sup>

While the master narrative works well as a 'political fable', it is insufficient as the basis on which to design a programme of government, as the depressing history of land reform in the past 18 years must surely suggest. The major problem is not that this account is not, in broad strokes, true, but that it is too simple: 'it isolates the history of forced removals under apartheid and before as a story on its own, instead of an important chapter in a much larger and more complex history not only of dispossession but also of social change' (Walker 2008: 16). It obscures a much more complex history of land dispossession and agrarian change involving not only 'resistance and defeat' but also significant processes of 'assimilation, adaptation and accommodation' (Walker 2010). It also flattens the complex history of both external and internal migration and settlement dynamics in the region after 1652 and especially after the mineral revolution in the latter part of the 19<sup>th</sup> century. As a result, the link that is drawn between land ownership and economic freedom in the present is problematic, as is the blurring of the distinction between symbolic redress at a collective level (black South Africans as a homogeneous group) and land reform and rural development at the level of individual communities, households and individuals.

By focusing on the political dimensions of the land question while overlooking changes in its material base, the master narrative of land reform is (ironically), insufficiently grounded. A post-1994 corollary is the development of a national narrative that attempts to offset the disappointments of the post-apartheid land reform programme by focusing on recalcitrant white farmers, excessive land prices and the consequences of the history of dispossession and subsequent marginalisation for rural people's apparent inability to farm. This then leads to inconsistent solutions premised on the denunciation of commercial farmers and the 'property clause' in the 1996 Constitution on the one hand, and foregrounding the important role of commercial farmers as mentors and partners for land reform beneficiaries on the other.

The 'headline history' of the past 360 years that underpins much contemporary thinking on land reform is deficient in several respects:

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<sup>3</sup> 'Green Paper of Land Reform, 2011', [www.ruraldevelopment.gov.za/DLA-internet/content/news/Greenpaper.jsp](http://www.ruraldevelopment.gov.za/DLA-internet/content/news/Greenpaper.jsp) accessed 20 August 2012.

- It romanticises the pre-colonial past as an era of timeless ‘tradition’, social harmony and collective well-being.
- It assumes a linear history of land dispossession from the mid-17<sup>th</sup> century that culminated in the apartheid era after 1948, in an already assumed, apartheid-anticipating unitary South Africa that came into existence in 1652.
- It overlooks important processes of differentiation and stratification among the black population of southern Africa in the wake of the mineral discoveries of the late 19<sup>th</sup> century, as well as the emergence of new ideas about private landownership and production for the market among sections of the population in what only become the Union of South Africa in 1910.
- It underestimates the extent of urbanisation in the past hundred years; while there are significant racial, gender and regional dynamics to this process that require further unpacking, the broad trajectory of change from a predominantly rural and agrarian society to a predominantly urban and industrial one is unmistakable (as the NDP clearly recognises).
- It converts apartheid’s national blueprint for reserving a little under 15% of the land area of the country for black occupation<sup>4</sup> into an overly simplistic claim that the ratio between white-owned and black-owned land in 1994 was – and in some accounts still is – 87% for whites and 13% for blacks.
- It overlooks the enormous variation within the commercial agricultural sector in terms of climatic conditions, demography and agricultural potential, while also exaggerating both the wealth and the individual responsibility for the past of the average commercial farmer.
- It overlooks the significant urban dimensions of land dispossession, especially under apartheid, and the consequent importance of designing an urban land reform programme that is attuned to urban conditions.
- Linked to this, it overlooks the land struggles of people who were not classified as native/African/black in the segregation era and under apartheid; while many of these land struggles involve urban land (and diverse, even cosmopolitan communities), they also include rural land, which in some cases, as in the Northern Cape, can be extensive in area.

## 2. MAJOR CHANGES IN LAND USE AND DEMOGRAPHY OVER THE PAST 100 YEARS

If the above critique has merit, then the starting point for developing an effective land reform programme has to be to understand the significant demographic and socio-economic developments that have gathered force in the course of the 20<sup>th</sup> century, and to develop land policy accordingly.

As already noted, the general perception is that in 1994 87% of the land belonged to whites and just 13% belonged to blacks. Based on this deeply skewed ratio, the post-apartheid land reform programme has set itself a very modest target of transferring 30% of white-owned land into black ownership by 2014. The failure of the state to reach this target, as well as the size of the target itself, have been major points of criticism of the land reform programme to date. Yet as historically resonant in terms of apartheid policies and practices as the 87/13% figures undoubtedly are, it is important to recognise that they derive from the legislative blueprint that was drawn up in 1936 (in terms of the Native Trust and

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<sup>4</sup> The figure of 15% includes Trust land and the ‘coloured reserves’ as well as the approximately 13% projected for ‘native reserves’ under the 1913 and 1936 Land Acts; see Table1 below.

Land Act), not an audit of the current land dispensation. The DRDLR has set itself the task of completing a national land audit by the end of 2012; what is critical is that this audit looks at the issue holistically.

As Tables 1-3 below attempt to show, the 87/13% does not represent the dynamics of contemporary land ownership, occupation or use clearly enough to serve as a basis on which to build policy interventions. Nor does it make clear where most of the wealth of the country is found today – in the urban-industrial economy, where the majority of whites are located. It also does not illuminate the ecological challenges facing the country as a whole and the agricultural sector in particular. Today the 87/13 ratio is neither an accurate nor a particularly useful way to think about the challenges of land reform, if one's primary goal is poverty reduction. This is not an argument against land reform, but an argument against the use of extremely blunt instruments with which to set targets and priorities.

Table 1. The allocation of land and the distribution of the population in contemporary South Africa<sup>5</sup>

	Area	% SA	Population
<b>'RURAL'</b>		<b>91,3%</b>	<b>20,5 million</b>
Commercial farm land	82,0 million ha	67,5%	3 million
Former 'native' reserves/bantustans	15,8 million ha	13%	17 million
State-owned land, including national parks	11,0 million ha	9%	
'Coloured' reserves	1.3 million ha	1,1%	[45,000?]
'Trust' land	0,9 million ha	0,7%	
<b>'URBAN'</b>		<b>8,7%</b>	<b>30 million</b>
Metropolitan core comprising 8 metro regions with populations of 725,000 and above	3,3 million ha	2,7%	17 million
'The rest'	7,5 million ha	6%	13 million
<b>TOTAL</b>	<b>121,9 million ha</b>	<b>100%</b>	<b>50,5 million</b>

Source: Figures compiled by the author from various sources.

Effective land reform policy also needs to take into account major regional differences in demographics, economics and environment. Table 2 illustrates the enormous regional variability that land reform needs to accommodate, using readily available provincial-level data (but recognising the limitations of political-administrative boundaries in relation to both economic and environmental considerations).

<sup>5</sup> Note that the figures in this and subsequent tables are rounded approximations; they should thus be treated as indicative, rather than precise enumerations.

Table 2: Provincial differences in terms of land use and demography.

	Land area % SA	Population % SA (2011)	Urban % province (2007)	'White' / commercial farm land % SA	'Black' communal areas % province	Poverty Rates (2008)
<b>Eastern Cape</b>	13,9%	13,5%	39%	12,6%	28,4%	57,6%
<b>Free State</b>	10,6%	5,5%	76%	13,9%	1,7%	39,2%
<b>Gauteng</b>	1,4%	22,4%	97%	0,9%	2,1%	24,9%
<b>KwaZulu-Natal</b>	7,6%	21,4%	46%	4,9%	36,4%	58,5%
<b>Limpopo</b>	10,2%	11	13%	6,8%	27,4%	64,6%
<b>Mpumalanga</b>	6,5%	7,2%	41%	5,5%	9,6%	50,3%
<b>Northern Cape</b>	29,7%	2,2%	87%	36,2%	0,04%	50%
<b>North West</b>	9,5%	6,4%	42%	7,5%	27,5%	51,5%
<b>Western Cape</b>	10,6%	10,5%	90%	11,9%	0,0%	28,8%
<b>NATIONAL</b>	100%	100%	c60+%	67,5%	13,7%	47,1%
<b>Numbers</b>	122 m ha	50,5m	c30m	c82m+ ha	16,7m ha	

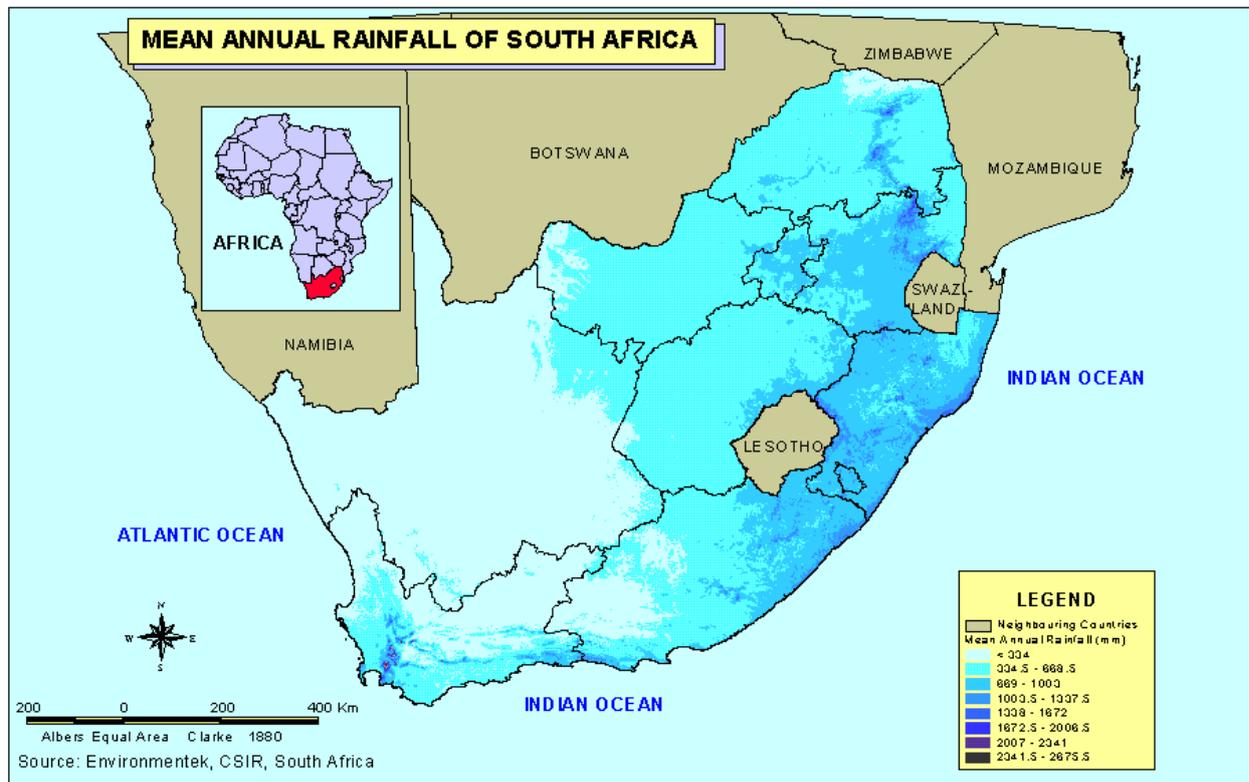
Source: Walker 2008, 2010; StatsSA.

There is an enormous amount to digest in Table 2. It makes it very clear that the 87/13% figure is unhelpful for understanding the racial distribution of land at a provincial level (here using commercial farms and communal land as clumsy proxies for white and black ownership). Thus in KwaZulu-Natal over a third of the province was classified as bantustan/communal land under apartheid, while in the Free State less than 2% was. In the Western Cape there is no communal land in terms of the 1913 and 1936 Land Acts, although there are some tiny areas set aside as 'coloured' reserves, which are not shown in the table. Also worth noting is that over a third of commercial farm land nationally is located in the arid Northern Cape, where only just over 2% of the population resides, 87% of which is urban. Information that is not currently available at a national level, which would deepen the picture still more, are robust figures for the percentage of commercial farm land that is currently in black ownership in each province as a result of land reform and private purchase (by individuals and companies), as well as the amount of land still subject to lawful restitution claims. Compiling such a picture from district level up should not be a hugely difficult task, and is something the Commission and/or DRDLR should be tasked to produce as a matter of urgency.

Effective land reform also needs to engage the significant ecological constraints that have influenced settlement patterns historically and will continue to impact on agricultural potential in the future. Figure 1 below shows the average annual rainfall in southern Africa. Again, there is much that needs unpacking here, including the impact of climate change on not only average annual rainfall in different parts of the

country, but its frequency and intensity. In terms of spatial dynamics, what is important to understand is that people are concentrated in rural areas along the eastern seaboard and the eastern interior not simply because of apartheid and prior histories of dispossession, but also because of historical settlement patterns that were shaped by climate, including rainfall, and agricultural and pastoral potential.

Figure 1. Average annual rainfall



Source: Environmentek, CSIR, South Africa, 1999, accessed at [www.ngo.grida.no/soesa/nsoer/indicatr/m\\_rain.htm](http://www.ngo.grida.no/soesa/nsoer/indicatr/m_rain.htm) accessed 20 August 2012.

Finally, table 3 summarises significant dimensions of the historical changes in land use and demography that have led to the contemporary situation reflected in table 1.

Table 3. A century of change

<b>SOUTH AFRICA</b>	<b>1911</b>	<b>1946</b>	<b>1970</b>	<b>1995</b>	<b>2001</b>	<b>2011</b>
Total population	5,9m <sup>6</sup>	11,4m	c20m	40,5m	44,8m	50,5m
% urbanised	25%	38%	48%	54%		60%
% white urbanised	53%	75%	87%	91%		95%+
% African urbanised	13%	23%	33%	40%		c55%
Population of 'reserves'			7,3m	12,7m	16m	17m
% pop. that is female					59%	
% total SA population			47%	31%	36%	33% (c38% of all women) <sup>7</sup>

<sup>6</sup> m = million

<sup>7</sup>

Population of 'white' farming areas					3,2 m	3m
Commercial farm units			90,400	58,000	46,000	
Individual farm owners	70 -90,000					32,000
Agriculture % GDP		1930s 20% 1960 c11%		3.8%	3.5%	2.5%
Agriculture's share of total employment			33%	14%	17%	11% (2007)
Total farm workers			1,5m	1m	941,000	771,000 512,000
SA unemployment				15,6%	30,3%	c25%

Sources: Beinart 1994; de Kiewet 1957; NPC; StatsSA.

Many of the developments summarised in Table 3 are presented in the NDP. Key demographic changes to consider in retargeting land reform include the following:

- The population has grown tenfold since the passage of the Natives Land Act of 1913 (and 100-fold since van Riebeeck landed in 1652<sup>8</sup>).
- South Africa is today a predominantly urban society, with primarily (but not exclusively) urban aspirations in terms of employment and lifestyle preferences.
- The majority of whites have been urbanised since the time of Union – today white farmers represent only a tiny fraction of the white population and certainly, as a category, cannot be seen as its wealthiest sector, despite the extensive area of land they own.
- Black mainstream urbanisation (as opposed to the displaced urbanisation of the apartheid era) is a more recent phenomenon. In large part this relatively late development is because of the history of migrant labour, influx control and forced removals, with current urbanisation trends thus representing something of a catch-up phenomenon. Complex rural-urban links mean that it is urbanisation with a strong rural alloy, but the trend is clear.
- At the same time, while the proportion of the population living in the former bantustans has declined, the actual population count shows a slow growth, which translates into increased pressure on land, inadequate services and resources in these areas.
- There is an important gender dimension to this as well: because of past policies the proportion of women in the communal areas is noticeably higher than that of men, with a little under half of the total African female population calculated to be resident in these areas (own calculation).

The following economic developments are also significant:

- Commercial agriculture has undergone major changes since the mid-twentieth century, becoming increasingly capital-intensive and shedding labour over time, while the number of farmers has declined and average farm size increased. Its relative contribution to GDP has also declined in importance although it is generally considered more productive today in terms of overall output and there are major debates about how to assess its significance to the national economy overall.

<sup>8</sup> The population for what is today South Africa is calculated to have been in the region of 500,000 in the mid-17<sup>th</sup> century (Patrick Harries, personal communication).

- While the decline in farm employment predates the democratic transition of 1994, the pace at which this is happening has picked up since 2000. At the same time, commercial agriculture remains a significant source of employment, albeit at the very low end of the scale in terms of skills and remuneration.
- Many households in communal areas do not have access to land and those that do, generally have very small plots. As numerous studies have documented, land-based livelihoods are not the major source of income for the average household in the communal areas – remittances and social grants are generally more important. Nevertheless, access to land and to communal natural resources are important in rural livelihood strategies.

### 3. THE LAND REFORM PROGRAMME SINCE 1994

There is by now an extensive literature on the land reform programme that was instituted in 1994/1995 and the various policy shifts and adjustments since then. This literature tends to move between macro-level accounts and local case studies, with not enough in the way of regional assessments, despite greater recognition in recent years of the need to look at 'area-based' land reform. Nevertheless there is broad agreement in the literature that the current programme is not working.

The master narrative played a significant role in shaping the three-pronged land reform programme that was put in place after 1994. This has emphasised land restitution and land redistribution at the expense of tenure reform, and ended up prioritising the attainment of national targets over sustained attention to project-level requirements and area-based planning. Since the early 2000s national land policy has also favoured a vigorous process of consolidating the power of traditional institutions, rather than local democratic institutions, over land affairs in the communal areas; this has been contested at the local level and led to an ultimately successful constitutional court challenge to the Communal Land Act of 2004. As a result, tenure reform in the communal areas has stalled.

Table 4 summarises the current situation, using official data to show progress in the restitution and redistribution sub-programmes. It is important to stress that the reliability of this data is not absolutely assured, making projections based on it somewhat hazardous. Strengthening information management systems within government departments dealing with land reform and restoring public confidence in land reform data are important prerequisites for effective land reform.

Table 4. An overview of the land reform programme post-1994

Sub-programme	Initial targets	Current status
1) RESTITUTION	All land claims to be settled by 2005.	c80,000 claims lodged. Most urban claims formally settled, mostly through financial compensation. 4,000 – 8,770 rural claims 'outstanding'. Deadline for settling outstanding rural claims shifted to 2020. Financial compensation claims to be settled by 2013. Calls for lifting cut-off dates for lodging claims (Dec 1998) and for qualifying as a claim (1913) under consideration by

		Inter-Ministerial Committee  Total of 325000 household beneficiaries. Total cost in 2010: R21.6 billion.
<b>2) REDISTRIBUTION</b>	30% (24m ha.) of commercial farmland to be black-owned by 2014.	c6m ha transferred (all land reform) = 25% of target for 2014 = 7-8% of farm land
<b>3a) TENURE REFORM FARMS</b>	Create a climate of certainty & stability re land rights of long-term occupants of land; stop unfair/ pre-emptive evictions; develop policy allowing for upgrading farm dwellers' land rights while recognising need to accommodate farmers' interests.	Worker & labour tenant evictions are ongoing. Tensions between owner/worker rights Farmers feel under attack Tenure Security Bill introduced 2010
<b>3b) TENURE REFORM COMMUNAL AREAS</b>	Convert old-order to new-order rights. Recognise customary tenure systems. Democratise traditional institutions. Promote gender equality.	CLARA declared unconstitutional; no new legislation in place. Traditional leaders authority over communal land strengthened in practice and through de facto state & private sector recognition. 2011 Green Paper on Land Reform defers giving policy direction on issue.

Source: DLA 1997; DRDLR 2011; CRLR 2012 [Walker 2012]

In the light of the many challenges facing the land reform programme, the DRDLR's 2011 'Green Paper on Land Reform' is a major disappointment. At the very least, one would expect that it would have taken the existing *White Paper on South African Land Policy* (DLA 1997) as its starting point, and reviewed what has been achieved under that broad policy framework, what has changed since that document was drafted, and why a new *White Paper* is necessary. One would also have expected an overview of the significance of land in South Africa as a natural, as well as a social and economic resource at the start of the 21<sup>st</sup> century (backed up by empirical evidence), and careful reflection on state capacity to implement the proposed programme of action as well as the complexity of the economic, political, social and ecological dynamics at play.

Regrettably the current document does not provide this context. It is over-reliant on emotive claims, including essentialist invocations of *ubuntu*, and is poorly drafted. Much of it is extremely sketchy, with key issues reduced to grammatically and substantively incomplete bullet points that collectively encompass very different levels of analysis and beg further questions. It also presents a very partial list of the challenges facing land policy in 2011. A fundamental problem is the way that land policy is reduced to rural land reform as a factor for rural development and agriculturally productive land use. Ecological, demographic, and urban issues are absent. The four-tier land tenure system it proposes requires further justification – it is not clear if it is driven by pragmatic or principled considerations, and in what way this constitutes a single land tenure system. It sounds very much like the *status quo*. The general commitment to a clearly defined system of property rights within a fair, equitable judicial, governance and administration system is sound but requires more content, especially in the light of public debates on the 'property clause' in the Constitution. It is important to distinguish between failure at the constitutional level and failure at the level of programme design and implementation. The

experience of the last 17 years suggests that the constitutional limits to land reform have not been tested.

The proposed proliferation of land agencies raises serious concerns. The functions that are discussed for these agencies fall squarely within the domain of what the DRDLR or related departments should be doing. Of particular concern is the deferral of the discussion on the critical issue of communal tenure to some other, unspecified process. The absence of any coherent policy statement on the latter issue makes a mockery of the commitment to a supposedly single tenure system as part of the vision for land reform in South Africa. The issue of tenure reform in the communal areas is clearly complex, and there are many different interest groups and political forces at play. However, to exclude this critical issue from a national policy framework document 17 years after the transition to democracy negates the commitment to rural development and justice for black South Africans living in the former reserves. In effect it means a continuation of the policy of 'separate development' for these areas. Key principles can be articulated, at the very least: of democracy, gender equality, and secure tenure for holders of customary land rights. The (limited) role and responsibilities of traditional leaders also needs to be addressed in relation to these principles.

#### **4. WHAT DOES THE NDP OFFER?**

The NDP certainly offers sober analysis of the major development challenges facing South Africa, and its evidence-based approach to policy development is welcome. So too is its recognition of South Africa as a predominantly urban society, albeit one with a strong rural dynamic, as well as its acknowledgement of poverty reduction as a long-term challenge that involves difficult cost-benefit calculations and trade-offs, especially if the imperative of shifting to an environmentally sustainable development path is taken seriously. In this regard it argues cogently that 'successful' land reform must be linked to rural job creation and 'rising agricultural production' in an 'inclusive rural economy'. It recognises that South Africa is a water-challenged region and that climate change poses significant threats to the environment and agriculture; given competition for water among different sectors as well as its commitment to extending irrigation, agriculture will have to increase the efficiency with which it uses water. The NDP also raises legitimate concerns about the capacity of the state to implement ambitious policies, and highlights the importance of 'shifting from a paradigm of entitlement to a development paradigm that promotes the development of capabilities, the creation of opportunities and the participation of all citizens' (NPC: 5).

However, ultimately the primary focus of the NDP is on the non-agrarian economy, and its proposals on land reform and rural development more generally are sketchy and require more development. It glosses certain politically charged areas, notably current calls to scrap the property clause in the Constitution and nationalise white-owned land, the specific content of tenure reform in the communal areas, and the appropriate role of traditional leaders in rural land administration and government. In this regard it is of concern that the NPC has announced that it will hold back on promoting its model for land reform pending the finalisation of the DRDLR's Green Paper process.

Its primary proposals revolve around the following:

- The vision for rural development targets the creation of a million jobs through agricultural development in both a large-scale commercial sector and a small-scale sector, with a special emphasis on expanding access to irrigation. The assumptions around the job-creating potential of both commercial and small-scale agriculture require closer scrutiny: the numbers used in the tables in Chapter 6 are difficult to follow but the calculations and underlying assumptions seem overly optimistic, especially with regard to small-scale farmers.
- The proposed model for land redistribution involves establishing district-level committees comprising all local stakeholders to identify 20% of the white-owned commercial agricultural land in the district for acquisition and transfer to black farmers, at 50% of market value (which is deemed to be closer to its 'fair productive value'). It is not clear whether the figure of 20% is intended to replace the current national target of 30%, on what considerations this particular figure is based, and how the differences among districts in terms of ownership patterns, agricultural potential, and land history are addressed. Other questions that arise concern how the beneficiaries are to be identified and selected, and whether the district target is to be pursued independently of whether there are suitably qualified, prospective beneficiaries or not.
- The Plan calls for changing the approach to land tenure reform in the communal areas to put in place a system that 'stimulates production and economic opportunity' but, as noted, it is not clear what changes are envisaged.
- Women are singled out as a target group, with an emphasis on female-headed household. Apart from the difficulties associated with determining headship, this approach overlooks women who are not households heads. It also treats women as if they are economically and socially autonomous individuals rather than individuals embedded in complex household and family relationships.
- The NDP hints at the possibility of a regional perspective for southern Africa on optimising agriculture and food production, without developing this potentially fruitful idea.
- It also points to the need to concentrate rural services along major transport nodes and places of dense settlement, again without giving clear direction on how this is to be achieved.

## **CONCLUSION: ELEMENTS OF AN EFFECTIVE FUTURE-ORIENTED LAND REFORM PROGRAMME**

This is an uneasy time to be reflecting on land and history in South Africa in a critical way. A scan of the media and academic analyses reveals broad agreement that land reform has failed but there is little agreement on why it has failed or what 'success' would look like. Political debates are strident and policy debates within the relevant departments adrift. Academic analysis seems largely peripheral to these debates and also tends to be fragmented across different disciplines, even though this is one place where socially and historically informed interdisciplinary work is really needed.

The challenge for rural land reform is how to reinvent itself not as an end in itself, but as one means to the end of enhancing the well-being of the 40% of the population who are today formally classified as 'rural'. The following general challenges need to be addressed by the state in designing a more effective land reform policy:

- The symbolic and political importance the state attaches to land as a national issue has not been matched by the attention land reform has received in policy development and institutional support. Rural development is not sufficiently integrated into mainstream economic policy.

- State capacity to implement land reform is weak. This includes very poor information management, which makes planning and policy development on the basis of official data very difficult.
- The state's failure to reach the national targets that were set for land reform in the mid-1990s is a major political concern in the current climate, but the focus on national targets undermines the attention required to implement effective land reform on the ground and crowds out the debate on what the objectives and measures of success for 'good-enough' land reform should be. Here it is worth noting that while the cost of the state's land reform programme to date may be of concern, it has been less costly than the arms deal. At the same time, the failures of land reform as a national project should not be construed to mean that there have been no successes at the local level – learning from these success stories is another important challenge.
- Land reform and agricultural policy have to be responsive to the significant ecological challenges facing the region.

Based on the discussion above, it is suggested that the following are important considerations for a rural land reform programme aimed at significantly reducing poverty and inequality by 2030:

- Political leadership is urgently needed to inject into public debates a far more considered account of the past than currently prevails, as well as a more sober assessment of what redistributive land reform offers as a route out of poverty, along with a more pragmatic assessment of the role of commercial agriculture and its contribution to the national economy, including jobs, and to national food security.
- Land reform policy needs to be designed to complement general economic development strategies, not function in its own policy and implementation silo. Providing opportunities for young people in rural areas outside of agriculture involves major investments in education, training and skills development, infrastructure etc, as the NDP acknowledges.
- The deracialisation of commercial agriculture is imperative but responsibility for redress for the injustices of the past 360 years cannot be placed on the shoulders of the current 30,000 plus white farmers alone.
- National land targets need to be disaggregated to provincial and district level, to be more responsive to local conditions, opportunities and constraints; while the national target of 30% may be kept as a crude measure of progress towards a deracialised commercial farming sector, care needs to be taken that it does not become the primary measure of success, nor come to operate as a ceiling on state land acquisition.
- Land expropriation with 'just and equitable' compensation should be used strategically to acquire land for redistribution to black farmers (male and female) who are committed to farming as a way of life.
- The scale of the unfinished task in the restitution programme provides an opportunity to rethink how best to address the demand for social justice in these claims in relation to broader poverty reduction and rural development programmes. Here consideration needs to be given to disaggregating large 'communities' to allow for a range of settlement options that may include but should not be limited to the restoration of ancestral land. Awards can be split across various options, including settlement upgrades, housing, access to education etc. Financial compensation should not be regarded as an inferior option, but redesigned to link more clearly to developmental options where possible and desired by claimants.

- Stalled tenure reform in the communal areas needs urgent attention. Current state policy is consolidating the role of traditional institutions in a manner that is compromising the principles of gender equality and equal access to democracy in rural South Africa. The role of traditional institutions needs to be redefined to ensure that democracy and gender equity in local government and land administration are not just urban prerogatives.

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