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Source: *Review of African Political Economy*, Jun., 2000, Vol. 27, No. 84 (Jun., 2000), pp. 273-286

Published by: Taylor & Francis, Ltd.

Stable URL: <https://www.jstor.org/stable/4006600>

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# Land Reform in South Africa

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*Lionel Cliffe*

The newly-elected South African government began in 1994 to make laws and implement a programme for land reform. It consisted of three dimensions: redistribution (transferring white-owned commercial farm land to African users); restitution (settling claims for land lost under apartheid measures by restoration of holdings or compensation); and land tenure reform (to provide more secure access to land in the former bantustans). Only a few restitution claims have been so far resolved. After much rethinking a revised draft of a land tenure bill is to be presented to Parliament in late 2000, but as one stated aim is to give 'land to tribes', it remains to be seen whether it will bring increased democratisation, allowing for common resource management, or will entrench 'decentralised despotism'.

This article concentrates on the most actively pursued dimension of land reform: redistribution. Under the diverse influences of rights-based activism of earlier years and of World Bank advice about a 'market-led' approach, the government has set up mechanisms to help finance and facilitate 'community' initiatives to acquire land, to settle on it and, if possible, to make productive use of it. What was advocated as a more rapid and less bureaucratic approach than a government agency acquiring and administering resettlement has instead spawned a sprawling edifice, some of it out-sourced to an array of consultants, often with little experience and few credentials, and has led to a protracted process of transfer of a much smaller amount of land in five years than, say, Zimbabwe managed in the same period. The reasons for this are examined.

A policy rethink during 1999 has led to changes in emphasis which, hopefully, will speed up the redistribution of land, provide more back-up to those resettled, and prioritise future grants for more productive agricultural use. This latter formula, however, is constricted by old-fashioned 'modernist' (and often implicitly colonial) orthodoxies still current in South Africa, not least in the ANC and government. These are fixated on 'commercialisation' – which usually translates into larger-scale and high-tech – and the promotion of the interests of a would-be black agrarian entrepreneurial class, rather than those of the propertyless. Some hope may derive from the inclusion of experiments in the new programme to chart an alternative to the 'market-led' formula which would instead allow redistribution of land as an element within district-level planning.

With the end of the apartheid regime in South Africa in 1994, the newly elected government introduced a programme of land reform. This had three components:

- land redistribution,
- land restitution and
- land tenure reform.

Following the elections of 1999, a new Minister for Agriculture and Land Affairs announced a moratorium on new land redistribution and sent the draft Land Rights Bill, which would have enacted a comprehensive land tenure reform, back to the drawing board, while she reassessed policy on the basis of evaluation of the past five years' experience. Now after six months of deliberations, a new policy has been outlined. It seeks to accelerate redistribution of white-owned commercial farm land, setting a target of 15 per cent of it to change hands in five years, but seeking to orient reallocation to black commercial farmers of varying scale of operation; there will also be some pilots for a switch to a less 'market-led' form of redistribution. Restitution will be speeded up and reoriented to incorporate a more developmental rather than simply a rights-based approach. Land tenure in the former bantustans will be subject to reform legislation, different in some respects from the draft Land Rights Bill of 1999, to be introduced this year, which will aim to give greater security under a rationalised system, utilising local institutions. This article will seek to assess the first five years of land reform, explore the characteristics of the new policy and examine how far it meets the shortcomings of the old.

### **Outline of the Programme\***

With the end of apartheid in the early nineties, the Mandela Government launched an active programme of land reform, manifested in new legislation and its *White Paper on South African Land Policy, 1997*. The primary objective throughout has been to redress the gross imbalance in landholding, where more than a third of the population is concentrated in 13 per cent of the land area, and occupy land in insecure and secondary ways. In contrast, the minority 'white' population of South Africa hold vast tracts of land in secure freehold type regimes. In broad terms, the reform programme comprises three parts: initiatives to redistribute land, measures to restore property appropriated through racially discriminatory laws and policies, and a programme to reform the manner in which property is actually held.

### **Redistribution**

The Land Redistribution Programme aims to reallocate land to the landless poor, labour tenants, farm workers and emerging farmers for residential and productive uses in order to improve their livelihoods and quality of life. Special attention is to be given to the needs of women. The following legislation has been enacted to facilitate the programme:

- The Provision of Certain Land for Settlement Act, 126 of 1993 (renamed in 1998): provides for the designation of land for settlement purposes and financial assistance to people acquiring land and for settlement support;

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\* This section is derived from a briefing from Robin Palmer, Oxfam/UK Land Reform Adviser, with thanks.

- The Development Facilitation Act, 67 of 1995: introduces measures to speed up land development, especially the provision of serviced land for low-income housing.

The programme gathered momentum so that by June 1998 almost 250,000 people, in 279 projects, had received land. More people received land during 1998 than in the previous three years combined. In the first quarter of 1999, more than 50,000 people obtained land through the redistribution programme. By mid-November 1999, the Department of Land Affairs had 447 redistribution projects in the implementation phase which involved 360,256 people (55,424 households) and the transfer of 714,407 hectares of land (see below for details).

### **Restitution**

A Land Restitution Programme aims to restore land to those dispossessed of their rights in land since 1913 through racially discriminatory laws and practice. The objective is 'to promote justice and reconciliation'. The Restitution of Land Rights Act 22 of 1994 was enacted to guide implementation and give it a legal basis. As of 31 March 1999, 63,455 restitution claims had been lodged. Finalised claims totalled 241, involving the restoration of 311,484 hectares to 13,584 households (83,378 beneficiaries). A further 4,365 claims were gazetted by March 1999, with another 200 nearing completion of the work required to certify claims. Some 284 claims were rejected. About 80 per cent of all restitution claims relate to urban land and involve substantial financial settlement rather than resettlement on the land confiscated originally. The status of this programme is that once a claim is recognised by the Claims Court, the government is required to compensate the existing 'owner' and/or pay recompense to the claimants; the commitments under it are not limited by specific budgetary provision or shifts in policy.

### **Tenure Reform**

The Land Tenure Reform Programme deals directly with the means through which land is owned. In particular, it seeks to address issues pertaining to the insecure, overlapping and disputed land rights resulting from the previous systems of governance, especially in the former bantustans. The following laws have been enacted to facilitate reform: The Interim Protection of Informal Land Rights Act 31 of 1996, a mechanism to protect people with insecure tenure from losing their rights, and interest, in land pending long-term reform measures; the Communal Property Associations Act 28 of 1996, which enables communities or groups to acquire, hold and manage property under a written constitution; and The Land Reform (Labour Tenants) Act 3 of 1996, which provides for the purchase of land by labour tenants and the provision of subsidies to this end. In addition, the Extension of Security of Tenure Act 62 of 1997 ('ESTA') provides for tenure security in two ways: first, by helping people living on rural or peri-urban land to obtain stronger rights to the land on which they are living, or on land close by; and second, by laying down certain steps that owners and persons in charge of rural or peri-urban land must follow before they can evict people. The Act also regulates the day-to-day relationships between owners and people living on rural or peri-urban land. A proposed Land Rights Bill was intended to finalise the programme and, pursuant to the 1997 Land Policy, was to significantly reform the context within which South Africans in the ex-homelands occupy property.

## Origin & Logic of 'Market-led' Land Redistribution

The thrust behind this package of measures was a curious hybrid of pressures and perspectives. On the one hand, policy grew out of those initiatives concerned with land issues during the previous decade's mounting mobilisation against apartheid. By and large these involved struggles to assert the claims of those who had lost rights to land or who were threatened with loss of access. These included attempts to defend the interests of those occupying 'black spots' of land within designated 'white areas', existing and former workers and 'labour-tenants' still resident on white owned commercial farms or squatting precariously on pockets of land, and peri-urban dwellers threatened by urban development. They also included the assertion of the rights of those removed from land, whether by recent removals and dispersals or by historic land seizures. These struggles had spawned a range of different forms of mobilisation of groups and communities, some based on traditional, even chiefly, identities. In KwaZulu-Natal, for instance, there were reportedly over 100 *nkosi* (chiefs) who, with the people who swore allegiance to them, were landless. Such bodies were often advised or mobilised by activists and crusading lawyers. This constituency was drawn to formulations that would have government move in to assert, consolidate and guarantee those rights for which they had fought campaigns, often defensive ones.

It was this thrust that was behind the inclusion of a land restitution provision in the land reform package, distinct from the patterns of land reform in ex-settler colonies in southern Africa where the complexity of establishing and implementing such historic rights was put aside in favour more simply of land redistribution. But South Africa's formula was also different from those in Zimbabwe, Namibia, even Swaziland and before that in Kenya, in that the redistribution programme was not implemented through a government agency acquiring large areas of land and then parcelling it up, providing infrastructure and back-up services for individual African smallholders. Instead redistribution was left to be initiated by 'communities', envisaged as similar to those that would be pursuing restitution, but without qualifying legally under that programme. Government would play a facilitating role, making grants available for such communities to purchase land through the market. This grants-based approach also owes much to the limited number of previous activists who had pursued land causes in the recent past: one of the few constituencies from which policy makers, advisers and reform implementing officials could be drawn.

On the other hand, this approach to redistribution through grants and land transfer through the market was also very much to the economic thinking of another set of actors: the World Bank and other international 'experts' wedded to a 'market-led' land reform. This perspective is perhaps best represented in a collection of papers, most of them general readings of international experience or of South African realities and designed to yield a model for the right policy choice, authored by interconnected 'experts' from the World Bank, herded together by a senior analyst from Washington, Hans Binswanger. They included those from the Southern Africa Development Bank waving apartheid era reformist, *verligte* credentials and some agricultural economists based in one academic institution (Van Zyl, Kirsten & Binswanger, 1996). Their influence was fed into the policy-making process through a series of conferences and other dialogues with the ANC, government and activists from the early 1990s. Their thinking was based on a particular reading of the lessons of experience elsewhere in Africa, and in other parts of the world, such as Central America, which were dealing with different inherited structures and thus were of limited relevance. What must be recognised about this approach is that World Bank officials and experts have been

urging some degree of land reform in South Africa since the start of the transition in 1991. Their reasons are straightforward:

- **Politically** it is essential so as to avoid 'decades of likely peasant insurrection, possibly civil war, combined with capital flight and economic decline' (Binswanger & Deininger, 1996: 94);
- **In micro-economic terms**, a 'small farmer' strategy will lead to inverse economies of scale, through more intensive use of labour and relatively less capital (hitherto available through unjustified subsidies to 'white-owned farms');
- **In macro-economic terms**, transfer of land will allow a resolution of the 'debt-crisis' affecting many white-owned commercial farms as a result of liberalisation and removal of subsidies, without the need to devote state revenues to debt forgiveness or debt relief.

The validity of these assumptions continues to be part of the analytical and ideological debate in South African circles (see Lipton, 1996; Bernstein, 1996 etc.) and can only receive brief mention here. However, it is striking to an outside observer how little the classic debates around such issues of agrarian change are either understood or actively pursued by policy makers or analysts in South Africa. In both camps it is common to argue against the first, counter-revolutionary imperative by stating that the rural poor in South Africa don't want land but jobs, security and social services (Longusile, 1998), a convenient device to exclude the vast majority of residents of former bantustans from the process of land redistribution. I even heard that line of argument from a local official dealing with land, who then blithely went on, without any awareness of the contradiction, to defend a redistribution which legally recognised the *de facto* land rights of a very large group of 'black-spot' dwellers on the grounds that it had headed off the looming threat of a massive land invasion!

Bernstein (1998) is right to criticise the view of those like the Liptons who assert that small always will be more efficient. However, all too often in South Africa the polar opposite position is so deeply embedded in the subconscious that it is beyond the powers of persuasion even of the World Bank experts to convince many practitioners that smallholder farming **might** be more productive in certain circumstances. Bernstein (1998) is also correct that one common approach to generating guidelines for redistribution is simply to scale down, without fundamentally changing, the mix of factors of production on large commercial farms to some minimum viable scale. One can add that the supposed 'technical' basis for the inherited regulations which preserve the size of farms by prohibiting sub-division beyond a certain 'floor' is derived from assumptions of what is an appropriate target **income** for a white farmer (in some cases a generation ago, and for a 'poor white' as well) rather than any logic relating to economies of scale of production!

Whatever the status of these arguments, it is the **consequences** of some of the World Bank's type of thinking for the shaping of policy that should be noted here. Convinced of the necessity for some redistribution, authors like Binswanger (1996) have marshalled arguments against any approach based on confiscation of land: to do so without any compensation, they felt, was precluded because the political situation was not revolutionary enough to overcome the inevitable opposition – probably a correct reading of the situation even in the early 1990s – and in any case this was precluded by South Africa's new constitution. But they also argued against

confiscation **with compensation**, especially if below the market price of land, on the grounds that it would be costly and slow, involving contestation through the courts or in the political arena, and would have to be administered via a state agency which should be avoided at all costs, as it would be bureaucratic and would ultimately be rent-seeking.

Combined with the 'rights-based' tradition, this thinking led to a policy that allowed some restitution of judicially established rights of evicted peoples and envisaged greater security of tenure in former bantustans, but also put the major emphasis on 'a market-led redistribution' approach. Land would be transferred on a willing-buyer/willing-seller basis, where the transaction would be between farm-owners and communities, but where the latter would be entitled, on application, to a grant (as a recognition of historic wrongs) from government. This approach would obviate the need for a separate land reform bureaucracy (although as we shall see the market-led/application-grant based approach (MAG) succeeded in spawning a considerable one).

## **Overall Performance of the Programme**

### **The Approach to Redistribution**

The Land Reform Pilot Programme sought as one of its aims to provide a range of experimental approaches which could generate a learning experience to inform a more widespread programme. The variety of actual 'projects' and beneficiaries was indeed extremely wide, as we shall document. But the process of land redistribution that emerged corresponded increasingly to a single pattern. The rules put the onus on groups and communities of would-be beneficiaries to take the initiative: to form a group, and eventually a legal entity, that could be assigned ownership of the land; to indicate a targeted piece of land or type of land they were seeking; and on that basis apply for a grant to make the purchase. The formal stages of this process and the approvals required are listed in the next section. In practice the Department of Land Affairs (DLA) not only registered the groups but advised on forming legal entities and on drawing up 'business plans' for farms that were sought. Indeed, the grant had to be approved by the Minister and was only so 'designated' on the basis of such an approved plan. A single formula evolved as the basis of the grant – the provision of R15,000 (later R16,000) per beneficiary household. Once 'designated', a more detailed plan for land use had to be worked out for the new owners to implement.

DLA sought to meet these needs by adding a little to the grant, but also by farming the planning out to 'consultants'. The advice provided was often lacking or superficial, and seldom coupled with continuing support such as credit and agricultural advice: some consultants never consulted their clients. In those regions away from the main metropolitan centres where there were few local consultancy firms or NGOs, provision was particularly problematic. Without the expertise to provide the required range of assistance, and inhibited from becoming a 'rural development agency' by the programme's conceptual framework as 'market-led' reform, much of the pre- and post-plan making and other advice, as well as some core functions of the DLA itself, were 'out-sourced' in a manner in keeping with the pattern in today's climate of economic liberalisation around the globe. While scarcely preventing the emergence of a very considerable bureaucracy, these measures inhibited the emergence of an agency that could institutionalise the lessons of the experience that was accruing and the build-up of a trained and experienced cadre of professionals that could perform the many and complex tasks required.

To these design shortcomings was added a peculiar characteristic of South Africa under transition. Over the last few years there have been successive waves of restructuring and institutional transformation throughout the public service. One essential element of these processes has been a concern to redress the racial imbalance in senior staff. DLA seems to have devoted massive amounts of time, creative thinking and finance (including aid funds) to analyses, inquests, designing proposals documentation and discussion sessions around these structural issues. One wonders whether these have not sometimes been at the expense of, rather than a means to, effort and creativity being devoted to critique and refinement of policy and strategy. These efforts have been justified on the grounds that appropriate structures are a prerequisite to the right policies. But it is only against the yardstick of policies and their requirements that the 'appropriateness' of structures can be assessed. Moreover, the new initiative in 1999 to reconsider policy owed more to changes in personnel at the level of Presidency and Cabinet than internal restructuring.

In sum, a sizeable bureaucracy has emerged, requiring complex processes of approval built onto a notionally 'market-driven' redistribution. The consequence is that these processes have been long and drawn out. It is not unusual for it to take two to three years for a group registering an interest to take possession of land. And, perhaps inevitably under such a system, many initiated projects never reach fruition. At the same time, the consultants brought in on expensive contracts to plan with groups often have little competence in agricultural enterprise planning, and on occasion put together documents without on-site observation or discussion with beneficiaries – nor does this aspect of the process yield much of a learning experience.

In spite of these cumbersome processes, efforts by DLA provincial staff have since 1997 begun to see a significant number of projects emerge at the end of a long pipeline. But overall the process has been modest by most measurements. Against the ANC's target of redistributing 30 per cent of white-owned land in five years, less than 1 per cent has changed hands. Compared with Zimbabwe, for instance, where the World Bank's nightmare scenario of a state-led redistribution nevertheless led to over two million hectares (about 15 per cent of the large-farm sector) being redistributed in five years, the market-led system with its much vaunted speed and efficiency, achieved just over a third of that aggregate and the transfer of only a tiny proportion of white-owned farms in a vastly larger country.

### **Review of Projects & their Implementation**

The most concrete measure of the achievement of DLA is in the actual projects that have been initiated and processed. In land redistribution, which has been the main area for projects, the procedures laid-down envisage a project going through five-stages, from the coming together of a group of beneficiaries around a desire to acquire and utilise a piece of land, to the implementation of a specific plan. These phases, each with its own sub-phases, are: Project Identification; Feasibility Investigation; Designation & Land Transfer; Detailed Design; Development & Support.

Given the nature of the grant/application system, and the often rather vague aspirations around which initial proposals are framed, large numbers of projects lodged at the early, formulation stages, never come to fruition. Inevitably, therefore, DLA offices have portfolios with large numbers of projects on their books at any one time, and as of mid-1999 when the new Minister called a moratorium on new projects, most were still at the pre-transfer stages. Significant catching up with this backlog has been achieved up to March 2000, however, when the moratorium was lifted.



The crucial two stages at which a project becomes a reality are those in Phase 3, the moment when it is 'designated' by the Minister and announced in the Government Gazette as approved, authorising the subsequent actual transfer of title to the legal entity formed by the beneficiaries. Therefore, while the total number of projects on the books, including those in the first two stages, is useful in indicating how many are in the pipeline, the number having reached Phase 3 is more indicative of what is actually happening on the ground.

The latest figures supplied by DLA, to mid-November 1999, and summarised in the Table below, indicate that the number of designated projects was officially 447, benefiting over 55,000 households on land totalling 0.7million hectares.

**Table 1: 'Designated' Projects, Beneficiaries & Areas by Province (mid-November 1999)**

Province	Number of Projects	Beneficiary Households	Women-headed Households	Area of Land (hectares)
Eastern Cape	49	17,047	1,093	51,555
Free State	130	3,465	548	56,042
Gauteng	20	1,464	581	5,426
KwaZulu-Natal	52	6,024	543	156,839
Mpumalanga	42	7,642	1,109	29,427
Northern Cape	50	3,667	684	334,008
Northern Province	34	4,966	1,771	26,012
North West	30	8,700	433	13,532
Western Cape	40	2,449	498	41,566
<b>Total</b>	<b>447</b>	<b>55,424</b>	<b>7,260</b>	<b>714,407</b>

These totals include 46 Commonage Projects and 35 Equity schemes; the number of beneficiaries of the former are particularly difficult to quantify as the use of these areas can be open to all (poor) municipal residents.

The great majority of these projects are of the mainstream land redistribution type, but they do contain significant numbers of equity (joint ventures of registered groups with commercial farmers) and commonage (transfer of mainly peri-urban state land for use as common grazing and other uses by residents) projects. There are also a number of projects that have emerged as a result of restitution cases and the granting of security to labour tenants, which are not included in the Table One.

One limitation of the DLA project database from which the above figures are taken, whether as a management or evaluative tool, stems from the paucity of data retrieved about the type of project and the composition of beneficiaries. The data from some provinces merely classifies projects into two categories: where land is used for **production** and where it is used for **settlement**. This simple two-way categorisation is used routinely by DLA in its reports and policy documents, including the influential Transformation Workshop Document which sought to define 'The Products of the DLA' (December 1998). However, some of the data supplied by Provincial DLA offices incorporate further distinctions as to the type of production – irrigation, livestock, commercial crops, etc. Such information is badly needed for planning and review purposes, and certainly for **prioritising** between products.

In contrast there has been a tendency in the present policy-revision environment for some in the DLA and many in other spheres of government to address the core of the problem in stereotypical fashion. The picture they portray is of a long 'pipeline' of

project applications, many by sizeable groups of would-be beneficiaries, mostly strangers to each other, who have been rather randomly brought together in order to seek a grant and thereby obtain secure title to the land they already occupy or upon which they hope to build a residence. These are typically regarded as 'unsuitable' projects, now classified as 'non-products' by DLA. They are in contrast to smaller projects where people want land to make a commercial success of farming. There is often a corresponding mode of thinking that holds that prospective beneficiaries can be divided into two parallel social categories: those only interested in finding a secure place to live and those regarded as 'real farmers'.

This kind of stereotyping of projects and people is a throwback to official mentalities found throughout colonial or apartheid southern Africa in previous generations that led to the belief that only a minority of Africans, capable of becoming 'master farmers', were worth resourcing. It is hardly informed by the 'smallholder' lobby of the World Bank and the thinking of the Liptons. But it continues to be subscribed to by a significant body of African policymakers. It has little basis in fact, as many successes of small-scale, peasant farming in the region, often after resettlement (see Moyo in this Issue) have indicated. Nor by any means do the actual projects that DLA has supported fall into these two polar opposite categories. Of the 19 projects, at various stages of pre- and post-designation, that I saw at first hand, only two could be categorised as solely to do with secure settlement; the rest all had some productive potential, however limited (see the 'sketches' of some of these below). Admittedly this constituted a small and not necessarily representative sample – all the more need, therefore, for more detail about land use and potential on projects and for empirical testing of the categories used in planning. However, even this tiny, unrepresentative sample contains enough exceptions to cast doubt on the simple dichotomies used in planning documents.

**Table 2: Productive Activities on Transferred Land: Numbers of Projects, by Province 1999**

Type of Land Use	WC	FS	NW	G	EC	KZN	NC	NP	Mp'a	Total
Cultivation	74	100	16	14	52	280	56	102	125	614
Grazing	18	4	0	1	8	32	26	2	7	98
Other agricultural	4	3	0	1	3	42	8	1	3	66
Forestry	1	0	0	0	1	0	0	0	0	2
Business	2	1	2	2	1	0	1	0	1	10
Tourism	1	0	0	1	0	7	0	0	1	10
Residential	3	0	1	6	1	29	0	2	4	46
Unutilised	6	0	2	2	7	11	3	0	13	44
<b>Total</b>	<b>109</b>	<b>108</b>	<b>21</b>	<b>27</b>	<b>73</b>	<b>401</b>	<b>94</b>	<b>107</b>	<b>154</b>	<b>890</b>

Data supplied by DLA.; Key: WC – Western Cape; FS – Free State; NW – North West; G – Gauteng; EC – Eastern Cape; KZN – KwaZulu-Natal; NC – Northern Cape; NP – Northern Province; Mp'a – Mpumalanga

Available figures that seek to give a more nuanced view of actual situations are presented in Table 2. These tend to demonstrate the falsity of the view that land is used essentially for residential purposes in a large minority of designated projects. Only 10 per cent could be said to correspond to the literal definition of what in DLA parlance is a 'settlement' project, that is, where the land was unutilised or used primarily for residence. The overwhelming majority involved some agricultural usage of the transferred land, for either cultivation or grazing – although these categorisations do not allow distinctions to be made as to the level of production.

However, the data do suggest that guidelines based on polarised categories of 'production' and 'settlement', for instance in the new policy's emphasis on 'commercial farm' redistribution, may well not correspond to the realities. It would perhaps be more appropriate to deal with projects currently in the pipeline by identifying mechanisms for utilising the productive capacity of particular land to the full, given the nature of intended beneficiaries and the substance of their plans.

### **'Communities' & Organisation of Production**

The application/grant-based approach grew out of the assumption that there were 'communities' in existence that were keen and able to take advantage of opportunities to acquire farms and put them to productive use. A number of studies (see Kepe, 1998) have cast doubt on this assumption, arguing that part of the legacy of apartheid is that local communities have been displaced, eroded and/or atomised to the point where many people dwell in artificial social circumstances. This view seems to be supported by empirical findings about the nature of the groups of beneficiaries applying for land. It is suggested that many are sets of individuals who have come together with little if any previous mutual involvement for the sole purpose of constituting sufficient critical mass to purchase a farm. There is, however, little hard evidence about the origins of groups to support or refute such generalisations; detailed sociological research into how groups come together, their basis and coherence and the group dynamics as they make plans and acquire land should be undertaken to inform this aspect of policy. My impressions are that there are often some connections on which groups are formed – workers or former workers on a particular farm (even if not the one being sought), residents on a black spot or squatter locale, those owing allegiance to an *nkosi* (even if not resident in the same place). But these are often tenuous. More importantly, they may not be an adequate basis for them to share property, to plan its collective use or to manage the land, its use and some group-based economic activity.

This last concern, with the type of collective activity and joint property arrangements envisaged or implied in a project, has been even less investigated – although it goes to the root of the appropriateness of the past policy approach. In fact, an important assumption behind the application/grant-based approach is that the land is transferred to a single legal entity made up of a group of households and/or individuals, with the further implicit assumption that they will organise productive use of that land as a collectivity of some kind. Little provision, legal or managerial, seems to be made for land use and thus for rights to it to be sub-divided to individuals or households. Thus within the 'market-led' approach there is a hidden presumption for cooperative production – even within a new policy emphasis on commercial farming ventures. Yet any kind of cooperative or collective organisation of production is notoriously complex and difficult to introduce and maintain – desirable though such aims might be in terms of equity and social cohesion. Such challenges and difficulties are compounded in circumstances where the members of the group are moving onto new land, where there is limited sense of community, and where the only types of farms with which they are likely to be familiar are those of the individual family plot or the authoritative management of a capitalist farm, rather than any form of self-managed collective activity. Such problems are made more acute where the members include those who are in fact 'workers', seeking to use the land as their main source of livelihood, and others who are 'shareholders' with other sources of livelihood, often at some distance away.

The DLA has a Community Support Facility, funded by international donors, which is in theory one resource to help project groups acquire the skills necessary for cooperatively organised activities. But it seems seldom to be used for such purposes – perhaps due to the lack of successful pilot experiences and thus of the acquired know-how and available facilitators and trainers in South Africa. Such expertise in self-managed activities or even in commercial small-holder production is also lacking in the various departments of Agriculture, which come under provincial governments in the South African constitution – and even more crucially in the assumptions which inform the whole practice of agricultural professionals and structures in South Africa. These assumptions are often justified as ‘technical’, but are more often covers for social and economic value judgements about desirable levels of farmer incomes and thus of the overall distribution of income in the country, and about what is considered to be the appropriate sociological and cultural make-up of a ‘real’ farmer. Although such assumptions reflect an implicit, though far from crude, form of racial stereotyping, they are also often swallowed as part of the common sense economic and technical wisdom by African technical personnel and policy-makers.

Some data about the actual level and type of group activity on projects was beginning to come out of the Quality of Life Survey undertaken as part of DLA’s work in late 1999. Thus, the Survey reveals that out of 87 projects for which respondents supplied data, only 35 had any kind of ‘communal farm’. However, some 45 cited other kinds of common productive activity or shared facility.

A more immediate feel for what this programme has in fact delivered in terms of projects may be gleaned from the following thumb-nail sketches of a selection which I visited. While they are in no sense a representative sample, they underline the great diversity of projects: extending from 10,000 beneficiaries in one case to a single extended family in another and from intensive commercial crop production under irrigation to a housing estate. They may be a useful corrective to simple dichotomisation into ‘settlement’ versus ‘production’ or real ‘commercial’ farmers versus ‘subsistence’, or other stereotypes.

### ***Cornfields, KwaZulu-Natal***

This is a real ‘community’ which formerly occupied a ‘black spot’ in a white farming area, having successfully resisted removals since 1910. They were given title to the land and a grant to buy three neighbouring white-owned farms under legislation of the transitional government in the early 1990s. Between 8-10,000 people are beneficiaries; many are migrant workers who have a home-base to fall back on through resident family members. These latter have ‘block farms’ and are hoping to start other group enterprises (more irrigation, poultry, handicrafts). A piped water supply and access road are being completed, utilising a DLA redistribution grant. But land-based economic activities are not likely to provide a sole source of adequate livelihood for more than a proportion of beneficiaries. Some tensions still exist with local white farmers (‘we may get beaten up when we go to recover livestock that have strayed’).

### ***Tumbleweed, KwaZulu-Natal***

This is a collection of some 50 households gathered together by a ‘landless’ *nkosi* (chief) to whom they owed allegiance. They used a grant to buy a farm in a peri-urban area where some prospect of jobs exists and are building a small housing estate upon it.

***Ngxito, Free State***

This consists of two brothers and their families, who have years of experience as small traders. They have acquired a peri-urban small-holding to use for vegetable growing, as a fattening pen for sheep, and as a base for a range of trading activities in animals and manufactured goods.

***Irrigation Cooperative, Mpumalanga***

An enterprising group of 20 households from former bantustan areas with agricultural know-how occupied a set of vacant 5 hectare plots formerly designated to 'poor whites' at one end of a vast irrigation scheme. Efforts are still being made to transfer ownership to them so they can't secure loans. They are cultivating a range of irrigated crops – sugar, tobacco, wheat, and vegetables. They have an effective management committee for organising the distribution of water and other common resources to individual plots. Most households have pick-ups or other vehicles. They are still being over-charged and in other ways hassled by super-racist members of the local white farming community.

Perhaps only the latter of these four cases would be prioritised under the new policy guidelines for enhanced grants.

**New Policy Initiatives**

The new measures to be launched later this year start from an ambitious goal of seeing a much more significant transfer of land from the white-owned commercial sector in the next five years than has been achieved in the last, though still only half that promised by the ANC government. They also reflect current government thinking in associating redistribution with facilitating the emergence of a class, or rather three strata, of black capitalist farmers. These formulations are not completely at odds with DLA's own thinking, which has been shaped by some systematic learning from the pilots of the last five years.

One point of consensus that has emerged is to give sharper focus to grant/application redistribution by prioritising such projects as have a clear potential for improving livelihoods through meaningful land and resource-based productive activities. There has also been a realisation that the rigid formula of a R16,000 grant per household is unrealistic, given the present market price levels of high potential land. This emphasis has been given a particular interpretation in the new formulations of March 2000 which announce that 'commercial farming' projects will be the main focus of the new policy, and that they can qualify for higher levels of grant than the basic one, but at three levels: small, medium and large-scale. This is seen as the most important short-to-medium term measure for achieving the target of redistributing 15 per cent of the white-owned farm sector. Certainly, the R16,000 formula has meant that a group's total grant has often been insufficient for meeting purchase costs, let alone development, and that more people than could obtain a reasonable livelihood from the land have had to be incorporated to come up with enough money to get the land. Circumstances could well remain difficult for groups looking to move into 'peasant' farming, and to engage in commercial as well as subsistence production. Whether the level of enhanced grants will provide working capital, or even enough to buy the high potential (irrigated) land, is by no means certain. Nor is it clear whether this new formula offers any mechanism for the redistribution of one huge portion of commercial land that is marked by its owners' readiness to sell at reasonable prices: the large maize (plus cattle) farms of the high veld (see Bernstein, 1996).

A more welcome dimension of new policy is that it incorporates some of the emerging thinking that has questioned the whole market-led, application/grant-based approach. It will include a parallel approach to land reform programmes that is 'supply-driven', in the common but inappropriate current terminology, whereby suitable land coming onto the market is earmarked, purchased and then made available to identified beneficiaries, and where such activities are more closely situated within district-based spatial and development plans for integrated rural development that are formulated by a cohort of district councils, provincial and national line ministries, with participation from community-based organisations and the public at large. However, such a shift of emphasis will require the development of new guidelines for plan formulation and implementation, and amended methods of work and skills, not just for DLA, but also for a range of other staff in ministries of agriculture, housing and in local authorities. It will also require major breakthroughs in promoting 'co-operative governance', the South African jargon for coordination. And it will necessitate the working out of appropriate approaches to specific areas and their physical and social environments: e.g. the maize Boer heartland, densely populated former bantustans along with neighbouring areas, agro-pastoral areas, specialist tree crop plantations and estates.

Pilot district-wide programmes will be initiated in the next plan period to generate the necessary learning experience to allow South Africa to transcend the 'market-led' approach that their own rights-based political traditions – and their reliance on one narrow-band of international 'expertise' – has landed them with and which, in the eyes of this analyst, is one of the reasons for the limited extent of land reform so far. The oft-repeated explanation of radical critics, that there is a 'lack of political will' is not wrong but it is simplistic. A 'capitalist' reform may be the best that can be expected in the present conjuncture, but the nature and extent of such reform should not just be left to capitalists and, in particular, not to those whose calculations are short-term and opportunistic. But more radical entrants to this (still ongoing) policy debate need to generate concrete formulations. They must also challenge two dominant paradigms in the process: first, the so-called 'technical' formulae of the old-fashioned paternalist white agriculturalists and, equally, the black officials and policy-makers who have bought their assumptions of World Bank-type 'smallholderism'. Only then will it be possible to go beyond aspirations of merely Africanising prevailing (massively inequalitarian) production relations.

Another crucial area of the policy shifts is in relation to land tenure, especially in former bantustans. After some hesitation over, and redrafting of, the 1999 draft of a Land Rights Bill, a new law that will seek to overcome the present, often chronic, insecurity of tenure will be presented to Parliament this year (2000). Its precise form is thus not yet known but it aims to provide a basis for security of rights which go beyond simply registering individual, negotiable titles. There is also talk that it will lodge such rights with 'tribes', though what that means in practice will have to be clarified in law. It also remains to be seen whether it will imply a **democratisation** of allocation of land use and will facilitate common resource management, or be a vehicle for reinforcing what Bernstein (1998), echoing Mamdani (1996), correctly refers to as the system of '**decentralised despotism**' set-up under apartheid.

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