

THE AGRICULTURAL LAND QUESTION IN POST – APARTHELD SOUTH AFRICA

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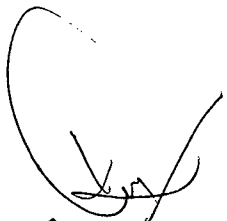
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CERTIFICATE

Certified that the dissertation, entitles "**The Agricultural land Question in post- Apartheid South Africa**", Submitted by **Me**, in partial fulfillment of the requirements for the award of the Degree of **Master of Philosophy**, has not been previously submitted for any degree of this or any other University. This is his own work.


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To

My dearest ones,

Papa, Rajeev, Pratima, Ravi (tutu), Pehu,

Raj and a friend Madhu

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Finally, it would be my lone responsibility to accept any mistake committed in this dissertation.

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NOTES

Abbreviations

ANC	African National Congress
CRLR	Commission on the Restitution of land Rights (CRLR) and the Land Claim Court.
DLA	Department of Land Affairs
ESTA	Extension of Security of Tenure Act
GDP	Gross Domestic Product
LDOs	Land Development Objectives
NGO	Non-Governmental Organization
SADT	South African Development Objectives
NLRMA	National Land Reform mediation and Arbitration Panal
SDIS	Spatial Development Initiatives

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PREFACE

Agricultural land question in post-apartheid South Africa is a burning issue. As it has generated not only economic problems but its implication can be seen more in social and political context. Agricultural land question is not only an economic issue in post-Apartheid South Africa but also has built up a social Movement of Blacks for land rights. Agricultural land question is extreme and exceptional in its nature; has its genesis in the past. Blacks are in majority has access to limited land where as whites are in minority but possess almost 87 percent of total land. Its urgent need is to understand the basic nature of agricultural land problems. Policy initiatives pursued by Post-Apartheid government turning out partially failure to sort out the problems.

The present study tends to explore the different dimensions of the agricultural land problems and its

relation with socio-political and economic factors in Post-Apartheid South Africa.

Historical events are responsible for dispossession of Blacks from their birth land. The Governmental approach is finding the solution of agricultural land problem, for which it has taken various policies so far.

The most remarkable feature of land problem in 'New' South Africa is the highly uneven land distribution between Whites and Blacks is due to colonial legacy, and still somehow prevails even in post-apartheid South Africa. It is noticeable that blacks that are 76.1 per cent of the total population have only 13 percent of total land and where as the whites comprising 12.8 percent of the population own 87 per cent of land. The situation today is quite similar to what existed during apartheid era. Uneven land distribution prevails still date. Due to this many economic, social and political problems emerged in post-apartheid South Africa, instance, we find the decline of agriculture, which

contributes only 5 percent of GDP. The government initiatives to develop agriculture have not benefited the common peasantry class. There is large-scale migration of farm laborer to the urban industry, mines and other service sectors. Presently, only 1 per cent of labour force are engaged in agriculture. The Black labour force which migrated to urban areas in search of employment and in hope of minimum wages, are now facing large scale unemployment. As a result they have ventured in crimes, drugs trafficking etc. The white farmers often failed to provide minimum living conditions to Black farming labourers. There are a large number of landless labourers in South Africa. The government measures to solve these problems have not yet yielded any positive results. The government measures on one hand is pursuing the policy of socialism while the other hand it has accepted the capitalist approach. The political head of state has allowed privatization and commercialization of agricultural sector. So both becomes contradictory to

each-other. The government does not have a clear approach to tackle the problem.

The agricultural land disputes are rooted in the apartheid era. The inequitable distribution of agricultural land was tilted in favour of the white farmers, who owned more than half of the arable land in South Africa. Blacks are mostly landless laborers who worked on the White farms and had no legal rights.

In the post apartheid era attempts have been made to atone for earlier injustices. The government introduced many land reforms. The implementation of these reforms has been at a very slow pace. So there have been very few results. It would be too early to say that these government initiatives will solve the agricultural land problems.

Keeping in mind above-mentioned facts, the efforts have made to diagnose the 'Agricultural Land Problems'

and its social, political and economic implications in post-apartheid South Africa.

The chapter on the title, “ **Historical background of agricultural land settlement in South Africa**’ which deals with the historical background settlement in South Africa. The efforts in this chapter have been made to diagnose the root problems of agricultural land question. The attempt has also been made to analyze how blacks were dispossessed from their birth land, the policy of Racial discrimination, the 1913 land Act; and Apartheid government Land laws against blacks.

While a subsequent chapter (Chapter-2) with the title “**Agricultural Land Question in Post-Apartheid South Africa**” explores the current land problems which are hampering the development of post-apartheid South Africa. The land problems are identified in relation to social, political and economic implications. Agricultural land question is not only economic issue but its social and political relevance are

not less important than economic issues, the social issues are also of great importance.

The third chapter with the '**Policy initiatives in post-apartheid South Africa**' looks into the land reforms which are initiated by post-apartheid government. It also focus on land reforms implementing process and the note of Governmental organizations which are involve to pursue land reform policies.

The fourth and last chapter with title "**Response to the policy initiatives**" deals with the result of land reforms till date and how far land reforms have solved the purpose of poor, landless and rural black community. Thus, the dissertation, titled "**Agricultural Land question in post-apartheid South Africa**" attempts to explore the different dimensions of agricultural land problems with relation to social, economic, and political problems rooted in history and governmental policies.

Finally, the study concludes with critical analysis of the land problems. Finding the solution of ongoing agricultural land problems, will assure justice, progress and development of the people, dependent upon agriculture in post-apartheid south Africa.

Chapter I

HISTORICAL BACKGROUND OF AGRICULTURAL LAND SETTLEMENT IN SOUTH AFRICA

The Republic of South Africa is spread across the area of 1219912 km². Its land composition is varied in nature. Of the total land, permanent pastures land constitutes 67 percent, arable land 10 percent, forest and woodland 7 percent, crop land 1 percent, and the rest 15 percent is used for residential and non-agricultural purposes. Thus, the agricultural land constitutes 80 percent of the total Land in South Africa.

The most remarkable feature of land problem in 'New' South Africa is the highly uneven land distribution between Whites and Blacks, which is due to colonial legacy and still somehow prevails even in post-Apartheid South Africa. It is noticeable that Blacks that are 76.1% of the total population have only 13% of total land, whereas the Whites comprising 12.8% of the population own 87% of land. The situation today is quite similar to what existed during apartheid era. Uneven land distribution prevails still date. Black South Africans have lost their land through a long

process of dispossession combining elements of purchase, negotiation, force, legal fiat and fraud. The history of the land in South is the dispossession of an indigenous population of their land by successive colonialist and racist regimes, and their entrapment into exploitative labour conditions.

Presently, 81.2% of the 122 million hectares of land in South Africa is owned by Whites in White areas. Africans in White areas occupy 3.6% of the land but can never attain freehold title to it. Indians and Coloreds own 2.4% of land in White areas with remaining 12.8% appropriated for Black occupation in the "homelands". In the strict sense, Whites own 84.6% of the land, since blacks in white areas have no legal rights to land ownership.

The highly uneven land distribution in South Africa is the result of many historical events and legislative measures, which favors the white ruling minority. Events and legislative measures include the "Great Trek" (the migration of Dutch farmers into the interior of South Africa). Squatter laws in British Colonies and Dutch republics, and the set up of the Union of South Africa in 1910, whose Parliament without any delay took up the issue of Land distribution and passed the ultimate land expropriation legislation, the Natives

Land Act (1913), No.27. Since the passage of this landmark Act, Black Africans have been virtually landless. This chapter will examine these events and legislative measures as a key factor, which became instrumental in the historical progression leading to one of South Africa's most sensitive structural problems, land domination by the White minority.

THE GREAT TREK

One of the world's most disparate land distribution prevails still date in South Africa. Its genesis in what has come to be known as the "Great Trek", the migration of Dutch farmers into the interior of South Africa.

The year 1652 saw the first arrival of settlers in the Cape Province. Contrary to many apartheid myths, the settlers and the subsequent trekkers into the interior – didn't find vast stretches of empty land available for their occupation. Instead they achieved control over land through a superior coercive capacity, and were supported in their land conquest by imperialistic powers. The aggressive annexation of the Eastern Cape in the 1800s reflected the growing imperialistic Control over indigenous land. The history of Settlement and disposition was not only about control over territory,

but was also a struggle of contesting conceptions of rights in land. White settlers brought with them the idea and practice of Private Property in land, while African Communities believed land was a communal resource. Even where settlers “Negotiated” rights to land from African rulers, it unlikely that the latter had any specific authority over the land concerned. Land obtained by settlers through coercion, purchased or deceit was transformed into Private Property and distributed within settler communities.

The territorial segregation of Europeans and Africans and the separation of African from the control of the land was started long before the establishment of the Union of South Africa in 1910. The territorial segregation of Europeans and Africans and the separation of Africans from Control of land also formed as “Natural Policy.” The theory of “Natural Policy” was evolved within 50 years of establishment of a trading station at the Cape by Dutch East India Company in 1652. The migration of Dutch cattle farmer in the interior of South Africa took place in 1700. The tough resistance given to them at first by the indigenous Africans (Hottentots and Bushmen) and later by millions of Bantus and Zulu. In two brief wars the trekkers negotiated the Hottentots to accept their occupation to heir themselves as the new settlers as

farm labourers and domestic servants. The Bushmen were not ready to surrender or to abandon the land to the trekkers, but the superior white weaponry forced them to flee from their land and those who resisted were massacred.

Dutch trekkers encountered The Bantu on Eastern side of Africa and Zulu occupied what is now a South African Province of Natal. The Bantu and the Zulu were more culturally advanced contenders for the land. Almost 100 years of war and continuous conflicts continued between the Bantu and the Dutch farmers. These wars made aware the White Colonists that there is no more easy way to occupy the unoccupied land. Efforts to acquire new grazing land required Dutch farmers led to avoid the Bantus by travelling through the North Western Portions of the new land, where new Provinces were farmed: Orange Free State and the Transvaal. The Zulu gave tough resistance to the trekkers for the encroachment of new land. However, the Zulu were soundly defeated in 1838 at the Battle of Blood River. In 1843, Natal was entangled in the hands of British government. But by 1852, the British Parliament passed the Mandatory decision to resign itself from the additional colonies, who were no longer economically fruitful to the British government, i.e. the Cape Colony and the Natal. Orange Free State and the

Transvaal remain in the hands of the trekkers. The inhabitants of these new republics had the wealth in land and livestock, but many of the Africans who lived in the Transvaal and (Orange) Free State were deprived of their rights to occupy land. This was sometimes accompanied by violence and war, but much more frequently it was a silent process. Possession meant different things to Europeans and to Africans. To the farmer it meant physical possession, the right to Property and to the latter it meant 'Use'¹.

The trekkers accepted the sovereignty of the chiefs of new republics but "legal" occupation was denied by them. The idea of African reserves was born later after a long gap and even later on it was formalized by the Parliament of the Republic of South Africa. The idea of legally confining Black land ownership to a tiny fraction of South Africa emerged from these new republics, the trekkers started to be known as 'Boers'. The term Boer means farmer. The terms Boer and Afrikaner came to be used interchangeably among the new Dutch settlers. The Governor of the Cape Colony, Willem Adriaan Van Des Stel gave a name 'Boer' to Dutch farmers, who advanced into the interior of the new land. Governor Van Des Stel allegedly resented trekkers for this

¹ PL Wilkins "The Natives Land Act of 1913: A Cautionary Essay on Simple Explanations of Complex "Change", South Africa Journal of Economics, 49 (February 1981), P 13-15

advance because it interfered with his attempts to monopolize the produce market along with his friends. The term was elevated by trekkers to a badge of honour, denoting a people reared on Southern African Soil, include with a patriotism centered in the new land into which they carried the cultural virtues of Western Europe.

The chronicle historical events related to The Great Trek put forward the many implications in the South Africa and mainly its much complexed land distribution. These events include the facts that it acquired European political control of millions of natives; it contributed heavily to the rise of Afrikaner nationalism and the National Party, which came to power over the more tolerant Union Party in 1948 with promises of Legal separation of the races, and reduced native "Control" of land to the reserves. Thus, we find that from the view point of Dutch Boers that their descendants became authority to exercise all rights on land. Each encounter with Black by trekkers led to their empowerment to fetch more rights on land. In a way, the "natural policy" was in the process. There were some cases, where Europeans and natives both designated property rights treaties between them.

...all the treaties were in reality valueless. In the first place, the Chief had no power to alienate land; in the second place, what he thought he was doing was to give the European the usufruct, not the possession of it. In their ignorance of tribal customs, Europeans of all nations made what they thought were contracts by which the land came theirs, and to this day they all argue that their particular colony was acquired by genuine treaty. What really happened was that two totally different conceptions of land ownership were in conflict and neither side knew nor recognized the conflict².

But, the measures took by Europeans to solve this conflict was shrewd step against the natives. Their implementation strengthen the dominance of white settlers and given European institution right of private property and in a way capitalism would become firmly implanted. The astute European Colonists fully exploited the situation. The native people pushed towards darkness; slowly and gradually their dominance on land shrinked. The dominance of white settler became more strong on land.

² Marquard, L: Peoples and Policies of South Africa (London: Oxford University Press, 1967), P 15

CREATION OF RESERVES UNDER COLONIAL RULE

The idea of African reserves was born during the Great Trek in 1700s as Dutch farmers move towards the area later known as Natal, the Orange Free State and Transvaal. Later on the British also adopted the policy of 'native reserve'. To avoid elaborate discussion on the creation of reserves, we shall put focus to analysis only a few important aspects of it. In 1836, the Mfengu Community was the first reserve created by the Government. It was initiated by the then Governor of the Cape Colony, Sir Harry Smith. The name Mfengu derived, apparently, from Xhosa Verb, 'UkumFenguza', which means to Seek Service, though the name was soon anglicised to "Mfengu". The Mfengu was a tribe, which had luckily escaped wiped out in Northern Natal in a bloody campaign led by Saka, Chief of the Zulu tribe. The Zulu tribe drove away from the land a large population of African tribes in their quest to expand the territory of Nguni empire. The 'Saka - Chief of Zulu tribe' was the undisputed leader of Nguni empire.

The Xhosa tribes, which were settled on the eastern frontier of Cape Town gave hostage to Mfengu. But very soon, they witnessed a Frontier war between their host and white farming community. This was took

place due to the Keiv river, the land across the border of Cape Colony. The Smith administration invited the Mfengu to sort out the problems. The Smith administration granted permission to Mfengu a peaceful and submissive tribe to settle within the Cape Colony across the Keiv river. This area was formally occupied by white farmers. The settled would have served the purpose of Smith administration to form a buffer zone between the white border farming community and the tribesmen. The other side of the Keiv river was occupied by the tribesmen. Thus, Sir Harry Smith became successful to establish the first Government Native reserves at the excuse to maintain peace in the region.

By the middle of 18th Century, South Africans had become accustomed to demarcation line drawn by European Colonists. But the demarcation lines were generally ignored by Africans. As a result in white areas many of native reserve were established for instance, in Natal almost seven reservations had been created by 1849. Consequently, many squatter settlements took place in white areas mainly on private or crown hand. Often, they paid rent to absentee landlords and some also purchased land in white areas. After British annexation, African were incorporated in white areas and even they were allowed to reside in white areas but

as farm servants. So, these areas were proliferated and native reserve grew up in these areas. The Government tried to stop African influx. The population size was very large than the granted lands of reserves. In 1852-1903, the British government designated 1.5 million hectares more land for Africans in Zululand. Boers in the Orange Free State appropriated 100,000 hectares in the Transvaal, which remained fixed at that quantity over both British and Boer administrations³.

...delimited small reserves (less than 100,000 hectares all told), where, at the beginning of this century, only 17,000 people lived, compared with 200,000 on white farms. In the Transvaal, Africans for the most part left in the undisturbed possession of the malarial regions of the north and east⁴.

The creation of reserves by Boer limited the African population to designated area. The African tribes were initially defeated by the Europeans and with the creation of reserves, these African tribes were had no option rather than to accept the limitation of land. These reserves became the main land on which African tribes were living. Afrikaner were defeated by the Boer and subsequent treaty was signed between them as solution of conflicts and war for the equal rights but

³ Wickins, Op Cit., PP. 107-9

⁴ Ibid, P.110

Afrikaners lacked the vision that such treaties were in favour of the Boer and limit their population size to mainly a limited area so called reserves. The British also adopted “the natural policy” of Boer but they gave a good excuse and a different argument from the Boer for the creation of reserves. They considered the creation of reserves as the most humanitarian and efficient means of managing African problem at the time. The Dutch and British views similarity. They found reserves as a solution to inter-racial conflict. The Dutch settlers termed this policy as the “Natural Policy” by which they pursued own brand of manifest destiny in South Africa.

It would be not wrong to say that to some extent the territorial segregation had provided solution to inter-racial problems. But it would have provided a long term solution when South Africa would have remained an agrarian society sparsely populated by African and European farmers. In the second half of the 18th century, circumstances changed in South Africa. South Africa shifted from agricultural society to industrialization. This development minimized the contacts between Europeans and native inhabitants. In a way, a social change took place in the society of South Africa.

MOVEMENT TOWARDS INDUSTRIALIZATION

South Africans, natives and Whites alike, were engaged in subsistence agriculture. But after 1860s, South African moved toward industrialization. It can be also termed as a 'Mineral Revolution'. By the 1860s, on the eve of the 'mineral revolution',

...British Colonialism had overseen the emergence of significant capitalist farming by white settlers in the Western and Eastern Cape and Natal. There also existed pockets of Commercial Capitalism around the ports of Cape Town, Port Elizabeth and Durban. A network of migrant merchants was slowly insinuating commodity relations into all the societies of the region.....The Afrikaans – speaking Boer Colonialists (of the interior, HB)...lived mainly off the rents in labour and in kind from the various squatters on their extensive landholdings. They justified this pre-capitalist form of colonial exploitation in terms of rigid racist ideologies, which forbade any 'equality in Church or State' between white master and black servant⁵.

The spectacular diamond discoveries at Griqualand West between 1867 and 1871 destroyed the strictly agriculturally based economy and set it on a course

⁵ Daview, R, O'Meara, D and S. Dlamini, 1988, *The Struggle for South Africa*, 2 vols (Revised Edition), London: Zed Books, P.6

toward industrialization⁶. Industrial development in South Africa introduced the new avenues of making money. As a result, Europeans started to lose interest in territorial segregation mainly on land based agricultural economy. Industry and Mining open a new profitable scope of making fast money. For this Europeans required a large labour force. So they started to encourage Africans to come into white areas to work as labour. In this way, they fulfilled labour needs for industries and mining. In 1889, the gold mines employed some 17,000 African workers; by 1909, these numbers had grown to 200,000. Cecil Rhodes, diamond magnate of Kimberly and Prime Minister of the Cape Colony from 1890 to 1895, levied a nominal tax on Africans in reserve areas to force them seek employment⁷. Mining officials manipulated the situation with the help of Rhodes to impose tax so that they would pay low wages to African labourers and earn huge profits. The Government facilitated the mining companies by their policies framed in favour of their business. The Government and Mining Capitalists also jointly started to recruit Africans within and beyond South Africa's border, mainly known areas as Malawi and Mozambique. The discovery and exploitation of minerals in South Africa by whites had

⁶ South Africa 1984: Official Yearbook of the Republic of South Africa, Johansburg., P.40

⁷ Marquarel, op cit., P.41

paced up exploitation of human resources. It increased the abundant supply of cheap labour and economy went in the hands of white communities.

South Africa was moving towards fast industrialization. Many Boer and British colonies remained engaged in agriculture. They faced competition from natives, who continued to buy, lease or squat on crown or private lands. To meet these types of competitions, they argued to the Government to take some hard decision against Natives so they can compete with Blacks in the produce market, purchase of land in the Cape Colony and Natal, renting of land to natives by absentee landlords in the British Colonies. Many companies had also blocked up land in the anticipation on future land values and mineral discoveries; there was a peculiar trend that right of voting was based on property ownership, which applied in Cape Colony until 1913. The most important white grievances was squatting for communal or individual tenure by renters, which exacerbate the labor crisis. At the time, squatting was believed to undermine white farming productivity and the industrial revolution, rent-paying farming natives or Kaffirs (squatters) were unlikely to accept low cash or kind wages from white farmers or mining capitalists who sought to maximize their profit margins. As a result, many Kaffirs chose to work at private enterprise.

The British and Boer imposed many Laws on squatter to limit their numbers on private farms and levied either rents or tax on them. These Laws include the Squatters Laws of Natal (1855), the Orange Free State (1895) and Transvaal (1895), all of which were ineffective. Magistrates and many white farmers viewed these laws as owner-forceful because they required the use of force, even violence against violators. The most punitive of the laws were those enacted in the Orange Free State which were very violent and authorizing brutal punishments. The enforcement of these laws some believed, might had incited discord of major proportions among white farmers. The most effective of the anti-squatting laws were those legislated in the Cape of Good Hope: the Location Acts, the 1876 Act (6 of 1876), the 1884 Act (37 of 1884) and the last of the acts before the Union of South Africa was formed, the Private Locations Act of 109 (32 of 1909). These laws were very effective as they made squatting a financial burden to those who persisted and at the same time benefited Government through an increase in tax revenue and helped white farmers through an enhanced labour supply at chap wages⁸.

⁸ Nattrass, J. *The South African Economy: Its Growth and Change* (Cape Town: Oxford University Press, 1981), PP.114-15

The Locations Acts in the Cape of Good Hope reduced independent squatting cultivators to farm laborers by licensing only squatters, who supplied their labour to white farmers. The squatters, who were unemployed and lived on white farms, a tax was imposed on them to assure at least their part-time employment. The 1884 Act placed greater pressure on squatters by exempting from taxation natives employed on a long-term basis. The Private Locations Act of 1909 distinguished between natives living outside the reserves. By this Act, such natives were classified as regular lessees (exempted natives), ordinary tenants, labour tenants and servants. The intent of this act a to reduce the number of labour and ordinary tenants by requiring the farmer to be licensed at a cost of ten shillings a head per year and the latter at two pounds per year⁹. The Private Locations Act of 1909 was particularly successful in its purpose, but so had been the others in the Cape Colony.

To implement similar laws in other British Colonies and Boer republic, efforts were made but these were unsuccessful because the laws were not the same as in the Cape Colony and were unpopular and unacceptable. Consequently, they were withdrawn. In Natal, for instance, the Agricultural Development Bill

⁹ Ibid, P.115

sought to expropriate land occupied by natives on white-owned farms. An Act in the Orange River Colony made sharecropping illegal and reduced all coloured people, who squatted to servants. Neither of these acts would benefit whites in their quest for economic well being. The Agricultural Development Bill in Natal would have reversed, if only temporarily, the white economic development effort and diminished the net worth of white farmers. In the Orange River Colony, farm profits would have been reduced by an end to sharecropping. Moreover, the Imperial Government could resolve the issue of where to relocate coloured and their livestock. The issue of reserves for coloured was never seriously considered because such individuals posed no threat to the political, social and economic aspirations of whites and such an appropriation would further diminish white control over the land. The most successful of anti-squatting laws largely atoned the discontent expressed by poor white farmers, but such atonement was mainly confined to the Cape Colony until South Africa became a nation firmly under Boer Rule.

THE ACT OF UNION AND THE AFRICAN LABOUR SUPPLY

By the 1890s, the development of deep level mining, advances in cyanide-based refining industries and the expansion of agricultural markets in the Cape led to an increase in demand. As demand increased, the colonial authorities intervened to tighten controls over their African subjects. The major law aimed at increasing the supply and control over labour was the Glen Grey Act of 1894, following five years later by the Cape private locations Act (1899). The intention behind these 'Native' laws was to force African peasants into wage labour in two ways: Firstly, through limiting access to Land, and secondly, by imposing a labour tax.

The Glen Grey Act provided the basis for land and labour policy in the first three decades of the 1900s, and again later in the 1950s under apartheid. In terms of the Glen Grey approach, labour would be provided by migrants from 'reserve' (Glen Grey) areas. The creation of separate African reserves to serve as a source of labour was to become one of the Central components of the 1913 land and labour dispensation. A second component of late 'tradition' was the introduction of controls over tenants occupying land

belong to white absentee-landowners. Exactly eight years after the signing of the Treaty of Vereeniging , May 30, 1910, the Union of South Africa came into being. Among the first issues addressed by the Parliament of the new Union was labour shortage. The Boers now with control of a unified parliament, could forge a new economic, social and political order through the enactment of far-reaching legislation. Before 1913 several laws were passed by the new Parliament to implement a systematic native policy. The laws would allow for economic growth largely through the creation of a cheap, abundant and disciplined supply of African labour while permitting whites to further solidify their dominance of all the economic resources of the developing nation. This aspiration manifested itself in such measures as the Mines and Works Act (1911) and the Natives Labour Regulation Act (1911). It is worth noting that in the early 1900s, prior to the enactment of the Natives Land Act (1913), No.27, numerous other factors were instrumental in creating an ample supply of labour to bolster economic development.

Many Africans failed in their efforts to succeed at farming while many who were profitable were forced off their land by white farmers, who sought to meet the increased demand for foodstuffs in mining towns. The

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increased demand for foodstuffs in mining towns. The increased demand for farmland also led many whites to fence off vast areas of farmland with so-called "Jackal-proof" fencing, thereby sharply curtailing the number of African squatters and nomads who roamed the countrywide with their livestock. Thus to provide for sustenance while, at the same time, meeting the financial burden placed on them by white authorities for the right to live in white areas, farmer African farmers, squatters and nomads were compelled to supply their cheap labour to white employers who dictated terms of employment.

African population growth on dwindling supply of Land greatly diminished the agricultural potential of reserve areas. With the increased white demand for land which reduced the areas reserved for Africans, young tribesmen could only expect an allocation of land from the tribal chief after the death of an elder tribesman, whose land had not already been expropriated. Until such deaths occurred, young tribesmen were compelled to seek cash wages from white employers. It should be emphasized that a land grant was no assurance that able bodied men could profitably cultivate the land in reserve areas, as increased pressure placed upon the land by population growth, overgrazing and an inability to adapt their farming methods to the changing soil

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conditions required most to join the migrant labour system. For whites, a very convenient cycle was created by their increased demand for farmland. According to Nattrass,

...This cycle leading from low productivity to low farm incomes – to migrant labour – to still lower productivity and lower farm incomes continued; and when coupled with increasing legislation that limited the access of Africans (particularly those who were not seeking work) to white areas, entrenched the system of migrant labour so characteristic of the modern South African economy¹⁰.

The position of the African farmer as further eroded by the rinderpest outbreak (1896-97) which devastated their livestock. White farmers also were effected but the losses were catastrophic to Africans because Tribes general tendency were to held their wealth in their stock of cattle. It would be not wrong to say that railways even today are noticeably absent in reserve areas. So the growth of the railway system benefited only white farmers.

¹⁰ Ibid, P.69

THE 1913 LAND ACT AND ITS EFFECTS

In early 1900s, the first attempts were made to define a uniform 'native' policy which would bring all four republics and colonies under the same land and labour framework. In 1910, the creation of the Union of South Africa, and the coming to power of the South Africa Party, ushered in an era of vigorous and focused government policies to inhibit the further growth of an African Peasantry, and relocate those resident on white owned farms. One of these interventions was the introduction of the 1913 native Land Act. In the creation of a number of African "reserves" for the settlement of black South Africans, which would serve as pools of migrant labour for white owned farms and urban based industry. In the elimination of independent tenancy in 'white' rural areas, with the abolition of sharecropping and rental tenancy arrangements.

The 1913 Act had the effect of entrenching the unequal distribution of land between the races, and made the segregation of blacks and whites an ideal pursued by future South African Governments. Opposition to the 1913 Act came from a number of sources. The newly formed South African National Congress (ANC) raised

its voice in protest, and many individual tenants resisted eviction and resettlement. There was also a great deal of resistance to the land Act by successful white farmers, who wanted tenants on white owned farmland evicted and redistributed among them to alleviate growing labour shortages. Less successful white farmers wanted sharecroppers and rent-paying tenants to remain on white occupied farms as they were an important source of income for white landowners at the time. While the process impacted on thousands of farm tenants in the Orange Free State, the status quo in other areas largely remained.

An important organization to emerge during this period was the Industrial and Commercial Workers Union (ICU), which enlisted thousands of dissatisfied tenants as its members with promises of land and legal assistance. Initially, an influential force in the countryside, the ICU collapsed as its members withdrew support when promises of land and freedom were not delivered. The ICU's size and activity in rural areas were never repeated.

The effects of the 1913 Land Act were many and varied. First, it limited African rights to land ownership to reserve areas on a quantity of land that was, from the start, incapable of sustaining the millions of people,

who lived there. Even today, when African farming methods have modestly improved, there is little agricultural potential in the homelands. Probably the most salient and revealing features of homelands agriculture is that, in 1980, it contributed R207.6 million (0.3%) to South Africa's Gross Domestic Product (GDP) contrasted with R5,494.4 million (8.7%) white. These data suggest that the agricultural potential of homelands was about 3.6% of white agriculture in 1980. Moreover, they lend credence to Nattrass' observation that:

The two sectors of South African agriculture are so different that when one moves from a White-owned capital-using farming sector to a Black subsistence-oriented and tribals organized farming areas, it is like stepping through a time warp¹¹.

Second, the 1913 Land Act legalized and regularized territorial segregation and the "natural policy". Early white settlers, in their many conquests, sought to minimize contact with natives as they settled the territory and merely demarcated the land they wished natives to occupy. By the time of unification and the 1913 Land Act, Whites had fully recognized the economic potential of the African labour supply and

¹¹ Ibid, PP.99-100

therefore, formalized the “natural policy” by making racial segregation throughout the fledging state official government policy, not yet called apartheid.

Third and foremost, it increased the supply of cheap African labour to South Africa’s predominantly white-owned industry. Restricting the majority of Africans to a fixed quantity of land assured that population pressures on the land would be obliged to supply their labour at low rates of pay, thus, fostering the economic expansion of South Africa’s white oriented industry. This is precisely what happened throughout the economic development of the Union, later the Republic of South Africa, when in 1960, South Africa ceased to be a member of the British Commonwealth.

It seems apparent that the 1913 Land Act is akin to a long line of ancestors but none had so clearly and profoundly made African landlessness the cornerstone of economic development. All that was needed to design and implement this landmark legislation was the Treaty of Vereeniging, which transferred South Africa from British to Dutch control. With the act of Union and the subsequent enactment of the 1913 Land Act, the Dutch were brought closer to the Uniform and ideal native policy they had so long sought. It is clear from the foregoing that before the formation of the

Union and the enactment of the 1913 Land Act, White South Africa was divided against itself; small farmers against “monied farmers” and absentee landlords; European Extremists against European Liberal, who feared the violent punishment of squatter and encouraged moderation; Dutch Colonists against British Colonists and so on.

In this environment, White South Africa had no unified, clear-cut vision of its economic destiny. It had no blueprint or masterplan of how its future economic development would be shaped. The 1913 Land Act was a masterplan, not simple schematism, ably and eagerly pursued by those who acquired control of South Africa and who also supported African landlessness as the foundation of the fledging nation’s economic development. In all probability, the 1913 Land Act is the single most important factor in South Africa’s history that is responsible for its high white concentration of Land ownership. Thus, the consequences of this act largely account for South Africa’s dubious acclaim as one of the most economically advanced nations in the world.

THE ENTRAPMENT OF FARM TENANTS

Following the election of Government in 1924, Hertzog tried to establish a land policy throughout the country using a three-pronged approach. Firstly, Africans occupying absentee landowner farms were coerced into wage labour through increased taxation. Secondly, Farm tenants were to be reduced to labour tenants and tied to contracts with white farmers. Finally, the proposal for extended reserves through the Beaumont Land Schedule and the holding clause of the 1913 Land Act were to be repealed.

The culmination of this approach was the legislation of the 1926 Masters and Servants Law (Transvaal and Natal) Amendment Act and the 1932 Native Service Contracts Act. The 1932 Act drew all Africans outside the reserves into the agricultural economy, while extending existing controls over labour tenancy. This meant that a farmer could expel the entire tenant family if any one member defaulted on his or her labour obligation. The Act had additional elements allowing for farmers to whip tenants, as well as compel farm tenants to carry passes. In total, approximately 2 million people were tied to white farms through the actions of this legislation.

THE 1936 NATIVE TRUST AND LAND ACT

The 1936 Native Trust and Land Act extended the area for African occupation to 13% of the total land in South Africa. The Act integrated Land identified by the 1913 Act into African reserves, and thereby formalized the separation of white and black rural areas. The Act established a South African Native Trust (SANT), which purchased all reserve land not yet owned by the state, and had responsibility for administering African reserve areas. The SANT imposed systems of control over livestock, introduced the division of arable and grazing land, and enforced residential planning and villagization (called 'betterment') under the guise of modernizing African agricultural systems. An elaborate system for registering and controlling the distribution of labour tenants and squatters was introduced under the Act. With these provisions, any African unlawfully resident on white-owned land could be evicted; and Areas in White South Africa, where Blacks owned land were declared "black spots", and the State began to implement measures to remove the owners of this land to the reserves.

The 1936 Act provided the basis for formalizing African reserve areas, as well as the eviction of tenants from farms for the next fifty years.

THE APARTHIED YEARS (1948-1990)

Following its ascendancy to power in 1948, the Nationalist Government embarked on a systematic programme of eliminating squatting and transforming labour tenancy into waged labour through the vigorous enforcement of the 1936 Act. The attempts to scale up the removal of "squatters" from farms, and from urban areas, led to the introduction of the prevention of Illegal Squatting Act of 1951. This legislation empowered white farmers and local authorities to evict farm tenants with relative impunity. These powers were given further effect through the 1964 Bantu Laws Amendment Act, which allowed for the rapid eviction and removal of tenants and black spots residents.

Throughout the decade that followed, labour tenancy was progressively eliminated through proclamation, district by district. Evictions were carried out by the farmers themselves, or by Bantu Administration officials. Once a blanket ban on labour tenancy had been achieved, the Government targeted black spots for elimination. Over 600000 black people living in black spot communities were resettled through large-scale brutal removals carried out by government during this period, shattering thousands of communities and

families. It is estimated that between 1960 and 1983, a total of 2.3 million people were removed from white rural areas around South Africa. When its purpose had largely been achieved, the removal provision were repealed to the Abolition of Influx Control Act (68) of 1986.

CONCLUSION:

The relentless process of land dispossession suffered by black people has not been uncontested. In the midst of massive state intervention to deprive black people of land, communities and individuals have tenaciously struggled to defend their rights to land. Such struggles include the Pondoland wars of the late 19th century, Peasant boycotts in Herschel in 1914, the struggles of the ICU to organize tenants and sharecroppers in the 1930s, the battles against homeland consolidation in the 1950s, the rise of the ANC in rural South Africa in 1960s and the struggle of labour tenants and black spot communities in the 1970s and 1980s.

The struggle for the restoration of land rights, security of tenure and widened access to land by black South Africans continues to this day. Although, Government has instituted a land reform policy and programmes for implementation, progress with delivery has been slow.

Poor landless black communities are becoming increasingly impatient for the rights to land which for many centuries have been denied them in the Land of their birth

CHAPTER – 2

AGRICULTURAL LAND QUESTION IN POST-APARTHEID SOUTH AFRICA

The Transition from a tribal or feudal economy into an industrial economy has occurred in some cases through a process that involved the separation of the majority of the population from their agrarian ties to the land. England, with its two enclose movements in the 16th Century and between 1770 and 1848, is often cited as an example of a country in which this process occurred, Small farmers were removed from their small plots, their land enclosed by fenus or hedges, as large land owners responded by to the high price of wool by raising sheep,¹²

The existence of a cheap labour supply also is essential to the transition from a tribal economy to an Industrial one. This factor, together with the separation of the majority of the population. From their

¹² Chambers, J.D, 1953, " Enclosures and labour supply in Industrial revolution, "Economic History Rivew, Series 2, Vol.5, No.3 (New York: Kraus Reprint Corporation P.319

dependence on the land, characterized South Africa's early industrial development. However, the transition which occurred in South Africa must be considered unique from that which took place in other nations. In past, this is because of the manner in which the degree to which this separation accrued and the finality of the separation.

South Africa has one of the most extreme distributions of land 60,000 or so white farms occupy 86 per cent of rural land, some 85.8m ha of which 10.6m ha are under cultivation. The million people of the former Bantustans occupy a land area equivalent to one-sixth of that fenced by white farms. There is a dearth of reliable Socio-Economic and demographic data on the Bantustans, itself a result of apartheid, but potentially arable land has been estimated at 0.2 ha per person. There is great variation in ecological conditions and population density in the former Bantustans, Which are mostly located in the eastern half of the country that receives relatively greater rainfall and generally contains the better soils.

However, large areas are marked by severe land degradation and problems of water supply, their inability to furnish an adequate level of subsistence has long been a matter of investigation and comment, and evidently intensified over time due to forced removal and demographic growth. State "betterment" schemes to promote yeoman farmers and to enforce land planning and conservation measures, founded on the socio-economic realities of land shortage and population pressure and on political resistance and evasion.

It is hardly surprising then that former Bantustans are so dependent on purchased (and 'imported') food staples that an average 50 per cent of household income is spent on food, and less than two per cent of income derived from crop and livestock production; while a common, and blanket, 'guesstimate' is that ten per cent at most of the

Bantustan population Services any significant part of its livelihood from farming.¹³

The agricultural sector, including fishing and forestry employs 30 per cent of the labour force, the agricultural base is diversified, with emphasis on animal husbandry and livestock products as well as Cereals and other agricultural products. Of these, Sugar, maize and fruit provide substantial export earnings. Wool is another big agricultural export commodity south is the fourth largest wool producer outside Asia. A diversified climate allows for the cultivation of a variety of crops, but inadequate and erratic means that only about 10 percent of land is arable.

In Post- apartheid South Africa the role of agriculture is declining, currently only 6 percent of GDP it contributes in the economy. Reasons behind the decline of agriculture are varied in nature and somehow its roots lies in the apartheid. The racial

¹³ Hindson, D, 1991' The restructuring of labour Market in South Africa; 1970 and 1980, in Gelb ed; P.237

allocation of agricultural land closely parallels the racial distribution of land in general, with 85 per cent controlled by whites and remaining percentage tribally distributed between Black “homelands” inhabitants. A strikingly small proportion of cultivated land (land under crops) existed in the “homelands” and in white areas, a result that may be partially attributed to arid soil in many areas and to Cattle raising. Indeed, only about 2.2 million hectares of land in the homelands are arable compared to roughly 14.6 million hectares in White areas.¹⁴ In 1980 about one-fifth as much land was cultivated in the “homelands” compared to white areas where population pressures on the land are far less intense, where the important economic activity is manufacturing as opposed to agriculture, and where agricultural production methods are modern in contrast to the primitive method employed in the “homeland”.

¹⁴ Nattrass, Op cit; P.4

During apartheid, the Government took little interest to develop agriculture. Even the initiatives taken by the government of that time, favoured the white farmers. It is noticeable that the white comprising 12,8 per cent of the population own 87 per cent of land. The distribution that exists between Whites, This was mainly because in 1913 Blacks were dispossessed of their landholdings by the Government of the Union of South Africa.

It is widely known that the distribution of land between Black and white South Africans is substantially unequal. But the extent of this inequality remains of its adverse effects on the socioeconomic and political status of the Black majority population who imperilled the stability of the white minority regime. The land issue is indeed one of South Africa's most complex and sensitive structural problems. Several factors account for these problems.

SOCIAL PROBLEMS

The agricultural Land Question *has* not only Economic and Political but also has social implications in South Africa. Land issues often been said by scholars as a emotional issues of Africans. People are very much attached with the Land, especially a place of their birth or Native land. South Africans have a history of land dispossession which have been discussed in the last chapter briefly. Blacks have very limited access to land due to a long process of dispossession, combining elements of purchase, negotiation, force legal fiat and fraud. In the post-apartheid period, situation is still same as it was during Apartheid era. Blacks are the worst suffered from a long period; still date facing the acute scarcity of agricultural land. The Black population have a very limited access to land. In agricultural Land, people are constructing building and residential complexes for housing purposes. Recently, The Government tried to evacuate squatters which had turned into violent conflict between administration and Civilains. The housing problem is one of the current

social issues in South Africa; squatters are demanding for legal right to continue their land possession. The Government has come up with some policies and programme to solve this problem so far the result of this governmental initiatives is very poor.

The most remarkable feature of land in post-apartheid South Africa is the highly uneven land distribution between whites and Blacks, which is due to colonial legacy and still somehow prevails even in post-Apartheid South Africa. It is noticeable that Blacks that are 76.1 per cent of the total population have only 13 per cent of the total land of South Africa.

The situation today is quite similar to what existed during apartheid era. Blacks are now demanding for equal distribution of land. Historically, as we discussed in the last chapter, Blacks Land were captured by whites during colonial period and continued up to Apartheid era. Blacks are now demanding their Lands but greedy white farmers are

opposing New Laws of post-apartheid government. Whites do not want to vacate and give back agricultural Land to Blacks. This has led to a mass social conflict between Blacks and Whites in South Africa. The post- Apartheid Governemnt has set up National Land Committee to evaluate and persue land Development programmes to eradicate this uneven land distribution problem. But so far result is not encouraging and put doubt that how far it will solve the purpose.

ECONOMIC PROBLEMS

Agriculture's contribution to Gross Domestic Product (GDP) has declined from almost 20 per cent in 1951 to 6 per cent in 1990. Agricultural uneven land distribution between Black and White are generally have small farming practices, Whereas Whites farmers practice large-scale commercial, capital intensive agriculture in South Africa. Today, not surprisingly, given discrepancies in land ownership and inputs,

about 67,000 white farms produce 95 per cent of marketed production on 85 million hectares; while an estimated one million black families produce 5 per cent marketed production on 16 million ha. The capacity of the homelands to provide food and incomes for their growing population has declined and the inhabitants have come to rely increasingly on remittances from migrant workers and transfers from the state in the form of pension and welfare payments.

It is not only the historical inheritance that renders problematic the construction of a sustainable agriculture in South Africa, but also the poor natural resources endowment of South Africa's approximately 100 million ha of farmland, only 17 million ha (including 2 million in the 'homeland') are presently classified as arable land; and only 4 million of these as 'high potential arable land; much of the rest has poor soil and low and erratic rainfall, while soil erosion and degradation are widespread in both the white and the eastern seaboard, in parts of Natal and the eastern

Transvaal (including some under developed land within Banterstans) and in the Western cape. This significant regional variation has implications for development strategies aimed at maximizing the potential for more labour-intensive farming.

Although, the Post- Apartheid Government running up many rural development programmes but failure to raise rural living standard will, especially in view of rapid population growth, intensify migration from rural areas, adding to the high unemployment and pressures on amenities in urban areas. In 1997 unemployment rate was 50.4 per cent of this figure, women and men experienced an unemployment rate of 59.5 per cent and 42.0 per cent respectively. Rural Africans bear the brunt of unemployment, with rural African men experiencing an unemployment rate of 45 percent and African women a rate of 61.9 per cent. Thus, it seems apparent that unemployment is high in South Africa especially within rural area. The Unemployment has produced many social problems.

These are mainly related to indulgement of unemployed youths ventured into crimes and drug trafficking. It has also increased the huge migration of people from rural to urban area. Thus, we find that Agricultural land question has direct impact on the Agriculture of South Africa. It is inevitable to restructure agriculture so that its benefits can go to the needy Black farmers.

Recently, the Government has took a step to privatization of Agriculture. This is very alarming situation in South Africa for subsistence agriculture. Already, the condition of black farmers are very pathetic as the Government policies hardly able to fulfill their demands for land, property ownership right, Subsidies and Bank loans. Even the development policies which have so far implemented favoured white farmers. Privatization is a capitalist approach which inclined towards commercial farming. In one hand, government has implemented many Agricultural development programmes and in other hand it is privatizing agriculture. Both approach can not go

together. So, it has become an urgent need for the government to clarify its stand on agricultural land issues.

POLITICAL PROBLEMS:

African National Congress (ANC) Government has come to power with many commitments for agricultural land issues. It moved quickly to establish a National land Commission and Regional Land Commission. These structures were reasonably democratic, although inadequately linked to the local level. The ANC is responsible for early policy frame work: Its land policy is persisting uncertainties around its proper implementation and its coming result. So far the result of land reforms have not shown any positive impact. It has been in heavy criticisms throughout. Although, the governmental statistics shows some development reports but its implementation is so slow that it may take 50 years to reach is aimed target. Land Reforms are also not getting success due to crisis of funding as

government does not have adequate money to fully support its Land Reforms Policies.

Another cause of poor performance of land reform policies is over , bureaucratization of administrative units and officials with land reforms. Proper implementation of land reform is lacking due to corruption and long process to claim land rights by landless Black People.

Political Rural representation in the government is also not proper. We find very less representatives in the government who comes from rural areas. So, Rural voice is not reaching to upper hierarchy of the government inspite of many Rural movements and even violent struggles by Blacks. Political will is lacking to solve agricultural problems in South Africa.

Thus we have seen that how agricultural land is not only an emotional issue but it counts for more than that. It has many implications, viz Socio-Political and

Economics. Its urgent need is to solve these problems. Otherwise, it may happen that demands of deprived people would take violent path to fulfill their demands and land rights. The government have took some steps to solve these problems mainly by introducing land reforms.

CHAPTER -3

POLICY INITIATIVES IN POST-APARTHEID SOUTH AFRICA

South Africa's post-apartheid government has embarked on a wide ranging and ambitious programme of land reform, designed to redress the legacy of centuries of dispossession, racially defined and discriminatory legal frameworks, and deep rural poverty. The three principal components of Land reform are a market-assisted redistribution programme, restitution of land to the people who were dispossessed by racially discriminatory legislation or practice, and a tenure reform programme aimed at creating tenure security within variety of tenure systems. Both restitution and tenure reform are "right-based," with new laws creating the basis for claims to land and resources, and elements of the redistribution programme involve new legal regimes, which specify the rights and duties of the beneficiaries of land reform (e.g. with the legal entities which allow groups to jointly own and control land). Gender equality, provided by South Africa's new Constitution, is a central goal of

land reform¹⁵. Laws creating new land rights are thus a central feature of the new policy framework.

Land reform policy was set out by the Department of Land Affairs (DLA) in 1997 White Paper on South African Land Policy. The objectives of land policy are identified as follows: (i) To redress the injustices of Apartheid; (ii) To foster national reconciliation and stability; (iii) To underpin economic growth; and (iv) To improve household welfare and alleviate poverty.

From 1994, Land reform has centred on 3 components: the Restitution of Land Rights, the Reform of Tenure Systems, and a Land Redistribution Programme. Each of these components have established their own laws and institutions to implement land reform.

LAND RESTITUTION

The purpose of this component was to restore and provide other remedies to people dispossessed of land rights by racially discriminatory legislation and practice since 1913. The approach to restitution is outlined in the Constitution of South Africa, and the Restitution of Land Rights Act, No.22 of 1994. The Act outlined the

¹⁵ Department of Land Affairs, 1997, 'White Paper on South African Land Policy', Pretoria: Department of Land Affairs, P.17

qualification criteria for claims, the forms of restitution and compensation, and the processes necessary for the settlement of claims. It also made provision for the establishment of a Land Claims Commission and Land Claims Court to facilitate and adjudicate the process of claims.

The constitutional right to restitution entitles a person or community to restitution of property or equitable redress, if dispossessed of property after 19 June 1913 as a result of past racially discriminatory laws or practices. By 1913, land rights and access to land were already racially skewed in favour of white held common law ownership. This system of property rights was easy to enforce backed up, as it was by an efficient deed's registration system recording all land holding and real rights. It was some years, however, before these rights of ownership were enforced against communities living on the land. Until then communities continued to administer their property relationships according to customary law, irrespective of the fact that these rights were not recognized at formal law. In many cases obtaining common law title was difficult or not considered necessary on land one owned at customary law anyway.

The aim of the Restitution of Land Rights Act 1994 is *inter alia* to promote the full and equal enjoyment of rights in land by persons disadvantaged by unfair discrimination. Rights in land are defined in the Restitution Act as any right in land and include a customary law interest. At formal Law, customary rights were not recognized as rights in land. The status of these rights was reduced to squatting or labour tenancy or at best beneficial occupation and use rights. These were considered personal right easily displaced by the right of common law ownership claims in restitution are as a result, based on racially determined weak tenure rights, difficult to enforce. If property is restored in terms of these rights, the danger exists that racially distorted property relationships will be perpetuated through restitution.

With the arrival of White Colonial Rule access to land for indigenous communities was restricted. Freehold tenure was mostly reserved for whites, a form of tenure, which over the years grew into a well administered land registration system to support the rights of ownership. Freehold to African people was granted on a limited scale and always subject to restrictions in order to maintain greater state control over black

communities¹⁶. This has remained the official norm until 1994 when political and constitutional changes put in place a policy of land reform aimed at redressing the legacies of racial discrimination in property relationships in South Africa.

The Natives Land Act 27 of 1913 consolidated the different racial laws and practices pertaining to property rights in four provinces, which constituted the Union of South Africa at the time. It came as a result of the growing alarm expressed by white farmers at the practice of sharecropping and the fact that blacks could purchase land. The Whites felt threatened by the degree of independence this offered to the Blacks. As a result of the promulgation of the Act, Colonial land holding was consolidated. Large areas of unsurveyed state land, which had always been regarded as in the possession of African Communities and even land held in freehold titled by Blacks, were excluded from the scheduled areas in the Act.

The Natives Land Act 27 of 1913 was the first of the acts aimed at enforcing spatial Apartheid. It prohibited all black persons from dealing in land, entering into agreements in terms of land or from acquiring any rights whatsoever in land outside the areas set aside

¹⁶ Cross, C. (1992): 'An Alternate Legality: The Property Rights Buestion in Relation to South African Land Reform' (1992) SAJHR, P.305

for black occupations in terms of a schedule attached to the Act, without the prior approval from the Governor General. Bonafide farm labourers, who rendered labour for a period of not less than three months in any calendar year allowed to reside on land outside the the scheduled areas, who were registered with the Native Commissioner for taxation or other purposes at the commencement of the Act, enjoyed some limited protection. The Act expressly abolished sharecropping and rental tenancy of any form on land outside the scheduled area, dependent upon a labour contract. After promulgation of the 1913 Land Act, it became increasingly more difficult for black persons to purchase land. In many cases it was years before permission to buy land was finally granted. Governments did their level best to curtail black freehold title through administrative controls and the granting of defective title. Land was registered in the name of the Minister of Native Affairs or a chief to hold in trust for a tribe, negating the rights of individual buyers and members of the land holding community.

In the Cape Province the application of the Natives Land Act 27 of 1913 was initially restricted in terms of the Act. Any person who would be prevented from dealing with land in terms of the 1913 Land Act as a result of which would lose the right to vote in that

province, was exempted from the Act. Mission stations and educational institutions were also exempted provided prior permission had been obtained from the Governor General.

The Native Trust and Land Act 18 of 1936, did not repeal the Native Land Act 27 of 1913 but modified the 1913 Act and was to be read in conjunction with that Act as though the two Acts formed one Act. The Native Trust and Land Act created the South Africa Native Trust later the South African Development Trust, regulated its operations and provided for the acquisition of land by the Trust for purposes of settlement by the black persons. The 1936 Land Act, provided for the eviction of persons resident on the white owned farms, deemed to be surplus labour.

The right to restitution is granted to a person or community who were dispossessed after 19 June 1913 as a result of past racially discriminatory laws or practices. The right to restitution retroactively renders the state liable in terms of the constitution, for the dispossession of the rights in land effected as a result of the policy of racial discrimination implemented by past governments. On Land Reform in South Africa the government's policy on restitution is based on justice and equity and seen as important in providing support

to the process of reconciliation, reconstruction is based on justice and equity and seen as important in providing support to the process of reconciliation, reconstruction and development. Restitution is seen as an integral part of land reform closely linked to redistribution and tenure reform.

LAND REDISTRIBUTION PROGRAMME

The purpose of the land Redistribution programme was to provide the poor with land for residential and productive purposes in order to improve their livelihoods. Land redistribution was intended to assist the urban and rural poor, farm workers, labour tenants, and emergent farmers. The programme aimed to achieve the RDP goal of redistributing 30 percent of farmland in the period until 1999¹⁷. The programme provided a settlement and maintained the importance of giving priority to the marginalized, to women in need, and to projects that could be speedily implemented. The Law under which redistribution takes place is the provision of certain land for settlement Act, 126 of 1993.

¹⁷ Republic of South Africa (1997), Rural Development Framework, Pretoria: Department of Land Affairs, P.56

The initial policy platform outlined in the Constitution of South Africa, established an imperative for the government to respect and protect existing property rights, and to ensure that no right could be arbitrarily removed. Linked to this was a guarantee that compensation would be paid for land redistributed through the programme. In effect, the Constitution ensured that redistribution should take place through the market, with agreements for purchase being reached on a 'willing-buyer' and 'willing-seller' basis. Redistribution takes place under the provision of the Land for Settlements Act, 126 of 1933, which provides for a settlement and land Acquisition Grant.

This Grant is a flexible instrument that has allowed for a range of redistributive projects to be supported, including the purchase of equity in farming enterprises by farm workers termed 'Share Equity Schemes'. A grant for commonage has enabled primary local authorities to acquire land or extend commonage for use by poor and disadvantaged residents.

The obvious starting place for redistribution is state land, particularly land held by the South African Development Trust (SADT), established to oversee the acquisition and transfer to blacks of the 7 million ha of

'released' land which comprised past the miserly 13.7 percent of South Africa allocated to the black majority by the 1936 Native Trust and Land Act¹⁸.

In February 2000, the Minister of Agriculture and Land Affairs, Ms Thoko Didisa, announced the findings of a review of land policy, and new proposals to take redistribution forward over the next five years. The programme of land Redistribution in South Africa aims to facilitate the transfer of a targeted 30 percent of the country's agricultural land over 15 years. While the programme remains demand-driven, various new principles mark a shift in emphasis and approach from the previous land redistribution programme. Most significantly, implementation will now be decentralized and all beneficiaries will be required to make a contribution to the project. Projects will, furthermore, need to be economically viable and commercially oriented agricultural projects will receive priority attention. A range of project types or products, with different objectives, is accommodated within the programme, such as food safety net projects, commonage projects, equity schemes and commercial agricultural projects. The programme has substantially modified the grant system and establishes a sliding

¹⁸ Lipton, Merele: (1993) "Restructuring South African Agriculture" in *State & Market in Post-Apartheid South Africa* (eds) Sinkins, C; Witwatersrand University Press (Johannesburg); P.367

scale with a range of grants (R 20000 to R 100000) provided for depending on the amount of own contribution in cash, labour or kind by the beneficiary. Beneficiaries will, however, be expected to make a minimum contribution of R5000¹⁹.

The following projects are accommodated in terms of the new programme:

Food Safety Net: Individuals or groups may wish to acquire land under the programme for food production to improve household food security.

Commonage: Beneficiaries - individuals, associations or other properly constituted groups – can purchase Common Land for grazing or other purposes through the programme. Municipalities or other government bodies will not be eligible for commonage grants as was the case under the previous land redistribution programme.

Equity Schemes: Beneficiaries may also acquire equity in an agricultural enterprise, which should be marketable in order to remain its value. The grant

¹⁹ The commercial farmer Programme: (200)“ A component of an Integrated Land Redistribution programme of the Ministry of Agriculture and Land Affairs; DLA; Pretoria ,P.5

recipient would in the case of share equity schemes, be both a co-owner and employee of the farm.

Market Production: Those participants wishing to engage in commercial agricultural activities will access a state grant, and combine it with bank loans and own contribution in the form of assets and cash, to purchase a farm. It is envisaged that these farmers will typically have more farming expertise than those accessing land under the food-safety net category of projects. The programme further provides for members of communities holding land under communal and tenure systems to utilize their grants to purchase land and upgrade their tenure. In terms of this proposal, land will be sold to the actual occupants and users (i.e. the owners) of communal land. Further, it is proposed that agricultural state of free land claims be offered to the public, with special emphasis on individual commercial farmers, through the redistribution programme.

LAND TENURE REFORM

Land tenure reform aims to provide people with evictions. Tenure reform refers to changes in the terms

and conditions under which land is held, used and transacted. There are four major tenure laws:

- (i) The extension of security of Tenure Act of 1997, which provides people living on commercial farms with measures to regulate evictions and provide tenure security.
- (ii) The Land Reform (Labour Tenants) Act of 1996 protects the residential land use rights, such as grazing and cropping rights, of labour tenants on farms, where they live, and gives the right to purchase that land.
- (iii) The Communal Property Association Act of 1996, which enables communities or groups to form a juristic person to acquire, hold and manage property in terms of a written Constitution.
- (iv) The Interim Protection of Informal Land Rights Act of 1996, which provides a short term measure to protect people with informal land rights and interests in land – primarily in previous homeland areas – from eviction or other infringement.

The black rural areas in South Africa are marked by a variety of tenure forms or systems, which have been shaped through the interaction between indigenous common property system, modern western systems of individual ownership, and tenure systems imposed by the state for political purposes. This interaction has resulted in a range of different tenure systems, which include quit rent, freehold, communal tenure and tenancy. Under the apartheid system, black people could not retain or acquire rights in land set aside for persons classified 'white'. In the townships and former homeland areas, land rights were generally 'Subservient, Permit-based or held in Trust'. In these areas, land generally registered as the property of the state or held in trust through the South African Development Trust (SADT). Black people were placed under the jurisdiction of 'chiefs'.

WOMEN AND TENURE

One of the key features of a tenure system are the rules which determine who may actually gain access to land. While there is enormous variation from one communal tenure system to another, women do not usually qualify to hold land independently from men. Rules of access and inheritance generally tend to favour men over women, and women with children over those

without. Under tribal and communal tenure systems, different categories of women are treated differently. The rights of widows tend to be stronger where the widow is older with children. In the Herschel and Maluti districts in the Eastern Cape, widows are usually entitled to certain privileges. On the death of a male household head, all the house land's rights are usually transferred to his widow. Practice, however, often varies from one family to another and there are numerous recorded cases of widows being forced to vacate property and forfeit strong tenure rights to male members of the family, whether sons or brothers to the deceased husband. In the case of single women, there is great variation in experience. Many tribal and communal tenure systems are applying greater flexibility to land allocation procedures and single women are increasingly gaining the right to a residential stand. The allocation of ploughing fields to single women, however, is usually prohibited. Again, the practice varies from one family to another. They remain dependant on a male relative to secure land access.

In case of married women, rights to land are usually exclusively mediated through the husband as the head of the household. It is very rare that married women qualify for a land allocation independent of their

husband. With high levels of out-migration from many rural areas, women often de facto rights holders, using land and making decisions regarding the land as if they were the registered owner. She is, however, often restricted in decision-making by the requirement that she obtain her husband's permission on issues of substance, and her ability to access resources for the productive use of land is often limited because of her weaker rights.

Women are also often excluded from the structures of authority, which regulate access to, and use of land within communal tenure systems. In most communal areas, access to land is usually controlled by a community structure, such as a tribal authority or community council. In many communities, these structures do not represent all interest groups in the community, and may not function democratically. In the allocation of land, tribal authorities in particular, tend to discriminate on the grounds of sex, marital status, origin and clan affinity.

Tenure reform measures must seek to protect the rights and interests in land, which women already have. In the process of recognizing and confirming long-standing historical and informal land rights, the rights of women within families must be protected.

Further, tenure reform will either seek to confirm 'functional and democratic' land management structures, or establish and recognize new structures for the administration, which fulfill certain conditions, including that of gender equity.

In 1998 the Department of Land Affairs began the process of drafting legislation to introduce comprehensive tenure reform in former homeland areas. The draft Land Rights Bill proposed a range of mechanism to effect this reform, including state officials would be responsible for identifying and recognizing underlying or informal rights to land that is nominally owned by the state; the officials would regulate a process to allocate responsibility for the management of these rights to structures in which the actual rights holders would be represented and would have the ability to influence decisions affecting their rights; the rights themselves would be vested in the users, not in institutions such as local municipalities or tribal authorities; rights may belong to individuals or to households; recognition would be given to different systems of tenure, and allowance would be made for local decision-making as to the most appropriate tenure system for the user group; and traditional authority systems which are functional and enjoy support will be recognized for the purpose of land

administration. However, people will be able to appoint new structures where traditional authority systems are no longer viable or supported.

TENURE REFORMS ON FARMS

Close to a women work on South Africa's commercial farms, and their families rely on this employment for their homes and security. The often appalling conditions under which farm dwellers live and toil is an affront to South African society, and addressing these must be a priority for government.

Securing the rights of people living on farms is a complex challenge for policy makers, requiring an understanding of the history of how these relations evolved and their effect on the current situation on farms.

Tenure security on commercial farms is much broader issues than housing or shelter, although these are obviously relevant factors. It touches on the nature of property rights and social control in South Africa, and the legacy of years of Apartheid Policy. Historically, property laws and rights have provided landowners in farming areas with an enormous amount of social and

political control over people living on their property. The mobility of the black rural people was restricted, employment contracts were regulated to farmers' benefit, and various forms of independent tenancy arrangements were abolished. The isolation of farm communities, together with the lack of legislative protection for them, has led to highly paternalistic and unequal set of social relations between farmers and farm dwellers. The lack of credible and organized representation of farm worker communities is a serious weakness in this situation. Tenure insecurity is an immediate result and symptom of the history. Housing for farm families has traditionally been tied to the employment contracts of particular family members; the loss of a job, the death of worker, or the sale of a farm meant automatic eviction for the entire family.

The objectives of this Act are to protect the existing rights of a particular category of farm dwellers, labour tenants, and to give existing labour tenants the right to purchase the property on which they live and farm. Labour tenants are people who have lived and worked on farms in return for access of land for grazing or cultivation. The relationship typically took the form of a six-month period of service to the farmers, with remainder of the year spent working their own land,

but more recently the relationship has become flexible and diverse.

The Act confirms in Law the arrangement for use of land by the labour tenant. In this Act, the onus is on the labour tenant to prove their status and claim to land. The Act also had a cut off date for lodgement of claims in March 2001²⁰. a series of contradictory Court judgements have narrowed the application of the Act to include only second-generation labour tenants. The exclusion of first-generation tenants, the burden of responsibility placed on tenants to prove claims, and they overly technical and bureaucratic process to access these rights have led to criticism that the Act has been ineffective.

²⁰ *ibid*, P.92

CHAPTER 4

RESPONSE TO THE POLICY INITIATES

Land reform is a critical political issue in South Africa. The history of land dispossession, which was characterized by brutal forced removals and evictions, has left a nation divided along racial lines and a black majority in need of land. Land reform policy is an important factor in dealing with this land need; its success depends on the assumptions, which underpin it and the approaches, which are adopted to meet the needs of a land seeking population.

There is disagreement about the silence of land reform for post-apartheid South Africa. Some argue that land is a deep emotion issue arising from a long tradition of 'agrarian radicalism and anti-capitalist Utopianism in the countryside²¹.'

Land reform experienced a number of problems from its inception. By the middle of 1999, the Department of Land Affairs could point to a limited number of successes arising from programmes which were plagued by problems.

²¹ Ibid, P.363

LAND RESTITUTION

The restitution process was painfully slow, overly bureaucratic, and inefficient. By the end of 1999, only about 3000 claims had been settled out of a total of 62455 registered claims.

From 1994 to 1998, restitution proceeded at an extremely slow pace, and proved to be a difficult process for communities. By mid-1998, a partially 28 claims had been resolved out of a total of 42000 submitted. In April 1998, a crisis meeting called by the nation Land Committee led the then Minister of Land Affairs, Mr Hanekom, to establish a review to investigate the problems and weaknesses of the land restitution process²². The findings of the Review identified amongst other things: a slow rate of delivery, lack of trust and high levels of frustration with process; key problems with the legal and constitutional design of restitution which created unnecessary delays and which frustrated progress, including lack of clarity on the respective roles of the Land Claims Commission and the Department of Land Affairs; a failure to prioritize different types of Land Claims; and problems with the process, especially with the Land Claims Commission.

²² DLA, Op cit, P-57

On the basis of the Restitution Review immediate changes were applied to the restitution process. The first of these was that the Chief Land Claims Commissioner integrated with the Department of Land Affairs. The functions of the two were combined to ensure a single institutional mechanism for implementing land restitution. A second key change concerned the approach to resolving different categories of claims. Large numbers of individual urban claims, where no dispute existed, would be rapidly resolved through financial compensation payments. In effect, this would mean that where no dispute existed, and restoration of land was unlikely, the Department of Land Affairs would establish a rate of compensation and restoration, but without an obligation to ensure that development of the land takes place. A communications campaign was launched in 1998 involving the Commission, the Department of Land Affairs, and the National Land Committee to inform potential claimants of the criteria for a claim, the process of submitting a claim, and deadline for doing so – 31 December 1998. The campaign was successful in generating an increased number of claims totaling 63445, before the deadline was reached.

Restitution is a rights-based process that is it aims to restore rights to those who formerly held them. Because of the patriarchal nature of land ownership and occupation in the past, the majority of those who held rights at the time of dispossession were men. There is, therefore, an inherent tension in the restitution programme between government's commitment to promote the rights of women and its commitment to the restoration of rights.

LAND TENURE REFORM

The tenure reform programme had implemented significant farm tenure reform laws, but implementation and monitoring were weak, and previous homeland areas remained under interim arrangements.

Extension of Security of Tenure Act No.62, 1997; commonly called 'ESTA', this law attempts to provide for tenure security in two ways: first by assisting people living on rural farm land obtain stronger rights to land on which they are living, or close by; and secondly, by establishing procedures for the eviction of people from farms. The Act also regulates the interaction between owners and the people living on land on a day to day basis. Some of the key elements of this Act include:

Provisions for the people who have lived on land for over 10 years, and have reached the age of 60 years, to have greater security of tenure; Rights to use land for grazing or cultivation are also intended to be protected under the Act; Orders for reinstatement, or the provision of suitable alternative land and accommodation, can be instituted by a court if an eviction is found to have been procedurally flawed; and Rights accrue to people on farms irrespective of their gender, and are only partly dependent on an employment relationship, except in cases where long term occupiers have died. In these cases, a spouse and dependants may be evicted after twelve months.

ESTA was intended to provide rural South Africans with greater security of tenure by regulating procedures for eviction, and providing incentives through subsidies for longer-term settlement. Implementation of the Act by government has been particularly weak, and the NGO and legal service sectors have taken much of the responsibility for the implementation and monitoring of ESTA.

A key emerging problem, however, relates to housing and land access for future workers. Many cases are now emerging in which farmers are refusing to build or maintain new or additional houses due to concerns

relating to the establishment of new rights by farm residents. Existing land access rights for farm workers are being eroded by farmers, while very few new or additional rights are being created. Increasingly, employment contracts are introducing limited periods of employment and are excluding housing from the employment relationship.

The Land Tenure Reform was the first land reform legislation to specifically target labour tenants. In addressing the loss of rights of labour tenants, the Act sought to regulate evictions and provide for the lodging of claims, but these procedures proved complicated and the rights proved difficult to access through the courts.

LAND REDISTRIBUTION PROGRAMME

The redistribution programme had redistributed less than 2% of South African farmland by 1999, and the anticipated beneficial impact on participants in the programme was not realized. There are approximately 82.8 million hectares in use by commercial farmers in South Africa, making the total share of farmland redistributed, or approved for redistribution, 0.81% to date.

In 1998, the greatest number of hectares was approved for transfer. In that year alone, about 0.33% of all commercial farmland was redistributed. Taking this pace of delivery, it would take 45 years to redistribute only 15% of the country's commercial farmland. As at September 1999, it is estimated that of the 50152 beneficiary households, which have participated in the redistribution programme, 7331 are final headed²³.

A key limitation underlying redistribution is the protection of the property rights of current landowners, and the guarantee of compensation for land transferred. The effect of a "willing-buyer, willing-seller" framework and the requirement of "fair and just" compensation for existing landowners, is the placing of financial constraints on the extent of land transfer. Successive limited national budgets for land reform made RDP's 30% target for redistribution unattainable by 1999.

As a result, the redistribution programme has had little impact on those who need it most – the rural poor. The DLA's (Department of Land Affairs) monitoring system has found very little beneficial impact on intended beneficiaries, with land redistribution projects

²³ RSA (Republic of South Africa), 199, White paper on Reconstruction and Development: A strategy for Fundamental Transformation, Pretoria: RSA, P-34.

providing little support to beneficiaries for production or development of the land. Most importantly, beneficiary communities were often unable to meet the market-based terms of the redistribution programmes. Not only were wages and income levels low, saving virtually absent, unemployment high and household food insecurity evident, but poor rural communities often saw no logic in paying most of their government subsidy for land purchased from a white farmer.

In the light of the above, it is clear that the programme's objectives have not been realized, and there has been no significant redistribution of resources from the rich to the rural poor. Instead it involves the transfer of ownership of one set of assets and endowments of the rural poor – their cash and livestock holdings – to ownership of another set of assets and endowments – land and infrastructure. Ironically, the programme has ensured that existing white landowners have secured further benefit after years of apartheid government support, while the real victims of apartheid – poor rural black people - have been forced to buy land with little prospect that the purchase will address their poverty.

Perhaps the most critical weakness of the Redistribution programme has been the exclusion of

rural black communities from real participation in the decision-making processes of land reform. The procedure of applying to government to purchase land relegates potential land reform beneficiaries to the position of spectators in a technical process of land purchase and transfer, and discourages them from seeking their own potentially creative ways of accessing land.

CONCLUSION

At present, government is still trying for a vision for rural development and poverty alleviation that incorporates land, but so far the elements of a workable have not been put together into a policy package. The land reform process has floated isolated in policy space. Central questions are likely to be the role land options under a bimodal agriculture and how to promote economic land rights without further destabilizing rural society and its land institutions.

What needs to be determined is the real objective of land delivery – residential rights alone? Micro-parcels for part-time small farming and poverty alleviation? Larger ‘small farm’ holding to meet the demands of the elite and well-connected? Without thorough livelihoods planning upfront, who should hold land and what

rights they will have over it are not possible to restore. The confusion that results, with land reform beneficiaries unable to farm commercially and rural communities block from entering local economic development, is contributing to the further marginalization of disadvantaged rural areas in terms of policy planning. As this happens, unemployment and violence spread, and demoralization contributes to poverty.

If the disjunctures in policy planning at national and provincial level come out to unclear and conflicting agendas, probably most of the problems at ground level are institutional even before they are economic. Access to resources for the people who most need them and want to use them has not been sorted out, and the bitter struggles over control of settlement rights – and from there to who runs the community – are eating away at society and production from the inside.

For most rural communities in a poverty situation, there is probably no short-term alternative to communal tenure systems. The rural majority do not have the resources to manage private tenure, and the risk of dispossession and the replacement of family ownership by landlord/tenant systems is serious. Instead, what needs to happen is secure economic

rights for households and individuals within communal systems: this is an easy and cheap option which can be delivered by statute, though it also requires provision for landholder access to official land records. But for elites, private tenure is the preferred option, and can fairly easily be provided in areas where the average income is high enough.

At policy level, thought needs to be given to what kinds of intervention are going to be cost-effective in an environment of administrative scarcity. The question here is how to provide the necessary support package to land-based economic activity without demanding more from government than it will be able to commit against other budget demands. What is needed includes staffing and coordination, but the real force of development needs to gather itself on the ground, in households and communities. Households will move into entrepreneurial production if they can, and blocked energy needs to be released.

Administrative bureaucracy and support personnel are a very expensive resource. They are under-supplied now for land reform, and their deployment needs to be carefully monitored. Infrastructure delivery needs to take careful account of land reforms needs and the needs of small farming in general, but the cheapest and

most effective interventions may be statutory introduction of economic land rights in communal systems, alongside crops research and training for entrepreneurial microfarming, now almost unsupplied. At the same time, the White Paper recommendations for establishment of rotating markets need to be pushed ahead strongly: rotating markets offer a real chance for disadvantaged rural producers to access demand outside the formal structures serving the large scale commercial farming sector.

In the end, nothing can work without coordinated access to water and other resources. Especially at provincial level, DLA and DWAF need to come together around land reform and rural economic needs, and Local Government and Housing as well as Constitutional Affairs also need to come to the party.

Whatever is done, it is important to avoid becoming trapped in sterile welfare vs production arguments based on fundamental misapprehensions about how household production works. Land policy needs to face the future rather than the past. Up to now, land policy has often been fighting the last war, trying to roll up the rural history of apartheid dispossession and secure communities against outside threat. In spite of the continuing threat of land deprivation by unscrupulous

administrators and by unjust development interventions, outside forces are probably no longer the most immediate threat to communities of the rural disadvantaged. Instead, planning efforts and resources need to come together around poverty and the aspirations of the poor for a decent life.

CONCLUSION

Since the passage of the 1913 Land Act, Blacks are virtually landless and largely impoverished. Most Blacks who seek to earn an honest living have but two choices available to them; Firstly to supply their labour to white owned industry in white area. Secondly try to make a living on drought sticker, infertile soil in the “homelands”. It is plain that these two choices were among the major objectives of the House of Assembly when it enacted this far reaching, landmark legislation which formalized the “natural policy” and create and entrenched an unparalleled inequality between Blacks and whites in the distribution of land, income and wealth.

Other things remaining the same, Blacks landlessness will worsen over time as Black population growth continues. Furthermore, soil in the “homelands” will be further depleted by population growth on a fixed quantity of land and by over investment in cattle due to tribal custom and to the inability of farm families to

finance irrigation, purchase other agricultural hardware, or simply to provide basic infrastructure.

It is recognized that many families in the "homeland" receive remittances from a family member who is contracted for eleven months out of the year to work in a white area; but these remittances average only between 20 to 35 percent of the earning of these migrant workers. Since Black employed in the dominant sector of the South African economy, the modern sector (all industrial components except agriculture, forestry and fisheries sector, and the informal sector consisting of street vendors and small shops), earned only an average of Rs. 2,268 in 1980 remittances from migrant labourers are too inadequate to provide for the south African governments had been marginalised at best. In fact the bulks of government financial assistance to agriculture has gone to the white farming sector, which has added to the broadening racial agricultural productivity differential.

The high unemployment, high mortality and morbidity rates, malnutrition and abject poverty will continue in the 'homeland' as increased landlessners, the lack of financial resources and technical means to make the land bountiful continues to persist, and as the tribal custom of accumulating wealth in the form of cattle holdings is perpetuated. The "home lands" population will not be the only Blacks affected by these problems; urban Blacks face similar ones, though not as severe. Consequently, whites may be required to ward off social unrest of proportions unparalleled by South African standards.

In the post apartheid era the new government under the presidency of Nelson Mandela (1994) tried to address past injustice, by amendment of apartheid land had been redistributed partially through land claims resulting from earlier dispossessions. Along with this the Black Workers working on the white farms have been provided a legal status through the 1997 extension of security of Tenure.

For the development of Black farm labourers as well as to solve long past injustice of agricultural land, government had introduced land reforms in South Africa; viz., land reforms were introduced by the government in 1994, and were derived from section 25 of the constitution of the Republic of South Africa, 1996, (Ac 108 of 1996), which includes policies of land restitution, land redistribution and land tenure reforms. The National Land Committee has been set up to look after the functioning of land development programmes and proper implementation of land reform policies. In the post-apartheid era attempts have been made to atone for earlier injustices. The government introduced many land reforms. The implementation of these reforms has been at a very at a very slow pace.

Recently, land reforms efforts in south Africa have recently been coming in for heavy criticism as it is slow and long process. A little amount of land have been delivered and many more transfers are in the pipeline. However, the process is slow and the empirical results

of land delivery are in question, with broad-scale implications that are not clear yet.

Rural Development Task Team and Department of Land affairs concedes that government resources for rural upliftment are limited, and by implication are likely to fall future as the fiscal demands of the Growth, Employment and Redistribution strategy begin to bite harder. Facing a serious shortage of resources, the rural development strategy emphasizes maximum devolution to local level. Policy is trying to capitalize on the forces of change by pushing spatial development. Local economic development, infrastructure development and land reform are its major supports.

However, support services for new black farmers cannot be supplied at the level white commercial farmers have become accustomed to and rotating markets become the main option for reconnecting rural areas to the developed economy. Options for successful and redistribution under these conditions narrow drastically.

At present, land redistribution is picking up seed, but it is probably not yet well supported by tenure rights and by planning functions in the crucial areas of livelihoods and land use. Both redistribution and tenure reforms have to meet the demands of the rural economy, and it is becoming clear that there is still a wide gap between land delivery goals and local economic development requirements. This gap is forcing some re-conceptualization of the role of land provision in national strategies, and particularly in the final objectives of poverty reduction and job creation.

It has been taken for granted that small farming models would open the way for land redistribution to contribute to the reduction of poverty. Recent studies and debates are questioning how accessible such livelihoods are to many or most rural communities with active intersectoral support difficult to bring on line under budgetary austerity conditions. At the same time, how far rural institutions will support small farming is not clear.

A contributing factor was confusion regarding the priorities of land reform, and the failure to consider what role land reform could play in a broader Macroeconomic development and growth strategy. Land provides a crucial support to the livelihoods of poor rural people, and a successful land reforms programme would contribute greatly to poverty reduction by boosting poor people's access to productive assets.

It is essential to promote a vision of land reforms within a broader development framework. Such a framework would not only provide priorities for land reform, but would also link reform initiatives to other components of rural development, such as agricultural support and infrastructural development. The past absence of co-operative development frameworks between the Department of Agriculture and Land Affairs, for example, is a graphic illustration of the failure of policy integration, which has led to inconsistent practices at community level.

However, perhaps the most important limitation of current policy was governments ideological approach to land reform. Possibilities regarding land reform were constrained by constitutional principles which stressed the market as a regulatory mechanism. The effect of providing for a “willing-buyer willing-seller” framework of implementation, and “fair and just” compensation for existing landowners, has led to land reform being characterized by speculation, obstruction by existing landowners and expensive land transfers. Also, land reform projects take extended periods of time to negotiate, thereby frustrating communities seeking to buy land.

Perhaps of more concern to communities is that the approach to land redistribution is underpinned by the principle that land reform, should be demand-driven, and that “the state should help only those who help themselves”. This fails to acknowledge the fact that rural communities are often unorganized, under-resourced, and under-skilled as a result of apartheid.

At a time when communities intervention to secure land for them, the emphasize on the market has relegated government to the role of “facilitator, leaving communities without critical support.

There are also problems with the gender impact of land reform. Despite the adoption of the land Reform Gender policy in 1997, land reform implementation has not adequately delivered on the Department’s Commitments to gender equity. Land reform policy remains gender blind, resulting in the absence of specific implementation mechanism and strategies to ensure equitable land access and security of tenure for rural women. At a project level, there remain significant barriers to women gaining access to and control over land. The department has substantially failed to build the systems and procedures which are necessary to ensure gender-sensitive land reform project planning and implementation. Furthermore, the implementers of land reform projects often do not have the requisite gender skills. Within beneficiary communities poor

rural women face many barriers social, cultural and economic to participating in land reform projects and processes.

In monitoring the impact of land reform on beneficiaries, the department is able to measure the level of women's participation (the number of women who have been registered as beneficiaries, either as heads of households or as co-applicants), but has not developed the indicators and methods of monitoring system uses undifferentiated concepts such as "household" and "community" which fails to recognize the major social and economic differences within these units. It is, therefore, difficult to measure specific impacts on women and other categories of people within communities and household. Even that African women living in rural areas are substantially represented amongst the poor in South Africa, it is imperative that land reform programmes specifically target this group and put in place special affirmative

action measures to ensure that they are able to gain access to and control over land on an equitable basis.

The government stand is a mix of both capitalist and socialist approaches. On one hand it is privatizing agriculture while on the other hand it is introducing land reforms and rural development programmes. The two cannot exist side by side. The government needs to take concrete steps to remedy the situation.

The agricultural land question in South Africa has its roots in the past apartheid era. The racial discrimination and marginalization of African by the colonial powers forced the Black people to become landless in their own land. In the post Apartheid era:

The government came up with many programmes and policies to remedy the past injustice of Black Africa. Many Land Reforms have been introduced but results of these land reforms are coming very slow. It is also raise a doubt that how far these reforms can reduce the poverty of Africans. It would be too early to say anything about its result. But we feel that there is

again an urgent need of restructuring of the land reforms so that it can benefit more needy poor and rural section of the Black African society.

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