

Land Reform Programme (LRP) Controversies - Improving Rural Livelihoods through the LRP: A Discussion Paper

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ABSTRACT It would seem some critical issues that had initially sent the country into a spiral of war-racial oppression and segregation was the land issue. These forms of inequalities and inequities manifested so much through land dispossession and for this reason, as some commentators would say, African political leadership traded off these issues for peace which was vital for nation-building. As a consequence, and after more than twenty years of independence in South Africa, those who were oppressed and were dispossessed by the apartheid regime began to voice concerns on the snail pace of the land reform programme. Some opposition political parties also seized the opportunity to galvanize their support base. Therefore, this paper explores how current land debates will unfold economically and socially. Thus, researchers, academics and development economists are sceptical about which approach to adopt to address this vicious circle of poverty and unemployment.

INTRODUCTION

The democratic elections of 1994 saw South Africa earn an international reputation with its liberal constitution underpinning political plurality and market stability (Anseeuw and Alden 2011). This brought great relief and hope for rebuilding the South African (SA) economy from the scars of the apartheid regime. Central to this rebuilding exercise was the issue of land restitution as a way of eradicating the face of apartheid. Despite, the democratic pomp and fanfare, South Africa remained with several challenges concerning land distribution (Hart 2002).

Like most of its African peers, South Africa was also affected by the 'Scramble for Africa' phenomenon, attained its independence through negotiations and concessions on various political and economic fronts rather than outright military victory (Aliber and Cousins 2013; Parliamentary Liaison Office 2015). These concessions were legislated in the Constitution of the Republic of South Africa. One such concession was on land ownership and was provided for under Section 25 of the Constitution. At the outset, the constitutional provision opened up

for a neo-liberal stance on the land question, that of the willing buyer/willing seller. This meant that those who had been dispossessed of land from the indigenous South Africans before independence continue[d] to own the land, while the previously dispossessed had to rely on the state to provide them with the land. Land dispossession, as stated by Cousins (2004) and Moyo (2007), practically led in the loss of vital productive resources such as land, minerals and capital by indigenous populations and the erosion of their rights to natural resources. In as much as the concessions paved the way for democracy, the land issues were left unresolved and South Africans were bitter about it as they wanted also wanted the productive land for agricultural purposes.

Unfortunately, most of the former colonies took so long to solve the land question (or are yet to open land restitution discussions). For example, the Parliamentary Liaison Office (2015) analysis revealed what they term the 20-year itch, which showed that countries like Zimbabwe and Namibia only revisited the land issue twenty or more years after independence. In that analysis, they mentioned how restless the indigenous

people were about the land question or land reform in their countries.

Similarly, South Africa like its southern African counterparts was embroiled in a debate on land redistribution where indigenous South Africans are agitated about the Government's failure to increase the traction of the land redistribution process (Sibanda 2010; Anseeuw and Alden 2011). As such, South Africa witnessed a high number of cases of land grabs in some provinces if not all in the country (Parliamentary Liaison Office 2015). Unfortunately, the agents/activists of land invasions are more of political formations than socially driven. At the forefront of these land grabs are the Economic Freedom Fighters (EFF), a relatively new political establishment and recently its splinter group known as the Black First Land First led by Andile Mngxitama. Other civic groups behind the land invasions included Abahlali Basemjondolo, Landless People's Movement, Ses'Khona People's Rights Movement, and the Western Cape Anti-Eviction Campaign (Parliamentary Liaison Office 2014).

Despite, calls for an orderly land redistribution process, proponents of land grabs are raising valid arguments centred on the lack of political will in addressing the land issue. However, some economic pundits are concerned that such a politically charged haphazard approach will further complicate this much-anticipated exercise. They argue that a chaotic land reform exercise will dent the economy and send the country into a spiral of lawlessness. Such as the case in Zimbabwe, where politics overtook the socio-economic rationale of land redistribution (Lahiff and Cousins 2001; Derman 2006).

The result was the transgression of property rights and ultimately lead the country into an economic abyss. To avert the recurrence of what happened in Zimbabwe, those concerned often warned against slipshod approach to land redistribution in the region. Hence, the South African government had to find a way to avoid what economists dub as a reckless approach to land redistribution, set a Parliamentary Committee to hold consultations on the provisions of the constitution referent to land and property rights. Therefore, the much-awaited outcome of this committee was expected to inform the land distribution in South Africa going forward.

Objective of the Study

South Africa has been part and parcel of the land reform controversies, and with different political parties using land as a bargaining tool to buy power from people. The objective of this study is to contribute to the ongoing debate about the land reform discourse in South Africa.

METHODOLOGY

This paper is solely a discussion paper which is mainly dependent on literature review and slightly dependent on the lived experiences of the authors who witnessed the unravelling of the Zimbabwean land reform programme as from 1999, where political expediency by the ruling party as a strategy of clawing into power due to the evident waning popularity before the general elections held in 2002. The literature on land reform and agrarian across Africa and beyond will be reviewed to arrive at some suggestions and, or recommendation for the imploding South African land reform programme.

OBSERVATIONS AND DISCUSSION

Ownership and Access to Land in South Africa

The 'Scramble for Africa' ushered into Africa, colonialists who dispossessed indigenous people of their land. The land issue in South Africa has been a bone of contention from the early days of colonization and this was followed by decades of apartheid rule until 1994. The apartheid system produced a highly unequal pattern of land ownership and distribution which brought a significant in rural poverty (Jacobs et al. 2003; Hall 2004; Crane 2006). The 1994 elections in South Africa came with the issue of land, which was raised by many political parties, including the ruling party in terms of negative skewness of land distribution amongst the black people.

Sibanda (2010) identified land as a complex, sophisticated and burning issue in South Africa. In particular, the land distribution imbalances between the few whites and black masses in South Africa became the yardstick for the clarion call for land redistribution and restitution. As for redress, the government initiated various

interventions and structures to kick into motion the Land Reform Programme (LRP). The World Bank also recommended this exercise that South Africa addresses the skewed land distribution (CPLO 2010). For instance, in 2018, Statistics South Africa's mid-year population was 57, 73 million people (Table 1). The distribution of white South Africans stood at a paltry of 7.8 percent against 80.9 percent of black South Africans and 11.3 percent of other population groups (Statistical SA 2017).

Based on Table 1 statistics, one would assume that land ownership is reflective of the population distributions. Unfortunately, South African land is still in the hands of whites with 7.8 percent of the country's population (Aliber and Cousins 2013; Dikgang and Muchapondwa 2016). With such skewed land ownership, it is forgivable why those who were evicted from their land are seething in anger when land issues are discussed. Sibanda (2010) explains this by alluding the marginalized are often instilled with transformative potential, and Claassens (2015) posits that if left unattended, this potential becomes an antidote for revolt. Land dispossessions suffocated black people's commercial activities (Anseeuw and Alden 2011) depriving them of economic survival, thus turning them into labourers. This also agrees with Mngxitama (2006) who stated that the indigenous people were forcefully taken from their land and became factors of production instead of landowners.

South Africa's Land Reform, Land Restitution and Land Tenure

In the year 2018, the South African parliament acceded to and passed a resolution to

amend the Constitution to allow expropriation of land without compensation. Following this, Cousins (2018) alluded to this decision as a storm of gigantic proportions that erupted as interested parties (white farmers, political parties, citizens and political commentators) anticipated either the moment of salvation or disaster. Those supporting the constitutional amendment were expected to accelerate and finalize the land question. On the other hand, those who feared that SA's economy would collapse akin to that of Zimbabwe.

However, in all this jostling of ideas, the land debate is further compounded by the misapprehension of the pillars upon which land policy anchors on. Often commentators fail to distinguish land reform, land restitution and land tenure. The land reform programme is defined as "the redistribution of land ownership titles or other interventions in land use rights" (von Blankenburg 1993). This is different from land restitution which involves people demanding their land which was taken away from them after June 1913 or getting reparation for their loss (Cousins 2018). Land restitution can be argued to have been rolled out relatively well. However, in most of the cases where claimants won their claims, they instead opted to be compensated for less than taking back the land. Former President Thabo Mbeki is on record as saying this must be investigated.

According to Deininger and van den Brick (2000) land tenure is another crucial pillar of land reform which refers to the "rules and arrangements connected with owning land, especially land that is used for farming". The land issue is critical for poverty reduction and for enhancing economic development, gender equality, social

Table 1: Mid-year population estimates for S-Africa by population group and gender, 2017

Population group	Male		Female		Total	
	Number	% distribution of males	Number	% distribution of females	Number	% distribution of total
Black African	22 786 200	80.9	23 896 700	80.9	46 682 900	80.9
Coloured	2 459 500	8.7	2 614 800	8.9	5 074 300	8.8
Indian/Asian	740 200	2.6	708 100	2.4	1 448 300	2.5
White	2 194 200	7.8	2 325 900	7.9	4 520 100	7.8
Total	28 180 100	100	29 545 500	100	57 725 600	100

Source: Statistical SA 2017

stability and sustainable resource use (Kasimbazi 2017). Perhaps, it is the source of the current discontentment in various former colonies. Colonists used land tenure as a tool to disenfranchise the indigenous populations of their right to land. For most former colonies, including South Africa, land tenure has been the vital cog either stifling or catalyzing the land restitution and redistribution (Deininger and van den Bruck 2000).

The biggest task by the ruling government has been the reversal of the effects of the Native Land Act of 1913 which restricted black people from owning productive resources such as land (Walker 2003; Bundy 1979), the Native (Urban Areas) Act No. 21 of 1923 and the Black (Native) Administration Act No. 38 of 1927. It, therefore, became apparent at the dawn of democracy that land tenure was crucial for achieving this democracy, and several policies of land reform began to be implemented (Aliber and Cousins 2013). Together with other political settlements issues, the land issue formed part of the Convention for a Democratic South Africa (CODESA) held in 1991.

Thereafter, South African History Online (2017a) posits that the land tenure and restitution found its legal basis through a provision of the 1993 Interim Constitution, section 25(7) of the 1996 Constitution and the Restitution of Land Rights Act of 1994. The Act also provided for the establishment of a Commission on Restitution of Land Rights in 1995 under a Chief Land Claims Commissioner and seven Regional Land Claims Commissioners. The mandate of these commissioners was to assist claimants in submitting their land claim, receive and acknowledge all claims lodged and advise claimants on the progress of their land claim.

When the late President Nelson Mandela took over the reins of the country in 1994, he inherited a fatally skewed agricultural sector owing to land ownership remnants of the apartheid regime. Department of Agriculture (1995), Anseeuw and Alden (2011) and Schultz and van Riet (2018) report that at that time, approximately 60,000 white farmers owned 71 percent (87 million hectares) of commercial farmland against a pittance of 13 percent for black people. Unfortunately, due to various dynamics, the ANC government could not just upset the then status

quo, instead, it sought to gradually develop policies that would favour the interests of its vital constituency without improperly disturbing the economically important commercial farming sector (Hart 2002). This has turned out to be a not so easy task, much to the chagrin of its very constituency leading to dissenting voices from within and beyond.

Therefore, owing to the snail pace in handling claims, the Restitution of Land Rights Act of 1994 was instituted in 1997 to align it with the 1996 Constitution. This changed the way things were being handled from a judicial approach to one of an administrative one in 1999. Instead of going through the Commission for land claims, claimants were allowed direct access to the Land Claims Court (SAHO 2017b). Besides, the Minister of Lands was given higher powers or the mandate to increase the pace of land claims settlement through negotiation.

To deal with the slow pace of the land reform problem, a market-based approach to the land question which was in the White Paper on South African Land Policy of 1997 was adopted. This policy was in favour of the market-based approach which was premised on the concept of 'willing buyer and willing seller' which rendered land redistribution to be voluntary. Such an approach, though touted as the most democratic has not failed only in South Africa, it also failed in Zimbabwe as the white farmers holding the majority of the land were unwilling to cede it to willing buyers. In some cases, white farmers were blamed for overpricing the land throwing the land reform programme into limbo. As this was unfolding, discontentment and impatience was brewing and grew more influential amongst the black communities in need justice to the land imbalance which as part of solving racial discrimination in South Africa and improving the laws and practices since 1913 (Lahiff and Li 2012).

When Thabo Mbeki took over the presidency, the emphasis was on aligning the land reform with the Government's neoliberal Growth, Employment and Redistribution (GEAR) plan (Anseeuw and Alden 2011). The central policy at the time was the Land Redistribution for Agricultural Development (LRAD) programme whose focus was the development of a new commercial farming sector in small scale farming and small-holder farmers in South Africa (Department of

Rural Development and Land Reform 2008). Agricultural land was given to people who wanted to venture into farming either individually or as a group or teams to collaborate on farming together as cooperatives with the intention of growing into commercial farming (Hall 2004). Another perhaps controversial legislative piece to emerge under Mbeki was the Communal Land Rights Bill (CLRB) which was approved in 2003, but later challenged in court for failing to involve the public as required by the Constitution.

When people of South Africa went for elections in 2004, there was little to show concerning land reform process (Anseeuw and Alden 2011). The land restitution had only restituted a meagre 810 292 hectares (Department of Land Affairs 2004; Hall 2004). As for land redistribution, the Department of Land Affairs (2004) indicated that a total of 1 745 431 hectares through the LRAD and the Settlement Land Acquisition Grant (SLAG). Collectively, it represented 3.1 percent of the 87 million hectares of land redistributed, falling far short of the 30 percent target. The Institute for Poverty, Land and Agrarian Studies (PLAAS) (2018) indicated that this has increased to 8 percent since the year 2017. Of the three pillars of the land question, land tenure was the slowest due to the nature in which it was addressed by the ruling government and the complications that the government faced concerning existing forms of tenure as well as its political corollaries (Anseeuw and Alden 2011).

In addition to these reasons, the slow pace can also be attributed to deficiency of political will from the ruling party and government (Lodge 2002). The government is blamed for under-resourcing the authorities responsible for land reform, spending about 0.3 percent of the government budget on such an enormous task of addressing land inequalities (Walker 2008). This has since increased to 0.74 percent by 2015 (Institute for Poverty, Land and Agrarian Studies 2018) which is still relatively meagre. Furthermore, Aliber and Mokoena (2000) pinpoint the bureaucratic cycles as limiting the pace of the land reform process.

In no surprise show, dissenting black voices manifested through land grabs and occupations across the country in response to snail pace at which the traction of the land redistribution pro-

cess. As this unfolds, Anseeuw and Alden (2011) assert that the white farming community has been subjected to violence and have watched with growing nervousness as the constitutionally-negotiated 'willing buyer, willing seller' approach has come under public debate and enquiry. Unfortunately, political parties (including the African National Congress) seem to have hijacked the struggle for land, albeit for electioneering purposes in preparation for 2019 general elections. This has made the land reform, restitution and tenure question even more complicated than ever. As such, collective effort from both sides of the debate is needed to weave out a sustainable solution in a manner that will not jeopardize the economy.

The Impact of the LRP on Beneficiaries Livelihoods

Since there have been several legislative policies that have been introduced by the South African government, it is of paramount importance to look at their effect on black people who want to venture into agriculture since the inception of these policies. The main purpose of the land reform programme was to give black people land as a way to address social injustices inherited from the apartheid government. In this instance, poverty, unemployment and inequality were some of the major problems faced by the South African government. The reason for South Africa to adopt the LRP was to address the issues that had been brought by the apartheid system which had resulted in black people losing the productive resources to the whites. Hence, leading to social injustice in South Africa. Having said so, unemployment in South Africa has increased, and most young graduates are searching for very scarce job opportunities. Poverty levels have also increased at an alarming rate such that crime levels have become rife in South Africa.

Recent studies on poverty show that there is an increase in poverty in South Africa as a whole, with about fifty-four percent facing poverty at the national level and about seventy-seven percent in rural areas. This has caused significant damage to the country as most people are unemployed and living under one US dollar in most parts of the country (Statistics

South Africa 2017). According to Walker (2008), poverty is associated with both having access to money or not. It takes two dimensions which cannot be easily quantified under normal circumstances as people are faced with different levels of poverty. Usually, most studies on this aspect have shown that poverty and inequality studies mainly focus on the financial issues of well-being, income and consumption and hardly on the successes that could be brought by land reform programme (Lahiff 2007). The literature on non-monetary measures is scant, but the land reform programme has been identified as one of the critical areas of unlocking poverty, unemployment and inequality. The South African government needs to put its ducks in order by doing several consultations with other organizations, universities and countries that have undergone the land reform programmes.

The South African government should assess both measures of poverty and inequality to ensure that there are broader understanding and acceptance of findings, especially concerning the land reform programme. Several policies have been designed and crafted by the previous presidents of the African National Congress, and none has shown success (Anseeuw and Alden 2011). The current African National Congress president has highlighted the need to work with the international world to solve the land issues and seek technical and financial support to the land reform programme. Most importantly, a poverty analysis has shown that the social status of black people in South Africa has not changed much, the land reform programme is still a long way to achieving the millennium goals of achieving food security.

The land reform programme is very crucial at this point as unemployment is around 27 percent (Statistics South Africa 2017). The South African government should focus on improving the welfare of its citizens and take control of the white welfarism inherited from the apartheid era. Most of the wealth in South Africa is in the hands of a few of white individuals, and yet most of the black and coloured communities are languishing in poverty (Van Zyl et al. 2000). Despite, people being given farms, increased levels of unemployment have been found to be associated with poor production. As a result, of this, many South Africans living in rural areas depend on various

social grants provided by the South African government. These grants include pensions funds, disability or child support grants which are dependent on taxes received by the government (Rajak 2008).

Therefore, the ruling government should be careful, since many political parties are interested in liberating the economy through the land reform programme. For example, Economic Freedom Fighters (EFF) through its engagements with other political parties sought to nationalize many of South Africa's resources such as land and mines being in the forefront. Political parties have been arguing that people should grab land from whites. On the other hand, the government agreed on the expropriation of land without compensation in 2018. The question is, will black people have full support from the government to produce and market their produce. Thus, the African National Congress (ANC) has to speed up the land reform programme and reduce poverty and unemployment. Also, the issue of inequality amongst the citizens should be dealt with for people to be food secure and be employed in the agricultural sector.

CONCLUSION

Importantly, it must be taken into consideration that the land reform programme is now more than inevitable than ever in South Africa. It is essential to redress the social injustices inherent in land ownership between white and black people. However, it has also raised both democratic, economic and philosophical debates. Democratically, the current land reform debates have resulted in a bid to amend Section 25 of the Constitution to allow for expropriation of land without compensation. This issue, as evidenced in the recently ended consultations which have revealed the intense feelings of both those for the amendment and those against.

From the sentiments of those who contributed, the economy was the centre of the arguments in terms of how it would grow and prosper once black people are given land. Those against, fear that expropriation of land without compensation might send South Africa the same route travelled by Zimbabwe which degenerated into chaos, loss of lives, disregard of the rule of law and ultimately collapse of the economy.

Insomuch as the proponents of expropriation of land without compensation might put brave faces against the likelihood that such a process might turn sour, it is, however, clear that they are also cautious about irking international community which might attract backlash in form economic sanctions.

The people of South Africa must be agile and never allow political parties to win their hearts using the land question, particularly the ruling party in the face of stubborn unemployment figures and a plethora of economic problems. Like in Zimbabwe, The Zimbabwe African National Union-Patriotic Front (Zanu PF) used the land issue to deflect the attention away from other pressing issues such as the dire state of the economy, hence waning popularity amongst the electorate. Likewise, the ruling party in South Africa is under immense pressure from the citizen blaming it of neglecting black people's struggle. Using the last council elections, it was evident that the African National Congress (ANC) has lost popularity among South African electorate; hence they like their Zimbabwean counterpart used the land reform to resuscitate its liberation promise to the black South Africans.

Hence, researchers, academics and non-academics, and as well as professionals bodies from different fields should realize that land and politics are intertwined and as such, must provide sustainable solutions to this issue. The South African government needs to deal with these challenges amicably without compromising the economy and livelihoods of its citizens. The context of post-apartheid South Africa, like many transitional settings elsewhere, the government of South Africa would have to address elements of the State which include making markets accessible to these land beneficiaries and dealing with patrimonial or patriarchal issues affecting the country on Land Reform Programme (LRP). Despite, aspects of 'neoliberal' or 'millennial' capitalism which are currently widespread in South Africa, especially with the large commercial farms who are linked to all profitable markets and enriching themselves while the black farmers are struggling to penetrate these high paying markets. Black farmers or people trying to enter agriculture for the first time as small-holder farmers are finding it difficult to enter these

better-paying markets leaving them unavoidably poorer. South Africa has to find models that will promote inclusivity of land beneficiaries so that they can access profitable markets and create job opportunities for black people.

RECOMMENDATIONS

With the above-said, the South African government and South Africans at large must work together beyond racial and tribal lines to address the land problem and make sure there is success in the land reform programme. Hence, a couple of recommendations are hereby proffered for the land reform programme:

First and foremost, constitutionalism must be upheld to ensure that land redistribution does transgress against property laws, particularly the ones protected by bilateral agreements. Transgressing against bilateral agreements is the easiest way of attracting economic sanctions from the international community.

A legislative framework must be put in place to differentiate among agricultural land, communal/residential land and industrial land. For instance, relying on the spirit of the Freedom Charter puts it across, which underlies the ethos of the Constitution which states that "the land shall be shared among those who work it". This will enable the government to redistribute land in a manner that would not jeopardize economic activities. Priority must be given to the redistribution of land for economic activities. In essence, South Africa must adopt a multi-form land tenure system, that is, into freehold, lease, permit, communal and state land to apply to different needs for land.

To ensure that the previously disadvantaged black people benefits, the government must develop capacitation interventions. For example, financing the agricultural activities of budding farmers. Furthermore, the government together with institutions of higher learning such as agricultural colleges and universities, can develop training and mentoring programmes to enable new black farmers to assimilate into the agricultural sector without impacting negatively on productivity. The government and the private sector should offer training to new farmers so that they can take farming as a fully-fledged business. Through constant mentor-protégé contact,

the government will keep up to date with performance levels of these new farmers.

White farmers must progressively embrace the land reform as a necessity for a peaceful and united South Africa. Again here, they shall be informed by the pronouncement of the Freedom Charter which states that “the people shall share in the country’s wealth”. Instead of adopting an antagonistic stance where they see the land reform as a mechanism to fight them, instead, they should see it as a mechanism of creating a South Africa buoying in socio-economic equity and bring an end of the acute dualism of Zimbabwe’s agricultural sector.

The government must guard against cronyism, nepotism in redistributing land and multiple farm ownership. Such rot was one of the reasons the Zimbabwean land reform took a knock as the influential individuals took over multiple farms and ran them down into an abyss. Lastly, but not least, a clear pronouncement must be included in the legal framework to safeguard the interests of the current farmworkers. Like all South Africans, current farmworkers must be considered for land redistribution. For those not interested in land ownership, a clause on their protection from being dumped by the new owners of the land must be made explicit. This will help avert further pushing up unemployment statistics as some new owners might decide to do away with them. Such was the case in Zimbabwe where the farm workers were left out of the redistribution equation and later dumped by newly resettled farmers rendering them officially unemployed.

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