PLAAS
PROGRAMME FOR LAND AND AGRARIAN STUDIES

POLICY BRIEF
Debating land reform and rural development

No.1
September 2001

Land reform in South Africa: is it meeting the challenge?

Edward Lahiff

As recent events at Bredell and elsewhere have demonstrated, land and landlessness remain critical issues in post-apartheid South Africa. This paper presents a brief overview of the key challenges facing land reform in the country today and suggests a number of ways in which the current reform programme can be accelerated to fight poverty and inequality.

Dispossession and forced removal of African people under colonialism and apartheid resulted not only in the physical separation of people along racial lines, but also extreme land shortages and insecurity of tenure for much of the black population. With the transition to democracy, expectations were high that an African National Congress (ANC)-led government would effect a fundamental transformation of property rights that would address the history of dispossession and lay the foundations for the social and economic upliftment of the rural and urban poor. Such hope was fuelled by the 1994 Reconstruction and Development Programme (RDP), which included a commitment to redistribute 30 per cent of agriculture land within five years and make land reform 'the central and driving force of a programme of rural development'.

Seven years into the transition, however, these issues are still largely unresolved. Over 13 million people, the majority of them poverty-stricken, remain crowded into the homelands, where rights to land are often unclear or contested and the system of land administration is in disarray. On private farms, millions of workers, former workers and their families face continued tenure insecurity and lack of basic facilities, despite the passing of new laws designed to protect them. In the cities, the sprawling shack settlements continue to expand, beset by poverty, crime and a lack of basic services. A deepening social and economic crisis in the rural areas – fuelled by falling formal sector employment, the ravages of HIV/AIDS, ongoing evictions from farms and the collapse of agricultural support services in the former homelands – is accelerating the movement of people from 'deep rural' areas to towns and cities throughout the country, while thousands of retrenched urban workers make the journey the other way. The result is a highly diverse pattern of demand for land – for a variety of purposes – and numerous hot-spots of acute land hunger in both urban and rural areas.

Land reform in South African has been pursued under three broad headings: **restitution**, **redistribution** and **tenure reform**. The aims and objectives, as set out in the Constitution of South Africa, the 1997 White Paper on South African Land Policy and a succession of legislation, are ambitious and potentially far-reaching, including redressing the racial imbalance in landholding, developing the agricultural sector and improving the livelihoods of the poor. In line with its neo-liberal macroeconomic policy, however, the approach taken by the ANC-led government has been based on respect for private property, reliance on market mechanisms, tightly controlled public spending and minimal intervention in the economy – the so-called market-based, demand-led approach – which critics see as unlikely to bring about transformation on the scale required.

Since 1994, whatever standards one applies, the land reform programme has clearly not succeeded in achieving its objectives and critical areas remain unaddressed. The Department of Land Affairs (DLA) has routinely failed to spend its budget (less than one-quarter of one percent of the national total), resulting in reduced funding being made available by the treasury for 2001/02. This has generally been attributed to severe lack of capacity – particularly in terms of quality and quantity of staffing – in national and provincial offices of DLA and the Commission on the Restitution of Land Rights (CRLR).

The lacklustre performance of DLA, together with the virtual silence of senior political figures on the land question up to very recently, suggests that land reform has not been a political priority up to now. Poorly articulated demand among the poor and landless, and limited capacity among NGOs in the land sector, can also be cited as factors contributing to the lack of progress. Since the outbreak of farm invasions in Zimbabwe in 2000, however, awareness of land issues has greatly increased, with groupings across the political and social spectrum – from the Pan Africanist Congress (PAC) to AgriSA – calling for an acceleration of the pace of reform. There has also been a marked increase in popular mobilisation around land issues, and a growing willingness by landless people to take direction action to acquire land.

Tenure reform

Tenure reform is probably the most neglected area of land reform to date, but has the potential to impact on more people then all other land reform programmes combined. In the South African rural context, tenure reform is generally taken to mean the protection, or strengthening, of the rights of residents of privately-owned farms and state land, together with the reform of the system of communal tenure prevailing in the former homelands.

Despite the introduction of much progressive legislation (see Box 1), the state has yet to deal effectively with the two most pressing challenges in the area of rural tenure – reform of the chaotic system of communal land in the former homelands and long-term security of tenure for residents of privately-owned farms.

Almost all land in the rural areas of the former homelands is still legally owned by the state. Decades of forced removals and discrimination against black people have resulted in severe overcrowding in many areas and numerous unresolved disputes where rights of one group of land users overlap with those of another. During the apartheid period, the administration and management of land in these areas was under the jurisdiction of tribal authorities. Given that tribal authorities were an extended arm of the state, there was no clear distinction between land ownership, administration and management. Today the administration of communal land is spread across a range of institutions such as tribal authorities and provincial

Box 1: Key tenure legislation

- *Land Reform (Labour Tenants) Act 3 of 1996* – protects the land rights of labour tenants on privately-owned farms and provides a process whereby such tenants can acquire full ownership of the land they occupy. Labour tenants are largely concentrated in Mpumalanga and KwaZulu-Natal.
- *Communal Property Association Act 28 of 1996* – a new legal mechanism whereby groups of people can acquire and hold land in common, with all the rights of full private ownership. CPAs have been established by groups receiving land under both restitution and the redistribution programme. By August 2000, a total of 239 CPAs had been registered.
- *Interim Protection of Informal Land Rights Act 31 of 1996* – intended as a temporary measure to secure the rights of people occupying land without formal documentary rights, pending the introduction of more comprehensive reform. In the absence of such legislation, the Act has been extended annually and remains in force.
- *Extension of Security of Tenure Act 62 of 1997* – protects occupants of privately-owned land from arbitrary eviction and provides mechanisms for the acquisition of long-term tenure security. Few cases of illegal eviction have come before the courts and few permanent settlements have been approved.
- *Transformation of Certain Rural Areas Act 94 of 1998* – provides for the repeal of the *Rural Areas Act 9 of 1987* that applied to the 23 so-called coloured reserves in the Western Cape, Northern Cape, Eastern Cape and Free State. Deals primarily with the control of commonage land but also provides for the transfer of township land to a municipality.

departments of agriculture, but is in a state of collapse in most areas. There is widespread uncertainty about the validity of documents such as Permission to Occupy (PTO) certificates, the appropriate procedures for transferring land within households and the legality of leasing or selling rights to use or occupy land. Numerous cases have been reported of development initiatives that are on hold awaiting clarity on ownership of land in the former homelands, and disputes around land tenure are cited as a major reason for the collapse of the agro-tourism Spatial Development Initiative (SDI) on the Eastern Cape's Wild Coast (Kepe 2001).

Between 1997 and 1999 DLA, along with others, engaged in an intensive process of drafting a Land Rights Bill that would give legal recognition to the rights of occupiers in communal areas, create a system of democratic, community-based land management and provide additional land in areas of severe overcrowding or overlapping rights. The draft bill was dropped with the coming to office of a new Minister in 1999, and an alternative has yet to be produced. The stop-gap offered by the Interim Protection of Informal Land Rights Act (Act 31 of 1996), which was originally intended to apply for only two years, neither addresses the question of fundamental reform nor provides comprehensive protection for occupiers. Traditional authorities are largely opposed to the transfer of rights to occupiers and to the democratisation of land administration, seeing in these measures a threat to their own power. The response of government to this opposition has so far been ambivalent.

Tenure reform alone will not solve the deep-rooted problems of poverty and underdevelopment in the former homelands but is a necessary first step that can pave the way for inward investment, more effective use of natural resources and protection of individual and community rights. It also cannot be conducted in isolation from land restitution and redistribution, as achieving tenure security for all will inevitably require relocation of many people who currently share rights with others as a result of forced removals and overcrowding. Comprehensive tenure reform will require institutions capable of unravelling the multiple and overlapping rights claimed by occupants of communal land, as well as mechanism for the provision of substantial areas of additional land. In other words, tenure reform in communal areas presupposes substantial redistribution of land outside the former homelands.

Recent signals from the Ministry suggest that a new round of lawmaking may be underway, and is likely to involve the transfer of ownership of communal land from the state to tribal authorities (or 'traditional African communities' in current jargon). Transferring land to existing tribal structures is a cause for concern as it does not address the need for individual security of tenure and accountable forms of land administration. Any initiative that strengthens the hand of unelected chiefs is most unlikely to meet the objectives of tenure reform, in terms of strengthening the rights of individual occupiers, creating a democratic and efficient system of land administration, or promoting appropriate forms of development. Other recent proposals to introduce a free market in land, based on fully-individualised forms of tenure, are equally unhelpful, as this would undoubtedly lead to yet another round of dispossession and a deepening of rural poverty and inequality. There thus remains an urgent need for a comprehensive, transparent and participatory reform process that will result in democratic systems of land administration, secure the rights of individual occupiers and give them adequate protection from interference by the state, national or local, or unscrupulous individuals.

Securing rights for farmworkers and labour tenants

On the farms, the Extension of Security of Tenure Act (Act 62 of 1997), or ESTA, has had little success in preventing illegal evictions. This can largely be attributed to complicity by magistrates and police in farming districts, the collapse of the legal aid systems, limited capacity for implementation on the part of DLA and, above all, widespread disregard for the law by landowners. In theory, ESTA provides protection from illegal eviction for people who live on rural or peri-urban land with the permission of the owner of that land, regardless of whether they are employed by the landowner or not. While the Act makes it more difficult to evict occupiers of farm housing, evictions are still possible in many cases. Evicted people who are unable to find alternative accommodation on farms are generally given low priority on municipal housing lists and often end up squatting in informal settlements in the nearest towns or communal areas.

Section 4 of ESTA allows farm dwellers to apply for grants for on-farm or off-farm developments (for example, housing), while Section 26 grants the Minister of Land Affairs powers to expropriate land for such developments. By the end of 1999, only nine such developments had been approved. Where grants have been provided, it has usually involved people moving off farms and into townships rather than granting farm residents land of their own for productive purposes or providing quality and secure accommodation on farms where they work. Much greater effort is required, by the state and by landowners, to improve the quality of life of farm residents, reduce conflict, and pave the way for the emergence of a more diversified agriculture on the *platteland*, in terms of class and gender as well as race. Tenure policy must secure tenure rights for farm residents and workers in farming districts, and not just in townships.

The term **labour tenant** usually refers to black tenants on white-owned farms, who pay for the use of agricultural land through the

provision of labour (as opposed to cash rental) to the owner. It is estimated that there are over 20 000 labour tenants in the country, mainly concentrated in KwaZulu-Natal and Mpumalanga. Labour tenancy has always been a relatively insecure form of land right, and, despite new legislation, evictions of labour tenants are still being reported. The Land Reform (Labour Tenants) Act No 3 of 1996 aims to protect labour tenants from eviction and to give them the right to acquire ownership of the land that they live on or use. In terms of the Act, land claims can either be adjudicated in the Land Claims Court or DLA can provide support to negotiate out-of-court settlements.

Final figures for the number of claims lodged under the Act by the cut off date in March 2001 are not available. As of March 2000, however, only 2 917 claims had been lodged in KwaZulu-Natal and 2 086 in Mpumalanga. It is estimated that KwaZulu-Natal now has 4 000-4 500 unresolved claims, half of these in the north-west region of the province.

The processes of land claims under the Labour Tenants Act has been extremely slow. Two key issues constrain DLA's ability to act: limited capacity within DLA itself and changes in Legal Aid Board tariffs, coupled with the dissolution of the Independent Mediation Services of South Africa (IMSSA), which has in turn greatly increased the tasks and skills expected of officials. These constraints appear to have caused considerable paralysis within DLA, as indicated by the lack of statistics, six months after the cut-off date, on the number of claims received, the number of owners notified, and the number and cost of claims settled.

DLA strategy now appears to be to prioritise resolution of labour tenant claims at district level in co-operation with municipalities. Changes in local government, however, along with capacity constraints in the new municipal structures, have slowed down consultations around these proposals.

Restitution: Slow progress in rural claims

Restitution provides for the restitution of land rights to persons or communities who were dispossessed of rights in land after 19 June 1913 in terms of a racially-based law or practice. A conservative estimate suggests that over 3.5 million black people, in rural and urban areas, were forcibly dispossessed of their land and homes during the apartheid era.

The legal basis for restitution is provided by the 1993 'interim' Constitution, Section 25(7) of the 1996 Constitution, and the Restitution of Land Rights Act, 1994 (as amended in 1997). This Act established a Commission on the Restitution of Land Rights under a Chief Land Claims Commissioner and four (later five) Regional Commissioners. While the CRLR was originally envisaged as an independent body, it now falls under the control of DLA, on which it depended for funds, administrative support, research expertise and policy direction. A special court, the Land Claims Court, with powers equivalent to those of the High Court, was also established to deal with land claims and other land-related matters. The government now appears determinded to close down the Land Claims Court and transfer its functions to the High Court, a move that could severely limit access to justice for restitution claimants, evicted farm workers and labour tenants.

The Act makes provision for three broad categories of relief for claimants: restoration of the land under claim, granting of alternative land or financial compensation. Claimants can also receive preferential access to state development projects. All restitution claims are against the state, rather than against current landowners. The original targets for the restitution programme were three years for lodgement of claims, five years for finalisation of claims, and ten years for implementation of all court orders (from a base date of 1 May 1995).

In 1997, the Restitution of Land Rights Act was amended to bring it into line with the new Constitution, allowing claimants direct access to the Land Claims Court and giving the Minister of Land Affairs greater powers to settle claims by negotiation (the so-called administrative route). These legislative changes were followed by the Restitution Review of 1998 which saw a shake-up of the CRLR and its closer integration with DLA. These changes contributed to a considerable acceleration in the settling of claims.

The revised cut-off date for lodgement of restitution claims was 31 December 1998, by which date 63 455 claims had been lodged, including both individual and community claims in urban and rural areas. In some cases, more than one claim is represented on a single claim form. The total number of claims has thus risen to 68 878 and could increase further as remaining claims are processed.

Initial progress in resolving claims was very slow, and by December 1998 only 31 claims had been settled. The pace of settlement increased greatly following the implementation of the Restitution Review, so that by June 2001 this total had risen to 12 314 claims (18 per cent of total claims lodged). Of the R506 million spent on restoration so far, 59 per cent has been in terms of financial compensation, and a total of 302 000ha of land have been restored. The average direct cost of settling each claim to date has been R41 000. There has been a clear bias towards urban claims and financial compensation.

The majority of claims (approximately 49 000, or 72 per cent of the total) are from urban areas and derive from forced removals under the Group Areas Act. These are mostly individual family claims. About 19 000 claims, or 28 per cent, are from rural areas, and most are community or group claims. Many of these claims represent hundreds, and some thousands, of people. It has been estimated that rural claims account for about 90 per cent of all people claiming land under the restitution process.

While the CRLR cannot provide a comprehensive analysis of claims settled by urban and rural area, analysis by province (Box 2), as well as anecdotal evidence, suggests that the great majority of settled claims are urban. Many of these involve financial compensation, although a number of large urban claims have been settled by means of the provision of serviced land and housing subsidies. Settled claims in Gauteng/North West, the Western Cape and the Eastern Cape account for 87 per cent of the total, and it is likely that most of these are claims derived from forced removals in Johannesburg, Cape Town, Port Elizabeth and East London.

Box 2: Settled claims by region

Region	Total claims	Settled	% Settled
E Cape	9 292	2 901	31.0%
F State/N Cape	4 715	814	17.2%
Kwazulu-Natal	14 808	419	2.8%
W Cape	11 938	3 866	32.4%
Gaut/N West	15 843	3 979	25.1%
Mpumalanga	6 473	5	0.07%
N Province	5 809	330	5.7%
TOTAL	68 878	12 314	17.9%

Source: DLA, June 2001

Far fewer claims have been resolved in the provinces where rural claims are found in large numbers – particularly Mpumalanga, Northern Province and KwaZulu-Natal – and which also have the most high-quality agricultural land under claim. In the Northern Prov-

ince, for example, in a reversal of the national trend, 73 per cent of all claims are classified as rural (4 113 out of 5 607), and yet 326 urban claims have been settled against only four rural claims.

One positive development in October 2000 was the settlement of the Chata claim in Keiskammahoek, which opens up restitution to some of the victims of 'betterment' planning in the former homelands. It is widely believed that most victims of 'betterment' have not lodged claims, however, and therefore will not be included within the restitution process

Key challenges in restitution

The purpose of restitution is to restore land in such a way as to support reconciliation, reconstruction and development. Ensuring historical justice and 'healing the wounds' of apartheid through a rights-based programme are important goals, but so is addressing poverty through the developmental aspects of restitution.

No systematic review of the impact of restitution on the livelihoods of beneficiaries has been undertaken to date, but a number of case studies have revealed major problems in terms of inadequate infrastructural development, poor service provision and unrealistic business planning. These persist even in claims settled many years ago, such as Riemvasmaak, Elandskloof, Cremen and Doornkop. The impact of restitution has also been constrained by poor integration with other programmes of national, provincial and local government. Where tangible developmental benefits have occurred, this has generally been attributable to considerable external support, co-ordinated planning and the active participation of claimants themselves, as in the case of the Makuleke claim in the Kruger National Park and the claim of the Port Elizabeth Land and Community Restoration Association (PELCRA).

The *cost of restitution* is another major challenge. Restoration of the original land occupied by claimants is not feasible in most urban claims, and the majority of these will be settled through financial compensation. In many (perhaps most) rural claims people desire to return to their original land, or if this is not possible, to settle on alternative land. Recent estimates of the typical cost of a rural claim range between R1.5 million and R3 million per claim. In early 2001, the Mamahlola claim for 11 farms was resolved through restoration at a cost of R32 million.

Over the past two years, the Chief Land Claims Commissioner has called repeatedly for increases in the budget for restitution. The dilemma facing the CRLR is understandable when the current capital budget for restitution of around R200 million per annum is compared to projected costs, which could exceed R30 billion at today's prices (see Box 3).

Box 3: Potential costs and timescales of restitution

- 49 500 urban claims, at an average cost of R40 000, will cost nearly R2 billion
- 19 200 rural claims, at an average cost of R1.5 million, will require a further R28.8 billion
- At current budgetary levels, it will require 150 years to complete the restitution process.

The major challenge for restitution remains the settlement of rural claims in a way which contributes to the larger goals of land reform: redressing the racial inequities in land holding, while reducing poverty and enhancing livelihood opportunities.

Redistribution

With neither tenure reform nor restitution likely to make a substantial contribution to redressing the gross imbalance in landholding in the country, attention has rightly focussed on the redistribution programme as the principle means of transferring large areas of land from the privileged minority to the historically oppressed. The original purpose of the redistribution programme, according to the 1997 White Paper, was 'the redistribution of land to the landless poor, labour tenants, farm workers and emerging farmers for residential and productive use, to improve their livelihoods and quality of life' (DLA 1997:36). This objective has been largely lost sight of in recent years, as policy has increasingly focused on technical criteria for access to the programme and the type of land use that should be supported.

To date, redistribution has mainly involved the provision of a Settlement/Land Acquisition Grant (SLAG) of R16 000, equal to the basic housing grant, provided to qualifying households. After a slow start, the pace of delivery accelerated rapidly between 1995 and March 1999, during which period roughly 60 000 households were allocated grants for land acquisition. Altogether, around 650 000ha were approved for redistribution by March 1999, representing less than one per cent of the country's commercial farmland. Most projects have involved groups of applicants pooling their grants to buy formerly white-owned farms for commercial agricultural purposes. Less commonly, groups of farmworkers have used the grant to purchase equity shares in existing farming enterprises. A separate grant, the Grant for the Acquisition of Municipal Commonage, has also been made available to municipalities wishing to provide communal land for use (typically grazing) by the urban or rural poor. By the end of 1999, a total of 77 municipal commonage projects had been implemented and 75 more were in the pipeline.

Various problems with redistribution soon became evident. These included the inexperience of officials in conducting land transactions, leading to lengthy delays and loss of interest from sellers; reliance on current land owners to determine when, where and at what price land is made available; poor co-ordination with provincial departments of agriculture and local government, leading to poorly-designed projects and lack of post-settlement support; unwieldy group schemes; cumbersome approval mechanisms that required ministerial approval for every project; and the imposition of inappropriate 'business plans' on poor communities.

As early as 1998, DLA began reviewing aspects of its policy, particularly the variable quality of its redistribution projects, the excessive size of some beneficiary groups and unsuitability of the programme for those aspiring to farm commercially. Upon taking over the land portfolio in June 1999, Minister Thoko Didiza launched a sweeping review of the redistribution programme, calling for it to be broadened to cater for those aspiring to become full-time, medium to large-scale commercial farmers, and closer links between DLA and provincial departments of agriculture.

As part of the review, the Minister imposed a moratorium on new projects in early 2000. The moratorium was nominally lifted a year later, but pending the introduction of the new redistribution programme, few new projects have been approved. As a result, actual capital expenditure for land redistribution declined from R358 million for 1998/99 to around R173 million for 1999/2000 and R154 million for 2000/01. Consequently, the Medium Term Expenditure Framework allocations for redistribution have been cut: between 1999 and 2001, the National Treasury's three-year expenditure guidelines for land redistribution dropped by 23 per cent, at a time when spending should be increasing rapidly to meet the government's stated delivery objectives.

The new redistribution programme, entitled Land Redistribution for Agricultural Development: A Sub-Programme of the Land

Redistribution Programme (LRAD), was designed in close co-operation with the World Bank, drawing on its recent experiences in Brazil, Columbia and the Philippines, with minimal input from staff at DLA or civil society. While paying lip-service to 'food safety nets' and the encouragement of a broad spectrum of producers, the new policy and the publicity surrounding it has been unambiguously aimed at promoting a class of full-time black commercial farmers. Nowhere is the shift in emphasis more obvious than in the replacement of an income ceiling (a *maximum* of R1 500 per month per household) for qualifying applicants with a floor for own contribution (a *minimum* of R5 000 per person). While introducing some new elements to redistribution policy – notably the increased value of the grant – the LRAD repeats many of the failings of the earlier programme (see Box 4).

Above all, the programme retains the same narrow definition of 'demand-led' that has done so much to hamper previous efforts at redistribution. Despite the rhetoric, the programme is neither 'demand-led' nor 'supply-led', and undermines the very 'market-based' principles it claims to espouse. Rather than exploiting the many opportunities presented by the land market in order to achieve clear policy objectives, DLA once again proposes highly bureaucratic procedures that serve the needs of neither buyers nor sellers, and make it impossible to implement land reform in a planned and coherent manner. Rather than taking clearly expressed demands for land in specific areas as a signal to acquire land and provide services in a comprehensive and integrated fashion, the role of the state is limited to offering financial assistance and information to suitably qualified applicants wishing to participate in the market for land, services and credit.

A key disadvantage of demand-led targeting is that the participation requirements will tend to favour those who already have a reasonably strong asset base, and will tend to exclude those who have none. If the poor prove to be systematically unable to meet the requirements set by DLA, they will be left out of the land redistribution (Zimmerman 2000). While LRAD may be able to meet the needs of a small minority of emergent black farmers, it is unlikely to come even close to meeting the needs of the mass of poor and landless households or transforming the racially-skewed pattern of land ownership.

Box 4: Limitations of LRAD

- No positive mechanism to ensure that more women, the unemployed and the very poor can participate.
- Volume, location and price of land will be determined largely by current owners.
- Design of projects remains in the hands of private consultants.
- Major new responsibilities are allocated to provincial departments of agriculture, with no new commitment of resources.
- Approval criteria are even more weighted than before towards commercial production, with little acknowledgement of the importance of part-time farming as part of a survival strategy for millions of poor households.
- No explicit role is allocated to local government, despite official emphasis on the importance of the third tier of government in the delivery of services.
- Integration between different legs of land reform – tenure, restitution and redistribution – remain unaddressed, as do links between land reform and wider aspects of rural development.

Adding to these weakness have been the ongoing delays and confusion about the actual implementation of the programme. The official launch was repeatedly postponed over twelve months before finally being announced on 13 August 2001. Once again, the effectiveness of government in developing and implementing land reform policy has to be called into question.

Despite the many problems besetting the redistribution programme, there have been a number of positive developments in recent months. One has been the decision to devolve powers for project approval to the provinces, thereby going some way to address the top-down approval process that has hampered redistribution to date. Another has been the announcement that the cycle for the implementation of a land redistribution project would be reduced. An important step has been taken with the long-overdue decision to release 669 000ha of state-owned agricultural land for redistribution purposes, although this too shows the same emphasis on commercial farming as contained in LRAD, while the amount of land concerned will go only a small way towards meeting overall demand. Given the many difficulties experienced by the very poor in obtaining land for small-scale production, there is a strong case for reserving available state land for this group. Emergent commercial farmers are generally in a much better position to acquire privately-owned land through the market, and should be assisted in this direction.

For redistribution to achieve its targets, however, much bolder steps will be required. For a start, land adjacent to the former homelands and townships, and in areas of acute landlessness, needs to be targeted and acquired by government, through a mixture of aggressive interventions in the market and selective expropriation. The emerging consensus around the urgent need for land reform suggests that this may not meet with as much resistance as has been feared in the past.

What is to be done?

The starting point for a revised land reform programme must be to revisit the fundamentals, specifically the overall goals of policy as well as the mechanisms that can be used to achieve them. Implicit in the South African land reform programme has been the concept of transformation – transformation of the pattern of land-holding bequeathed by apartheid and transformation of the livelihoods of the rural (and, to a lesser extent, urban) poor. Also implicit is the idea that only the state is in a position to lead such a vast project of national renewal, albeit in a manner that does not exclude other key role players, not least amongst them the intended beneficiaries themselves.

In order to achieve such a transformation, a number of requirements must be met. These include a clear and coherent vision, political support at the highest level, appropriate mechanisms for implementation, sufficient funding, mutually-supportive linkages with other relevant areas of policy, and mobilisation of popular forces (including NGOs and intended beneficiaries) that can design appropriate solutions and overcome resistance from vested interest, whether bureaucratic or private.

Widespread public debate is urgently required as to what kind of land reform South Africa needs. Is it to be a piecemeal process that caters for the lucky few, while leaving the legacy of apartheid geography largely intact, or is it to be truly transformative? In the light of the events in Zimbabwe, there is a growing consensus that delivery of land reform must be accelerated, but little discussion of how this can be achieved. It is most unlikely that it can be achieved within the existing policy framework, which means that reappraisal must be truly far-reaching.

An essential component of any new policy should be a much more interventionist approach by the state. Given the extreme conditions of racial segregation and poverty in South Africa, it is simply unrealistic to imagine that transformation can be achieved on the basis of piecemeal reform via the free market. Meaningful reform must be concentrated in areas of greatest need, and greatest opportunity, and implemented in an integrated manner. This cannot be achieved on the basis of numerous unco-ordinated transactions between individual (and highly unequal) buyers and sellers. This is not to suggest that current owners should not be paid something for their land, or that market-based transactions should not form part of a integrated programme of land reform – only that the market alone cannot be relied upon to deliver land in the places, at the scale and at the price required for a major national programme of transformation. Much bolder steps are required.

Such an approach will obviously require far more funds than have been allocated for this purpose so far. It will also require implementation mechanisms that go beyond what has been tried to date. Critical here will be the mobilisation of a range of actors, including various tiers of government, the private sectors and civil society, to become fully involved in land reform.

Of particular importance will be delegation of powers to the lowest possible level, ideally to municipalities. Local government, working directly with local communities, is best placed to identify requirements and propose solutions that will address the full range of land needs within a particular area in an integrated fashion, as well as to provide the necessary support services over the long term. Decentralisation of decision making implies that there will no longer be one single land reform, but a range of land reform programmes that are owned by the people. Given this need, it is regrettable that the government's recently-launched Integrated Sustainable Rural Development Strategy, which places much emphasis on the role of local government in service delivery, fails to integrate land and agricultural reform with other areas of policy.

Central to current debates around land reform is the question of appropriate land use. Current government policy emphasises *farmer settlement*, based on the careful selection of suitably qualified individuals, usually male, with access to capital of their own, to engage in market-oriented farming on a substantial scale, typically making use of hired labour and purchased inputs. While such nurturing of a class of so-called 'emergent farmers' has its place within the wider reform process, it cannot meet the needs of the millions of very poor households that wish to expand their agricultural production as part of a wider survival strategy. Land reform must, therefore, move beyond the current narrow definition of 'farming' to embrace a range of land uses, including part-time production for own consumption.

Within this wider approach, specific mechanisms must be developed to reach the most marginalised groups in society, who have been largely excluded from existing programmes. This includes women, farm-workers, the unemployed and the very poor. Of particular importance is the impact of HIV/AIDS on rural households, which has received little attention to date within land reform policy. Rhetorical support, or quotas, within existing programmes are not sufficient. Programmes must be designed that can identify and meet the specific needs of marginalised groups.

It has become abundantly clear in recent months that urban land for settlement is a pressing need and cannot be excluded from the wider framework of land reform. Recent shifts in policy, however, suggest that the Department of Land Affairs no longer sees itself as responsible for providing land for settlement, resulting in much confusion around where this responsibility now lies. Recent events at Bredell and in the Cape Metropolitan area have highlighted this critical gap in policy, with no organ of state – at national, provincial or municipal level – taking responsibility for desperately poor urban people whose priority is not formal housing but a plot of land on which to erect a basic shelter. Provision of land for settlement will remain an important area of land reform, and requires clear and effective policies from key departments such as Land Affairs and Housing, working closely with local municipalities. The energies of the poor and homeless, who have repeatedly shown the ability to provide shelter for themselves where others have failed, should also be harnessed in a positive manner.

Recasting land reform as a meaningful programme of rural transformation will obviously have major implications for existing policies. One critical issue will be much closer integration between the programmes of restitution, redistribution and tenure reform, so that all three can contribute to reshaping the apartheid landscape, overcoming landlessness and building sustainable livelihoods.

Existing land reform policies have failed to bring about the expected transformation of landholding in South Africa to date and are most unlikely to do so in the future. For the first time since 1994, there is widespread public support for a more robust approach that will tackle the areas of greatest need in both rural and urban areas. This demands a new vision of land reform and a major public debate around how this can be brought about. As our neighbours in Zimbabwe are learning to their cost, the price of failure is very high.

References

Cousins, B (ed). 2000 *At the crossroads: Land and agrarian reform in South Africa into the 21st century.* Johannesburg/Cape Town: National Land Committee/PLAAS, University of the Western Cape.

DLA (Department of Land Affairs). 1997. *White Paper on South African Land Policy*. Pretoria: DLA.

DLA (Department of Land Affairs). 2000. *Annual report 1999*. Pretoria: DLA.

DLA website: http://land.pwv.gov.za

Kepe, T. 2001. *Waking up from the dream: The pitfalls of 'fast-track' development on the Wild Coast of South Africa*. Cape Town: PLAAS, University of the Western Cape. (Research report; no. 8.)

Turner, S & Ibsen, H. 2000. *Land and agrarian reform in South Africa: A status report.* Cape Town: PLAAS, University of the Western Cape/ Norwegian Institute of Human Rights, University of Oslo/ Centre for International Environment and Development Studies, Agricultural University of Norway. (PLAAS research report; no. 6.)

Zimmerman, F. 2000. Barriers to participation of the poor in South Africa's land redistribution. *World Development*, 28(8):1439–60.

Acknowledgements

Dr Edward Lahiff is senior lecturer in land and agrarian studies at PLAAS. Thanks to Ben Cousins, Ruth Hall, Donna Hornby, Karin Kleinbooi and Lungisile Ntsebeza for their input. The author alone is responsible for all opinions expressed and for any errors.

This publication can be found on the PLAAS web site.

Programme for Land and Agrarian Studies
School of Government, University of the Western Cape
Private Bag x17, Bellville, Cape Town 7535
Tel: 021 959 3961 Fax: (021) 959 3732
email: vmagerman@uwc.ac.za
www.uwc.ac.za/plaas

PLAAS engages in research, policy support, post-graduate teaching, training and advisory and evaluation services in relation to land and agrarian reform, community based natural resource management and rural development.