

**The Progress of Land Reform in South Africa 1994 - 2008: Two Case Studies from
KwaZulu-Natal**

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DECLARATION

Submitted in fulfillment / partial fulfillment of the requirements for the degree
of Master of Arts , in the Graduate Programme in
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Studies Durban, South Africa.

I declare that this dissertation is my own unaided work. All citations,
references and borrowed ideas have been duly acknowledged. It is being
submitted for the degree of Master of Arts in the
Faculty of Humanities, Development and Social Science, University of
KwaZulu-Natal, Durban, South Africa. None of the present work has been
submitted previously for any degree or examination in any other University.

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Literature Review

Literature used for this dissertation can be divided into two sections. First, it deals with the historical developments of pre-94 South Africa, and then it reviews literature on the topic of land reform after democracy came to South Africa in 1994.

The pre-apartheid chapter of this dissertation briefly touches upon the main historical events that influenced and shaped the agrarian structure of the country that the ANC inherited in 1994. Quite a lot has been written about general history of South

Africa. This history is closely intertwined with the question of land. Henry Bernstein provides a convenient sketch of historical context of the land question in South Africa.¹

William Beinart explains the important transitional history of South Africa between the Anglo-Boer war and the establishment of the Union of South Africa in 1910². He also illuminates the situation in rural South Africa at the beginning of the twentieth century. Beinart emphasizes the fact that at the beginning of the twentieth century the majority of South Africans lived in rural areas. This is an important fact because it will change substantially with the rise of urbanization and with the move of black masses into towns.

The 1913 Act is considered the pinnacle of the legitimized land dispossession from black people in South Africa as it officially delimited the percentage of the land that can belong to black South Africans. There is a substantial body of literature that covers the effects of this act for the economic and political development of South Africa. Bundy³ sees the Act as the termination of African peasant production and as a reinforcement of labour tenancy as the central relation in agriculture.

On the contrary, there is not much literature written about movements opposing to the political injustices in rural South Africa. The reason for that shortage is that there were very little of organized movements. The most comprehensive coverage of rural movements was done by Helen Bradford⁴. The Industrial and Commercial Workers' Union (ICU) "worked" because it united people's yearning for land with the desire for better working conditions. Bradford later (2006) suggests that the historical and social character of the ICU – if not its politics – holds important lessons for our understanding of challenges of building agrarian movements in South Africa today.⁵

In the middle of the twentieth century South Africa went through the process of deagrarianisation which contributed considerably to the major change of demographic constitution of the country and thus its political economy. Jeremy Seekings & Nicoli Nattrass capture well these changes by emphasizing the process of industrialization and

¹ Bernstein, Henry, 1996. "South Africa's Agrarian Question: Extreme and Exceptional?" *Journal of Peasant Studies*, XXV.

² Beinart, William. 2001. *Twentieth Century South Africa*. Oxford Press: Oxford.

³ Bundy, Colin. 1979. *The Rise and fall of the South African Peasantry*. University of California Press: Berkeley.

⁴ Bradford, Helen. 1987. *A Taste of Freedom: The ICU in Rural South Africa, 1924 – 1930*. Yale University Press: New Heaven.

the growth of the black urban population⁶. Van Onselen depicts the impacts of these changes on the life of a formerly successful African peasant⁷.

The transformative processes described above had led to the appearance of 'Surplus' populations of rural black South Africans that became unneeded by the white landowners and eventually led to forcible removals of millions of black South Africans throughout the country. The most authoritative work on forced removals in South Africa is the Surplus People Project which provides a detailed and thorough documentation of forced removals in South Africa. The report also provides the historical background for my two case studies and has an abridged version of the prepared by Laurine Platzky and Cheryl Walker (1985)⁸. Volume Four of the report deals with population removals in KwaZulu-Natal. AFRA reports, while occasionally inaccurate, have also helped to examine the history of the KwaPitela removal⁹.

On the eve of the arrival of democracy in South Africa and during the first years of Mandela's presidency, the seminal post-apartheid literature on land reform was written. The main assumption of that literature was that land reform would significantly contribute in alleviating rural poverty.

During the transitional period before the dismantlement of the apartheid regime in 1994, various players entered the debate on land reform. Among the most influential voices was the World Bank. Deininger and Binswanger argue that large farms are not an efficient utilization of South Africa's soil¹⁰.

Yet the ambition of radical land reform was soon rebuffed by a conservative economic policy taken by the ANC. A substantial body of literature was written on this process. In attempting to understand why the ANC took an economically conservative

⁶ Seekings, Jeremy and Nicoli Nattrass, 2005, *Class, Race, and Inequality in South Africa*. Yale University Press: New Haven

⁷ Van Onselen, 1997. *The Seed Is Mine: The Life of Kas Maine, a South African Sharecropper, 1894-1985*. New York: Hill and Wang.

⁸ Surplus People Project (SPP), 1982. *Forced Removals in South Africa: The SPP Reports*, Vols. 1.4, Surplus People Project, Cape Town and AFRA, Pietermaritzburg.
Platzky, L and C Walker (1985), *The Surplus People: forced removals in South Africa*. Johannesburg: Ravan, Johannesburg.

⁹ "Black Spots." Report No. 15. Pietermaritzburg, South Africa: Association for Rural Advancement, 1982.

"Black Spots 2." Report No. 16. Pietermaritzburg, South Africa: Association for Rural Advancement, 1982.

"KwaPitela," AFRA report, 1981.

"KwaPitela Removed," AFRA report, 1980.

¹⁰ Deininger, Klaus and Binswanger, Hans, 1993. Are large farms more efficient than small ones? Government intervention, large-scale agriculture, and resettlement in Kenya, South Africa and Zimbabwe. *World Bank Policy Working Paper*. Washington DC: The World Bank.

position on land reform it is imperative to examine the political and economic contexts in which land reform negotiations took place. There are scores of reasons as to why the ANC acquiesced to accepting a capital-friendly economic agenda in regards to land reform. There is a significant body of literature that attempts to answer this question. Marais, Fine and Paydachee, Habib and Paydachee, all try to explain the adoption of the conservative economic approaches by the ANC¹¹.

Another important factor during the transitional process was the debate on creating a Constitution that would both secure the white land owners' property rights and that would also empower the Constitution to redress wrongs of history. As a result, the Constitution also took a conservative position towards land reform. To understand the evolution of the constitutional debate, Ntsebeza's, Walker's, and Hall's contribution have been helpful¹².

In addition, since land reform began in 1994, there emerged academic literature written by anthropologists, sociologists, and historians that deal with specific regional case studies. While I do not always directly refer to these cases in my dissertation, all of them have contributed to my better understanding of the situation on the ground. Among the most prominent scholars that write about specific places are Cheryl Walker, Deborah James, Gillian Hart, Elizabeth Francis, and Johny Steinberg¹³.

Deborah James's work at Doornkop in Mpumalanga provides with an insightful analysis of relationships between African landowners and tenants. It helped with paying closer attention to these ideas and also placing them within the greater question of land reform. James has demonstrated that the restitution of land to former owners, while being of great importance to them as a source of identity and as a redress of past

¹¹ Marais, H., 1998. *South Africa: Limits to Change: The Political Economy of Transformation*, Zed Books, London and University of Cape Town Press, Cape Town.
 Fine, B. and V. Padayachee, 2000. *A Sustainable Growth Path?*, mimeo.
 Habib, A. and V. Padayachee, 2000, "Economic policy and power relations in South Africa's transition to democracy", *World Development*, Vol. 28, No. 2.

¹² Ntsebeza, L 2007. 'Land redistribution in South Africa: the property clause revisited', in *The Land Question in South Africa: The challenge of transformation and redistribution*. Lungisile Ntsebeza and Ruth Hall (eds). Cape Town: HSRC Press.
 Hall, Ruth, 2004, "A Political Economy of Land Reform in South Africa", *Review of African Political Economy*, 100.

Walker, 2005. "The limits to land reform: Rethinking 'the land question'," *Journal of Southern African Studies*, 31(4): 805–824.

¹³ Hart, Gillian, 2002. *Disabling Globalization*. University of California Press: Berkeley;
 Steinberg, Johny, 2002, *Midlands*. Jonathan Ball Publishers: Johannesburg, 2002; Walker, 2004, "'We Are Consoled'; Reconstructing Cremin." *South African Historical Journal*, 51.

injustices, is not necessarily the key to solving 'poverty, injustice and misery' as has been claimed for the process of land reform as a whole¹⁴.

Elizabeth Francis work in rural Mpumalanga has shown how heterogeneous, socio-economically and politically, are African rural communities, and how vital it is to understand these dissimilarities in analyzing the economic ambitions of rural South Africans. Francis's work focuses on the nature and extent of processes of differentiation and the resources that have been critical in such processes. It examines the major risks different kinds of people face in their efforts to construct and reconstruct livelihoods and their responses to these risks. The sources of these risks include institutions governing resources access and contract enforcement, together with labour and commodity markets¹⁵.

Cherryl Walker work on restitution in Cremin provides a solid background on politics of land reform. In this case study in KwaZulu-Natal Walker argues that it was easier for the Cremin community to succeed in terms of winning the restitution case than in terms of improving people's economic conditions¹⁶.

There is also literature written by white South African academics that questions the original assumption that land reform would substantially contribute to alleviation of rural poverty¹⁷. This new trend of looking at land reform emerged since the unsatisfactory results of the program have become apparent. Stephen Greenberg contributes by arguing that land reform remains marginal to the process of transformation in South Africa and that it is driven by the needs of commercial agricultural restructuring¹⁸.

Ruth Hall describes the progress of the land reform programme and its shifting nature. She argues that the shift in land policy from focusing on the rural poor to 'emerging' black commercial farmers is consistent with the changes in macro-economic policy and reflects shifting class alliances. Her argument supports the idea that the current programme appears to pursue a limited deracialisation of the commercial

¹⁴ James, Deborah, 2001, "Land for Landless: Conflicting Images of Rural and Urban in South Africa's Land Reform Programme." *Journal of Contemporary African Studies*, 19, 1.

-----, 2007, *Gaining Ground?* Wits University Press: Johannesburg, 2007.

¹⁵ Francis, Elizabeth, 2002, 'Rural livelihoods, institutions and vulnerability in North West Province.' *Journal of Southern African Studies* 28, no. 3, pp. 531-550.

¹⁶ Walker, Cherryl, 2004. "'We Are Consoled'; Reconstructing Cremin." *South African Historical Journal*, 51.

¹⁷ Greenberg, Walker, Schirmer, Hall, James.

¹⁸ Greenberg, Stephen, 2003. "Land reform and transition in South Africa." *Transformation* 52.

farming areas rather than a process of agrarian restructuring. Most fundamentally, land reform has not yet provided a strategy to overcome agrarian dualism¹⁹.

This dissertation also deals with the changing faces of inequality in South Africa. The most prominent academic work that explains the evolution of inequality from the pre-apartheid time to post-apartheid is by Jeremy Seekings and Nicoli Nattrass²⁰. They lucidly explain why the inequality in South Africa has deepened since the democratic government came to power in 1994. They offer a comprehensive examination of inequality in South Africa from the mid-twentieth century to the early twenty-first century. They argue that the source of inequality shifted in the last decades of the twentieth century from being race-based to class-based.

Ben Cousins's work focuses on the question of what contribution land reform can make to reducing inequality and addressing the structural nature of rural poverty in post-apartheid South Africa²¹. Cousins suggests that the problem needs to be conceptualized in terms of the 'agrarian question of the dispossessed,' which can be resolved only through a wide-ranging agrarian reform.

It seems that there exists a disjunction between what these scholars suggest and what they see at present. They claim that land reform is definitely needed while at the same time they overwhelm with myriads of reasons as to why it is not working. Land reform in South Africa and the literature written about it are undergoing a revolutionary trajectory where piece by piece they are becoming better understood by academics, policy makers and actual participants on the ground. This dissertation is an amalgamation of the voices that represent these three groups. Besides using literature, the present study analyses various issues related to land reforms by bringing to the fore voices of a significant number of people directly involved in land reforms issues. These interviews suggest a great diversity of opinions. The case study hopes to add to understanding of the successes and failures of land reform in South Africa.

¹⁹ Hall, Ruth, 2004, "A Political Economy of Land Reform in South Africa", *Review of African Political Economy*, 100.

²⁰ Seekings, Jeremy and Nicoli Nattrass, 2005, *Class, Race, and Inequality in South Africa*. Yale University Press: New Haven.

²¹ Cousins, Ben. 2007, 'Agrarian reform and 'the two' economies: transforming South Africa's countryside', in *The Land Question in South Africa: The challenge of transformation and redistribution*. Lungisile Ntsebeza and Ruth Hall (eds). Cape Town: HSRC Press.

Methodology and Ethical Clearance

I carried out life-history interviews with various residents of KwaPitela, Compensation, and Sahlumbe who were forcibly removed from the neighboring white farms. I interviewed people about their historical experiences of removals, land reforms, and contemporary livelihoods. At Sahlumbe and KwaPitela, I aimed to capture diversities in livelihoods, resources access and income levels rather than to construct a statistically representative sample.

I have used my experience of the land restitution community of Sahlumbe, near Weenen in KwaZulu-Natal, to illustrate the complexities and ambiguities of land reform at project level. My purpose in using this case study is to make the point that if South

Africans want to move beyond the macro and the micro levels of analyses, they have to learn from the experiences of implementation at project level over the past ten years. Through interviewing and surveying residents of Sahlumbe, my research has tried to show the progress that has been accomplished since people returned to their previously owned land.

The KwaPitela case study was chosen as the subject of this paper because the history of the settlement, the removal of its tenants, and the background of the people involved are well documented. The biggest challenge to the objective reconstruction of the removal, however, was the biased nature of the documents and historical literature produced at the time of the resettlement. Although the tenants who were forcibly removed in the early 1980s from KwaPitela have never returned to KwaPitela, this case shows various themes that complicate progress of the land reform program. This case study contrasts with Sahlumbe because it deals with the politics of land reforms before the transfer of the land, while the Sahlumbe case extensively deals with the post land transfer politics.

While working on these case studies, I was able to personally meet with and interview various participants of land reform. I have interviewed white commercial farmers, people who were forcibly removed during apartheid, the councillor of Sahlumbe, and former black spots owners and tenants. I also tried to raise voices of various demographic groups: women, high school students, senior citizens, skilled and non-skilled workers. We, my interpreter and I, orally interviewed the majority of research participants and then wrote down their comments. When we distributed the questionnaires to research participants, we always stayed with them until they completed answering the questionnaires and we also were around the interviewees all the time in order to assist them with the questions.

At Sahlumbe we conducted separate group interviews with men and women. The main reason for this method was not the intent to put forward a group opinion, but rather it was a convenient way to meet with as many people as we could because the councillor of Sahlumbe had organized these meetings in advance, which made it easier to accomplish our goal. These group interviews, especially in the case of the women, helped the interviewees to speak more sincerely and openly about their situation.

I also personally interviewed the chairman of Clover, one of the biggest dairy companies in Africa, John Bredin, who at the same time has been a dairy farmer for almost 30 years. Mr. Bredin's view helped the research from waging the situation from

the point of view of white farmers who are losing their land or are in danger of losing it. In addition, I also interviewed the Consultant for Development for the Sugar Association of South Africa, Professor Jeff McCarthy. Professor McCarthy has been involved in land reforms in KwaZulu-Natal, and his insightful comments on the present situation in the sugar cane industry helped me to understand land reforms in KwaZulu-Natal.

I also conducted a survey of 100 high school students from Sahlumbe. The main purpose of this survey was to find out how the younger generation perceives the process of land reform that is taking place in their community. I also tried to find out what career ambitions the youths of Sahlumbe have. The councillor of Sahlumbe, who also is a teacher and the principal of the school, helped with conducting this survey.

My research was conducted under the provisions of the ethical clearance form which I had submitted in July of 2007. I strictly followed the guidelines of the ethical clearance requirements. For example, I was always very clear to the interviewees about the purpose of the research. For each interview, I received a permission of the interviewees to use their true names in my thesis.

Partial research at KwaPitela and Sahlumbe was conducted while I was working on The Judith Lee Stronach Baccalaureate Prize²² I received from the University of California at Berkeley. This work did not take the form of a substantial finished and project and is not connected to my degree work which was completed earlier. To work on that project I also had to apply for ethical clearance of the state of California and was granted exempt status under 45 CFR 46.101(b) of the Federal Regulations of California.

²² The Judith Lee Stronach Baccalaureate Prize supports intellectual and creative pursuits that heighten awareness of issues of social consciousness and the public good. The award gives bright, ambitious students the opportunity to extend and reflect upon their undergraduate work at Berkeley by undertaking a special project after their graduation.

Chapter 1: Historical Background of Land Reform In South Africa

More than a decade since its first democratic elections, South Africa has seen some remarkable accomplishments in combating the devastating legacy of apartheid. Economic growth has taken place, inflation has been kept under control, and the provision of infrastructure and social services (e.g. houses, water, electricity, and medical services) to ordinary citizens has dramatically improved. Despite these achievements, there is evidence that structural poverty, a key apartheid legacy, is worsening. Unemployment has risen over the past decade and over half of all South Africans live in poverty (Hall and Ntsebeza, 2007).

The structure of the South African economy is inseparable from the land dispossession of the black majority in the country. Land reform in South Africa, which was supposed to cure some of these structural ills, derives from the history of colonial dispossession and the land allowance that was enforced by successive white minority governments after the establishment of Union in 1910. It is impossible to analyze land

reform in South Africa without referring to history because the historical background is vital to understanding the land question in South Africa.

The agrarian economy of South Africa in the mid-19th century consisted of large-scale white farms with hired labor, manorial settler estates with indigenous tenant farmers, and unencumbered indigenous farming on black-owned land. Prior to the start of mining of the world's largest deposits of diamonds at Kimberley (in the Northern Cape) in 1867, and gold on the Witwatersrand (in the Transvaal) in 1886, the territory of present-day South Africa had been subject to over two centuries of European colonial expansion. This developed from the small beginning of a refreshment station established by the Dutch East India Company at the Cape of Good Hope in 1652, with an aim to supply ships plying the trade between Europe and Asia (Bernstein, 1996).

Despite the instances and forms of commoditization that had developed, which developed very unevenly and often haltingly, in the colonial situation, it was the mineral revolution that definitely shaped the trajectory (development) of capitalism in South Africa (*ibid*). This capitalistic trajectory certainly affected and reshaped rural South Africa and its politics.

The discovery of diamonds and gold changed the interior farming system and the South African economy and state completely. Large and rapidly growing urban and industrial population centers mushroomed around mining areas, creating substantial markets for agricultural products. The geological conditions of gold mining made it lucrative only with a high rate of exploitation of labor and large investment of capital. Exploitation depended on the construction of a rapidly expanding and increasingly regulated system of migrant African labor. In 1889 the gold mines employed some 17,000 African workers and 11,000 whites; by 1909 these numbers increased to 200,000 and 23,000 respectively. This labor system returned African migrants, at the end of their contracts, to rural homes where agriculture supported their low wages and the reproduction of their labor power. By 1910 almost all gold production was in control of six mining houses, one of the two principal origins of the huge conglomerates whose dominance is a striking feature of South Africa's economy today (*ibid*).

The mineral revolution elevated the importance of South Africa in the projections of British imperialism, leading to a renewed offensive against those social forces still obstructing its ambitions. The colonial conquest of remaining independent African formations was completed, and the Anglo-Boer War of 1899-1902 overturned the Afrikaner republics whose territory incorporated and surrounded the gold fields and

their frantically growing center at Johannesburg. The new four British post-war colonies became the four provinces of the Union of South Africa established in 1910 (Transvaal, Orange Free State, the Cape and Natal) (*ibid*).

During the transitional period from 1902 to 1910 the British and Afrikaners forged a particular type of 'historic compromise', in effect between imperial mining capital and still predominantly agrarian settler formation. While it contained unresolved tensions, it 'resulted in the imposition of a colonial peace which ended more than a century of war' and also transferred 'the economic muscle and bureaucratic sophistication of an advanced capitalist country' to the formation of the new state (Beinart, 1994). This historic compromise was accomplished at the expense of black South Africans, many of whom had participated in the British war effort and reclaimed lands seized by Afrikaner settlers (Warwick, 1983; Krikler, 1993).

At the beginning of the twentieth century the majority of people in South Africa, both black and whites, lived in the countryside. The division of ownership and possession of rural land by race in South Africa, which has deep historical roots, was formalized and consolidated in 1913 Natives Land Act, the first major piece of racial legislation. Although it is often said that 87 per cent of land was reserved for whites and 13 percent for black South Africans, these figures are not totally true for the first decades of the twentieth century. Whites have never owned so much of the land and rather less was initially reserved for black South Africans. About three-quarters of the country's surface area was state land; around eight per cent was reserved solely for African occupation, and a little more was privately owned for them by institutions such as missions. The rest was urban land and Crown or state land, much of which was later demarcated for game reserve forests, or other uses and only lightly occupied, but some was rented to tenants. Only after the 1936 Native Trust and Land Act did the area reserved exclusively for African occupation gradually increased to thirteen percent. The Act introduced the definitive division, and its legal sanctification, of the land in South Africa between areas of white and black settlement and permanent residence (Beinart, 2001).

In formalizing the racial division of land and thereby the spatial basis of social 'segregation', and in further delimiting the areas 'reserved' for African occupation and use, the Land Act consolidated the migrant labor system. At the time it was most of concern to mining capital, but the Act also aimed to limit the numbers of black South Africans settled on white farms. This contributed to the dual process of undermining

agricultural commodity production developed by black South Africans (often on white land) during the previous half century (Bundy, 1979; Keegan, 1986), and stimulating the transitions (protracted and uneven as they were) from sharecropping and other rent arrangements to labor tenancy, and from labor tenancy to wage labor, in a gradually capitalizing white agriculture (Morris, 1976, 1981; Marcus, 1989).

Additional purpose of the Act served to intensify pressure on subsistence and reproduction in the African reserves. Beginning in the 1930s, a series of government commissions bore witness to acute landlessness, overcrowding, severe soil erosion, the creation of 'desert conditions' and the "specter of mass starvation" in the reserves (Davies et al., 1988).

The 1913 Act is often identified as a decisive turning point in the development of capitalist agriculture. Morris considered the 1913 Act as a victory for Boer landlords that cemented a Prussian path of agrarian transition in South Africa, in which pre-capitalist land owners are transformed into agrarian capitalists. Bundy viewed the Act as the end of African peasant production, and reinforced labor tenancy as the dominant relation of exploitation in agriculture. By the 1980s growing numbers of historians were calling into question efforts to develop general models of agrarian transition, focusing instead on fine-grained local and regional histories.

For instance, for a brief period in the late 1920s rural grievances and conflicts generated transformations of the countryside found organized expression in the Industrial and Commercial Workers' Union (ICU) which expanded very rapidly in rural regions all over South Africa. The ICU gathered wide support in northern Natal and the Midlands where, as Marks (1978: 184) noted, "rural relationships were being restructured for the first time." Helen Bradford (1987), in her study of rural organizing by the ICU argues that "far from invariably acting as the moving force behind the resistance it evoked, the ICU often merely channeled protest which was already coalescing in other localized institutions" (16-17). The promise of land, she argues, was the single most important factor enabling the ICU to take the countryside by storm. For large numbers of labor tenants, organizing was as much about access to land and resistance to proletarianization as it was much about improved wages and working conditions. In the Umvoti district south of Ladysmith, for example, labor tenants were often more militant than casual workers hired from the reserves:

Unquestionably...it was labor tenants who were in the vanguard of this form of protest [strikes and stoppages]. As happened so often, the fact they

related to farmers not only as proletarians but also as peasants actually enhanced militancy. For one thing, their bumper harvests increased their ability and inclination to resist demands on their labor power. For another, they sorely resented being paid less for more work than hired hands, and desperately needed higher wages to compensate for the “squeezing” suffered over the years (Bradford, 1987: 198-199).

The ICU disintegrated in the 1930s for a variety of reasons, along with organized rural resistance more generally. Although the ICU had “articulated popular grievances and fuelled protest to an unprecedented degree” (Bradford, 1987: 147), nationally organized movements – most notably the ANC and the Communist Party of South Africa – failed to build on the lessons of rural struggle attendant upon the rise and fall of the ICU. Bundy (1987) attributes this failure to the class character of the national leadership as well as to the complexities of rural politics:

Despite the realities of resistance and unrest in the countryside, the national movements – physically located in urban centers, ideologically concerned either with the vanguard role of the proletariat or with wringing political concessions for modernizers – were structurally ill equipped to respond to the inchoate patterns of peasant resistance (Bundy, 1987: 281).

Legislation in 1936 (The Natives Land and Trust Act) extended land reserved for black South Africans from eight to 13 per cent, but this additional land had still not been fully allocated by the end of apartheid almost sixty years later. Furthermore, the Act was also designed to control labor on white farms and rationalize the conditions of its exploitation; its implementation was delayed by bitter resistance by labor tenants (Bernstein, 7).

World War II was a period of profound change in South Africa. Opposing entry to the war, the Prime Minister Hertzog and other 36 MPs resigned from the United Party to join forces with Malan in a ‘reunited’ National Party; Hertzog was replaced by Smuts in his second period of office from 1939 to 1948. In this period, the growth of manufacturing industry was accelerated by the imperatives of wartime production, state support and increasing investment by foreign capital, with a resulting rapid expansion of African urbanization and industrial employment. Between 1936 and 1951 the African urban population doubled (from 1.1 to 2.3 million) to exceed white urban population for the first time, while the proportion of peasants in the economically active African population declined from 51 per cent to 17 per cent to eight per cent in the census of 1936, 1946, and 1951 (Bernstein, 1996).

South African society was transformed during the four decades of apartheid. Process of class formation remade town and countryside. The economy grew rapidly with industrialization and the growth of services including those in the public sector. A large, settled urban African working class emerged, and a significant African middle class was formed. Equally important, large numbers of African families lost access to land and became entirely dependent on wages (Nattrass and Seekings, 2005).

The transformation of South African society after the 1950s was not simply a result of the further institutionalization of policies of racial segregation and discrimination. One process was what Seekings and Nattrass called 'deagrarianisation,' which rapidly transformed rural South Africa. Without access to land, African families were not able to preserve their cattle holdings. The loss of land and cattle led to massive social disruption, with the effect that even rural society bore little resemblance to the agrarian society of the first half of the 20th century. Landless African households were kept out of the towns by influx control legislation; urbanization was therefore displaced to the reserves. At the same time, however, there emerged for the first time in South African history a settled urban African population that had urban residency rights under influx control laws. The result was a new pattern of poverty and inequality: inequality became more intra-racial than simply interracial (*ibid*).

Apartheid planners, trying to envision and legitimize control of the unrest of African movement to the cities, used spatial forms of identification. From an official point of view, defining people as being 'from another place' was the foundation for denying their political inclusion and rights of common citizenship, as Ashforth (1990: 129) shows in his analysis of the discourse used in the series of official government commissions which investigated the "Native Question" from the early decades of the twentieth century onwards. The Tomlinson Commission of 1955 laid out the apartheid government's new political vision by concentrating on the rural areas. According to this, there would be alternative citizenship for the African majority because they "belonged" elsewhere – within ethnically defined cultural units with specific territorial bases, the heartlands of the reserves. Thus did the Commission remap "the social landscape according to a whole new conception of the innate relationship of people to place" (*ibid*: 158).

Rather than concentrating on finding ways to integrate African workers into the urban economy this was a standpoint focused on the rural 'home' areas to which these people really belonged. As part of this focus, a plan was authored for the agricultural

development of these areas through creating a viable small- to medium-farm economy. But this particular commission's recommendations – involving social engineering on an even grader scale than apartheid's implementers were later to accomplish – were never carried out. In its insistence upon the need to develop these areas as part of a master plan of divided citizenship, its report revealed itself as a manifestation of apartheid ideology rather than as a blueprint for workable rural development (Ashforth, 1990).

Increased demand for agricultural products meant that landowners sought to utilize more of their land themselves, while mechanization enabled them to do so without relying on the oxen, ploughs, or family labor of African families. In 1946 there were only 20,000 tractors in South Africa. By 1950 there were 48,000, by 1955, 87,000, and by 1960 almost 120,000. The number continued to rise, going beyond 150,000 by the end of the decade. The number of lorries more than tripled between 1946-1960. Conversely, the number of horse-drawn wagons on white-owned farms declined from more than 100,000 in 1946 to fewer than 44,000 in 1955 (Houghton 1964, 65). Not long after complaining about labor shortages, many farmers declared African families to be 'surplus' to their needs. At the same time, racial hostility made it more difficult for white landlords to evade either law or social pressure and allow African access to land markets. The introduction of combine harvesters in the 1960s further reduced landowners' dependence on African labor (De Klerk, 1984).

The South African state showed great determination in this attack against labour-intensive forms of production (Marcus, 1989). Sharecropping, already illegal, was eradicated. Labor tenancy while proving more resilient, became illegal countrywide in 1980. African people were denied access to land outside of the reserve, and those that were unneeded to white farmers were removed to the reserves by force when necessary (Seekings and Nattrass, 2005).

Independent production declined increasingly in significance for African households on white-owned farm land. Simkins estimates that the total value of agricultural production peaked in 1953, while income from paid work on farms rose steadily. But rising population meant a steady decline in production per capita. The proportion of total income derived from agriculture declined from about twenty per cent in 1950 to less than fifteen per cent in the early 1960s and less than ten per cent by the end of the decade (*ibid*).

These changes are well depicted in Van Onselen's biography of Kas Maine. Van Onselen explains: "[for Maine] decline from success to poverty was rapid." In the

winter of 1949, immediately after his amazing harvest, Maine and the other “rich ‘kaffirs’ who owned spans of oxen” were gathered for a meeting; a state official informed them that sharecropping was no longer permitted and that they had to sell their oxen or move to the reserves; from then on, laborers would be employed only to drive the tractors and trucks that were replacing their oxen. Van Onselen elucidates: “For rich ‘kaffirs’ the old order had suddenly given way; for those who remained behind what little there was left of paternalism served only to grease the slippery slope of proletarianisation”. Maine desperately tried to defy the new challenges by moving to new farms; but he unfortunately did not find any success. But by 1965 his once-large herds had been reduced in size to two horses, two donkeys, twenty head of cattle, and twenty-five sheep and goats. Unable to continue sharecropping in the ever-harsher economic and political climate, Maine moved first to one of the ‘black spots’²³ farms. Later Maine was forced on again, into an arid reserve, taking with him only five horses and four head of cattle (Van Onselen, 1997: 212; 1996:314-315).

Mechanization also transformed production on the few black spots. Ownership of or access to land did not necessarily mean that it could be farmed, because few families had sufficient oxen for ploughing, and tractors were expensive. According to Petrus Poee, who farmed at Magopa in the 1960s and 1970s:

The only groups of people who are capable of producing enough from the fields are those who have tractors. In fact the tractor owners are the people who are making money here. If they plough for you, out of ten bags you, the owner of the land, get one bag. Some of them do get sympathetic with their clients. If you are lucky you might get as many as two bags. Beyond that you get nothing. What I am saying is that we have the land, but we are incapable of putting it to use. Only those with tractors can. In order to survive as a farmer you must have a tractor. Apart from its being expensive you also have to hire a driver... (Quoted in Keegan, 1988:124-25).

Mechanization hence not only accentuated inequality between white and black people in the South African countryside but also that between African households (Seekings and Nattrass, 94).

During apartheid, a far-reaching program of spatial control over the black population took place. In 1970, the Bantu Homelands Citizenship Act was passed making every African in the republic a citizen of a homeland. The Bantu Affairs

²³ This is an official term that was generally used to refer to African freehold land which had been acquired before the 1913 Land Act and which lay outside the scheduled or released areas. It is one of the categories of land that was threatened with removal and often (while not always) removed because it fell within what was considered the white areas.

Administration Act of 1971 transferred control over black South Africans, regardless of where they lived from white local authorities to Bantu Affairs Administration Boards. The Bantu Laws (Amendment) Act of 1972 justified forced resettlements of African people and stated that “a Bantu Tribe, community, or individual could be removed from where they lived without any option to Parliament, even if there was some objection to removal.” The Acts gave the government the right to send away to a homeland any African considered ‘unneeded’ in urban or white areas, and then abrogated their constitutional right (Mbongwa, van der Brink, and van Zyl, 1994).

It led to the resettlement of more than 3.5 million people in both urban and rural areas in order to advance the white minority rule (Platzky and Walker, 1985). Most of the rural people were moved out of what were deemed white areas into rudimentary resettlement camps within the increasingly impoverished and densely settled reserves. From the late 1950s these areas were organized into ten ethnic Bantustans or homelands for African people in a classic divide and rule strategy. Part of this strategy involved incorporating Tribal Authorities, based on traditional structures, into the lowest echelons of local administration (Walker, 2002).

The present agrarian structure has been built up systematically since the turn of the century. By the end of the 1980s, the African family farming sector had been eliminated, and African peasants had been transformed into wage workers on large farms, in mines and in secondary industries. Nearly ninety per cent of the agricultural land was in white areas, supporting a total rural population of 5,3 million people, more than ninety per cent of whom were black South Africans. The remaining agricultural land was in the homelands and supported over 13 million people. Originally the homelands were justified as areas where black South Africans would do subsistence farming; in 1994 up to 80 per cent of household incomes in the former homelands came from migrant earnings and pensions (Mbongwa, van der Brink, and van Zyl, 1994).

A system of private ownership for whites on 87 per cent of the land was constructed at the same time as a distorted communal system was created in the reserves. The communal lands were under the ultimate ownership of the state, with administration and management carried out by white officials together with the tribal authorities. The apartheid government had succeeded by the 1980s in forcing the vast majority of black farmers into reserves that government supporters liked to think of as ‘homelands’ (Francis, 1999). In these regions population pressure, insecurity of tenure, poor infrastructure and limited access to markets made agriculture an unattractive

option. During the course of the 1970s incomes derived from homeland agriculture had been in steep decline in relation to non-agricultural sources of income. This trend continued in the 1980s and by 1985 agriculture had become of insignificant significance. Production defined as non-market or subsistence in 1985 contributed a miserable average of R 171 per annum to homeland households, and agriculture contributed a mere ten per cent of total household earnings. An increase in commercial agriculture production in the former homelands from R56.2 million in 1970 to R163 million in 1985 did occur but this mostly took place within bureaucratically organized 'estate schemes.' These schemes provided profits to well placed elites as well as jobs to a few residents but made little impact on the livelihoods of the majority of rural blacks (Cobbett, 1987).

The pattern of land ownership and control fundamentally structured both the spatial organization and flow of labour in the economy as well as the social mechanisms of control over black workers and the population surplus to the needs of the capitalist accumulation economy. As such, the highly unequal access to land was, and remains, an integral component of the political economy of South Africa as a whole. Post-apartheid land reform is thus dependent on the extent and character of economic reconstruction (Greenberg, 2003).

Chapter 2: The Land Question after apartheid

2.1. Liberation Movement and Transition

"The resolution of the land question...lies at the heart of our quest for liberation from political oppression, rural poverty and under-development", announced the first ANC Minister of land Affairs, Derek Hanekom, on the occasion of his maiden budget speech to parliament in September 1994²⁴.

The ANC took office in 1994 with a redistributive and liberationist manifesto conveyed in the Hanekom's comment. Although the liberation struggle in South Africa was not openly fought around the land question, as was the case in Zimbabwe and Kenya,²⁵ there was the anticipation that reversing the centuries of land dispossession

²⁴ Derek Hanekom, "Speech to be delivered by Mr Derek Hanekom MP, Minister of land Affairs, on the Occasion of the Budget Presentation of the DLA, 9 September 1994" (unpublished document, copy in Legal Resources Centre Library, Cape Town).

²⁵ The importance of land in Kenya was that it constituted the single most important political issue in the country. It was true both when Kenya became a British colony and during the Mau Mau liberation war. It remained true in the 1980s and for many is still so today. Kenya is the country in which regardless of one's socio-economic status, land has a powerful economic and symbolical meaning for everybody.

and oppression would be among the priorities of a democratic South Africa. Indeed the ANC's Freedom Charter, drafted in the 1950s, when decolonization in Africa was on the agenda, promised that "[t]he land shall be shared among those who work it" and will be "re-divided among those who work it, to banish famine and land hunger" (Ntsebeze, 2007: 109).

The history of race-based land dispossession has always occupied an important position in the ANC's account of the liberation struggle. The ANC's own formation commenced with its reaction to the Natives Land Act of 1913. In 1986, before the negotiated transition to democracy were about to happen, Joe Slovo claimed that the "redistribution of the land is the absolute imperative in our conditions, the fundamental national demand"²⁶.

This position was also articulated in the ANC's Bill of Rights for a New South Africa. In terms reminiscent of the Freedom Charter, Article 12 (1 & 2) unambiguously stated:

The land, the waters and the sky and all the natural assets which they contain, are the common heritage of the people of South Africa who are equally entitled to their enjoyment and responsible for their conservation. The system of property rights in relation to land shall take into account that it is the country's primary asset, the basis of life necessities, and a finite resource²⁷.

In 1992 and 1993, the World Bank began a series of dialogues with policy-makers preoccupied with housing and urban issues, education, health, land and agriculture and macro-economic strategy for the "new South Africa." The Bank argued that its models "indicated a substantial increase in rural employment and income as a result of land redistribution". *Options* envisaged a substantial transfer of 30 per cent of medium to high quality land from large-scale white to small-scale black producers (Murray and Williams, 1994). It proclaimed that a land reform programme would significantly reduce rural poverty and unemployment (Binswanger and Deininger, 1993; Lipton and Lipton, 1993). The Bank believed land reform would bring into existence

Studying land issues in Kenya is basically studying the country's political economy (Leo, Christopher, 1984. *Land and Class in Kenya*, University of Toronto press: Toronto).

²⁶ Cited in A. Claassens, "For Whites Only – Land Ownership in South Africa," in M. de Klerk (ed.), *A Harvest of Discontent. The Land Question in South Africa* (Cape Town, Institute for a Democratic Alternative for South Africa, 1991), p. 43.

²⁷ Such open claims were by the late of 1980s mainly rhetorical. Heinz Klug, who helped establish the ANC's Land Commission within South Africa soon after the organization was unbanned, remembers that "despite the assumptions and the liberation movement's general rhetoric on the "Land Question," activists...had a realistic view of the low priority rural issue had on the mainly urban-based ANC's political agenda in the late 1980s (Walker, 2005, 812).

large numbers of competitive black land owners farming on a much smaller scale than the white commercial farmers who continued to dominate the agricultural economy of South Africa. The World Bank was arguing that South Africa, by using Kenya's land reform after its independence in 1964 as a model, can increase its efficiency and productivity. These analysts argued that large white farmers had prospered only because they had received massive and sustained support. Black farmers, on the other hand, have done well until the state denied them land, access to resources, and prevented them from competing with favored white farmers. It was also assumed that although black farming had been destroyed by the 1960s, it could be rapidly revived once apartheid barriers were removed (Schirmer, 2000).

In addition, a network of land-based non-governmental organizations (NGOs) that established the National Land Committee (NLC) also raised the need for land reforms in South Africa. These organizations²⁸ had emerged during the apartheid period as a response to the forced removal of millions of black South Africans from white designated areas (Walker, 2002). After 1994, these NGOs formed strong ties with policy makers in the DLA. They started to participate actively in developing policy and implementing land reform together with the government²⁹.

The key principles of the election platform of the ANC were expressed in its Reconstruction and Development Programme (RDP), which was published just ahead of the first democratic elections of April 1994. In this document, the ANC emphasized land reform in the interests of the landless featured significantly as one of "the basic needs of people that had to be met if society was to be transformed":

The first priority is to begin to meet the basic needs of people - jobs, land, housing, water, electricity, telecommunications, transport, a clean and healthy environment, nutrition, health care and social welfare. In this way we can begin to reconstruct family and community life in our society. [P]rogrammes [include] to redistribute a substantial amount of land to landless people, build over one million houses, provide clean water and sanitation to all, electrify 2,5 million new homes and provide access for all to affordable health care and telecommunications (ANC, 1994).

²⁸ One example of such organizations is Association for Rural Advancement in Pietermaritzburg.

²⁹ This was despite their misgiving about the market-led policy framework and, by 1996, the unilateral decision by the ANC leadership to adopt the extremely conservative set of macroeconomic policies under the acronym of GEAR, and the entrenchment of the market based 'willing-buyer, willing-seller' principle as the basis for land reform in 1997 – all of these coming on top of the endorsement of the property clause in the Constitution.

The RDP highlighted the need to connect reconstruction and development, disregarding “a commonly held view that growth and development, or growth and redistribution are processes that contradict each other,” as well as the view that growth should be “the priority that must precede development.” The RDP was supposed to integrate “growth, development, reconstruction and redistribution into a unified programme” (*ibid.*:6). This was the leading discourse under which South Africa’s land reform programme was launched in 1994/1995. The aims of redistribution were primarily to reverse the history of dispossession, to meet the basic needs of the rural population, and to target social and economic development at the most marginal members of society (Minister for Agriculture and Land Affairs, 2000:1).

The ANC’s victory over apartheid gave it a moral and political credibility internationally that, arguably, gave it greater room to maneuver in relation to the dominant position of the so-called Washington Consensus promoted by the World Bank and the International Monetary Fund (IMF). Nevertheless, once in power, the ANC found that operationalizing its pre-election agenda was an extremely complex and demanding process in a divided, unstable milieu of post-1994 South Africa. The range of managerial, technical and political skills and expertise that it was called upon to exercise differed markedly from those required to run a resistance movement (Walker, 2002).

Soon after the program began, and the very mediocre results of delivery became apparent, these NGOs started questioning policy. By 1999 when Thabo Mbeki became president, the NLC affiliates were in a difficult position. They were pressured from below, especially by farm workers and labour tenants who suffered abuses on white owned farms despite the Extension of Security of Tenure Act (ESTA) and the Land Reform (Labor Tenants) Act, for the sluggish implementation of the land reform program. From 2001, some NGOs started to withdraw from implementing the official land reform programme, shifting their attention to the landless people themselves. These developments significantly contributed to the formation of the Landless People Movement (LPM) in 2001. Events in Zimbabwe also helped to accelerate the formation of the LPM. The LPM established connections with international ruraly oriented organizations, such as the Brazilian Landless Workers’ Movement (*Movimento dos Trabalhadores Rurais Sem Terra* or MST) and is a member of *La Via Campesina* (The Peasant Way), the international ‘peasant movement’ (Walker, 2002).

While relatively small, the emergence of the LPM has had a significant influence on the politics surrounding land reform. But it must be said that its establishment, its attempts to advance the interests of the landless, and to challenge the government's policy, including by threatening the coordinated occupation of farms to drive home their point, led to conflicts within the NLC, ultimately leading to its demise. After the initial optimism that the formation of the LPM would mark a new era in grassroots based activism, faith in popular mobilization as driving force behind land reform appears, appears to have been waning in recent years, not least due to the inability of the LPM to galvanize its membership towards a programme of action, including the land occupation it has threatened (Ntsebeza and Hall, 2007).

While the NLC and LPM were receiving most of the attention, there were lower profile organizations engaged in grassroots work with some local communities. They include the Trust for Community Outreach and Education (TCOE) which, like the NLC, was a network organization with a number of affiliates under it, and which was established by community-based organizations from various regions of South Africa. TCOE's roots are in the black consciousness movement, in their fight against Bantu education in the 1970s and early 1980s. The TCOE brought together hundreds of rural people to testify about their concrete experiences and their struggles to access a piece of land so that they could live in dignity (TCOE, 2003). These testimonies were later buttressed by research and other documentation. The TCEO attempted to create a public space where poor rural people could articulate their struggles and have an opportunity to voice their problems directly with government officials and policy makers (Andrews, 2007).

Opposition political parties have generally not been very interested in land questions, and only the Pan Africanist Congress (PAC) has tried to challenge the basic doctrine of the ANC's land reform. The Congress of South African Trade Unions (COSATU) has recognized the importance of advancing a more progressive, fast, and pro-poor land reform. In addition, since the Red October campaign in 2004, the South African Communist Party (SACP) has called for a much more radical land reform instead of the thwarting 'willing buyer, willing seller' market-led redistribution. In a bid to win a mass base among rural people, the SACP entered into a relationship with the LPM. Both organizations supported the need to revisit the fundamentals of land policy and to chart a course towards a new policy framework.

White commercial farmers, on the other hand, were vehemently opposed to both the eradication of the “willing seller, willing buyer” principle, the idea that was proposed by the radical analysts, and they argued against the interference with “the market” when it came to determining the price of land. They indubitably represented broader neo-liberal capitalist interests, which actually went along with the macroeconomic policies of the ANC (Hall and Ntsebeza, 2007). John Bredin, the chairman of Clover, expressed his concerns about land reform’s potential direction:

While it is incumbent on the government of the day to right the wrongs of the past it will prove a fruitless exercise should the result of its policies simply deepen the crisis and create further poverty and deprivation. It is widely acknowledged that, except for a handful of successes, the land reform program has not and does not look likely to achieve its stated aim of developing a class of black commercial farmers capable of economic independence (Interview, 2007).

2.2. Macroeconomic and Constitutional Context

It did not take too long for the ANC to shift its economic direction from its original liberal ambitions to a much more conservative position. Already the RDP White Paper that was released in September 1994 reflected a scaling down of the populist content of the pre-election Base Document. As Marais described this process: “It was “an amalgam of developmental approaches - mixing...ostensibly firm commitments to re-distribution with stern macroeconomic strictures” (1998:179).

Thus external conditions coupled with the domestic balance of power bounded the political and socio-economic space within which the ANC could maneuver; and once in power “the demanding pragmatics and overwhelming demands of government, the nonexistence of a solid economic programme of action, and the difficulties of operationalizing policy with an inadequate public service,” all contributed to strengthening the political forces pushing a conservative economic programme (Walker, 2002: 12).

At the same time, the ANC’s consolidation of its control over government has been accompanied by the rise of a black urban middle class whose influence on the direction of policy and the setting of government priorities grew. The process of class differentiation among the black majority predates the 1994 elections - thus the percentage of African households in the richest twenty per cent of all households rose from less than ten per cent in 1975 to 26 per cent in 1991 (Marais, 1998:106, citing a study by McGrath and Whiteford, 1994), while the income gap between the richest and

the poorest African households widened dramatically in this same period (Whiteford and McGrath, 1994 reported in May et al., 2000:26). Since 1994 the differentiation has increased, as black South Africans have obtained top positions with government and the private sector, and black empowerment and affirmative action policies have begun to bring in dividends for the new black elite. In 1991 blacks represented nine per cent of the rich, whereas today they represent more than twenty two per cent (*The Sunday Independent*, 2000).

The RDP was soon replaced by the more stringent macroeconomic policies embodied in the Government of National Unity's (GNU's) Growth, Employment and Redistribution (GEAR) strategy of 1996 (Walker, 2002). The adoption of GEAR meant the shift from the strongly state-driven redistribution strategies that had been prominent in the liberation movement in the early 1990s and had shaped the RDP. Yet, some analysts argue that the ideological principles of GEAR were already emerging in the agenda of main players within the ANC even before 1994 as the ANC sought to pacify its critics in the business sector internally and the international investor community externally, hence the sidelining of the MERG policy recommendations after 1993 (Valodia, reported in Walker, 2002).

The directional shift in land reform was first made in February 2000, when the new Minister for Agriculture and Land Affairs, Thoko Didiza,³⁰ presented her broad vision for her two portfolios. Land reform and agriculture were to be much more closely entwined in an integrated strategy, requiring significant new directions for the land redistribution and land tenure security programmes of the DLA in particular.

GEAR has set the macroeconomic parameters in which land reform has had to operate since 1996. Its 'core elements' were: budget reform, fiscal deficit reduction, monetary policy to keep down inflation, the relaxation of exchange controls, tariff reductions, tax incentives, the re-structuring of state assets, infrastructural development, 'flexibility' within the collective bargaining system, training, and expanded trade and investment flows. These were the main elements of the macroeconomic framework that was supposed to stimulate the South African economy and address the tackle primary challenge of job creation on a large scale (Department of Finance, 1996:1.2):

Sustained growth on a higher plane requires a transformation toward a competitive outward-oriented policy. GNU was an outcome of constitutional negotiations that provided for the (proportional) sharing of executive power

³⁰ Didiza replaced Derek Hanekom after the parliamentary elections of 1999.

between all parties winning more than five per cent of the popular vote. In brief, government consumption expenditure should be cut back, private and public sector wage increases kept in check, tariff reform accelerated... These measures will counteract the inflationary impact of the exchange rate adjustment, permit fiscal deficit targets to be reached, establish a climate for continued investor confidence and facilitate the financing of both private sector investment and accelerated development expenditure (*Ibid*: 1,5).

It was projected that this strategy would encourage accelerated private sector investment, stimulate the demand for non-gold exports, and lead to a growth in gross domestic product (GDP) of six per cent as well as the creation of 400,000 jobs per annum by the year 2000 (*ibid*.:5,6). Neither economic growth nor employment creation was realized; instead, a devastating shedding of jobs in the formal sector took place, with the total number of people employed dropping from about 5.31 million in 1994 to 5.06 million in 1997 (Newton et al., 1999:215).

The 1996 GEAR document mentions land reform only twice in ways that are consistent with its overall policy. The first occasion is in the context of social spending, where land reform is presented as one of the initiatives required “to address the claims of the poor to a fair package of basic needs” (Department of Finance, 1996:9). The second occasion refers to land reform positively, albeit in very broad terms, as a vehicle for economic growth in tandem with agricultural development:

The land reform programme, combining asset redistribution with enhancement of tenure, has an important role in improving the long-term prospects for employment and income generation in the rural economy. Progress has been made to finalize procedures for the rapid release of land and the introduction of a settlement grant. Complementary initiatives include emergent farmer support programmes. As these gain momentum, emphasis will shift to marketing support, appropriate technological interventions and streamlined extension services. Over time, agricultural development associated with land reform will play a key role in improving the distribution of income and economic activity (*ibid*.:15).

However, despite this mention of the direction of agriculture, the major significance of GEAR is its resolutely urban and industrial focus:

The higher growth path depends in part on attracting foreign direct investment, but also requires a higher domestic saving effort. Greater industrial competitiveness, a tighter fiscal stance, moderation of wage increases, accelerated public investment, efficient service delivery and a major expansion of private investment are integral aspects of the strategy. An exchange rate policy consistent with improved international competitiveness, responsible monetary policies and targeted industrial incentives characterize the new policy environment (*ibid*.:21).

This urban focus derives from the fact that the ANC is largely an urban party. Throughout, the ongoing dominance of the urban areas politically and economically has also served to limit the attention given to rural issues. Historically the agrarian question has never enjoyed much importance in the ANC's strategic agenda, and current economic and the present demographic trends are reinforcing this thinking. The ANC's primary constituency is in urban areas, where over fifty per cent of South Africans live. Politically urban labour and the urban unemployed overshadow the rural sector in the demands they make on the state around jobs, housing, and delivery of services, crime, policing and economic policy more broadly (Walker, 2002).

There are a range of reasons that the ANC, such a national liberation movement, embraced such conservative and capital-friendly economic orthodoxies. The adoption of GEAR can be explained by a number of factors, including the external context when the ANC came to power, the internal balance of forces during the political transition, weaknesses and ambivalences in the ANC's own economic thinking, as well as the influence of the small but growing black and urban middle class in shaping government priorities (Marais, 1998; Fine and Padayachee, 2000; Habib and Padayachee, 2000; Williams, 2000). The ANC came to power during a time when socialist principles were on the retreat worldwide and the domestic economy under severe pressure on many fronts - economic growth had slowed, domestic investment was in decline, unemployment was increasing (Habib and Padayachee, 2000). It had been unable to defeat apartheid militarily, and the transition to democracy in 1992/1993 took the form of a negotiated compromise with the former ruling class, as both sides "drew back from the 'abyss' of social conflagration" (Walker, 2002).

It has also been argued that the ANC in exile did not focus on developing a strong economic policy while its commitment to socialism operated more at the political than economic level, and during the years of the constitutional negotiations it was unable to withstand the "ideological barrage" (Marais, 1998) launched by the corporate sector and international experts in favor of free enterprise, deregulation, and the privatization of government assets and services (Walker, 2002).

More than any other aspect of ANC policy, the party's economic thinking was launched on a roller coaster ride - buffeted by threats, cajoling, ridicule and injunctions from business organizations, banks, Western governments, activists, trade unions, foreign lending institutions, economists and consultants (Marais, 1998:146).

There is also an argument that the undermining of the ANC's working class support base through systematic violence in the late 1980s and early 1990s led to the delinking of the ANC leadership both politically and organizationally from its base. Whereas political violence claimed the lives of 5,500 people between 1984 and 1989, it left 13,500 people dead between 1990 and 1993 (Wood, 2000). This violence, Lehlere argues, played a role in disorganizing the base of the liberation movement and preventing it from forcefully articulating its own demands or challenging the neo-liberal drift (1997).

Land reform has remained unimportant areas of the ANC's macro-economic policy, even in spite of the significance of the overall contribution of agriculture to the economy, despite the scale of poverty in the rural areas, and despite evidence from other developing countries, notably in East Asia³¹ (Hart, 2002), that agrarian reform can play a critical role in supporting successful rural industrialization strategies (Walker, 2007). In consequence, land reform has not been given any prominence in the debates on what type of economic strategy will achieve the fundamental economic development of the government (Fine and Padayachee, 2000).

The constitutional debate had a major significance in contributing to the current situation of land reform. This chapter thus shows how the constitutional negotiations have shaped the constitutional position on property rights. In 1988, Judge Didcott, one of the more progressive judges during apartheid, speculated and raised his concern about what kind of future was awaiting South Africa., reacted similarly reactions in 1988:

What a Bill of Rights cannot afford to do here...is to protect private property with such zeal that it entrenches privilege. A major problem which any future South African, government is bound to face will be the problem of poverty, of its alleviation and of the need for the country's wealth to be shared more equitably...Should a Bill of Rights obstruct the government task of social or economic reform impossible or difficult to undertake, we shall have on our hands a crisis of the first order, endangering the Bill of Rights as a whole and the survival of constitutional government itself (quoted in Chaskalson, 1993, 73-74).

³¹ Gillian Hart compares the successful redistributive land reforms in China and Taiwan that had began in the late 1940s and that broke the power of the landlord class. The political forces that drove agrarian reforms in China and Taiwan were closely linked and precisely opposite. Yet, in both socialist and post-socialist China, and in 'capitalist' Taiwan, the redistributive reforms that defined agrarian transformations were marked by rapid, decentralized industrial accumulation without dispossession from the land.

This comment also suggests that a talk of a more radical land reform was in the air; but as the previous section explained, the political and economic climate of post-apartheid South Africa did not allow for a more aggressive implementation of land reform.

For the National Party (NP), the insertion of the property clause in the Constitution and the protection of existing property rights were critical. The intention was to ensure that the property of existing white owners would not be jeopardized in a future democratic dispensation (Chaskalson 1994, 1995). At the end, the NP succeeded in having the property clause entrenched in the interim Constitution, with all the implications for recognizing rights (Ntsebeza, 2007). The NP's argument was that:

Private ownership of land, including agricultural land, is a cornerstone of the Government's land policy. Private ownership gives people a stake in the land, offers social security, promotes the optimal use of land and also stimulates an awareness of the importance of the preservation of this valuable resource. This is in keeping with the Government's opposition to any form of redistribution of agricultural land, whether by confiscation, nationalization or expropriation (Republic of South Africa, *White Paper on Land Reform*: 13).

In the constitutional negotiations of 1992/1993, both general and particular accounts of land dispossessions merged politically to ensure that restitution for the forced removals of the twentieth century became as the most evident support of the post-1994 programme of market-led land reform. Although land activists always regarded land redistribution and tenure security for farm dwellers and residents of the former Bantustans as essential components of a new land dispensation, these concerns were overshadowed in a debate that focused narrowly on past and future property rights. Serious discussion on serious but politically less urgent policy topics about the contribution of land reform to socio-economic development was delayed (Walker, 2005).

Although the rural economy played an insubstantial role in the ANC's economic thinking in 1993/1994, the issue of property rights in the new dispensation was one of the most debated issues in the constitutional negotiations. The balance of forces described above led to a compromise between the advocates of a radically redistributive programme and the defenders of a property regime based on respect for existing rights of ownership and the primacy of the market in regulating state initiatives to achieve a more equitable distribution of land. This compromise was given expression in the Interim Constitution of 1993, which laid out the constitutional framework within which

land reform policy could thereafter be legislated. Thus the right to hold and acquire “rights in property” was recognized as a fundamental right - property could be expropriated by the state for “public purposes” only, and then subject to the payment of “just and equitable” compensation (Clause 28). At the same time, the Interim Constitution recognized the struggle against forced removals by providing for the restitution of land rights that were dispossessed after 19 June 1913 as a result of the application of racially discriminatory laws (Clauses 121 - 123).

Initially strongly opposed to land restitution as ‘impractical,’ by 1993 the NP was prepared to negotiate a trade-off between a land claims process for those who had lost formal land rights in the past and guarantees for existing property rights into the future (Republic of South Africa, *White Paper*, p.6). Already in 1991 the NP felt obliged to soothe the protests of particular dispossessed communities by instituting a limited programme for land claims on state-owned land. Its “Charter of Fundamental Rights” of February 1993 did not specify a right to restitution but, within a strongly pro-market framework, did recognize property expropriation “for public purposes,” subject to the payment “of an agreed compensation or... compensation in cash determined by a court of law according to the market value of the property” (Republic of South Africa, 1993). By then the NP had realized that land restitution need not be seen as a fundamental challenge to the sacredness of private property but certainly could even uphold that (Walker, 2005).

By late 1993, political pressure was gathering to finalize the lingering constitutional ambiguities and to bring to agree on the terms of the transitional arrangements. In the end, agreement on the land/property clauses was only reached in the very final stages of the negotiations. The Interim Constitution (Act 200, 1993) formalized a clumsily drafted compromise that was split into three separate sections, the NP resolutely refusing to countenance a single clause for both property and restitution rights. The so-called ‘property clause’ in Act 200 makes no direct reference to land reform. Instead, Clause 28 protects existing property rights but also makes provision for land expropriation for undefined “public existing purposes,” subject to the payment of “just and equitable compensation” (a phrase that was many months in the making). This section also determined that dispossessions predating 19 June 1913 (the date on which the natives Land Act came into operation) would fall outside the parameters of the restitution (but not necessarily redistribution) programme (Walker, 2005).

The 1996 Constitution did, however, introduce a number of dimensions that potentially broadened the state's powers to acquire land for land reform purposes. Expropriation of land by the state is allowed not simply for public purposes but also for "the public interest", and public interest is defined specifically to include "the nation's commitment to land reform and to reforms to bring about equitable access to all South Africa's natural resources" (Clause 25(4)). At the same time, Clause 25 broadens the scope for land reform constitutionally, to include tenure security and redress for past racial discrimination in addition to land claims in terms of the restitution commitments of the Interim Constitution. It prohibits the "arbitrary deprivation of property," but specifies tenure security as a constitutional entitlement and requires the state to "foster conditions which enable citizens to gain access to land on an equitable basis." It also explicitly empowers the state to expropriate land "in the public interest," which is defined to include "the nation's commitment to land reform" (Republic of South Africa, 1996; Walker, 2005, p. 816).

The expropriation provision has not been widely executed by government in its land reform programme to date, thus underscoring the dominance of the ideology of the market since 1994. After the highly contested negotiations surrounding the property clause, the land redistribution programme within land reform was set on a path of 'willing buyer-willing seller,' based on a system of state grants to rural communities to fund the purchase of available land from private landowners. This ruled out a radical programme of rapid and extensive redistribution of land, and has been interpreted as a major victory for capital, in keeping with the other compromises that were made on the future economic dispensation (Marais, 1998); yet, Walker points out that based on the evidence of limited capacity shown by the government since the beginning of the programme, it is certainly debatable if the state could have successfully managed a large-scale programme of land acquisition and transfer, even if fully empowered to do so (Walker, 2002).

2.3: The Land Reform Programme

The government's land reform policy has three components: restitution (returning land, or providing compensation, to those who were dispossessed under apartheid); redistribution (increasing black ownership of rural land); and tenure reform (improving the security of tenure of dwellers on rural and peri-urban land). It is important to analyze the three sections as they all have important socio-economic and

political implications for the future development of the land question. In the following pages I plan to describe policy developments of each of the three aspects of land reform in order to later refer to them in the analysis of policy and in the examination of case studies.

Redistribution

The primary focus of government's land reform has been the redistribution of land through a market-led 'willing buyer, willing seller' land redistribution programme. Redistribution policy has gone through a range of shifts and changes since it started in 1994. The methods that the state has been utilizing to implement redistribution have mainly been based on the *modus operandi* of the existing land market. More radical measures, such as expropriation, while available to the government, have not been widely exercised until now.

From 1995 to 1999, this took the shape of making available Settlement/Land Acquisition Grants (SLAG) to poor households to enable them to purchase land. Because the grants, at R16,000 per household, were small compared to the price of land, this often required large groups to pool their grants in order to gather sufficient funds to purchase land. The model was widely criticized for the complex group dynamics that resulted, because it reproduced overcrowding, and because it did not link the acquisition of land to support and resources to enable people to generate a livelihood off it (DLA, 1997).

Since 2001 the Minister of Agriculture and Land Affairs instituted a moratorium on land redistribution in 1999, pending an internal policy review, and in February 2000 announced a new policy direction. The thirty per cent target was confirmed but would be pursued over a longer period of a further fifteen years (from 2000 to 2015), and the major means of achieving this would be a new redistribution programme aimed at establishing a class of black commercial farmers. The new policy, called the Land Redistribution for Agricultural Development (LRAD) programme, was at first designed for people with capital to invest, desirably those with agricultural background or diplomas. Applicants would need to make a contribution to the cost of the land of between R5,000 and R400,000 and, depending on the level of this contribution, would be eligible for a grant of between R20,000 and R100 000, on a sliding scale (DLA, 2000). Following criticism of this 'abandonment of the poor', the requirement of a minimum cash contribution of R5,000 was dislodged – the poor could contribute this in

the form of sweat equity – but according to some DLA officials, applicants must still comply with commercial criteria.

The sizes of grants disbursed and levels of capital contributed do tell us something about the socio-economic profile of applicants. This ranges from the poor to the very well off, with substantial variation between provinces. In KwaZulu-Natal, for instance, it is almost exclusively the well off who have been able to participate, by contributing substantial cash, assets or loan finance. In the Eastern Cape and Western Cape, in contrast, a mixture of socio-economic groups have participated, with some entering at the lowest grant levels (Jacobs, Lahiff, and Hall, 2003).

Since 2001, the land that belongs to national and provincial departments of agriculture has also been made available for sale. Over 700,000 hectares have become available in this manner, much of it transferred in freehold title to black tenants who had been previously renting it from the state (Wegerif, 2004). An additional grant, called the Grant for the Acquisition of Municipal Commonage, has been given to municipalities with an aim to provide land for the poor for grazing.

So far only 4,2 million out of 82 million hectares have changed hands. In the next seven years, 20,4 million hectares must be transferred to reach the thirty per cent target. A large proportion of land delivered was in the dry Northern Cape (*Farmer's Weekly*, 7 March 2008). Anecdotal evidence from various sources indicates the intricacy of resettlement and an almost total lack of post-settlement support by provincial departments. Results range from 'shack farming' through increased personal indebtedness of new settlers to some successes, including instances of individuals taking advantage of new opportunities for enrichment, with up to five beneficiaries reportedly receiving grants within one household (Walker, 2002).

Restitution

The restitution programme was adopted in 1994 as a separate process of redistributing land rights from white to black South Africans, with an aim to restore land rights to people dispossessed of land since the Natives Land Act of 1913. Claimants could return to their land or opt for other redress, for instance in the form of cash compensation. A Commission on the Restitution of Land Rights (CRLR) was established to assist claimants to make their claims, to investigate claims and prepare them for adjudication by a specially constituted Land Claims Court (LCC). A total of

63 455 claims were lodged by the deadline for submission of claims in December 1998, of which most were urban claims to residential land made by individual households (Hall, 2004).

In the rural areas claims by entire communities to large tracts of land – including prime commercial farmland – numbered nearly 20,000. Processes of accumulating evidence in support of these historical claims proved to be difficult and time-consuming. As the result, only one claim was settled by 1997. By 1999 it was apparent that the programme was in trouble, having resolved only 41. The rate at which land restitution claims have been settled increased dramatically since the adoption of an administrative route rather than a court process, and peaked at nearly 18,000 in one year in 2001/02. At the same time, the number of households per claim settled has fell sharply from 432 in 1998 to two in 2002, and the number of hectares restored per claim dropped from 5,185 in 1998 to eight in 2002. Together, these indicate that the vast majority of claims settled over the past several years have been individual household claims in urban areas, settled through cash settlements (Hall, 2003). In rural areas, however, very few rural claims have been settled and rural land had been allocated for transfer in respect of only 185 of the 36,488 claims settled by March 2003, again indicating that the bulk of complex and costly rural claims involving large numbers of people and large tracts of rural land remain unresolved (CRLR, 2003; Hall, 2003).

According to the CRLR, just over 800,000 hectares had been earmarked for restoration by March 2004, though only a proportion of this had actually been transferred to, or settled by, claimants. Yet a view on where this has happened, and what quality of land has been restored, indicates that both restitution and redistribution have disproportionately provided black people with access to relatively low-value land, making few inroads, as yet, into white ownership of the profitable high-value sectors of agriculture. More than half of all land earmarked for restitution, and more than half of all land redistributed by the end of 2002, was in the semi-arid regions of the country in the Northern Cape. Since then, the pattern has altered somewhat as a few large claims have been settled in Mpumalanga (CRLR, 2004).

With most urban claims settled, and as the focus of restitution turns to the rural claims, the programme will inevitably confront current owners unwilling to sell. To date, the state has relied on negotiated sales and, where these are not possible, has offered claimants cash instead. Steyn argues that this is not likely to be a durable strategy since many rural claimants insist on returning to their land and in some cases

have staged illegal occupations of the land in question to highlight their grievances over delays in finalizing their claims (2002).

The Expropriation Act is being revised today [2008] to give the new minister of Land Affairs Lulama Xingwana's department greater powers to force farmers to sell land for redistribution. This has never been implemented in the restitution programme, which already allows for expropriation, because of fears that devaluing commercial farmland would have a ripple effect on back and forward linkages that could devastate rural economies. International experience also shows expropriation is more expensive in the long run, because of protracted legal battles, and provokes needless hostility from landowners (*Farmer's Weekly*, 7 March 2008).

In addition, restitution has again lost out on the necessary budget to finalize claims. "It has not got the windfall requested by the Commission – instructed to finalize claims this year – which is widely acknowledged to be totally unfeasible," Hall said. At the moment there are just over 5,000 restitution claims outstanding. At the end of last year acting land affairs director general Tozi Gwanya estimated that R15-billion would be needed to settle all the claims, but the restitution earmarked has been just over R 3-billion and itself represents a large increase (*Business Day*, 2008).

Over the three-year spending period, a further R1bn was allocated to settle the outstanding 5,083 land restitution claims. The Legal Resources Centre, a public law firm that provides free legal assistance to claimant communities, said that it was not clear whether the restitution process was near completion. The centre said the mention of 5,083 outstanding claims did not disclose the number of community land claims still to be settled, the number of community members involved, and the extent and situation of land involved (*ibid.*).

The consultant in development for the South Africa's Sugar Association, Professor Jeff McCarthy summed up his position on the restitution section of land reform:

The main reasons for its slow pace are weak and inexperienced staffing, low budgets, and the lack of post-settlement support. In addition, history bedeviled the relationship between whites and blacks in South Africa. The rate of success of restitution is no more than ten per cent. Some mentoring projects begin successfully, but the [white] farmer eventually loses motivation because he has no direct interest in the success of the farm. It also takes too much time (two years) to get money for post-settlement support. Some farmers have to wait for two years to get financial help for their farms, but the farm can't wait so long and its productiveness worsens during that time (Interview, 2008).

Tenure Reform

Tenure reform in rural South Africa refers to the protection of the rights of occupiers of privately owned farms and state land and the reform of the system of communal tenure predominant in the former homelands. Almost all land in the rural areas of the former homelands still legally belongs to the state. In respect to reforming land tenure in South Africa the government has passed several laws dealing with tenure issues: until very recently, the most important of these were the Extension of Security of Tenure Act of 1997 (ESTA), and the Land Reform (Labour Tenants) Act (LTA) of 1996. Theoretically, ESTA protects from illegal eviction for people who live on rural or peri-urban land with the permission of the owner, regardless of whether they are employed by the owner or not. Although the Act makes it more challenging to evict occupiers of farm housing, evictions within the law are still possible, and illicit evictions remain common (Wegerif, Russel, and Grundling, 2005). Theoretically, ESTA also allows farm dwellers to apply for grants for on-farm developments, such as housing for instance, and provides the Minister of Land Affairs with powers to expropriate land for such developments. By December 2004, 171 554 hectares of land had been delivered under the tenure reform programme. However, senior DLA officials believe that ESTA has caused a significant increase in the illegal evictions of farm labourers by farmers reluctant to grant them the new rights of tenure. The department does not have the personnel or resources to ensure that ESTA is effectively communicated and enforced, and neither do the justice and policing systems.

The Communal Land Rights Act (CLARA), which seeks to rationalise the enormously complex tenure issues in the former homelands, was promulgated in February 2004. The Act intends to secure land tenure rights to communities and persons who occupy and use land previously reserved for occupation by African people and which is registered in the name of the State or is held in trust by the Minister of Land Affairs or the Ingoyama Trust in the case of KwaZulu-Natal. The DLA says that, “The Act seeks to reverse the historical legacy of colonialism and apartheid by strengthening the land tenure rights of the people living in these communal land areas and to give their land tenure rights the full protection of the law” (DLA, 2004). This Act has had a long and complex period of development, and continues to arouse opposition. Concerns about state capacity to implement the act have also been raised. On balance, tenure reform continues to be controversial in policy terms, and the legislation has had unfortunate unexpected outcomes in commercial farming areas.

Tenure insecurity in urban and peri-urban areas may well be a growing problem, on which the government has not focused attention (CDE, 2005).

People who live and work on commercial farms often seen as a rural proletariat, are among the poorest South Africans, many of whom are engaged in struggles to retain and secure their access to land for independent production through various forms of cash, share and labor tenancies. Laws introducing new labor and tenure rights for farm dwellers in the 1990s have been difficult to enforce (RSA, 2001). These came at a time of wider changes in the sector and, together with economic pressures and a hostile response from many farmers, contributed to job losses, casualization and evictions of farm dwellers – thereby promoting the process of proletarianization and bringing to completion long trajectories of dispossession by separating rural workers from access to land. A policy review process was initiated in early 2002 to find new policy solutions but is yet to yield a new policy or legal framework for public input or for implementation (Hall, 2002).

Since the end of apartheid, few improvements have been seen in the communal areas, where systems of land administration have collapsed and there is widespread uncertainty about the status of land rights. It provides that title to communal land can be transferred from the state to the communities already residing there – but on the basis of ministerial discretion to determine who will get which resources and without addressing the problems of the disarray in communal land administration and discrimination against women (Claassens, 2003). Meanwhile, in the absence of clarity on tenure rights, and with the focus of redistribution falling on commercial farming, the urgent matter of making additional land available to ease the overcrowding in the former ‘native reserves’ remains unaddressed. In this sense, ‘tenure reform’ is being addressed in isolation from the wider question of how to overcome the divide between the overcrowded and under-resourced communal areas, and the wealthy commercial farming areas (Hall, 2004).

Since 1994 a total of 126,519 hectares have been given to people under the rubric of the tenure reform programme. A great part went to farm dwellers and labour tenants removed from commercial farmers. As with all other land provided under the land reform programme, this land is held by the beneficiaries in freehold title, either as

individuals or as part of a Communal Property Association or a legal trust (Lahiff, 2008)³².

Chapter 3: Critical Look at South African Land Policy

This chapter deals with critical analysis of the policies related to land reform. It chapter will mainly draw both from my own observations and from critical works of academics and policy analysts. The core theoretical context against which the land policies are critically evaluated is that of reducing poverty and unemployment and strengthening the position of the rural poor. This chapter, therefore, will examine the Constitution's role, the fiscal constraint, the weak post-settlement support, and other

³² A Communal Property Association (CPA) is a legal entity created in terms of the Communal Property Associations Act of 1996 that allows groups of people to own land collectively. The CPA model does not require that land remains collectively owned after initial purchase, or that agricultural activities be carried out on a collective basis, but this has been the pattern up to recently. Since 2001, however, there has been a shift towards subdivision of land and more individual or household-based production, influenced by the problems experienced in many collective enterprises and a shift in policy towards a more private-entrepreneurial model of farming under the new Land Redistribution for Agricultural Development (LRAD) programme.

limiting factors for a more successful land reform. But even, as this chapter will show, the understanding of “success” varies among critics. For example, for some critics the percentage of transferred land is what defines the ‘success,’ while for others ‘success’ means much more than just giving more land into the hands of black South Africans. For them the questions really lies in improving these people’s lot which very often does not happen by merely giving them access to land. This chapter will also take a critical look at the three sections of the land reform program introduced in the previous chapter.

The commercial agricultural sector itself generates only about four per cent of South Africa’s Gross Domestic Product (GDP), but is more significant as an earner of foreign exchange, bringing in about fourteen per cent of export earnings. It is also a source of livelihoods for a good proportion of the country’s poorest citizens – the nearly one million farm workers and their dependents (possibly five to six times this number) and the bulk of the residents of the communal areas, whose subsistence agriculture constitutes a vital source of sustenance and income in a diversified package of livelihood strategies. Agriculture is of strategic importance because a sizeable proportion of the South African population is dependent on agriculture for survival; it provides 39 per cent of rural incomes and has significant forward and backward linkages into manufacturing (RSA, 2001). Since the mid-1990s, though, agriculture has been shedding jobs as the sector responds to macroeconomic changes. Any successes of land reform must therefore be seen against the backdrop of the structural erosion of poor people’s livelihoods in rural areas (Hall, 2004).

Land reform performs an important symbolic function in the ‘new’ South Africa as tangible evidence of a nation addressing historical injustice as part of a wider process of democratic nation-building. These twin functions acquire particular significance when seen against the chronic rural poverty: seventy per cent of rural people live below the poverty line, among them nearly a million farm workers and their dependants, plus nearly a third of South Africa’s population crowded into less than 13 per cent of the land, in the former ‘homelands’ (May and Roberts, 2000; RSA, 2001).

For most South Africans the ‘land question’ is a suggestive expression rather than a theoretical construct, constituted of two major elements. The first is the history of colonial conquest and apartheid land dispossession, through which white settlers appropriated 87 per cent of the land for themselves and reserved a mere 13 per cent for the subjugated black population. During the apartheid era this involved the forced relocation of more than 3.5 million people, which strengthened the profound social

dislocation, 'displaced urbanization' and a radically dysfunctional spatial dispensation. Tightly connected to this history of dispossession is the second feature of the land question – that of the decline of black peasant agriculture over the past hundred years or more and the impoverishment of those linked to the remnants of land set aside for black occupation (Murray, C., Walker, 2005).

Yet the narrative of dispossession, with its sequel of a simple reversal of the 87/13 per cent dispensation as the prerequisite for political and economic justice, is limited from a policy point of view. It does not offer a solution for dealing with the complexities produced by the passage of time since people were removed or for informing realistic and practical projects directed at sustainable economic growth and the most efficient use of scarce state resources in the rural areas. Simply transferring land from white to black owners does not promise an improvement of living to millions of rural South Africans, even including to those who would become the direct beneficiaries of the land reform program (Walker, 2000).

Ruth Hall offers a few important explanations as to why land reform has been largely unsuccessful. The first argument is that the 'willing buyer, willing seller' demand-led approach has inherent limitations. Firstly, the market-led approach, Halls believes, is a key obstacle. She believes that a new path is needed which will have to involve a degree of compulsion on landowners to make their land available. Hall argues that while the market has some role to play, the state needs to intervene on behalf of land claimants. Expropriation is needed to force restitution where landowners are unwilling to sell, to acquire land in areas where there is a great demand for it and where landowners are not willing to sell, as well as for its demonstration effect, to bring to the negotiating table. This should be accompanied by just and fair recompense, as provided for in the Constitution (RSA 1996; Hall, 2007).

The second argument is that the constant problem of 'post-settlement support' and the consequential underutilization of redistributed land points to wider policy challenges beyond the realm of 'land reform'. Since the beginning of implementation of land reform in South Africa more than fifty per cent of land reform projects had failed (*Mail & Guardian*, 2008). While institutional coordination among state agencies is a necessary condition for improved impact on livelihoods, it is not sufficient. Direct state support for investments in production in the land reform context runs counter to larger historical shifts – specifically the deregulation and dismantling of the state apparatus designed under apartheid to support white farmers (Hall 2007).

In an effort to provide an effective, all-encompassing post-settlement support structure for land reform beneficiaries, the Department of Agriculture and Land Affairs finalized the two-year Settlement and Implementation Support (SIS) strategy in July, 2007. The support mechanism was made official in February, 2008. The strategy aims at offering a sustainable land reform process that includes a comprehensive provision of services including financial, technical and business support, and water and electricity support.

The department consulted with land reform specialists and researchers over to develop the strategy. Issues that were raised were the challenges experienced so far by beneficiaries of four million hectares, including a lack of skills and resources. Minister Lulu Xingwana said that the SIS strategy was developed through applying concrete knowledge by studying post land-reform projects. The study involved vigorous engagement with land practitioners and consultative forums that brought together major provincial role players responsible for supporting land reform projects. "I want to appeal to all of you not to interpret the SIS strategy as "yet another concept," but as the science of land reform," Xingwana said. "The Land Summit, land reform beneficiaries and organized agriculture all expressed a need for such support." Xingwana said the successful implementation of the SIS strategy would "make a huge contribution towards the sustainability of the land reform projects." (*Farmer's Weekly*, 29 February 2008).

In addition, Finance Minister Trevor Manuel said that agricultural extension services, which included post-settlement support to beneficiaries of land reform and restitution, would receive an additional R500m over the medium term through the provinces (*Business Day*, 2008).

The third argument that Hall advances is that the budgets have become a key constraint on the programme and, in the future, are likely to be a key determinant of the pace of land reform (Hall, 2004). Since 1994 the ANC government has not prioritized land reform in terms of overall economic objectives, national budgets or public service staffing levels. The Ministry of Land Affairs was assigned to the social, rather than the economic, group of ministries, and for most of the post-1994 period the share of the national budget directed to the Department of Land Affairs (DLA) has been consistently very small, averaging around 0.35 per cent per year until 2003, when increased support for restitution pushed it upwards, towards the one per cent mark by 2005. Between 1994 and 2004 the budgetary allocation to the DLA (including the CRLR) totaled some R7.3 billion which was just over 40 per cent, in ten years, of what the World Bank had

recommended should be allocated in five. To put this in perspective, the DLA's ten-year total was less than half the R15.27 billion allocated to the Department of Defense in the 2001/2002 financial year alone. Insufficient resourcing is regularly blamed for thwarting progress in land reform; however, at the same time it is also true that only in recent years have the DLA and the CRLR managed to spend their annual allocations.

Manuel also announced a further allocation of R900m over the medium term to meet the goal of redistributing thirty per cent of agricultural land to black owners by 2014. The additional sum increases the total budget for land reform from R1,6bn in 2007/08 to R4,1 bn in 2010/11 (*Business Day*, 2008). Although land reform, including restitution, received an additional R2,6 billion this year to reach a new high of R 6,6 billion, the DLA got a dressing down from Finance Minister Trevor Manuel. At a press conference after the budget speech Manuel questioned whether the department would be able to manage more funds. Ruth Hall and Edward Lahiff said that this year's land affairs budget would perpetuate the chronic mismatch between the department's ambitious goals and its institutional capacity and resources. Hall said, "There is no sign that these long-standing problems of institutional capacity will be addressed this year. At the same time, there is more money to spend," said Hall. She is also not sure who will be able to spend it (*Mail & Guardian*, 2008).

So far, the government delivered about four million hectares of agricultural land to historically disadvantaged beneficiaries, while the land reform target is to redistribute 21-million hectares by 2014 (*Business Day*, 21 February, 2008). While land prices have fluctuated substantially over the past ten years, rising and declining depending on the region, the cost of purchasing land and creating a class of black farmers in the image of the white agricultural sector is likely to be prodigious (DLA, 1999). The purchase of land alone might come to tens of billions of rands. Based on past experience, the cost of land to settle the outstanding rural restitution claims alone is likely to be well over R10 billion (Hall, 2003). National budgets do not approximate these levels. It is in this context that a premium has been placed on mobilizing private capital and the reliance on a central role for the Land Bank in making credit available to LRAD participants. Even so, in terms of both delivery and budget allocation, the scale of the shortfall is staggering (Hall, 2004). It is argued that land reform confronts the state with the problem of attempting to buy out white privilege in a context of fiscal restraint (Hall, 2007).

There are also arguments that hold the South African Constitution responsible for impeding quicker and more just land reform. Structural constraints in the current land reform programme make it impossible to embark on a radical land redistribution programme. The very Constitution that guarantees formal equality before the law, argues Lungisile Ntsebeza, also entrenches material inequality, especially in the distribution of land ownership. The entrenchment of the property clause in the Constitution is a major obstacle to the achievement of even the limited objectives of the land reform programme (, Lungisile Ntsebeza, “Address the land question” *Mail and Guardian*). Ntsebeza argues that there is a fundamental contradiction in the South African Constitution’s commitment to fundamental land redistribution to the dispossessed while at the same time protecting existing property rights (2007, 108).

Motsoko Pheko, a South African theologian, human rights lawyer, a former diplomat to the United Nations and the leader of the Pan Africanist Congress (PAC) asserted:

The basic problem which these reformists conceal is that the constitution of South Africa forbids Africans from acquiring land stolen from them before 19th June, 1913. Therefore, there is nothing to reform. There is no land left for Africans. You cannot reform what does not exist. Land must be taken from the minority Whites, not because they are whites, but because they acquired this African land and its resources by foul colonial and apartheid means (1998: 73).

This argument answers the question of why black South Africans do not have the land, but it does not advise on how to improve their conditions.

Ruth Hall (2004), however, does not query the fact that section 25 (1) protects existing property rights. Her point is that although the land reform policy is based on a ‘willing seller, willing buyer’ condition, the state can expropriate land. She argues that a far-reaching land reform is possible within the existing constitutional framework. Hall contends that the protection of the existing property rights should be balanced against “an injunction towards transformation” (2004: 6). According to Hall, “While protecting rights, the constitution also explicitly empowers the state to expropriate property and specifies that property may be expropriated in the public interest, including ‘the nation’s commitment to land reform’” (2004: 6). Expropriation as conceived in post-1994 South Africa, Hall reminds us, is not limited to instances of ‘public purposes’ such as the building of public infrastructure, but can now apply to the transfer of property from one private owner to another. In other words, Hall’s overall argument is

that expropriation powers “have been largely unused” (2004: 7). Applied in only two restitution cases, the call for legal and constitutional amendments “seem” misplaced (Ntsebeza, 2007, 121). According to Hall, the “immediate challenge” is not a legal but a political one.

But to Ntsebeza it is not clear what Hall means by the issue not being ‘legal.’ He argues that the issue of compensation can end up in law courts if white farmers decide to contest the compensation amount. Nothing stops them from doing that. First, legal processes can be frustratingly protracted. For example, if the owner does not accept a compensation offer, she or he has, in terms of Section 14 (1) of the Expropriation Act, up to eight months to make an application to a court. The process can drag on after this. In addition, legal processes are very expensive. Both these factors are discouraging. Even though a legal contestation would involve rich farmers and the state, it is poor, landless black South Africans who end up suffering either through delays and/or in instances where court decisions favor white farmers. It is also worth bearing in mind that the property clause in the Constitution, in particular Section 25 (1), puts farmers in a very strong position in situations where they contest expropriation and the determination of price (Ntsebeza, 2007).

Sam Moyo from Zimbabwe opines that the land question in South Africa remains unresolved partly because of its gradualist approach to land reform, but largely because the land question is underestimated by official policy and ignored by intellectual and civil society (2007). In South Africa, similarly to Zimbabwe and Namibia, racially inequitable structures of wealth, income and land distribution remain intact, while liberal democratic constitutions and market principles back up these inequalities, coupled with macroeconomic stabilization, extroverted trade liberalization and deregulation of domestic markets (*ibid.*). Expanding the number of landholders through land redistribution could redress the land shortages and the patterns of insecurity of tenure that arise from unequal distribution (*ibid.*).

Cherryl Walker argues that the aim of transferring thirty per cent of commercial farmland to African ownership by 2015 is an insufficient indicator of success if sustainable economic development and the reduction of rural poverty are the primary concerns. The following figures, which must be taken more seriously in policy debates, illustrate the ingrained limitations of s redistributive land reform programme primarily thought of in terms of transforming the racial profile of commercial farming sector. (2007). There are approximately 46 000 commercial farming units in South Africa, the

great majority of which belongs to whites (Walker 2005a: 809). One reasonable estimate of the level of landlessness in the former Bantustans puts the number at 675 000 households (Aliber & Mokoena 2003: 336). Hence, it is theoretically possible to replace all white commercial farmers with African landowners, thus entirely eradicating the white hegemony over non-reserve land of the past 90 years. However, even assuming this new African landowning class comes entirely from the landless, it still end up reducing the pool of landless households in the Bantustans by less than ten per cent (46 000 households out of 675 000 landless households). Thus, if the only consideration shaping the transfer of land is that the recipient is classifiable as African, one could have a successful land redistribution programme that makes extremely little impact on poverty reduction and the transformation of the agrarian economy (Walker, 2007).

Promoting tenure security, the third component of land reform, has until recently been the least debated part of the land reform and deserves more. In many communal areas there is plenty of land, but people are not using it because they do not have access to it. The land in these areas is predominantly controlled by the chiefs. The access to land on many occasions depends on the nature of the relationship between the chief and the petitioner for land. A range of factors, such as tribal affiliation, gender, age, and/or economic status, influence these relationships.

The major problems associated with traditional leadership are very weak citizenship rights, especially of women, the feudal land tenure system, and the problem with democracy. People at communal lands can't use their land as collateral (Interview with Jeff McCarthy, 18th of March, 2008, Durban).

Legislation was passed in 1996 and 1997 to strengthen the land rights of farm workers and farm dwellers and to outlaw arbitrary evictions. However, various attempts to develop policy to reform the disjointed tenure and land administration systems on state-owned land in the former Bantustans, now described as the communal areas, failed. Finally, in late 2002, the eighth version of a long line of controversial attempts to draft communal tenure legislation was published for public comment. The draft Communal Land Rights Bill proposed transferring title to 'communities' and, unlike earlier proposals that had favored strengthening the role of traditional leaders in land administration, also limited the powers of traditional leaders, by limiting their presence on land administration structures to 25 per cent of members. Nevertheless, the Mbeki Cabinet consequently approved a revised version of the Bill in late 2003, which

was then hurried through parliament and signed into law in July 2004. The final version of the Communal Land Rights Act attempts to bridge the gap between tradition and democracy by reinstating the powers of traditional authorities to manage most, if not all, communal land, even while transferring nominal ownership to 'the people' and identifying the rights of women as an important issue. John Bredin, the chairman of Clover, expresses his opinion about communal lands:

Communal land ownership is a very important ingredient of failed farm businesses. It is important to understand just why it is that communal land ownership has seldom succeeded in the establishment of viable and sustainable commercial farms and then explore some possible solutions. Throughout the world family owned and run farm businesses have proved most successful basis for a thriving agricultural sector. In most instances land ownership has been part and parcel of the investment required to acquire or establish such a business. The relatively high value of land as an investment vehicle makes it difficult to achieve a return commensurate with its investment value. In most countries this problem is exacerbated by the fact that suitable agricultural land is a dwindling resource. South Africa is a notable exception with huge tracts of suitable land being totally under-utilized, most of it being communally owned. Communal land ownership has never proved successful (other than with considerable state intervention) because it does not make provision for individual responsibility and accountability. There appears to be no fundamental reason why portions of communally owned land could not be entrusted to farm business units prepared to pay for the use thereof (Interview with John Bredin, March 2007, Myhill Farm near Ixopo).

The repeated failure to find a workable programme of tenure reform reflects the complexity of the political and social relationships around land in the communal areas. Here the ostensible nationalist unity surrounding 'the land question' falls apart. Unfortunately, there is no national consensus on where formal ownership of this land should reside – the state, traditional leaders, 'communities', families, men, or men and women. The major challenge is advancing the rights of women within traditional tenure systems that are strongly patriarchal, without undermining the social networks on which these systems are based. It is also difficult to balance the respect for cultural norms and customs with providing for democratic local government. The danger of provoking destructive local conflicts in the process of community definition, boundary demarcation and land allocation is also real.

However, the failure of tenure reform to date is also indicative of both the government's and the public's preoccupation with redistributive land reform and the persistent neglect of the communal areas in national economic policy. Throughout the first decade of democracy, the former Bantustans have remained essentially welfare, not

economic, zones. It means that the region where one-third of the total population of South Africa lives and where penury is at its bleakest, has not yet benefited from land reform as a national programme of government, in spite of official rhetoric about the role of land reform in rural development (Walker, 2005).

But there are some very important issues that the current land policies do not even cover. One of these issues is the unwillingness of young black South Africans to be involved in agriculture. The following case study of Sahlumbe will show the attitude of the young rural black South Africans towards agricultural work. Minister Lulu Xingwana also voiced her concern over the lack of interest among the youth in agriculture. "There will be no food on the table in SA if young people are not trained and groomed in the agricultural industry," she said, adding that the average age of farmers in South Africa is 55. "We have to lure our youth back to the lands, we have to show them that agriculture is not only about working hard in the sun and mud, but that there are more sexy options in the sector – such as making cheese, ice-cream, wine, beer, or whiskey," Xingwana said (*Farmer's Weekly*, 7 March 2008).

Secondly, the HIV/AIDS epidemic is indubitably a social and economic catastrophe of South Africa. While policy makers are aware about the AIDS problem, it does not seem that the implications of the epidemic have hit home yet – certainly there is not a unified purpose about what government should be doing across its programmes and departments. Literature on AIDS in the context of land reform is scarce – yet the dark shadow cast by this epidemic over land reform and other government programmes demands urgent attention. Already the impact of AIDS is beginning to be noticed in land reform projects. When asked to comment, the Director of the KwaZulu-Natal DLA office remarked upon the number of beneficiaries (young and middle-aged) who are found to have died in the 6-18 month period between the initial registration of project members and the final checking of the lists, prior to the transfer of the land to the registered beneficiaries (Clacey, reported in Walker, 2002).

The Cabinet has instructed all government departments to draw up an HIV/AIDS policy. The DLA document, which was adopted on 16 June 2000, is instructive for what it does not yet say. The policy is most developed with regard to the Department's internal, work place/employee programme where a comprehensive set of principles is laid out. With regard to land reform, however, the policy becomes very general, focusing on educational tasks without addressing possible programmatic intervention. "DLA recognizes its responsibility in the national fight against HIV/AIDS and commits

itself to “use its resources to reach all land reform and other beneficiaries” and to providing “assistance...to land reform and other beneficiaries with their HIV/AIDS related programmes” (DLA, 2000:3). How land reform programmes themselves need to be registered to deal with the consequences of beneficiaries dying and economic activity in projects declining is not addressed at all. There is not also consideration of designing new projects in response to the epidemic – issues that come to mind immediately include the tenure and productive needs of child-headed households, how to secure transfer of land rights to orphans, and the provision of land for community-based AIDS support projects (food gardens, community centres, income-generating projects such as craft markets) (Walker, 2002).

Another relevant to both our case studies issue that Walker raises is that people are reluctant to move away from their existing social networks, from what to them is the known, and move to new places to access land; such social factors also set limits to a radical redistribution programme, especially to the opportunities offered by redistributive land reform for the heartland districts of the former Bantustan territories, notably the Transkei. This is not to say that there is no interest in migrating in search of new opportunities – migration is after all ingrained into their history. Nonetheless, one recent national study of migration has documented that those who are most vulnerable in terms of poverty are the least likely to migrate, with poor women-headed households particularly strongly represented in this category (Kok, O’Donovan, Buare and Van Zyl, 2003). This again reinforces the argument for tenure reform in the communal areas, in support of those unable or unwilling to take advantage of land redistribution projects located outside the former Bantustans (Walker, 2007).

There is no reason, believes John Bredin from Clover, why a successful land reform program cannot achieve its stated aims of redressing the land ownership issue, develop successful black owned and managed commercial farms and at the same time make a meaningful contribution to the economy and alleviation of rural poverty. The key to success rests on the ability of those in power to harness all available resources and secure the co-operation of all interested parties. The process could be structured on the following lines:

- 1) Conduct a land audit regionally
- 2) Identify suitable agricultural land either private or state owned
- 3) Identify that land which is available for purchase or agricultural development
- 4) Identify suitable aspiring farmers

- 5) Establish training programs for such farmers
- 6) Establish training programs for such farmers (e.g. on the job training)
- 7) Minimize the disruption of established commercial farms
- 8) Encourage the establishment of new farming projects by way of joint ventures between established and aspiring farmers
- 9) Make use of state and communal land for the establishment of commercial farms by way of long-term leases
- 10) Ensure the viability of agricultural infrastructure and maintenance of an area's productive output.

As with the above land reform proposal, Bredin argues, land restitution could follow similar lines to achieve the objectives of resettling those forcibly removed from their land whilst ensuring that viable commercial agriculture productivity is not only maintained, but improved by the owners (Interview, February 2007).

This chapter has summed up the main obstacles which land reform in South Africa faces. Among these are insufficient budgets, lack of post-settlement support, and constitutional limitations. Additionally, this chapter argues that merely transferring land to rural black South Africans will not by itself better their sordid conditions. Keeping in mind these contexts, we now turn our analysis to the first case study which will demonstrate how various concerns raised in this, as well as in the chapters before, take place in reality.

Chapter 4: Sahlumbe

The Surplus People Project (SPP) who conducted field trips in the 1980s remains the only source found that details the historical development of Sahlumbe. This chapter, therefore, heavily relies on the SPP's investigations in order to provide Sahlumbe's historical background¹.

Sahlumbe was a very rudimentary relocation camp at the time when it was started in 1969. Although established at the time of Limehill which is also located in KwaZulu-Natal, it did not achieve any of the publicity and notoriety that surrounded Limehill, even although the conditions at Sahlumbe were certainly not better. What made the difference was that at Limehill there was a group of church workers with links to liberal organizations in the towns, and they made sure that the story of Limehill was written in the national press. At Sahlumbe there was none of that. There were general press stories on the mass evictions in the Weenen area, but no specific reports on conditions at Sahlumbe itself. Without pressure on it, the State was able to get away with absolutely minimal preparations at Sahlumbe (Surplus People Project, vol. IV, 1982).

Sahlumbe was created by the State in response to the crisis that emerged in the Weenen district by the abolition of labour tenancy in 1969. It tried first to relocate all the ex-labor tenants from Weenen outside of the district, but partly because of opposition from tenants themselves, it was eventually forced to accommodate some of the displaced people in the immediate area (*ibid*).

Sahlumbe is an undeveloped closer settlement of several thousand people, established on the north side of the Tugela River about 23 km from Weenen and on the edge of the Msinga district of KwaZulu. It is one of several relocation sites that lie along the Tugela on Trust Land – former white farms that were bought up, during the mid 1960s. Other sites are Nomoya, Msusamphi, and Maashunks. All these places were established in the late 1960s with an aim to provide a temporary place for

¹ The SPP was established in February 1980 by a group of academics and community workers in response to the widespread political concern surrounding large scale forcible removals in rural South Africa. The major concern of the SPP was that it argued that the thousands of rural South Africans removed from rural areas will not find jobs in urban settings. The SPP could not pay high salaries to its researchers, but it could rely on great support from churches, from liberal organizations such as the Black Sash, and from relevant departments and institutes in the English-speaking universities. The participation in the SPP gave some young academics an opportunity to conduct serious field work experience, while non-academics better understood the theoretical background of the situation of what 'they had observed for years' (Hallet, 1984).

thousand of labour tenants that were evicted off farms in the Weenen area. Sahlumbe was the oldest of the relocation sites surveyed by SPP in the 1980s (*ibid*).

One of the earliest relocation centres in Natal, it does not show the lattice pattern of later relocations but spreads untidily in a long thin ribbon on both sides of a dirt road that runs between rocky hills and the Tugela River. Sahlumbe is dry and isolated, and the settlement abuts the Msinga district of KwaZulu, known for its bloody tribal fights. The people who came to Sahlumbe were mostly labour tenants and their families. Eviction in the Weenen area was conducted with hurriedness, and most people were forced to sell their stock to white farmers. At the time of the removal, the people had no doubt of the deterioration in the standard of living. "When you speak of meat," a widow told a newspaper reporter, "you speak of the time of my ancestors. I have spinach mashed from shrubs and weeds," a diet that Surplus People Project found was typical for the area. Casual or seasonal labor on local white farms was the only local employment available, and those looking for such work had to compete with "the enormous mass of unemployed people" in the neighboring Msinga district. Migrancy to the Rand or to Durban as unskilled workers was the only other possible alternative. "The overall impression," SPP concluded in 1980s, "is a bleak and depressing one". Many local people described their situation more tersely: "Here there is nothing – we are starving" (*ibid*).

The relocation area was adjacent on its southern boundary with a white farm and Tugela Estates. This was a source of tension and profound bitterness among the relocated people since they were not given any agricultural land and had had to live next to land that they knew was supposedly for the people of KwaZulu but from which they had no benefit.

The Sahlumbe area was deeply wounded by tribal fights during eighties and early nineties. The origins and causes of the violence are extremely intricate. There is certainly a historical feature that predates the resettlement of people into these closer settlements. The SPP argued at the time that the conflict over land lay at the heart of the hostility: landlessness, overcrowding, competition between people for inadequate resources, and the pressure of newcomers on the original people's territory. The relocation of thousands of people into these closer settlements had exacerbated the situation and thus contributed further to the violence (*ibid*).

Thus most of the households interviewed by SPP in early eighties came from the Weenen area where they had been settled for many years – often for generations – on

white farms. Among the relocated 98 per cent had been labor tenants (usually on six month base basis) before they were relocated, and most of these had moved or been brought to Sahlumbe under pressure. A few households had chosen to leave the tenant farms because of dissatisfaction with working conditions; yet, most evictees were victims of the abolition of labor tenancy (*ibid*).

Most labour tenants in Natal were fiercely opposed to the effort to introduce a fulltime labour system in Natal, and many – up to 20,000 in the Weenen district alone in some estimates – declined to sign permanent, fulltime labour contracts with their landlords. When they refused, they were evicted. Of those interviewed at Sahlumbe by the SPP just under one third had been evicted and moved to Sahlumbe voluntarily because they had had nowhere else to go. A little under two thirds had been forcibly removed and brought there by GG trucks² (*ibid*).

There were two main motives why labour tenants so fiercely adhered to the six-month system: 1) it gave them access to agricultural land; and 2) it allowed the male members of the household some free time each year in which they could get wage employment in the urban-industrial centres. In the Weenen area many labour tenants were also relatively free from the direct and constant control of their farmers over their lives. Just over half of those surveyed reported that their land owner had not lived on the land on which they used to live, i.e. they were living on labour farms and spent their farm labour period away from their homes on the commercial farms of the landowner. Weenen was notorious for its labor farms – some with up to 1,500 people living on them – so this information is consistent with what is generally known about the district (*ibid*).

Weenen Nature Reserve located a few kilometers from Weenen was established on two former labour farms in 1975. These farms had accommodated several thousand people many of whom were subsequently forced away to Sahlumbe when the farms were expropriated. The farms had been extremely overpopulated and neglected by their white landowners but had provided important access to land to the tenants living on them. Their removal and the subsequent use of their land as a game reserve had left them incensed. One former tenant on the farm who at the time was interviewed by SPP remarked that he should have been born an animal – then the government would have

² Government Garage trucks were actively used by apartheid government during the era of forcible removals to take the displaced people and their belongings from their place of living to their new places of abode.

taken care of him. His view was interpreted by SPP in the following manner: “[The removal] meant that animals were provided with fenced land, while [the former tenants were] deprived of [their] land” (*ibid*).

As labour tenants, most households at Sahlumbe had had access to agricultural land before they were evicted and removed. This was one of the major and most upsetting differences between their prior places of living and Sahlumbe, where they received only small sites and were prohibited to keep stock. In their previous place of residence, most households had had stock in addition to their arable land – mainly goats and cattle (93 per cent had had goats and 91 per cent cattle) while about a third reporting having had pigs as well. A small minority reported having had sheep and almost a fifth said they had horses and almost everybody had chickens. Before they were moved, private agricultural production served a very important subsistence function for the people of Sahlumbe, contributing significantly to their survival since, as described elsewhere, cash wages on labor tenant farms were either nominal (R1 or R2 per month) or non-existent (*ibid*).

The removal immediately terminated this food production because households did not receive agricultural land and could not bring stock with them to Sahlumbe. Although some households disobeyed and secretly brought some animals into Sahlumbe, the majority were forced either to try to find alternative grazing for their stock or, as it occurred in most cases, to sell their animals. Among those eighty two per cent of those who had had stock before had to sell them on removal and almost all of them felt they did not get a fair price for their animals. The forced cattle sales that accompanied the evictions in Weenen were a powerful source of anger in the area. Many labour tenants had had large herds of 50 head of cattle or more, and were by subsistence standards wealthy. Because of the short time period in which they had to get rid of their stock, they were forced to accept what prices they could get and many white landowners, both local and from as far as the Orange Free State, exploited the situation ruthlessly. Other households lost their stock when they were impounded after their notice period had expired. There are allegations that some local whites made quick profits out of the mass impounding of stock that accompanied the removals, by buying up the impounded animals of evicted labor tenants if their original owners could not afford to, or did not know they could, release them. These forced sales of stock are still vividly remembered by the residents of Sahlumbe, and despite the passage of time since the removals, the resentment and anger caused by the losses people suffered do

not seem to have abated: the memory of this period is still sharp. Bob Ndumo (75) comments in 2008:

There will be new problems if I leave Sahlumbe and go back to my former farm. The biggest problems are agriculture, clean water, and electricity. But I still want to go back because this is my land. Sahlumbe is not my land. When we were removed our livestock was sold for nothing. Livestock has always been very important for us. We sell it when we need money for a funeral. People need livestock to marry. We have no capital to re-buy our livestock. I want my land back. White people did not care about any of these. They just wanted to get rid of us (Interview, March 2008).

As labour tenants, many of the workers in the sample worked on the land of their farmer/landlord for six month of the year and then went as migrant workers, most commonly to Johannesburg, the wider Rand or the greater Durban area for some of the remaining six months of the year. And it was not rare for male labour tenants to spend about three months during their 'off period' working their own piece of land over the summer.

Very few facilities were available when the people were brought in or moving there themselves. Only seven per cent had permanent houses, presumably those who had been living there before. Most people, 76 per cent, were given tents and the remainder had 'temporary accommodation' – of what kind is not specified. Latrines were not provided for the newcomers, and people were expected to dig their own pits for latrines. People were allocated plots measuring 30 x 50 paces by government appointed *indunas*. A very small number of households reported having paid a lump sum for land, and a few said that they paid rent. Neither cash payment nor rent was officially enforced, and therefore many people were involved in informal private transactions with other Sahlumbe residents (*ibid*).

No sources of permanent water were provided, though notorious Government Garage (GG) trucks delivered water on temporary basis to aid with the building of houses. After the trucks were withdrawn, people had to go back to fetch water from the Tugela river, a kilometer or more away, or such small streams and springs as they could find. The other temporary service given by the authorities was a supply of fuel; yet, this did not last long and once it had finished, people had to rely on the vegetation in the surrounding hills for firewood for cooking and heating purposes (*ibid*).

There were no schools, nor clinics, nor churches built before people were brought in. Among the interviewed by the SPP, 99 households said there were no shops when they arrived, but seventeen said there were. Since the community is extended for a few kilometers along the main road, it probably influenced the reply and only those living closer to an existing shop gave a positive answer. It does not seem that any preparations were made to supply extra shops before the influx of people and the community had to remain with whatever rudimentary facilities already existed to serve the former farm community. Sahlumbe was thus almost entirely unplanned at its establishment: a hastily demarcated point in the veld at which the authorities could dump the troublesome but politically and economically unimportant surplus agricultural labor force in the Weenen area (*ibid*).

Having been thrown into the former ‘homelands,’ historically black South Africans have been deliberately excluded from access to land, capital, employment, and education. However, there are important differences between these regions and within them. While many people do not have access to land, others do but not the means to work it. For many, the most pressing need is employment. People also put together livelihoods in diverse ways. There are regions that offer at least some of the population the possibility to make a local living. In others, however, people depend mainly on wages, remittances, and pensions or on seasonal labour on white farms or communal projects. Rural populations are also highly stratified, with income and asset distribution skewed by class, gender, ethnic identity or date of arrival. The stratification is bound up with inequalities of voice and power (Francis, 2002). Francis’s description applies to Sahlumbe and its residents.

The residents of Sahlumbe that had been forcibly removed from the white farms have also been participating in the land reform process. Initially they established the Silindokuhle Claimant Community through which they successfully claimed the restoration of land rights in terms of the Restitution of Land Rights Act 1994 (Act No 22 of 1994) and Land Reform Labour Tenant Act 3 of 1996.

Then in 2005 the ‘winners’ established the Silindokuhle Community Trust. This trust consists of six sections: Mahlabathini, Nkaseni, Casheni, Ntabeni, Majola, and Madonda. Each section corresponds to a specific geographical area from which people were displaced³. The main objectives of the Trust are “to acquire rights in land and

³ Rayson Ndimade, the man who told us the story, belongs to the Majola section of the tribe and is planning his removal from Sahlumbe.

immovable property, hold, develop or improve, and manage such land property in common, for the benefit of/and on behalf of its members subject to the terms and conditions of the Trust Deed and Restitution Settlement Agreement (The Constitution of the Trust).

While the Trust was able to win some sections of the land they had claimed, the members of the Trust are bitter and unhappy about how it functions and think that the Trust is the main impediment to their development⁴. The people suspect the administration of Trust is corrupt and fraudulent. Since it has been accomplished, not a single Annual General Meeting (AGM) took place, while the Constitution of the Trust clearly stipulates the importance of holding these meetings every February.

Additionally, the neighboring San Valley Farm, a citrus farm that had formerly belonged to white landowners but that now belongs to the Trust, was leased to its former white owners. But Ndoshi Masoka, the chairman of the Trust informed the Trust members that the contract between the white landowners and the Trust had not been signed yet, and therefore no money has been received for the lease. Trust members, however, doubt that it is actually true as they have never seen the financial statement of the Trust. Another major concern is that the members know that the fund received R3.1m from the Regional Land Claims Commission. Yet members are not sure about this money also as they do not know where it was spent. The Trust does not even have its office space (Interview with Rayson Ndimande, February 2008).

The legacy of apartheid lies not only in profound inequalities in access to land, capital and skills, but also to information, to the state's welfare resources, to law enforcement measures and mechanisms for equitable dispute settlement (Francis, 2002). The members of the Silindokuhle Trust as disturbed and as ready as they are to take actions to find out what is really happening behind the Trust's leadership, they unfortunately do not know where to go and from whom to seek help. They have tried many times to talk to the chairman of the Trust but to no avail.

Presently, the situation at the Madonda section of the Trust is in dire conditions. There is no power as Eskom turned it off after the white landowners had moved out. Now in order to bring electricity back to people, Eskom is asking for R5,000 which people do not have. Also there is no running water. People fetch water from the

⁴ Some sections of the Trust are still in the process of being transferred to people.

Msuluzi River which adjoins their farm. The water there is not clean, and people and cattle regularly get sick.

An additional dilemma is that there is no school close to the place. The children of the returnees have to be taken to school back at Sahlumbe five days a week. The price for this service is one hundred rands per month per child. A five-child family must pay 500 rands monthly, which is a major economic burden for people. But besides the transportation cost, there are some insurmountable obstacles that sporadically thwart children from attending school. Some families that returned from Sahlumbe live on the other side of the Msuluzi River. When the river water level rises, the residents living on the other side cannot cross it. On a Saturday we submitted surveys to the people on the other side of the river, and later that night a heavy rain engulfed the area. The next day we were unable to collect the surveys as the river level was too high to cross it.

The land is fertile but people are not able to sell their products as they have not established any viable connections with buyers. The previous owners used to have strong commercial networks to which present landowners do not have access. The only item the people grow is maize. And even the maize does not reach human height.

We surveyed 22 households that had left Sahlumbe to return to live on the former white farms to have a better picture of the economic situation at the place. Only eight households had cattle. The wealthiest household in that sense owned five cows and twenty goats. The rest of the surveyed households did not have cows, while some have goats and many have chickens. Only seven households had an income that came from work. Only three households were not receiving some sort of financial grant⁵. The life has not become better in economic terms after people had returned to their farms from Sahlumbe. The land was regained, but it was not translated into economic improvements.

These points underscore the concern that Cherryl Walker raised in her analysis of Cremin when she writes:

In the case of Cremin, redress in the form of restoring rights has proved easier for the state to achieve than economic development – thus far the success of this claim settlement for the state lies most clearly on the side of rights in the rights/development dyad, and whatever economic benefits have accrued to the claimants from their restored land have been essentially of their own making. However, what the Cremin claim, [similarly to Sahlumbe], also illustrates is that for beneficiaries in a position to access these rights, their realization is not an inconsiderable achievement. Nor can rights be divorced from development

⁵ This survey was conducted on March 14, 15, and 16 of 2008.

(Walker, 2004, p: 223). The local, project level of implantation requires attention to process in beneficiary identification, institutional development, planning and the provision of services, and probably more rather than less official time per project (meaning larger operating budgets) in order to work better. The national obsession with overall targets and total numbers works against stronger local institutions and appropriate development plans. In particular, if we are serious about bringing more women, especially more poor women, into the land reform programme - as national policy demands – then we have to pay more attention to facilitation and to investigating a menu of different, gendered options and outcomes than currently prevails (Walker, 2007).

The socio-economic situation at Sahlumbe itself is far from being excellent, but it seems less sordid than the situation at the Madonda section of the described above. Presently the population of Sahlumbe is around 8,000 people. Sahlumbe belongs to the Indaka local municipality located in Ekuwukeni near Ladysmith. The Indaka rural municipality was established on 18 December 2000. The municipality shares borders with Emnambithi, Ednumeni, Msinga, and Mtshezi. The total population of the municipality is slightly more than 133 thousand, almost all of whom are black South Africans⁶. Women constitute 56 per cent of the total population; 38 per cent have access to clean water; 87 per cent have refuse; 53 per cent have electricity; and finally financial grant dependency is 92 per cent⁷.

As the following interviews in this section will show the most critical resource for rural households is a regular income, especially from employment, remittances, a pension or other social grant. Other sources could substitute for these, but are less reliable. Apart from pensions and children grants, none of the sources of livelihoods available could be considered secure (Francis, 2002)⁸.

Sahlumbe has a shop, electricity, gas, cell phone network, a permanent state clinic, clean running tap water, three primary schools and a high school. Traditional leadership is still a very important institution in Sahlumbe. The land belongs to the *inkosi* who makes decisions on its distribution. If a resident wants a plot of land, he must ask permission from the *inkosi* who then will decide with the chief *induna* on the request.

⁶ According to the latest survey conducted in 2001, there are 13 Coloured and 39 White residents at the Indaka municipality.

⁷ It seems that the situation since 2001 has improved substantially in terms of electricity. Interviewed residents of Sahlumbe said that everyone has electricity.

⁸ Francis's comments refer to a different case study, but her observations are very accurate in the Sahlumbe's situation.

Poverty is ubiquitous in Sahlumbe, but there are also substantial differences between households in respect or access to land and livestock, to wage incomes and remittances and to welfare payments. For example, Mkhethelwa Mvelaze (48) who works for the South African Police Services earns R11,232 per month, owns seven cows, nineteen goats, and a few dozens of chickens. While his salary is relatively very high by Sahlumbe's standards, he has eight children, seven of which are aged between one and fifteen years old. In contrast to Mvelazi's situation as the following interviews will demonstrate, some residents of Sahlumbe have no income sources at all.

To have more informative and less bias group interviews, we interviewed men and women separately. Eighteen men came to participate in the interviews. Their ages ranged from 18 to 75. The aim of these interviews was to raise voices of the residents of Sahlumbe, which include their opinions and thoughts on land reform, socio-economic and political situation. The following interviews vary in length, age of participants, gender, and economic status with an aim to better capture the general status quo of the community. The land was won by many members of the community that had been forcibly removed in 1969. The issue now is who does really want to go back to the land where there are no even toilets. Our research has detected that there are certain groups of Sahlumbe that are very willing to go back and also some that would prefer to stay in Sahlumbe.

Interview # 1:

Khulekani Sxezi (32) has been unemployed for the past seven years. Before that he used to work as a security guard in Newcastle. He lives with his mother and grandmother who provide him with food and clothes. His father works in Ladysmith and does not spend much time at Sahlumbe. His mother works in the Sun Valley Citrus farm that is run by white landowners. His family was displaced from the white farms in 1969. The family participated in lodging the claim for restitution after 1994, and got the permission to go back to the land. But Mr. Sxezi explained that going back is financially impossible as they have absolutely no money for investment. The family has a plot, but it is not being used. The family has no cattle, no goats, but some chickens.

When asked about his plans for the near future, Mr. Sxezi expressed his wish to study at the University of Zululand (formerly Mangosuthu Technikom) in Umlazi. He wants to study human resources. Mr. Sxezi studied agriculture in high school but never

was involved in agricultural practices. But he does not think it will happen as he has no money for such an ambitious project.

Mr. Sxezi commented on the terrible social situation at Sahlumbe. He said that this place has never been peaceful. In the nineties there were major faction fights between the Majola and the Madonda tribes. Now the fights have stopped but stock theft and murders are problems. Just as recently as two months ago, a murder took place. Like almost all other interviewees, Mr. Sxezi expressed his support for the IFP because everyone in his family is a supporter of this Zulu orientated party. Mr. Sxezi opined that over eighty per cent of Sahlumbe residents support the IFP.

Mr. Sxezi's situation is quite problematic. He has clustered around the income that is provided by his mother and his grandmother. Financial grant dependency at the Indaka Local Municipality to which Sahlumbe belongs is at ninety two per cent (Situational Analysis of the Indaka Local Municipality, 2007). Some people now suspect that youngsters are reluctant to work for a small salary. They would rather prefer to cluster around incomes of the older members of the family in order to evade working. "The grant system in South Africa motivates people to do nothing," writes Martin Fick, former Zimbabwean farmer, who has achieved enormous success as a mentor to black farmers in the former Ciskei (From *Farmer's Weekly*, from Weekly Quotes, 7 March 2008). Jeffrey Skermand of Paarl, the Western Cape Farm Worker of the year adds, "Some are also satisfied with AllPay, and don't feel like working anymore: able-bodied workers are abusing the disability funds, child grants, and other forms of government help" (*Farmer's Weekly*, 22 February 2008. P, 51). While it is uncertain if Sxezi's unemployment can be attributed to his access to a grant, but as this dissertation demonstrates, there is a concern that young people do not want to work in agriculture.

Interview # 2:

Zano Mncube (24) is actually employed by the Department of Agriculture. He is an extension officer for the emerging farmers. He lives with his mother, who is self-employed, and grandfather. She owns a taxi that takes people to Weenen and brings them back. His father passed away a few years ago. Mr. Mncube graduated from high school and then in 2003 from the Mpangeni College of Agriculture, where ten per cent of his tuition was paid by the IFP.

Mncube expressed his desire to become a professional farmer. But the problem is that his family can't afford to farm as it requires a lot of capital investment which

they do not have. Mncube's ambitions are to go to Tshwane University to continue studying agriculture. But he said he would need approximately R20,000 to pay for his tuition and for his housing, but his family does not have this amount. Zano's grandfather owns thirty heads of cattle and few goats.

Mncube thinks that land reform has been a success as it returned to people their access to land. He qualified this by saying that many of these people can't use this land due to the lack of financial support. He expressed his support for the IFP as they had helped him with his tuition. Zano also said that while the social situation at Sahlumbe is better since the dismantlement of apartheid, the economic status quo has actually worsened. He said that many more people are unemployed.

Then we were able to speak to the councilor of Sahlumbe, Sibusiso Mbata, and three other men that were removed from the white farm to Sahlumbe in 1969. Mr. Mbata (46), Zungu Mtshelwa(67), Kumalo Kwetza Ezekiel (77), and Mvelaze Tubuza (68) all came from the white farms and have resided at Sahlumbe since late 1960s. All these four men said that they would not want to go back to farming and that they want to stay at Sahlumbe.

Interview # 3:

Sahlumbe's councilor, a man called Sibusiso Mbata (46), is a well respected man in Sahlumbe who speaks impeccable English. He also does not want to go back to the farms from which he was removed when he was a child. He is formerly a high school teacher and the representative of Sahlumbe in the municipality. He is not rich, but he has a nice car, a house, and a steady and high income by Sahlumbe's standards. The councilor summarized their position on the issue:

First of all, I would not want to farm professionally. As rural as Sahlumbe is, people have gas, cell phone network, a permanent state clinic, schools, toilets, running water, and electricity. If people choose to go back to their previous place of living, they will have nothing. Young people at Sahlumbe do not know anything about agriculture. Many do not even know that mealies come from maize.

When asked about changes in Sahlumbe and in South Africa since 1994, Mr. Mbata said that the life did not become much better⁹.

Apartheid used to be between blacks and whites, and now it is between black and black. The councilor also said that situation in Sahlumbe is very tense:

⁹ The councilor's comment reminded me of the analysis of Seekings and Nattrass 2005, pp.3-4., who argue that racial discrimination in South Africa has been converted into social discrimination.

While the killings have ended since late nineties, the intertribal tension still exists. One can feel it in the air. When we came to Sahlumbe from white farms, many people already lived in Sahlumbe. So we brought in more economic competition and therefore more struggles to them. But we did not have a choice because that is where the white man placed them to live (Interview, February 2008).

Diversities in identities and historical experiences are important at Sahlumbe. They underlie a veiled political tension in both villages between those with a strong sense of themselves as the original inhabitants and people who are seen as incomers (Francis, 2002). People are often referred to at Sahlumbe according to what tribe they represent. “You came to our place and are speaking with those Madonda people,” Sahlumbe’s *inkosi* told us once when we were summoned at his office to get a permission to conduct research.¹⁰

Interview # 4:

Mvelaze Tubuza (68) said that he has seen the farms to which people, including him, could return, and he has no desire to go back as there is nothing at the place:

The government has only given people the land, but what does one do with it if there is no money for anything else? When the apartheid government moved us to Sahlumbe, at least they built tents for us and gave us some food as little as it was; now the democratic government wants to send us to the land of our forefathers, but they give us nothing. The only reason why I would move is that we feel pressure from the Majola tribe that had lived here before we moved in. After all these years of living at Sahlumbe, we still feel unwelcomed here. It is like Palestine and Israel. There is too much tension in the air at Sahlumbe.

Mr. Tubuza’s comment goes along with Cherryl Walker’s land reform analysis when she says that while restitution addresses rights, these are superficial if they cannot

¹⁰ Another important issue that Sahlumbe demonstrates is the politics of traditional leadership. When the *isinkosi* of Sahlumbe found out that we were conducting research in “his” area, he summoned a meeting with me, the councilor of Sahlumbe who was assisting us with our research, and with my interpreter, at his office which is the first building that one sees upon entering Sahlumbe. Every time we went there we needed to stop by the *isinduna*’s house to acknowledge that we have arrived in order to show respect. The first two times the *isinduna* was drunk and his wife had to receive the message. Besides him, the meeting included the chief *isinduna* and six other local senior leaders. The *Inkosi*, a formidable looking man, expressed his anger with our “disrespectful attitude” of talking to his people without his permission: “I was amazed to see you speaking to these Madonda people. People might think that you are creating more problems for Sahlumbe. We do not want more problems here.” My interpreter told him that when we first came to Sahlumbe, he did comply with the traditional Zulu rules by asking the *isinduna* to inform the *isinkosi* about our work at Sahlumbe. The *isinduna*, however, never sent the message. The *isinkosi* also emphasized that he, not the councilor, must be informed first about any of our action on his territory. By the end of the conversation, we were able to find understanding with the *isinkosi*, and he ‘allowed’ us to continue our work.

be used as a basis for development (Walker, 2005). The comment also brings to life Hall's argument that settlement of claims is not an end point of restitution, but one moment in the longer and more complex task of restoring land and livelihoods (Hall, 2007).

Interview # 4:

Johannes Mbata (38), a brother of the councilor, has a job. He works for the Department of Water and Forestry as a security officer at Sahlumbe earning R1,800 per month. He lives with his wife, his mother, and two children (and 14). His wife works for the Department of Health as a community nurse in Ladysmith earning R1,000. Both children go to school in Ladysmith. In addition the household has nine cows and many chickens. Mr. Mbata hires someone to take care of his cows while he is at work. Mr. Mbata said that the money he earns with his wife is hardly enough to pay for all the expenses, such as food, transportation, schooling, and clothes. But he thinks that life has become better since the democracy came to South Africa. Electricity was installed in 2002-03, and it made his family life much easier.

His mother was removed and also won a chance to return to the land from which she had been displaced. But they are not planning to go as they know that their lives will not be better at the farms. While his brother is the councilor of Sahlumbe, Johannes believes in the power of traditional leadership. He expressed his pride of being Zulu and said that he is a hundred per cent supporter of the IFP. Mr. Mbata said that land reform means nothing to the younger generation of Sahlumbe.

Johannes's case is definitely one of the most successful ones. It is probably due to his family ties to the councilor that he was able to find job for himself and for his wife. The following interview reveals the opposite end of the socio-economic spectrum of the place.

Interview # 5:

Mhlolo Mcnigelo (56) is single. He has three children, but they do not live with him. He stays with his uncle. He is unemployed but claimed that he considers himself a casual worker. When there are community based projects at Sahlumbe, Mhlolo always tries to get a job. But these projects do not arrive to Sahlumbe with great frequency. He works average two months per year. And not having a pension yet, he said that "when there is no job, I starve." He also can go back to the farm from where he was forced to live in Sahlumbe in 1969, but he said that it is beyond his means.

Interview # 6:

Mfiso Khoza (47) is a disabled resident of Sahlumbe. He had a hip surgery a long time ago and has since been using a cane. Because of his disability, he was eligible for the early pension grant of R870¹¹. He is single and has no children. Besides his pension, he also owns five chickens. But he lives with his three nephews whom he supports with his pension. He said that land reform means nothing to him because he will never be able to work on a farm. But he mentioned that he was a proud supporter of the IFP and that he hopes that its leader Chief Mangosuthu Buthelezi will become next South Africa's president. From what many interviewees have said, it is clear that they do not associate returning to farming with prosperity and well-being.

Nineteen women came to speak to us about their lives, families, and their political views on land reforms. Their ages ranged between sixteen and seventy eight. Male residents were not present during these interviews. It was done intentionally with an aim to hear what women truly thought about their position at Sahlumbe.

Unfortunately, women were not very open during our conversations; some refused to share their names and some did not want to speak at all. However, we were able to interview a few women who were able to speak about their socio-economic situation. None of the women who participated in the conversation actively participate in agriculture. They all expressed their support for the IFP. The main expressed reason for their support of the IFP was that it was 'their' Zulu party. They also expressed their support for the traditional leaders of the community.

Interview # 7:

Velisilo Shezi's (38) socio-economic situation is very hard. She has two children (3 and 20), with a man who is married to another woman in Sahlumbe. These two children live with her while their father lives with his wife in the opposite side of the town. The only official source of income for Ms. Shezi is the child care grant of R220 for the younger child. Her older son is also unemployed. She receives no grant for the older child. The father of her children does not contribute her household's income because he is unemployed. However, he comes to eat sometimes. Ms. Shezi also commented that he often brings his clothes for her to wash for him. Ms. Shezi does not have any cattle,

¹¹ Pensions have been increased to R940 in April of 2008.

any goats, and not even chickens. It is hard to imagine how such poor women can become important land reform players in such a paternalistic, male dominant society.

Ms. Shezi is also officially unemployed but she supplements her meager income by buying wholesale spinach in neighboring Weenen and then reselling it to individual, mainly Indian owned, retail shops. Every month she receives the R200 grant, she invests R50 in buying spinach and then reselling it. She says that her average net profit after investing R50 is R20. But she also commented that sometimes she can't sell what she had invested and thus loses money.

Ms. Shezi's relationship to land reform is quite distant. Her mother was removed from the white farms and was eligible to receive land. But she had passed away before 1994 and therefore did not participate in the restitution process to regain the land. Ms. Shezi was born in Sahlumbe and has never been actively involved in agricultural activities. She mentioned that she used to be hired to work on other residents' plots, but it was not a substantial experience. However, she mentioned that she would like to farm because she believes it would bring her a more secure source of food. She votes Inkatha but she does it solely for the reason of solidarity with other community members. She said that neither the IFP nor the ANC have helped the community.¹²

Interview # 8:

Precious Madondo (16) lives with her six siblings and her mother. Her father, who used to work in Johannesburg, was helping with her siblings' schooling. But in 2003 he came home ill from Johannesburg and suddenly died. The youngest sibling is six and the oldest is twenty one. All are in school. The oldest one is in grade ten. Ms. Madondo's mother receives child support grant for three children. The household does not own any cattle, goats, or chickens. Neither do they have a plot. All family's income comes from these grants. Mother does not work because she is raising the children. The family is not involved in any agricultural activities. The mother was born in Sahlumbe and therefore did not lodge any claims on the land. However, the father was removed from the white farms and was a part of the community's land claim. But after his death, the issue of land reform has become very secondary for the family.

Interview # 9:

Mndwonana Mdlola who did not know her age, but who is approximately in the range of 65-75 years old, also briefly commented on her life. She recalled that she was

¹² Shezi probably forgot that her grant, water, toilet, and cell phone network was provided by the ANC administration.

removed from “John’s” farm¹³. Now it is better than during apartheid. Before we had to fetch water from the river, and now we have permanent clean water. Before we had to fetch wood from the forest, now we have electricity. Now we also have toilets provided to us and do not need to go to the forests anymore¹⁴.

She receives a pension. She lives with her two grandchildren (7 and 14) because both of her children have died. In addition, she receives a child support grant for the younger grandchild, but it is received by the mother of the child who does not live with Ms. Mdlola and neither she nor the child receives anything from that grant. She owns no cattle, no goats, and no chickens. Her only income is her pension.

Interview # 10:

Mrs. Abba (60), like many other residents in Sahlumbe, is illiterate. She receives pension of R870. Before her husband died, he had participated in land claims and was allowed to go back to his former place of living. But he died three years ago and the question of land reform has disappeared from her considerations. Mrs. Abba stays with five children none of which has a job. She was not sure how old were her children, but she thought her youngest one was eighteen. She has no plot, no cattle, no goats, and no chickens. She has a little stand but grows nothing. Abba liked her previous way of living where she never felt hungry. But she would not want to go back there are no houses, no drinking water, and not even toilets.

Abba said that she liked living under white man’s rule. There was always food and discipline. She thinks that life under apartheid was better for her economically. Since democracy came to South Africa, life has become much more difficult. She can go back to where “John” used to farm, but she cannot go there because is no place for her to live.

Walker (2003) has contributed to an understanding of women’s position in rural South Africa within and outside of the context of land reform. She argues that the state has to pay close attention than it has demonstrated in the past to its commitments to promotion of gender equality and securing the rights of women. Major issues here concern the advancement of women’s rights in communal, family and household land, as well as the recognition of women’s right to participate on equal terms with men as individuals in land reform projects. It is important that the debate on women’s land

¹³ The majority of Sahlumbe’s residents do not know surnames of their former white owners. They use their first names or Zulu nicknames.

¹⁴ Municipality built Mrs. Mdlola’s toilet in 2007.

rights is not understood in terms of women-headed households only, or as a policy choice between individual or household land rights for women. Most poor women are living in households dominated or headed by men and their interests in the property resources of these households need recognition in land reform policy as well.

Both traditional laws of land inheritance, which remain operational in homeland regions, and 'community norms' prevent women from either gaining access to land or from gaining any sort of security of tenure. Widows often have more secure access to land than other women and there is some evidence that in some areas the 'traditional' opposition has weakened towards female headed households gaining rights to land (Marcus, 1996; Bookwalter, Johnston and Schirmer, 1997). However, rural women are aware of the tremendous barriers that inhibit their agricultural activities. In a survey published in 1996 and conducted in sixty cities in all the provinces of South Africa, women consistently perceived land access only in terms of its contribution to the domestic economy. Women's demand for land centred on securing a residential plot, access to fuel and thatch and providing food for the household. Almost no woman interviewed by the authors of the survey could imagine herself becoming a successful farmer of any kind (Bookwalter, Johnston and Schirmer, 1997).

Customary law and traditional authority institutions reflect an order in which women receive a negligible consideration under the authority of their male relatives. This reality conflicts directly with the constitutional promise of gender equality as a original principle of the social order. Trying to reform customary law to reconcile this deep contradiction while, at the same time, respecting the cultural values and social cohesion of rural communities has proved a taxing and contested task for South Africa's legislators, which has not been yet resolved (Walker, 2002).

A key political topic for land reform, which is related to the debate on customary law, is the role of Traditional Authorities in local government. Critics of the institution argue that traditional leadership structures are undemocratic and also that they time and again prove to be unskilled, corrupt, and unable to manage the responsibilities of local government and local development effectively (Ntsebeza, 1999). Organizations representing traditional leaders argue fiercely that they are particularly well suited, because they have the confidence of people whose situation they understand and are committed to rural society. Local government generally is in a state of change, with new municipal boundaries being demarcated in an attempt to link urban and rural areas

within single municipalities and substantially reduce the number of local government structures in place (Walker, 2002).

The ANC has long been evading the issue of traditional leaders. In its formulation of an essentially political strategy to accommodate the aspirations of traditional leaders, the party does not seem that considerations of gender equity are important. In 1994 Cheryl Walker predicted that:

...it is difficult to see the ANC giving priority to dismantling these blocks [customary tenure systems and matrimonial laws] or being willing or able to go very far in enforcing limits to the authority of traditional leaders to allocate land, administer local affairs, and uphold patriarchal norms and practices. Because of its "add-on" approach to "gender," the ANC has strengthened the hands of the patriarchal traditionalists, besides its own undoubted support for the idea of gender equality. 'Women' and 'chiefs' are seen as distrust and separate constituencies that the ANC, in its quest for power and national reconciliation, has attempted to accommodate in its broad-church movement (1994: 356).

Walker, writing almost ten years later, argues that the above-written comment still holds still today. Walker mentions the ANC frequently but at Sahlumbe, according to interviews, the party has not been relevant since the end of apartheid. Sahlumbe citizens have no relationship with the ANC, and the party is not credible as it has not helped with any economic and social needs that the place needs. While the ANC does not have a visible political presence in Sahlumbe, one must not forget that the provision of services such as water, gas, power, and cell phone network was given by the ANC and not the IFP.

After 1994, traditional leaders have consolidated their position, even extended it in those parts where the institution previously was not strong (Ntsebeza, 1999). In part, it can be attributed to the political violence in KwaZulu-Natal, where the institution is at its strongest, and the very real concern to bring peace to this province by negotiating a compromise with the traditionalists. Further strengthening their position is the call for an African Renaissance, promoted by President Mbeki, which has been espoused by traditional leaders to present themselves as the embodiment of African cultural values and an indigenous way of democratic government that is deeply rooted in and widely buttressed by society. Also influencing the debate are the economically marginal status of the communal areas and the infiltration of patriarchal values throughout society (Walker, 2002).

Very few people at Sahlumbe are officially employed. The source for these jobs comes from the municipality, schools, health sector, and police. The neighboring Sun Valley citrus farm employs some people but mainly providing seasonal employment during harvest times. Only few people have permanent jobs at the farm (interview with Reyson Ndimande, March 2008).

Interview # 11:

Mrs. Madonda (70) now lives alone after her husband had passed away. Her children send her money from Durban and Johannesburg. She clearly rebuffed the idea of going back to the farms. In Sahlumbe she lives relatively very decently. Her house has a large screen colour TV, a radio, a fan, and clean shining furniture. It was a small house, but by Sahlumbe's measurements, it was very accommodating. The woman told us that she was removed but would never want to return to the farms where she used to live:

Besides land, there is nothing left. Look at my house. I have everything I need. Why would I want to go back? Those farms are not the same as they used to be when the white farmers used to rule. Now these farms are in very poor conditions. There is no even clean water. No electricity. Nothing. I want to die here in my house. Why would I want to go back?

Ms. Madonda represents the group of people who have no motivation to go back. While she was removed, she is not overwhelmed with the negative memories of the removals. Instead, she reasons that her present situation is very comfortable and would not get any better if she chooses to go back.

We also conducted a survey of hundred high school children through which we tried to understand a little better what are the aspirations of the younger residents of Sahlumbe, those who were not forcibly removed from white farms.

Only twenty two out of hundred students expressed their desire to farm. The rest of the surveyed students did not show any interest in farming. The majority wanted to be teachers, business managers, and accountants. These findings certainly do not predict where these students will end up, but they surely show the lack of interest in agriculture among them. In addition, very few had any agricultural skills. Skills, as the following quote by John Bredin, the chairman of Clover underscores, are a very integral factor to a successful implementation of agricultural projects:

The assumption that suitable land is a limiting factor in establishing black commercial farmers is not supported by facts and needs serious consideration. The first limiting factor is undoubtedly the necessary skills and know-how to run a successful commercial farming operation. Simply transferring ownership

of land from existing and viable farming operations is resulting in an unacceptable level of failed farm enterprises. Given that the new management seldom has the skills or experience to cope it is hardly surprising that failure is the inevitable outcome. The country cannot afford to repeat the mistakes of the other sectors and lose the most important resource of involvement in mentoring programs for a number of years will retain skilled managers in the program (Interview, February 2007).

Sahlumbe's land reform question is a very elaborate one with myriads of details that often are overlooked and omitted in land debates. Walker's observations on the project level of land reform are perfectly applicable to Sahlumbe's situation. She explains:

Contrast to the formal coherence of the generalized account of dispossession the domain of the actual encapsulates a cascading mass of particular histories of dispossession, resistance, and/or accommodation, centered on particular pieces of land and now remembered and recast for official validation by particular groups, communities and individuals. For them land reform is not an abstraction, a broad political referent within a national discourse. Rather, it is a concrete and very particular project, embedded in local histories and dynamics and directed, in the first instance, towards local rather than national needs and constructions of the public good. These histories cover a range of tenure forms and relationships to the land and include overlapping rights and claims, such as those of tenants and landowners on former black-owned ('black spot') farms, or of former and current residents on state-owned land (Walker, 2005, 809).

Interview # 12:

Mgadleni Dladla (70) believes that Sahlumbe's economic and social situation is appalling, and, by returning to the farms, life should get better. But he certainly is not sure how things will get better. Dladla expressed his reasons for why he wants to return:

First of all, I was born there. That is the land of my ancestors. I worked very hard on that land just for a place to stay. The farmers did not pay me anything. The government came, put all of us in GG trucks, and drove us to Sahlumbe. Our opinion did not matter to whites. Even then the white government had told us that one day the time would come for us to go back. I want to die and buried in the soil of my ancestors.

In sum, it is appropriate to use Cheryl Walker's comment when she wrote about her case study of the land restitution at Cremin. There she argues that it was easier for the community to win the restitution case legally than to use this victory to truly bring economic benefits to the community. Sahlumbe is in a similar situation. The people who won the land are proud to become of the land that they deem theirs, but their living conditions have not been ameliorated after gaining the access to this land. But as Walker points out in her analysis of Cremin, rights are needed before development takes

place. Therefore, due to community's ambitions and initiatives, the first prerequisite has been met. Now the more taxing task, that of translating these rights into a tangible economic improvement, has to be dealt with. And as experiences from other cases have shown, it is much more challenging to accomplish.

Chapter 5: Historical legacies of KwaPitela, a former 'black spot'

Histories of places are never just a straightforward accounting of the facts. Like the life histories with which they are closely intertwined, they are always multiple, contested, deeply politicized, produced in specific contexts, and made to serve the needs of the present (Hart, 2002: 9).

The above quote summarizes the multifaceted situation of a former black spot at KwaPitela and its relationship to land reform. Before diving into the analysis of this relationship, it is important to present the historical background of the case because history indubitably defines the present developments in South Africa.

The story of KwaPitela begins when it was purchased by Pitela Mhlophe in 1900 at a public auction in Pietermaritzburg, the administrative capital of KwaZulu-Natal, three years before black South Africans were banned from participation in land auctions. KwaPitela was a black-owned farm in a 'white' district - a 'black spot' - in the foot-hills of the Drakensberg, some eight kilometres from Himeville, a little more than 800 acres in area. The land was well watered (due to the Umkomanzi River running through one end of the property), well grassed, and almost free of erosion. It has been described as a deeply rural and peaceful community ("KwaPitela." AFRA Report 5, October, 1980).

Over the years, a small rural settlement developed on this farm. By 1980, there were seventy-six households living there, among whom were a few Mhlophe landowners and their tenants. The labour tenancy method of labour exploitation involved farm workers and their families serving the land-owning white (or black) farmers for a period of time, ranging from three to nine months, or in some cases for more than twenty years. In exchange the families were granted access to land for crops, grazing and habitation, and sometimes also a small wage in goods and cash (Mare, 1980). The land in such circumstances was essential for the survival of the families that work on it. KwaPitela tenants paid between R19 (South African Rands) and R12, 25 annually in rent in return for a couple of hectares of residential and arable land per household and unlimited access to grazing for their stock. Most of the tenants had been living at KwaPitela for more than twenty years, and therefore had developed strong ties to the land (Platzky and Walker, 232).

It was an isolated community and a poor one, but at a subsistence level people lived fairly well. Housing was in relatively good condition and repair - a mixture of cement-block and wattle-and-daub buildings spread across the farm in clusters, with gardens and grazing land in between. A small stone church served as a primary school during the week. But above all, there was plenty of prime land.

KwaPitela, however, was far from being an idyllic place: incomes were low, jobs were hard to find, the infrastructure of transport, supermarkets, and schools was very primitive. But it was a settled rural community with relationships that had been

built up over many years. In an unpublished report, the Association for Rural Advancement (AFRA) wrote, "Because KwaPitela is black freehold land, residents have greater independence and control over their own lives than they would in a township or 'closer settlement' situation. Most important of all, they have an assured access to agricultural land and have built a lifestyle that centres around that" ("Unpublished Report", AFRA, 1980).

The fact that land was important to the subsistence of the community is undeniable but as I will illustrate the people were not as independent as AFRA indicates; the land belonged only to the landowners, and the tenants had to pay to use it.

The access road to KwaPitela from the 'main' road went across a white-owned farm and through a deeply rutted farm track, impassable to an ordinary car. The quality of land itself was much the same on either side of the boundary, except for the fact that the bales of hay, the glossy horses and the farm implements were on the white farmer's side (*The Daily News*, 1982).

From the area's early days, the economic conditions of the owners and tenants at KwaPitela were drastically inferior to those of their white neighbours. In 1969, the property of KwaPitela, owing to its 'inappropriate' geographical position, was labelled a 'black spot' which in terms of the government's policy had to be eliminated (*Rand Daily Mail*, 3 July, 1981).

As of ten years later, nothing further had occurred. Not until September 1979 did the local commissioner and a few other government officials unexpectedly arrive on the farm. They informed the people that the farm was to be expropriated by the government and all the tenants would be moved shortly. In addition, the officials advised the tenants not to plant any crops that season because it would be at their own risk since they would not be compensated for the loss when they were moved ("KwaPitela," AFRA report, November 1981).

Soon after, workmen arrived and painted numbers on all the houses. Then there was a lull. No officials came near the place for almost two years. No explanation was given as to why they had not come back and no indication of when the people would be moved was provided. Some people had taken what the commissioner had suggested about the crop seriously. They had not planted and ended up with less food yet they were afraid to ignore the given instructions. Some reports however suggest that the tenants chose not to plant that year because of their anxiety to leave. Some residents even asked for a specific date to be removed (*Natal Witness*, 16 July, 1981).

In August 1980, a different official visited KwaPitela. It was during the week, a time when most of the adult men were away. He told the people who were present – mainly women – that later that month they would be taken to see the area to which they would be moved. As expected, a group of people visited their new future residence, ironically called Compensation. According to one of KwaPitela's landowners, most of them were not impressed by what they had seen. James Mhlophe, one of them, commented: "But I do not like that place because there is no ploughing and no place for the cattle" (Letter in AFRA files, 1981). He also added: "I do not like [Compensation]. Why are the whites doing this to us?" (*Natal Witness*, 3 July 1981).

"Doing this to us" must have been referred to the tenants because the landowners were not going to be moved to Compensation. Whether he was genuinely worried about his tenants or his income that followed their exodus is a complicated question.

The owner desperately sought support for his stand from church and other community organizations in Pietermaritzburg. But the tenants themselves were passive. In addition to the external pressure by the government, there was an internal problem in the community between landowners themselves over rents. Pitela Mhlophe's heirs disagreed among themselves about who was and who was not entitled to collect rent from the tenants. Allegations were made that some of the heirs were demanding rent from their relatives' tenants. Hence, at least part of the reason why the landowners fought to prevent the removal was because they did not want to lose the earnings from the tenants' rent ("KwaPitela Removed," AFRA report, 1980).

The tenants' 'passivity' may have been a sign that they were worn-out by being pressured by the landowners' demands and were keen to try what the new life at Compensation would bring. Some tenants were charged twice for their plots and were becoming fed up with the way the landowners treated them.

The tenants of KwaPitela were finally removed in July 1981, twelve years after they had first been told that their removal was to happen. It was mid winter, and the days were sunny and dry, but the nights were bitterly cold. The removal was carried out over two days by a government-employed fleet of about eighty Government Garage (GG) trucks and a huge crew of workers to shift the people and their goods¹⁵. The workers were not local people. They were black but did not speak Zulu, the language of

¹⁵ GG were the letters on the number plates of official vehicles. They used to refer to the regime's trucks which transported people forced to move.

the area, so there was no connection or sense of compassion between them and the people whose houses they were dismantling. The programme of forcible removals of black South Africans did not only operate to segregate whites and blacks, but it also tried to disorganize and fragment the dominated classes in order to dismantle any potential intertribal unity between the various South African peoples and to create animosity between them.

Research conducted between 2005 and 2006 involved meeting and talking with other people who were removed in 1981. Group interviews were a good way of learning about the milieu of the interviewees. For example, during one of these group interviews in 2006 which included men and women, only the men engaged in the discussion. When one younger resident approached us and expressed that the people in Compensation suffered in poverty, the older residents tried to convince us that the youngster was drunk and we should not listen to him. Women and youths in the patriarchal Zulu culture usually are not allowed to voice their opinions before the elder male members of the community.

When asked about the major advantages and disadvantages they had experienced in KwaPitela, people's responses varied. The prevalent answer was that they had had enough land to plough, plenty of firewood, and livestock. But when asked about major disadvantages, the interviewees referred to the lack of roads and connection to the world. In addition, paying rent had been too burdensome for their meagre incomes. The one question that all the interviewees unanimously agreed on was that they would not want to return to KwaPitela to work its land. The fact that land was the most important asset at KwaPitela does not mean that the inhabitants were happy with working it.

People had built new houses of solid quality. These houses were a major pride for the residents, and by no means would they agree to lose them in return for agricultural land. Mr. Mhlophe said:

I have some good memories from my living in KwaPitela, but it was too long ago, and I do not think about it anymore. My life is in Compensation. It is not so bad. We have built new houses, and the life is very different from that when we initially arrived to Compensation. We do not want to go back for we have established our new ways of life here (Stanley Mhlophe, interview, Compensation, September 2005).

In Mr. Mhlophe's house, we saw a computer, a refrigerator, microwave oven, a TV, and a stereo. Mr. Mhlophe also owns a small business renting tables and chairs for various social events.

Another issue that was difficult to miss was the demographics of the place. A lot of Compensation's residents are between seventy and eighty years old. William Mhlophe is 81. One of the two women, whom we had met upon entering Compensation, commented with regard to their current situation:

No, we do not want to go back. We want to stay where we are. I am eighty-years-old, and in my age, I do not want any changes in life. I just want to stay here until I die. I would not want to go back to KwaPitela because I am too old and have no strength to work in the field. I want to die in Compensation (Anonymous interview, Compensation, September 2005).

KwaPitela has become a memory, and the residents are fully focused on their current lives at Compensation.

Compensation is not a perfect locale itself. Its residents complain that they live too close to each other and have no arable land. There are also no major endogenous economic activities taking place in Compensation. The land that surrounds Compensation belongs to a chief, and the residents can not use it. Compensation's main income comes from Durban, Pietermaritzburg, and Johannesburg in the form of remittances by the residents' children that live and work in those places (Interview with Stanley Mhlophe, 2005). Getting to these cities is much easier from Compensation than it would be from KwaPitela.

When asked if there were any changes for the residents of Compensation after the dismantling of apartheid, the answer was "no". The people said that now they could speak freely but they have seen no economic improvements. The government has done nothing. Compensation's progress can be explained by its residents' unified attempt to improve their lot, and as *The Economist* puts it: "[These post-apartheid improvements] come from the poorest and historically most disadvantaged of South Africa's communities, who are now building their own ladders out of poverty" (April 2006).

At Kwapitela, we found out certain important pieces of information that are inconsistent with the information found in the AFRA reports and SPP project; this discrepancy is nevertheless crucial to a true understanding of the link between KwaPitela's history and present day land reform. According to an AFRA report of 1982, KwaPitela's owner was removed and received compensation in the form of land.

The residents of Compensation rebuked this statement and told us that the current owner of KwaPitela is the same person as the one who owned the land during the removal. The interviewees maintained that when KwaPitela's landowners had been told to move, they refused, saying that the only way the government can force them out would be by killing them. The government officials eventually left them alone. The case was scotched, and the landowners hired new tenants to work and live on the farm¹⁶. To find out whether we were misinformed by the Compensation residents or by the AFRA's report, a research visit to KwaPitela was undertaken¹⁷.

Sibusiso Mhlophe (71) is the only true land owner living in KwaPitela. He immediately confirmed that Sibusiso Mhlophe is the only real land owner still alive.¹⁸ He related that after the tenants had been resettled, the owners resisted the removal:

Pitela Mhlophe's relatives continued living in KwaPitela, and the land was not taken away from them after the removal. The government tarried and time passed by. When Nelson Mandela was released from jail in 1990," continued Mr. Mhlophe, "the government stopped removing people. We felt much safer after this. Nothing has occurred to us since (Interview, March, 2006).

The implementations of the removals during the 1980s, as our case reveals, were losing the thoroughness that had characterized earlier removals. One might argue that, had the tenants exerted more pressure and had put up a stronger resistance against being removed, the government perhaps would have left them alone as well. The question remains the same: Was there the motivation amongst the tenants to resist?

KwaPitela remains as abysmally poor as it probably was a century ago. As my colleague Vukile Khumalo commented: "The people here have been degraded below peasantry." They do not have electricity, running water, a clinic, nor an accessible access road through which one can enter the farm. Very few have constructed a phone-booth-type of toilet. The school only offers education through grade seven. Not much has changed in the way KwaPitela is being run economically. The Mhlopes hired new tenants, and presently there are eighty households living claustrophobically in KwaPitela, paying annual rent to Mr. Mhlophe. The inhabitants in KwaPitela still grow

¹⁶ Stanley Mhlophe was the spokesperson for Compensation during our oral interviews in September 2005.

¹⁷ KwaPitela is nestled deeply in the Drakensberg Mountains at the foot of the magnificent Sani Pass, the road that leads to Lesotho. We attempted to enter KwaPitela by car, but as a policeman in Himeville, the closest small town, predicted, 'we had no chance.' The wet clay access road is under construction, so we had to leave our car and walk about seven kilometres toward a settlement which we could see in the distance facing the beautiful Drakensberg range.

¹⁸ Mr. Mhlophe invited us to his hut to discuss the history of KwaPitela and the removal. The interior of his hut includes a bed, a tea table with candles on it, and a bench.

maize, beans, mealies, pumpkins, and wheat. Although apartheid is over, KwaPitela still remains an isolated impoverished 'black spot' surrounded by prosperous whites.

Some former residents of KwaPitela are actually happy to have been removed to Compensation. Menzi Dlaminy (62), a resident removed to Compensation in 1981. It was important to hear what a former tenant, a female, had to say about the removal. "I was happy to be removed because I did not have to pay rent any longer. I was relieved from that burden. We live much better here. Our living conditions are much better. We have our own houses. We don't work as hard now" (Interview with Menzi Dlaminy, Compensation, 26 March 2006). Ms. Dlaminy's comments may now begin to explain the passivity of the KwaPitela's tenants during the removal.

When the new South African government passed legislation allowing dispossessed people to file land claims for the return of their lands in 1994, the residents of Compensation along with many other South Africans responded by filing suit to receive compensation. They, however, have not heard back from the government since. These developments show that the issue of land reform must be viewed within legal limitations because while Compensation residents were forced to leave KwaPitela, the owner of the land stayed there. The inhabitants of Compensation do not wish to go back to rural areas and work in the field. My research colleague Dumisani Sish, explains, "For many black South Africans land is often associated with backbreaking toil and destitution. Therefore, many want to evade land labour. Instead, they wish to be recompensed in cash". This concern leads us to the final segment of the paper which will extend the argument from the removal to the complications it has caused in the context of the ongoing land reform in South Africa.

Current Debates on Land and 'Compensation'

In 1981, on the very next day after the removal of KwaPitela, a Natal Witness journalist concluded an article with the following words: "These people have been moved, ironically to a place called Compensation. We may well ask what compensation there is now. And what might be demanded one day" (*Natal Witness*, 1981). This reporter was a visionary and, twenty-five years after the removal, the former tenants of KwaPitela are engaged in the process of land restitution through which they endeavour to gain compensation for historical injustices.

The relationship between land reform and this case study is multifaceted and requires a deeper analysis. First and foremost, the land in KwaPitela, 800 acres, was not

taken away from its owners. Hence, Sibusiso Mhlophe, the only official owner of KwaPitela's soil, has not lodged any claims because nothing happened to his land. Therefore, the question of dispossessed landownership is hardly applicable here. The dislocation of the people from KwaPitela in 1981, which resulted in their losing their access to the land, is what complicates the situation.

With respect to the former tenants, Stanley Mhlophe summed up their position: Our claim was limited to the property destroyed by the government in KwaPitela and the money invested in building new houses in Compensation. The financial compensation allotted to us by the government during the removal did not even begin to cover the expenses of the improvements (Interview with Stanley Mhlophe, March 2006).

For instance, the R1, 265 Mr. Mhlophe was paid in compensation for the house he lost - 'one of the best' - was probably just enough to buy the rather battered red bakkie he used for his weekly trip to work (*The Natal Witness*, 1982). The former tenants have not heard from the government yet and do not have very high hopes about the success of their claim.

Let us now zoom in our attention on relevant legal specificities that have been taking place as a result of land reforms. William Mhlophe from Compensation lodged a claim on KwaPitela itself, his former residence, and on four additional pieces of land occupied by white landowners, whose territories abut to KwaPitela (Interview with William Mhlophe, March 2006). It is hard to understand what Mr. Mhlophe is trying to gain from KwaPitela, where he has never been an owner, but we can only assume that he is seeking official ownership of the land. The reason that William Mhlophe has never been a landowner of KwaPitela is that he belongs to the 'lower house' of the Zulu traditional family structure (*ibid*). It implies that he was not the son of the eldest or the wife designated as mistress of the 'great' house. Hence, Zulu cultural sensibilities have precluded Mr. Mhlophe from being a landowner. His biggest frustration is based on his zealous belief that the white farmer's neighbouring KwaPitela operate on the Mhlophe clan's land. Mr. Mhlophe's ire illustrates the conflict between the law and traditional Zulu beliefs. As he explains:

Even before Pitela bought the land in 1900, our forefathers had lived and their herd grazed and now Steve Roberts is occupying our territory. Many years ago, someone from Pretoria came to KwaPitela with a map and told our family that this was not our land anymore, and we had no rights to it. We had to forfeit the use of this land (*ibid*).

In contrast to Mr. Mhlophe's version of the story, Steve Roberts summarized his story:

I used to own a computer company in Durban, and in 1997, [not generations ago], I decided to become a full-time farmer and purchased land from Mr. Watson, who was an 'old style South African,' a very stubborn man who treated his workers very harshly. Only in 2000, I found out that there was a pending claim by William Mhlophe on more than 100 hectares of my land.

Mr. Roberts added that he does not want to invest in the piece of land under contestation because this land may be taken away from him (Interview with Steve Roberts, Seaforth Farm, KwaZulu-Natal, 25 March 2006).

Steve Roberts's wife, Kathryn, actively participated in our discussion, expressing her dubiousness about Mhlophe's genuine wish to farm, as she thinks the black claimants just want cash for the land they would eventually sell. She repeated that her husband has earned this farm with his sweat, and it would be very unfair if they lost it now (Interview with Kathryn Roberts, Seaforth Farm, KwaZulu-Natal, 25 March 2006)¹⁹. Mrs. Roberts's unease is understandable, and it well highlights the great ideological discrepancy between the white landowners, who reject the idea that giving land back to blacks will do them any good, and the black landless who feel that there should be no negotiation as the land unquestionably belongs to them.

A doctor visits KwaPitela once a month, and because KwaPitela does not have a viable access road, the ill have no escape in case of emergency. KwaPitela used to have an access road going through Mr. Watson's farm, but Steve Roberts, after buying his land, has closed it because he did not feel that his family was safe (Interview with Steve Roberts, 2006). Caring for his family's safety, Mr. Roberts's act has blocked an easier passage to KwaPitela. Crime seems to be the [white] farmers' greatest anxiety in South Africa: between 1991 and 2001, more than six thousand farmers and/or their families were attacked on their farms, and 1,254 people were killed ("Land Reform in South Africa", The Center for Development and Enterprise (CDE), June 2005).

The crime, as many white landowners believe, is a move to intimidate them into abandoning their land to speed up handovers. In South Africa where common crime affects everyone, farm murders are a part of life that encompasses every race. Statistics

¹⁹ A twenty-minute-walk from KwaPitela to Steve Roberts's farm, leads from the most catastrophic poverty to affluence. Looking at KwaPitela today, one wonders if anything has changed there since the land was purchased in 1900: the 80 households living there today have to use candles at night and have to boil water with firewood.

recently released reveal that black farmers are also coming under attack. The bloody battle for rights and land in South Africa does not seem to be a simple issue of racial tension and ownership rights (Bestall, 2005).

Seen from the point of view of white landowners, their vulnerability to attack derives from workers' resentment of their lowly position coupled with the isolation of the farms, as well as the close proximity of the resident black workers and others living nearby who might wish these farmers harm. Seen from the point of these workers, the farms are like little republics where the rule of law counts for very little. This point is demonstrated through Steve Roberts's decision to close the road and leave KwaPitela without a 'real' road to and from KwaPitela. The lawlessness deriving from the rural isolation is both cause and result of the sense of vulnerability. White farmers consider themselves politically marginalized and deprived of the protection they once enjoyed from the state. Black workers or farm tenants feel similarly unprotected by the law. They do so despite the advent of ANC rule and passing legislation – the Labour Tenants Act (1996) and the Extension of Tenure Act (1997) – specifically designed to secure them on the land (James, 2007)²⁰.

Entering the white farms surrounding KwaPitela, one witnesses what makes South Africa one of the most unequal societies in the world. Besides commercial food production these farmers have also created a conservancy of 360 hectares including Eland, Bush Buck, and other indigenous game and abundant bird life, whilst the remainder of the farm is still a working dairy farm of over 650 hectares. There are two trout dams and 4.5 kilometers of river front containing the rare Brown Trout making it a paradise for fishermen. In addition there are stabling facilities for horses and horse riding, hiking, and pony trekking. Moreover, there is a bed and breakfast, which his website describes as:

[A] beautiful farmhouse built of local stone cottage, [which] is over 90 years old. The house is positioned on a rise, overlooking the Nkomazana River and a dam. From every window there are magnificent views across the formal gardens to the little and main berg. The deep verandas and courtyard invite you to drink in the peace (<http://www.saniseaforth.com/sfbandb.htm>, Accessed on 4 April, 2006).

The website does not mention KwaPitela, which can also be seen from the cottage's windows.

²⁰ Of an estimated 2,351,086 people displaced from farms since 1994, 942,303 (appr. 40 per cent) were found to have been evicted while others left for a variety of social and economic motives (Wegerif 2005: 7).

With regard to Roberts's land, the Mhlopes from Compensation have much loftier ambitions. When I asked Stanley Mhlophe what form of compensation he wants for the land that is being used by the white farmers, he said he wants land, not money. I asked him what would he do with that land, he said he would farm (Stanley Mhlophe, 2006). Mr. Mhlophe's claim that he intends to farm may not be true but the dignity and recognition in winning the case would afford, in addition to the financial potential, are matters very relevant to black South Africans after many years of oppression.

As the result of the land battle between Compensation and the white farmers, Sibusiso Mhlophe at KwaPitela has unwillingly been sandwiched between his neighbor Steve Roberts, on whose farm many of KwaPitela's residents work, and his family members in Compensation, who are fighting for white farmer's land. On the one hand, he can't disregard Steve Roberts because many of his tenants earn their incomes by working for Mr. Roberts, with which they pay their rent. On the other hand, as the connection between KwaPitela and Compensation is still strong, he must deal with his former tenants who are fighting for 'his' and Mr. Roberts's land. Stanley Mhlophe's wife commutes weekly to KwaPitela where she is the principal of the school and thus is well informed about KwaPitela's internal rumors and proceedings.

The power to lodge claims by the residents of Compensation demonstrate a major political and social transformation of South Africa. In the country, where just fourteen years ago blacks were excluded from political participation, Compensation's claims symbolize the felt political presence of the landless communities. KwaPitela's former tenants were burdened on two levels: by apartheid on a wide scale and by landowners on a more immediate level. One should not picture the relations among blacks, even within one tribe, as always cohesive and solidly unified.

Another problematic issue is that the landless have difficulties proving that the land they seek actually belongs to them. Mr. Mhlophe's story about his ancestors may be true but it is short on many key pieces of information required by the land reform program. The most important hole in his case is the lack of any specific dates on removals. In order to be eligible for land restitution, the claimant must prove that the land in question was taken away after 19 June, 1913, the cut-off date and the earliest date for the recognition of claims. For many black South Africans, land tenure was purely based on oral traditions and did not entail written documentation. The lack of written documentation has become a major obstacle to faster and more just land redistribution. Neither the owner of KwaPitela nor the claimants in Compensation have

the official land title to the farm in Kwapitela, and even though it is known that Pitela Mhlophe purchased land in 1900, the KwaZulu Natal's main Deeds Office in Pietermaritzburg indicates that the very first 'official' mention of Pitela's ownership was recorded only in 1921, at the time when blacks were no longer permitted to buy land in the area where KwaPitela is located (Historical of Farm FP 334A/B, Deeds Office, Pietermaritzburg, Printed 31 March, 2006).

The deadline for the submission of land claims was in January, 1998. A very small percentage, just over 80,000 of the 3.5 million landless blacks, submitted their claim before that deadline (*African Business*, August/September 2005). One of many possible answers to why more people did not lodge claims is that many simply did not believe a successful outcome of their claims was possible because, as our case shows, they did not have proper documentation. In addition, if all 3.5 million South Africans applied, many of whom have very specific requests and claims, it is doubtful the South African government would have been able to process them all.

White landowners are in fact wary about the potential changes in the government's careful treatment of the land issue. Steve Roberts expressed his fear about potential forced land seizures similar to those that took place in Zimbabwe just a few years ago: "I do not want someone coming to my house with a gun and telling me that this land does not belong to me anymore. I am willing to collaborate with the black empowerment agenda, but I want to have my land rights secured"(Interview with Steve Roberts, 2006). Agri South Africa, an organisation representing commercial farming interests (white farmers), asserted that "the rule of law and adherence to a market assisted approach is of great importance" (*BBC News*. 27 July, 2005).

But for many black South Africans, the 'rule of law' and 'willing buyer, willing seller' have no importance and they just want to be recompensed. One farm dweller recently interviewed by AFRA voiced the frustration of the many black landless: "The most important thing is our dignity. We do not know why it is taking the government so long to give us back what is rightfully ours. We have no knowledge of this land reform" (Interview with anonymous farm dweller, interview by AFRA, 2005).

According to recent research conducted by the Centre for Development and Enterprise (CDE), most black South Africans, just like the majority of the residents of Compensation, do not want to farm. They would prefer jobs, houses, and effective services in the areas where they live. The residents of Compensation are much more concerned with an improvement of their current standard of living at Compensation

than with the fact that more land will be transferred from whites to blacks. The CDE study points out that South Africa's current land reform model is largely informed by an out-of-date vision of the role of agriculture and rural areas in the country (CDE, June 2005).

Compensation serves as a good example of this argument. Although the interviewees claim that the land in KwaPitela was their biggest asset, no one from Compensation expressed a desire to return to KwaPitela to work in the fields. Even Stanley Mhlophe who insists that he wants 'his' land back from Steve Roberts, is arguably more driven by his pride and dignity than by a genuine desire to farm. When he was interviewed during the removal in 1981, he claimed that although he was not very contented at Compensation, he would not want to return to KwaPitela. At the time of the removal, Stanley Mhlophe said that when Compensation would be incorporated into the KwaZulu Bantustan, he would then work for the KwaZulu Department of Education and Culture which would be closer to home (*The Natal Witness*, 1982). His change of heart in 2006 can be explained by various factors but the most important one is that people's expectations have changed after the dismantlement of apartheid. Before people knew that the reserve was the only place where they could live; now they believe that they are entitled to what their country of birth has to offer. Stanley's desire for land is probably more symbolic than economically driven. Whether the residents of Compensation have been affected by the changing economic milieu of the country or perhaps by not having access to land for twenty-five years, rural agricultural opportunities are not a major concern for them (*ibid*).

While there is plenty of prime land, South Africa is infested with dire destitution, homelessness, and unemployment. Because of these merciless realities, it is convenient to blame South Africa's preceding white regimes. And although this accusation is generally valid, it only answers the question of how these conditions became reality; it does not provide a solution to how these conditions can and should be ameliorated. As our study illustrates, the situation in Compensation is much better than in KwaPitela. The belief that returning land to blacks will better their current plot is unproven. "The best route out of poverty," argues recent research on the country's land reform, "is access to employment opportunities, which will mostly be found in urban areas" (CDE 2005: 26).

As evidenced by the case of Compensation, people would rather develop their already established communities, improve their houses, and maintain their connections

to cities. Children that are growing up in Compensation are members of a new generation of black South Africans, for whom Compensation is the only place they know. As they grow up, they will probably strive toward the lifestyle and opportunities associated with the urban setting, and not the bucolic milieu of KwaPitela, which is absolutely unknown to them. Therefore, the South African government must pay close attention to these changes.

Steve Roberts has expressed a desire to summon an informal meeting with the Mhlopes from Compensation and Sibusiso Mhlopes to find out what exactly they expect from the land reforms and what they plan to do with the land if their claim goes through. Stanley Mhlophe rebuffed the idea of meeting with the white farmer, expressing his profound disbelief in Mr. Roberts's good intentions. Mr. Mhlophe said that the only reason Mr. Roberts wants to meet with them is to fish out information about their claims with which he will provide his attorney. Although this mistrust is historically justifiable, it hampers the reconciliation and racial unity in South Africa.

Conclusion

This paper has tried to cover several contexts in which the land reform program is taking place in South Africa. The first chapter of the dissertation deals with the historical background of land reform. It elaborated on the major historical events that have shaped the country's present land distribution. Certainly the most important among these events were the discovery of diamonds and gold, the Anglo-Boer War, the land acts of 1913 and 1936, the process of deagrarianization and urbanization of South Africa, and finally the forcible removals of millions black South Africans and establishment of Bantustans. This chapter underscores the importance of these historical developments because they are crucial to a more accurate understanding of the country's current political economy; and it also aims at reminding that South Africa in 2008 is not the agrarian society it was at the beginning of the 20th century.

The second chapter of the thesis explains how the post-apartheid political, socio-economic, and constitutional landscape directed the trajectory of the land reform program. It explains why the land reform program in South Africa took such a conservative form. Possible explanations for the marginality of the land question in post-apartheid South African politics include: the urban focus of the liberation movement; the nature of the negotiated political transition from the NP to the ANC; the marginality of rural areas in political and economic planning of the government; and the dominance of the neo-liberal macroeconomic policies, which accentuated and prioritized integration into a highly competitive, globalised, capitalist economy.

The third chapter deals with the critical analysis of the policies laid out in the previous chapter. It examines the main reasons for why the land reform program in South Africa has been a problematic affair. The analysis of this chapter is really about the reasons for these difficulties. Among the most prominent issues are the fiscal constraint, the lack of post-settlement support, the Constitutional ‘obstacle,’ and ‘the willing buyer, willing seller’ strategy. But the chapter also points out some reasons that the policy makers have not officially taken into account. Among these are such issues as the unwillingness of young black South Africans to work in agriculture and the understudied problem of HIV/AIDS and its potentially profound effects on land reform.

Sahlumbe is an important case study as it illustrates many aspects of the problematic implementation of the land reform process. While many people have an opportunity to return to the white farms from which they, or their parents, were forcibly displaced in late 1960s, they are reluctant to do so because ‘the new’ place has nothing to offer. People have become adjusted to having permanent electricity, running water in the house, cell-phone network, and gas. People do not want to drink dirty water from the river. Very few have dared to go back and begin everything from scratch. Sahlumbe also shows how problematic land reform can be within the community itself. People at Sahlumbe do not have the skills to farm commercially. Yet, it is also imperative to keep in mind that even although the new places have nothing to offer, people still leave their more comfortable lives and choose to return to the farms.

The Sahlumbe case study also illuminates the internal community politics among blacks. It shows that after the dismantlement of apartheid some blacks have benefited more substantially than many others, while for some life has become even more difficult. This chapter also gives emphasis to the importance of land reform on project level. Gaining access to land, as this case illustrates, does not necessarily

translate into an improvement of living conditions; yet, on the contrary, the land reform beneficiaries who left Sahlumbe to work land are seemingly worse off at their new place.

KwaPitela on the other hand shows how some communities apply for land without having a clear case for it based on the land restitution regulations. It also shows the distrustful relationships between the black claimants and white landowners. For South Africa, however, to get closer to the best possible solution for the whole country with regard to land, there, above all else, needs to be a dialogue between whites and blacks. Ideally, the two must try to collaborate. Although South Africa has politically become equal since 1994, the KwaPitela story reminds of the lingering racial tensions. This chapter just like Sahlumbe gives voices to many local participants of land reform who vary in race, age, gender, and economic position. These participants demonstrate how the process of land reform works on a local level making the policy discussion of previous chapters more real. Both cases show that gender still plays an important role in rural South Africa. Not a single woman we interviewed expressed an independent opinion on land reform divorced from a communal or paternalistic clout.

Although politically equal with the whites, economically the majority of black South Africans lag behind. The changes they expecting since 1994 are not happening fast enough, or hardly at all. Reducing poverty and giving jobs to more South Africans seems the country biggest task. Seekings and Natrass recommend a “social democratic policy agenda” aimed at sustained job creation, which includes low-wage, labour intensive employment, improvements in education, “democracy deepening asset redistribution” (workers ownership plus land reform), and welfare reform. Other analysts suggest a large-scale redistribution of productive assets, with a range of policies that would be directed towards skills development and infrastructure development (Terreblanche 2002; De Swardt 2003; Makgetla and Van Meelis 2003). For May, Carter and Paydachee, “a fundamental rethinking of economic strategy may be required,” involving stronger linkages between macroeconomic and microeconomic reforms, including “measures that improve the access to productive assets such as land reform, infrastructure and financial services” (2004: 20). Jacob Zuma, the new ANC leader, comments that economic growth can’t exist without agriculture. It’s a critical component of the economy (*Farmer’s Weekly*, 14 March 2008, p. 35).

It is difficult to predict what will happen to the present land reform program in such a complex socio-economic context. While current Minister Lulu Xingwana hints

that a more radical approach might take place, Jacob Zuma, currently the ANC party chair and possible future president in 2009, assures that:

[South Africa's] approach has not been like Zimbabwe. And [South Africa is] not going to change it. No one is going to have his land taken away overnight. The question of restitution has its own difficulties precisely because of our respect for property rights. That's why the "willing buyer, willing seller" policy is under discussion. Even where government has the right to take a particular action (like expropriation), it has not done so, because we need to deal with this issue in the right way (*Farmer's Weekly*, 14 March 2008, p. 37).

Based on Zuma's comment, it does not seem that land reform will substantially take a novel, more radical shape. But at the following paragraph shows there is no doubt that land reform will remain a serious issue and should be taken seriously by policy makers.

Before we shook hands to depart from Sahlumbe, Reyson Ndimande asked for a chance to say his final word: "The land from which we were forced belongs to us. This land has to feed us and give us a better life. We will not rest until our land is returned to us and until we transform it into a productive enterprise" (Reyson Ndimande, 2008). Ndimande's point is very important because it emphasizes the importance of land to many black South Africans. His comment also accentuates the need for land reform. People want land and the memories of forced removals and apartheid abuses are too vivid in people's memories.

Ndimande's comment reminds us that land reform remains an important process and should not be neglected by policy makers. Senior members of government carry the memory of struggle, exile and poverty with them, in their hearts; many have roots in the rural areas, such as Minister Lulu Xingwana, and meetings with land reform communities and claimants readily reinvigorate these personal and political histories. It is integral to remember that while the ANC adopted a conservative economic policy after the end of apartheid, it still indubitably retains aspects of its liberationist creed. Its dedication to helping millions in need via financial grants symbolizes that the poor have not been forgotten by the party.

There is no doubt that South Africa does not have a shortage of productive agricultural land. The problem is that the available land is not being utilized efficiently. Recognizing and addressing the simple fact could unleash an incredibly powerful tool in the battle against poverty and malnutrition so prevalent in the continent of Africa. There is a very long way before land reform becomes a successful national project. This

report therefore has sought to establish the cause of certain failures and attempts to offer a possible solution to this particular part of the problem.

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Appendix 1

Survey of Sahlumbe, KwaZulu- Natal, South Africa

Conducted by Petro Kostiv and Dumisani Sish on the 11th of February, 2007

- 1) Name:
- 2) Age:
- 3) Gender:
- 4) Education:
- 5) Occupation:
- 6) Were you personally removed from the neighboring white farms in the early 1970s?
- 7) What are your career aspirations?
- 8) Would you like to farm commercially?
- 9) What farming skills do you possess?
- 10) What are the main problems at your new place?
- 11) Has your life gotten better since you left Sahlumbe?
- 12) Are you receiving assistance from the government?

Appendix 2

Survey of the community that left Sahlumbe to return to land that was returned to them as the result of land reforms, KwaZulu- Natal, South Africa.

Conducted by Petro Kostiv and Dumisani Sish on February 23-24, 2008.

- 1) Name:
- 2) Age
- 3) Gender
- 4) Married?
- 5) Education
- 6) Occupation
- 7) How many people are in your household?
- 8) What is the income of your household?
- 9) Do you have chickens, cattle, goats?
- 10) Do you think your life has improved since you returned to your new land?
- 11) Do you have electricity? Water? Gas?
- 12) Do you have a school at the new place? If “no” how far is the nearest school?
- 13) Do you receive child support and/or pension?
- 14) Do you have regrets about leaving Sahlumbe?