

## LAND REFORM: LESSONS FROM A SOUTH-EASTERN FREE STATE EXPERIENCE

C. van der Westhuizen<sup>1</sup>

**Correspondence author:** School of Agriculture and Environmental Sciences, Central University of Technology, Free State, Private Bag X20539, Bloemfontein, 9300.

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### ABSTRACT

*Before the first democratic general election in South Africa in 1994, most (87%) of the agricultural land was owned by government, big companies and commercial white farmers. After the elections, land reform gained a central place in the Reconstruction and Development Programme (RDP), which envisioned the transfer of 30% of the land to emerging black farmers within five years.*

*Since 1994 the application of land reform measures were applied in many ways while land redistribution targets were also significantly adapted. One of the ways for the distribution of land was the allocation of land to groups of people. A research project was completed to assess various factors in this regard e.g. organizational framework, management structures, financial resources and usage, and socio-economic benefits. The study revealed inadequate natural resources to be the main limitation for success as well as other problems such as a lack of common property management, lack of institutional support, and lack of gender participation. The study also confirms the need for a new constructive process so as to allow groups as well as individuals to participate in the development process.*

*It is obvious from the study that the finalization of the process of review and restructuring of land reform will not be achieved without problems. To ensure a smooth process, not only will the participation of all parties involved be necessary, but substantial inputs from relevant government departments will also be required. An integrated development approach in land reform will be needed, based on efficient land evaluation and on well-structured, controlled and strategic land reform programmes whereby social, economic and institutional capacity building are incorporated into a holistic development process.*

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<sup>1</sup> School of Agriculture and Environmental Sciences, Central University of Technology, Free State, Private Bag X20539, Bloemfontein, 9300.

## **1. INTRODUCTION**

Following the democratic election of April 1994, land reform took a central position in the Reconstruction and Development Programme (RDP) of the new Government of National Unity. The aim of the RDP was to redistribute 30% of the land traditionally owned by white people and the government, back to the African people of the country within five years of democratic rule (Van Zyl, Kirsten & Binswanger, 1996:13-17).

The situation prior to 1994 was that 87% of the agricultural land in South Africa (excluding the former "homelands"), was owned by white farmers, companies and the government, while 13% was owned by black farmers who are demographically the majority group in South Africa (Murray, 1996:209-244).

In the Free State Province the Land Reform Programme was launched in the Southern Free State where the potential for success in terms of climate and soil potential for crop and livestock production could be realised. The aim was to create equity in terms of land tenure, in order to create the opportunity for small-scale and emerging farmers to participate in the greater economy of the province.

Almost three-quarters of the people in the rural areas of Southern Africa live below the poverty line (Van Zyl, 1998). Children younger than five years, the elderly and women are particularly vulnerable. The poorest 10% of the people account for just one percent of consumer spending (SALDRU, 1995). The highly skewed distribution of income in South Africa goes hand in hand with high illiteracy levels, low levels of education, poor health, poor housing facilities, and inadequate access to water and fuel. Land as the basic resource for agricultural production makes an important contribution towards creating industries and job opportunities for rural and urban citizens (Department of Land Affairs, 1997(b)).

## **2. BACKGROUND OF LAND REFORM IN SOUTH AFRICA**

In the Reconstruction and Development Programme of South Africa, land reform is envisaged as the driving force for rural development in general. Land reform is seen as proceeding in tandem with the

restructuring of agriculture, to open opportunities for black producers, and for small-scale farming in particular (Cousins & Robins, 1994: 32-55 and Cousins, 1996).

The White Paper of the Department of Land Affairs of 1997 sets out the vision and implementation strategy for South Africa's land policy - a policy that is just, which builds reconciliation and stability, which contributes to economic growth, and which bolsters household welfare. The Land Reform Programme also helps to create conditions of stability and certainty, both nationally and at household level, for sustainable growth and development (Department of Land Affairs, 1997 (a)). The Land Reform Programme consists of:

- Land restitution, which usually involves returning land lost because of racially discriminatory laws, although it can also be affected through compensation.
- Land redistribution, which enables disadvantaged people to buy land with the help of a settlement or land acquisition grant.
- Land tenure reform, which aims to bring all people occupying land under one legal system of landholding. It will provide for diverse and secure forms of tenure, help resolve tenure disputes, and provide alternatives for people who are displaced in the process.

These principal components will subsequently be discussed.

## **2.1 Land restitution**

Land restitution is done in such a way as to provide support for the process of reconciliation and development and also with regard to the over-arching consideration of fairness and justice for the individual, the community and the country as a whole (Murray, 1996:209-244).

The government's policy and procedure for land claims are based on the provisions of the constitution and restitution of the Land Rights Act (Act 22 of 1994). The Act elaborates on four aspects: qualification criteria, forms of restitution, compensation for both claimants and landowners, and urban claims.

A restitution claim qualifies for investigation by the Commissioner on Restitution of Land Rights provided that the claimant was dispossessed of a right to land after 19 June 1913 as a result of past laws or practices, or in cases where people were not justly and equitably compensated. Claims arising from dispossession prior to 1913 might be accommodated by the Minister in terms of preferential status in the redistribution programme, provided that claimants are disadvantaged and will benefit in a sustainable manner from the support.

Restitution can take the form of:

- Restoration of the land of which claimants were dispossessed;
- Provision of alternative land;
- Payment of compensation;
- Alternative relief comprising a combination of the above; or
- Priority access to government housing and land development programmes.

## **2.2 Land redistribution**

The purpose of the land redistribution programme is to provide the poor with land for residential and productive purposes so that they may ensure their livelihood. The government provides a single yet flexible redistribution mechanism that can embrace the wide variety of land needs of eligible applicants. Land redistribution is intended to assist the urban and rural poor, as well as farm workers, labour tenants and emergent farmers (Department of Land Affairs (1997 (a))).

The redistribution programme enabled eligible individuals and groups to obtain a Settlement/Land Acquisition Grant to a maximum of R15 000 per household for the purchase of the land directly from willing sellers, including the State.

## **2.3 Land tenure reform**

Land tenure reform involves interests in land as well as the form these interests should take. In South Africa, tenure reform must address different problems created in the past. The solutions to these problems may entail new systems of landholding, land rights and forms of ownership, and may therefore have far-reaching implications. For this

reason policy has been developed. In order to ensure this process, a two-year period was set aside for consultation on tenure policy, for implementation of test cases, and for the preparation of legislation Department of Land Affairs, 1997 (a)).

The Settlement/Land Acquisition Grant was set at a minimum of R15 000 per beneficiary household, to be used for land acquisition, enhancement of tenure rights, investment in internal infrastructure, and home improvement.

The Grant for the Acquisition of Land for the Municipal Commonage enabled primary municipalities to acquire land in order to extend or create commonage for use by qualifying persons.

In all programmes there are settlement and planning grants to be used to employ the services of planners and other professionals, and to assist the beneficiaries in preparing project proposals and settlement plans.

This research project will assess the projects that were assisted by the government redistribution programme. The question is why have land reform redistribution projects in the south-eastern Free State failed?

### **3. LITERATURE REVIEW AND PROBLEM STATEMENT**

There is an indication that production, socio-economic conditions and resource management of farms declined after the transfer of land to the beneficiaries of land reform. Since the land was transferred to them, the beneficiaries have not been participating actively in the production activities as outlined in the project business plans.

The production potential of the land allocated will play a major role in determining the success of any project. Before making any allocation, the productivity must be assessed in a reliable way. Based on this assessment, probable financial returns need to be estimated by experienced people. Using this information together with a pre-set target income per family, the number of people that each farm can support can be calculated. A good "safety margin", allowing for the possible inexperience of the beneficiaries and their lack of economic resources to withstand the inevitable variations in income due to rainfall variations, should be built into the estimate of how many people each farm can

support. The success of any land reform project in which this process is not carried out efficiently will inevitably be jeopardised. Because this process is not in place at the moment, it is suspected that projects on redistributed land are not allocated on sound principles and that the beneficiaries do not properly manage existing projects.

The gap between government promises and the capacity to deliver land to the landless grows ever larger. Although progress was made in the period of the Mandela presidency (1994-9), intractable problems of policy and implementation were apparent long before the hand-over to the new Minister in 1999. Institutional fragmentation and divided responsibilities between the DLA and provincial agricultural departments compound the problems and hinder effective progress.

The lack of success of land reform in Africa has generally been due to one or more of the following factors (not necessarily in order of priority):

- Lack of understanding of complex institutional arrangements by project beneficiaries;
- Insufficient involvement and support by local institutions;
- Lack of farmer participation in the management of the project;
- Delay in transfer of land and implementation of production activities;
- Lack of intensive, strongly motivated and determined government commitment to the success of the project;
- Lack of common property management and conflict resolution skills among the beneficiaries;
- Unsatisfactory arrangement of financial assistance;
- Lack of efficient preliminary technical land-use planning (e.g. productivity of the land not assessed effectively) and follow-up technical support;
- Neglect of institutional dimension, together with over-centralisation and rigidity; and
- Lack of gender participation.

Land reform is not a newly introduced concept, and has been practised in many countries over the last few decades with varying levels of success. In this article, special attention will be given to factors influencing the process in South Africa.

The hypothesis of the study was that land reform projects in the South Eastern Free State have failed due to insufficient and ineffective planning, together with mismanagement, lack of support systems, and lack of knowledge and experience amongst some of the beneficiaries. The overall objective is to determine the influence of various factors on the failure of seven land reform projects in the south-eastern Free State.

#### **4. METHODS AND MATERIALS**

##### **4.1 Sample**

Gaetsewe undertook a study in 2000/1 to research the primary objective of this article (Gaetsewe, 2002). A total of seven projects were selected from a list of 33 in the south-eastern Free State. The sample population was obtained by means of drawing a stratified random sample according to projects and lists of beneficiaries associated with each project. The selected group consisted of one committee member, one or two women and three others. To ensure that all scenarios were included, projects with one or two households were also included in the sample.

##### **4.2 Interviews**

The respondents were interviewed at their places of residence during non-working hours. A questionnaire with structured and open-ended questions was used to collect the information necessary for the research. A questionnaire developed by Van Zyl in 1998 was used as a base and was supplemented with new questions to satisfy the objectives of this study. The relevant extension officers and the officials of the Department of Land Affairs and Agriculture were also interviewed.

##### **4.3 Agricultural potential of the region**

The South-eastern Free State is characterised by a low potential for crop and livestock production (Eloff, 1984). The area, however, could in general produce enough food to feed a far larger population than that

presently living in the rural areas, and at the same time produce excess for sale in larger amounts than is being sold now. Present production provides for only about one-third of the food requirements of the region (Krige, 1998). The most important crops in the area are maize, wheat, and sunflower. Vegetables (especially potatoes) and pastures such as lucerne and cultivated pastures for grazing are also grown. Meat, milk and wool are produced from animals such as cattle, sheep and goats, and to a limited extent, poultry.

#### 4.4 Description of the projects

The research was conducted in the south-eastern region of the Free State Province on the pilot land reform projects, where the land was transferred to the participants during the period 1995 to 1999. The six selected projects consist of groups of people while the seventh project is an individual participant. The principle used to select these areas was based on similarity in agricultural conditions prevailing in all projects. The agricultural potential of the land types in this region can be described as low to medium while rainfall is the most limiting production factor (annual rainfall of between 482 and 605mm). The groups were settled on farms with relative good infrastructure. Table 1 contains information of the projects studied, farm/listing name, size in hectares, cost price of the land, as well as the number of households in each project.

**Table 1: Description of projects according to size, price and beneficiaries**

<b>Project</b>	<b>Farm</b>	<b>Ha</b>	<b>Price (R)</b>	<b>Households</b>
Nassau	Nassau 346	428	385 000	22
Ikaheng	Ethel's Hope 608	176	171 000	31
Itekeng	Frankfort 71	213	182 400	17
Ipopeng	Fullerton	892	600 000	42
Tsoha-O-Iketsetse	Constantia Drift	293	230 000	21
Dinthloane	De Hoek 651	87	25 000	2
Matsididi	Khumo Flats 288 FP	784	150 000	1
<b>Total</b>		<b>2 872</b>	<b>1 513 400</b>	<b>136</b>

## **5. RESULTS AND DISCUSSION**

The research has shown that little has been done so far along the lines of integrated rural development. The tendency is still towards central development programmes based on government blueprints. However, some government departments are trying to move away from rigidly sectoral top-down development towards a more integrated approach and bottom-up decision-making. This dramatic change cannot be achieved overnight, and in the Southern African context some time will elapse before integrated rural development becomes established (Cousins & Robins, 1994:32-55).

The results of this study show that land reform in the South-eastern Free State has not improved the livelihood of the beneficiaries. The rural poor, at whom land reform was directed, remain poor under unbearable socio-economic conditions. Their income is lower in 2002 than in 1994. The research shows that although the standard of living and inflation have been rising over the past five years, the salaries and general income per household of the beneficiaries in the projects studied have not increased accordingly (Cousins & Robins, 1994:32-55). The following conditions are associated with the failure of the projects:

### **5.1 Socio-economic factors**

The following socio-economics factors were highlighted by the results:

- Unsatisfactory land evaluation prior to the allocation of land to the settler.
- Unsatisfactory socio-economic conditions in the rural areas and on farms in particular.
- Unemployment and low income is posing a serious problem and this will probably increase the deterioration of economic conditions and natural resources.
- Approximately 40% of the beneficiaries (heads of household) are ageing (51 years and more), and they are physically not able to do hard labour on the farm. There are fewer people between the ages of

20 and 40 years. This leaves only old people to work on the farm, which may lead to non-productivity of the project.

- More than 80% of people on the farms are women earning less than R500 per month.
- Most of the group members earn a relative low cash wage (albeit relative good *in natura* remuneration), which may not be enough to support the family and also purchase agricultural inputs.
- The respondents want to engage in other business ventures but are prevented by a lack of infrastructure and knowledge on how to initiate such ventures.
- It is expected that the social and economic conditions will decline in future for the households involved and therefore impose an increasing burden on the government.

## **5.2 Access to land, as well as attitudes and future needs of beneficiaries**

More than 70% of the beneficiaries do not have freedom of access to their land to practise any farming activity or business as they wish. At the time of the study there was no security of tenure rights. Approximately 74% of respondents have indicated that there is no security and control over their land and 85% of respondents are aware that many beneficiaries have sold their shares and left the project.

## **5.3 Participation of women in land reform projects**

The results of the research has shown that more than 88% of respondents were of the opinion that they have not benefited as they expected when they joined the project. Project implementation has failed to empower women although there is a clear national policy for integrating women into mainstream development activities and ensuring that they benefit. It is possible to have a conforming impact on the national agencies responsible for producing agricultural services and resources. Non-access of women to land, credit and agricultural extension services is likely to increase if government does not pay attention to it.

Agriculture is regarded as the major employment sector for rural women in the Free State, and will be for several years to come. The recognition and strengthening of women's existing contribution, combined with strategies to improve their skills and resources, are essential in extending their role in rural development.

#### **5.4 Land use and lack of technical support**

Ninety percent of respondents is of the opinion that land has not been used for the purposes for which it was purchased. The climate has the potential for livestock production and necessary infrastructure are in place, but in most cases the land is voluntarily leased to the previous owner for his own use. Relatively small portions of the land are used by the beneficiaries, e.g. in the Nassau, Itekeng, and Ipopeng projects. This is due to beneficiaries having no financial support for management, production and marketing capacity. Lack of equipment, technical support and committed government departments has contributed to the total failure of some of the projects.

#### **5.5 Management and support services**

Although management support was a priority during the initiation phase of the projects, all the respondents mentioned that no additional support was provided to the projects. All respondents also stated that the projects were not supported by any government department in terms of additional finance, management, marketing and training. The committee has in various instances excluded some beneficiaries from the decision-making process by making decisions on its own. In some projects where the commercial farmer is in partnership with the farm workers, there is a tendency for him to reach decisions on his own and implement his decisions without consulting other beneficiaries.

Improper management has resulted in conflict amongst the project members, and no conflict resolution efforts have been made to normalise the situation in the projects. Seventy percent of the respondents indicated that conflict is due to lack of good management and lack of communication between the committee and project members.

The lack of support from non-governmental organisations in forming a partnership with small emergent farmers and providing capacity in terms of training and facilitation will also promote failure.

As long as land reform projects are not given the necessary attention and support, there will be no agricultural production and therefore no income from which people can market their products and generate more money, causing the beneficiaries to live under continuing poor socio-economic conditions.

## **6. SUMMARY AND CONCLUSIONS**

The research report has argued that questions of common property management are likely to be of importance within land reform programmes in South Africa and in relation to common ownership in particular. Given the fundamental transformations in economy and society, which have affected land ownership systems in the region for the past 150 years, critical issues arise in relation both to incentives for rural groupings to engage in collective action, as well as appropriate structures of authority. However, these can be addressed in large part by approaching common property problems with an adequate understanding of the central issues involved and by making institutional development a central concern of developing agencies. Central to this understanding must be a disintegration of "community" and an analysis of competing interests within an essentially political process. The influence of ecological dynamics is another crucial factor to take into account.

It can be concluded that 48% of respondents would like to become involved in other businesses such as shebeens, welding and mechanical operations, as well as knitting and sewing enterprises.

For a land settlement scheme to be successful, efficient economic evaluation of the land prior to its allocation to settlers is therefore of cardinal importance. Efficient economic evaluation depends on, amongst other things, reliable natural resource data, including climatological data, carrying capacity of the veld, which soils can be considered as arable on a sustainable basis, and the area occupied by the soils in the proposed settlement area. The area of land that was cultivated by the previous

owner is an unsatisfactory estimate of the area of land cultivatable on a sustainable basis, and may be extremely biased.

## **7. RECOMMENDATIONS**

The following recommendation can be made:

- On farms where the project is located on the land of a commercial farmer, he/she must be withdrawn from the scheme and should not be allowed to be part of the scheme in future if the process cannot be monitored properly by a third party (e.g. an extension officer). It is however recommended that commercial farmers act as mentors for emergent farmers.
- Competent legal advisors should revise all deeds of trust so that they focus on the needs of the new entrants.
- Before and after farmers/new entrants engage in the farming business, they should be properly trained in matters such as the concept of a legal entity, conducting meetings, marketing as well as financial and production management.
- The government should provide necessary support in the form of regular visits to the projects to ensure that they are being managed according to agreements entered into and relevant business plans.
- The involvement of individual experts from local structures and NGO's is essential to empower the committees.
- An intensive programme should be developed in which women will participate and take responsibility for projects where necessary.
- The government must make funds available for current projects to enable them to purchase equipment and the necessary agricultural inputs (or CPF-SP funding should be available country-wide).
- The projects must be re-evaluated to assess whether the land potential can truly carry and sustain the livelihood of the beneficiaries involved.

- Experts should be used to evaluate the land and make recommendations before any new land is purchased.
- Efficient land-use planning and formulation of technical aspects is of paramount importance before any settlement takes place.
- The business plan must be reviewed to eliminate impractical and unscientific assumptions.
- The use of tertiary academic institutions (e.g. universities and technikons) is very important in the evaluation and development of projects and the implementation of programmes, by virtue of their expertise and impartiality.
- Lack of socio-economic development in the land reform projects is due to failure of the government to enforce the implementation of integrated rural development strategies. In this regard the government must engage and mobilise its resources in partnership with non-governmental organisations to implement its policies at all levels of government.
- Cooperatives should be encouraged for the supply of inputs and to organise finance for members.
- Study groups between projects should be established.
- Programme extension for agriculture production should be reintroduced.
- Retraining of extension offices to deal with emerging farmers should be established.
- Land Bank loans should be user friendly towards emerging farmers.
- The time used to process applications from project members towards CPF-SP funds must be shortened.

## **8. THE WAY FORWARD**

The Department of Land Affairs has revised its Land Reform Programme to support sustainable rural development policies and interventions. Its focus will shift over the medium term to the implementation of an integrated programme of land redistribution and agricultural development. The Programme is designed to provide grants to previously disadvantaged people to access land, specifically for agricultural purposes. The strategic objectives of the Programme include:

- Facilitating the transfer of a targeted 30% of the country's agricultural land over 15 years;
- Improving nutrition and income of the rural poor who want to farm on any scale; and
- Expanding opportunities for women and young people who stay in rural areas.

The revised Programme is more flexible than previous interventions as it does not limit beneficiaries to a small range of products. Beneficiaries might want to access the Programme to achieve varying objectives, such as food safety net projects, commonage projects, equity schemes and productions for markets. They can tailor the assistance to their own needs, and can access grants ranging from R20 000 to R100 000, depending on their own contribution in kind, labour and/or cash. Beneficiaries must provide an own contribution of at least R5 000.

By June 2002, 4 823 beneficiaries had received the LRAD grant that had delivered about 100 000 ha of land amounting to about 164 farms. There were also 136 beneficiaries who had received a combination of grant and loan components from the Land Bank with the delivery of 2 203 ha of land. Delivery by provincial Land Reform offices for the 2001/02 financial year involved 418 projects that benefited in access of 83 530 beneficiaries and/or households to about 365 993 2536 ha. The Land Bank received a total of 450 applications for loans. Of these applications, 152 were approved and of these approvals 14 transferred/actually received their loans by 31 March 2002. The approved projects involve 14 091 ha, while the transferred projects involve 2 203 ha and 36 beneficiaries.

The recently announced budget for the land sector of R1.9 billion is for two years 2003/4 and 2004/5, doubling this year, but levelling off for the remainder of the Medium Term Expenditure Framework (MTEF). While the increase in the budget for the land sector is welcome, it is not clear how this relates to the plans for land reform. Most of the budget (R854 million) for 2003/4 will be to meet the cost of land restitution claims, many of them urban, probably in cash rather than restoring the land. The failure to make substantial headway against the large number of outstanding rural claims (reported as 10,040 by the Minister in her budget speech of April 2003) is a growing cause for concern because this is where grievances are most likely to spill over into violence.

If the gist of the reforms lie with the restitution of land, rather than with land acquisition and land redistribution on a commercial basis of willing seller/willing buyer, land reform will benefit only a small number of claimants, but in the long run harm the nation overall by reducing the real incomes of many millions of households (Combrink, 2003). The winners gain a lot individually, while the losers (the South African citizenry who has to foot the bill by means of taxes) ostensibly lose only a little each. But the number of winners is so small compared with the vast majority of losers, and the loss in terms of development if we follow Africa's path of small scale subsistence farming, is incalculably higher than the initial loss of footing the bill for restitution. The losers stand to lose much more than what the gainers stand to win.

A pragmatic, economically driven agricultural policy that calls for the establishment of a sustainable, profitable agricultural economy in which all stakeholders can have a share, is essential. The historical legacies that led to a skewed access to land must be recognized, but also the need to maintain and increase commercial agricultural production as a first priority. The establishment and strengthening of a class of black commercial farmers is the most important method of land reform. The results of the study highlighted shortcomings and made implicit policy proposals but it will probably not quell the demand for land or the social conflict associated with it. Rising expectations could easily turn into rising frustrations if the government does not clearly spell out what its long-term goals are with regard to land reform. If reason prevails, it will almost certainly also mean that the 24 million ha of land that has been allocated for redistribution to blacks to fulfil the 30% quota that has been set for 2015, will not be met by the date set for it. In the long run,

however, this form of land redistribution will probably benefit the new South African farming community more than restitution policies and make a more meaningful contribution towards attaining the elusive ideal of food security and sustainable development in South Africa and in the whole of the Southern African subcontinent.

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