

Land Reform and Rural Poverty in South Africa

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ABSTRACT The paper discusses the state of the land tenure reform in South Africa with particular attention to the former homelands. Contemporary literature is superimposed on the existing statistics on agriculture, land, land transfer and the performance of the land restitution policy since 1995. Results indicate serious doubts about the soundness of state land policy today, the failure to link tenure reform to poverty alleviation, the futility of the government's land restitution programme and the continuing disfranchisement of the majority of black rural communities. The findings are discussed within the context of the market system and it is established that the vagaries of land tenure systems in black homelands militate against the operations of a normal land market and the evolution of a functioning economic landscape. The paper argues that tenure reform should focus as a priority on black homelands for these areas to be incorporated into the formal economy. For this to occur there is urgent need to revisit the focus of land tenure reform efforts, to rethink the fear of land privatisation and to review current public policy on land and agriculture. Only through an integrated rural development strategy can there be hope of a significant reduction in rural poverty.

INTRODUCTION

The history of South Africa has produced a unique economic landscape in terms of land access and ownership. While the majority of black people remain poverty-stricken, they occupy about three million hectares of high-quality agricultural land mostly in the former homelands (CDE 2005: 10). The bulk of this land is used for subsistence farming and in most black areas, land is communally owned though individuals are allocated exclusive use rights to arable land: some of these do have legal title deeds. Grazing lands and forests are open to communal access with inbuilt restrictions and controls. Mbongwa and Thomas (2005: 6) argue that land is an economic asset that enables people with access to enter and take meaningful part in social economic life of local communities. The DFID (2003: 5) asserts that poor people need land if they are to contribute and benefit from economic growth. If land reform is built on a basic principle of addressing equity in resource ownership and access then such a base does not necessarily undermine possibilities of generating economic growth. The history of apartheid was characterized by the wholesale dislocation of black people from their indigenous areas and mass resettlement in what came to be known as 'homelands'. The slow pace of land reform (Lahiff 2005: Sibanda 2007), government economic policies which are unlikely to generate increased employment in urban areas (OOP 2008a) and, poverty reduction policies

that do not increase incomes at household level cumulatively mean that the future for these areas is bleak.

Land reform is built around restitution, redistribution and tenure reform (Sibanda 2007: 3). Land tenure systems determine the specifics of the rights and obligations of individuals, households or groups in using resources while tenure security is the certainty that a person's right to land will be recognized by others and protected in cases of a specific challenge (FAO 2005). In the neoclassical model, property is privately held while property rights are exclusive and transferable on a voluntary basis. Since transaction costs are assumed to be zero, such rights can be fully defined, enforced and allocated to those uses with the highest returns (Ortmann and King 2006: 26). Land tenure relationships may be well-defined usually as written contracts and enforceable in a formal court of law or through customary structures in a community or they may be relatively poorly defined with ambiguities open to exploitation, confusion and misinterpretation. The Communal Land Rights Act (RSA 2004a) was approved by parliament to provide legal security and protection to communal land held within the former homelands but by 2009, implementation had not begun (Cousins 2009). The legislation, however, faced a court challenge by four communities first in October 2009 in Gauteng and in May 2010 at the Constitutional Court where in May 2010, it was invalidated.

The distribution of resource-poor municipalities shows that these are mainly in the former homelands, with the majority located in the Eastern Cape and KwaZulu-Natal. Different reasons appear in the literature to explain empirical evidence of rural areas where fields are not ploughed. Zimmerman (2000) reports that land over-utilization and under-utilization occur side by side. Accordingly, market imperfections cause under-utilization. Ortmann and King (2006) argue that communal farms in South Africa have limited access to factors of production, credit, information and, markets are often constrained by inadequate property rights and high transaction costs. Baiphethi and Jacobs (2009: 15) report that the contribution of agriculture to household income is small and that evidence from several case studies indicate a decline in the former homelands. Dengu and Lyne (2007) develop arguments about the opportunities of a land rental market in the former homelands. Van den Brink (2006: 19) found that the superior efficiency of small farmers arose out of reliance on family labour, use of affordable capital and the hire of machinery from rental markets. Machethe (2004: 8) raises the issue of inadequate physical infrastructure in the former homelands as a major obstacle to agricultural development. Several other forces at work include the constraints to agricultural production due to the extremely high population densities- in the former Ciskei, Transkei and QwaQwa. High levels of environmental degradation (Russell 1997), constrained access to agricultural credit and high input costs for agriculture lead to unfavourable conditions. The out migration of the economically active population in search of better opportunities (STAT 2007, 2009) undermines the retention of surplus labour in rural areas. Undeveloped markets for farm produce, lack of access to support infrastructure, the absence of periodic markets in rural areas where farmers can exchange their produce, competition from large-scale commercial farmers and low-producer prices for food crops all create negative multipliers. Improved access to state social assistance programmes (OOP 2008b) has created an alternative source of household income. Decades of agricultural deskilling (Faulkner and Loewald 2008) have had a profound effect on participation at the household level. The CDE (2005: 25) believes that the focus of land reform should not be rural: but urban and peri-urban given the fact that in South Africa the high rate of urbanisation mean that these are the areas where land demand will be highest.

In theory resources play an important role in sustaining human life. Beyond equity and efficiency, resources provide the raw materials that are critical in human progress and overall, in economic growth and development. This being the case, there is a need to enquire into the links between access to resources at household level and impact on poverty reduction. The point of departure is that households with access to resources have opportunities in making use of these in order to generate own income to supplement other external sources of support. The extent of household participation in production activities should vary with the degree of resource access and ownership. Poverty then becomes partly a product of the inability of households and communities to access existing resources in meeting their needs and wants. The extent to which land reform policy addresses poverty alleviation remains poorly understood. Against such a background, the purpose of this paper is to enquire into the impact of land reform on poverty in rural areas of South Africa. In the process, the intention is to address four linked objectives. The first is to provide the context of the link between land resources and poverty; the second is to place land in the wider market system; the third is to debate key positions on land tenure reform and poverty reduction in the context of South Africa in particular and fourth is a synthesis of key findings and recommendations. Part 2 of this paper addresses materials and methods while the focus of part 3 is results. Part 4 provides analysis, discussion and conclusion followed by reference sources.

METHODOLOGY

Secondary statistics from the national budget on capital costs for the land reform programme since 1994 were collected. The data is subjected to numerical computations to derive measures of the amount of land transferred through the various programmes and annual rates of such transfers. The outputs are presented in Tables 1 and 2 and in Figure 1. These are reported in the context of the extent to which the Land Reform programme in South Africa has impacted on land access for the majority of communities that were disenfranchised during apartheid. Using official website sources, Figure 2 covers the distribution of homelands – Bophuthatswana, Ciskei, Gazankulu, KwaNdebele, KaNgwane, KwaZulu, Lebowa, Qwaqwa, Transkei, Venda-which today fall into North West Province,

Limpopo Province, the Eastern Cape Province, KZN and the Free State. Map analysis was carried out to trace possible links between poverty distribution and the location of the former homelands. Analysis and discussion centre on the potential links between land access, tenure reform and how these contribute to poverty alleviation. The findings are then discussed in the context of contemporary literature on South Africa and Sub-Saharan Africa on the performance of land reform initiatives.

RESULTS

From Table 1, tenure reform contributed a mere 3.7 percent of total transfers in the period 1994-2006 indicating that the priority of the state was

around restitution and redistribution- accounting for 74 percent as key instruments.

Table 1: Total land transfers, 1994-2006

Programme	Hectares redistributed	Contribution to total (%)
Redistribution	1 477 956	43.8
Restitution	1 007 247	29.9
State land disposal	761 524	22.6
Tenure Reform	126 519	3.7
	3 373 246	100.00

Source: CRLR, 2006. Annual Report 2005/06. Pretoria: Commission on Restitution of Land Rights.

In table 2, at least 84 percent of the budget expenditure was taken up by restitution and land reform.

Table 2: Budget allocation and spending per programme for 2009/10

Programme	Final appropriation R' 000	Actual expenditure R'000	Variance	Expenditure as a % of appropriation
Administration	652,244	573,225	79,019	87.9%
Surveys and Mapping	88,455	84,529	3,926	95.6%
Cadastral Surveys	140,824	127,662	13,162	90.7%
Restitution	2,338,393	2,331,634	6,759	99.7%
Land Reform	3,039,876	2,632,592	407,284	86.6%
Spatial Planning and Information	64,102	41,908	22,197	65.4%
Auxiliary and Services	67,197	63,171	4,026	94.0%
Total	6,391,091	5,854,721	536,373	91.6%

Source: Department of Rural Development and Land Reform (2010a). Annual Report, 1 April – 31 March 2010.

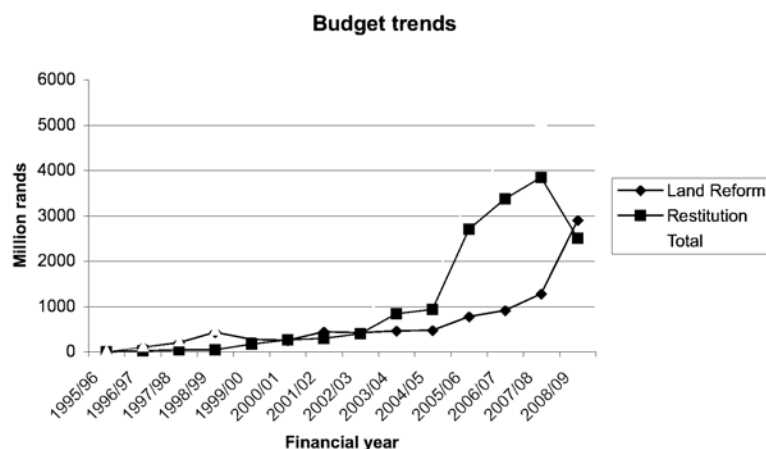


Fig. 1. Land Reform Budget 2006/07 for Land Reform and Restitution

(including estimates for the Medium Term Expenditure Framework) and combined total.

Source: CRLR (Commission on Restitution of Land Rights) (2006) Annual Report 2005/06. Pretoria: Commission on Restitution of Land Rights.

In Figure 1, the land reform budget remained below R 1 billion till 2003 after which a definite surge in spending is noted topping to over R5 billion by the end of 2009. The distribution of the former homelands appearing in Figure 2 roughly compares with that of the poorest district

municipalities according to a government report (DEAT 2007). Apart from the Free State, the concentration of poverty appears to correlate strongly with the former homelands indicating that the homelands today remain the poorest areas in South Africa.

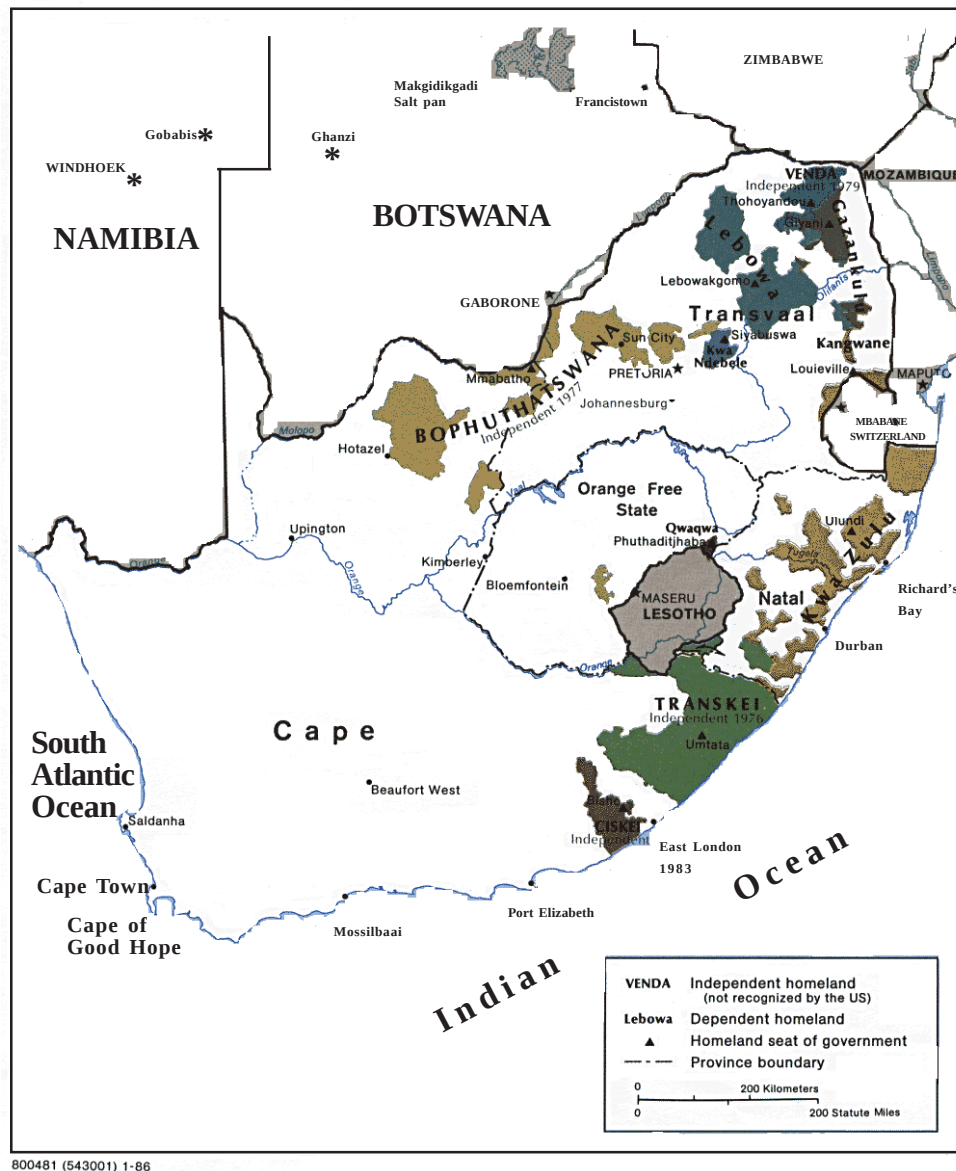


Fig. 2. South Africa: Black homelands

Source: <http://upload.wikimedia.org/wikipedia/commons/f/fa/Southafricanhomelandsmap.png>. (Retrieved on 14 April, 2011).

DISCUSSION

The land reform policy has given rise to various schools of thought in recent years. The first approach is one which calls for a retention of customary land rights as the safest way to guard against the poor losing their land. The second approach is to exaggerate inherent challenges of tenure reform by highlighting apparent failures across a wide range of countries. The third approach is the neoclassical support for free-hold systems aimed at enabling the growth of active land and rental markets which eventually would see large scale land transfers to those with the means for optimizing agricultural production. The fourth approach is one which calls for a selective design of country-specific interventions that allow for a flexible regime of land tenure systems built on clear property rights that provide space for individuals, co-operatives, equity share schemes, contract schemes, land lease schemes and private companies. With reference to the impact of on changing the status quo, land reform since 1994 talks of historical redress, redistribution of wealth and opportunities, economic growth, rural development, and de-racialisation of the countryside but, it does not specifically link reform to poverty alleviation. Today, land reform has hardly altered the status quo both in commercial farming areas and in the former homelands. The land restitution policy and the corresponding resettlement schemes have failed to increase in real terms access and ownership for historically disadvantaged communities. Table 1 shows the amount of land that was transferred in the period 1994-2006. Since then, the government was by end of 2010 reporting a total of 6 million hectares transferred. Homelands- up to day are almost non-existent in the land redistribution and restitution policy. Results from Table 2 and Figure 1 indicate that reform and restitution account for the lion's share of state spending on the programme but such spending is little impact given that these represent developments outside of the former homelands. The focus remains on commercial farmlands under white farmers but there is hardly any work targeting the former homelands, even when these hold the largest concentration of rural people. Overall, if the government is to meet its goal by 2014, it has to transfer the remaining 19 million hectares of land- costing R72 billion. On average a mere 283 000 hectares per year for the 12 years in the 1994-2006 period has been transferred; the government cannot achieve its target goal at this rate.

The financing of redistribution and restitution programmes has been generally inadequate and made worse by red tape and legislative confusion. The lack of support infrastructure for post-settlement support is noted across all the provinces. The failure of acquired farms to return to the productivity levels before they were transferred casts doubts as to the viability of the programme. While there was a definite surge in funding after 2005 in Figure 1, this does not highlight a corresponding increase in the amount of land transferred. Part of the reason for this is that most claimants are for urban land and in rural areas, often potential beneficiaries opt for financial compensation rather the drawn out procedures for acquiring farms and attempting to turn them around. One of the results highlighted problems of financing land reform programme. Underlying the exorbitant costs involved has been the policy of willing buyer willing seller. Often farms are offered at prices well beyond their market value. Indeed, the heavy financing requirements may partly explain the reluctance of the government to subdivide farms between individual beneficiaries. But the issue of inadequate financing for the programme may point to its status in the overall changing planning priorities of the country since 1994. A rural development strategy for South Africa has to appreciate the fact that the rural poor in South Africa, unlike in the rest of Africa, are essentially not involved in subsistence agriculture. Ultimately, what are needed are interventions that progressively reduce dependency on welfare support. The fact that unemployment among women in rural areas is consistently higher than among men means that expectations of some form of employment opportunity are higher in the latter group. According to Adams et al. (1999), land tenure reform must be built on a thorough understanding of the livelihoods strategies of those intended to benefit. It should not be assumed that the inadequacies of tenure laws constrain livelihoods in practice. Yet, today-among the leading researchers, the view that land tenure problems do not inhibit agricultural production is outdated. Given that a wholesale privatisation of land in the former homelands into individual holdings at the level of households is at present not politically acceptable, the vagaries of security of tenure in black areas mean that the market remains distorted and unable to allocate land and other resources where they would achieve higher returns per unit of area.

Tenure reform does not appear to be a major concern of the state today. Results indicate that its contribution to land transfers since 1996 remains minimal. With the repeal of the Communal Land Rights Act of 2004 (RSA 2004b) in 2010, the legal status of the different forms of tribal land, communal land and trust land remain- at best dubious. No new legislation to date has so far been proclaimed to rationalize tenure systems so that ownership and access become standardized across the whole country. The majority of Black people in the homelands as a result still do have secure tenure rights to land. Yet, tenure reform can contribute to economic development and sustainable livelihoods by strengthening rights in communal areas, by removing uncertainty and by encouraging actions that lead households to invest in agricultural production (Adams et al. 1999). But often critical input factors which include access to appropriate information, the carrying out of a comprehensive land audit, and a long term financing scheme for the project are not integrated into a long term strategy. Cousins (2009) surveyed the state of land reform in Africa and warn about the dangers of communal land tenure reform. According to him, privatization and complete individualization of land are uneven and contested: individual titling for Africa is not a feasible solution and instead, what is needed is an adapted democratic version of communal tenure supported by law and policy. It is not clear why titling systems which work in much of the rest of the world should not be promoted. The author rejects this form of reasoning that indirectly projects Africa as a special case in the development equation: no empirical evidence exists today of any comprehensive study covering even 30% of countries in Africa on the basis of which public policy makers should be warned about land tenure reform of communal land. The extent to which land resources are deployed to generate household income is affected by the state of property rights in place and tenure reform should increase the security of individual rights and access to land for all. This position is supported by the findings of Ruhiiga (2011) on work on human settlements and production in Sub-Saharan Africa. The unstated and implied perception that in black rural areas the communal set up should be protected and safeguarded against western modernisation forces- for this is what it amounts to- means that such people are perceived as incapable of safeguarding their own land against displacement by better off individuals. The literature review has

highlighted the diversity of arguments for the continuity and adaptation of customary tenure and against those who call for a radical change in land tenure reform. Often however, these arguments are based on research effort that appears not to be measuring the same parameters. Different countries initiate land reform under different historical conditions, economic climate, and customary rights and with country specific goals (productivity, efficiency, equity, access to assets, rural development, improvements) in the context of a particular state ideology. Even stated goals often change with time. Measuring performance of land tenure reform programmes and by necessity the economic benefits of free-hold systems becomes problematic because of the absence of standardized criteria for measurement and comparison. It is not surprising therefore that today there should be no convincing widespread empirical data showing a clean positive correlation between tenure reform and increased agricultural productivity or a reduction in the incidence of rural poverty in most African countries.

In reference to the insecurity of the land tenure systems in place in communal black areas, Zimmerman (2000) reports that transaction costs vary inversely with security of tenure; transaction costs appear to increase whenever property rights are poorly defined and allocated; risks that reduce tenure security can increase transaction costs; uncertainty about laws and institutions increase transaction costs and, under tribal authorities, the procedures for establishing rental land contracts are not clear. For land to become a genuine resource, its ownership has to be amenable to market forces. This calls for different forms of free hold tenure. Those who argue that free hold tenure consistently fail to deliver benefits expected of it do not appear to appreciate the fact that the benefits are place specific and cannot be generalized across the universe. Van den Brink (2006: 19) reports that small farmers operate their holdings using mainly family labour employ capital they can afford and hire machinery from rental markets. This is the main reason for their superior efficiency. This position was earlier raised by Deininger and Binswanger (1999: 249) who report that small holder farms are desirable from an equity and efficiency perspective. Lyne and Roth (2002)-on the other hand-argue that since poor people are unable to make productive use of their land resources, group ownership need not be unproductive or unprofitable. Acknowledging problems of organizational

inefficiency, free riding, weak legal framework and constraints in financing investments needed to sustain earnings, they offer 'an equity scheme' as an alternative arrangement in which workers, managers and other investors own financial equity in the form of tradable shares that define their individual rights to vote and to benefit from the profits and capital gains generated by the company. While such an approach may appear commercially viable, it is silent about individual land rights. It is argued by various writers that extending free hold tenure to households across the board may lead to people being pressured of their land, either by corrupt chiefs or powerful land grabbers or by their own mismanagement. There is so far no empirical evidence within the homelands and other parts of Sub-Saharan Africa, those households that had free hold tenure status for arable land have been dispossessed on any large scale. Instead, evidence shows that illegal transactions involving parcels of communal land being privatized in areas that are officially declared "tribal land" is taking place. Limitations in the land tenure reform directly create constraints in the development of a normal land market in these predominantly black areas.

The link between poverty alleviation and access to resources is critical in understanding the forces that humans mobilize as they engage in production. The literature review did not pick up this link in government policy papers. Results indicated that the distribution of rural poverty roughly corresponds with the distribution of homelands. Given that no major changes have occurred to the status of land access in the former homelands, it would appear that access to land has not been used as a critical instrument in a package of interventions aimed at alleviating poverty. Increasing participation in production in land-based activities in the former homelands should widen the scope for income generation. Access to resources and the reduction of rural poverty cannot be divorced from each other. The CDE (2008) asserts that settling people in the former homelands on small farms will not make a large scale or cost-effective contribution to poverty reduction and instead call for an urbanisation policy to be integrated into an effective rural development strategy. This standpoint is consistent with CDE research on land reform but pushing for an urbanisation policy as a way of taking the masses of the people off the land amounts a repeat of the large scale land dispossession that occurred under apartheid. The debate about farm size and efficiency

remains today a contested territory. In the meantime, the belief that providing services and infrastructure without restructuring land access and ownership at household level will improve living standards misses one critical issue. Households need to be empowered to support themselves and this requires as a starting point, access to resources. The government's understanding of rural development is premised on a land policy that is underlain by a dubious form of resource economics. It has already been indicated that in most rural areas, households are not engaged in activities typical of rural areas in other parts of the world. Over the years, participation in small scale crop farming has considerably declined. There is no prospect of these rural areas generating sustainable jobs. Limitations that current land tenure legislation and corresponding systems impose on ownership and access and indirectly, on incentives for participation in agriculture are poorly appreciated. The uncertainties of access and ownership mean that rural communities become increasingly marginalized because conditions constrain their ability to participate in economic activities.

The production model that beneficiaries of commercial farms are compelled to apply has produced disastrous results leading to the entire collapse of production on acquired farms. The large scale commercial farming model applicable to formerly for whites in South Africa is vehemently supported by the government; yet it has been a total failure for farm beneficiaries who lack the experience, technical know and finance. The Community Property Association (CPA) model which has been applied in farm restitution programmes in various areas is problematic because the commercial farming model it pushes is ill suited for small scale farming practice. Farms which are acquired are then transferred to groups of black farmers who are required to apply a production model similar to what pertains in the rest of commercial farming areas. Given its dismal performance record, it is doubtful whether this model can work in the former homelands. There is no convincing rationale for the government's refusal to subdivide land, other than perhaps the inherent costs involved in surveying, demarcation, subdivision and identification of recipient households. This finding is in agreement with Lahiff (2007) who concluded that the failure to subdivide is the single greatest contributor to the general underperformance of land reform projects. Just as the reform model, - based on willing seller willing buyer- has been a total failure, so has been the

attempt to force beneficiaries into community schemes built on a similar commercial production model. While half hearted attempts at skill empowerment of farm beneficiaries may eventually improve technical and management competence, the model is unsuitable to people who are used to small scale individual production systems. For this to occur, such farms need to be sub-divided and allocated to individual households instead of the current group ownership schemes. The state unfortunately has gone back to the absurd practice of recalling the former owners and managers to run these farms! Participation in the production system at the household level presupposes access to factor inputs. Land is a major input factor especially in rural areas where most production activities are land-based. On the production front, free hold tenure provides the incentives for scientific management and breeding for quality. Unfortunately, land as a critical input resource is at present not being put to its full potential. Several causal factors have already been mentioned for this state of affairs. If the production system is viewed as dependent on farm produce that potentially would be available for processing, packaging and distribution in the local economy, little of this is taking place. The spin-offs from an agrarian economy would include the generation of support infrastructure leading to a significant percent of rural households shifting from land to off-land activities. Recall that few households are engaged in any production activity. Yet, for them to enter into the exchange economy with local business that supply services and commodities, they must have the means for such an exchange. They need a sustainable source of income. Therefore, instead of rural areas being important centres of farm-based production, there is little production taking place- a position echoed by Fajji et al. (2011) on the decline of farming in the homelands.

The market system describes how the interaction between the supply of and demand for services and goods determines shifts in market prices. It is acknowledged that governments often intervene in the market system whenever it is unable to allocate resources in a manner deemed as meeting the long term development needs of the state. Nevertheless, it has been shown that in spite of its imperfections, the market system creates an environment conducive to greater human choices, greater participation in income generation and greater changes likely to spur increased production. The economic landscape in predominantly Black areas has been presented as a

disjointed platform where market forces are constrained from normal operations due to the vagaries of tenure systems. The lack of internal cohesion in production sectors, the low levels of infrastructure, constrained access to land as a resource undermine the growth of an agrarian economy. In the absence of a source of employment, rural areas generally do not have a reliable domestic income base. They remain areas of residence and not production and have in the process become marginalised, peripheral and hardly able to participate in the mainstream economy. This has meant exclusion which in turn perpetuates the persistence of deprivation. The existence of an active land market creates advantages linked to possibilities of farm improvement, land conservation, capital accumulation and benefits that accrue from inheritance. Using panel data in a study of land transactions in Uganda, Tatwangire and Holden (2009) found that the poverty reduction effects of land accessed through the market were significantly higher than the effects of land accessed through customary inheritance.

Once again, the growth of land markets is disadvantaged by the high transaction costs linked to insecure customary rights. Fenwick and Lyne (1999) in a study of 150 rural households in KwaZulu-Natal found that small scale farming was constrained by imperfect markets, high transaction costs and small farm size. The bias is more on efficiency issues rather than on access, tenure and equity considerations. The position of this paper is that a first step should be to aim at achieving equity at the level of individual households, essentially a political decision. Achieving efficiency in farming operations depends on a variety of forces which are underlain by assumptions about the security of land tenure arrangements and the state of land markets. Without this, production relations remain skewed in favour of commercial areas or the small elite of black "emerging farmers". The findings of this study do not contradict Machethe (2004: 2) who reports that there is no consensus in current literature whether agriculture is the most appropriate way to fight poverty in developing countries. But households in the rural sector engaged in farming activities tend to be less poor and have better nutritional status than other households. Market forces supplemented by a state re-allocation of development priorities could radically transform the rural economic landscape. Privatisation of land ownership should therefore not be held at ransom

because of doubts about resource allocation and efficiency because today, it is not possible to talk of efficiencies in the agricultural practice of rural black areas.

CONCLUSION

This paper argues that land resources play a critical role in the design and delivery of a rural development strategy within which poverty and its reduction should be placed. It has been shown that current land reform policies are not linked to the need to generate transformation of the rural economic landscape nor are they integrated in a rural strategy for growth. Failure to use land reform as a mechanism for re-ordering economic relations in the rural space means that rural communities are not empowered to become active participants in the country's economy. These conditions do not allow for genuine poverty reduction to be addressed. It is therefore recommended that the focus initially of the land tenure reform should include the homelands; that a comprehensive land audit of the former homelands be carried out to clarify the status of current ownership and access; that government needs a rethink of the rural development strategy which has to be re-positioned as a critical element in local economic development and finally, that further research is needed on the link between food security and tenure reform.

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