AN INVESTIGATION OF THE SOUTH AFRICAN
LAND REFORM PROCESS, FROM A CONFLICT
RESOLUTION PERSPECTIVE

by

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DECLARATION:

In accordance with Rule G4.6.3, I hereby declare that the above-mentioned treatise/dissertation/thesis is my own work and that it has not previously been submitted for assessment to another University or for another qualification.

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DATE: 2009-12-18
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FACULTY: Faculty of Arts

SCHOOL/DEPARTMENT: Political and Governmental Studies

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M Phil in Conflict Transformation and Management

with a treatise entitled: AN INVESTIGATION OF THE SOUTH AFRICAN LAND REFORM PROCESS FROM A CONFLICT RESOLUTION PERSPECTIVE

hereby certify that we give the candidate permission to submit his/her treatise/ dissertation/ thesis for examination.

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SUPERVISOR / PROMOTER     DATE

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CO-SUPERVISOR / CO-PROMOTER     DATE

13 December 2009
Abstract

This research study aims to investigate the South African Land Reform process from a conflict resolution perspective. According to Burton’s basic human needs theory deep-rooted social conflict will occur wherever social institutions neglect universal basic human needs. Excess to land and land tenure are considered basic human needs because they provide landowners with food, shelter and security. In absence of an extensive welfare state, land ownership fulfils the role of a social safety network, particularly in African countries. Consequently, an equal distribution of land is needed in order to enable the majority of South Africans to fulfil their basic human needs. The instrument chosen for correcting the inequalities in land distribution are the three components of the South African land reform programme namely tenure reform, restitution and redistribution. The South African Land Reform Programme was largely influenced by the World Bank’s ‘Willing-Seller Willing-Buyer’ or ‘Negotiated Land Reform Approach’. Nevertheless, the South African model differs from the original concept by the World Bank in some aspects. The outcome of the Land Reform Process is analysed and evaluated by the on-going evaluation approach. All sources used in this research are open to the public and published either on official websites or in hard cover version in reports and articles.

The results of this investigation indicate that the target of redistributing 30% of white-owned agricultural land by the year 2014 is not going to be accomplished. Nevertheless, the settlement of claims can be considered a success story although most of the claims were settled by means of cash compensation instead of actual land transfer. Furthermore, a change in the land acquisition policy from a demand-led approach based on the negotiated land reform principle towards a more static, state-led, top-down approach has been identified as well as shortcomings in the post-settlement support of new landowners. To put it briefly, the land reform process in toto is about to fail and a chance of reducing the enormous conflict potential given away. Furthermore, the conflict potential will increase due to the failures in providing the poor and rural masses with access to land.

KEYWORDS: South Africa, Land Reform, Evaluation, Conflict Resolution, Basic Human Needs
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<thead>
<tr>
<th>Acronym</th>
<th>Full Form</th>
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<tbody>
<tr>
<td>ANC</td>
<td>African National Congress</td>
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<tr>
<td>AgriBEE</td>
<td>Agricultural Black Economic Empowerment</td>
</tr>
<tr>
<td>BEE</td>
<td>Black Economic Empowerment</td>
</tr>
<tr>
<td>CASP</td>
<td>Comprehensive Agricultural Support Programme</td>
</tr>
<tr>
<td>CFU</td>
<td>Commercial Farmers Union (Zimbabwe)</td>
</tr>
<tr>
<td>CLRB</td>
<td>Communal Land Rights Bill</td>
</tr>
<tr>
<td>COMG</td>
<td>Commonage Grant</td>
</tr>
<tr>
<td>CRLR</td>
<td>Commission on Restitution of Land Rights</td>
</tr>
<tr>
<td>DoA</td>
<td>Department of Agriculture</td>
</tr>
<tr>
<td>DLA</td>
<td>Department of Land Affairs</td>
</tr>
<tr>
<td>DRDLR</td>
<td>Department of Rural Development and Land Reform (formerly known as Department of Land Affairs (DLA); renamed in 2009)</td>
</tr>
<tr>
<td>Gear</td>
<td>Growth Employment and Redistribution macroeconomic framework</td>
</tr>
<tr>
<td>GDP</td>
<td>Gross Domestic Product</td>
</tr>
<tr>
<td>GPLRO</td>
<td>Gauteng Province Land Reform Office</td>
</tr>
<tr>
<td>LCC</td>
<td>Land Claims Court</td>
</tr>
<tr>
<td>LRAD</td>
<td>Land Redistribution for Agricultural Development programme</td>
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<tr>
<td>MAFISA</td>
<td>Micro-Agricultural Finance Schemes for South Africa</td>
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<tr>
<td>NDA</td>
<td>National Department of Agriculture</td>
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<tr>
<td>NGO</td>
<td>Non Governmental Organization</td>
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<td>NP</td>
<td>National Party</td>
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<tr>
<td>PLAS</td>
<td>Proactive Land Acquisition Strategy</td>
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<tr>
<td>RDP</td>
<td>Reconstruction and Development Plan</td>
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<tr>
<td>SADT</td>
<td>South African Development Trust</td>
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<tr>
<td>SPLAG</td>
<td>Settlement/Land Acquisition Grant</td>
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<td>SPLAG</td>
<td>Settlement and Production Land Acquisition Grant</td>
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<td>WSWB</td>
<td>Willing Seller Willing Buyer</td>
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1. Introduction

According to the Basic Human Needs Theory, an approach that has its roots in the psychological group of approaches, conflict is the result of frustrated human needs “as human beings have no choice but to pursue the fulfilment of their needs in the long term” (Bradshaw 2008:49). These basic human needs generally include the need for identity, for security, for control, and a need to be perceived as rational (Burton 1984). According to Davies (1988:26), one of the leading scholars in the field of conflict management and peace studies, basic human needs are usually ordered by priority and are fulfilled according to this order: from needs of lower priority such as survival needs (shelter, food, etc.) to needs of higher hierarchy. Normally, Davies (1988:26) postulates, human beings satisfy their physical needs before they are able to satisfy needs of higher hierarchy such as social-affectional needs, self-esteem, dignity or equality needs or the self-actualisation needs. With this in mind, the tenure and access to land fulfills an elementary and basic human need. Access to land provides its owner with shelter, security, employment and therefore can be considered a precondition to fulfill human needs of higher priority. Prosterman and Riedinger (1987: 88-921) highlight the importance of land reform as a contribution to human freedoms and contribution to sustain democracy. Besides the importance of land as a source of income, food, security, and employment, land in African countries is of a great social value, too. By highlighting the social value of land, Toulmin and Quan (2000:2) conclude that land in the African context serves “(…) as a place of settlement, providing a location within which people live and to which they return – as well as symbolic and ritual associations, such as burial sites, sacred woodland and spiritual life” (Toulmin / Quan 2002:2). Consequently, the continuous frustration of basic human needs such a shelter, security, employment, and food supply contains an enormous potential for conflict and can easily threaten the political stability of a country as well as the harmonious social functioning of society. Bradshaw (2008:49) makes note of the fact that “social institutions frustrat[ing] the individual’s attempt at fulfilling his needs, (…) need to be transformed, because the individual will continue to pursue his needs regardless” (Bradshaw 2008:49). The xenophobic attacks against foreigners living in South Africa, committed by South Africans in townships and informal settlements in 2008 as well as the ongoing farm attacks in the rural areas of South Africa illustrate the enormous conflict potential caused by frustrated human needs. At the same time, they highlight the urgent need to provide the masses with access to housing and...
land to satisfy their basic human needs and to reduce the still existing inequalities in possession of and access to land. The Reconstruction and Development Program (RDP) of the first democratically elected government of South Africa shares the same opinion identifying land reform as the key to meet “basic needs” (Wegerif 2004:1).

The history of land ownership, land tenure, and access to land has always been a history of struggle and conflict in South Africa. The possession of land has always been “[…] a key for empowering and disempowering people” (De Villiers 2003:45). Although the beginning of this struggle predates the colonial presence in Africa, the conflicts over land in South Africa intensified with the arrival of European settlers’ in 1652. The centuries to come were characterized by conflicts, battles, and wars over land between the new arrivals moving forward and indigenous people “(…) as well as between traditional inhabitants themselves” (De Villiers 2003:46). The establishment of a European legal system in the Union of South Africa in 1910 further intensified the ongoing conflict over land, as no other form of land ownership apart from the European model received legal recognition. The adoption of the Native Land Act in 1913 officially led to the allocation of fertile land and vast areas of South Africa in the sole hands of whites while “blacks were given some ‘traditional’ areas where they were believed to have resided historically” (De Villiers 2003:46.). Furthermore, the Native Land Act of 1913 prohibited the establishment of new farming activities for Africans as well as sharecropping and cash rentals outside the designated areas (Deininger / May 2000:4). The Black Trust and Land Act of 1936 then allocated 13% of South Africa to the black population although even though comprising 80% of the population (De Villiers 2003:46). In 1937, the Natives Laws Amendment Act was passed to prohibit blacks from buying land in urban areas. Even before the official implementation of Apartheid in 1948 “black spot removal” (Deininger 1999:24) policies were introduced and Africans living outside the designated areas were forcefully removed from their land. Deininger and May (2000:4) estimate that approximately 475 000 persons were forcefully relocated under the black spot removal policy.

In 1993, the Native Land Act was dissolved but the scars of apartheid policies and their consequences could not be removed over night. The legacy of apartheid left behind an extremely unequal land distribution. According to Deininger (1999:25), the average amount of land held by black people amounted to 1,3 hectares compared to 1 570 hectares by their white counterparts.
Until the present day the land question remains one of the key challenges to post-apartheid South Africa and can be considered one of the most important and controversial issues in the contemporary political (Lahiff 2008:1) and public debate (Plantive 2009; Masondo 2009).

In order to undo the injustices of the past and to enable the majority of South Africans to fulfil their basic human needs, the first democratically elected government implemented land reform based on three pillars, namely tenure reform, redistribution, and restitution. The South African model was mainly inspired by the so-called ‘negotiated land reform approach’ developed by the World Bank in the early 1990s. The negotiated land reform approach follows the idea of a “voluntary communication process” (Bradshaw 2008:76) based on the principle of a willing-seller, willing-buyer. Therefore, negotiated land reform is also known as the willing seller, willing buyer approach (WSWB) or as marked-led, marked-based and marked-assisted approach (Lahiff 2005:1).

The implemented land reform programme set an ambitious challenge for all parties involved. As two important targets, the South African government identified the settlement of claims by the March 31 2012 (DLA 2009:6) as well as the distribution of 30% of white-owned agricultural land to the previously disadvantaged by the year 2014 (De Villiers 2007:3). Concerning the WSWB approach, which has been in effect for fifteen years now, the question that comes to mind is ‘Does the applied approach deliver relating to its objectives?’ Consequently, the purpose of this study is to examine the special characteristics of the Negotiated Land Reform Model in South Africa as well as to evaluate its outcome. The problem statement ‘An Investigation Of The South African Land Reform Process’ leads to several questions and sub-questions: What exactly characterizes the original negotiated land reform approach developed by the World Bank and what are its components, objectives, and intentions? What are the quantitative as well as qualitative successes of the South African land reform and what are its failures? Does the implemented South African approach differ from the original World Bank approach? Finally, which concrete policy recommendations can be conducted by this analysis?

In order to provide answers to the problem statement and sub-questions, this treatise is divided into nine chapters. The topic of chapter two is the research methodology applied in this paper. The researcher has decided to follow the formative or on-going evaluation research approach, given the fact that the South African land reform programme has not come to an

1 This date has been changed several times.
end yet (Wollmann 2009:383). The evaluation approach can generally be subsumed under the umbrella of the ‘policy-analysis’ approach (Wollmann 2009:382). The aim of a policy evaluation, however, is not the extensive analysis of the entire policy-cycle (Faust and Mols 2003:305) but rather the understanding of the outcome of a specific policy, its consequences, impacts, and effects. According to Neuman (2003:524), the advantage of this approach lies in the fact that it provides researchers with hard facts (ibid) on governmental programmes. Therefore, the evaluation research approach is appropriate to find out whether a policy is effective.

Chapter three is going to explain the nature of conflict in society, will answer the question why conflict occurs and, finally, provides the reader with the dynamics of conflict when escalating. Due to the fact that conflicts where human needs are at stake are considered a special type of conflict, Maslow’s hierarchy of needs that many needs theorists refer to, is going to be portrayed in chapter four. John Burton’s needs theory is going to be outlined in the same chapter, providing insight into deep-rooted conflicts. Additionally, the consequences of denied basic human needs will be highlighted. The decision to apply Burton’s approach is based on the meaningful theoretical framework Burton provides in his basic human needs theory. At the same time, the dramatic consequences of denied human needs are clearly outlined in Burton’s theory and, therefore, provide insight into possible outcomes South Africa might face in future as a consequence of a possible land reform failure. Another reason to choose Burton’s theory lies in the fact that Burton’s basic human needs theory is considered the most influential theory within the disciplines of conflict resolution and peace studies. Chapter four will also provide the reader with an answer to the question of whether land tenure can be considered a basic human need.

Chapter five will briefly discuss the ongoing international debate on land reform and will provide the reader with the arguments and counterarguments of land reform advocates and adversaries.

Chapter six is going to portray the negotiated land reform model developed by the World Bank, its theoretical as well as practical background and components.

Chapter seven will provide insight into the land reform model applied by the Republic of South Africa. First, the legacy of apartheid is going to be presented in order to give an overview of the unequal land distribution the first democratically elected government faced in 1994. In the course of chapter seven, the three components within the broader land reform
programme are going to be presented, namely tenure reform, land restitution and redistribution.

Chapter eight will evaluate the outcome of the two most important components of land reform, land restitution and land redistribution. The objective of the analytic part of this study is to explore the outcomes of the current approach employed in South Africa from a quantitative and qualitative perspective before recommendations to policy makers can be made.

The final chapter nine is going to conclude the findings of chapter eight and will offer policy advice in order to improve the land reform process if necessary.

The case of South Africa is highly important: A success in South Africa would have tremendous implications, regionally and internationally for land redistribution programmes in general and the WSWB approach in particular. If the South African government continues to acquire land at the speed of previous years, the land reform project will eventually lose the backing and the support of claim groups, which in turn might cause the programme to fail.

The political pressure of interest-groups might force the government to rethink the WSWB approach and instead convince it to pursue a more rigid approach (Lahiff 2005). Second, if government acquires land too quickly and meanwhile fails to successfully relocate communities of previously disadvantaged people, rural poverty may increase undermining the general land reform project. Apart from the possible economic damage of failed land reform, the damage to social cohesion and social stability of the country caused by disappointed and frustrated human needs of the homeless and poor masses would be tremendous. According to Dunkley (1992) the unsolved land issue could bring the “ticking time bomb in South Africa” (1992:6) finally to explosion.
2. Research methodology and research design

The purpose of this study is to evaluate the outcome of the South African Land Reform approach from its implementation until the present day. In order to reach this aim, the formative or on-going evaluation research approach (Wollmann 2009:383) is going to be applied.

The evaluation research approach has its origin in the United States of America, growing since the 1960s when newly implemented governmental programmes needed to be evaluated. The evaluation approach can generally be subsumed under the umbrella of the ‘policy-analysis’ approach (Wollmann 2009:382). The aim of a policy evaluation, however, is not the extensive analysis of the entire policy-cycle (Faust and Mols 2003:305) but rather the understanding of the outcome of a specific policy, its consequences, impacts and effects.

According to one of the most important scholars in the field of policy analysis, Thomas S. Dye, policy analysis “is what governments do, why they do it, and what difference it makes” (Dye 1976: ). According to Neuman (2003:524), the advantage of this approach lies in the fact that it provides researchers with hard facts (Ibid.:524) on governmental programmes. Therefore, the evaluation research approach is appropriate to find out whether a policy is effective. Neuman (2003:24) gets to the heart of the matter: “Does [the implemented policy] work?” In other words, this approach is suitable to “compare and measure the effectiveness of alternative programs or methods of delivering services” (Neuman 2003:524). ‘Effectiveness’ is determined by the degree of success of an implemented programme. In this study, success can be measured by comparing the current state of affairs with the targets set by the South African government at the time of the implementation of their land reform policy. It is further worth knowing that ‘effectiveness’ unlike ‘efficiency’ does not investigate the ratio between input and output. ‘Efficiency-analysis’ - in contrast to the analysis of ‘effectiveness’ - is therefore determined as cost-benefit-analysis.

Depending on the problem statement, the evaluation research approach distinguishes between certain research-varieties or research-types. The most common evaluation approach is the ex-post evaluation. In this case, the evaluation will be executed after a specific policy or measure has come to an end (Wollmann 2009:382). The overall aim is to control and assess the success of an implemented measure. In contrast, the ex-ante evaluation can be considered a pre-assessment evaluation. In this case, the researcher targets possible impacts of future policies. Pre-assessment evaluations serve as preparation for future policies. Evaluability pre-
assessment is supposed to give answers whether or not the relevant policy is suitable for an evaluation. Formative or on-going evaluation already starts while the implemented policy continues to exist. This form of evaluation gives feedback to the relevant political, administrative, and societal protagonist in order to intervene and correct the implemented policy if necessary, while the implemented measure resumes. Within the on-going evaluation approach, three different sub-types can be distinguished: (1) an approach that puts emphasis on its strict analytical nature. In this case, the researcher keeps distance to the relevant protagonists. (2) an analytical approach that additionally advises the relevant political personnel, and (3) an approach of ‘active interference’ (Wollmann 2009:382). This research study can be subsumed under category number one as the researcher focuses on the analytical character of the on-going evaluation approach of this study. Policy advice is given additionally but nonetheless, the researcher keeps distance to political protagonists.

Generally, the evaluating research design can be of a quantitative or of a qualitative nature. “It can involve existing statistics, experimental design, surveys, historical documents, or field observation” (Neuman 2003:524). For this study, the researcher has decided to follow a qualitative research design applying an unobtrusive- or non-reactive research method (Babbie 2007:319) that does not involve direct elicitation of data from the research subjects. In addition, this study also has the character of a case study. The chosen case, namely the South African land reform programme will be analytically studied and evaluated. The sources of information in a case study can include quantitative as well as qualitative evidence. Using multiple data sources additionally enhances the data credibility.
According to Baxter and Jack (2008:554)

“Unique in comparison to other qualitative approaches, within case study research, investigators can collect and integrate quantitative survey data, which facilitates a holistic understanding of the phenomenon studied. In a case study, data from multiple sources are then converged in the analysis process rather than handled individually. This convergence adds strengths to the findings as the various strands of data braided together to promote a greater understanding of the case.”

The objective of this research study can be examined on the basis of the analysis and interpretation of primary sources as well as secondary sources. These include existing statistics, existing and ongoing evaluation and research reports, contemporary and past action plans, as well as governmental white papers published by relevant official governmental departments (South African Department of Land Affairs, South African Government). They may also include publications by non-governmental but trustworthy international organizations like the World Bank. All primary sources used in this research are open to the public and published either on the organization’s or department’s website or in hard cover version in reports and articles. Generally, the use of existing statistics gathered and reported by governments, agencies, and other trustworthy organisations in a research study is widely accepted in the scientific community (Babbie 2007:331).

The use of existing statistics differs from secondary analysis, in which the researcher obtains a copy of someone else’s data and undertakes his/her own statistical research (Babbie 2007:331). However, existing statistics gathered and reported by governments, agencies, and other organizations can provide the main data for a social scientific inquiry (Babbie 2007:331). With regard to the use of existing statistics, the researcher is aware of its advantages and possible dangers. The researcher is also aware that due to the aggregated nature of existing statistics, the unit of analysis is not the micro- but rather the macro-level. With regard to the aim of this paper, this fact can be neglected because the unit of analysis targeted in this research paper is not the individual beneficiary of the land reform programme but rather the group of beneficiaries in toto. The author of this treatise is also familiar with problems regarding the validity and the reliability of the sources. Consequently, the “researcher’s first protection against the problems of reliability in the analysis of existing statistics is knowing that the problem may exist” (Babbie 2007:334).

The second foundation of information this treatise is based on, are secondary sources such as scientific publications of various disciplines concerning the South African land reform, highlighting its advantages and weaknesses from multiple perspectives. In order to achieve
the overall aim of this paper – the on-going evaluation of the land reform process - the analysis of secondary sources is of distinct importance.

2.1. Delimitation of the study

Given the fact, that only one case, namely the South African case, is going to be analysed and evaluated, this study has the character of a case study. In a case study research, the researcher examines, in depth, many features of one single case or a few cases over a specific period of time. Cases can be individuals, groups, states, or events. The advantage of the case study character is that a researcher can be focused on a limited number of cases and can intensively investigate these cases, “(…) focusing on several factors” (Ibid.). The researcher would additionally like to note that in this study only the case of the South African land reform is going to be explored and evaluated. Therefore, it is impossible to allow generalized conclusions to be drawn.

Furthermore, the explicit interest of this evaluation study is the analysis of the South African land reform process only, as this represents an interesting and worthy case to study. According to the World Bank (van den Brink 2006:1), the evaluation of the South African land reform process is highly important because a success in South Africa would have tremendous implications, regionally and internationally for land redistribution.

Moreover, the study will focus specifically on the development of explicit advice for South African policy-makers and beneficiaries of the land reform programme in the future.

Finally, any research is limited by crucial research factors such as time and budget. The same applied in this case.

2.2. Ethical considerations

According to Babbie (2007:27), “the fundamental rule of social research is that it must bring no harm to research subjects.” This fundamental rule is going to be followed by the author of this study. The author of this research has also internalized that participation in a study always has to be based on a voluntary decision by the participant. Additionally, the author is aware of the importance of privacy, anonymity, and confidentially in interviews (Neuman 2003:126). However, given the fact that the research paper is carried out without interviewing
participants, those fundamental norms of research can be neglected. In non-reactive researches the people being studied are not directly involved. Nonetheless, the author fully respects the principle that researchers have to take ethical concerns into account as they design a study “so that sound ethical practice is built into the study design” (Neuman 2003:116). Additionally, the author goes along with the code of ethics in non-reactive research studies. Confidentiality and privacy is guaranteed.

Finally, the author of this study declares his ethical obligation to his colleagues in the scientific community “(…) concerning the analysis of data and the way (…) results are reported” (Babbie 2007:69). Any limitations of the study will be made known to the readers. Furthermore, the author is aware of the political norm that “a researcher’s personal political orientation should not interfere with or unduly influence his or her scientific research” (Babbie 2007:75). Whenever decisions made by policy makers need to be criticised in this study, this is going to happen in a strict scientific, neutral and value-free way and will be comprehensible through intersubjectivity.

Regarding official data and statistics the author is aware of the fact that “measures and statistics that are defined as official (…) are objects of political conflict and guide the direction of policy” (Neuman 2003:328).

When it comes to the presentation of results, the author sticks to the principles of “releasing the study design with the results” (Neuman 2003:130) and that the “interpretations of results [are] consistent with the data” (Ibid).
3. Conflict in society explained: Definitional excursion

Conflict between human beings is as old as the history of mankind and it exists in all human relationships. Especially in complex social structures like modern societies, where a vast number of human beings with different individual backgrounds, needs, and different goals live closely together, human conflict is almost unavoidable. It encounters us in almost everyday situation; at work, in school and at home. That does not make human beings innately aggressive; it just shows that conflict is part of daily life, and will probably be continually. Therefore, conflict can be seen as natural. Due to the fact that conflict exists wherever human beings interact, people have been interested in the study of conflict since biblical times. With the beginning of the 19th century the study of conflict gained new momentum and conflict has been examined from different perspectives within different academic disciplines. Scientists like Darwin, Marx, and Freud dedicated their undivided attention to this matter (Pruitt and Kim 2004:7). But what exactly is conflict? Generally speaking, conflict is associated with verbal or physical fighting, with implications of winning and losing. Due to the fact that conflict is not an abstract academic term for scholarly use only, words with widely different connotations are summarized under its meaning. Therefore the term conflict needs to be examined and clearly defined.

A starting point towards a definition of conflict is offered by Webster who concludes that the term conflict originally meant a “(…) fight, battle or struggle” (Pruitt and Kim 2004:7). This definition generally applies to a confrontation between two or more parties. The sociologist Coser (1956) agrees with Webster’s definition but additionally highlights the goal-directed behaviour of conflict:

“[Conflict is] a struggle over values and claims to scarce status, power and resources in which the aims of the opponents are to neutralise, injure or eliminate their rivals.”
(Coser 1956:8)

3.1. Social Conflict: A Definition

Given the fact that conflict occurs in interactions between human beings, social conflict can therefore be classified as a complex and multifaceted social phenomenon. Just because social conflict is such a multifacetteed and complex social phenomenon, no universal accepted
definition of social conflict does exist in the scientific literature. A look into the relevant scholarly literature of conflict management, conflict resolution, international relations, sociology and psychology - just to mention a few academic disciplines that deal with social conflict – confirms this finding. Depending on the academic subject, the offered definitions differ in range and conceptualization. Some authors, like Rhoodie (1991:21) for example, define social conflict in a more narrow and basic sense, emphasizing the struggle of a collective for the distribution of scarce resources as both the major characteristic and root of conflict (Bradshaw 2008:16). On the other side of the spectrum, very broad definitions of social conflict can be identified. German sociologist Dahrendorf (1959) defines social conflict as “(…) all relations between sets of individuals that involve an incompatible difference of objective” (Dahrendorf 1959:22).

Other definitions refer to Rhoodie’s basic definition of conflict. Himes (1980:14) defines social conflict as the “(…) purposeful struggles between collective actors who use social power to defeat (…) opponents and to gain status, power resources and other scarce values” (Bradshaw 2008:16). However, both Rhoodie’s and Himes’ definitions refer to observable characteristics of conflict - to manifest conflict - because the term ‘purposeful’ implies that conflict is a product of conscious intention (Bradshaw 2008:16). Nevertheless, sometimes conflicts do exist within a society, although no conflict related actions like violence might have taken place yet. According to definitions in a narrow sense, there is no conflict at all as long as violent behaviour stays below the surface; as long as they are latent and have not escalated yet. Therefore, Sandole (1990:43) understands conflict as a process and distinguishes between latent conflict; conflicts that are developing, but have not expressed themselves in an observable manner yet, even for the parties themselves -, manifest conflict processes –, conflicts that have arisen so that they are observable but have not been expressed in a violent manner-, and aggressive manifest conflict processes –conflicts that have finally escalated from a manifest conflict.

To include both manifest conflicts that are characterized by conflict related actions as well as latent conflicts that cannot be seen at first glance, a broader definition of social conflict than those already presented needs to be offered.
A definition that addresses the causes of conflict (latent conflict) as well as its expression (manifest conflict) is offered by Anstey (2008).

“Conflict exists in a relationship when parties believe that their aspirations cannot be achieved simultaneously, or perceive a divergence in their values, needs or interests (latent conflict) and purposefully employ their power in an effort to eliminate, defeat, neutralise, or change each other to protect or further their interests in the interaction (manifest conflict).”
(Anstey 2008:6)

With this definition in mind it is possible to identify three distinguishing characteristics of conflict: (1) the underlying conflict situation - according to Tillet/French (2006:6) the “causes” of conflict-, (2) conflict attitudes or “symptoms” (Tillet/French 2006:6) and (3) conflict behaviour or “explanation” of conflict (Tillet/French 2006:7). The characteristics of conflict worked out in this definition coincide with the factors Mitchell (1981) considers to be elementary to conflict: the underlying conflict situation, conflict attitudes and conflict behaviour.

3.2. The two Functions of Social Conflict

“We all are of two minds about conflict. We say that conflict is natural, inevitable, necessary, and normal, and that the problem is not the existence of conflict but how we handle it.”
(Mayer 2000: 3)

After defining social conflict and working out the differences between latent and manifest conflict, it is further important to highlight the two functions of conflict.

As seen in the introductory quote made by Mayer, conflict has two dimensions and therefore can be seen from two different perspectives. The first dimension of conflict emphasizes the negative aspect of conflict. Typically, it is this “dysfunctional” (Anstey 2008:7) aspect of conflict that immediately comes to mind when one is asked about the characteristics of conflict. This side of conflict might be very destructive and can be observed in the amount of wars and the high level of inter-person and inter-group violence that occurred in the history of humankind. The second perspective stresses the positive or “functional” (Anstey 2008:7) aspect of conflict that stimulates progression and prevents stagnation (Tillet and French 2006:16-17).
Therefore, one can agree with Deutsch who states that

“[Conflict] has many positive functions. It prevents stagnation, it stimulates interest and curiosity, it is the medium through which problems can be aired and solutions arrived at, it is the root of personal and social change.”
(Deutsch 1972:381)

3.3. What causes Social Conflict?

Social conflict is a multifaceted phenomenon and generally has multiple roots. Therefore, a large number of theories are available on the academic market ranging from psychological, sociological and political science approaches on the micro-level to the macro-level, trying to explain specific aspects and sources of conflict.

The conflict cube offered by Bradshaw (2008:20) illustrates that several sources of conflict in society can be identified: past relationships, conflicts over values (different people hold different values of political, religious or ideological nature), interest-based conflicts (competition over scarce resources), conflicts as a result of denied or frustrated human needs, conflicts based on misperception, misunderstanding and structural conflicts (social, political and economic).

Other scholars in the field identify different sources. A more contemporary psychological approach trying to explain the sources of social conflict is offered by Mayer (2000:8-25) who integrates insights of various conflict theories in his “Wheel of conflict” (Ibid.:9). In the centre of the wheel, human needs are situated because human needs, more precisely the frustration of human needs, are the main cause of conflict. “People engage in conflict because of their needs, and conflict cannot be transformed or settled unless these needs are addressed in some way” (Ibid.:8). Needs, however, are embedded in “(…) a constellation of other forces that can generate and define conflict” (Ibid.:8). According to Mayer these five sources of conflict are (1) communication, (2) emotions, (3) values, (4) the structures within interaction takes place and (5) history.

Another prominent approach is offered by Moore (2003:137-139) who identifies relationships, data, interests, values and structure as causes of conflict.
3.4. When Conflict escalates: Conflict Dynamics: Three Models

The term escalation is usually associated with crises on the international level such as the Cuban missile crisis or the blockade of Berlin during the Cold War. Escalation, however, is not limited to the sphere of international relations but can rather occur at all levels of society (Pruitt and Kim 2004:87). However, what exactly does the term escalation refer to? Social conflict is not static but rather a process that follows a certain pattern. This “ebb and flow” (Bradshaw 2008:39) of conflict is usually referred to as conflict dynamics by the academic community. Generally, the process of conflict is divided into a number of phases starting with a beginning point. The following phase is the escalation phase, followed by the stalemate phase, the de-escalation phase and, finally, the end. In a more precise approach, Pruitt and Kim (2004:88) postulate that the term escalation possesses two meanings. Its first connotation refers to the use and increase of heavier tactics applied by the conflicting parties. Its second significance refers to the increase in the conflict as a whole. The two meanings of conflict are interdependent. Escalation of one conflicting party leads to escalation by the other and in sum to an intensification of the conflict as a whole (Ibid.:89).

Pruitt and Kim further identify certain steps conflict goes through when escalating. Although these transformations occur on each side separately, they effect the conflict as a whole due to the fact that “(…) they are usually mirrored by the other side” (Pruitt and Kim 2004:89). Typically five steps or types of transformation commonly occur as conflict escalates. However, conflicts do not necessarily go through all five types of transformation.

The first phase of transformation is described by the two authors as the move by the two parties from light tactics such as persuasive arguments to heavier tactics such as threats for example in order to impose their will on the other side (2004:89). As conflict gets tense, the situation is characterized by an increasingly greater impact on those parties involved in terms of the amount of issues that occur and of course in terms of energy that is spent to keep the conflict going (Bradshaw 2008:39-40). In such situations, the conflict is transforming from small to large (Pruitt and Kim 2004:89). Additionally, issues that once were related to a specific situation tend to become generalized (Anstey 2008:38). As conflict escalates, small and concrete concerns tend to be replaced by generalized and all-encompassing positions and by a general intolerance on both sides resulting in a deteriorating relationship between the participants (Ibid.).
As the conflict goes on, goals on both sides change. In the beginning, each party involved does exactly what is in its own interest and tries to perform as best as it can taking the other party’s performance into regard. As conflict increases, this situation changes and becomes more competitive. The new objective is now to outperform the other party. With regard to the efforts and costs the previous change in objective have caused, the goal shifts again. This time the ultimate goal is not just the out performance of the other party, but its damage (Pruitt and Kim 2004:90). Not only motivational changes can be observed, but emotional changes as well. If the feeling towards the other party was slightly positive in the beginning, it changes into mild negative feelings, such as irritation, as the conflict increases. As escalation continues, the mild negative feelings turn completely negative. Anger, frustration, hostility, and even hatred take the place of irritation.

The fifth transformative step in the ladder of escalation contains the expansion of participants. More and more people get involved in the conflict. What might have started out as a conflict between a small amount of people in the beginning, can easily turn into a collective effort to finally accomplish what could not have been achieved with fewer participants (Ibid.:91).

For a better understanding of conflict, the processes that occur between the parties involved and within each party need to be examined. Therefore, three popular escalation models will be presented below. Every model provides its insight into the process of escalation.

3.4.1. The Contender-Defender Model

As the name of the model implies, this model distinguishes between two parties. One party is seen as the contender, while the other party is defending itself against the contender’s actions. The contender is viewed as having a “goal of creating change” (Pruitt and Kim 2004:93) which leads to conflict with the other party involved. This goal might be simply to stop the other party’s annoying behaviour. In order to achieve its goal the contender starts with mild tactics. If the applied mild tactics do not work, the contender applies heavier tactics in order to reach its goal, and thereby further escalates the conflict. The defender also contributes to the escalation of the conflict situation as by responding to the increasingly heavier tactics applied by the contender. The difference though is that the defender strictly acts in a passive way, whereas the contender’s actions are of aggressive and active nature (Ibid.:93).
3.4.2. The Conflict Spiral Model

A very prominent model of conflict dynamics is the conflict spiral model. The spiral model can be considered a “bilateral reaction model” (Pruitt and Kim 2004:96) because each party is reacting to the other party’s prior actions. This provokes further reactions until the circle is completed and is started on its next iteration. The motivation behind every party’s action simply is a matter of revenge or punishment. The rationale is simple: The other party shall be taught a lesson so that it will stop its current behaviour. The circle of action and reaction is hard to break. Every side will see the end of retaliation as a sign of weakness and no party wants to be considered weak. Pruitt and Kim offer three reasons why the parties cannot break through the circle of conflict. The first reason refers to the lack of trust on both sides. The second reason lies in the fear that making a reconciliatory move will reward the other party and hence encourage more antagonistic behaviour. Finally, the other is usually seen as the aggressor and hence blamed for the conflict spiral (Ibid.:97).

The tactics used by each side get progressively stronger with every new reaction to further actions. The retaliation is more severe and intense than the action that provoked it. This conflict behaviour has again three reasons. One reason lies in the spiral character itself that produces the transformation from small to large. Second, every party’s losses look larger than the other party’s losses. Third, the conflicting parties do not realize that they are in the middle of a conflict spiral but rather see themselves as responding to persistent threats (Ibid.). In the beginning, they use light tactics but if these reactions prove unsuccessful, parties ramp up the aggression level. Ironically, the other’s reaction to the more severe actions is an even more severe response, and so the conflict continues to escalate.

However, Pruitt and Kim conclude that the process of escalation, understood as the use of progressively heavier contentious tactics, is best analysed by linking both models: The progressively use of heavier tactics can then be seen as a contender-defender episode in a broader conflict spiral or a conflict spiral that is embedded in a broader contender-defender dynamic (2004:100).
3.4.3. The Structural Change Model

A more complex model than the previous models is the structural change model. As the name implies, this model describes structural changes that occur when conflict escalates. Structural changes refer to changes in the character of the situation affecting the parties’ choice of tactics (Pruitt and Kim 2004:101). Some of these structural changes are changes in the psychological states that develop within and between individuals and decision makers, changes in the way group functions and changes in the community in which the conflicting party is embedded (Ibid.).

The structural change model can either be constructed on the basis of the defender-contender model or the conflict spiral model. Based on the conflict spiral, the process that occurs when conflict escalates is referred to as “cycle of escalation” (Pruitt and Kim 2004:102). In this process, the heavier tactics used by one party produces structural changes in the other party. At the same time, the structural change produces harsh reactions, which in turn produce structural changes in the other party, which encourage further heavier tactics, and so on. The great advantage of this model lies in the fact that it enables the analyst to derive hypotheses about the conditions under which conflict will escalate and under which escalation will preserve and recur (Ibid.).

First, let us have a look at the psychological changes that take place when conflict escalates. The psychological changes that occur as conflict escalates involve emotion and emotionally related perceptions. According to Moore, emotions can be considered the energy that fuels conflict (2003:167-172) and when built up to a specific point, they overcome caution and produce escalated behaviour. Emotions will fuel a conflict as long the conflict spiral persists. Therefore, emotions can be considered a temporary phenomenon (Pruitt and Kim 2004:103).

The most common emotional changes include feelings such as anger, blame, fear, and image threats. Pruitt and Kim identify blame as an aggravator, which encourages conflicts to escalate because blame produces anger, a feeling that produces the desire to hurt the opposing party. Blame further produces actions in order to punish the other party for its annoying behaviour (Pruitt and Kim 2004:103). The level of intensity in which blame is taken to the other party involved will be higher in cases where harmful actions were undertaken voluntarily with the intention to harm. The blaming by one party will additionally be greater if the actions by the other party have broken social norms (Ibid.). In short, conflicts will most likely escalate, if
Conflict in society explained: Definitional excursion

one party sees the actions by the other party as illegitimate, especially when the latter refuses to change its behaviour. This behaviour in turn produces anger by the other party as well as the will to punish in order to discipline. In these situations, conflict spirals get off the ground or an already existing one continues. While feelings of fear and anger are prominent in “retaliatory spirals” (Pruitt and Kim 2004:104), fear produces a different kind of conflict spiral most prominent in “defensive spirals” (Ibid.) where each party tries to protect itself from aggressive actions undertaken by the opposing party.

Conflict situations are further marked by hostile attitudes, perceptions, and goals that develop. These psychological states affect the ongoing relationship between the conflicting parties, “(…) either encouraging new escalation when another conflict arises or (…) causing the parties to perceive new conflicts where none exist” (Pruitt and Kim 2004:105). One effect of the change in perception lies in the fact that specific issues will be transformed into general issues, resulting in the perception of ‘the other’ as a “diabolic enemy” (Ibid.:106). Besides issue proliferation, demands change as well from specific to grandiose all-encompassing demands (Anstey 2008:38). In such situations, zero-sum thinking often occurs. Attitudes and perceptions tend to be in balance producing mirror images. Each conflicting party has almost exactly the same attitude and perception of the other party (Pruitt and Kim:107). The situation of mirror imaging produced by hostile attitudes and perceptions fuels the conflict further. It makes the blaming of the other party for unpleasant experiences much easier. Generally, actions by the other party are distrusted and therefore seen as threats, making retaliation more likely, and communication between the parties more unlikely (Anstey 2008:39). Deutsch (1969) states that in the process of destructive conflict communication between the parties decreases because existing communication channels are either ignored or used to abuse the other party (1969:386). As hostilities between two parties increase and communication decreases, negative stereotyping becomes easier and more likely. Hostile attitudes and perceptions further reduces empathy with the other party, fosters zero-sum thinking resulting in the view of the other party as the embodied evil2. As a result of the psychological changes, competitive and hostile goals emerge. The desire for revenge is a very prominent hostile goal that occurs in conflict situations further fuelling the conflict. It lies in the nature of revenge

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2 Anstey’s (2008:62-68) analysis of George Bush’s State of the Union Address delivered on September 20th 2001 illustrates how national leaders escalate conflict through their speeches. The Speech reflects the typical elements of a conflict escalation process: mobilization for internal and domestic unity, targeting and demonizing America’s attackers, building internal resilience as defender of all that is good, rallying emotional support and selecting between friends and enemies.
that it produces a retaliatory reaction, which produces further revenge often more intense and powerful than the previous action, returning more harm than received. Thus, the start of conflict spiral is almost unavoidable.

Dehumanization of the other party – the perception that the other party is less human - is another psychological change that escalates conflict (Pruitt 2005:252). Dehumanization results from prior escalation or a perception that the other party rejects values that are important to oneself (Ibid.). A result of dehumanization lies in the fact that ‘the other’ is seen as standing outside of social norms and therefore is not protected by these norms against aggression (Pruitt and Kim 2004:111-112). Escalation is also more likely when the other party is perceived as de-individuated. De-individuation refers to the perception of seeing people not as unique individuals (Pruitt 2005:252). Pruitt and Kim further propose that de-individuation can be identified as an explanation for the use of excessive contentious tactics (2004:252).

Physical distance between conflicting parties additionally encourages the use of heavier contentious tactics.

Another finding lies in the fact that groups are more aggressive than individuals when the adversary is punitive and insulting (Pruitt 2005:253). Groups further act more harshly to norm violations and use threats more frequently.

The above-mentioned psychological changes that take place in individuals also take place in groups such as organizations and nations. Pruitt and Kim (2004:113) state, as a consequence of polarization which conflict creates between groups, individual members become more hostile and adopt extreme attitudes and perception. These hostile attitudes and goals tend to become group norms but by the same token, the common goal of defeating the enemy leads to the establishment of subgroups that sometimes are more militant in perusing this goal (Pruitt and Kim 2004:113). As conflict spreads among groups, community members become involved in supporting one side or the other. This phenomenon is referred to as community polarization (Pruitt and Kim 2004:118-119), is produced by earlier escalation, and fuels further escalation.

Several processes, which are closely linked to the changes mentioned above, are proposed as promoting conflict escalation. Pruitt and Kim state (2004:116) that six changes can be identified as promoting conflict escalation: Within the group, a process of polarization takes place resulting in a group-polarization. The average group member becomes increasingly hostile towards the other side. The group further develops contentious group tactics such as
the destruction of the other party. Runaway norms, seen as “right thinking” (Ibid.:117) by most group members become the norm as well as the development of a group identity. As the conflict continues, militant leaders emerge and take over control of the group. Militant subgroups develop which apply heavier tactics in order to achieve the goals defined by the group.
4. The Existence of Human Needs

“Everyone, everyday, everywhere can readily verify the priority of some of the basic needs over all others”, Davies (1988:23) postulates. The very elementary needs Davies refers to, are shared by human beings as well as animals, and are regarded as the physical ones by many social and natural scientists (Ibid.). Without a doubt, the need for food, water, and shelter can be considered as ‘basic’ human needs. Furthermore, there can be no doubt about a priority regarding the satisfaction of those basic needs. A human being, for example, is able to survive without shelter for a quite a long time but dies without water within days.

However, there has long been recognition within the scientific community that human beings as ‘social animals’ are complex and in the possession of more than the mentioned ‘basic’ needs (Coate and Rosati 1988:2). Although the fulfilment of physical needs is regarded as the top priority, there are several innate human needs (Ibid.:25). In reference to this matter, Davies (1988:25) mentions the work of Aristotle who “regarded the family as the first social unit (…) that is formed to satisfy minimally the ‘daily’ physical needs of human to eat (‘as meal-tub fellows’) and to procreate”. Besides the satisfaction of the need for food, Aristotle mentioned “happiness” (Davies 1988:35) as the ultimate and highest good, which can only be pursued by political association (Ibid.). The fact that humans are in the possession of innate human needs was picked up by various religions as well. More than 2000 years ago, Jesus, for example, mentioned that man does not live on bread alone (Ibid.). In his critique of the capitalist economic system of the beginning 19th century, social scientist and theorist Karl Marx wrote: “life involves, before everything else, eating and drinking, a habitation, clothing and many other things” and “that as soon as a need is satisfied (…), new needs are made” (Davies 1988:25). According the Marx, the first of the mentioned new needs is the family, which later becomes replaced by newer needs (Ibid.).

According to Davies (1988:25), it would be absurd to conclude that Aristotle, Jesus and Marx agreed to the very same view on human beings, and the nature of mankind in general, but they all - despite having existed in different times and coming from very different intellectual backgrounds - have something in common: the idea that there are innate human needs besides the ‘basic’ needs that need to be fulfilled and that mankind strives for.

Various psychological scientists such as William James, William McDougall, and Henry Alexander Murray, also mention the existence of innate human needs besides the human needs for food and water (Davies 1988:25). Building on that tradition, psychologist Abraham

4.1. Maslow’s hierarchy of needs

According to Maslow (1954), every human being is bequeathed with universal biologically-based needs that the individual attempts to satisfy on a continuous basis. These needs exist across cultures, classes and societies. Furthermore, every individual, group or society is characterized by needs satisfaction. Therefore, basic needs can be seen as universal. As mentioned in the previous chapter, Maslow identifies five basic needs and further proposes that these needs have a specific ranking in their order of obtainment (Maslow 1954:80-106; Anstey 2008:133). The lowest level in Maslow’s hierarchy of needs is formed by physiological needs such as food, water, shelter, sleep, sex, etc. Although it might look very banal, Davies highlights the importance of establishing priority among the four categories of substantive need. According to him, the physical needs

“(…) remain of enormous importance in both political theory and political life, because mild physical deprivation weakens and severe physical deprivation often severs the most basic social ties, even within family. This deprivation, whether as the consequence of never progressing beyond concern with their satisfaction or as the consequence of retrogressing to their concern, tends to produce anarchy in the struggle of each against all to survive [the Hobbesian war of each against all]. And this tends to maintain or produce tyranny.”
(Davies 1988:26)

The level above the physiological needs is formed by safety and security needs. These needs are of interpersonal nature and include those of acquisition, retention and aggression but also those of security of resources and security of employment. The famous study by Inglehart (1977) *The Silent Revolution: Changing Values and Political Styles Among Western Publics*, a six nation study relating to the deprivation of various needs, including the physical ones, affection and status, found striking relationships between socio-economic status and attitudes towards European integration and thus finally confirming what Maslow’s theory of the priority of needs would predict. In his study Inglehart found out that people of lower status were more opposed to integration than people of higher status who were more in favour of integration. Similarly and more significantly, Inglehart discovered an intergenerational
difference. The younger, post-war generation was less oriented towards the “acquisitive” (Davies 1988:28) values but more to what Inglehart names post-bourgeois values. Besides these findings, Inglehart found a shift in Germany from 1949 to 1963, in which concern for ‘freedom from want’ diminished and importance for ‘freedom of speech’ increased. By summarizing Inglehart’s findings, one can say that Germans after WW II were moving beyond their first concern that was food, shelter, clothing etc. (Davies 1988:28) towards needs of a higher ranking.

On the third level of Maslow’s model, self-esteem needs, love and belongingness needs can be found. Love and belongingness needs are the inherent motivation of every human being to search for group belongingness (family, social groups, work, sexual intimacy, etc.). Self-esteem needs can be divided into external and internal self-esteem. The first, external self-esteem, is esteem from others while the latter, internal self-esteem is self-esteem in the literal sense. Generally, self-esteem is self-generated and centres on needs for achievement, recognition, dominance, prestige and respect for others. In other words, “when people gain sufficient security, in the steady satisfaction of their physical and love needs, they begin to demand recognition as individuals meriting respect and dignification” (Davies 1988:29). By concluding Maslow’s needs hierarchy, Anstey states that such needs include affiliation, deference, conservancy, nurturance, assimilation, and blame avoidance (2008:133).

On the very top of Maslow’s pyramid of needs, the need for self-actualization is situated, characterized by the striving for truth, justice, individuality, meaningfulness, independence and freedom (Anstey 2008:133). The originality in Maslow’s approach lies in the fact that needs of higher hierarchy can only be achieved when previous needs, needs of lower priority have been successfully satisfied. To put it briefly, self-actualization needs will only act as motivators when the very basic physiological needs such as food, shelter and water have been met before, otherwise civilization will stop continuing or emerging because civilization can neither continue or emerge on a basis of physical deprivation. “It disappears when people are compelled by dire circumstances to regress to a primary concern with physical survival” (Davies 1988:31).

One of the biggest advantages from Maslow’s hierarchy of needs is its value in the use of political analysis. For example in the explanation of ‘irrational’ behaviour. With Maslow’s theory in mind social scientists are able to explain why people lose their tempers “when their normal daily life is interrupted by concerns whose force can be explained only by indicating that these concerns relate to orderly priority of needs” (Davies 1988:31). Hungry people will
not behave like those “(...) well-fed, socially accepted, dignified, self-actualizing upper middle-class members of the establishment” (Ibid.). In addition, the priority of needs helps to explain political behaviour that is not hunger-motivated. Davies gives the example of young U.S. Americans who are threatened with military service protesting against the Vietnam War. Davies concludes that they are responding to two basic needs: the desire to live and the threat to a possible self-actualizing career (Ibid.). Furthermore, Maslow’s theory helps to explain why socially and ineffectually isolated individuals may join totalitarian parties if that party diminishes his isolation, gives him/her self-respect and something meaningful to do in a time of social despair (Ibid.).

Although Maslow has influenced many researchers and scientists in the field of conflict resolution and peace studies like Burton and Sites, there is still no universal agreement over the question of what basic human needs exactly are in contemporary literature related to the field of peace studies and conflict resolution (Coate and Rosati 1988:2). According to Burton, there is little agreement on terminology - generally or in particular - when reference is made to universal variables. Needs, values, wants, are all used in different senses by different authors, sometimes interchangeably. Therefore, Galtung (1980:59) concludes that “a need should be distinguished from a want, a wish, a desire, a demand”. Burton (1990a), referencing Pirages (1976), distinguishes between needs and wants as well and offers a criteria to make a distinction. “Basic human needs are psychologically determined while wants are socially determined” (Burton 1990a:95). Generally, the term ‘need’

“shall refer to any requirement for a person’s survival, health or basic liberties; basically meaning that, to the extent that they are inequitably met, mental or physical health is impaired. Thus ‘need’ refers to necessities for not only biological survival but also for the health and development (physical and mental growth) of persons as human beings.”

(Coate and Rosati 1988:3)
Lederer (1980:3) correctly refers to a challenging fact the scientific community of peace and conflict resolution researchers is confronted with:

“The one very important fact to be aware of in any attempt to define needs is that needs are theoretical constructs. This means that the existence of an individual’s needs, or, stronger, the ‘truth’ of those needs, cannot be proven in a direct physical way. At best, the existence of a need can be concluded indirectly either from symptoms of frustration caused by any kind of nonsatisfaction. Thus, whatever one tends to call the underlying principle of such phenomena, it is ultimately a negotiable question (...).”

(Lederer 1980:3)

There is, however, an agreement in the community of peace research and conflict resolution scholars and practitioners that basic human needs are a set of essentials to survive; needs that go beyond the elementary need for food, water and shelter. Burton (2001) argues that reference is usually made to needs such as identity, recognition and security; the latter understood not simply as physical security but rather security of the other needs. In other words, needs are both physical and non-physical elements essential for human development and growth as well as those things humans are innately driven to attain. Marker (2003) has identified nine basic needs that are accepted within the needs theorists’ community. These needs are the need for safety and security (need for structure and freedom from fear and anxiety), the need for belongingness and love, self-esteem (the need to be recognized by oneself and others; need to know that one has some effect on the social environment), personal fulfilment, identity, cultural security (related to identity, need for recognition), freedom (choice in every aspect of one’s life), distributive justice, and the need for participation.

Furthermore, needs theorists share the opinion that human needs satisfaction is essential in order to stabilize societies. Otherwise, the social system (the structure of society) that is supposed to generate and support human needs fulfilment will probably be forcefully removed.

“[H]uman needs are a powerful source of explanation of human behavior and social interaction. All individuals have needs that they strive to satisfy, either by using the system (...) or acting as a reformist or revolutionary. Given this condition, social systems must be responsive to individual needs, or be subject to instability and forced change (possibly through violence or conflict)”

(Coate / Rosati 1988:ix)
4.2. Human Needs at stake: Deep-Rooted Conflict as a Special Type of Conflict

Unlike prominent psychological and sociological needs theorist’s like Maslow and Sites, Burton has not developed an own detailed catalogue of human needs based on scientific derivation and deduction. Burton’s approach is more inspired and influenced by his practical experience in the field of diplomacy and conflict resolution. Burton’s attempt to establish an objective basis for socially and politically salient needs in biology or in inherent human nature, therefore, came under severe criticism (Avruch 1998; Reimann 2002).

However, Burton uses the term ‘needs’ to

“(…) describe those conditions or opportunities that are essential to the individual if he is to be a functioning and cooperative member of society, conditions that are essential to his development and which, through him, are essential to the organization and survival of society.”
(Burton 1979:59).

In Burton’s view the needs most salient to an understanding of destructive social conflicts are those for identity, recognition, security, and personal development (Rubinstein 2001). Furthermore, needs can get cultural expression but they are not determined by culture but rather inherent in humankind. In contrast to Maslow’s hierarchy of needs, Burton rejects a hierarchical order of needs. Instead, Burton bases his concept of human needs to a large extent on the model which was proposed by Sites (Rubinstein 2001).

In his 1979 work Deviance, Terrorism and War, the Process of Solving Unsolved Social and Political Problems, Burton acknowledges the influential work of Paul Sites whose Control: The Basis of Social Order (1973) defined eight essential goals whose satisfaction was required in order to non-violent individual behaviour (Rubinstein 2001). According to Sites, these needs are: (1) the primary needs for consistency of response, (2) stimulation, (3) security, (4) recognition, (5) derivative needs for justice, (6) meaning, (7) rationality and (8) control (Rubinstein 2001). Sites, in turn, acknowledged the influential work of Maslow’s hierarchy of human needs satisfaction as a precondition for human development (Ibid.).

After having worked out the different components and dimensions of conflict in the previous chapters, it is further important to distinguish between disputes and conflicts. Disputes, according to Burton (1990a:2) are “(…) those situations in which the issues are negotiable, in which there can be compromise, and which, therefore, do not involve consideration of altered
institutions and structures”. In other words, dispute issues are able to be settled by traditional means of negotiation, arbitration and settlement. Conflict, in contrast, is not open to compromise and cannot be bargained away due to the fact that in conflict situations fundamental human needs are deprived.

“The issues that lead to conflicts are not the ordinary ideas, choices, preferences and interests which are argued and negotiated as part of normal social living. They are those whose sources are deeply rooted in human behaviors.”
(Burton 1990:2)

According to Burton, the mentioned human needs are more fundamental than food and shelter. Burton refers to “(…) needs such as personal recognition and identity that are the basis of individual development and security in a society” (Burton 1998). Burton (1990a), however, admits that “even normal disputes may become deep-rooted (…)” (Burton 1990a:16). In order to refer to issues which are not based on negotiable interests and positions, Burton (1990a:15ff) introduced the term ‘deep-rooted conflict’. Deep-rooted conflict refers to non-negotiable underlying basic human needs such as the need for security, identity, recognition and human development that cannot be compromised. This type of conflict occurs where basic needs are violated, deprived and frustrated.

As a result of the distinction between disputes and conflicts, these two different objects need to be handled in separate ways. Consequently, Burton introduced two different approaches to deal with dispute and conflict. Therefore, dispute settlement must be distinguished from conflict resolution. Deep-rooted conflicts, whether in the domestic or in the international arena cannot be resolved by negotiation or settlement but only by the satisfaction of basic human needs through conflict resolution (Fisher 1997:6) while disputes can be negotiated away by dispute settlement.

Similar to Burton’s concept of deep-rooted conflict is Azar’s (1990) concept of “protracted social conflict”. According to Azar, conflicts such as the Middle East Conflict or the conflict in Sri Lanka is not based on economic inequalities alone but rather on the denial of basic human needs that are necessary for human development. The needs include, similar to Burton, security, distinct identity, social recognition of identity and participation. The central unit of analysis in Azar’s approach is the identity-group which is based on mutual ethnicity, religion, language and race. It is through the identity-group that common human needs are expressed,
politically and socially but at the same time common identity depends on the satisfaction of basic needs such as security and recognition. Conflicts will always arise when identity-groups perceive that their basic human needs are denied. Oppression, victimization and the denial of equity and political participation consequently lead to protracted social conflict (Fisher 1997:5).

Summarizing the concept of deep-rooted conflict, deep-rooted conflict can be defined as

“(...) originating largely within states, which combines two powerful elements: potent identity-based factors, based on differences in race, religion, culture, language and so on, with perceived imbalance in the distribution of economic, political and social resources.”
(Harris/Reilly 1998:14)

4.3. Towards a Human Needs Theory: Burton’s approach

Generally, the basic human needs theory is a micro-level approach trying to explain the sources of social conflict. Although the basic human needs theory is categorized under the umbrella of the psychological approach, its origins and sources are of various academic disciplines and philosophical schools of thought. Therefore, today’s basic human needs theory can be labelled as a multi-disciplined approach. Although the modern basic human needs theory has absorbed various academic approaches and schools of thought, the common denominator of all these diverse sources remains the same: their commitment to the human being. More precisely, the human being, its vital demands and needs are the central analytic object of research.

The following pages will give a brief historic overview over some of the origins of the contemporary human needs theory.

Historically, the earliest sources of what could be labeled as needs theory are dating back to the spiritual writings of various religions that stress out the importance of human needs and their fulfilment. At the same time many religious records have been concerned with peaceful conflict regulations (Bradshaw 2008:67). In this regard, Gurtov (1988:44) mentions the positive role of Eastern philosophy and spirituality, Christianity, Buddhism and Judaism on the development of human needs consciousness. Nevertheless, the consideration and promotion of human needs and conflict regulation was not restricted to theologians only. Ancient Greek political philosophers such as Heraklitus (1981) and Protagoras (Burnet 1964) can be considered the founding fathers of a philosophical school of thought that has
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influenced generations of philosophers, sociologists, psychologists and political scientist who in turn influenced contemporary human needs theory: Humanism. Humanism is a philosophy of life based on and derived from occidental philosophy that is orientated towards human dignity, human needs and human values. Briefly, humanism is based on principles such as freedom, dignity and welfare for humankind and societies. These goods are regarded as the highest goods that need to be respected by every human and state action (Burnet 1964:28). Protagoras’ famous statement *panion chrematon* (the human being is measure of all things) demonstrates this attitude towards human mankind impressively. Since the time of Heraklit and Protagoras the concept of humanism and its underlying idea of human needs, human dignity and values as the most fundamental goods, influenced western European political theory. After the middle ages that hindered a further development and intellectual consideration within the topic of human needs, the European enlightenment reawakened humanist principles. Newly achieved scientific freedom led to a new intellectual analysis of the role of the individual in society. The fundamental role of human needs in society was acknowledged by social contract philosophers like Thomas Hobbes (1968), John Locke (Yolton: 1964) and Jean Jaques Rousseau (1972). Social contract philosophy not only influenced Western political thoughts in general but laid the foundation of modern European democratic and liberal nation states based on freedom, equality and justice (Heywood 2004). The modern, liberal and democratic state in turn is of vital importance to the development of the individual because it provides a political framework that protects the individual and within which every human being is able to strive and successfully pursue its basic human needs. Later, political philosopher and sociologist Karl Marx has reflected on the impact of denied human needs on society, concluding that only the turning to communism as a new form of political order and order of society is able to end the class conflict (Feuer 1969).

Besides theological thinking and ancient philosophy, contemporary human needs theory was predominantly influenced by the psychological thoughts of Sigmund Freud, Erich Fromm, Abraham Maslow, Rollo May and Carl Rogers (Gurtov 1988:44.) as well as by political sciences, political philosophy and sociology. Especially when it comes to Burton’s needs approach the influence of psychology and sociology is unmistakable.

In the post World War II era, practitioners and scholars in the field of peace and conflict research such as Burton, Boulding and Galtung (Dunn 2004:94; Väyrynen 1998:1) focused on human needs and human behaviour as an alternative to and criticism of common theories of international relations trying to explain conflict such as Hans Morgenthau’s Realism (1948),
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explained in *Politics Among Nations*. Burton’s *World Society* of 1972 indicates this change of perspective. In Burton’s four volume conflict series of 1990, he stressed the nature and significance of human needs, concluding that conflict is the result of denied basic human needs (Dunn 2004:127).

According to Burton (1990b)

“it became clear (…) that conflicts (…) were not generated primarily – or even at all – by shortages of goods or even by claims to territory. They were fundamental issues in all cases, issues touching on individual and group security, identity and recognition. The power of human needs was greater than military might. The conditions that explained conflict and therefore suggested means to its resolution, were frustrated human needs (…)”

(Burton 1990b:xv)

After having cleared Maslow’s and Burton’s understanding of basic human needs, the broader basic human needs theory is going to be presented. However, the focus of interest lies on Burton’s approach. The decision to examine and analyze John Burton’s theory of basic human needs can be explained due to his influential contribution, intellectually and practically, to the Anglo-American conflict analysis tradition (Mitchell 2001). Some scholars in the field of conflict resolution and peace research even see Burton as “a man ahead of his time” (Väyrynen 1998:1).

John Burton’s theory connects basic human needs with protracted or deep-rooted conflict. In order to give a general explanation of conflict, Burton uses his micro-level theory on the individual as well as on the international level. Therefore, Burton’s theory can be labeled integrative. Although Burton did not invent the human needs theory, it was he who became known as one of its pioneers. For Burton, Rubinstein (2001) concludes,

“(…) the concept of basic human needs offered a possible method of grounding the field of conflict analysis and resolution (…) in a defensible theory of the person. (…) He set out to reframe the concept in order to provide the new field with a convincing alternative to the prevailing paradigms of postwar social science: mechanistic utilitarianism, behaviourism, cultural relativism, and Hobbesian “Realism”.

(Rubinstein 2001)

One of Burton’s central assumptions is that human behaviour is conditioned by basic human needs. According to Burton, these universal basic human needs are inherent in every human being and represent a central and fundamental drive that cannot be repressed (Reimann
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2002:7). Every human being is trying to satisfy these needs for identity, development, meaning, response and consistency. Due to the fact that the mentioned needs are basic and fundamental, there can be no long-lasting social cohesion and stability unless the basic needs satisfaction of every human being is fulfilled (Burton 1996:7-10). Needs fulfilment further contributes to the stabilization and inner harmony of societies as needs generally hold an original and constructive character (Väyrynen 1998:1).

For Sites, one of Burton’s colleagues, the satisfaction and deprivation of individual human needs is the key source of societal order and change.

“The influence of individual needs is many times stronger than the influence of the social forces which play upon man. That is, the individual is willing to go outside the socially acceptable way of behaving in order to seek gratification for more basic needs. He is willing to violate what, from a social point of view, might be considered his own good in order to obtain gratification for his basic need.” (Sites 1973:9)

Given the fact that we do not live in a perfect world, the satisfaction of basic human needs is not as easy as it seems. According to Burton, in every society structures and social institutions are set up that support and in turn have the support of elite groups. These elite groups deny other social groups their needs satisfaction in order to secure their interests. Consequently, elite groups have a vital interest in maintaining the status quo in society (Burton 1979:140-150). Due to the fact that human beings have no other choice but to pursue the fulfilment of their basic human needs regardless of the consequences (Burton 1979:34; 1990a:36) in the long term because needs are inherent in every human being, conflict always emerges when social institutions –which usually reflects the interest of elites - frustrate the individual’s or group’s attempt to fulfil its needs (Bradshaw 2008:49).

“(…) the individual in society will pursue his needs and desires (some of which may be programmed genetically and may include some elements of altruism) to the extent that he finds this possible within the confines of his environment, his experience and knowledge of options and all other capabilities and constraints: he will use the norms common within society and push against them to the extent necessary to ensure that they work in his interests; but if the norms of the society inhibit and frustrate to the degree that he decides they are no longer useful, the, subject to values he attaches to social relationships, he will employ methods outside the norms, outside the codes he would be in other circumstances wish to apply to his behaviour. In doing so he will be labelled deviant by society; but this is the cost he is prepared to pay to fulfil his needs”.
(Burton 1979:78-79)
Consequently, “social institutions [that] frustrate the individual’s attempt at fulfilling his needs, (...) need to be transformed (...)” (Bradshaw 2008:49).

Concluding Burton’s explanations, human needs per se do not lead to conflict; it is rather the frustration of unfulfilled human needs by social institutions that lead to social conflicts. Thus conflict can be interpreted as a structural failure; the failure of a social system to provide the needs of people. According to Burton, international conflict arises when domestic structural failures, in other words, the domestic frustration of human needs, spill over to the international level (Burton 1997:38).

Due to the fact that basic human needs are, unlike disputes, not negotiable and cannot be traded, Burton introduced new strategies to resolve deep-rooted conflicts domestically and internationally (Pruitt/Kim 2004:195). Burton’s special attention in *Resolving Deep-Rooted Conflict: A Handbook* is given to the creation of win-win outcomes in relations (Anstey 2006:189-194). Here, Burton proposes 56 rules for effective conflict resolution. A more recent approach is Burton’s theory of *Conflict Provention* (Burton 1990a:230-259) as a means of limiting the development of conflict and escalation of conflicts. The term *provention* was introduced by Burton in order to limit the negative connotations related to prevention.

4.4. Land tenure: A basic human need?

The previous parts of this chapter have demonstrated that deep-rooted social conflict, to use Burton’s term, will almost unavoidably occur where the needs of the masses are not met by social institutions; resulting in the removal of those institutions (Burton 1979:34; 1990a:36). Furthermore, the fulfilment of human needs is a precondition for individual development as well as for the development of civilization in general; without the fulfilment of human needs civilization will stop continuing or emerging (Davies 1988:31).

Why are these facts so important? They are so important because they illustrate the potential consequences of unmet human needs for individuals as well as for the development of society. How is this matter connected to ownership of land and land tenure? The consequences of denied basic human needs for the poor masses are clearly observable in colonies or former colonized countries that, although currently independent, have to carry the structural inequalities and asymmetric power relations caused by former colonial structures. According to Kariuki, land has always been “(...) a metaphor of power” (2004:4) and a central pivot of conflict in many countries. Especially in agrarian societies or societies that heavily depend on
the agrarian sector, land generates wealth and benefits for the ones in possession of and with access to it. Especially in former colonized countries in Africa and Latin America for example, land is still unequally distributed. Small and wealthy groups of landowners are confronted with the majority of people without possession of land and the benefits that access to land yields resulting in a constellation of unequal power relations. In many cases this “[m]onopoly control of lands [has lead] to monopoly control over people” (Ibid.:5). The unequal power relation has then lead to a situation where the monopoly over land has become institutionalized in the political system, resulting in the interdependence of the political system and land ownership. Over time, the so-called ‘land ownership system’ developed into the weight-bearing pillar of the wider economic and political system (Ibid.) leading to the situation where landowners influenced the political system or directly brought it under their control in order to protect their interests. Once brought under control, the political system served as the “guardian” (Ibid.:5) of the land ownership system. Naturally, land owners, are not willing to give up their privileges and powers unless they are forced to do so by means of negotiation or in many cases by means of coercion (Ibid.). Thus, only a conflict and a shift in the institutionalized power structure will bring change within this kind of system. As happened in South Africa, the mentioned institutionalized unequal power relation between a land owning minority and the landless and deprived majority has been resolved to some extent with the process of land reform currently continuing (see the following chapter).

With this in mind, land tenure and access to land fulfills an elementary and basic human need. It provides its owner with shelter, security, employment and therefore can be considered a precondition in order to fulfil human needs of higher priority such as self-esteem and self-actualization. Just as Inglehart (1977) has found out, once the physical needs are satisfied, needs of higher ranking such as self-esteem and self-actualization needs are then striven for. Thus, Prosterman and Riedinger (1987:88-92) highlight the importance of equal access to land and land tenure in general as a contribution to human freedom and a way to sustain democracy. This statement is also explainable by Inglehart’s findings on post-war Germany: once materialistic needs were satisfied, ‘post-materialistic’ needs such as freedom of speech and democratic participation in general became highly important to the younger generation of post-war Germans.

Besides the importance of land as a source of income, food, security and employment, land in many African countries is of great value as well, but value that is not measurable in monetary terms.
According to Toulmin and Quan (2002:2), land possesses a great social value

“as a place of settlement, providing a location within which people live and to which they return – as well as symbolic and ritual associations, such as burial sites, sacred woodland and spiritual life” (Toulmin and Quan 2002:2)

Consequently, in the case described by Toulmin and Quan, land ownership and access to land has become self-actualizing. Land ownership has become an end in itself apart from its utility as a means of earning a living (Davies 1988:29).
5. The international Land Reform Debate: A Brief Overview

Headlines such as “Ostrich farm-symbol of SA’s failed land reform” (Plantive 2009) or “Eastern Cape land claim farms lie in ruins” (Masondo 2009) have currently fuelled the domestic debate about the future of South Africa’s land reform programme. Roger Roman (2009) puts it briefly “Land reform in South Africa is critical, it is failing, and the threat of civil unrest as a result is growing” (2009:40). Thwala (2003:1) clearly articulates two possible scenarios South Africa might face in the future: “The continuing racial maldistribution of land will either be resolved through a fundamental restructuring of the government’s land reform programme, or it will be resolved by a fundamental restructuring of property relations by the people themselves” (Thwala 2003:1). Politically, there were signs of support for radical changes in land reform policies in former President Thabo Mbeki’s ‘State of the Nation’ speech in 2006, when he spoke of a more central role of the state in the land reform process including “a review [of] the willing-buyer willing-seller policy” (Mbeki 2006). On the international level, Mbeki’s shift in the land reform policy caused concerns (von Soest and Cholet 2006). What will be the future way of dealing with the current failures? Which way is South Africa going to pursue? Are they, just like Zimbabwe in the early 2000s, going to set aside the constitution and law in order to achieve a ‘fast-track’ land reform (De Villiers 2003:520-23)? However, an answer to the ubiquitous process of land reform is not given easily. To the term ‘land reform’, several complex processes, each affecting the outcome positively or in a negative way, are subsumed. Generally, the land reform debate, nationally and internationally can be broadly divided up into two spheres: land tenure reform and land redistribution, the first referring to the establishment and restitution of secure and formalized property rights (restoration of rights in ancestral land that were dispossessed by previous regimes), and the latter referring to the transfer of land from large to small farmers (van den Brink 2006:1). Land redistribution also includes the acquisition of private owned land or distribution of state-owned land to the poor and landless. Each sphere consists of specific and characteristic issues.

“Land reform is therefore more than a mere land-claim driven process where ancestral land is claimed back by people who were dispossessed. It includes a land claim process, but is widened to refer also to the acquisition of land for distribution to the landless, and changing and securing tenure to ensure protection for those who occupy it.” (De Villiers 2003:1-2)
In order to give a brief summary of the latest developments in the international debate on land reform, this chapter is divided into two sections: the first highlighting the issues and challenges that accompany land tenure, the establishments of property rights as well as policy reforms. The second section summarizes the ongoing land redistribution debate focusing on the most frequently cited issues that describe the controversy regarding land redistribution (van den Brink 2006: 18).

5.1. Land tenure and land policy reform

The international debate on land tenure reform since the mid 1990s is to a great extent influenced by the ‘new economic institutions’ approach, an approach that identifies a lack of understanding in institutional economics as the major reasons for the failures in land reform approaches of the 1960s and 1970s (Driver 2007:62). This approach focuses on institutions that mediate relations between individuals and the market. With regard to the land market, this approach places an emphasis on property rights. From the new economic institution’s perspective, property rights are understood as the social relations between people that dictate how land is owned, accessed, or transacted (Lipton 1993:644).

Any reform of land tenure has to deal with property rights and ownership issues. The problem in defining the term property ownership lies in the fact that there is no universally accepted definition because property ownership represents a social relation that changes over time and differs from place to place and from society to society. Every definition of the term is a result of a political process and contains economic as well as environmental factors. There is, however, a common agreement shared by the academic community of development experts stating that a) the community or the state should define property rights, b) that these rights need to be accepted and understood by the community and within the state, and c) that the state is responsible for enforcing the newly formulated property rights (van den Brinck et.al. 2006:8).

If a community enforces what it had previously decided, property rights consequently become certain and secure. The factor of security in particular plays a key-role for sustainable development and future progress. Without assured property rights, investment by farmers will decrease resulting in food shortages and less economic growth. Security, therefore, is best understood as the security for the farmer to gain the full benefits of the investment he made on
the land. To give an example, a twenty-five year lease agreement is definitely long enough for a maize farmer to grow maize and to gain the full benefit of his previous investment but might not be long enough for a farmer planting hardwood. In the latter case, the farmer is not able to gain the full benefit of his investment and the property right, therefore, cannot be considered secure.

In order to recommend tenure reforms and in order to give policy advice, the different types of property need to be explained first. Generally, the protagonists of the international land reform debate distinguish between private and common property, even though the actual distinction between the two forms of property ownership is not fully clarified. While the term private property does not need to be explained, the concept of common property deserves some insight. Common property, however, is not understood as a free-for-all property with open access for all, but rather as a private property for a group including specific regulations for the use of land this group of beneficiaries has to follow. Only if a community is no longer able to define and enforce the property rules that apply to natural resources, can property be defined as an open-access-property, or no-one’s-property (Ibid.).

In the African context, the concept of common property has some advantages over the concept of private property regarding the full tradability of the property. In countries without formalized pension schemes or a well-developed welfare state, common property regimes serve as a social safety net because community members, especially the old and poor, do have access to land for farming purposes. According to World Bank experts, this insurance function of common land regimes has reduced the vulnerability of communities due to external macroeconomic shocks hitting Africa (Deininger 1999). Under these conditions, land reforms intending to shift from community property towards property regimes under which land can be sold freely on the market do have a negative social as well as developmental impact. In these cases, development experts recommend, “(…) better functioning land rental markets [that] can combine the social insurance benefits of holding land for the poor with the production benefits allowing land to be cultivated by those with the greatest capacity to do so” (van den Brink et.al.2006:7). This recommendation, however, must not be romanticized, the experts further state. Commonly used property can fail just as private property regimes due to mismanagement or wrong decisions. Common property is able to provide an important insurance net but can also be used to exclude people, especially the politically weak or those that are not ‘real’ members of the community such as women, widows in particular or outsiders.
Any tenure reform in Africa has to consider the characteristic historic development of land usage in Africa, traceable to the specific ecological conditions. The traditional usage of land by peasants in Africa does not follow the European concept of individual land titles where one person owns and works an exactly identified plot of land. The concept of individual landownership, implemented by white settlers, is primarily based on the experiences they have made in Europe where land was fertile but a scarce resource and therefore of great value. Consequently, they implemented this concept in their colonies. However, in most parts of Southern Africa, unlike Europe, land is not a scarce resource but labour instead is of great value. In Southern Africa, this circumstance has led to the use of ‘labour tenancy’ by white settlers. The concept was developed around the scarce labour factor allowing black peasants to reside, farm a plot, and graze cattle on the settler’s land in return for a certain amount of days’ labour (van den Brinck et.al. 2006:9). The circumstance that labour is a scarce resource may explain why in land-abundant areas of Southern Africa a person will rarely say that he or she owns the land. Instead, forms of shifting cultivation have developed over time focusing not on the land but rather on the work a person has spent working the soil. In other words, the secure property right is linked to the productivity of the individual. Altogether, the concept of owning the fruits of one’s productivity differs from the concept of owning a specific plot of land.

In areas where land is a scarce resource, the first settlers have developed other forms of ownership. In these cases, descendants of the first settlers inherit the land, work it for their lifetime, and pass it on to the next generation. In legal terms, strong individual rights exist within the lineage’s common property. The right of a person to farm land is derived from the membership of a specific community. This right is usually inherited and therefore secure as well. Under conditions of abundant land, soil fertility is maintained by forms of shifting cultivation. This right, however, is not linked to a specific plot within the boundaries of the commonly used land.

Under conditions of scarce land, increasing population size, and a more intensive form of agricultural cultivation, individual property rights to a specific plot become inheritable because communities allocated farming plots to individuals. In these cases, secure individual property rights are created by the act of investing (Ibid.).

Very similar to the property rights that have developed around the cultivation of land, livestock production systems based on nomadism produced characteristic property rights as well. In areas where land is infertile, for example in semi-arid areas with low rainfall,
livestock production is based on a system which allows the herds to move around freely. A property regime that guarantees a farmer exclusive access to a relatively small area would not make sense in semi-arid areas. Consequently, another form of property rights was developed, a system that guarantees the farmer a non-exclusive access to larger areas. Just like the previously mentioned community property, access to grazing lands was linked to rules everyone had to obey. In order to prevent the grazing lands from overgrazing and in order to avoid conflict, pastoralists and farmers negotiated how to make sure that every party could exercise his or her right without getting in each other’s way. This type of coordination is best achieved in a common property regime. Where private property regimes were implemented, fences often obstructed the free movement of herds of the pastoralists, often resulting in violence and conflict. In order to reduce conflict potential, every tenure reform by the state has to consider and respect the historic economic rights and activities of African pastoralists. The state should hereby act as mediator, supporting dialogue between the farming communities whose property rights are based on private property regimes, and pastoralists whose property rights are based on community land regimes.

5.2. Land redistribution

The arguments for land reform programmes in general and land redistribution in particular typically resolve around issues of efficiency, equity, poverty reduction, economic development, and political stability (DLA 1997; Wegerif 2004:4). Besides the economic oriented reasons for land reforms in countries with highly unequal distribution of land titles, some researchers such as Prosterman and Riedinger (1987:88-91) as well as the World Bank in its 2003 publication on *Land Policies For Growth and Poverty Reduction* highlight the importance of land redistribution as a contribution to human freedoms, civil liberties, and sustainable democracies. In its 2006 report *Consensus, Confusion, and Controversy*, the World Bank explicitly mentions the importance of land redistribution for preventing conflicts (van den Brink et. al. 2006:18) because access to land remains critical for many Peoples’ very survival all over the world\(^3\). Especially in the Developing World, land still represents the main source for generating income and a livelihood (World Bank 2003:xix; Wegerif 2004:4). In

\(^3\) The chaotic situation in Zimbabwe since the year 2000 illustrates that a ‘land reforms’, if implemented properly, serves as an instrument in preventing conflicts. Kinsey (2004) concludes that the politically motivated land invasion in Zimbabwe is the consequence of the underinvestment of post-conflict transformation.
order to meet these objectives, many different land reform policies occurred in several countries all over the world dating back more than hundred years, some of them more radical than others were. The following sections of this paper will give a brief overview of more or less recent land reform approaches and the rationale behind it.

It was the period of anti-colonialism after the End of World War II that brought land reform policies to the focus of attention of a broader public. Toulmin and Quan (2000:8-11) state that especially post-colonial governments have found themselves under severe pressure regarding the implementation of land reform. They had to consolidate their newly achieved political powers, had to take control over a specific amount of land in order to develop it, had to find qualified beneficiaries, were under severe pressure of former and newly emerged elite groups, and at the same time had to respond to the needs and demands of the masses living in rural areas. Consequently, there has been a lot of continuity from colonial to post-colonial land reform. Wegerif (2004:4) by citing Okoth-Ogendo (1993:261-264) illustrates this finding with the example of the Kenyan land reform that was started by the British colonial power in the 1950s and was then continued by the first independent government. Wegerif further states that the land reform process in Kenya under the post-colonial government was continued “with even greater vigour” (Wegerif 2004:4). Okoth-Ogendo (1993:264) identifies the weak structure of the political system, a constitution that preserved colonial structures and laws, the influence of foreign investment as well as the need to earn foreign exchange as the main reasons for this continuity. Additionally, the implemented reforms by the former colonial powers were never directed to redistributing land but rather focussed on the reorganisation of villages and tenure upgrading in order to calm down the majority of people in order to stay in power for even longer. The implemented land redistribution scheme by the British in Kenya in the 1960s for example can be considered a move that was undertaken more out of fear of massive land invasions rather than out of principle. However, the million hectare scheme involved the acquisition of 1,5 million hectares of land owned by colonial farmers. By 1971, 34.000 families were supposed to have settled on this land (Wegerif 2004:4).

Other African countries implemented more radical approaches to redistribute land. Especially those influenced by Communism such as the Marxist government in Ethiopia implemented more radical land reform policies. Ethiopia for example, abolished the colonial feudal system, nationalised all land and redistributed it to those with a will to work it (Wegerif 2004:4). The approach followed by Mozambique, was slightly different although they nationalized their land as well. The post-colonial government of Mozambique established state-owned farms as
well as cooperative farms. Parts of the land were distributed to individuals through a registered licence. The state, however, had overriding powers (Okoth-Ogendo 1993:265). By summarizing these examples, one can state that the characteristic of post-colonial land reforms in Africa is the nationalisation of land. Countries such as Tanzania, Sudan, Uganda, Zaire, Nigeria, Burkina Faso, Guinea, Mali, and Zambia all nationalized their land by legislation (Bruce 1993:24; Wegerif 2004:5). A country that is currently well known for its failures was once labelled as a role model during the early stage of its land reform: Zimbabwe (Palmer 1990; Bratton 1990). Here, the Lancaster House agreement that prohibited expropriation of land without paying market-based compensation, as well as the shortage of cash of the post-colonial government restrained the redistribution of land. Despite this, the Zimbabwean government acquired 2.7 million hectares of land (which in turn represented 16% of the area owned by commercial farmers) during the 1980s and distributed it to 52 000 black households representing more than 400,000 people in order to work the land (Bruce 1993:28; Bratton 1990:274). Compared to the declared target of 162,000 families of 1982, this was only a 32% achievement (Bratton 1990:274). Where 6,000 white farmers owned 42% of the country in 1980, they owned 29% in 1990 (Ibid: 1990:274).

Radical land reform programmes were seen as an appropriate means of land redistribution by several governments, not only on the African continent. Probably the most drastic form of land redistribution took place in communist countries in Asia. After the successful communist revolution and the collectivism of the production, landlords in the Peoples Republic of China were overthrown and expropriated, their land distributed to poor peasants. Vietnam took the same route. However, both communist states redistributed some of the land again in the 1980s as a result of the failure of collectivism. Again, land was distributed. This time to poor peasant families as they were seen as more productive than collectives (Wegerif 2004:5; Griffin et. al. 2002:313). Griffin et. al. (2002) as well as Deininger (1999) state that land reforms in the 20th century have been the most successful in fighting poverty and in increasing productivity by breaking up large landholdings and distributing small pieces of land to peasants that have already worked the land. The new landowners, now free of any fees they previously had to pay to the landowner, worked the land more intensely and at the same time reduced poverty and increased employment.

"More specifically, the success of land reform was critically depended on the form of production in which it was introduced. In landlord estates where tenants already cultivated the land and all that was required was a reassessment of property rights, land reform was relatively straight forward and
associated with significant productivity increases and the emergence of stable systems of production. The main reason is that the organization of production remained the same family farm system, and that beneficiaries already had the skills and implements necessary to cultivate their fields. Organizational requirements of conducting such land reforms were minimal – making them comparable to the “stroke of a pen” reforms familiar from the literature on macro-economic reform. Indeed, since the end of World War II, landlord estates in Bolivia, large areas of China, Eastern India, Ethiopia, Iran, Japan, Korea, and Taiwan have been transferred to tenants in the course of successful land reforms.” (Deininger 1999:4-5)

While the reform of landlord estates seemed relatively unproblematic, the reform of haciendas – systems where tenants had a small house-plot for subsistence but worked the majority of the time on the landlord’s farm – were more difficult “(…) up to the point where the ‘game of Latin American Land Reform’ was declared to be lost” (Deininger 1999:5), some land reform experts state. Deininger continues stating that some failures in reforming hacienda systems are a direct result of the undertaken actions by landowner. Many large estate holders responded to reform threats by simply evicting their tenants long before new land laws could have been implemented by the government or they started highly mechanised self-cultivation resulting in numerous job losses of former tenants (Ibid:5). The World Bank, in their 2003 research paper (2003:143) identifies three difficulties in reforming hacienda-systems. First, such a reform “(…) requires a change in the pattern of production, infrastructure, subdivision of the farm, and settlement of additional beneficiaries over and above workers who have already been living on the farm” (Deininger 1999:5). Additionally, technical and financial aid as well as assistance during the start-up phase was crucial and highly needed but often missing resulting in a decrease of productivity. The lack of entrepreneurship of the reform beneficiaries, the lack of training, as well as the lack of access to assistance has often led to a decrease in agricultural production (World Bank 2003:143). Finally, the new farm owner had difficulties in finding markets for their products as well as access to credits often resulting in financial troubles. Besides this, the World Bank further names the lack of political planning and implementation as the main reason for the failure of reforming the hacienda system. “Instead of aiming to increase productivity and reduce poverty, the main goal of many land reforms in the past has been to calm social unrest and ally political pressure by peasant organizations” (Ibid.:6), the World Bank as well as Horowitz (1993:1004) state. Even in cases where there was genuine commitment to breaking the power of the landed class, agrarian reforms were often designed by urban intellectuals with little understanding of the realities of agricultural production and a suspicion that small-scale farmers could not farm on their own, let alone increase productivity (Barraclough 1970:932).
However, supporters of the redistributive land reforms continue to argue with the “inverse farm-size productivity relationship” (van den Brink et al. 2006:19). The inverse farm-size productivity relationship states that smaller family-run farms are more productive than large farms and at the same time have a major impact on poverty reduction (Deininger et al. 2007). Family-run farms create more employment than large estates, the argument continues. This argument is supported by information showing that countries with a more equal land distribution tend to have higher levels of economic growth, while countries with farms concentrated in a few hands are associated with less efficient resource utilisation (Deininger et al. 2007; World Bank 2003:18-20; Wegerif 2004:8). Is this argument correct?

5.2.1. The argument of the higher efficiency of small farms

The controversy about what economist call the ‘large versus small’ or the previously mentioned ‘inverse farm-size productivity’ dates back almost a century. The debate started in the year 1918 in Russia with the agrarian economist Chayanov who opposed Stalin’s ‘factories-in-the-field’ strategy (van den Brink et al. 2006:18). His critique was based on his own research as well as on others, which empirically documented the efficiency of peasant farming families. The work of Chayanov, however, inspired other agricultural economists. Consequently, research regarding this topic continued and has produced “a counter-intuitive fact” (Ibid.:18). Decade-long research found out that family farmers use resources, for example their land, labourers, as well as capital, more efficiently than their counterparts – large-scale commercial farmers who merely depend on hired labour – did. This fact is known in the relevant literature as the previously mentioned ‘inverse farm-size-productivity relationship’ (Hammel 2005). But how is ‘small’ defined? It is important to note that farm size *per se* is not the defining feature of family farmers. Instead, it is their reliance on family labour. Therefore, the size of a ‘small’ farm will vary considerably because of differences in soil fertility, markets, rainfall, the technology used, and the opportunity cost of capital and labour in the economy (van den Brink 2006:19). What matters is not the physical size of the farm but rather the productive capacity controlled by the farmer. Therefore, it would be more appropriate to speak of ‘family-sized-farms’.

According to the World Bank “[the inverse farm-size-productivity relationship’] implies that agriculture is generally characterized by dis-economies of scale, which means that redistributing land from large to small farmers can bring efficiency gains to the (local)
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economy” (van den Brink et.al. 2006:19). The World Bank further states that the this fact often comes as a shock to those who believe that efficiency is a result of a highly mechanized and modernized farms that achieve very high crop yields (Ibid.:19). Agricultural economists further propose that the higher efficiency of family farmers and diseconomy of scale does not equate with higher yields. “It does not mean that small farmers have higher yields” (Ibid.:19). Sometimes, though, high yields can be inefficient, especially in cases where high yields are achieved through enormous state subsidies. It is often seen that large commercial farmers, however, do not cultivate every hectare of their land with crops providing lower values of output per hectare than a small farmer who cultivates every fraction of his arable land. This underuse of land is consequently the most visible sign of the inefficiency of large-scale commercial farming (Prosterman and Riedinger 1987:58-66). The World Bank’s research paper further documents that small farmers achieve higher profits either in kind or cash for every unit of investment than their counterparts (Prosterman and Riedinger 1987:46-49). This does not mean that small-scale farmers are richer than large-scale farmers it just means that they make relatively more out of the little they have. According to World Bank reports (World Bank 2003; Deininger 1999, van den Brink et.al.2006), the main cause for the higher efficiency of small farms lies in the fact that they operate mainly with family labour and with capital and machinery they can afford or hire. In other words: the owner lives on the farm, works the farm himself, and is assisted by other members of his family. Furthermore, it is in their primary interest to keep the farm in good conditions because they work their own property. Consequently, they need less supervision. It is further worth knowing that efficiency and income are two different aspects. A farmer can be very efficient by means of self-exploitation. So, ‘small’ does not necessarily mean ‘beautiful’ (van den Brink et.al. 2006:20). The efficiency of family farms does also not imply that the farm sizes does not increase as farmer’s income increases. If a farm increases in size or in capital stock beyond the size a family can easily manage on their own, more hired labour is needed. Consequently, a farm becomes more economically inefficient the more the transaction costs – the costs for labour as well as the cost for the supervision of labourers – increase. Not surprisingly, the most efficient farms in economic terms are family farms in China, Costa Rica, and Thailand. Acknowledging that family run farms are more efficient than their larger counterparts does not mean that there are no disadvantages in small-scale farming. The main disadvantage the World Bank highlights lies in the difficulties in accessing markets, credits, and of course
information about new technology and new markets (van den Brink et al. 2006:21). Larger farmer usually have easier access to cheaper credits. Consequently, they are able to position themselves better in the market. Furthermore, they are able to quickly respond to changing markets and market conditions, especially when the markets are demanding products with high investment costs. This applies to many of the plantation crops such as sugar, tea, coffee, and bananas. Hence, there do exist situations where medium and large-scale farms operate more efficiently than small-scale farms (Ibid 2006:22), although they generate less employment per hectare for the economy as a whole. The biggest advantage of large-scale farmers, however, is their well-connected network and their lobbying power. They are able to influence governments for tax breaks and subsidies. The consequence of subsidies and other distortions is that large-scale commercial farmers are able to reduce their capital costs relative to labour costs and, therefore, over invest in machinery resulting in the even more loss of employment. This might lead to situations in which agricultural economies based on large farms become socially inefficient (Ibid. 2006:21). Even when production in large-scale farming increases, its contribution to employment may go down. This phenomenon of lobbying power can be observed in Zimbabwe where many of the beneficiaries of the land reform were senior members of the ruling party and of government (Palmer 1990: 175). The formerly white-dominated Commercial Farmers Union (CFU) successfully integrated this “new black ruling elite” (Palmer 1990:170) into its ranks, which in turn increased its influence and lobbying ability with government (Palmer 1990:173).

5.2.2. The argument of Equity, Growth and Poverty Reduction

Land redistribution supporters often come up with the argument that the transformation from large-scale commercial farming to smaller family farming systems generates higher levels of economic growth and contribute this way to poverty reduction. This argument is confirmed by international analysis. Aghion et. al. (1999:1615-1660) by comparing many countries in a time series, state that equity generally contributes to economic growth. Deininger and Squire (1998:259-287) agree with this finding by stating that equity in land distribution in particular contributes to higher growth levels. The case study of the People’s Republic of China shows that high growth rates as well as high rates in poverty reduction are clearly linked to a change in production style from collective agricultural production to small family farming that took place in the year 1979. The foundation of economic growth was mainly achieved through the
mentioned changes in production style as well as through the liberalization of key markets. Consequently, the agricultural sector can be considered the engine for growth and poverty reduction (Deininger and Squire 1998; van den Brink et al. 2006:21).

According to van den Brink et al. (2006:21), equal land distribution also serves as a social safety net which allows farmers to engage in non-farming activities in a non-rural environment because their right to access land remains. However, not only China can be labelled a success story but Indonesia, Malaysia, Thailand, Costa Rica, and Taiwan as well. These countries achieved high levels of growth in the agricultural sector, based on an owner-operated small-scale family farm system that in turn reduced poverty levels significantly. The process of growth and poverty reduction was further supported by government investments in rural infrastructure accompanied by light or no taxation of agricultural products. The macro-economic measure stimulated growth because small farmers spend their income to a large extent on locally produced goods and services creating a positive relation between family farms and non-farm incomes in the local economy (van den Brink et al. 2006:22).

By evaluating many land reforms of the past, experts confirm that land redistribution is a key factor in reducing poverty. After about ten years of farming, former poor peasants who were given land, were able to lift them out of poverty permanently even without much government assistance, World Bank experts propose (van den Brink et al. 2006:22). Especially Kenya’s and Zimbabwe’s land reform programme of the 80s is labelled a success story, although in both cases family farmers did not receive much government aid. Hoogeveen and Kinsey (2001) propose that after about ten years “land reform beneficiaries cultivate nearly 50 percent more land than non-beneficiaries, obtain four times as much in crop revenues, own substantially more livestock, and have expenditures that are higher by 50 percent” (Hoogeveen and Kinsey 2001:131). They further conclude that there would be even more success stories if small farms received more assistance. In the case of the first phase of the Zimbabwean land reform (1980-1990), the family-based farm model had won the favour of peasants as well as international financiers because the model had shown positive signs of economic viability (Bratton 1990:279).

Consequently, countries that are less successful in rural poverty reduction are those countries with an unequal land distribution, a large-scale, highly mechanized, and technically sophisticated agricultural system that is additionally funded by substantial public investment. The highly modernized and mechanized form of farming, however, leads to an inefficient use of land and labour, resulting in the massive outsourcing of manual labour. The examination
further states that unemployed farm labourers usually end up in urban squatter camps and slums next to big cities struggling for their very own survival. By focusing on large-scale farming, poverty actually increases while countries with a focus on small family-sized farms and a more egalitarian distribution of land note higher levels of economic growth and poverty reduction. Countries that are not successful in redistributing land and fighting poverty include Brazil, Guatemala, and South Africa⁴ (van den Brink et.al. 2006:22).

5.2.3. Fairness

A ‘fair’ distribution of land ownership is crucial for the success of a land reform programme and its ability to reduce poverty and to stimulate economic growth. Fairness in land distribution, however, is determined by history as well as culture (van den Brink et.al. 2006:23). Due to this fact, the determination of what is considered ‘fair’ may change over time and from country to country as well as from society to society. Especially in countries that depend on agriculture as the primary source of income like the many developing countries, societies have a relatively clear image of what is considered appropriate and fair. In these countries, the overwhelming majority of people favour an equal distribution of land with small family-run farms working it (van den Brink et.al 2006:23). The imagination of and demand for an equal distribution of land has often led to violent protest, civil unrest, or even civil war in countries with unsolved land issues such as the many former colonies in Latin America and Southern Africa. Countries plagued with land-related conflicts currently and in the past are Algeria, Brazil, El Salvador, Honduras, the Philippines, as well as the former white settler’s colonies in Southern Africa, namely Kenya, Zimbabwe, Namibia⁵, and South Africa. Especially the former colonies in Southern Africa are still characterized by extremely unequal land distribution as well as the distribution of water and property rights. The agricultural development in these countries often followed the same patterns. The former settlers allocated the best plots of land for themselves, expelling the indigenous people of their land or turning them into a cheap a labour force. With the beginning of mechanized farm production, in many cases subsidized by government, many farm labourers became unemployed or were forcefully removed from their homes and pushed into marginal and, of

⁴ An Analysis, evaluation, as well as policy advises will be given in the following chapters.
⁵ For more information about the Namibian starting point of Land Reform program see Werner (1993), as well as De Villiers (2003:29-44).
course, less fertile areas known as homelands or communal areas, resulting in depopulated rural areas. “Today, the most fertile lands in Southern Africa are occupied by very large, sprawling farms which are, on average underused. The highest population densities - black population densities – are found in the most infertile rural areas and often close to national parks” (van den Brink et.al. 2006:24). This situation is referred to in the academic literature as the ‘rural geography of apartheid’.

The Southern African countries in particular have to deal with this legacy. It is up to them considering how to define ‘fairness’ and how land can be democratically redistributed in a more equal way. According to World Bank experts, a democratic redistribution of land in these countries will “(…) greatly contribute to social cohesion, which will foster more inclusive institutions and policies, and hence a better long-term development” (van den Brink et.al. 2006:24). Ignoring land-related issues, interpreted as a conflict over denied basic human needs, will in turn put in danger the political as well as economic stability of the country and will finally result in even more violent eruptions.

6. The negotiated Land Reform Model by the World Bank

The current negotiated Land Reform model pursued by the World Bank has developed over a period of 25 years. Since the publication of the 1975 ‘Land Reform Policy Paper’, some new developments were integrated into the model. The three guiding principles, however, remain the same: “the desirability of owner-operated family farms, the need for markets to permit land to be transferred to more productive users; and the importance of an egalitarian asset distribution” (Deininger and Binswanger. 1999:247).
Deininger and Binswanger further propose that the broad consensus underlying current thinking about land issues can be summarized into four key principles:

• The desirability of owner-operated family farms on both efficiency and equity grounds
• The importance of secure property rights to land in eliciting effort and investment and in providing the basis for land transactions
• The need for a policy and regulatory environment that promotes transfers to more efficient land uses
• The positive impact of an egalitarian asset distribution and the scope for redistributive land reform where nonmarket forces have led to a highly dualistic ownership and operational distribution of land, that is, a distribution characterized by very large and very small holdings”

(Deininger and Binswanger. 1999:248)

Although the principles remain the same, the experiences with land reforms over the past 25 years challenged former ideas and consequently led to new assumptions. While in 1975 the World Bank preferred freehold titles and the subdivision of communal tenure systems, they currently recognize that some communal tenure systems are able to increase tenure security, and that they additionally provide a more cost-effective way for land transactions (Ibid.1999:248). The second change regards individual land titling. The World Bank still considers individual land titles a great potential in order to increase investment and productivity but at the same time highlights the importance of preconditions that must be satisfied before land should be conferred. They currently recommend that titling should be area-based and incorporated into a broader rural development strategy. “Otherwise, imperfections in other factor markets may undermine or even eliminate the advantages from possession of title, at least for the poor” (Ibid.:248). In contrast to former assumptions, the removals of remaining restrictions in the land rental market have become a top priority. The forth and most important change regards the process of land reform. As a result of the failures of the politically motivated land reform programmes over the past thirty years, the World Bank still promotes what has become known in the relevant literature as the willing-seller willing-buyer- (WSWB), market-based, or the negotiated land reform approach. The new approach encourages community managed agrarian reform based on voluntary negotiations. Core to ‘negotiation’ is its

“(…) verbal interactive process involving two or more parties; who are seeking to reach an agreement; over a problem or conflict of interest between them; and in which they seek as far as possible to preserve their interest, but adjust their views and positions in the joint effort to achieve an agreement”.

(Anstey 2006:103-104)

See Figure 6-1
The negotiated Land Reform Model by the World Bank

Essential to the new approach is the “voluntary communication process” (Bradshaw 2008:76) between two or more parties. Hence it is a voluntary programme, only the land of land owners who voluntarily sell their land at market price will be touched. Property owners who do not want to sell will not be compelled to do so (Borras 2003:370). In their reform-concept, the World Bank experts refer to tools that conflict management experts have considered the most promising in reducing conflicts: negotiation, mediation, and facilitation (Bradshaw 2008). The World Bank further concludes that a negotiated settlement can help “to overcome long-standing problems of asset distribution and social exclusion, which are key factors leading to rural violence” (Deininger and Binswanger 1999:249), which in turn is an expression of manifest conflict. In order to strengthen the bargaining power of the buyers during the land purchase negotiation, beneficiaries have to form organizations. The formation of beneficiary organizations is also necessary to achieve economies of scale in the input and output market. “These organizations will carry out a ‘peer monitoring’ process in order to bring down the programme’s transaction costs” (Borras 2003:371).

Additionally, land reform needs to be incorporated into a wider rural development strategy including all key players of society in order to be successful, the World Bank propose.

Generally, the World Bank’s approach circles around the fact that owner-operated family smallholder farms are desirable from an equity as well as efficiency perspective. Secure ownership of property is therefore the basis of success and a precondition. This argument is based on experiences made in Burkina Faso, China, Ghana and Niger. In all these countries a clear link between secure ownership rights (although not necessarily a formal title) and investments in farm improvements was examined. The lack of enforceable property rights in turn has been linked to unsustainable usage of land and degradation of natural resources (Deininger and Binswanger: 1999:250). The second advantage of secure ownership rights regards access to credits. Access to formal credits for small family-operated farms is the more likely, the more secure the property rights and the ability to use land are. The benefit of written records of land ownership is greater if there is the ability of transferring property rights from less productive individuals to more productive individuals or collectives (Ibid.:1999:251). In contrast to the original concept of 1975, the World Bank recently shifted the focus from land sales markets (to achieve efficiency-enhancing transfers of property) towards rental markets in cases where other market imperfections are leading to less efficient and equitable sales. The overall advantage of the negotiated land reform model is its pace
because it “(...) avoids years of delays associated with disputes about compensation levels’” (Binswanger 1996:155). In addition, the prices for land purchase are expected to be lower because of the 100 percent cash payment to land owners who would factor away transaction costs incurred under the state-led approach’s cash-bonds staggered mode of payment (Borras 2003:372). A portion of this grant, however, must be spent on privatized and decentralized extension services that are strictly demand-driven. Consultants can be hired by land reform beneficiaries in order to assist them. This process is considered effective due to the transparency as well as accountability between beneficiaries and service providers (Borras 2003:372). Additionally, exit options such as exit bonuses, alternative employment or training for other carriers and for beneficiaries are included into the model. Allowing beneficiaries to sell or rent out their property is another option (Ibid. 2003:372).

6.1. Communal Tenure Systems

In many developing countries communal tenure systems are the dominant form of land ownership. Every land reform, therefore, has to consider the fact that the use of land is limited to community members only. Individuals usually have a very secure and inherited right to land but they normally do not have permanent property rights to a specific plot, a limitation that may reduce investment incentives. In the past, development experts often considered communal tenure arrangements economically inferior to individual freehold titles (Binswanger and Deininger 1999:251). Consequently, the establishment of freehold titles and the subdivision of communal land were promoted in order to prevent the loss in efficiency that was associated with communal ownership. Latest research has shown that the efficiency losses that were associated with communal tenure systems may be more modest than originally expected (van den Brinck et.al. 2006:10). Due to the fact that individuals with an inherited right to land usage cultivate arable land in most communal systems, the formerly associated efficiency deficits are quite limited. Furthermore, communal resource ownership is often granted because it takes advantage of synergies that would be difficult to provide under individual land cultivation such as risk reduction through diversification, economies of scale to help with seasonal labour bottlenecks, and investment in community-level infrastructure (Ibid.). Although communal systems prohibit the sale of land to outsiders, land rentals and even sales within the community are usually permitted, providing scope for efficiency-enhancing transfers. Communal tenure systems do have even more advantages compared to
individual land titles. In cases where there is no clear demand for demarcation of individual titles, communal tenure systems that are administered internally and in transparent ways could provide tenure security at a fraction of the costs of individual land titles. It further provides a social welfare net for community members. All these positive aspects of communal tenure systems have influenced the World Bank’s policy advice.

“(…) instead of reinforcing an often artificial dichotomy between private and communal rights or trying to privatize land rights to ‘modernize’ land tenure in an environment where few of the conditions for such modernization are present, policymakers should focus on ways to increase secure property rights within given restraints. (…) Clarification and formalization of informal property rights in a process that increases the accountability of local leaders, establishes a transparent and implementable legal basis, and provide for adjudication of boundary disputes across communities must precede any effort to award formal titles. Adopting a flexible institutional structure that gives communities freedom of choice in accomplishing these goals is therefore of great importance” (Deininger and Binswanger 1999:258-259)

6.2. Establishing formal tenure security

Formal land titles, achieved by a process of land registration and titling, not only contribute to sustainable economic growth but also improve the access to credit markets. Therefore, the World Bank promotes formal titling programmes whenever possible. “If a case can be made for formal titling, it must be systematic and area wide to take advantage of economies of scale in measurement, adjudication, and conflict resolution” (Deininger and Binswanger 1999:260). The advantage of an area-based programme, according to the two authors, lies in its cost-effectiveness and in its easier way of implementing complementary infrastructure such as programmes ensuring access to credit markets. In order to achieve an egalitarian distribution of land titles, the titling process needs to be accompanied by informal conflict management systems and an information campaign explaining the whole process, its legal background, the titling process applied, the rights of the different parties involved, the rules of evidence as well as the benefits of the appeal process (Ibid. 1999:260.). In cases of on-demand titling, the World Bank recommends a case-by-case investigation of the individual plot’s status because on-demand titling has often been subject to individual enrichment by the politically powerful who are trying to bypass the land rights of the indigenous people, women, or other vulnerable groups. Therefore, “(…) the titling process requires a clear legal basis and a streamlined institutional infrastructure that is capable of administering the process efficiently” (Deininger
and Binswanger 1999:261). To put it briefly, sustainable economic growth and increased productivity of small-scale farmers are likely to be the key to success of negotiated land reforms (Deininger 1999:1).

### 6.3. Improving the functioning of land markets

Governments in many developing countries maintain regulations, which restrict land usage and transferability. Restrictive policies, however, rarely achieve their goal. Therefore, the World Bank identifies three issues, which generally impede a functioning land market: issues around land ownership and use, restrictions on land rentals, sales as well as land market interventions.

With regard to ceilings of land ownership, a tool often used by governments in order to facilitate the break up of large farms and to associate the sale of land to smaller producers, the World Bank certifies only marginal impact “(…) even where such measures have a strong economic and social justification” (Deininger and Binswanger 1999:263). However, such measures might only be justified in situations with large imperfections in markets for credits, inputs and outputs, and in cases where new landowners are ill-informed about the productive value of their land and in situations characterized by rapid land accumulation by individuals with better market access. If situations require regulations, the World Bank favours zoning-laws, the classification of land either as agricultural or non-agricultural land over the ceiling of land ownership. According to the World Bank, “[z]oning is justified if negative externalities need to be reduced by more than the cost of zoning enforcement, but the cost of enforcing zoning regulations that run counter to economic incentives should not be underestimated” (Deininger and Binswanger 1999:263). The possible negative economic benefit of zoning laws should therefore be considered. Countries that are - due to weak institutional settings – unable to enforce new zoning laws often face rent seeking and corruption which may lead to the reduction of the economic benefits to a point where they become negative.

A second sphere of activity the World Bank is engaged in regards the elimination of restriction on land rentals and sales many developing countries imposed on land reform beneficiaries or on settlers of formerly state-owned land in order to prevent them from taking undue advantage of the land reform programme. States engaged in land reforms might consider these restrictions - even if they are just temporarily justified - to prevent land sales
based on a lack of information and imperfections in financial and product markets. Hayami and Otsuka (1993), however, state that even temporary restrictions on land sales can be counterproductive because they prevent landholders from accessing credits when it is the most needed. If the goal is the prevention of partial land sales by small landowners due to temporary economic shocks, the World Bank considers tools that are more effective. By limiting the amount of land one individual is allowed to allocate, by requiring that the distributed land needs to be cultivated before the formal land title is granted, and by ensuring access to output, credit markets as well as technical and financial assistance, land reform beneficiaries can be prevented from distress sales. Furthermore, the World Bank advises not only the elimination of sale restrictions but the replacement of rental restrictions as well because “(...) rental markets are likely to acquire increased importance with economic development (in most industrial countries, between 40 and 70 percent of all cultural areas is rented rather than owned)” (Deininger and Binswanger 1999:264). The restrictions on the rental market should be replaced “(...) with a clear regulatory framework for land rental markets” (Ibid.) that increase agricultural productivity and the welfare of potential tenants. Even though the World Bank does not exactly use the term ‘conflict management’ mechanism, the mentioned ‘clear regulatory framework’ that needs to be established should explicitly include “mechanisms allowing the parties to come to a mutually agreeable solution” (Deininger and Binswanger. 1999:265) in cases of overlapping property rights resulting from incomplete tenancy reforms. Conflict management mechanisms not only reduce conflictive behaviour but also produce satisfied parties involved, who in turn are able to boost investment and productivity.

The World Bank, however, discerns that an immediate removal of land market restriction would affect the very poor negatively. Therefore, the most important impediments to better development of land markets must be identified and their removal must be sequenced in a way that does not jeopardize the poor. In order to achieve this goal the World Bank approves the clarification of property rights to enhance investment, the establishment of an institutional framework that guarantees the security of these rights, the increased transferability of land and land use rights in rental and sales markets, and the improvement of the integration of land and other markets, financial markets in particular. Additionally, the World Bank supports the introduction of land information systems. Especially land information systems might reduce transaction costs and at the same time improve the availability of information of land prices and markets.
Such an information system

“(…) would also help in developing, fine-tuning, and evaluating the broader framework for land policy, particularly in determining the degree to which distortions continue to apply, who exactly participates in these markets, and whether the interaction between land and credit markets is efficient.”
(Deininger and Binswanger 1999:266)

By concluding the previous, negotiated land reform can succeed only if measures are taken to make the market for land sales and rentals more fluid and transparent.

6.4. Redistributive land reform

Redistributive land reform is the core element of the World Bank’s approach to reducing poverty and unequal land ownership. By making this element core to its approach, the World Bank not only confirms the link between unequal land distribution and conflict but also gives an advice to overcome the enormous conflict potential. Therefore, several issues need to be surmounted. The problems related to the identification of possible beneficiaries are still present and need to be targeted. Land reforms in many developing countries have shown that land is not necessarily distributed to people who could make productive use of the land or who were the most deserving on poverty grounds but rather to the political powerful and well-connected (Borras 2003:371). Therefore, the current approach explicitly targets poor families who explicitly seek land, and only the lands in demand by potential buyers are negotiated for the reform programme. Qualified beneficiaries will be provided with funds in order to be able to buy land (Borras 2003:371). In order to ensure success

“(…) only individuals with human capital, previous savings, and adequate knowledge of how to make use of the opportunities would make the decision to participate in the programme (...)[the WSWB programme will select] local people, who [have] closer relations with landowners, better access to networks of social relations and information on local market of land”.
(Borras 2003:371)
A second issue area that needs to be targeted by the World Bank concerns

“(…) the continued existence of implicit and explicit distortions (for example, the use of land as tax shelter) raised the costs of land reform by driving land prices above the capitalized value of the agricultural profits the land would produce. Such distortions also reduced the sustainability of land reform, and by encouraging beneficiaries to sell out to large farmers, contributed to a reconcentration of holdings.”

(Deininger and Binswanger 1999:266)

Finally, previous programmes often contained complex regulations that stretched the administrative capacity of government bureaucracies. Especially centralized bureaucracies charged with providing technical assistance and other support services to beneficiaries proved to be corrupt, expensive as well as ineffective in responding to beneficiary demands (Ibid. 1999:267).

In order to face these difficulties, former approaches preferred land banks providing loan financing at commercial rates for small farmers to acquire land as an alternative to redistributive land reform. Retrospectively, this approach can be considered ineffective. Therefore, the World Bank promotes a ‘community based’ model of land reform. The recent approach was made possible through the fall in land prices associated with macroeconomic reforms, and the abolishment of protective and discriminatory laws large-scale farmers previously benefited from. The new approach is characterized by the limited role of the state and the government. The government’s role is limited to providing groups of beneficiaries with financial as well as technical assistance in order to buy land in a way similar to demand-driven social investment funds (World Bank 2003:156). Nevertheless, in order to successfully implement the WSWB approach, decentralized governmental agencies are needed as well. It is assumed that local agencies are closer to the people and so would be more responsive to the actual needs of local communities (Barros 2003:371). One of the advantages the World Bank considers core to this model is the incentive of beneficiaries to seek for run-down and unproductive farms due to the upper limit of the amount of the grant. The instrument of an upper limit on the amount of allowance granted also aims to replace the confrontational atmosphere that has characterized land reforms with a more collaborative attitude.

“In fact, because anything that improves the buyer’s productivity is likely to increase the land price, the seller will, in a competitive market, have strong incentives to help buyers improve the quality of their product – for example, through technical advice and marketing assistance.”

(Deininger and Binswanger 1999:267)
In addition, the community-based model seeks to stimulate rather than undermine land markets. Finally, the new approach is integrative. It embraces the private sector as well as NGO’s and the community. Together, all partners develop, finance, and administer projects. This approach seeks to overcome at least some of the informational imperfections associated with land reforms implemented by government bureaucracies. According to the World Bank, this approach would also help to develop a surplus of project options more attuned to the specific needs of different groups within the targeted population. In other words, decentralization and a demand-driven implementation is the only way to effectively coordinate all entities involved in the process (Deininger 1999:1; World Bank 2003:156). Furthermore, the long-run success of land reform depends on a private-public partnership and on using the land purchase grant to generate private funding (Deininger 1999:1). In other words, the required funding is expected to come from the state as well as from international donors and aid agencies (Wegerif 2004:7).

The evaluation of this model implemented in Colombia (Deininger 1999) has demonstrated that this type of land reform is superior to previous programmes. Formerly landless and poor peasants are able to establish highly productive agricultural operations (Deininger 1999:7-21).
The negotiated Land Reform Model by the World Bank

Figure 6-1 Key features of state- and market-led approaches

<table>
<thead>
<tr>
<th>Issues</th>
<th>State-led</th>
<th>Market-led</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Getting Access to Land</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Acquisition Method</td>
<td>Coercive; cash-bonds payments at below market price</td>
<td>Voluntary; 100% cash payment based on 100% market value of land</td>
</tr>
<tr>
<td>Beneficiaries</td>
<td>Supply-driven; beneficiaries state-selected</td>
<td>Demand-driven; Self-Selected</td>
</tr>
<tr>
<td>Implementation Method</td>
<td>Statist-centralized; low degree of transparency and accountability</td>
<td>Privatized-decentralized; high-degree of transparency and accountability</td>
</tr>
<tr>
<td>Pace and nature</td>
<td>Protracted; legally and politically contentious</td>
<td>Quick; politically and legally noncontentious</td>
</tr>
<tr>
<td>Land Prices</td>
<td>Higher</td>
<td>Lower</td>
</tr>
<tr>
<td>Land markets</td>
<td>Land reform: cause of/aggravates land market distortions; progressive land tax and land titling programmes not required</td>
<td>Land reform: cause and effect of land market stimulation; progressive land tax and titling programme required</td>
</tr>
</tbody>
</table>

**Post-land transfer farm and beneficiary development**

| Programme Sequence; development and extension services | Farm development plans after land redistribution. Protected; uncertain and anaemic post-land transfer development; extension service statist-centralized = inefficient | Farm development plans before pace of redistribution. Quick, certain, and dynamic post-land transfer development; extension service privatized-decentralized = efficient; Increased credit and investment Ample |
| Credit and investments | Low credit supply and low investments | Increased credit and investments |
| Exit options | None | Ample |

**Financing**

| Mechanism | State ‘universal’ subsidies; sovereign guarantee; beneficiaries pay subsidized land price; ‘dole-out’ mentality among beneficiaries | Flexible loan-grant mechanism; co-sharing of risks; beneficiaries shoulder full costs of land; farm development cost given via grant |
| Cost of reform | High | Low |

Source: (Borras 2003:374)
6.5. Criticism of the World Bank approach

Whenever there is a new idea, there is controversy and criticism as well. This is no difference regarding the land reform model developed by the World Bank.

Peruvian economist Hermando de Soto published his widely recognized book *The Mystery of Capital: Why Capitalism triumphs in the West but fails everywhere else* in 2000, criticizing the general assumption that markets are able to serve the poor (Driver 2007:60). According to De Soto, poor people are unable to participate in modern capitalist systems and making capitalism work for them due to the existence of bureaucracies and legal systems that do not recognize the asset they are in possession of (Ibid.). Consequently, this setting prevents them from establishing working capital in order to invest in their own entrepreneurship. De Soto offers a solution to the problem, approving a reform of the legal settings in order to bring informal assets into the formal system to unlock the hidden capital they represent (Ibid.).

Borras’ (2003:386-390) critique of the negotiated land reform approach of the World Bank regards key components of and assumptions made by the World Bank. His first argument regards underlying assumption that landlords as well as peasants behave ‘rationally’. According to Borras, empirical evidence from Columbia, Brazil as well as South Africa has indicated that landlords might not lower the asking price for their land, even if it is transacted under 100 percent immediate cash payment at 100 percent of the market price (2003:389). Quite the contrary, most landlords have successfully attempted to overprice land sale transactions, Borras (2003:389) further states. Additionally, the World Bank approach does not consider the existing realities in many developing countries where land price setting, or even land price fixing, is determined by class and political power. The political power as well as the power of the dominant economical class should be taken into account. Unlike these protagonists, the poor and landless peasants do not have the political weight to manipulate the prices in their favour (Borras 2003:389).

Borras’ further criticizes the negotiation process itself. The assumption that poor landless peasants and wealthy as well as well-connected farmers negotiate in a free and fair manner simply ignores the nature and dynamics of existing power relations in the rural eras in developing countries. Especially in distributive bargaining processes, also known as positional or power bargaining (Bradshaw 2008:77), the political or economic dominant class is able to put much more pressure and bargaining power on the group of negotiating peasants. According to Bradshaw, “[p]arties will (…) typically use whatever sources of power they
The negotiated Land Reform Model by the World Bank

have outside of the negotiation itself, to influence one another to shift their positions. Eventually, one (...) part[y] will be forced to make compromises” (2008:77). This use of power may include coercion tactics, disruptions and boycott strategies (Bradshaw 2008:77; Anstey 2006:104f). Borras further criticizes the assumption “(...) that information provision and financial assistance are sufficient to correct existing skewed political power distribution between landed dominant classes and poor subordinated classes” (2003:389). According to Borras, there is no empirical evidence from Brazil, Colombia or South Africa that supports the assumption made by the World Bank. The unequal power relation derived from their class position additionally makes it difficult for the landless poor to lobby their demands properly and to influence the political process in their favour.

The third assumption by the World Bank Borras criticizes regards decentralization. According to the World Bank model, decentralization is supposed to guarantee transparency, accountability, administrative efficiency, and speedy policy implementations (Deininger 1999). The assumption, Borras further states, is highly questionable, in particular in land reform processes. The World Bank model “(...) tries to isolate the technical/administrative issues in project/policy implementation from the political contexts within which [the model] operators and clients are embedded” (Borras 2003:390). The assumed link between decentralized structures, a speed-up of the reform process that goes hand in hand with transparency and accountability has not developed into the predicted way, as experiences in Brazil, Colombia or South Africa have shown. Local elites in all examined countries were able to influence local institutions and reform programmes. Other critiques like Bernstein (2002:454) for example target the assumption that family operated farms have a poverty reducing effect because of the availability of underutilized labour. The critique is mainly based on the argument that especially women in rural areas have many obligations to fulfil in the household and the community, leaving them no time to work on farms (Wegerif 2004:8). If the tremendous effect of the HIV/AIDS pandemic in Africa on the available rural labour force is also considered, the argument of a shrinking availability of labour in rural areas is comprehensible. Several studies have verified the negative impact of HIV/AIDS on agricultural production. According to Guiness and Alban (2000:8), agricultural productivity has dropped enormously in AIDS-infected households in Zimbabwe (Wegerif 2004:9). “The effects of HIV/AIDS may well neutralize the prospects for growth in agriculture and wipe out the benefits, perhaps even the viability, of the small-scale owner-operated farm model” (Wegerif 2004:9).
Borass (2003:390) finally concludes by taking all aspects of the WSWB approach into account that the market cannot carry out the redistributive function based on economic development and social justice the way the state can. “Quite clearly the actual outcomes are not what the [World Bank’s] proponents claim. If the model is not working in countries like Brazil, Colombia and South Africa, then it is just unlikely to work elsewhere” (Borras 2003:390).

**Figure 6-2 Highlights of the WSWB implementation in South Africa (2003)**

<table>
<thead>
<tr>
<th>Issues</th>
<th>South Africa</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Getting Access to Land</strong></td>
<td></td>
</tr>
<tr>
<td>Willing Sellers</td>
<td>Popular support from white commercial farmers</td>
</tr>
<tr>
<td>Willing Buyers</td>
<td>25% of beneficiaries above the poverty line</td>
</tr>
<tr>
<td>Decentralized</td>
<td>Highly centralized, process not transparent, not accountable</td>
</tr>
<tr>
<td>Land Prices</td>
<td>No parallel land reform to compare with, but possible overpricing</td>
</tr>
<tr>
<td>Land Market</td>
<td>Depressed land prices, but land prices under LRP-RDP high; no progressive land tax, no land titling programme</td>
</tr>
<tr>
<td><strong>Post-land purchase farm beneficiary development</strong></td>
<td></td>
</tr>
<tr>
<td>Sequence and pace of land reform</td>
<td>‘Farm plans before purchase approach’ not satisfactorily implemented; pace of development slow and uncertain; extension service with general government programme</td>
</tr>
<tr>
<td>Credit and Investment</td>
<td>Low, isolated cases</td>
</tr>
<tr>
<td><strong>Financing</strong></td>
<td></td>
</tr>
<tr>
<td>Flexible Loan</td>
<td>Not implemented; used method 100% grant for land purchase, but no development project grants</td>
</tr>
<tr>
<td>Programme Cost</td>
<td>R16,000 per beneficiary not sufficient (and nothing for development projects)</td>
</tr>
<tr>
<td><strong>Source:</strong> (Borras 2003:387-388)</td>
<td></td>
</tr>
</tbody>
</table>
7. Land Reform in South Africa

According to De Villiers “[l]and reform in South Africa is seen by many as the ultimate test for the social, political and economic transformation of that country” (2003:45). A closer look at the pre-1994 starting position indicates the tremendous inequality regarding the distribution of land. In addition, the pre-1994 situation highlights the enormous conflict potential, as well as the urgent need for land reform. According to Bernstein (1994:30), in 1994 some 60,000 white commercial farmers were in possession of around 86% of the agriculturally productive land. Deininger (1999:25) by confirming this finding further proposes that the average amount of land held by black people amounted to 1.3 hectares compared to 1570 hectares by their white counterparts. Likewise, Wegerif (2004:8) confirms the unequal land distribution of land, stating that

“[i]n 1996 less than 1% of the population owned and controlled more than 80% of the farm land. This 1% was part of the 10.9% of the population classified as white [while] the 76.7% of the population that is classified as African had access to less than 15% of agricultural land (…)” (Wegerif 2004:8).

Until the present day, the land question remains one of the key challenges to post-apartheid South Africa, and can be considered one of the most important and controversial issues in the contemporary political (Lahiff 2008:1) and public debate (Plantive 2009; Masondo 2009). In order to undo the injustices of the past and to enable the majority of South Africans to fulfil their basic human needs, the first democratically elected government implemented a land reform based on three pillars, namely tenure reform, redistribution, and restitution. Additionally, various support programmes exist in order to facilitate the reform.

The following chapter provides the reader with an overview of the main pillars of the South African Land Reform programme since the first democratic election in 1994 as well as the challenging targets set by the 1994 government. The focus of attention, however, will be on restitution and redistribution as these components are considered as ‘land reform’ in the narrow sense. For a better understanding of the implemented reform programme, a brief historic overview that will briefly explain the main events that have created the ‘geography of Apartheid’ will be given prior to the explanation of the South African Land Reform programme.
7.1. **Background: The rural geography of Apartheid**

“[L]and has for many years been the key for empowering and disempowering people” (De Villiers 2003:45). From today’s perspective, this statement applied to many countries in the World, as history has shown. What makes the South African case so unique is the fact that possession of and access to land were strictly determined by racial categories. Apartheid can therefore be understood as a social construction that was directly linked to rules regulating the access to and the possession of land. However, the segregation of people based on race became a reality in South African politics long before the National Party (NP) came to power in 1948 (De Villiers 2003:45).

Although the beginning of the struggle over land predates colonial presence in Africa, the conflicts over land in South Africa intensified with the arrival of European settlers’ in 1652. The following centuries were characterized by conflicts, battles, and wars over land between the new arrivals moving forward and indigenous people, “(…) as well as between traditional inhabitants themselves” (De Villiers 2003:46).

The establishment of an European legal system in the Union of South Africa in 1910 further intensified the ongoing conflict over land, as no other form of land ownership apart from the European model received legal recognition. According to De Villiers, the control of land by the four colonies forming the Union of South Africa in 1910 became “(…) the backbone of racial segregation under ‘grand’ apartheid” (2003:46).

In 1913, the *Native Land Act* was passed. This act officially led to the allocation of fertile land and vast areas of South Africa in the sole hands of European settlers while “(…) blacks were given some ‘traditional’ areas where they were believed to have resided historically” (De Villiers 2003:46.). Furthermore, the Native Land Act of 1913 prohibited the establishment of new farming activities for Africans as well as sharecropping and cash rentals outside the designated areas (Deininger and May 2000:4). The Native Land Act of 1913 resulted in only 10% of the land reserved for Africans (Thawala 2003:2). In 1923, a principle that segregated residential areas in urban areas was established. The *Group Areas Act* of the year 1950 extended and finally formalised this principle (Ibid.:2).
In 1936, the *Development Trust and Land Act* passed legislation. This act allocated 13% of South Africa to the black population even though they were comprising 80% of the population (De Villiers 2003:46). Squatting was also prohibited under the new law (Thwala 2003:2). The *Natives Law and Amendment Act* of 1937 prohibited Africans from buying land in urban areas.

In 1950, the *Group Areas Act* was implemented, segregating business and residential areas. The new law further controlled interracial property actions. The *Bantu Authority Act*, that followed the Group Areas Act the following year, permitted the establishment of tribal, regional, and territorial authorities (Thwala 2003:2). The implementation of both, the Group Areas Act, as well as the Bantu Authority Act, can be considered the further attempt trying to ensure the concept of separate development. The impacts of the implemented apartheid laws on the black population were tremendous. The political rights of black South Africans were limited to designated homeland areas. The political rationale behind these laws was to ensure not only separate development but rather an exclusive and white dominated South Africa. The designated homeland areas were supposed to serve as independent homelands, separated from the rest of the (white-dominated) South Africa (De Villiers 2003:46). In order to ensure the domination of South Africa by Europeans, the apartheid government continued to pass laws further restricting the political rights of the black population. The *Prevention of Illegal Squatting Act* of 1951 for example allowed the government to establish resettlement camps for surplus people evicted from farms owned by Europeans. The *Black Resettlement Act* of 1954 was passed in order to give the state authority to remove Africans from any area of the Johannesburg magisterial district and adjacent areas. In 1959, the *Promotion of Bantu Self-Government Act* was passed to further promote the independence of the erected homelands and in order to be able to remove displaced labour tenants, unwanted farm workers and unemployed urban workers (Thwala 2003:3). The *Black Laws Amendment Act* as well as the *Native Trust Act* were used to finally abolish labour tenancy and squatting on farms. All these laws were implemented to finally remove ‘black spots’ inside the white dominated South Africa. According to De Villiers (2003:46), about 470,000 people were relocated as a result of the ‘black spot’ removal policy. Thwala (2003:3) stated that the amount of people forcefully removed and relocated to homelands and black townships during the period of the 1960s to the 1980s is estimated to be more 3.5 million. As a result of the ‘black spot’ removal policy the population within the black areas increased dramatically. Thwala (2003:3) illustrates the
dramatic increase in population density by using the example of QwaQwa where the population density increased by 4900% between the year 1970 and 1983.

It is obvious that the impact of these policies on the black population was tremendous in social, economic, and political terms causing enormous inequalities, not to mention the neglect of human rights and dignity. According to De Villiers

“[t]he impact of this policy on the whole social, economic and political fabric of South African society is impossible to measure; the resentment it caused is too deep to fathom, its scars too sensitive to touch. (…) In short, the ‘social transformation (after 1913) was swift, sweeping and severe’”
(De Villiers 2003:46).

According to Thwala (2003:3), it is further estimated that in the 1980s 88% of all white South Africans lived in urban areas compared to only 39% of black South Africans. De Villiers further estimates that despite the trend of urbanization during the past decades, more than 70% of the poor still live in the rural areas of South Africa (2003:46). Thwala supplements this finding by stating that most of the poor are concentrated in the former homelands (2003:7).

Any land reform dealing with these tremendous inequalities has to find the right balance between the rights of those currently in possession of land and the rights of formerly dispossessed and forcefully evicted people. According to van der Walt (1995:4 as cited in De Villiers 2003:47), land reform consequently has to be seen against the background of the “(…) suffering, injustice and poverty created by an enormous and ill-advised programme of social engineering carried out by white nationalist governments over a period of forty years.”

The initial footstep towards land reform started under the De Klerk government prior to the 1994 first democratic elections. In 1990, soon after the unbanning of the liberation movements and the release of political prisoners, the government abolished several apartheid laws, including the Land Measures Act 108 which replaced the land acts of 1913 and 1936 as well as the Group Areas Act (De Villiers 2003:47). Furthermore, a land commission was established in order to consider the use of state-owned land for restitution purposes (Ibid.). The interim constitution then (1993-1996) introduced a new phase in land restitution by setting the principle that land reform was not limited to the abolishment of discriminatory legislature.
Land Reform in South Africa

In the early 1990s, another prominent player had started to engage in the South African policy debate: the World Bank. Along with allied academics, the World Bank came to the conclusion that a redistributive land reform was highly necessary in order to prevent civil unrest, increasing productivity, and reducing poverty (Deininger 1999). The proposed WSWB approach influenced the policies of the first democratically elected South African government (Wegerif 2004:9). After the 1994 elections, the World Bank continued to be very active in advising the ANC and the ANC-led government on land questions.

7.2. The post-Apartheid Land Reform agenda: objectives and contents

The land reform policies of the newly elected government were outlined in the Reconstruction and Development Programme (RDP) which saw land reform as the central force in rural development (Wegerif 2004:10). The RDP was largely influenced by former ANC activists as well as by World Bank advisers. As a result of the strong influence of the World Bank, non-market clauses such as the nationalization of land as well as the central clause of the freedom charter that land should belong to those who work it, was not given expression in the RDP (Wegerif 2004:9-10). The RDP, however, was committed to serve the poor. The RDP set the target of redistributing 30% of agricultural land within five years.

The new constitution of 1996 processed these ideas gave these principles a legal framework. The fundamental norms concerning land reform are dealt with in Section 25 of the Constitution of the Republic of South Africa (South African Constitution 1996).

(1) No one may be deprived of property except in terms of law of general application, and no law may permit arbitrary deprivation of property.
(2) Property may be expropriated only in terms of law of general application-
   a. for a public purpose or in the public interest; and
   b. subject to compensation, the amount of which and the time and manner of payment of which have either been agreed to by those affected or decided or approved by a court
(3) The amount of the compensation and the time and the manner of payment must be just and equitable, reflecting an equitable balance between the public interest and the interests of those affected, having regard to all relevant circumstances, including-
   a. The current use of property;
   b. The history of the acquisition and use of the property:
   c. The market value of the property
   d. The extent of direct state investment and subsidy in the acquisition and beneficial capital improvement of the property; and
   e. The purpose of the expropriation
(4) For the purpose of this section-

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a. the public interest includes the nation’s commitment to land reform, and to reforms to bring about equitable access to all South Africa’s natural resources; and
b. property is not limited to land
(5) The state must take reasonable legislative and other measures, within its available resources, to foster conditions which enable citizens to gain access to land on an equitable basis.
(6) A person or community whose tenure of land is legally insecure as a result of the past racially discriminatory laws or practices is entitled, to the extent provided by an Act of Parliament, either to tenure which is legally secure or to compensate redress.
(7) A person or community disposed of property after 19 June 1913 as a result of past racially discriminatory laws or practices is entitled, to the extent by an Act of Parliament, either to restitution of that property or to equitable redress.
(8) No provision of this section may impede the state from taking legislative and other measures to achieve land, water and related reform, in order to redress the results of past racial discrimination, provided that any departure from the provision of this section is in accordance with the provision of section 36(1).
(9) Parliament must enact the legislation referred to in subsection (6).

Based on Section 25 of the constitution of the Republic of South Africa, the Department of Land Affairs (DLA) published its White Paper in 1997. The White Paper policy is committed to the demand-led negotiated land reform approach based on the principle of a willing buyer and a willing seller. The role of the state was limited to assistance in the land purchase process and to the provision of grants. The White Paper further suggests co-operation with NGO’s and the private sector, co-ordination of various governmental levels as well as monitoring and evaluation processes (DLA 1997:38, 95). Generally, the main objectives of the new land policy were to redress the injustices of apartheid, to foster national reconciliation and stability, to underpin economic growth and improve household welfare and alleviate poverty (DLA 1997:7; 52-57; De Villiers 2003:48).

7.2.1. Tenure Reform

Land tenure reform refers to the establishment of secure and formalized rights, especially of farm workers and farm dwellers as well as of individuals within the former homeland and communal areas (van den Brink et. al. 2006:1). The two most important laws implemented with the aim to improve the security of farm workers and farm dwellers are the Land Reform (Labour Tenants) Act 3 of 1996 and the Extension of Security Act 62 of 1997 (De Villiers 2003:49). Due to these two acts, tenants as well as members of their family are now permitted to occupy and use land they previously worked on up to 2 June 1995. This group, which is believed to be comprised of up to four million people, now derives its legal rights from the Labour Tenants Acts, unlike before where their whereabouts depended on the goodwill of
their landlord (Ibid.). The two laws further determine that the eviction of farm workers is prohibited unless the Land Claims Court (LCC) has decided otherwise.

With regard to tenure reform in the former homelands and communal areas, the post-apartheid government still faces unsolved issues. Former Minister of Land Affairs Thoko Didiza first addressed the need for reform in 1999 (Kariuki 2004:53). In 2001, the national conference on land tenure brought the issue of tenure reform in former homelands and communal areas back on the agenda. In 2004, the Communal Land Rights Bill (CLRB) finally passed legislation although criticized by academics and land activists for its unconstitutional aspects and its lack of understanding “the rural community it targets to develop” (Kariuki 2004: 63). Affected Communities challenged the CLRB Act 11 of 2004 and brought the matter to the Constitutional Court (Lahiff 2008:5). Consequently, little progress was made in the area of communal tenure although the DLA published new draft regulations of the Bill for comment in 2008 (Ibid.).

7.2.2. Restitution

Land restitution (Restitution of Land Rights Act (LRA) 22 (1994) ) is specifically aimed at restoring land ownership or compensating people or their direct descendents that were dispossessed from their land by racially discriminatory laws and practices after 1913 such as the so called ‘black spot removal’ programmes (DLA 1997; Thwala 2003:12). The South African government, as published in the RDP initially set the goal of transferring 30% of medium to high quality white-owned farmland to approximately 600.000 beneficiaries by the deadline of 31 December 1998. (De Villers 2004:51). This deadline had to be adjusted several times. The latest deadline for the settlement of all claims is March 31 2012 (DLA 2009:6).

The year 1913 (date of first land act) serves as a symbolic date as it stands for the formal start of statutory apartheid (Ibid.). According to De Villiers, “[i]t is important to note that neither the new constitution nor the subsequent legislation was designed to address all possible land disputes by means of restoration. Only persons who were deprived of their rights after 1913 could claim full restoration (…)” (2003:51). Turner and Ibsen (2000:11) consider the land restitution process the most advanced and promising one out of the three elements of the land reform programme. According to the both authors, this attribute can be traced back to the fact

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that the restitution process has a clear legal base in the constitution as well as in the LRA. Furthermore, the government has implemented provincially based restitution commissions as well as a Land Claim Court (LCC), acting as final arbiter in restitution cases (Thwala 2003:12). De Villiers by analyzing the legal framework of the LCC states that “[t]he LCC has the power to determine the right to restitution in any right in land, to determine or approve the compensation payable when the land of a private person is appropriated, and to determine the person entitled to the right in land” (De Villiers 2003:54). From a conflict management perspective, it is further worth noting that the LCC does not act only as a fully-fledged court of law but also uses traditional conflict management practices such as mediation and negotiation (Burton 1990a) in order to resolve issues. If it becomes evident that issues can be resolved by means of negotiation and mediation the LCC can make use of pre-trial conferences in order to negotiate the issue. Therefore, the LCC may appoint a person as mediator (De Villiers 2003:55). With regard to the established provincially based restitution commissions it is worth knowing that the commission administers the process, receive, and investigate claims and finally decide whether a case exist. If a rightful claim is declared, it is published in the Government Gazette in order to be commented upon all interested parties and to advise the registered land owner of the claim (Ibid.). The commission also assists claimants in preparing their case. This may include research if necessary (Ibid.:56). If the NCC decides in favour of the claimant, several options for restitution are available. The Restitution of Land Rights Act explicitly names three forms of compensation, namely the restoration of the actual title by transferring the land to the claimant’s name, the provision of alternative land for the claimant, and financial compensation (Ibid.:58). The latter two options can be considered only if the full restoration of rights is not feasible.

The DLA also plays a vital but dual role on the restitution process. Its first obligation is to assist the claimants in processing the restoration of their land title and to render support to the LCC. The second role the DLA is in possession of regards its function as facilitator. The DLA is liaising with all governmental departments involved to solicit their views on the legality of the claim as well as the utilization of the particular land (De Villiers 2003:60).
7.2.3. Redistribution

In short, redistribution as one pillar of South Africa’s land reform programme is aimed at providing the disadvantaged and poor who do not qualify for tenure reform or restitution with access to land for residential as well as production purposes on a WSWB basis. The component of redistribution in turn is divided into three sub-programmes:

“Agricultural Development - to make land available to people for agricultural purposes, Settlement – to provide people with land for settlement purposes [and] Non-agricultural enterprises – to provide people land for non-agricultural enterprises, for example ecotourism projects” (DLA 2001:1)

All three sub-programmes have been finalized in the Land Redistribution for Agricultural Development (LRAD) plan, which can be considered the government’s flagship within the land reform programme. LRAD replaced the former Settlement/Land Acquisition Grant scheme (SLAG) in 2001. Its main objective is “(…) to ensure the transfer of 30 % of all agricultural land over a period of 15 years” (DLA 2001:1).

7.2.3.1. SLAG (Settlement/Land Acquisition Grant Scheme) and LRAD (Land Redistribution for Agricultural Development)

The first attempt by the South African government to redistribute land was structured around the Settlement/Land Acquisition Grant scheme (SLAG). SLAG can be considered a tool assisting the poor (families with a monthly income of less than R1500) with land purchase by granting the amount of R16.000 per household (DLA 1997). The intention of SLAG was clearly to uplift the status of the very poor and to reduce poverty amongst the targeted group of beneficiaries (Wegerif 2004:11). Besides individuals, groups or entire communities were able to qualify for the grant as well. By working together, communities could qualify for a substantial sum towards acquiring land (De Villiers 2003:50). However, a review of the SLAG policies by the DLA in between 1998 and 1999 revealed several weaknesses within the implementation process as well as regarding the quality of the group projects SLAG has created (Wegerif 2004:11). As a result of the poor performance of SLAG – the DLA admitted that the provided grant of R16.000 were unsuitable for creating a group of black commercial farmers – LRAD, a new approach in redistributing land was implemented in August 2001.
In contrast to SLAG, LRAD is designed to be more market-friendly and *in toto* closer to the original approach designed by the World Bank, which consulted the DLA in the developing process (Wegerif 2004:11). The shift from SLAG to the market-based approach of LRAD has joined the general change regarding the macro-economic policy of the post-apartheid government. With the implementation of GEAR, the Growth, Employment and Redistribution policy, a more market-liberal and investor-friendly direction was followed. Consequently, and in line with GEAR, LRAD and the advice by the World Bank to reduce the activity of the state in the agricultural sector, to promote and guarantee free trade and to remove state subsidies (Deininger 1999:260f; Deininger andBinswanger 1999; World Bank 2003:151), a broad liberalization of the agricultural sector took place. According to Wegerif (2004:11-12), state subsidies and direct financial assistance for the agricultural sector were reduced dramatically. During the 1980s, Wegerif continues, government provided the sum of more than four billion Rand to less than 30.000 white farmers. In 1988, government subsidies of wheat and maize alone mounted over R500 million. Moreover, government protected the agricultural sector by means of tariff protection. Nevertheless, by the end of the 1990s, government removed all direct state financial assistance to the agricultural sector. Since then, the South African agricultural sector has become one of the least protected in the world\(^\text{10}\) (Wegerif 2004:12).

The major difference to SLAG regards the fact that LRAD beneficiaries do not have to be poor to apply for the minimum of R20.000 land grant. In addition, those who are in possession of more savings qualify for larger loans and grants to finance their farms.

\(^{10}\) The liberalization of the agricultural caused criticism from various directions. Exemplarily, see Williams 1996; Lahiff 2001, 2003, Wegerif 2004; Greenberg 2003.
Figure 7-1 SLAG and LRAD policies compared

<table>
<thead>
<tr>
<th>SLAG Projects</th>
<th>LRAD projects</th>
</tr>
</thead>
<tbody>
<tr>
<td>A grant amount of only R16.000 per household</td>
<td>Grants of R20.000 to R100.000 per individual adult</td>
</tr>
<tr>
<td>Own contribution was not required</td>
<td>Own contribution is required</td>
</tr>
<tr>
<td>SLAG is linked to the housing subsidy register</td>
<td>LRAD grant is de-linked from the housing subsidy register</td>
</tr>
<tr>
<td>Grants allocated to households</td>
<td>Grants allocated to individuals</td>
</tr>
<tr>
<td>Planning grant, 9% of R16.000</td>
<td>Planning grant 15% of the total LRAD grant</td>
</tr>
<tr>
<td>No graduation in grant size</td>
<td>Graduated grant sizes</td>
</tr>
<tr>
<td>Covered all land reform projects</td>
<td>Specific to productive land use agricultural projects</td>
</tr>
<tr>
<td>Land Affairs sole implementation agency</td>
<td>Land Bank also appointed as implementing agency</td>
</tr>
</tbody>
</table>

Source: (Didiza 2006:24)

According to the DLA (2001) the major aims and objectives of LRAD are the following:

Figure 7-2 Aims and Objectives of LRAD

- Increase access to agricultural land by black people (Africans, Coloureds, and Indians) and to contribute to the redistribution of approximately 30% of the country’s commercial agricultural land (i.e. formerly ‘white commercial farmland’) over a period of 15 years
- Contribute to relieving the congestion in over-crowded former homeland areas
- Improve nutrition and incomes of the rural poor who want to farm on any scale
- Overcome the legacy of past racial and gender discrimination in ownership of farmland
- Facilitate structural change over the long term by assisting black people who want to establish small and medium-sized farms
- Stimulate growth from agriculture
- Create stronger linkages between farm and off-farm income-generating activities
- Expand opportunities for promising young people who stay in rural areas
- Empower beneficiaries to improve their economic and social well-being
- Enable those presently accessing agricultural land in communal areas to make better productive use of their land
- Promote environmental sustainability of land and other natural resources.

Source: DLA: 2001:1

At this point, some of the critique the LRAD faces shall be anticipated. Most of the mentioned LRAD objectives and aims might be noble but they remain vague and have neither quantitative nor qualitative components that could be effectively monitored, nevertheless. Even the targeted aim of redistributing 30% of agricultural land within a timeframe of 15 years is inconsistent. The DLA first mentions “(...) 30% of all agricultural land (...)” (DLA 2001:1) while the DLA in the objective’s section - within the same document – promotes “(...) the redistribution of approximately 30 % of the country’s commercial agricultural land
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(i.e. formerly 'white commercial farmland')” (DLA 2001:2). As Wegerif (2004), by analysing the implementation issues of the LRAD programme in Limpopo province states, “[t]here is a distinct difference between these two types of lands” (2004:18). The uncertainty about the official target for land redistribution cannot only be found amongst DLA officials on every level, the uncertainty also negatively effects a successful implementation of LRAD on the provincial level (Wegerif 2004:19).

With regard to the mechanisms, it is to acknowledge that providing grants to beneficiaries is the main mechanism of LRAD. As mentioned previously in this chapter, in contrast to SLAG the poor are not the primary target of LRAD. Instead, the amount of grant provided by the DLA depends on the applicant’s own contribution in kind, labour, and/or cash (DLA 2001:2). In order to receive the minimum grant of R20,000 applicants must provide an own contribution of at least R5,000. The maximum amount of R100,000 is granted if the applicant contributes R400,000 of his/her own (DLA 2001:3). The grant and own contribution is calculated on an individual adult (18 years of age or older) basis. If people apply as a group, the required own contribution and the total grant are both scaled up by the number of individuals represented by the group. The approval of the grant is based on the viability of the proposed project as well as on the total project cost and the project profitability (DLA 2001:2). According to the DLA (2001:2), projects that can be catered for include, but are not strictly limited to, food-safety-net projects, equity schemes, production for markets and agriculture in communal areas. However, purely residential projects are strictly excluded from LRAD grants. The DLA also assists beneficiaries to access loans from the state-owned Land Bank in order to make up any shortfall for land purchases (Wegerif 2004:19). If applicants are granted any amount by the LRAD programme, the money is directly paid to the seller of the land or other assets being purchased.
The LRAD policy also includes the opportunity for ‘graduating’ from smaller to larger farms. In this case, beneficiaries may receive further grants when expanding from small to large as long as the total amount of grant received by one person does not exceed the amount of R100,000 (Wegerif 2004:19-20). The rationale behind this mechanism is to enable farmers who initially do not have the skills and experience for larger projects to expand their operations once they have established themselves. Besides the grant paid to beneficiaries, a “planning grant” (DLA 2001:6) is paid to consultants and agents responsible for the applicant’s proposal and business plans as well as for land valuations. The total amount of this additional grant should not exceed 15% of the projected total capital costs of the project, according to the DLA (DLA 2001:6).

Regarding its structures, LRAD can be considered a decentralized approach with the national Department of Agriculture (DoA) and Land Affairs being the responsible departments for assisting and monitoring the process. On the national level, the DLA budgets for the provision of land grant while on the provincial level the DoA budgets for post-settlement support. When it comes to the payment of grants, the DLA Provincial Director is the responsible accountant.
for authorising the payment of grants. However, all projects need the final approval of the Provincial Grant Committee\(^{11}\) (PGC) initially (DLA 2001:6).

Besides the DoA and DLA, the Land Bank is involved as well. It is in the responsibility of the Land Bank to implement LRAD projects on the national level after it has received project-related money from the DLA. The Land Bank further provides loans for beneficiaries of DLA implemented LRAD projects. In addition, the Land Bank processes the loan components, the LRAD grant, as well as the appointment of service providers.

Accessing LRAD grants is clearly arranged but it is expected of beneficiaries to show responsibility and commitment within the application process. The process of accessing LRAD grant starts with possible beneficiaries applying individually or as a group. Applicants need to decide on the grant they want to apply for and the land they want to work on. It is further expected that applicants develop a business and project plan and that they show proof of their investments. All these documents need to be submitted to PGC. A project also needs to have the approval of the local DoA office that decides whether a project is feasible and the price for the allocated land can be considered reasonable. The DLA also assists the applicant by appointing design agents and other service providers in case where help is needed. The respective costs may be paid from the planning grant. If the application is approved, the DLA releases the money, appoints a conveyancer and assists in the distribution of land (Wegerif 2004:21). It is also in the area of responsibility of the DLA to check with the RCC whether the relevant piece of land is subject to a land claim.

### 7.2.3.2. PLAS (Proactive Land Acquisition Strategy)

As a result of the slow pace of the land reform policy under SLAG and LRAD, government implemented PLAS (Proactive Land Acquisition Strategy) in 2006. PLAS can be considered the most important policy change since the adoption of the WSWB approach. It must further be seen against the background of the announced review of the WSWB approach by former President Thabo Mbeki. Under PLAS the state becomes the ‘willing buyer’ of land for redistribution, “(...) by actively using market opportunities where they arise” (Lahiff 2008:7) in order to accelerate the land redistribution process. The state in its new role also approaches

\(^{11}\) The PGC consists of officials from DLA, DoA, Department of Public Works as well local government and Department of human Settlement (Wegerif 2004:20).
landowners to sell their land. While under LRAD the state provided possible beneficiaries grants in order to buy land, the state now buys land directly from the seller. PLAS depicts a shift from a ‘needs-based approach’ to a ‘supply-led approach’ dominated by the state. This state-owned land can then be distributed to beneficiaries on a leasehold basis for three to five years. The Lessee might then have an option to purchase the land (Lahiff 2008:8). With regard to the targeted beneficiaries, PLAS remains vague. According to Lahiff (2008:34), PLAS can be considered “(…) a typically all-embracing definition of its target groups, with no indication as to which groups are to be prioritised or how the (potentially competing) needs of different groups will be met” (Lahiff 2008:34). PLAS further remains silent about how exactly needs such as improved selection of beneficiaries, better planning of land, and increase in productivity of the acquired land are actually to be met (Lahiff 2008:21).

Figure 7-3 Advantages of PLAS according to the DLA

- Accelerate the land redistribution process
- Ensure that the DLA can acquire land in the nodal areas and in the identified agricultural corridors and other areas of high agricultural potential to meet the objectives of ASGISA (Accelerated and Shared Growth initiative for South Africa)
- Improve the selection and identification of beneficiaries and the planning of land on which people would be settled
- Ensure maximum productive use of land acquired

Source: (Lahiff 2008:21)

7.2.3.3. LARP (Land and Agrarian Reform Project)

In October 2007, LARP (Land and Agrarian Reform Project) emerged as one of 24 Presidential priorities known as Apex Priorities (Apex Priority 7). While the primary emphasis of LARP appears to be on land redistribution other far-reaching targets are addressed in the area of agricultural support services and agricultural trade (Lahiff 2008:27-31). Central to LARP are its five major objectives: (1) the redistribution of five million hectares of white-owned agricultural farmland to 10,000 farm dwellers and new agricultural producers, (2) the increase of black entrepreneurs in the agribusiness industry by 10%, (3) the provision of universal access to support services to the targeted groups, the increase (4) of agricultural productivity and (5) agricultural trade by 10-15% for the target groups. Although LARP names farm dwellers as primary targeted group of beneficiaries, no reference is made
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to the specific needs of the targeted group. Around the implementation of LARP, confusion has arisen due to the lack of explanation whether LARP can be considered a replacement of LRAD and other land reform components or if LARP is supposed to work parallel to the already existing programmes. Lahiff (2008:30) by analyzing LARP comes to the conclusion that “[g]iven that LARP appears to have no budget of its own, and shares the targets already set for land reform in general, it seems, at best, to represent a new way of using existing resources”. (Lahiff 2008:30). Lahiff further criticizes LARP by stating that LARP appears to diverge from existing programmes regarding targeted beneficiaries and outcome – “particularly with regard to the much greater size of landholdings envisaged (500 ha per beneficiary on average), compared to past performance” (2008:30). In toto, “LARP clearly has no means of influencing the amount of land transferred as a result of successful restitution claims, and does not appear to contribute to the restitution programme in any way” (Lahiff 2008:30).

In 2007, another new component of the land reform policy was rolled out: area-based planning. The aim of area-based planning is to appoint consultants who are to develop land reform plans for each district by 2008. This is an attempt to provide the basis for the integration of the land reform policy into the Integrated Development Plans (IDPs) of local and district municipalities as well as the alignment of relevant institutions (Lahiff 2008:8).

Since April 2008, land reform is considered as a means of achieving Black Economic Empowerment (BEE) as required by the Broad-Based Black Economic Empowerment Act 53 of 2003 (Lahiff 2008:8). The implementation of AgriBEE aims for the de-racialisation of ownership, management and procurement in the agricultural sector, including 35% black ownership of existing and new enterprises by 2008 (Lahiff 2008:9). However, AgriBEE is focused more on large-scale farms and enterprises. The impact on smaller commercial farms and how BEE might empower farm workers and smallholders who are still marginalized within the farming sector is not clear yet.
8. Evaluation of the South African Land Reform policy

The process of land reform in South Africa has been under way since 1995. It is an appropriate time now, especially with respect to the growing impatience of the rural poor and its inherent potential of manifest conflict behaviour (von Soest and Cholet 2006), to assess the process that has been made over the past years, to identify shortcomings and to give policy recommendations in order to improve the process. Access to land, as stated in chapter four, is considered a basic human need whose fulfilment is essential for the political stability of a country. It also plays a vital role in reducing poverty and increasing the standard of living of the rural poor. Meeting the human needs of the poor masses is a precondition for society in general to achieve needs of higher priority and for societal development. Thus, a successful land reform programme is of vital importance. The difficulties such a land reform programme faces are numerous. There are the dimensions of time, quantity, and quality. It is obvious that land reform programmes based on the WSWB approach cannot redistribute hectares of lands overnight. A redistribution programme needs to be balanced between the demand of land by the poor and maintaining food security, between quantitative (actual hectares handed over) and qualitative (the ability of the new owner to manage the land successfully) success in terms of hectares distributed and in terms of farmers successfully producing food for the market. Transferring land is easy to achieve; successfully settling new farmers is more difficult to achieve. “If South Africa returns millions of hectares of land to new owners without adequate training, it may lose its ability to sustain the country’s agricultural production, with dire consequences especially to the rural economy” De Villiers (2208:4) states. The critique the South African Land Reform programme faces in the public discourse as well as academic discussion can be summarized under the following headlines: Most of the restitution settlements have been made through financial means, with cash being paid as compensation for the dispossessed; the process in general is too slow due to the WSWB approach that undermines speedy transformation; food production may be affected; unemployment in the agricultural sector may increase; and the lack of post-settlement support in terms of training and government support may lead to a disaster.

The evaluation of the South African Land Reform programme acknowledges these difficult parameters and considers them during the evaluation process and in assessing the outcomes. However, the focus of interest lies on restitution and redistribution as they are considered core to land reform. This measure can be justified due to the importance the South African
government is given the programme, considering the pillar of land redistribution their flagship and access to land a “human right” (CRLR 2008:5). Furthermore, it is justified due to the fact that restitution and redistribution are the two programmes that are specially designed to redistribute land in order to finally correct the injustices of the past, aiming at an equitable distribution of land and poverty reduction. The assessment of the land reform programmes will then be measured against the two core targets set by the South African government: The settlement of all claims by March 31 2012\textsuperscript{12} (DLA 2009:6) and the distribution of 30% of white-owned agricultural land to the previously dispossessed.

8.1. Restitution

8.1.1. Restitution achievements to date

According to data provided by the CRLR, the number of restitution claims settled and the amount of land actually transferred to the claimants have increased over the past years. This statement is confirmed by the data related to land restitution. While in 2005/06 152,445 ha of land were acquired, in 2006/07 the amount of land acquired for restitution purposes increased to a total of 259,000 ha (De Villiers 2008:5). In 2007/08 a total of 432,226 ha of land were acquired. During the 2008/2009 financial year, the CRLR acquired 394,000 ha of land in order to restitute it to claimants.

Since its establishment in 1994, the CRLR has restored land rights to a total of 285,301 households across the country effecting more than 1,4 million beneficiaries until 2008. Until March 31 2008, the CLCR has settled a cumulative total 74,747 claims successfully. According to the Commission, this equals a settlement of 95% of all claims that were lodged with the Commission with the cut-off-date of 31 December 1998. During this period (1995-2008), 2,078,385 hectares of land have been restored as part of the claims process, at a cost of approximately R7,7 billion. With the 394,000 ha restituted by the CRLR during the financial year 2008/2009, a total amount of 2,472,385 ha has been restituted since 1995 (DLA 2009:5). According to the DLA, the approximately 2,5 million ha acquired since 1995 under the restitution programme contributes significantly towards the overall target of redistributing 30% of white-owned agricultural land by the end of 2014.

\textsuperscript{12} This date has been adjusted several times.
Figure 8-1 Statistics on settled restitution claims, cumulative statistics (1995-31.03.2008)

<table>
<thead>
<tr>
<th>Province</th>
<th>Claims Settled</th>
<th>Households Effected</th>
<th>Beneficiaries Effected</th>
<th>Land Resumed (ha)</th>
<th>Land Cost (ZAR)</th>
<th>FIN COMP (ZAR)</th>
<th>Development (ZAR)</th>
<th>RDG (ZAR)</th>
<th>GRANTS (ZAR)</th>
<th>Total Award (ZAR)</th>
</tr>
</thead>
<tbody>
<tr>
<td>E Cape</td>
<td>13,611</td>
<td>5,497</td>
<td>18,703</td>
<td>869,988</td>
<td>20,333,252</td>
<td>2,775,245</td>
<td>2,775,245</td>
<td>296,280</td>
<td>1,859,815</td>
<td>21,990,330</td>
</tr>
<tr>
<td>F State</td>
<td>21,875</td>
<td>1,983</td>
<td>31,338</td>
<td>464,108</td>
<td>77,033,000</td>
<td>8,338,852</td>
<td>21,765,014</td>
<td>915,200</td>
<td>10,994,010</td>
<td>29,482,800</td>
</tr>
<tr>
<td>Gauteng</td>
<td>13,158</td>
<td>10,642</td>
<td>26,020</td>
<td>943</td>
<td>1,124,819,57</td>
<td>661,607,13</td>
<td>699,970,01</td>
<td>8,617,000</td>
<td>29,264,000</td>
<td>43,036,767</td>
</tr>
<tr>
<td>KZN</td>
<td>1,653</td>
<td>5,001</td>
<td>26,587</td>
<td>568,905</td>
<td>20,838,935,01</td>
<td>7,089,133,48</td>
<td>7,697,232,00</td>
<td>11,706,100</td>
<td>8,225,000</td>
<td>41,541,550</td>
</tr>
<tr>
<td>Limpopo</td>
<td>2,155</td>
<td>7,375</td>
<td>20,806</td>
<td>395,990</td>
<td>1,743,184,59,02</td>
<td>94,009,397,42</td>
<td>32,803,512,13</td>
<td>35,94,800</td>
<td>4,142,736,00</td>
<td>44,741,10</td>
</tr>
<tr>
<td>Mpumalanga</td>
<td>25,49</td>
<td>4,985</td>
<td>18,765</td>
<td>2,889,65</td>
<td>252,156,870,44</td>
<td>30,479,01,76</td>
<td>90,283,95,08</td>
<td>10,279,694,40</td>
<td>4,814,640</td>
<td>43,595,65,00</td>
</tr>
<tr>
<td>N Cape</td>
<td>36,34</td>
<td>16,253</td>
<td>38,500</td>
<td>4,132,08</td>
<td>21,582,998,77</td>
<td>658,005,65,2</td>
<td>44,889,199,20</td>
<td>10,495,840,00</td>
<td>11,104,373,06</td>
<td>238,829,15,00</td>
</tr>
<tr>
<td>N West</td>
<td>358</td>
<td>30,517</td>
<td>1,977,08</td>
<td>2,707,08</td>
<td>802,5,257,33</td>
<td>2,301,95,80</td>
<td>2,852,035,21</td>
<td>6,558,700</td>
<td>30,89,972,79</td>
<td>59,89,972,79</td>
</tr>
<tr>
<td>W Cape</td>
<td>1,551.00</td>
<td>22,225</td>
<td>11,265</td>
<td>3217</td>
<td>2,224,26,07,00</td>
<td>75,75,571,7,7</td>
<td>2,388,275</td>
<td>15,76,550</td>
<td>31,072,62</td>
<td>0,0,10,80,2,45,00</td>
</tr>
<tr>
<td>Total</td>
<td>71,047.00</td>
<td>265,501</td>
<td>14,519,02</td>
<td>2,072,885,17</td>
<td>77,95,202,99,17</td>
<td>4,85,26,133,25</td>
<td>1,84,77,38,66,07</td>
<td>12,995,802,00</td>
<td>2,41,77,38,79</td>
<td>35,38,2,175,00</td>
</tr>
</tbody>
</table>

Source: (CRLR 2008:57)

With regard to the amount of rural claims settled, it is further worth knowing that according to the CRLR (2008:6-10), 330 claims were successfully settled in the period 2007/08, including the restoration of the Phinda Game Reserve (11,500 ha) to about 550 households, from the Qhubekani Mqobokazi and Makhasa communities, the BakgatlabalGkafela community claim (8.3 million ha, 4,096 households, 11,00 individuals) as well as the Richtersveld land claim. This brought the cumulative number of rural claims settled from 1995 to 2008 up to 9105, effecting 912,738 beneficiaries. According to the DLA, the CRLR settled 653 claims (DLA 2009:6) in 2009. 4,296 claims are remaining.

In contrast to the relatively small amount of rural claims settled stands the high amount of urban claims settled until 2008. A total amount of 65,642 urban claims have been settled successfully, the majority of claims settled through cash compensation (47,726). In only 15,439 cases, land was returned to the claimants while 2,477 cases were settled alternatively. According to the Commission (CRLR 2008:10) 4,949 claims are still outstanding, all of them rural. The Commission further expects that the outstanding claims might require additional time due to the complex nature of rural claims and the many people, including Traditional Leaders, involved. In 2008, 145 claims were still pending at the Land Claims Court due to issues of validity. In order to speed up the settlement of claims, the CRLR is awaiting the finalization of the Expropriation Bill. Currently, a total of 53 Notices of Possible
Expropriation has been served to land owners who in the eyes of the CRLR are using delaying tactics (CRLR 2008:10).

However, with regard to the geographical spreading of the outstanding claims, the majority of claims are to be found in KwaZulu-Natal (1740), Mpumalanga (851), Limpopo (674), the Western- (599) and the Eastern Cape (555) (CRLR 2008:5).

<table>
<thead>
<tr>
<th>Province</th>
<th>Claims</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kwa-Zulu Natal</td>
<td>1740</td>
</tr>
<tr>
<td>Mpumalanga</td>
<td>851</td>
</tr>
<tr>
<td>Limpopo</td>
<td>674</td>
</tr>
<tr>
<td>Western Cape</td>
<td>599</td>
</tr>
<tr>
<td>Eastern Cape</td>
<td>555</td>
</tr>
<tr>
<td>Northern Cape</td>
<td>218</td>
</tr>
<tr>
<td>North West</td>
<td>215</td>
</tr>
<tr>
<td>Free State</td>
<td>97</td>
</tr>
<tr>
<td>Gauteng</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>4949</strong></td>
</tr>
</tbody>
</table>

Source: (CRLR 2008:12)

With regard to the regional performance of the restitution process, differences between the provinces occur. The most claims (1995-2008) were settled in the Eastern Cape (16,161), followed by the Western Cape (15,500), KZN (14,658) and Gauteng (13,158). The highest amount of land restored was in KZN (563,395 ha) while only 3,217 ha of land were restored in the Western Cape even though the Western Cape listed the second highest amount of settled claims. This finding reflects the facts that the majority of claims in the Western Cape were urban based and compensated financially. The greatest amount of land restored in 2007/08 was in KZN with 119,733 ha, followed by the Northern Cape (107,552 ha). The greatest expenditure on restitution awards (including land and other awards) was in KZN with R1,479,602,897,10.

According to the CRLR, 97%-98% of claims are supposed to be settled by March 2009. The CRLR will need a total of R15 billion in order to finalize the outstanding claims (CRLR 2008:11).
Figure 8-3 Settled Restitution Claims for the Period 01.04.2007-31.03.2008

<table>
<thead>
<tr>
<th>Province</th>
<th>Rural Households Effected</th>
<th>Beneficiaries Effected</th>
<th>Land Restored (ha)</th>
<th>Land Cost (ZAR)</th>
<th>FIN COMP (ZAR)</th>
<th>Development Cost (ZAR)</th>
<th>ROG (ZAR)</th>
<th>SPG (ZAR)</th>
<th>RSG (ZAR)</th>
<th>Total Award (ZAR)</th>
</tr>
</thead>
<tbody>
<tr>
<td>E Cape</td>
<td>45</td>
<td>1831</td>
<td>25919</td>
<td>418701.13</td>
<td>10296504.15</td>
<td>17504398.07</td>
<td>13584000.00</td>
<td>65203100.00</td>
<td>1528398000.00</td>
<td>2652385645.15</td>
</tr>
<tr>
<td>F Shani</td>
<td>3</td>
<td>182</td>
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<td>0.00</td>
<td>0.00</td>
<td>39570.00</td>
<td>4534215.00</td>
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<td>Gauteng</td>
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<td>2350000.00</td>
<td>4527538.73</td>
<td>8243044.14</td>
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<td>7167567.29</td>
<td>350848483.81</td>
<td>21619800.00</td>
<td>10271100.00</td>
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<td>321221359.30</td>
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<td>25975100.00</td>
<td>4472140.00</td>
<td>886932031.38</td>
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<tr>
<td>Mpumalanga</td>
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<td>666</td>
<td>309783</td>
<td>70545</td>
<td>67458671.68</td>
<td>10489302.04</td>
<td>49893432.74</td>
<td>8066640.00</td>
<td>46598000.00</td>
<td>848393581.46</td>
</tr>
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<td>N Cape</td>
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<td>32466366.10</td>
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<td>6222440.00</td>
<td>40832500.00</td>
<td>499200.00</td>
<td>0.00</td>
<td>350097233.45</td>
</tr>
</tbody>
</table>

Total: 330 33415 142766 432226 254347365.74 80121210201.61 1074570707.51 67092740.00 318096800.00 353822755.00 4552216276.02

Source: (CRLR 2008:56)

Figure 8-4 Cumulative Statistics on Settled Restitution Claims, Rural and Urban (1995-03.2008)

<table>
<thead>
<tr>
<th>Urban Claims</th>
<th>Rural Claims</th>
<th>Total Claims</th>
</tr>
</thead>
<tbody>
<tr>
<td>Land</td>
<td>Financial</td>
<td>Alternative</td>
</tr>
<tr>
<td>15439</td>
<td>47726</td>
<td>2477</td>
</tr>
<tr>
<td>4423</td>
<td>4247</td>
<td>435</td>
</tr>
<tr>
<td>19862</td>
<td>51973</td>
<td>2912</td>
</tr>
</tbody>
</table>

Source: (CRLR 2008:58)

These statistics are just the broad numbers accompanying the restitution process. Of equal importance to the increase in speed and quantity of land under restitution is a trend observed by Wegerif (2008:11) who states that “(...) restitution is now firmly focused on claims affecting privately owned land where claimant communities are demanding restoration.” The previous phases of the restitution process in contrast, were characterized by cash compensation and the restoration of state-owned land (De Villiers 2008:3). Besides this trend, the focus of attention of the DLA switched to post-settlement support (CRLR 2008:11). The urgent need for post-settlement support measures were brought on the public agenda after the multiple issues reported around high-profile restitution settlements such as Khomani San in the Northern Cape and Elandskloof in the Western Cape (Wegerif 2008:11). Currently, the DLA is working towards implementing SIS (Settlement Implementation Support) as a component of LARP.
It is further worth acknowledging that the great majority of restitution claims are settled in administrative ways with only a minority of claims coming before the LCC and the Constitutional Court of South Africa.

8.1.2. Assessment of restitution

In order to assess the outcome of the restitution process, the following key statistics are going to be recalled. In restitution, the year 2007 marked the settlement of virtually all outstanding urban claims. The year 2007 also saw the first case of land expropriation for land restitution purposes. Pniel farm in the Northern Cape, owned by the Evangelical Lutheran Church of South Africa, was expropriated by the State (CRLR 2007).

Figure 8-5 Restitution claims settled (and projected), 1994-2009

By 2008, 95% all claims have been settled. In total numbers, more than 74,000 out of the 79,696 claims have been settled so far. The remaining 4,296 (2009) claims are all rural based and include large communities claiming sizable areas of high-value agricultural land (Richtersveld), forestry, or land in well-developed tourism enterprises including game reserves such as the Pinda Game Reserve. With regard to the complex nature of rural claims it
is not surprising that rural claims - unlike urban claims - take longer to be settled, especially in cases where communities are involved and the requested land is of high value. Rural claims are generally more complex because they may involve large tracts of land and large groups that claim that land. Furthermore, there may be intra-, as well as inter-group conflicts within and between different claim groups competing over the same land. According to De Villiers (2008), issues within the claim as group as well as problems regarding the application process and management delays the restitution process. Another reason for the relatively longer processing time of rural claims lies in the fact that often issues arise between farm workers and the new owners as well as resistance by the current land owner. Especially the legal settlement in front of the LCC or the Constitutional Court may take years until an agreement is being made. However, until 2008 285,301 households, amounting to almost two million people have become beneficiaries of the restitution process. Despite the difficulties the restitution process went through, the key statistics are remarkable, nevertheless. According to South African land reform expert De Villiers (2008:5), the restitution process so far can be considered a success given the short time of the programme since it was launched in 1995 and given the amount of approximately 80,000 claims until the cut-off date for lodging claims on 31 December 1998. “Few people if any, would have predicted that […] to the end of 2007, more than 94% of land claims would be settled” (De Villiers 2008:5), De Villiers continues. The World Bank explicitly praises the way in which South Africa has settled its restitution claims by stating that its administered ‘out of court’ settlement approach by means of conflict management, namely arbitration, negotiation and mediation, resulted in a dramatic increase in pace (van den Brinck et.al 2006:36).

However, despite the remarkable statistics regarding the settlement of claims, it is further necessary to mention that only about one quarter of the claims have been settled by means of restoring land. Most of the claims (about 69,5%) were compensated in cash. The compensation by financial means, as successful as they have been, does inherit possible dangers for the future. First, with respect to the overall target of transferring 30% of agricultural land to black South Africans, the settlement of claims by means of cash compensation does not amount to land reform because no ‘land’ was actually transferred. Although statistically thousands of beneficiaries have benefited, one must acknowledge that it is only in theory that land has been restored to many households (De Villiers 2008:10). In fact, many of the households or communities making up a claim group remain in rural or urban residential areas without being relocated onto the land they have claimed for or what
was acquired for them (Ibid. 2008:10). Nevertheless, historical wrongs were rectified through the payment of compensation. Secondly, the cash compensation might be challenged by future generations stating that land rather than cash should have been accepted (De Villiers 2008:5). However, achieving the redistribution target of 30% by 2014 will be highly unlikely. It is further conceivable that the finalisation of the outstanding rural land claims will not bring an end to the land reform process. As mentioned in the previous section, only a small amount of land so far has swapped ownership as part of the claims process. The main acquisition process is yet to come under the umbrella of the redistribution component of the land reform programme.

Nevertheless, if the target set by the South African government in 1994 was to settle as many claims as possible before 31 March 2012, the process has been remarkably successful. Even more highly developed countries such as Australia were not able to achieve this amount of settled claims in the same period of time (De Villiers 2003: 89).

8.2. Redistribution

8.2.1. Redistribution achievements to date

The South African government considers the pillar of redistribution, more precisely LRAD, its flagship (van den Brinck et.al. 2006:28). Redistribution has become the most important and far-reaching component within the broader context of land reform. The overall target of the entire land reform process is the redistribution of 30% of white owned agricultural land by the end of the year 2014 (DLA 2007:58). From a 1994 perspective, 30% of white owned farmland equalled approximately 24,9 million hectares of land (DLA 2009:35). If the redistribution of almost 25 million hectares of land is the objective, what has been achieved in 15 years?

In the financial year 2006/07, the DLA transferred 258,890 ha of land under the redistribution programme. The amount of land acquired and transferred in 2006/07 was significantly higher than the outcome of the three previous years. However, measured against the target set by the DLA for the year, the 258,890 ha of redistributed land did not come even close to the target of 2,500,000 ha. More precisely, only a tenth (10,4%) was actually achieved (Lahiff 2008:23). As a result of failing to achieve its own targets, the DLA reduced its redistribution objective
for the following years by 1 million hectares. Consequently, for the financial year 2007/08 the redistribution target was 1,500,000 ha per year, which was to be achieved through two sub-programmes, namely tenure reform and redistribution. Again, this target was not achieved, the DLA failed to deliver. Subsequently, for the financial year of 2008/09, the target was reduced again from 1,500,000 ha per year to only 608,060 ha per financial year (DLA 2009:5). In its annual report 2008/09, the DLA accounted for 443,600.4486 ha of land that was actually transferred. The DLA’s performance in 2008/09 was 164,459.5114 ha short of the revised target (DLA 2009:33). Again, the target set by the DLA was not achieved, although almost 100% (99,9%) of the allocated budget was spent on the programme (DLA 2009:5). Escalating land prices were identified by the DLA as a key factor hindering the achievement of its target. Nevertheless, the redistribution programme finalized 501 (sic!) projects in 2008/09 reaching 14,457 beneficiaries (DLA 2009:6).

In order to put the current acquisition pace into perspective, De Villiers (2008:7) stated in 2007 that approximately 2 million ha of land a year would have to be acquired to reach the target of 30% by the end of the year 2014. “[T]his is the equivalent of an area the size of the Kruger National Park every year for the next seven years” (De Villiers 2008:7). Albeit on a low level, the redistribution process recently picked up momentum. The performance of the redistribution programme since 1994 is illustrated below in figure 8-6.
Figure 8-6 Target and actual land transfers under the redistribution programme (1994-2009)

Source: (Lahiff 2008:32)

Figure 8-7 Land transferred under land and tenure reform between March 2008 and March 2009

<table>
<thead>
<tr>
<th>Province</th>
<th>Hectares</th>
<th>Number of Projects</th>
<th>Number of Beneficiaries</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>LRAD/COM/SLAG/SPLAG</td>
<td>PLAS</td>
<td>Total</td>
</tr>
<tr>
<td>Eastern Cape</td>
<td>14,919.4292</td>
<td>32,603.5142</td>
<td>47,522.9434</td>
</tr>
<tr>
<td>Free State</td>
<td>8,777.3543</td>
<td>55,514.9262</td>
<td>64,292.8205</td>
</tr>
<tr>
<td>Gauteng</td>
<td>0.0000</td>
<td>2,554.5806</td>
<td>2,554.5806</td>
</tr>
<tr>
<td>KwaZulu-Natal</td>
<td>59,528.4999</td>
<td>6,010.7311</td>
<td>65,539.2310</td>
</tr>
<tr>
<td>Limpopo</td>
<td>12,208.1997</td>
<td>2,392.3704</td>
<td>14,600.5791</td>
</tr>
<tr>
<td>Mpumalanga</td>
<td>15,246.8130</td>
<td>37,025.8538</td>
<td>52,272.6688</td>
</tr>
<tr>
<td>Northern Cape</td>
<td>81,114.9034</td>
<td>44,247.6487</td>
<td>125,362.5521</td>
</tr>
<tr>
<td>North West</td>
<td>6,231.7997</td>
<td>46,636.5600</td>
<td>52,868.3597</td>
</tr>
<tr>
<td>Western Cape</td>
<td>18,637.2954</td>
<td>0.0000</td>
<td>18,637.2954</td>
</tr>
<tr>
<td>Total</td>
<td>216,614.2946</td>
<td>226,986.1940</td>
<td>443,600.4886</td>
</tr>
</tbody>
</table>

Source: (DLA 2009:34)

According to the DLA’s latest annual report, the total number of projects reported is 501 (Sic!), 283 under LRAD/COM/SLAG/SPLAG and 217 under the Proactive Land Acquisition Strategy (PLAS). The highest numbers of PLAS projects were realized in the Free State with
73, followed by Mpumalanga with 48 and the Eastern Cape with 33. Including the projects realized under the different grant schemes, the highest numbers of projects were accounted for in KwaZulu-Natal with 115, the Free State (98) and Mpumalanga (65). In contrast to this are Gauteng with only 16 and the Western Cape with 19 projects realized in the financial year 2008/09, respectively.

The total area of land transferred according to this list provided by the DLA, amounts to 443,600.4886 ha. The provincial contribution to the total varies widely and at the same time illustrates the varying (under)performance of the regional land reform offices. In Gauteng province, for example, the total amount of land actually transferred was 2,554.5806 ha compared to 642,422.805 ha redistributed in the Free State. According the GPLRO, the Gauteng Provincial Land Reform Office, the initial redistribution target was 48,565 ha of land for the year 2008/09. This target had to be adjusted to 16,000 ha. Measured even against the revised target, the GPLRO was short of redistributing 13,445.4194 ha of land in the financial year 2008/09. In other words, the GPLRO missed its revised target by 84.4%.

Unfortunately, in its annual report 2008/09, the DLA does not provide statistics regarding the sizes of land per project. However, in 2006/07 the average size of land per project was reported to be 902 ha, which again showed considerable provincial variations (Lahiff 2008:24). Seven out of nine provinces reported an average size of land per hectare within the range of 184-515 ha, with the Northern Cape and Western Cape reporting much higher average sizes per project, of 2,282 ha and 3,756 ha, respectively (Wegerif 2008:24).

However, not only the average sizes per project vary widely from province to province, the average land costs per project differ as well. Wegerif (2008:24) who is referring to the DLA’s 2006/07 annual report, documents the average land cost per project was R1.4 million, ranging from R475,243 in the Eastern Cape to R3,235,358 in the Western Cape. Furthermore, the average per hectare price of land for the country as a whole was R1,566. On the provincial level, prices vary widely, from R861 in the Western Cape to R10,009 in Mpumalanga.

### 8.2.2. Assessment of redistribution

From the perspective of land reform, up to date less than 5% of white owned agricultural land has been transferred to black ownership. If measured against the initial target of redistributing
30% of white agricultural land (1994\textsuperscript{13}), the land reform process cannot be considered a success story. Quite the contrary, the current redistribution policy has largely failed its objective.

“This is most obvious in the crude statistics of hectares of land transferred, but is also evident in the failure to restructure the agricultural economy, which remains dominated by relatively few, large-scale, capital-intensive and generally white owned enterprises alongside millions of small and poorly resourced black farmers. It is evident too in the widespread under-utilisation of much of the land that has been transferred, the continuing abuse and eviction of farm dwellers\textsuperscript{14}, the high proportion of non-functioning communal property institutions and the lack of any firm evidence on job creation or poverty alleviation” (Lahiff 2008:32)

At the current rate of acquisition, it is highly unlikely to achieve the target by 2014. If the target of redistributing 24 million hectares is to be achieved by the end of 2014, more than 2 million hectares a year have to be redistributed each year. Such an approach, even the attempt, is highly unlikely considering its feasibility, practicality, and financial viability (De Villiers 2008:7).

With regard to the data provided by the DLA, the following trend in the redistribution process can be identified. For the year 2008/09, the process of redistributing land was still effected by means of grants provided by the DLA for the purchase of land on the free-market, on a WSWB basis but PLAS is becoming more dominant within the acquiring process. A closer look at the projects under the different grant schemes clarifies this matter. In 2008/09, 283 projects were realized under the grants schemes compared to 217 under PLAS (DLA 2009:34). The introduction of PLAS, however, has led to a growing proportion of land being purchased directly by the state, still on a WSWB basis. In 2008/09, PLAS has already outdistanced the grant schemes with regard to the hectares of land acquired by the state. 216,614.2946 ha of land have been redistributed under the four different grant schemes compared to 226,986.1940 ha redistributed by PLAS (DLA 2009:34). According to the DLA’s annual report 2008/09, all land acquired through PLAS during the financial year 2008/09 was registered in the name of the state. Only in certain instances the state provided potential beneficiaries with access to land by means of lease or caretaker agreements until the land is transferred permanently to suitable beneficiaries (DLA 2009:33). These figures

\textsuperscript{13} The total of white-owned farmland in 1994 is estimated to be 83 million hectares (Lahiff 2008:5).

\textsuperscript{14} It is estimated that between 1994 and 2004, 1 million farm dwellers, or about 200,000 households have been evicted from farm land (van den Brinck et.al. 2006:28).
illustrate a potentially worrying trend. The land purchased by the state without first identifying the potential beneficiaries of that land has picked up momentum and indicates a swing in Government’s acquisition policy from a strictly demand-led approach towards a supply-led, state-led approach (DRDLR 2009:2). This policy-swift from a demand-driven approach to a more statist- or top-down approach implies that potential beneficiaries might not be directly involved in the land purchase- or in the immediate post-purchase land planning process (Lahiff 2008:3).

The fact that PLAS enables the state, more precisely DLA officials, to purchase land as it comes on to the market, even if no beneficiaries have yet been identified, has caused some criticism. PLAS, in this regard, has departed from former land redistribution programmes, the criticism continues. Under PLAS, farm owners can initiate transactions by offering land for sale directly to the state, an opportunity that was impossible under LRAD and SLAG. Untouched, however, is the regulation that it is still up to land owner, in absence of expropriation, to decide which land will be offered on the market for redistribution. As a result, the power to veto any transaction remains in the hands of the selling land owner. Land reform experts such as Lahiff (2008:22) consider the fact that PLAS actually increased the veto-power options of land owners counterproductive. “[L]andowners (…) are now free to not only block transactions that they do not favour but to initiate transactions that they do” (Lahiff 2008:22). Practically speaking, land owners are now in the situation to decide whether they sell at all, whom they sell to and at what price. A result of this asymmetrical dispensation of negotiation power is that land that is available on the land market is not offered for land reform purposes (Lahiff 2008:33). Additionally, PLAS may increase land prices due to an excessive demand on land by the state - that is under pressure to acquire land at a higher pace - and a low supply at the same time. This fact leaves sellers in the position to inflate land prices. Briefly, the current system of land acquisition has three weaknesses: the suitability of land put onto the market, the prices being demanded and on top of it, bureaucratic delays (Lahiff 2007:1582).

From a land reform perspective, the fact that PLAS enables the state to buy land even without having potential beneficiaries up their sleeves has some advantages. The state is currently in a position to acquire land for redistribution purposes at a much faster pace than in previous years; a fact that has strengthened the role of the state at first sight. At the same time, from a beneficiaries’ perspective, this mechanism raises concern because there is no equivalent strengthening of the powers of intended beneficiaries to the increase in the state’s power in
acquiring land. Under PLAS, beneficiaries only play a minor role in the acquisition process. They do not have influence neither on the actual purchasing process nor on the official elaboration of criteria (type of land, size, and quality) for the types of land to be acquired (Lahiff 2008:33). Matching land to the needs of beneficiaries is just crucial for the success of land reform. “[T]he absence of beneficiaries from critical decisions affecting their livelihood, and the strong possibility that the identity of beneficiaries may not even be known to officials at the time of the land purchase reduces the likelihood that these needs will be met” (Lahiff 2008:33-34). An even worse scenario would be that district officials of the DLA accumulate land to meet quantitative targets set on higher levels without consulting potential beneficiaries or even knowing possible beneficiaries at all. The situation in which, a state is in possession of thousands of hectares of land without targeting possible beneficiaries might open the way to corruption and cronyism as seen in Zimbabwe since the year 2000.

The scenario of a state that is pushed to speed up its pace of acquiring land for whatever reason, would consequently push up land prices, at least in some areas. Due to the fact that time under the WSWB approach usually favours the seller land acquisition and redistribution might not be as fast as planned by the state resulting in delays and less hectares of land transferred than originally assumed. In order to speed up the land acquiring process, expropriations offer an alternative. Nevertheless, despite all problems in the land acquisition process, the instrument of expropriation has not yet been used extensively. Only Pniel farm in the Northern Cape was expropriated so far by the DLA. However, with the third draft of the WSWB review completed by the DLA in 2008/09, the promulgation of the Provision of Land and Assistance Amendment Act (Act No. 58 of 2008) in 2008 as well as the continuing consultations over a revised version of the Expropriation Bill, this circumstance might change in the near future. Expropriations may become a land reform policy instrument to give effect to the principles set out in section 25 of the South African Constitution. However, with regard to expropriations, more precisely the compulsory acquisition of land by the state, land reform experts of the World Bank raise concerns stating that this approach is often perceived as too confrontational, more costly and slower than the current ‘out of court’ method (van den Brinck et.al. 2006:34). Only outright confiscation reduces land costs, but it has many undesirable consequences, such as the reduction of investor confidence and as a consequence of this, the devaluation of the currency as seen in Zimbabwe. Such an attempt imposes the costs of land reform on the entire nation. Despite the possibility of expropriations, the South
African state has acted in a restrained and cautious manner with the WSWB approach remaining the central principle of the South African land reform programme.

The pace of land acquisition has picked up momentum since the implementation of PLAS. Certainly, a key factor for the acceleration is the increase in the DLA’s expenditures on redistribution including a dramatic rise in funding for PLAS (Lahiff 2008:22) as well as the decentralization from the Minister of the national level to the Provinces (van den Brinck et al 2006:35). The total allocation for land reform (including tenure reform and redistribution of land) within the DLA’s budget increased from R454 million in 2004/05 to R907 million in 2006/07 and to R3.3 billion in 2009/10 (Lahiff 2008:22). This equals a budget increase of 628% over the period of five years (Ibid.). Overall, the DLA spent R6.66 billion in 2008/09. According to the DLA, the sum of R6.66 billion is largely attributed to initiatives put in place to fast-track the settlement of the remaining restitution claims, as well as the acquisition of land at scale in accordance with the provisions of PLAS (DLA 2009:5).

An assessment of LRAD reveals some of the issues that have caused the poor performance of South Africa’s land reform programme. Mapedimeng, by examining LRAD, concludes that LRAD is unlikely to have a significant positive impact on the delivery of the land redistribution objectives (2003:30-38). Mapedimeng based his conclusion on the examination of LRAD provisions, “(…) which revealed contradictions and inconsistency, between its principles and methods to achieve them, drastic shifts in objectives, as well as the failure to draw adequately on lessons learned from the 1997 land redistribution programme” (Mapedimeng 2003:39). Unlike the 1997 land redistribution programme, which aimed to provide access to land for farm workers, labour tenants, women, and potential commercial farmers, LRAD’s main objective is the promotion of black commercial farmers only (Ibid. 2003:39). This finding is proven by the fact that land accessed through the programme was restricted to agricultural purposes and that beneficiaries should make a minimum contribution of R5,000 as well as submitting land use plans. With regard to targeting beneficiaries, LRAD marks a shift towards the better-off. Under LRAD, the SLAG income ceiling was removed and grant sizes increased in order to make land reform more attractive to the financially better secured, Mapedimeng’s critique (2003:39) continues. Mapedimeng’s opinion is shared by others stating that not only LRAD but also the land reform programme in general does not identify a target group. While the 1997 White Paper identified women, labour tenants, farm
workers, the poor and emerging farmers as possible beneficiaries, no specific strategies or system of priority has been developed to ensure that the named groups actually benefited (Lahiff 2008:34). According to Lahiff, the self-selection process in South Africa, unlike Brazil, Malawi and India, lacks a strong element of oversight by communities, labour union and NGO’s (Ibid.). In a nutshell, one can agree with Lahiff's conclusion that

“[t]he relatively small numbers of beneficiaries targeted by the redistribution programme in general (60 000 by 2014) and by LARP in particular (10 000 over two years), together with the consistent emphasis on increased agricultural output for the market, clearly demonstrate that the main thrust of policy is directed towards those with the skills and resources to produce on a substantial scale. Despite the political rhetoric, there appears to be little understanding of the needs of relatively poor households, including farm dwellers, or specific measures to ensure that they adequately addressed. While many of the newer elements of redistribution policy, including area-based planning, have the potential to include poorer participants and contribute to poverty alleviation, experience to date suggests that this is unlikely to be achieved on a significant scale unless it is clearly prioritised at every stage of the process, with maximum participation by poor and marginalised groups.”

(Lahiff 2008:35)

Another reason for the non-consideration of the poor and rural masses in the redistribution process, who until today have minimal influence over the design and implementation of the South African land redistribution policy, may be their lack of mobilization and militancy (Lahiff 2007:1577). The topic of land redistribution and its impact on the rural poor has not yet dominated the public agenda to the point where it is accompanied by widespread violent behaviour. This circumstance might change in future due to the enormous conflict potential, namely the still existing inequality in land distribution and the poor livelihood of the rural masses. The situation the South African government currently finds itself in is best described as an almost futile dilemma, as a classical no-win situation. If the state acquires land at the current pace, it would no doubt be seen as causing the land reform policy to fail. South Africa continues to be pinned in a situation characterized by the very high expectation government has created by setting a far too optimistic target for land redistribution. Furthermore, government faces the demands of the masses of poor and landless people in urban and rural areas to provide them with land for housing and farming in order to fulfil their basic human needs. In addition, there is a risk of upsetting the delicate economic balance in the rural areas if it acts rashly. Currently, government faces the inconvenient reality that its ambitious policy of acquiring land and resettling people takes much more time and resources than expected in 1994. The alternative, an even quicker acquisition and redistribution policy does not look promising either. If the South African government acquires land too quickly and fails to
resettle communities successfully and sustainably, rural poverty might increase, food shortages may occur, which in turn undermine the land reform policy with far-reaching consequences for the national economy (De Villiers 2008:10-11).

With regard to resources available for land reform, the World Bank states that such reforms are generally under funded (van den Brinck et.al. 2006:39), the non-land costs in particular. The most important lesson learned from experiences over the years is that much more than just the acquisition of land needs to be funded for land reform to be successful. According to the World Bank, the costs for purchasing land make up only 30-40% of the total costs of land reform (Ibid. 2006:39). The other costs that are essential for the success include costs for housing, resettlement, start-up grants, tools, equipment, farm development, training and advisory services as well as the overhead costs of the management of the land reform programme. The size of each cost factor depends on the quality of land acquired and on the livelihood created. With regard to the financial resources, the World Bank states that sound financial planning must first rest on owned fiscal resources. “In the South African case, the prospects for this look good”, van den Brinck et.al. (2006:41) state. Based on current budget trends, South Africa’s fiscal support for land reform is significantly increasing. The current reported budget for land reform is R6.6 billion. Despite this commendation for the increase in provided fiscal resources, the World Bank emphasizes the under funding of non-land related support services within the South African land reform programme. Lahiff, by assessing South Africa’s post-settlement support measures within the broader land reform programme, concludes the same: “Inadequate support to the beneficiaries of land reform has been a recurring complaint almost since the inception of the programme” (Lahiff 2008:37). More precisely, the lack of support regarding accessing services such as credit, training, extension advice, transport and ploughing services, access to veterinarians as well as access to input and produce markets (Lahiff 2007:1590.).

One of the advantages of market-led land reform programmes is that beneficiaries do not entirely depend on services provided by the state but can rather access services from a wide range of public and private service providers. A number of reports have revealed that services available to land reform beneficiaries tend to be supplied by various NGO’s and provincial offices of the Department of Agriculture. The problem is that they do not reach all beneficiaries but only a small minority (Lahiff 2007:1590). According to former research undertaken by Lahiff and Jacobs in 2003, “(…) the lack of post-settlement support stems from general failure to conceptualise land reform beyond the land transfer stage” (Lahiff
The insufficiencies of post-settlement support further result from poor communication between the national DLA who is responsible for land reform, the nine provincial Departments of Agriculture that act as service providers to beneficiaries and local government, responsible for infrastructure such as water and electricity (Ibid:1590). Briefly, the more parties involved the less effective the communication process. A potential and well-equipped service provider, in terms of funding and knowledge, has not shown much interest in supporting the beneficiaries of the land reform process: the private agri-business sector that services large-scale commercial agricultural enterprises. Land reform beneficiaries in turn are generally not in the financial position to use the services provided by the private agri-business sector (Lahiff 2008:37). Unfortunately, large commercial farmers still lobby against land reform (van den Brinck et.al. 2006:41-43).

However, as a result of the poor performance in the post-settlement support process, the South African government introduced countermeasures. In 2004, the Ministry of Agriculture and Land Affairs introduced CASP, the Comprehensive Agricultural Support Programme, with a total of R750 million allocated over a period of five years (Lahiff 2007:1590). In addition, MAFISA, a Micro-Agricultural Finance Scheme, was introduced in 2005. An objective of the new Scheme was to provide micro-loans to small-scale farmers, including land reform beneficiaries (Lahiff 2007:1590). The implementation of the two post-settlement support initiatives did not go off smoothly. Shortcomings in the retrievability and disbursement of loans occurred leading to modifications in both schemes. With the assistance from Belgium’s Technical Co-operation, the Minister of Agriculture and Land Affairs officially launched SIS, the Settlement and Implementation support strategy, in February 2008 (Lahiff 2008:38). At this stage it is too early to evaluate the outcome of SIS.
9. Conclusion and policy advice

The initial goal of this treatise has been to evaluate the outcome of the South African land reform programme. Therefore, the ongoing evaluation research design was applied in this paper. Chapters’ three and four provided the reader with solid knowledge about conflict in society; how conflict is defined, what different types of conflict exist, its sources and development when escalating. As chapter three of this study has shown, social conflict is a truly multifaceted phenomenon, which is defined differently according to academic discipline. The definition applied in this study (Anstey 2008:6) includes both latent conflict-as well as manifest conflict-behavior. This definition enables the identification of three distinguishing characteristics of conflict: the underlying conflict situation, conflict attitudes or “symptoms” (Tillet/French 2006:6) and conflict behavior or “explanation” of conflict (Tillet/French 2006:7). Additionally, the characteristics of conflict worked out in this definition coincide with the factors Mitchell (1981) considers to be elementary to conflict: the underlying conflict situation, conflict attitudes, and conflict behavior.

In order to refer to issues in society which are not based on negotiable interests and positions, Burton (1990a:15f) introduced the term deep-rooted conflict. Deep-rooted conflict refers to non-negotiable, underlying basic human needs such as the need for security, identity, recognition and development that cannot be compromised. This type of conflict occurs where basic needs are violated, deprived and frustrated. Social conflict is not static but rather a process that follows a certain pattern. This “ebb and flow” (Bradshaw 2008:39) of conflict is usually referred to as conflict dynamics by the academic community. In order to highlight the process of escalation and de-escalation, three models have been presented, namely the contender-defender model, the conflict spiral model, and the structural change model.

Chapter five summarized the international land reform debate and the rationale behind the World Bank’s approach, more precisely the argument of the higher productivity of small-scale family sized farms, the ability of smaller farms to reduce poverty and to create sustainable economic growth and equity. The following chapter examined the original land reform approach developed by the World Bank. The World Bank considers three factors as important for land reform programmes to be successful: the creation of formal tenure security including formal security for the use of communal land, the elimination of state-interventions into the land market, and, finally, the redistribution of agricultural land from large capital-intensive farms to small family-size farms.
Almost fifty years of official racial segregation resulted in what has generally become known as “geography of apartheid” (Berrisford et.al. 2008:1) leaving behind an extremely unequal distribution of land. The introductory part of chapter seven briefly provided the reader with an in-depth view of the outcome of almost half a century of official apartheid. In 1994, the first democratically elected South African government inherited an agrarian structure that was dominated by white-owned, large-scale, capital-intensive commercial farms. In order to undo the injustices of the past and to provide the masses of poor formerly disadvantaged people with access to land, the South African government introduced a land reform based on the WSWB approach developed by the World Bank. The South African land reform programme was and still is based on three pillars, namely tenure reform, land redistribution, and restitution. Land reform in its actual meaning consists of land redistribution and restitution. The post-apartheid government approved this division. Thus, its target of redistributing 30% of white-owned agricultural land by the year 2014 refers to the two pillars of the broader land reform programme. No doubt, measured against the 1994 target of redistributing 30% of white owned agricultural land by the end of the year 2014, the South African land reform process can be considered a failure given that up to date only 5% of the targeted agricultural land has been transferred. Nevertheless, the evaluation of the two land reform components in its actual sense, namely land redistribution and restitution, has produced two facts. First, the redistribution process has currently picked up momentum due to the introduction of PLAS. Second, the introduction of PLAS, however, is marking a significant change in South Africa’s land redistribution process. While previous programmes, SLAG and LRAD in particular, were entirely demand-driven – land was only acquired if possible beneficiaries claimed a particular piece of land and the state did not entered the stage as an active buyer but rather as a broker – PLAS is more static. Under PLAS, the state’s policy towards acquiring land has switched towards a more active role of the state, resulting in a more state-led, supply-driven approach. Currently, the state does not act as a broker but rather as an active buyer of land without even identifying possible beneficiaries, individuals, or groups. Nevertheless, the method used in the land acquisition process is still based on the WSWB principle. Expropriations have not been used extensively as a land acquiring method in order to accelerate the redistribution process. So far, the DLA has acted in a restrained and prudent manner. However, although the redistribution component misses its target, at least one bright spot can be identified. The restitution programme since 1994 has settled 95% of all claims until today and is going to settle 98% of all claims by the end of the next financial year; a
remarkable success that even more highly developed and financially better-secured countries like Australia have not been able to copy.

Altogether, the South African land reform approach to redistribution differs from the model promoted by the World Bank in important respects. More precisely, the South African model has failed to introduce an effective land tax (van den Brinck et al. 2006:30) in order to discourage speculation on land. The absence of a land tax raises the attractiveness for the rich of holding land as an asset but does not necessarily encourage them to farm the land at full capacity. In today’s South Africa the land wealth of large farms is either not taxed at all or, based on a 1939 law, taxed at a rate of 100 times less per hectare than that which applies to small farms (van den Brinck et.al. 2006:31-32). Van den Brinck et.al. further state that the extremely regressive land tax in some provinces produces artificial economies of scale because land consolidation leads to sizeable reduction in the tax bill. It also not only holds the cost for holding underused land very low but also makes the holding of agricultural land as an asset more attractive. Van den Brinck et.al. summarize the impact of extremely regressive land taxes on the agrarian structure.

“For all these reasons, land prices of large farms often exceed what economists call the present value of farm profits. If the land price exceeds the present agricultural value of the land, small farmers will be unable to outbid the large farmer or repay the loan given to them. Thus, land markets will not redistribute land from large to small farmers. In this situation, a strong economic justification exists to subsidizing land purchase by the poor” (van den Brinck et.al. 2006:32)

Furthermore, while the World Bank model promoted small family-size farms, the South African model prohibits the subdivision of large holdings making the break-up of large estates almost impossible. Under the current programmes, the subdivision of land is still subject of strict legal and policy restrictions15 (Lahiff 2008:33). These restrictions on subdivision have confronted the land reform programme with serious problems. The issue that arose out of the restriction on subdivision was that there were simply no R16,000 (SLAG grant provided to beneficiaries) plots available on the land market. Consequently, beneficiaries were forced to pool their grants together to be able to buy farms available on the land market. This has become known as “rent-a-crowd phenomenon” (van den Brick et.al. 2006:38). Due to the fact that there were simply no family-size farms on the market, many groups of beneficiaries had

15 Restrictions on subdivision functions as a barrier to racial integration in the commercial farming areas and in the peri-urban areas, where the unavailability of small parcels for sale leads to widespread squatting (Van den Brinck et.al. 2006:31).
Conclusion and policy advice

to acquire capital-intensive farms despite all negative international experiences with collective large-scale and capital-intensive farming (Deininger 1999). As a result, these land reform projects often failed or were only prevented from failure through intensive financial care by either the state or NGO’s. Despite the financial assistance, many of these collective farming attempts failed (George 2008). In many cases former beneficiaries pulled out their commitment and interest in the project, leaving behind group members with the issue of reorganizing the collective farming enterprise (De Villiers 2007:8). The World Bank (van den Brinck et.al. 2006:43) is therefore demanding the removal of these subdivision rules as well as the introduction of a progressive land tax in order to change the agrarian structure, which is still dominated by large commercial farms, towards a structure that offers the full spectrum of farm sizes, from peri-urban gardens, irrigated vegetable plots and small livestock farms to small- and medium-size commercial farms. According to Low et.al. (1999), there will be “three agricultures” (Ibid.) in South Africa: large scale established farms, emerging commercial family operated farms, and peasant family farms. A successful restructuring of the agricultural sector would also improve efficiency, according to World Bank experts (Deininger 1999).

The South African approach also differs regarding the level of decentralization. While the World Bank is promoting decentralized structures and procedures with not only the beneficiaries involved in the process but also the state and the private sector, South Africa installed SLAG, an implementation strategy under which each project needed the approval of the Minister of Land Affairs (van den Brinck et.al. 2006:37). Consequently, the programme took considerable time to take off and became consultant driven. Beneficiaries under the current LRAD as well as PLAS policies are not involved in the creation of business plans. Sometimes beneficiaries did not even understand the plan designed by land reform consultants (van den Brinck et.al. 2006:37). Additionally, the state only buys the land and fixed improvements and not the farming stock or equipment. Although this is explained to new owners, this process has been identified as one of the major weaknesses for new owners to become successful. Instead of farming straight away, most of their grants and loans are used up to buy equipment and stock (De Villiers 2007:7). However, the implementation of LRAD and PLAS can be considered a countermeasure in this regard with decentralised structures and more influence of provincial DLA offices in the redistribution process (van den Brinck et.al. 2006:45). Nevertheless, the next logical in the decentralization process step has to follow; decentralization down to the district and, further down, to the municipal level.
“As the approval of land reform projects gets further decentralized to the district and municipal level, and as beneficiaries, officials, and stakeholders can better exploit the flexibility of the LRAD policy, redistribution will become faster, cheaper, and more in line with local conditions and capacities and needs of the beneficiaries”
(van den Brinck et.al. 2006:45)

As consequence of the land reform’s underperformance, policy advice by leading land reform experts focuses on elements identified as obstacles in the land acquiring and redistribution process. For improving the land reform process on the national policy level, De Villiers (2007:14-16) proposes several suggestions. First, and of utter importance, is to downsize expectations. This policy advice goes hand in hand with adopting more objectives. Persistency on the 30% redistribution target alone will most likely end in a situation of ‘relative deprivation’ whereby expectations continually outstrip actual process, and the entire land reform process is considered a failure even though some aspects like the settlements of claims are extremely successful. The focus of attention “must be expanded to include the quality and not merely the quantity of land reform,” De Villiers (2007:14) concludes. With regard to the acquisition mode currently applied, an improvement would be to purchase land closer to markets, cities and other distribution points. The costs of land per hectare would be higher, the costs of post-settlement support, however, would be much lower. Purchased land closer to cities and markets could also comprise smaller farm sizes. This would enable families to run farms and would be in line with the World Bank’s demand to change the agrarian structure towards small-scale family sized farms. Another sphere of improvement regards intergovernmental relations. The communication and coordination between all relevant departments involved in the land reform process on the national, the provincial, and the local level have to be improved in order to strengthen the support for new farmers on a day-to-day basis. De Villiers (2007:16) suggests that on the national level, the office of the president and on the provincial level, the premiers must become the control points for the coordination of the land reform. De Villiers justifies his demand by outlining the negative impacts of a land reform failure on the regional and national economy as well as on the social cohesion. A land reform failure could have dramatic consequences on the rural economy and the tourism industry, leading to increased rural poverty, unemployment and, finally, to urbanisation putting pressure on the urban infrastructure. Therefore, land reform must be treated as a national priority. The coordination of the process in the hands of the president in coordination with the premiers would emphasize government’s commitment (2007:16). The coordination should additionally go hand in hand with the strengthening of horizontal and
downward accountability. According to the World Bank, all land reform programmes should therefore be channelled through the same screening and approval processes (van den Brinck et.al. 2006:45). Furthermore, in order to strengthen emerging farmers, the counterproductive relationship between government and the organised commercial farmers must improve (van den Brinck et.al. 2006:41-43). For the land reform programme to be successful, both groups must play a vital role in the process. Such cooperation should be best tested in joint pilot projects. However, above all measures to improve the land reform process, the urgent need to maintain the rule of law in rural areas is crucial. Rural violence and lawlessness needs to be brought under control, otherwise crime will undermine every farmer’s success.

On the practical level, De Villiers (2007:17) strongly recommends a reduction of the time lag. The acquiring and resettlement process should not last longer than 12-18 months. During this ‘transformation period’, the existing land owners should be encouraged and financially assisted to continue normal farming operations in order to prevent the property and the existing farming equipment into falling in a state of neglect and disrepair. It is further important to keep the beneficiary group as small as possible. Ideally, a family-operated farm is to be aspired. Again, coordination between various strategic collaborators (government, NGO’s, private sector, commercial farmers) is crucial in order to make the project successful (De Villiers 2007:18).

Is the negotiated method of land reform the key to success for South Africa? A definitive answer to the question is difficult to provide and depends on the objective chosen. By only taking the quantitative amount of land transferred into account one is in favour of stating that the land reform process so far is about to fail. The restitution component, however, can be considered a great success, quantitatively and qualitatively. Although the process of redistributing 30% of white-owned agricultural land is far behind schedule, there is no alternative to the negotiated model of acquiring farm land because all other options are much more expensive, confrontational and would have negative impacts on the national economy as seen is Zimbabwe after the year 2000. Nevertheless, the question must be asked if the negotiated model has served the very poor in fulfilling their basic human needs. Here, the South African application of the WSWB model has unambiguous deficits. According to Lahiff (2007:1592), the main beneficiaries are white farm-owners (Bernstein 1996) and a small minority of better-off black entrepreneurs. The big losers are the poor and landless in need of land for survivalist purposes. Again, the negotiated land reform model based on the
principle of a willing-seller and a willing-buyer is not the issue but rather the implementation of this model by the South African government and the political unwillingness to target the rural poor (Lahiff 2007:1591). By eliminating the restrictions on subdividing agricultural land, by actively targeting the poor as land reform beneficiaries and by giving them adequate post-settlement support, the negotiated model is able to serve the poor helping them fulfilling their basic human needs and reducing conflict potential within the South African society at the same time. The vision of “three agricultures” (Low et.al. 1999) in South Africa, the vision of large-scale commercial farms, emerging commercial family-operated farms and small-scale peasant farmers that are finally able to fulfil their basic human needs operating next to each other can become a reality. The WSWB approach is the adequate approach to serve the people. All it needs is political commitment on the highest level to target the very poor. It is time to act. Otherwise, time might force government to change their land acquiring method towards a totally state-led, top-down approach to fast track the land reform process for political purposes. The consequences for both, the political stability and the status of the very poor might be dramatic.
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