

The National Democratic Revolution and the transformation of land ownership in South Africa – A critical analysis and alternative framework

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“For with God nothing shall be impossible.” Luke 1:37

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SUMMARY

Transformation of land ownership in the form of land reform, land restitution and land tenure has dominated the agricultural policy and legislative landscape since 1994. Transformation of land ownership is a historical and political imperative due to the centuries of conflict over land and legislated dispossession of land from the black majority by previous colonial and Apartheid governments in the last century. Attempts to transform land ownership in South Africa between 1994 and 2014 were characterised by various programmes, policies and legislation, the majority of which failed. Since 2014, more radical policy and legislative proposals aimed at transformation of land ownership have highlighted the underlying National Democratic Revolution (NDR) as central point of departure.

The ideological point of departure regarding policy and legislative proposals aimed at transformation of land ownership requires an in-depth analysis. The lack of an analytical framework for this analysis required the development of such an academic framework for this study. This analytical framework was used to carry out the necessary critical analysis of transformation of land ownership as required by the theme.

Since this study was carried out within the discipline of Political Science, chapters are devoted to the meta-theoretical and theoretical aspects that justify this study within the discipline of Political Science. The ideological nature of the NDR also required a conceptualisation and discussion on political ideology with all its categories.

The result is a comprehensive analysis of the most relevant current policy and legislative proposals to transformation of land ownership in South Africa within the framework of the NDR as the ideological point of departure.

Key words: National Democratic Revolution, Land reform, Land restitution, Land tenure, Agriculture, South African politics, Land ceilings, Expropriation, Transformation

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OPSOMMING

Die transformasie van grondeienaarskap in terme van grondhervorming, grondrestitusie en verblyfregsekerheid het sedert 1994 die beleids- en wetgewende-landskap op landbougebied oorheers. Transformasie van grondeienaarskap het as gevolg van eeue se konflik en wetgewende onteining van grond van die swart meerderheid deur vorige koloniale- en Apartheidsregerings 'n historiese en politieke noodsaaklikheid geword. Pogings om grondeienaarskap te transformeer tussen 1994 en 2014 is gekenmerk deur verskeie mislukte programme, wetgewing en beleid. Sedert 2014 het die meer radikale wetgewende en beleidsvoorstelle wat op transformasie van grondeienaarskap gemik is die Nasionaal Demokratiese revolusie (NDR) as sentrale vertrekpunt beklemtoon.

Die ideologiese vertrekpunt rondom wetgewende en beleidsvoorstelle gemik op transformasie van grondeienaarskap vereis 'n in-diepte analise. Die gebrek aan 'n analitiese raamwerk vir hierdie analise het vereis dat só 'n akademiese raamwerk ontwikkel word. Hierdie analitiese raamwerk is gebruik om 'n kritiese analise van transformasie van grondeienaarskap, soos deur die tema vereis, uit te voer.

Aangesien die studie binne die dissipline van Politieke Wetenskap uitgevoer is, is hoofstukke toegeken aan die meta-teoretiese en teoretiese aspekte wat hierdie studie binne die dissipline van Politieke Wetenskap anker. Die ideologiese aard van die NDR vereis 'n konseptualisering en bespreking van ideologie met al sy kategorieë.

Die gevolg is 'n opvattende analise van die mees relevante beleidsvoorstelle rondom transformasie van grondeienaarskap, met die NDR as vertrekpunt.

Sleutelwoorde: Nasionaal Demokratiese Revolusie, Grondhervorming, Grondrestitusie, Verblyfregsekerheid, Landbou, Suid-Afrikaanse politiek, Grondplafonne, Onteining, Transformasie.

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LIST OF ACRONYMS

AFASA	African Farmer's Association of South Africa
AgriBEE	Agricultural Black Economic Empowerment
Agri-SA	Agriculture South Africa
AHI	Afrikaanse Handelsinstituut
ANC	African National Congress
ANCYL	African National Congress Youth League
ANNC	African National Native Congress
ASGISA	Accelerated Shared Growth Initiative
BBBEE	Broad Based Black Economic Empowerment
CBLDB	Community Based Rural Land development Programme (Malawi)
CCP	Chinese Communist Party
CLaRA	Communal Land Rights Act
COC	Community Oversight Committee (Malawi)
CODESA	Congress for a Democratic South Africa
COSATU	Congress of South African Trade Unions
CPA	Community Property Association
CPSA	Communist Party of South Africa
CRLR	Commission for Restitution of Land Rights
DA	Democratic Alliance
DLA	Department of Land Affairs
DLC	District Lands Committee
DRDLR	Department of Rural Development and Land Reform
EFF	Economic Freedom Fighters
ESTA	Extension of Security of Tenure Act
FAO	Food and Agriculture Organisation (UN)
FF+	Freedom Front Plus
FSDRLR	Free State Department of Rural Development and Land Reform
GEAR	Grown Employment and Redistribution
HNP	Herenigde Nasionale Party (Reunited National Party)
HSRC	Human Sciences Research Council
IDF	Investment Development Fund

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IEC	Independent Electoral Commission
IFP	Inkatha Freedom Party
IMF	International Monetary Fund
IPILRA	Interim Protection of Informal Land Rights Act
ISS	Institute of Strategic Studies
LPM	Landless People's Movement
LRAD	Land Redistribution for Agriculture Development
MK	Umkhonto we Siswe
MTS	Movimento dos Trabalhadores Rurais Sem Terra (Brazil)
MTSF	Medium Term Strategic Framework
NCOP	National Council of Provinces
NDP	National development Plan
NDR	National Democratic Revolution
NEP	New Economic Policy (USSR)
NGP	New Growth Path
NP	National Party
NPA	National Prosecuting Authority
NUMSA	National Union of Metalworkers of South Africa
NWC	National Work Committee
NYDA	National Youth Development Agency
OVG	Office of the Valuer-General
PAC	Pan African Congress
PLAAS	Institute for Poverty, Land and Agrarian Studies
PLC	Public Service Commission
PLF	People's Liberation Army
PMC	Project Management Committee (Malawi)
PRC	People's Republic of China
PSC	Public Service Commission
RDP	Reconstruction and Development Programme
RETM	Rural Economy Transformation Model
SA	South Africa
SABC	South African Broadcasting Corporation
SACP	South African Communist party

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SADT	South African Development Trust
SAIRR	South African Institute of Race Relations
SANDF	South African National Defence Force
SANNC	South African Native National Congress
SAPS	South African Police Service
SIU	Special Investigating Unit
SLAG	Settlement Land Acquisition Grant
SPLUMA	Spatial Planning and Land Use Management Act
STATSSA	Statistics South Africa
SWAPO	South West African People's Organisation
TAU	Transvaal Agricultural Union
TGNP	Tanzania Gender Networking Programme
UDF	United Democratic Front
UN	United Nations
UP	United Party
USA	United States of America
USSR	Union of Soviet Socialist Republics
WWF-SA	World Wildlife Fund – South Africa
ZANU-PF	Zimbabwe African National Union – Patriotic Front

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CHAPTER 1: INTRODUCTION

1.1 Motivation

South Africa has a historical legacy that has created various challenges that need to be overcome. The failure to effectively deal with these challenges has the potential to ultimately derail the progress that has been made since the country's first inclusive democratic elections in 1994. In this respect, the transformation of land ownership in South Africa through various land tenure, land restitution and land reform policies and programmes remains a serious issue for which an amicable resolution is crucial in order to ensure the future political stability of the country. The transformation of land ownership within a post-colonial context cannot be left to the markets alone, but also requires well managed state intervention that takes historical and cultural factors into account. In his book "Feeding Frenzy", Paul McMahon (2014:201) states that: "...especially in Africa, land has cultural, sentimental and political meaning. It is a reminder of past dispossession, a symbol of present dignity and a source of future security". Zimbabwe looms on South Africa's doorstep as an example of how both the politicisation of, and failure to manage, land issues negatively affects food security, employment, poverty and ultimately political stability. Transformation of land ownership is not new or unique to South Africa since many other countries across the globe have grappled with this issue in the past and many are currently still grappling with this.

Food security is becoming a source of increasing concern, both globally and nationally and cannot be ignored by international organisations and national governments. With ever-growing populations, continuous global warming and increasing water scarcity, the issue of food security is gaining more prominence in political discourse. In this respect Bruinsma (cited in Connor & Mínenquez, 2012:106) indicates that: "*The challenge facing global food supply during the next four decades to 2050, when the world population is expected to stabilize, is well known in scientific circles, and now in political and social circles also*". The matter of food security with its political importance should be considered as both a positive and negative outcome of the transformation of land ownership in South Africa.

Transformation of South African society under an African National Congress (ANC) government has been characterised by a prominent ideological point of departure. This ideological point of departure finds its roots within the framework of the National Democratic Revolution (NDR) that was developed within the paradigm of a struggle against the previous Apartheid government under the National Party (NP) and its British colonial predecessor (Jeffery, 2010:5). The first phase of transformation was the revolutionary process of gaining political and administrative control of the government, while the second phase of transformation was aimed at transforming the government, the economy and civil society through a process of democratic centralism. Since 1994, various programmes of action have emerged that have attempted to transform all aspects of South Africa's society. The first was the Reconstruction and Development Programme (RDP), the second the Growth Equity and Redistribution (GEAR), the third the Accelerated Shared Growth Initiative - South Africa (ASGISA) and currently the National Development Plan (NDP) and New Growth Path (NGP). The NDP was adopted in November 2011 with the purpose of engaging with the economic challenges facing the country towards positive developmental outcomes within the broad time frame of "Towards 2030". The NDP covers all areas of economic development, including a rural development strategy with agricultural development "*...based on successful land reform, employment creation and strong environmental safeguards*" (NDP, 2011:196). The transformation of land ownership in South Africa is a political imperative that must be addressed by all affected parties which include government, banks, dispossessed people and owners of agricultural land.

What becomes apparent in the analysis of the economic programmes and strategies, more prominently with the NDP, is that economic growth plays a stronger role than the issue of ideology. On a political level, however, the NDR is still regarded as the defining ideological basis for the transformation of South African society and economy (Jeffery, 2010:6). The problem experienced by the ANC-dominated governing alliance is that, within the context of the NDR and the economic imperatives outlined in the NDP, there are diverging ideological fault lines that threaten the success of positive transformation initiatives in South Africa. The much politicised issue of transformation of land ownership in the country increasingly appears to be a victim of this ideological uncertainty that manifests itself on a political level through attempts at ineffective land reform, land tenure and land restitution legislation, policies and programmes.

In January 2015, during the ANC's 103rd birthday celebrations in Cape Town, President Jacob Zuma indicated that current legislation is inadequate to deal with land issues and that the process of transformation is too slow (Gerber, 2015:2). This view was strengthened during the President's State of the Nation Address on 12 February 2015 during which he confirmed that the Regulation of Land Holdings Bill would be submitted to Parliament and that it would place a ceiling on land ownership at 12 000 hectares, prevent foreign land ownership in South Africa and make a 50% proposal for employee ownership of land on which they work. He also indicated that the Property Valuation Act would prevent the reliance on a willing buyer, willing seller principle (Zuma, 2015). This was confirmed by the Minister of Rural development and Land Reform, Gugile Nkwinti, during his budget speech in the National Assembly on 8 May 2015. During this speech, he emphasised that the Regulation of Land Holdings Bill would be introduced in Parliament in 2015 and that 50 pilot projects would be implemented to test the policy on "*Strengthening the Relative Rights of People Working the Land*" (50/50 framework policy). He confirmed government's commitment to transformation by emphasising "*..the historical need to address the brutal legacy of colonialism and grand Apartheid*" (Nkwinti, 2015:3). Current political demands for the radical transformation of land ownership, both from within the ANC and opposition leftist movements, such as the Economic Freedom Fighters (EFF), are proof of previous failures in this regard and now pose serious threats to political stability in South Africa.

With the above issues in mind, an analytical framework was developed within which issues relating to the transformation of land ownership could be analysed. This framework was used as a theoretical basis from which to carry out a critical analysis of the transformation of land ownership in South Africa, within the NDR as the central ideological point of departure.

1.2 Problem Statement

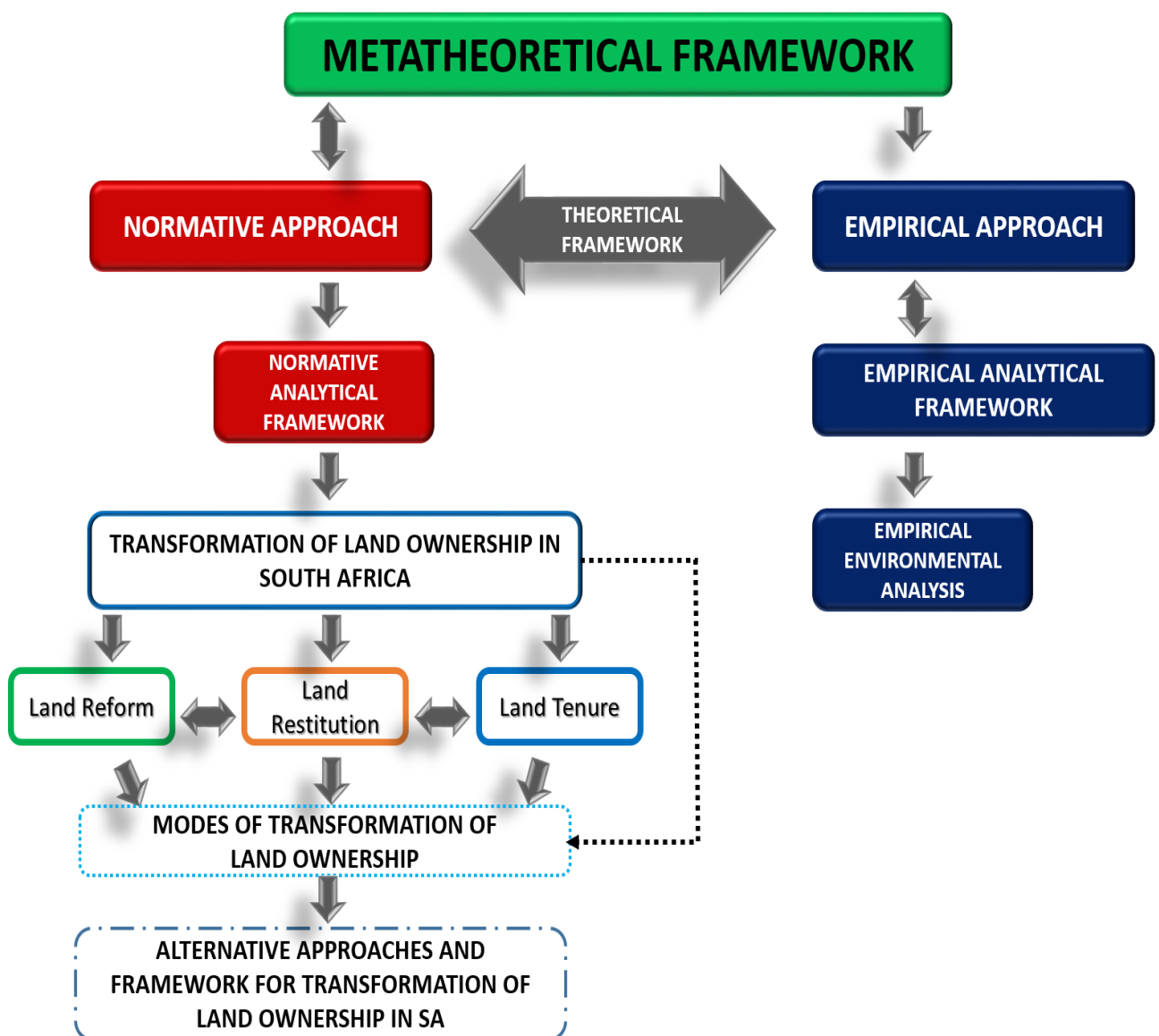
The transformation of land ownership in South Africa is a complex political issue that has economic and social ramifications. It does, however, require urgent consideration within a society that is embroiled in rapid social, political and economic transformation. It is clear that, since 1994, there have been attempts by the ANC-run government to implement policies aimed at transforming the South African society and state within the broader

framework of the NDR. Internal differences within the governing alliance, which comprises the ANC, South African Communist Party (SACP) and the Congress of South African Trade Unions (COSATU), around the concept of transformation within the context of the NDP and previous programmes, have contributed greatly to the failure to adequately transform land ownership. Given the fact that the transformation of land ownership is closely linked to agricultural production and employment as economic factors and food security or insecurity as logical outcomes, it is crucial that a critical analysis is carried out to determine the current and future impacts of this within South Africa.

The discipline of political science lends itself to such an enquiry due to the broad scope, influence and reach of politics within society. Within the context of the NDR, transformation in South Africa has a strong ideological basis which requires an analytical framework for its analysis. While various other works are crucial for the conceptualisation of the ideological basis that forms the central theoretical component in a scientific study of this nature, it is Baradat's (1997) unique spectrum of political ideas that forms the central component of the ideological framework for this study. Although an analytical framework was developed predominantly within a normative paradigm, both normative and empirical research formed the basis for this. Central to this framework were the issues of land reform, land restitution and land tenure.

Only when the theoretical boundaries have been delineated and a framework for analysis developed, can a successful scientific analysis be carried out that critically evaluates the issue of transformation of land ownership in South Africa through policy and legislative attempts at land reform, land restitution and land tenure. A complicating factor is the divergence of views regarding how the NDR, as the central ideological tool for transformation, should be interpreted and implemented. A further complication for the successful implementation of policies and legislation aimed at transformation is the negative impact of the policy of democratic centralism. This policy was accepted by the ANC in 1997 and mandates the National Working Committee (NWC) of the party to deploy party cadres in all state institutions to further the transformation aims of the party, which include the public sector, local government, statutory bodies, semi-state institutions, security forces, central bank and public broadcaster (Jankielsohn, 2001:7; Greffrath, 2015:283-284). The political nature of transformation of land ownership and usage can

never be entirely divorced from its practical economic outcomes that contribute to growing economic inequality and deterioration of wealth. In future, South Africa will require greater amounts of food at more competitive prices to ensure political stability. The divergent views within the governing alliance around issues relating to the transformation of land ownership through the implementation of government policies, programmes and legislation should not compromise this. In order to supply an adequate response to the broad problem statement, this study was mainly guided by the framework as outlined in the diagram below:



(Source: Author's own construct)

Figure 1: Framework for the study

1.3 Central Theoretical Statement

South Africa has a chequered history relating to issues of land ownership which has resulted in most privately owned agricultural land currently being in the hands of a white minority. Attempts to remedy this situation since 1994 have failed. Current proposals in this regard are controversial and potentially damaging to food security and political stability. Some of the reasons for this can be directly linked to conflicting ideological messages that emanate from the governing alliance. On the one hand are the NDP and previous development programmes, with their predominantly market driven transformation agendas, while on the other hand the NDR appears to be a strong force driving political rhetoric. These conflicting messages have caused a great deal of policy uncertainty that needs to be clarified.

Since transformation is a politically motivated and driven process, any study in this regard must be carried out within the meta-theoretical and theoretical confines of the discipline of political science. A scientific study of this nature requires a meta-theoretical and theoretical framework. Since the process is ideologically driven in practice, in theory it requires a normative scientific approach. Baradat's spectrum of political ideas that originates from works such as Rockearch's *The Nature of Human Values* (1973), allows all views on transformation to be placed on a political spectrum, from reactionary on the far right to radical on the far left with conservative, moderate and liberal in between, based on the direction, speed, depth and method of any proposed changes to the status quo. The analysis of the environment within which transformation of land ownership takes place was, however, more empirical in nature. The chapters dealing with these issues also serve as a basis for the development of a theoretical framework for the study of transformation of land ownership in South Africa with the NDR as the central point of departure.

Transformation of land ownership has rested on three aspects: firstly land reform, which attempts to transform the historical racial profile of current land ownership; secondly land restitution that is historically based and attempts to supply some form of redress through compensation of those whose land was expropriated by previous governments and thirdly land tenure that deals with the legal ownership (title deeds) of land. This study carried out

a critical analysis of current proposals from both inside and outside the government within the analytical framework that was developed.

1.4 Research Questions

The following research questions were addressed during the study:

1. What meta-theoretical approaches are applicable for the development of a framework within which a critical analysis of the NDR as ideological basis for the transformation of land ownership in South Africa may be conducted within the discipline of political science?
2. What ideological framework can be used for the study of transformation of land ownership in South Africa?
3. What international case studies can be used within the ideological framework to support the creation of a theoretical framework for the study of the transformation of land ownership?
4. What normative theoretical considerations can be used for the development of a theoretical framework for the study of transformation of land ownership, based on the international case studies?
5. What historical considerations must be taken into account in order to carry out a study of current proposals regarding the transformation of land ownership in South Africa?
6. What are the most prominent social, economic, political, security, and environmental factors/forces affecting the transformation of land ownership in South Africa?
7. What is the ideological role of the NDR as the central point of departure for transformation of land ownership in South Africa?
8. What is the nature of the current government policies, programmes, and legislative proposals aimed at transforming land ownership in South Africa based on the theoretical framework developed for the evaluation of such proposals?
9. What alternative proposals on the transformation of land ownership are being offered by non-governmental institutions and main opposition parties in South Africa and what alternative policy or legislative proposals are identified that may facilitate successful transformation of land ownership in South Africa based on the analytical framework developed for this purpose?

1.5 Research Objectives

The following primary research objectives were applicable to the study:

1. To provide meta-theoretical framework for the development of a theoretical framework within which a critical analysis of the NDR as ideological basis for the transformation of land ownership may be conducted within the discipline of political science.
2. To determine an ideological approach within which an analysis may be made of the transformation of land ownership in South Africa with the NDR as ideological point of departure.
3. To identify and investigate some international case studies that are relevant to the current approaches in South Africa to be used for the creation of a theoretical framework within which the transformation of land ownership may be analysed.
4. To develop an analytical framework within which a study of transformation of land ownership may be carried out within a normative approach to land reform, land restitution and land tenure.
5. To investigate the historical background that may facilitate a greater understanding for an investigation into the need for the transformation of land ownership in South Africa.
6. To determine the most prominent social, economic, political, and security factors affecting the transformation of land ownership in South Africa.
7. To reconstruct, interpret and evaluate the ideological role of the NDR on transformation of South Africa within the framework of current developmental programmes.
8. To undertake a critical analysis of the current government policy and legislative proposals aimed at transforming land ownership in South Africa within the theoretical framework that has been developed for this purpose.
9. To undertake an analysis of the current counter proposals regarding the transformation of land ownership in South Africa and identify an alternative political framework within which the successful transformation of land ownership in South Africa could be facilitated.

1.6 Literature Study

The discipline of political science within the broader social sciences allows for the attainment of research objectives that extend beyond the realm of what may traditionally be regarded as political. Such traditional approaches concentrated on the state, government and the process of governing. These approaches do not always extend to the impacts of political decision-making in other areas of life in society.

It was important to initiate the study by defining what is meant by science, politics, political science and various meta-theoretical and theoretical concepts that were applicable to this study. Bryman (2012: 20) indicates that theory provides a “...*backcloth and rationale for the research that is being conducted*”. In other words, it provides the framework within which a phenomenon may be explored and understood and further determines how the information that is obtained through research may be interpreted.

In this respect, sources such as Heywood’s *Politics* (1997), Mouton and Marais’ *Basic Concepts in the Methodology of the Social Sciences* (1990), Winter and Bellows’ *Conflict and Compromise: An Introduction to Politics* (1992), Vincent’s *Political Theory tradition and diversity* (1997), Faure and Kriek’s *Die Moderne Politieke Teorie* (1984), Ball’s *Political Theory and Conceptual Change* (1997), Marsh and Stoker’s *Theory and Methods in Political Science* (1995) and van Dijk’s *Politics, Ideology and Discourse* (2006), among others, all supply valuable information for this important conceptual analysis.

This study required a strong theoretical background in order to supply the political scientific basis for the analysis of land ownership and the effect of this on food security. Since the NDR is the primary political basis for transformation in South Africa, it was important to place the research within an ideological theoretical foundation. In this respect important theoretical works such as, among various others, Baradat’s (1997) *Political Ideologies Their Origins and Impact*, create a spectrum of political attitudes within which various ideological approaches to politics may be placed on a political spectrum ranging from radical on the far left to reactionary on the far right depending on their various approaches to proposed political changes to a status quo. Within the governing Tripartite Alliance, there are various interpretations of the NDR and its applications within a transformation context. Martin Seliger’s (1976) work *Ideology and Politics* creates a

structure within which ideology may be analysed that include a reconstruction of existing order, an investigation into the ideal that may be utopian in nature and the alternative programmes required to change an existing unsatisfactory status quo (Duvenhage, 2007:381). Maning and Robinson (1985) supply further insights into the role of ideology within a party political context. Other sources such as Sargent's (1990) *Contemporary Political Ideologies*, Susser's (1995) *Political Ideology in the Modern World* and Schwarzmantel's (2008) *Ideology and Politics* supply further insights into ideology within a theoretical context. It was important for the scientific basis of this research to place the NDR and transformation within an ideological theoretical spectrum, both within a politically diverse ANC and broader South African society.

An important point of departure for the research on transformation within an ideological point of departure is found in André Duvenhage's article *Politieke Transformasie as ideologiese denkraamwerk: 'n beleidsdinamiese analise en perspektief* (2007). In his thesis, *A critical analysis of the relationship between political transformation and corruption* (2013), Emmanuel Cloete wrote a comprehensive chapter dealing with a conceptual orientation for transformation.

Transformation that is rooted within ideology is driven practically through policies, programmes and legislation that are devised by government and applied within the boundaries of a given state. The success of any transformation programme ultimately depends on the ability of a government to create and successfully implement the policy and legislative frameworks that serve as the prerogatives guiding transformation. The ideological basis of a government also determines the level of state intervention required for transformation. In this respect, Colin Douglas (1997:3) indicates that: "*Since 1994 – perhaps surprisingly – state collapse seems to have progressed apace, thanks to a government which is generally more interested in grand plans and transformation than in the practicalities of government*".

Joel Migdal's books, namely *Strong Societies and Weak States: State-Society Relations and State Capabilities in the Third World* (1988) and *State in Society: Studying how States and Societies Transform and Constitute One Another* (2001) are crucial for a greater understanding of the theme. These works offer a pivotal theoretical background for any research into the role of the state in transforming societies. Other important theoretical

works for the analysis of the state include William Zartman's *Collapsed States The Disintegration and Restoration of Legitimate Authority* (1995), Mehran Kamrava's *Politics and society in the third world* (1993), Anne Edward's *Regulation and repression The Study of Social Control* (1988), and Robert Picciotto and Eduard Wiesner's *Evaluation and Development The Institutional Dimension* (1998). A recent thesis titled: *State dysfunction: The concept and its application in South Africa* by Wynand Greffrath (2015) supplies a valuable conceptualisation of the process of state failure to a terminally dysfunctional state. All of these works offer theoretical insights into the role of the state in transforming society.

The NDR has been studied by a number of academics and political analysts as a political phenomenon, but also within an ideological context. Recent studies include the work of Jan Charl Marthinus Venter in his work *The National Democratic Revolution (NDR) in a post 1994 South Africa: a reconstruction, interpretation and evaluation of this revolutionary ideology*. In this work, the NDR was studied within its analytical, normative and strategic dimensions. This study is valuable not only because of its in-depth analysis of the NDR, but mainly because it supplies insights into the NDR through an ideological theoretical lens. A work in progress paper by Raymond Suttner, who has given permission for it to be used for the purposes of this study, titled *Revisiting the National Democratic Revolution (NDR): the 'national question'* (2011 version), supplies general insights into the NDR as a phenomenon and implemented within the paradigm of a liberation organisation. A presentation by Anthea Jeffery titled *The NDR and the second stage* (2014), as well as her book *Chasing the Rainbow* (2010), supply a broad background on the NDR. The most important primary sources for the study of the NDR, however, come from various policy and other documents from political parties and organisations. These also supply important information for the analysis of the NDR within the spectrum of political ideas since a review of the literature identified serious differences within the Tri-Partite Alliance in terms of the ideological interpretations of the NDR.

The literature review on land reform has generated some very interesting works that will be of great value to this study. Works that were utilised in this study include Essy Letsoalo's *Land Reform in South Africa A Black Perspective* (1987), Chris Alden and Ward Anseeuw's book *Land, Liberation and Compromise in Southern Africa* (2009) that has a chapter dedicated to South Africa, Louis Changuion and Bertus Steenkamp's

Omstrede Land Die Ontwikkeling van die Suid-Afrikaanse Grondvraagstuk, 1652-2011 (2011), Camilla Toulmin and Julian Quan's *Evolving land rights, policy and tenure in Africa* (2000), Fred Hendricks, Lungisile Ntsebenza, and Kirk Hellikker's recent collection of essays *The promise of land: undoing a century of dispossession in South Africa* (2013) and a valuable study carried out by Hans Binswanger-Mkhize, Camille Bourguignon and Rogier van den Brink titled *Agricultural Land Redistribution Towards Greater Consensus* (2009). From an international context, works such as Moyo and Yeros' *Reclaiming the Land, The Resurgence of Movements in Africa, Asia, and Latin America* (2005), Meredith's *Power, Plunder and Tyranny in Zimbabwe* (2002) and Meier and Rauch's *Leading Issues in Economic development* (2005) are important sources. Various government and political party policy documents as well as current and proposed legislation supplied practical insights into the present state of affairs regarding the transformation of land ownership in the country.

Various studies have been carried out on the impact of land reform in society. The Programme for Land and Agrarian Studies (PLAAS) at the School of Government at the University of the Western Cape has carried out some valuable research in the areas of land reform, restitution and tenure. Prominent among this research is a research report by Ruth Hall titled *The Impact of Land Restitution and Land Reform on Livelihoods* (2007). The Economic Commission for Africa published a document *Land Tenure Systems and their Impacts on Food Security and Sustainable Development in Africa* (2004), which supplies a useful analytical model within which these phenomena may be interrogated. The World Bank has developed useful principles for Agro-Investment that can contribute to food security in a document *Land and Food Security* (2014), Ulrike Grote contributed to the pre-research on food security with an article in the Journal of Food Security with the title *Can we improve global food security? A socio-economic and political perspective* (2014) in which she looks at causes of food insecurity from a supply, demand and market perspective. Alternative policy proposals, press statements and speeches emanating from agricultural unions such as the Transvaal Agricultural Union (TAU) and Agriculture - South Africa (Agri-SA) supplied important perspectives on alternative proposals regarding transformation of land ownership.

Additional contemporary academic works, popular articles as well as dissertations and theses were studied to provide further information and insights on the above topics.

Empirical research had been carried out by a number of organisations and institutions that were consulted to strengthen arguments and test theoretical presumptions during this research. Such institutions include the South African Institute for Race Relations (SAIRR), TAU and Agri-SA.

1.7 Methodology

The literature study that was conducted identified some theoretical deficiencies in the area of transformation of land ownership. Current research in this regard has been on one or more aspects, mostly land reform, land restitution, land tenure or rural agricultural development. What was required was a political analytical framework within which a critical analysis of transformation of land ownership in South Africa may be carried out. In order to achieve this, the research was required to identify and conceptualise the relevant meta-theory (or third order theory) that might form the basis for the development of an analytical framework. The most prominent traditions in political science, namely the normative and empirical traditions formed the basis for this. An inquiry into the normative traditions of political science (reactionary, conservative, liberal and radical), together with and empirical analysis of transformation of land ownership using international examples, facilitated the development of a normative political framework. This analytical framework was used to carry out a critical analysis of transformation of land ownership in South Africa.

The main body of information that was utilised in this research was in the form of an extensive literature study. Various sources of literature, some of which were identified in the literature study, had been used to construct the meta-theoretical and theoretical bases for the study. Vincent (1997: 21) explains the existence of theory in his statement: *“Political Theory ... exists as a tense interstice, continually committed to describing, explaining, interpreting and re-evaluating normative alternatives”*. Marsh and Stoker (1995: 16) indicate the purpose of theory as follows: *“The fundamental purpose of theory is somehow to explain, comprehend and interpret reality”*. This research is analytical in nature, rather than an attempt to prove a specific hypothesis. However, the meta-theoretical and theoretical inquiries place the research soundly within the framework of the discipline of political science. Most political science research is qualitative in nature. Bryman (2012:24-25) indicates that qualitative research is often deductive in its approach

to theory which implies that the theoretical considerations and the information obtained in the study are used to determine certain outcomes or specific findings. The meta-theoretical and theoretical consideration of this research determined the political framework for analysis and this framework was given relevance through its application to transformation of land ownership within a South African context.

This study was primarily based on a process of deductive reasoning that followed a line of thought or inference that the conclusion, the development of a framework for the study of transformation of land ownership and its application on South Africa as a case study, followed a specific premise supported by a strong theoretical basis. The meta-theoretical and theoretical backgrounds were also the bases for the development of the political framework. Mouton (1996:78) indicates that the findings of research may in some cases be explicit outcomes of the theoretical framework or implicit outcomes of premises contained in the literature study that forms the foundation of the theoretical framework. The conclusion of a deductive process is already explicitly or implicitly grounded within this premise.

The meta-theoretical and theoretical aspects relating to political ideology, specifically the political spectrum of Baradat (1997), were combined with literature on international case studies and an empirical analysis of the agricultural environment to develop a generic political framework for the study of the transformation of land ownership. This complies with the functions of theory that allows factual evidence to acquire meaning through the filtering of information through a theoretical or analytical framework. While this process is deductive, the development of an analytical framework requires some inductive reasoning. The inductive process of this research implied the use of normative theoretical approaches as well as empirical research to create a sound basis for the development of a useful analytical framework. This framework was then applied deductively to South Africa as a case study of transformation of land ownership with an analysis of the ideological role of the NDR within the political sphere.

In this respect transformation of land ownership in South Africa is categorised into methods of transformation (land reform land restitution and land tenure) and various modes of transformation (taxation; expropriation; land ceilings; collectivisation and sustainable land reform). The analytical framework identifies various variables that are

used to analyse the various methods and specifically the modes of transformation. This is illustrated in the following table:

Table 1: Analytical structure of the normative analysis

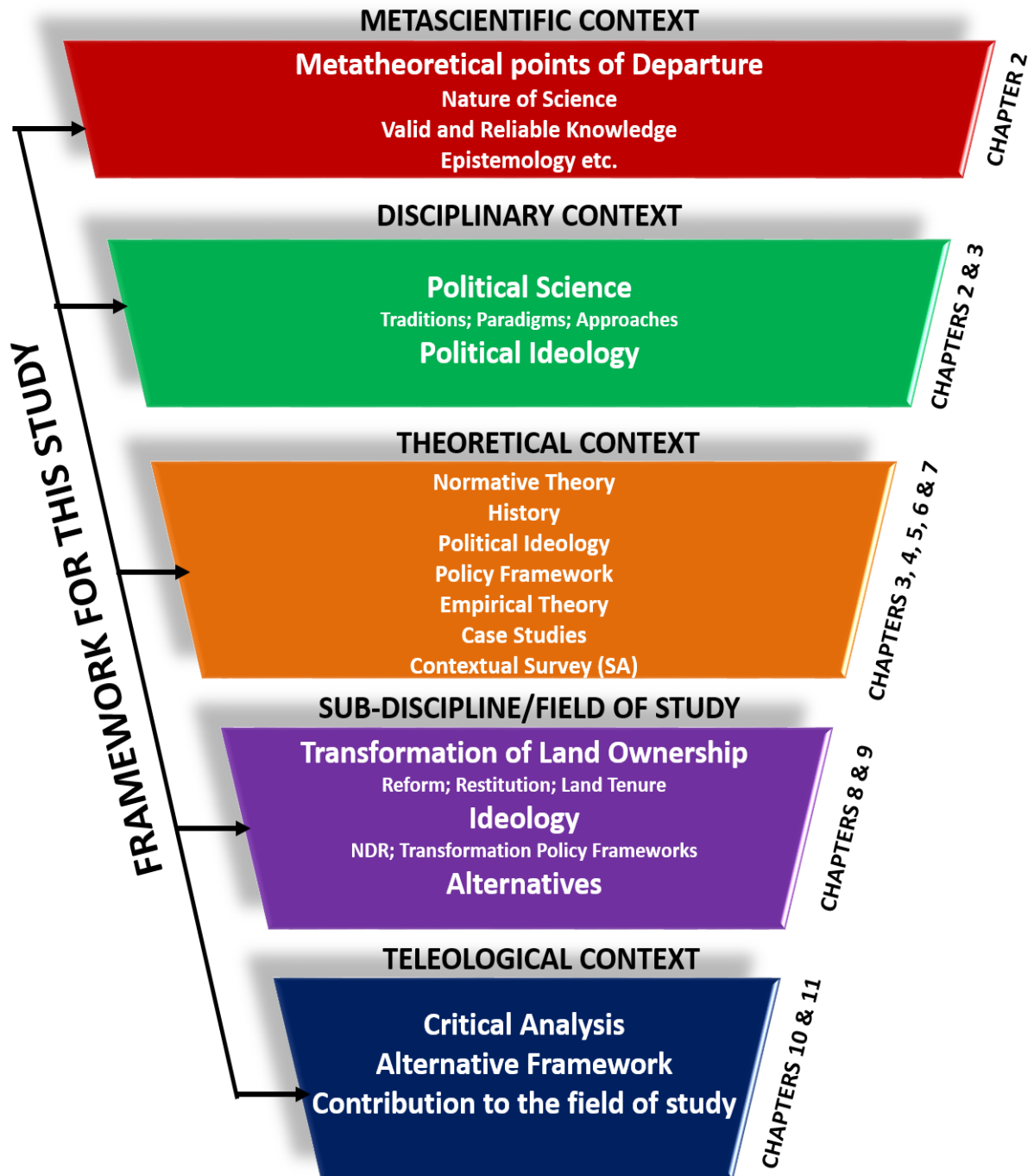
MODES OF TRANSFORMATION						
NORMATIVE VARIABLES		Taxation	Expropriation	Land ceilings	Collectivisation	Sustainable land reform
	Expectations					
	Political stability					
	Land usage and productivity					
	Food security					
	Fairness					
	Economic impact					

This study followed an interpretivist, epistemological approach and a constructionist, ontological approach. It was interpretivist since the study had to grasp the subjective political meaning of actions and interactions relating to the transformation of land ownership. The research therefore investigated the approaches of government, political parties and civil society to transformation as well as their interactions with each other around this issue. While the strong theoretical framework makes it hermeneutic in nature, the symbolic interactions and the continuous symbolic interpretation of the environment within the ideological framework of the NDR further strengthened the interpretivist approach. The ontological approach was strongly constructionist since this study required an analysis of the critical roles that social actors such as government, political parties and civil society play in the transformation of land ownership in South Africa.

The literature study indicated that an analytical framework for the analysis of the transformation of land ownership should include the following: a study of the most prominent meta-theoretical approaches within the discipline of political science, identification of the normative traditions within political science, an empirical analysis of the environment within which transformation of land reform takes place, a political framework within which a critical analysis of the transformation of land ownership may

take place and contextualising this framework in South Africa. The analytical framework determined the content of the various chapters dealing with South Africa as a case study. This framework was applied to various case studies as well as the South African policy and legislative proposals. A simple point system was developed for the application of the analytical framework and points allocated were based on the researcher's own normative views that had been moulded by the research. It is important to note that this study was political in nature and as such did not delve deeply into policies and legislation, since this would fall within the discipline of public administration or law. It is for this reason that the most important political objectives of policy and legislation relating to the transformation of land ownership were dealt with and not the technical aspects relating to policies and legislation. It is, however, necessary in some instances to refer to relevant aspects of policies and legislation in order to carry out a political analysis of transformation of land ownership within its historical and current context.

This study is in content longer than what may be expected of an average thesis, but the political and ideological complexity of the theme did not allow for any shortcuts. In order to create an analytical framework and then apply this framework to the theme necessitated additional theoretical research and an investigation into some relevant international examples that are applicable to the South African context. The application of the analytical framework on current policies and legislation regarding the transformation of land ownership implied that chapter nine is longer than most of the other chapters. This was taken into account during the planning stages of this thesis. The methodology related to this study is explained in the following diagram:



(Source, Author's own construct)

Figure 2: Methodological approach to the research

1.8 Significance of the Study

The transformation of land ownership in South Africa is becoming an issue that has developed a significant urgency within the current political discourse in South Africa. The historical nature of the issue and the current ideological political approaches to

transformation in South Africa are often in stark contrast with the economic realities and constitutional imperatives. This requires a critical academic enquiry into the phenomenon. The conflicting ideological views within the ruling Tripartite Alliance made it imperative for a theoretical basis within the framework of transformation as an ideology to be identified. Since South Africa is still very dependent on agriculture to sustain rural economies and food security, the effective utilisation of land is crucial to future political stability. In this respect, the transformation of land ownership should be approached with due diligence. It is clear that historical and ideological factors must be weighed up against economic imperatives relating to food security and insecurity as a potential source of political conflict and instability.

A study like this could not be carried out without a clear theoretical framework to justify the research within the discipline of political science. Within such a framework, the various phenomena regarding the transformation of land ownership are explained within the context of a rapidly transforming society and state. Much research has been carried out on land reform, land restitution and land tenure. A generic political framework was required for an analysis that included the political and ideological approaches to transformation of land ownership. This required a meta-theoretical and theoretical study to determine what combination of theoretical works was relevant for the development of such a framework.

The results of this research should supply new insights in and explanations of the process of transformation of land ownership through land reform, land restitution and land tenure in South Africa.

The research became more critical due to the fact that transformation of land ownership has become a priority for the current government and a politically contested issue for political parties. The outcomes of political debates around these issues will have a lasting impact on the political stability of the South African society. The creation of a theoretical framework is academically relevant, while the contextualisation of this framework with South Africa as a case study constitutes practical political significance within the current political discourse.

1.9 Provisional Chapter Layout

Chapter 1: Introduction

This chapter deals with the background and relevance, problem statement, objectives, research questions, the central theoretical statement and the method and procedures of the study.

Chapter 2: Meta-Theoretical Framework for This Study

This chapter supplies a scientific basis for the study. A meta-theoretical framework was developed for this chapter that is combined with chapter three to deliver specific theoretical outcomes. It looks into science and specifically the discipline of political science within the social sciences, identifying the various paradigms within the discipline that were relevant to this study.

Chapter 3: Ideological Orientations and Theoretical Points of Departure

Any analysis of the NDR as the ideological point of departure for this study required a sound understanding of ideology and the various ideological frameworks that might be used to develop a greater understanding of this theme. This chapter attempts to define ideology, understand the current approaches to ideology and identify the various ideological models and classification of ideology with greater emphasis on some radical ideological approaches.

Chapter 4: The Transformation of Land Ownership in Selective Case Studies – A Contextual Survey and Normative Framework

The identification of selective international case studies assisted in understanding some of the important normative issues relating to the various approaches to the transformation of land ownership in South Africa within the ideological framework determined in chapter three.

Chapter 5: A Theoretical Framework for the Analysis of Transformation of Land Ownership

A normative analytical and theoretical framework was developed for the analysis of the transformation of land ownership by combining various insights developed from the meta-theoretical background in chapter two, the ideological insights in chapter three and the

selective case studies in chapter four. This was used for the further analysis of the various approaches to transformation of land ownership in South Africa.

Chapter 6: A Historical Perspective on Land Ownership in South Africa

This chapter supplies an insight into, and greater understanding of, the historical background that gave rise to the current approaches to transformation of land ownership in South Africa. The chapter deals with the most prominent historical eras relating to land ownership in South Africa from 1652 to 2014.

Chapter 7: Land Ownership in South Africa – A Contextual Survey

This chapter supplies an empirical background to various issues affecting the transformation of land ownership in South Africa. The socio-economic, environmental, topographical, security and political environment within which transformation of land ownership in South Africa has to take place, and which affects such transformation, is contextualised.

Chapter 8: The NDR as Ideological Framework and Point Of Departure

This chapter evaluates the NDR as the ideological framework and point of departure for transformation of land ownership in South Africa. The historical basis of the NDR, the revolutionary nature of the NDR and the role of the NDR against other programmes aimed at transforming South African society are scrutinised in more depth.

Chapter 9: Transformation of Land Ownership in South Africa – Current Policy and Legislative Proposals

This chapter comprises an analysis of the current government programmes aimed at the transformation of land ownership in South Africa since 2014 within the normative analytical framework developed in chapter five.

Chapter 10: Transformation of Land Ownership in South Africa – Other Perspectives and an Alternative Framework

This chapter comprises an analysis of the reaction and counter proposals of civil society and opposition political parties to current government proposals regarding the transformation of land ownership in South Africa since 2014, within the normative analytical framework developed in chapter five.

Chapter 11: Concluding Remarks

This chapter comprises the conclusions of the study.

CHAPTER 2: META-THEORETICAL FRAMEWORK FOR THE STUDY

2.1 Introduction

The introduction in the previous chapter explained the problem statement, the central theoretical points of departure, the objectives and the methodology involved in this research. This methodological approach clearly indicated that the theoretical points of departure of this research required a meta-theoretical basis that firstly supplied the theme of the study relating to the NDR and the transformation of land ownership in South Africa with scientific credentials and secondly contextualised it within a specific discipline. This chapter ensures the integrity of the research through the creation of the necessary scientific basis for the study of transformation of land ownership within the discipline of political science. In order to create this basis, it is important that certain key concepts around ordinary and scientific knowledge, a scientific discipline and political science as a discipline in the social sciences are defined and explained. Once this has been achieved, it will then be possible to identify the relevant theoretical approaches within the discipline of political science that will facilitate the inquiries into aspects that are central to the political discourse within the theme of this study.

The central research question relating to this chapter as formulated in chapter one is the following: *What meta-theoretical approaches are applicable for the development of a framework within which a critical analysis of the NDR as ideological basis for the transformation of land ownership in South Africa may be conducted within the discipline of political science?*

In order to deal with this research question it is necessary to develop an understanding of knowledge in terms of its ordinary and scientific context. This will facilitate an understanding of the differentiation required for a study in political science that is as emotive as transformation of land ownership in South Africa. Since this study was conducted within the discipline of political science, it is also important to define politics and political science as a discipline and differentiate between disciplines and sub-disciplines within the social sciences. Once meta-science has been defined against the background of both science and everyday life, it will be possible to conceptualise the term *theory* and differentiate it from *philosophy*. An understanding of the various approaches

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to the study of political science, broadly defined within normative and empirical theory, enabled the researcher to develop the necessary normative analytical framework which was the key element required for an analysis of transformation of land ownership in South Africa.

Central to this research into transformation of land ownership in South Africa, is the concept of the NDR which has a strong ideological point of departure. This places the theme within the discipline of political science and requires an understanding of ideology as a political concept. Although the understanding of ideology and its various categories is an important feature of chapter three, it requires a meta-theoretical basis in order to create a sound scientific foundation for this study within the discipline of political science.

This chapter entails a literature study that included various theoretical works within the discipline of political science. These works are, among others, Heywood's *Politics* (1997), Mouton and Marais' *Basic Concepts in the Methodology of the Social Sciences* (1990), Winter and Bellows' *Conflict and Compromise: An Introduction to Politics* (1992), Vincent's *Political Theory tradition and diversity* (1997), Faure and Kriek's *Die Moderne Politieke Teorie* (1984), Ball's *Political Theory and Conceptual Change* (1997), Marsh and Stoker's *Theory and Methods in Political Science* (1995), Van Dijk's *Politics, Ideology and Discourse* (2006) and Duvenhage's thesis *Die transformasie van politieke instellings in oorgangstye: 'n rekonstruksie, interpretasie en evaluasie van S.P. Huntington se teoretiese bydrae* (1993).

This chapter is exploratory and deductive in nature. The literature study allowed this chapter to achieve the following aims:

- To define and differentiate between ordinary knowledge and scientific knowledge.
- To define and explain the concepts science, scientific disciplines and political science.
- To define and explain the concepts of political theory and political philosophy.
- To identify and explain the various theoretical approaches to the study of political science within the normative and empirical traditions.

This chapter, together with chapter three, serve as foundation for a normative approach to a number of international case studies that are identified and investigated in chapter

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four. The deductive approach in chapter two, three and four culminates in the development of an analytical framework for the analysis of the transformation of land ownership in South Africa, which was inductive in nature. This framework is used to evaluate policy and legislative proposals regarding transformation of land ownership in South Africa in chapters nine and ten.

This chapter has the following lay-out:

- Meta-theoretical points of departure that includes sub-sections on ordinary knowledge and scientific knowledge.
- Political science as a discipline of the social sciences.
- Political theory – a conceptualisation.
- Political Philosophy.
- Theoretical approaches to the study of political science.
- Concluding remarks.

2.2 Meta-theoretical points of departure

Any research carried out, is done with the purpose of acquiring knowledge about a specific aspect of reality. The aim of this study was to carry out a critical analysis and to determine an alternative framework for transformation of land ownership in South Africa that has the NDR as central point of departure. In chapter one, ontology and epistemology were defined in terms of their usage for the determination of the methodology of the study. It is, however, also important to define their usage in relation to the scientific study of reality relating to the theme of this study. The nature and form of reality (that which is or can be known) is known as ontology and is defined according to the scientific method employed by philosophers. In a more eclectic approach, the reality relating to the theme of this research is to a large degree regarded as the interpretation and meaning of social actions and how these actions have been shaped over time by a series of historical, social, political, cultural, economic, ethnic and gender factors that are regarded as real for the South African people. The various structures, concepts, labels and relationships within and between these factors could and should be verified and tested in this research. Epistemology, on the other hand, looks at how one knows (discovers or reveals) reality through the use of scientific method (Maree, 2013:53-54). The ontological and

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epistemological approaches to the study of reality are what differentiate the generation of information and the determination of the truth as being scientific from subjective individual information gathering (lay knowledge). With the implementation of the analytical framework that is developed in chapters three, four and five relating to transformation of land ownership, it is crucial to distinguish between scientific knowledge and lay knowledge, although both may be relevant. The politically contentious nature of the topic of this research requires that lay knowledge such as hearsay and perceptions be identified and differentiated from the relevant historic, economic, political and social relevant facts.

Scientific research strives to bring theories and knowledge (facts) closer to one another and, if possible, into agreement. This activity is often regarded as either testing theories, searching for confirmation of theories or falsifying theories. However, theories are often regarded as scientific tools, and as such, should be used in a manner that builds on existing scientific theory and knowledge. Research that is carried out merely to test, confirm or falsify a theory does not necessarily supply alternatives. While many scientists use existing theories to make scientific contributions regarding the understanding of various aspects of reality, those who criticise existing scientific theories should offer viable alternatives to existing theoretical arguments (Kuhn, 1973:80-81). Most new theories are the result of some sort of crisis in the scientific community. There must be an awareness of a crisis and a need to obtain explanations of this crisis. Should existing theories not suffice in this regard, then opportunities exist for the development of new theories or the evolution of existing theories. Kuhn (1973:88) rightly indicates that: “...*crisis often proliferates new discoveries*”. Kuhn (1973:91) continues to explain that the transition from normal to extraordinary research involves the “...*proliferation of competing articulations, the willingness to try anything, the expression of explicit discontent, the recourse to philosophy and the debate over fundamentals*”. This is relevant to the current research since the literature study identified deficiencies in the development of an analytical framework within which a critical analysis of transformation of land ownership could take place. If this is not managed effectively, transformation of land ownership has the potential to become a political crisis that could lead to increased political instability in South Africa. In this respect, it is important that existing theoretical and empirical knowledge of the current South African context be combined with some international case studies for the development of such an analytical framework. In a study of this nature, ordinary

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knowledge on issues relating to transformation of land ownership are as important as existing empirical and theoretical insights and therefore have to be integrated into a scientific construct or framework for further analysis. It remains important to differentiate between ordinary and scientific knowledge so that there is a clear understanding of what type of knowledge is being dealt with, so that its legitimacy may be constantly evaluated and confirmed during the research.

2.2.1 Ordinary knowledge

Some philosophers argue that the ability of people to reason or rationalise about aspects of reality is what distinguishes human beings from other beings on the planet. Within the current age of instant access to information, it is often argued that information, or knowledge, has become economically more important than access to capital or labour. While ordinary knowledge may be regarded as knowledge that is generally known and that is mostly based on personal experience or observation, scientific knowledge is gained through scientific research or investigation (Babbie & Mouton, 2001:4). Ordinary knowledge is mostly unsystematic and consists of individuals' first hand experiences and what they hear from other, mostly authoritative, sources. Such knowledge is full of meaning and symbolism that has specific significance and purpose in our lives. The subjective nature of such knowledge implies that its meaning and importance may differ from individual to individual, or between various cultural, religious or other groups. This type of knowledge is often found in newspapers, opinion pieces and groups that offer alternatives to current government policies. Land remains an emotive issue in South Africa due to its historical and current political context. Information on land issues is often approached by various role-players from a predominantly subjective and ideological perspective. This information must be recognised as such and should be afforded an opportunity for legitimacy based on the reliability of the source. The concept of land ownership for the average black person in South Africa will differ greatly from that of the average white person, due to a combination of historical and economic factors that are discussed in great detail in Chapter six.

Booth (2004:1) explains that, within the framework of what we term as ordinary knowledge, there is also "*practical*" and "*rule-governed*" knowledge. Practical knowledge involves aspects such as the knowledge we require to ride a bicycle or tie our shoelaces.

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In cases like these there is no higher level of explanation required to justify the knowledge. Rule-governed knowledge is the knowledge required to operate in a social environment. It is the body of social rules and procedures that allow us to interact with other people in a manner that attempts to avoid conflict. Driving on the correct side of the road, stopping at a red traffic light or wearing specific types of clothing to specific events are examples of rule-governed knowledge. Ordinary knowledge is often context or culturally specific and requires constant adaptation. For example, we may drive on the left hand side of the road in one country and on the right in another, or spitting may be acceptable in one society and regarded as rude in another. Ordinary knowledge is what is required for the average individual to live and function in the world. Being both a culturally diverse and transitional society, there remains a lack of general consensus on acceptable rules of social behaviour which has been extended to the communication of knowledge on land ownership in South Africa. It is very difficult to find any South African who has an opinion that has not been influenced in some way by his or her race, religion, culture, language, economic status or ethnic group. Land has historical, economic and social significance for a black person that is very different to that of a white person in South Africa. The sources of information that inform various approaches to transformation of land ownership are often historical, ideological and political in nature. This makes the issue of transformation of land ownership unduly emotional and politically more volatile and difficult to manage. Ordinary knowledge is informative for a study of this nature, but such knowledge must be differentiated from scientific knowledge which is crucial for a scientific study. It remains important to balance the subjective experiences of large groups of people who were victims of colonialism and Apartheid with the contextual historical and other facts that were relevant to this research. This emphasises the importance of consulting various sources in order to generate an accurate presentation of the facts without excluding the emotional impacts on South Africa's population of centuries of conflict (often violent conflict), institutionalised suppression and current political failures. Land remains a central feature in current political and historical debates and political agendas. The differences of opinions on the issue of land and transformation of its ownership from the minority to the majority are based as much on ideology as on racial historical factors. This is the main reason why the NDR remains an important point of departure, as well as a strategy, for the governing alliance to transform land ownership in South Africa.

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While ordinary knowledge is important, a scientific study requires an understanding of what is meant by science and scientific knowledge.

2.2.2 Scientific knowledge

Before scientific knowledge can be differentiated from ordinary knowledge, it is important to determine what is meant by the term *science*. Science finds its origins in the word “*scientia*” which means knowledge. According to Heywood (1997:16), science implies studies that aim “...to develop reliable explanations of phenomena through repeatable experiments, observation and deduction”. Marsh and Stoker (1995:7) describe science as “...the organised production of knowledge that demands of its practitioners certain intellectual disciplines, in particular, logical coherence and adequate evidence”. They go further to indicate that, in terms of this definition of science, “*political science is an academic discipline which seeks systematically to describe, analyse and explain collective decision-making and the values and perspectives that underlie it*”.

Scientific knowledge is propositional in nature. The proposition may be that a pig snorts and a cow bellows. This may be ordinary knowledge to most people, but when one investigates why this is the case, for example by examining the biology of the animals’ larynx using specific methods, then this knowledge becomes scientific in nature. While ordinary knowledge claims that water boils when heated, scientific enquiry has determined that it boils at 100 degrees centigrade. Scientific knowledge requires specific scientific instruments and methods to supply explanations for what many people may regard as ordinary knowledge. The overall methodology used to acquire the knowledge is crucial to the differentiation between scientific and other forms of knowledge (Booth, 2004:1-2).

If we were to define scientific knowledge as the opposite of ordinary knowledge, then science and scientific knowledge could be defined along the following lines:

- Science is based on the collective, validated experiences of individuals within a scientific community rather than the experiences and observations of an individual. Research carried out on land reform, land restitution and land tenure by individuals using various scientific methods and often published in academic journals and books

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is regarded as scientific knowledge for the purposes of this research. The analysis of legislation, government and political party documents, as well as the opinions of stakeholders relating to the above issues based on sound theoretical considerations would similarly add value to the scientific nature of the research.

- Scientific knowledge is the outcome of rigorous, methodical and systematic inquiry, as opposed to the unordered, random and subjective way in which ordinary knowledge is acquired. The research carried out in this study is based on sound meta-theoretical and theoretical considerations and objectives which result in both the development and implementation of an alternative theoretical framework.
- Science rejects the value and importance of any personal authority and only accepts the authority of evidence. The variety of sources that were consulted ensured that the analysis of the transformation of land ownership and the NDR is based on information within sound theoretical considerations.
- Science does not take second hand sources at face value, but is inherently sceptical. It questions the validity of all claims, irrespective of the authority and origin, until they have been tested and, as importantly, stood the test of time. This research did not only analyse current proposals on transformation of land ownership, but also included historical and current political, social and economic contextual considerations (Babbie & Mouton, 2001:5-6).

The practice of explicitly reflecting on the nature of science and scientific research has led to the development of various meta-disciplines such as philosophy and methodology of science, research ethics and the sociology and history of science. Meta-science aims to achieve the following objectives:

- To ultimately make sense of science and scientific knowledge and to clearly define the differences between scientific knowledge and lay knowledge.
- To contribute to more informed and structured practice of science through the use of specific scientific methods.
- To contribute to the improvement of science through continuous scientific research and development (Babbie & Mouton, 2001:13-14).

Meta-science is carried out within paradigms, which refer to the intellectual frameworks and traditions that make up the interrelated values, theories and assumptions within which

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the search for scientific knowledge is carried out. There is a difference between normal science, which is conducted within established intellectual frameworks, and revolutionary science, which attempts to replace old paradigms with new ones (Heywood, 1997:20; Kuhn, 1973:91). The approach to the former may be deductive in nature while the latter would in all probability be inductive in nature. The theoretical and empirical research around issues relating to transformation of land ownership as well as the environment within which this takes place is deductive in nature and can be regarded as normal science, while the development of an analytical framework for the analysis of the topic is inductive and leans towards revolutionary science.

In most instances, scientific knowledge may be regarded as the truth. In this respect, the methodology applied in order to obtain the knowledge is important. In our quest for the truth, it is important that social scientists, and more specifically political scientists, are not led into traps of being persuaded to seek knowledge which is politically correct as opposed to knowledge which is regarded as the scientific truth. It is interesting to note how often statistics are used to validate divergent theoretical arguments or hypotheses. In this respect, epistemological elements of the search for knowledge and truth are important. Statistics in respect of this study are only a means to an end, but remain important empirical tools to support or detract various theoretical points of departure.

Van Niekerk (2014:729) indicates that truth is not necessarily the same as the naked facts. Within a political discourse, the truth is often determined by what is politically correct within the current status quo and not necessarily by the evaluation of all the relevant facts.

In this respect the current debates around transformation of land ownership in South Africa are an example. Solutions to the dilemmas of land ownership have to take the facts into account, but such facts often aggravate the problems as opposed to finding solutions. The fact that land was expropriated from black people, who were then prevented from owning land for over a century, requires some form of redress which is an important historical fact (Holden & Plaut, 2012:305). However, over more than a century since the 1913 Natives Land Act and subsequent legislation aimed at restricting land ownership to various groups of people in South Africa were ratified, land ownership has changed hands many times. Most white land owners bought and sold land during this time using personal capital to turn the land into commercial enterprises (Hendricks, 2013:31). With this

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background, would the majority of black people have a legitimate right to redress through a legislative transfer of land back to the group that originally owned this land, or do the current land owners have a constitutional right to keep the property that they have legally purchased and developed with their own capital? Both questions are premised on factual evidence, but within the current political context in which both capacity and resources for redress are limited and expropriation becomes part of the political debate, political correctness (often referred to as political expediency) together with the mobilisation of various political power bases would determine which question carries more political weight. In this debate, issues relating to both property rights and expropriation, which are ideologically opposed to each other, can be legitimately motivated through historical facts. This makes the issue of transformation of land ownership in South Africa politically complicated, but scientifically interesting.

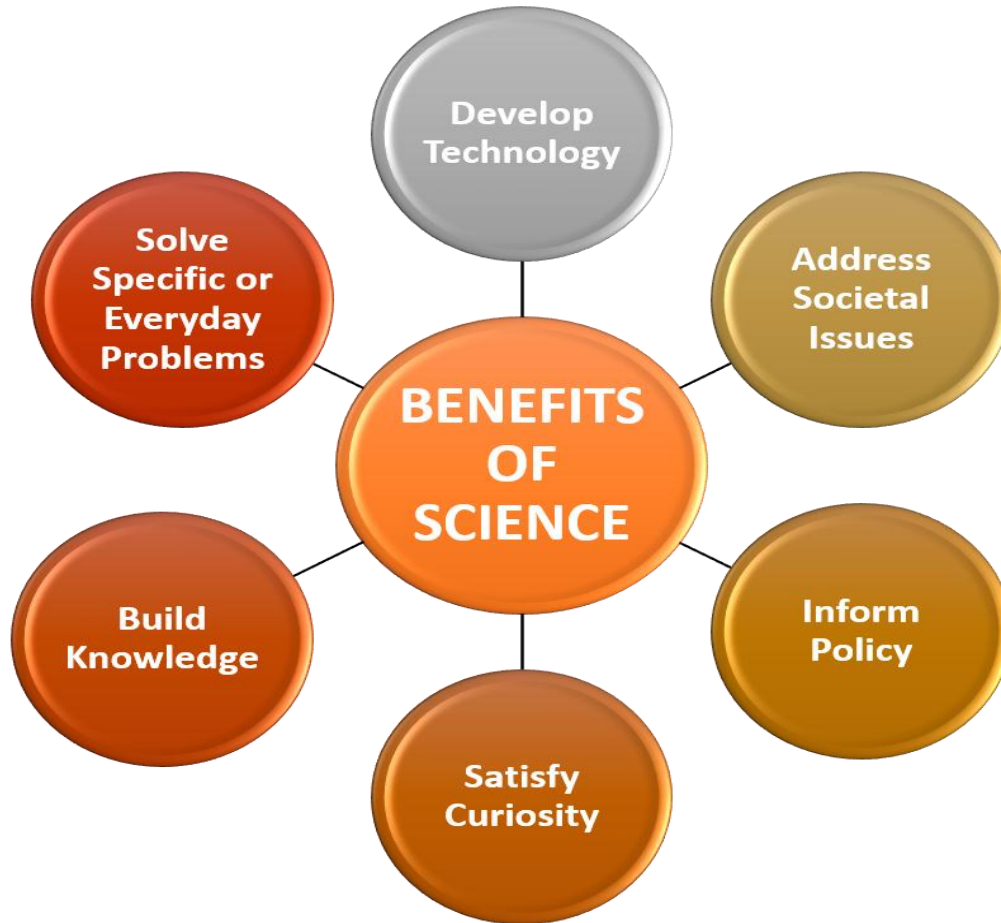
The search for scientific knowledge is thus difficult within societies that are in the process of rapid political, social and economic transformation. If the search for scientific knowledge is carried out with the purpose of analysing a phenomenon, then the political scientist has to be very weary of the traps of political correctness which are value driven and determined by which side of the status quo it is being viewed from. In this respect, political correctness is determined by ideology which often ignores empirical evidence in favour of the ideological weight given to the respective facts. This is an additional factor that has to be factored into any study that takes place in a political environment in which government policies and programmes are driven by an ideology, such as the NDR in South Africa. While this study investigated issues relating to transformation of land ownership in South Africa with the NDR as the central ideological approach, this was done within accepted theoretical points of departure that were value driven, without being ideologically biased. In this respect, it is also important to examine both the historical context (see chapter six) as well as current contextual realities (see chapter seven).

Scientific knowledge should avoid the various political traps and should rather be based on facts that are generated from aspects of reality that are ontologically and epistemologically sound. Political scientists must resist the temptation towards political correctness (however defined) and strive for knowledge through the scientific study of political phenomenon that produces sound scientific results. In this respect, Booth (2004:7) rightly indicates that: “...science is in the business of working toward the truth,

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and if we had it already science would be redundant. I think we can accept that our claims to scientific knowledge are true only in the face of what has been experienced so far”.

The search for scientific knowledge has specific benefits for society, as explained in the diagram below:



(Berkeley, no date: 1)

Figure 3: The benefits of science

The benefits of science are in most instances a combination of the above, as opposed to a single benefit. This study has benefits that are linked to the research problems, questions and objectives (see chapter one) that include the building of knowledge on phenomena being researched (transformation of land ownership in South Africa), to address specific societal issues (land reform, land restitution and land tenure), to analyse and inform current policy proposals (expropriation, land ceilings, 50/50 policy framework, collectivisation, taxation, restrictions on foreign ownership and sustainable land reform) and to satisfy a curiosity of the researcher and allow him to create an alternative political framework. The benefits of science should have some sort of value for society and knowledge should never be generated simply for their own sake. The current deficiency

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in terms of a political analytical framework for the scientific analysis of transformation of land ownership formed the basis for this study and informs the critical analysis of this within a South African context. Such a framework was developed and analysis carried out within the discipline of political science. Knowledge derived from the epistemological and ontological considerations within the discipline of political science ensured that the study has a sound meta-theoretical basis.

In terms of the above section, any social science research requires that scientific knowledge is combined with ordinary knowledge in order to create an accurate picture of the aspect of reality that informs the topic of the research. The following important points summarize the above section:

- Ordinary knowledge is subjective in nature, while scientific knowledge should strive to be objective.
- Ordinary knowledge is required in order to live and function in an ordered society, whereas scientific knowledge is required for social scientists to understand the origins, functions and impacts of the knowledge on human behaviour and decision-making.
- Ordinary knowledge is based predominantly on human experience, while scientific knowledge is the result of specific ontological traditions and epistemological instruments and methods of enquiry.
- Ordinary science is carried out within existing frameworks, while revolutionary science attempts to replace old paradigms with new ones.
- Within political science, it is important for scientists to be politically scientific as opposed to being politically correct.
- Science has many benefits for society and should be carried out for that purpose.
- Social scientific research should be carried out with a purpose of adding value to society and the understanding of aspects of reality in society.

2.3 Political Science as a Discipline of Social Sciences

Political science is a discipline within social sciences. In order to understand this context, it is important to define the terms social science, politics and political science. This will create an understanding of the broad meta-theoretical framework within which this study took place. Mouton and Marais (1990:7) define social science research as “...a collaborative human activity in which social reality is studied objectively with the aim of gaining a valid understanding of it”. Social science research is carried out within particular disciplines.

Duvenhage (1993:30) explains that an academic discipline is a specific branch of knowledge. Disciplines are differentiated through distinct traditions and lineages (that comprise historical, methodological and terrain foci). Disciplines have the specific tasks

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of teaching and researching particular aspects of reality and/or the relationships between these aspects of reality. Academic disciplines may be characterised by the following elements:

- Disciplines emerge and develop autonomously and independently, but in conjunction with other disciplines, to constitute science.
- Disciplines focus on specific aspects of reality or how interaction between these different aspects of reality takes place. A unique ontological tradition differentiates the focus of one discipline from another. The discipline of political science is defined differently from other disciplines such as sociology or anthropology, even though they may study the same aspects of reality from different angles.
- Disciplines are comprised of a number of sub-disciplines, which are not duplications of other disciplines, but distinct in their own right. Sub-disciplines often differ in their focus, theory, or methodology, but are linked to a common central focus and contribute to the understanding of that focus. Examples of sub-disciplines include political theory, political dynamics, political development, international relations and comparative politics.
- Disciplines are characterised by a distinct body of knowledge that may be differentiated from other disciplines. This knowledge is organised systematically in terms of underlying connections, relationships and common ground. The systematic and methodological nature of science manifests itself in disciplines or sub-disciplines which facilitate the expansion, validation and reliability of existing disciplinary knowledge.
- With regard to the body of knowledge mentioned above, the development of theory and theoretical constructs that are unique to a discipline is of great importance. Within the context of discipline focussed academic investigation, the search for reliable knowledge is best conducted in a systemised manner within a conceptual framework. The application of theory and theoretical constructs to an unordered reality can produce structure in terms of their functions, description, or prediction (Duvenhage, 1993:30-32). This study developed an analytical framework for the analysis of transformation of land ownership within the ideological context of the NDR as the central point of departure that generally informs transformation in South Africa.

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Winter and Bellows (1992: 5-11) indicate that social science disciplines “...*examine a particular aspect of human behaviour*”, while the discipline of political science is “...*generally concerned with the nature of human behaviour that may be considered as political*”. This includes the study of behaviour, institutions and processes in the public realm. In a critical analysis of transformation of land ownership in South Africa, the behaviour of societal groups has to be included as a counterweight to the policies and programmes of government (this is investigated in chapter nine).

In a scientific study that takes place in the political realm, it becomes necessary to define that which is political, in other words politics. The term politics is derived from the Greek word for city-state, namely “*polis*”. The city-state encompasses all the human relationships and activities that could be regarded as political. In a more modern context, David Easton’s definition of politics for many decades enjoyed prominence. According to Easton, politics revolved around the “*authoritative allocation of values*”¹. Heywood (1997:5) identifies various views on politics that entail the following:

- politics as the art of government,
- politics as public affairs,
- politics as compromise and consensus and
- politics as power and distribution of resources.

What Easton’s short definition ignores is the political competition and struggles around the allocation of values. He also ignores the whole concept of the competition and conflict over resources, which can be defined differently than values. In this respect, Winter and Bellows (1992: 11) define politics “...*as a struggle between actors pursuing conflicting desires on issues that may result in an authoritative allocation of values*”.

In most instances politics revolves around a combination of the various views on politics, as identified by Heywood. Power is, however, central in the relationships between the various views of politics (government, public affairs, compromise and consensus). The authoritative allocation of resources remains the main aim of politics, however defined. The definition of Duvenhage (1998:3) supplies a practical approach to politics that is

¹ David Easton’s 1965 work “A System’s Analysis of Political Life” was for many years a core reference work within the discipline of political science and formed the basis of the Systems Theory.

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broad enough to include these aspects, namely that: *“Politics has to do with the ability to mobilize and organize support in a society (however defined) with the aim of acquiring and/or consolidating a political power base (mostly institutionally based) through which binding decisions (allocation of values) may take place in a society, or which may inhibit competing power bases, or prevent them from imposing their values or decisions on a society”*.

The values described in the definition are found in the various political party and government policies that determine how resources are utilized, allocated and managed. This was a crucial aspect of the current research since these values might have been ideologically based, as with the NDR which is the central ideological tool for transformation in South Africa. The NDR is the central ideological foundation within the governing alliance for the mobilisation of support around policies and programmes in government, but also a source of mobilisation of opposition against government.

Depending of the type of political system, as determined by the dominant ideology, various degrees of power, which could encompass different forms of competition, conflict or sometimes violence, may be used to obtain the support or for the consolidation of political power bases in order to obtain control over the allocation of resources. The definition of Duvenhage explains a regular aspect of politics that entails not only the power from which the authoritative allocation of values may take place, but also inhibiting others from obtaining such a power base from which alternative values could be generated and allocated. Both require the mobilisation of enough political support in order to obtain such a base of power. In transformation of land ownership, the various approaches, namely state-centred, market-orientated and grassroots are differentiated not only by the differing values that they represent, but also by the various power bases from which the authority that determines their legitimacy is derived (see section 4.4).

The discipline of political science is traditionally differentiated from other disciplines in the social sciences by what characterises the field of politics. Van Dijk (2005:731-732) identifies a number of such characteristics, namely:

- its general systems (democracy, authoritarianism, etc.),

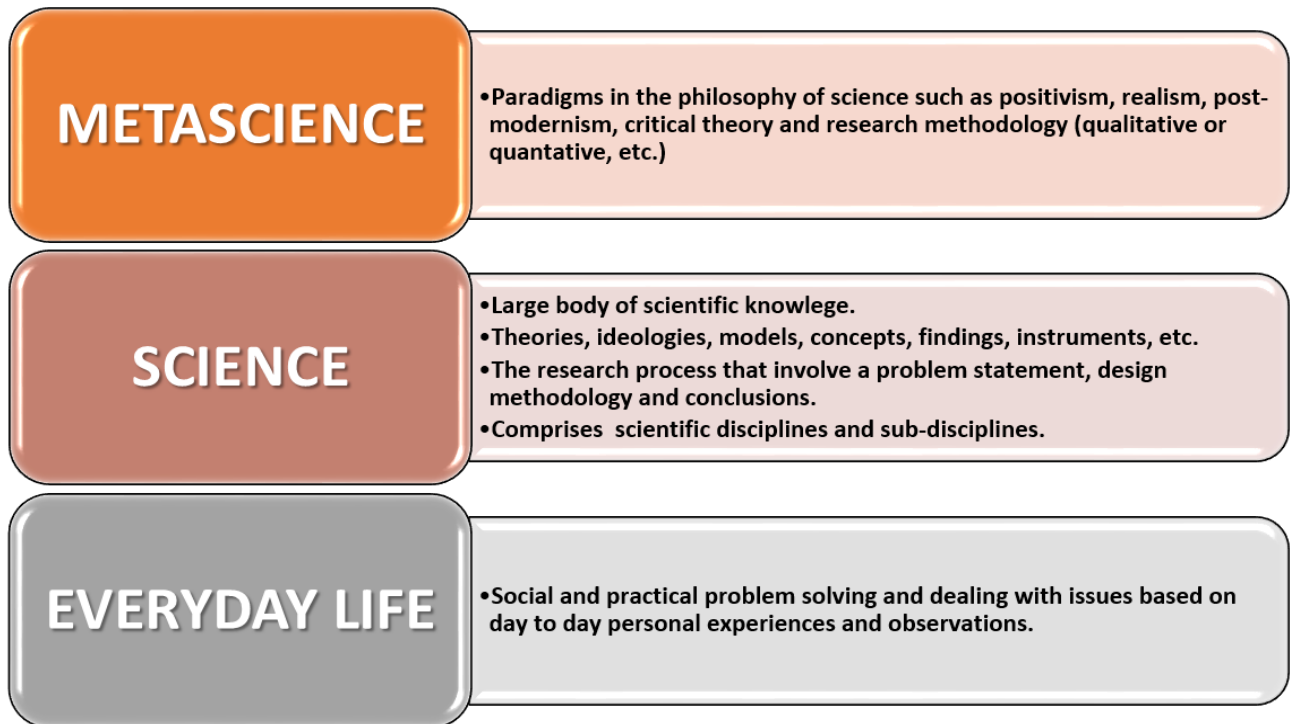
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- unique macro actions (such as drafting and implementing government legislation, elections, decision-making, drafting policy, etc.),
- unique micro practices (such as parliamentary debates, canvassing, demonstrations, etc.),
- its special social relations (such as those of institutional power),
- its reliance on norms and values (e.g. freedom, equality, justice, etc.) and
- its politically orientated cognition (such as political ideologies).

The definition of politics by Duvenhage creates a much wider framework for politics. In fact, given human nature, there is very little human interaction that falls outside of that definition. The adage that: *'you may ignore politics, but politics will never ignore you'* remains true in all societies. Every human interaction, from where you live, what you eat, what information you receive, the car that you drive to even how families interact with each other are in varying degrees determined by policies and legislation enacted by individuals or institutions with power and authority. This places politics and the discipline of political science at the centre of all social sciences. The manner in which political realities are studied will, however, determine whether such enquiries may be regarded as scientific.

The approach described above is both traditional and qualitative in nature. Many political scientists today propose the development of more rigorous methods in the study of politics and the restriction of political science to the areas with which such methods may be used (Shapiro *et al.*, 2004:1-2). This has the potential to restrict the scope of the discipline as well as the interdisciplinary and broad scope of politics. It would also not lend itself to the current research which deals with meta-theory, theory and the development and implementation of an alternative framework on transformation of land ownership in South Africa. Political science has developed considerably as a science and has developed distinct meta-scientific and scientific theoretical frameworks within the social sciences.

The scientist has to live and work within three worlds, namely his or her personal world of ordinary knowledge, scientific knowledge and a meta-scientific framework within which scientific knowledge is understood. This may be explained using the following diagram:



(Extrapolated from Babbie & Mouton, 2001:14-15)

Figure 4: Conceptualisation of metascience, science and everyday life

Most scientific disciplines such as political science have distinct scientific traditions. The term tradition is derived from the Latin word “*tradere*”, which means to hand over or transfer. Generally, the term implies following fixed customs, principles, opinions and beliefs. Within the context of a scientific discipline, it implies following distinct disciplinary philosophies, research methods, approaches, points of departure and general orientations. Within the context of political science, traditions are characterised by the following:

- Political science can be distinguished from other disciplines due to its scientific traditions that are closely linked to the study of the various areas identified above as being political in nature.
- Political science has historically grounded traditions that can be traced back to the various activities in the terrain, some of which may be traced back to Hellenic society and the works of Plato, Aristotle and Socrates. Other historical traditions include universalism (the study of traditional philosophers with prominent moral approaches), traditionalism (the study of the state), realism (the study of political processes), behaviouralism (with its aim of an exact science based on human behaviour) and post-behaviourism (with a prominent normative, critical and anti-positivist approach).

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- On a philosophical and ideological level, it is possible to identify various sub-traditions such as liberalism, radicalism and conservatism. These sub-traditions are value driven. Conservatism as a sub-tradition will be status quo dominated with an emphasis on order and stability, while a liberal sub-tradition will emphasise political freedom and a restriction of government power. Sub-traditions may be further sub-divided, such as the radical tradition that may be sub-divided into Marxism, Neo-Marxism or anarchism.
- On a methodological level, the traditions may also be sub-divided into universalistic, moral-philosophical, traditional, positivist-behaviourist or post-behaviourist. These methodological traditions may comprise various approaches, such as a systems approach or structural-functional approach within the behaviourist sub-tradition (Duvenhage, 1994:33-35).

These traditions must be differentiated from the paradigms within which a study takes place. While traditions are mostly ontological in nature, the paradigms are predominantly epistemological. Masterman (1970:66) regards a paradigm as a set of social problem-solving habits that may be intellectual, verbal, behavioural, mechanical, technological, or a combination of these. Kuhn (1973:11) indicates that individuals who share paradigms within their research are “...committed to the same rules and standards for scientific practice” and “...that commitment and the apparent consensus it produces are prerequisites for normal science, i.e., for the genesis and continuation of a particular research tradition”.

Duvenhage (1993:36) identifies some methodological approaches that are relevant to this study. These are historical, philosophical, legal and institutional. This study is historical since the theme is informed by a very strong historical context. The nature of the theme also implies that an analysis is carried out of land reform, land restitution and land tenure policies and legislative proposals that make it institutional and legal in nature. The theme is not necessarily philosophical in nature, but has a strong ideological point of departure within the framework of the NDR. There is an additional methodological approach that the researcher coined as constructionist, since the research includes the development of an analytical framework for the analysis of the theme.

Within the framework of political science as a discipline, qualitative research practices are widely used, especially in the enquiry into political institutions and behaviour. In this

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respect, specific qualitative attributes became prominent within the discipline. These include the following:

- Research is holistic with the emphasis on understanding phenomena and their interdependence within the context of their historical, social and temporal context.
- Research is adaptable to changing situations without rigid designs. This allows new areas to be pursued as they occur.
- Researchers attempt to be empathetic instead of claiming to be absolutely objective in their attempts to understand a world that is becoming increasingly socially complex.
- Although deductive reasoning is prominent in the discipline within the context of testing theories and hypotheses, inductive analyses are often used within a greater exploratory focus (Marsh & Stoker, 2010:253).

Social science involves research that studies a collaborative human activity and is carried out within particular disciplines. Disciplines have distinct traditions and lineages and concentrate on teaching, research into aspects of reality and the relationships between these aspects of reality. Political science has developed as a distinct discipline and has sub-disciplines within the social sciences with the following traits:

- It typically involves the study of aspects of reality that are regarded as political.
- Politics as a science has a historical tradition that goes back many thousands of years, but formally with the writings of Plato and Aristotle.
- Political science is at the centre of social sciences since all human activities are regulated by political decisions.
- Political scientists work in three realms of reality, namely meta-science, science and everyday life.
- Political science has developed distinct scientific traditions and sub-traditions which follow distinct philosophies, research methods, approaches, points of departure and general orientations.
- Paradigms differ from traditions due to their concentration on scientific practice that is standard and rule driven.

2.4 Political Theory – A Conceptualisation

As has been indicated, this study has a sound theoretical framework which served as a basis for the research into both the NDR and transformation of land ownership. It is important for any scientific research to have a meta-scientific (meta-theoretical) and scientific (theoretical) framework. In this study, the theoretical framework for a critical analysis of transformation of land ownership in South Africa within the ideological framework of the NDR was derived from both the meta-theoretical (normative) basis as

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well as a contextual (empirical) analysis. Various approaches to transformation of land ownership in South Africa were identified from the political agenda of the governing alliance and combined with international case studies to extrapolate and research various variables that may be used within a normative context for the development of an alternative analytical framework. Before a theoretical framework can be developed, it is important to understand what is meant by the term theory.

Theories are regarded as propositions that offer systematic explanations of empirical data. Theories may be perceived as more or less true and may be explained through a number of models or frameworks. A theoretical framework can be regarded as a model that could be likened to hypotheses which have yet to be tested and applied to realities on the ground (Heywood, 1997:20). Vincent (1997:21) explains the existence of theory in the statement: *“Political Theory ... exists as a tense interstice, continually committed to describing, explaining, interpreting and re-evaluating normative alternatives”*. Marsh and Stoker (1995:16) indicate the purpose of theory as follows: *“The fundamental purpose of theory is somehow to explain, comprehend and interpret reality”*. In basic terms, the existence and purpose of theory indicate that theory helps us to *“see the wood from the trees”*. In this respect, Winter and Bellows (1992:56) indicate that *“the study of political theory and political ideology are integral parts of political science. They are closely related because political theories provide the basis for political ideology.”* In respect of this study, the theoretical background resulted in a scientific framework within which further research will be carried out on transformation of land ownership in South Africa from the ideological perspective of the NDR. The study required a literature study into existing theory that is relevant to the topic, but also the development of an analytical framework for the specific analysis of the topic.

Faure and Kriek (1984:17-18) indicate that political theory follows a deductive process by which universal generalisations may be concluded by expanding the reach of empirical evidence and data. The instrumentalist view of political theory within the behaviourist approach forms the basis for the formulation of specific functions of political theory.

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They explain that theory has the following specific functions within any scientific investigation:

- Theories are frameworks through which data may be collected, selected, ordered and stored. It is thus a filtering method used to distinguish meaningful data from useless data.
- Theory encourages scientific introspection that re-evaluates the epistemological and methodological basis on which presumptions are made. This in turn stimulates scientific debate.
- Theory allows factual evidence to obtain meaning within the framework of interactive relationships. The inference is that specific facts are given meaning even within a general framework.
- From the above it is possible for factual evidence to overcome temporary restrictions by allowing specific facts to be viewed within a general perspective. Since general perspectives are historical and social in nature, they allow an expansion of scientific concepts.
- Theories have an explanatory function. Descriptive theory is primarily involved with the “*what*”, “*where*” and “*when*”, whilst explanation supplies answers to the “*why*” questions. An answer to a theoretical question should be able to explain the nature of the relationship between a specific and general phenomenon. If theory fails to do this, then new hypotheses are justified.
- Theories may have a predictive function. Generalisations and the relationship between phenomena may form patterns that can be used to create scenarios for the future.
- Theories are behaviourally relevant in that they often result in an intellectual dynamic. As both the process and product of an investigation, it is theory that stimulates the interaction between exposure, exploration, classification, explanation and testing. Processes (theorising) lead to products (theory) that result in further processes (development of frameworks for analysis of a particular political reality).²

When political theory manifests itself in various levels of political ideology that are applied to political practice, it can be referred to as first order theory. Second order theory is

²Compare Hindess: 1997: 255-256 and Marsh & Stoker, 1995: 17.

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political theory that undertakes the scientific study of politics. This political theory implies the explanation, evaluation and prescriptive aspects of political theory as applied to the practice of politics or within specific theoretical frameworks. Third order theory deals with the epistemological aspects of theory revolving around knowledge and the methods of acquiring knowledge. Theory that is based on the implementation of other scientific theory within scientific enquiry is referred to as meta-theory (Faure & Kriek, 1984:25-26). Any deductive study within the discipline of political science should have a sound theoretical basis that combines all of the above.

Political theory is communicated through a series of concepts. Ball (1997:35) indicates that: *“Politics and political theory rest upon the hope (all too rarely realised, to be sure) that the pen is mightier than the sword and that the force of argument will win out over, or perhaps preclude, the force of arms. In aim and aspiration, then, political discourse anticipates agreement and consensus even as its speakers disagree among themselves”*. Concepts have a purpose of bringing order, or sense, to that which we observe or perceive around us. As long as we are able to align the sensible and observed orders with each other, then we can accept them as sensible explanations. In his work *Holism and Evolution*, Jan Smuts (1927:51) states that: *“We must always bear in mind that the sensible order is the governing factor to which the conceptual order has to conform. As long as it does so conform we accept it, not as sensible reality, but as an accurate measure and expression and completion of sensible reality”*. Although this statement forms the basis for the understanding of the atom, it also lays the foundation for the scientific understanding of reality through a conceptual order. It is thus as applicable to the social sciences as to the natural sciences. It is for this reason that various concepts relating to transformation of land ownership such as land reform, land restitution and land tenure are conceptualised and discussed within the context of a NDR.

Concepts are usually expressed through phrases, as opposed to a single word. Talking about a particular phenomenon (e.g. a cat), for example, may differ greatly from having a concept or idea of what a particular phenomenon (a cat) is. Similarly, on a political level, the concept of a presidency or executive may differ from that of the term president. Concepts are tools with which we think, criticise, argue, explain and analyse. We make sense of the world by imposing meaning on it through the construction of concepts (Heywood, 1997:17). While many authors use land reform as an overarching concept

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relating to both land restitution and land tenure, these terms have been conceptualised individually within the broader concept of transformation of land ownership in this study and form three interrelated legs on which this concept stands. Political conceptualisation has a historical background related to the coining of political concepts or terms that have become common in political discourse such as ideology, industrialism, conservatism and socialism, among many others. Older concepts such as democracy, constitutionalism and even revolution are concepts that have even stronger historical roots. These concepts have become international in nature. For example rights of Englishmen have historically been replaced by terms such as human rights (Ball, 1997:36-41). Similarly phenomena that have shaped political events such as conflicts, political speeches and even resource scarcity have also shaped the conceptual nature of political science. The topic of this study combines the terms land reform, land restitution and land tenure within the broader concept of “*transformation of land ownership*”. Like the many authors, and perhaps because of them, most politicians in South Africa continue to disregard the conceptual distinctions and continue to regard land restitution and land tenure as being aspects of land reform.

It is natural that any scientific discourse takes place within a disciplinary specific conceptual framework. Historical and even geographical or environmental factors have a great influence on political discourse and conceptualisation. Unlike many other social sciences, political science can venture into new areas of conceptualisation and discourse such as geopolitics and hydropolitics³. Perhaps even agri-politics in future as the important issue of food security for a growing global population increases in political and thus scientific significance and importance.

Political theorists were sympathetic to language practitioners such as Ayer (*Language, Truth and Logic*, 1936) whose aims were among others to purge the language of politics and political theory to make it “*more meaningful, less muddled and more precise*”.

³ See definitions in Jankielsohn (2012: 125-126).

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Viewed through the lenses of positivism⁴ there are three types of statements:

- synthetic statements of empirical fact,
- analytical statements about necessary truths as prescribed by convention and
- catch all category of emotive utterances which are strictly speaking cognitively meaningless (Ball, 1997:29).

The belief espoused by Weldon (*The vocabulary of Politics*, 1953) was that political theory needed to make its concepts cognitively meaningful by purging its language. Some theorists believed that the primary purpose of political theory was to provide precise and useful definitions of political terms through the definition of political science concepts (Ball, 1997:31). This would imply that political theory would be more descriptive in nature and less evaluative.

When politicians are placed alongside political scientists, the differences in vocabulary by which political concepts are communicated are noticeable. While politicians communicate through a vocabulary rooted in issues and communicated in literal terms and practical examples, political scientists tend to communicate through a vocabulary rooted in theory and communicated in political concepts. A purely positivist approach to political conceptualisation would not satisfy the need within the political environment for value judgements that are, based on the definitions of politics, central to politics and political discourse. Political theory that is practised through an ideological lens makes finding consensus among both scientists and politicians on terms such as democracy, communism, fascism, socialism or even political development extremely difficult. In most instances, the ideological view of political reality is often weighted on the side of subjectivity as opposed to objectivity. It is for this reason that it is important to develop generally accepted scientific definitions for political terms and concepts (Ball, 1997:31). A study of transformation of land ownership from the ideological perspective of the NDR requires various definitions and conceptualisations that serve to create a platform of

⁴ Positivism was coined by Comte to denote the rejection of value judgements in social science. Comte attempted to steer social sciences away from the earlier theological and metaphysical to one which dealt primarily with observable facts and relationships. Supporters of positivism believe that science, and specifically social science, is not a place for value judgements. Critics however indicate that the steering away from value judgements is in fact itself a value judgement (Mc Lean and McMillan, 1996: 428).

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understanding of a variety of concepts and terms. This also requires a combination of both empirical and normative considerations.

Many definitions are provided in this study. In determining what is meant by definitions within a scientific context, it is important to indicate that definitions are used to give meaning to words. Words are therefore the symbols or signs that point to things. The meanings of words are determined by the conventions, agreements or rules that assign words to things. A definition supplies meaning by assigning words to objects or aspects of reality. The word *protest* is given meaning by defining it as “*a formal statement of objection*” (McGaw & Watson, 1976:115).

Models, on the other hand, differ from concepts and definitions. Models are often used as theoretical frameworks within which aspects of reality may be studied. A model is usually perceived as a smaller representation of a phenomenon as faithfully as possible. Unlike most other models, conceptual models do not need to resemble an object. Heywood (1997:18) describes conceptual models as being analytical tools, whose value is that “*...they are devices through which meaning can be imposed upon what would otherwise be a bewildering and disorganised collection of facts*”. Facts and empirical data alone are not able to supply explanations of a phenomenon and require interpretation and organisation to be given meaning. Political models can supply the important structures that are required for the scientific explanation, interpretation and organisation of political phenomena.

Models and concepts should be useful for both the scientist and the practitioner. Dye (1992:44-45) identifies a number of criteria that can be used to determine the usefulness of models and concepts. These are:

- Do they order and simplify reality? There must be a balance between simplicity and complexity that makes them useful in a manner that creates order out of a specific aspect of reality and that simplifies the understanding of that aspect of reality.
- Do they identify what is significant? They should lead attention away from irrelevant variables and focus on the real causes and consequences of a phenomenon.
- Are they congruent with reality? They should assist in the explanation and understanding of aspects of reality in a manner that is both realistic and rational.

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- Do they communicate something meaningful? Although it is often difficult to obtain a generally accepted definition of a specific phenomenon, they should attempt to diminish ambiguities that may result in differences in meaning. They should also be developed with the purpose of assisting in the explanation or understanding of a phenomenon.
- Do they suggest concrete explanations? If they suggest hypotheses about a phenomenon, then they can be scientifically tested and applied. A concept that describes a phenomenon is not as useful as a concept that explains a phenomenon.

In chapter five an analytical model is developed from various conceptualisations that serves as the analytical framework for the study of transformation of land ownership in South Africa. In this respect, existing theoretical concepts, definitions and points of departure are combined with various case studies in order to produce a credible framework for further analysis. It is for this reason that it is important to understand that no scientific study can be carried out in political science that does not include the use of existing political theory or models (deductive studies) or the development of new political theory or models (inductive). In this respect this study is both inductive and deductive in nature since it requires the development of an analytical framework and its implementation using a combination of deductive and inductive approaches to the research depending on the methodology required to achieve the objectives of each chapter. In some instances, different objectives within a single chapter may require different approaches.

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Political science as a discipline and its various sub-disciplines are to a large degree defined by the various political theories that they developed. The following are important aspects of political theory:

- Theories are propositions that systematically explain empirical data, describe aspects of reality and interpret and re-evaluate alternatives (mostly normative alternatives).
- When theory is applied in research it may be regarded as deductive research, while theory development or re-evaluation may be regarded as inductive research.
- Political theory has functions that include providing frameworks for data collection and analysis, the re-evaluation of ontological and epistemological presumptions, the expansion of scientific concepts and development of new definitions, providing explanations of political phenomena, prediction, stimulating further interaction and creating intellectual dynamics.
- Political theory is communicated through concepts. Political concepts provide order and sense to what is observed and perceived and are communicated mostly through phrases as opposed to a specific word.
- Definitions are important tools for obtaining a general understanding of a word or a concept. This is especially important in political theory due to the various ideological approaches to the study and practice of politics.
- Models provide political frameworks which may be used to simplify reality, identify which information and facts are significant, explain aspects of reality and they suggest hypotheses that can be tested.

Political theory is often confused with political philosophy, and for this reason it is important to briefly define political philosophy as a concept before the theoretical approaches to the study of political science are discussed. A clear differentiation between these concepts will assist in preventing a conceptual conflation in this regard.

2.5 Political Philosophy

Political philosophy involves the pre-occupation with ethical, prescriptive and normative questions about what “*should*”, “*ought*” and “*must*” be brought about rather than what “*is*” (Heywood, 1997:12-13). Larmore (2012:2-3) explains further that political philosophy focuses on the moral principles that shape our political life. There are two approaches to political philosophy. One focuses on what is good and right in the realm of politics and often focuses on justice as a moral ideal. The second approach finds its origins not in the truths of morality, but rather in the basic human condition that makes up the reality of political life. Justice, in terms of this approach, lies in what rules may be imposed on members of society that deal with problems such as conflict, disagreement, power and authority. A further explanation by Larmore (2012:30-31) indicates that, unlike moral philosophy, political philosophy has to figure out how our common life is to be authoritatively structured when moral philosophy and thinking are in themselves often

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divisive. Simply put: *“You have your moral views, I have mine, and each of us is convinced that he is right, standing ready to show the other the error of his ways. But once we confront the problem of how people like us are to live together, we enter the terrain of political philosophy”*.

A very basic definition by McLean and McMillan (1996:419) indicates that *“political philosophy tries both to make sense of what we do, and to prescribe what we ought to do”*. Sargent (1990:3) suggests that, while there is debate within the social sciences about whether political theory can be free of evaluative and normative content and restrict itself to generalisations about politics and society based on data and facts, political philosophy is purely evaluative and normative. It attempts to dictate how governments and people should behave. These terms are connected, since every political philosophy is based on a political theory. It is argued that every statement about how governments and people should behave contains a statement about how they do behave. In ideology, however, these generalisations about how governments or people should and do behave become belief systems rather than empirical or normative analyses of behaviour.

Political philosophy is normative and prescriptive in nature. It deals with how a political order ought to function, rather than with explanations on how a political order currently functions. Political philosophy attempts to find answers to moral questions that divide society in order to create greater political harmony between individuals and groups who have differing ideological points of departure.

For the purposes of this research the above explanations of political philosophy are merely to assist with the differentiation between political philosophy, political theory and political ideology. These concepts are often misunderstood or confused with one another. The core theoretical approach to this study was within the scientific framework of political ideology, which is the focus of chapter three.

2.6 Theoretical approaches to the study of political science

Within a meta-theoretical context, theory is classified into six conceptual frameworks that may be normative (evaluative) or empirical (descriptive) in nature. The traditional approaches include the traditional normative and institutional approaches (both regarded as normative), while further developments in the discipline resulted in the behaviourist,

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rational choice, feminism and discourse analysis approaches (regarded as empirical) (Marsh & Stoker, 1997:8).

Normative approaches indicate value preferences and conceptions of what is desirable, that answer the question of “*what ought to be?*”, while descriptive approaches to theory imply the use of facts that allege truths about reality and answer the question of “*what is?*” The main differences between these two broad approaches are based on the grounds of knowledge. While normative approaches are predominantly definitional and logical (analytical) in their content, empirical approaches are an indication of what happens in the world and should be verified through some form of observation or scientific test (Van Dyke, 1960:8-9).

Normative theory further deals with the discovery and applications of moral notions in the area of political relations and practice. While normative theory has often been questioned, it has remained a strong pillar in the study of political science. The study of political institutions (institutional approach) concentrates on the rules, procedures and formal organisations of a political system and their impacts on political practice. The strength of the institutional approach in political science was historically grounded in the influence of law, philosophy and the study of history. Much of the criticism of this approach was based on its descriptive and idealistic nature that was lacking in theory. In the study of transformation of land ownership, important aspects that have to be considered are the legal proposals regarding land reform, land restitution and land tenure within the context of the philosophical and ideological arguments and historical contexts that inform these. In the 1950s and 1960s, the behaviourists initiated an approach within political science that concentrated on the way in which people behave in practice, instead of the rules and regulations within institutions that tell people what should be done. They believed further that facts should be separated from values. Theory derived from facts is beyond dispute. This approach has since matured with the acknowledgement that facts do not speak for themselves, but only make sense within a specific contextual framework. Rational choice theory on the other hand is based on the assumption that political behaviour can be understood as the result of choices made by individuals based on self-interest (rational choice theories include the game theory, social choice theory and public choice theory). Criticism levelled at the rational choice theory argues that there is scope for choices based on non-egotistical and moral motives. Within a South African context and

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specifically within the context of transformation, most political decisions are based on political self-interest. This statement is substantiated in further chapters. Both feminism and discourse analysis developed from the 1970s onwards. Feminism has challenged gender bias in the study of political science, especially within conservative circles. Transformation of land ownership cannot ignore the important role of women in agriculture, especially in the developing world. It has been estimated that between 70% and 80% of all subsistence agricultural activities in Africa are undertaken by women. With this in mind, aspects relating to transformation of land ownership have to ensure that women are not side-lined by male dominated political decision makers. Discourse analysis is based on the way systems of meaning (discourses) shape the way in which people understand their position and their political activity. Discourse theory investigates the manner in which the production, functioning and changes in political discourse can be used to understand the dynamics and character of complex societies. As a society that is in the process of rapid transformation with constantly evolving social and political rules of behaviour, the political discourse and an understanding of what motivates it in South Africa is an important instrument for understanding political decisions and comments. The NDP remains the predominant point of departure of government for transformation and therefore dictates political discourse around the transformation of land ownership in South Africa. On the other hand, the NDR appears to dominate party political approaches within the governing alliance. This contradiction remains a source of conflicting political discourse and policy insecurity in South Africa (Marsh & Stoker, 1997:9-12, Todaro, 1989:311). The table below explains these approaches:

Table 2: Approaches to political theory

APPROACH	EXPLANATION	NORMATIVE/ EMPIRICAL
Normative	Discovery and application of moral notions in political relations and practice.	Normative, evaluative and prescriptive.
Institutional	Rules, procedures and formal organisation in the political system and their impact on politics.	Normative, evaluative, prescriptive and empirical.
Behaviourist	Explanation of the political behaviour of individuals.	Empirical and causal.
Rational choice	The impact of social and political choices of self-interested individuals.	Empirical, prescriptive and predictive.

Chapter 2: Meta-theoretical framework for the study

APPROACH	EXPLANATION	NORMATIVE/ EMPIRICAL
Feminist	The impact of patriarchy and challenges to this.	Normative, prescriptive, evaluative and empirical
Discourse analysis	How discourses structure meaning and make certain political action possible and how discourses are produced, function and change.	Empirical

(Marsh & Stoker, 1997:10-11)

Connolly (1983:29) indicates that “*Many concepts of politics ... have a somewhat looser connection to normative considerations than those just described, yet they cannot be adequately understood without attention to that connection*”. Duvénage (1994:52) supports this with the proposition that a balance is required between these two approaches to theory since all theories have combinations of normative and empirical components. This implies that empirical matter (facts) will have normative components based on pre-scientific, scientific and disciplinary information. Similarly, normative theory has an empirical basis that has been used to verify information used in the development of the theory. A balance between normative and empirical approaches involves the following:

- Firstly, all theories are a combination of both normative and empirical research. Empirical facts or data will always be bound by some normative approach based on the pre-scientific, scientific and disciplinary contexts in which it is grounded. The idea of a value free empirical theory (which is common to the positivist behaviourism) is disqualified with this statement.
- Secondly, there is also no place for normative theory without an empirical basis since it would otherwise give science religious characteristics. This implies that theories as manifestations of scientific activities will always have an empirical basis that allows for verification to take place. There is, therefore, no pure normative theory.
- Thirdly, theory and philosophy cannot be placed alongside each other. Philosophy as a systemised view of the world differs from theory which is aimed at the explanation of phenomena and problems. Philosophy is thus much broader than theory and theory is normally anchored within specific philosophical presumptions.

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This study included both normative and empirical components in the development of an analytical framework. Chapter three focuses on the conceptualisation of ideology in order to lay the foundation for the analysis of the NDR as the central point of departure for the transformation of and ownership in South Africa. Chapter four concentrates on the normative aspects of transformation of land ownership by investigating some international examples through which transformation of land ownership was implemented. This was done from a predominantly ideological perspective.

2.7 Concluding remarks

The research which comprises and analysis of the transformation of land ownership in South Africa within the context of the NDR, took place within the discipline of political science. This required a sound understanding of political science as a discipline within the social sciences. A thesis of this nature must display a sound grasp of the meta-theoretical and theoretical foundation of this discipline as indicated in the central research question relating to this chapter. The question was dealt with by exploring and explaining various concepts such as knowledge, science, scientific disciplines, politics and political science, political theory, political philosophy and the most prominent political traditions (paradigms). While the discipline of political science has various sub-disciplines that make it very broad in nature, this study is not bound within a specific sub-discipline. It is for this reason that the specific objectives for this chapter were chosen and discussed in the various sections. In chapter one it was explained that the methodology to this study was both deductive and inductive. In this chapter an explanation was also given of first, second and third order theory as well as the various theoretical approaches within the discipline of political science which are particularly relevant in future chapters. The achievement of the objectives of the various chapters require conceptualisations and explanations, the development of an analytical framework and the analysis of transformation of land ownership in South Africa within the context of this framework.

The following table applies the methodological, meta-theoretical orders of political theory and theoretical approaches that comprise the various chapters in this study, as conceptualised in both chapters one and this chapter.

Chapter 2: Meta-theoretical framework for the study

Table 3: Theoretical approaches to the various chapters of the study

CHAPTER	THIRD ORDER THEORY	FIRST OR SECOND ORDER THEORY	THEORETICAL APPROACH
2	Deductive	Meta-theory & first order	Normative
3	Deductive	First order	Normative
4	Deductive & Inductive	First & second order	Normative & empirical
5	Inductive	First & second order	Normative & empirical
6	Deductive	Second order	Empirical
7	Deductive	Second order	Empirical
8	Deductive	First & second order	Normative & empirical
9	Deductive	Second order	Normative & empirical
10	Deductive	Second order	Normative & empirical

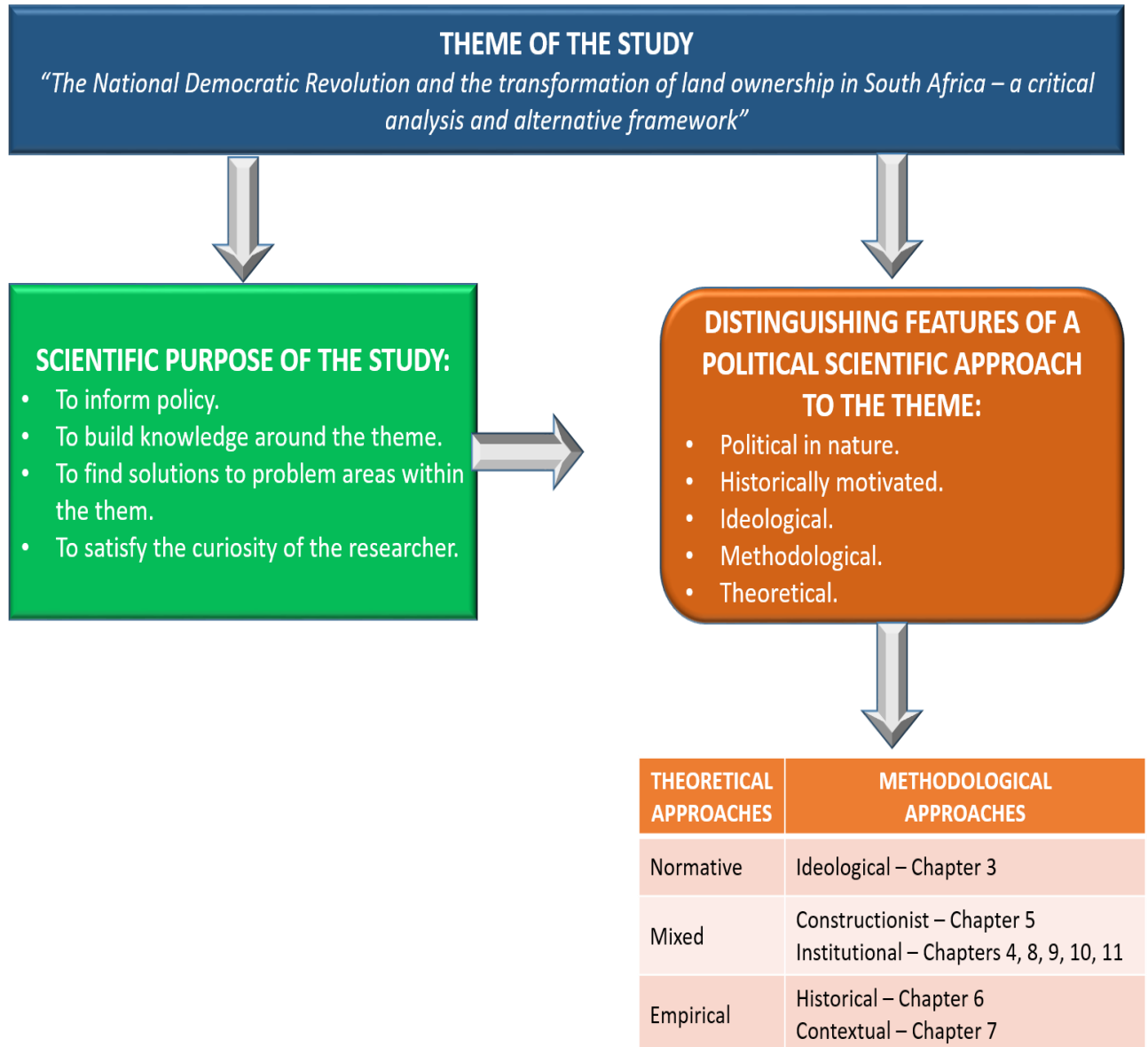
(Source: Author's own construct)

The theoretical approach to the research comprised a combination of predominantly first and second order theory. While the general approach to this study was normative in nature, some empirical research was carried out in order to place the theme within a specific context and support some of the normative assumptions. Chapter three investigates the various ideological categories within the political spectrum within which various political approaches to transformation of land ownership may be approached. Chapter four identifies and discusses some case studies regarding the transformation of land ownership. By using the insights obtained from the meta-theoretical background and specifically the ideological spectrum as a normative classification tool and including the international case studies, it should be possible to identify normative instruments for the creation of an analytical framework for the analysis of the transformation of land ownership in South Africa within the context of ideological considerations grounded in the discussion on the NDR in chapter eight.

Chapters six and seven comprise an empirical historical and contextual analysis of the various factors affecting the transformation of land ownership in South Africa. Chapters nine and ten implement the analytical theoretical framework on the current proposals regarding transformation of land ownership and supply an alternative framework.

Chapter 2: Meta-theoretical framework for the study

The meta-theoretical framework of the theme that links the scientific purpose of the study with political science as a discipline that follows distinctive theoretical and methodological approaches in each chapter of this research is illustrated in the following diagram:



(Source: Author's own construct)

Figure 5: Meta-theoretical framework of the study

CHAPTER 3: AN IDEOLOGICAL FRAMEWORK FOR AN ANALYSIS OF THE NDR

3.1 Introduction

Chapter two dealt with the meta-theoretical aspects of the research by placing it within the discipline of political science. The chapter also conceptualised the terms *political theory* and *political philosophy*. Ideology, which is the central theme of this chapter, plays a central role in political theory and may be regarded as a practical political outcome of political philosophy. Faure and Kriek (1984:25) rightly indicate that politics, political theory and the relationships that comprise the objects of enquiry by the social sciences, each have their own unique theory and practice. In the case of political science, political theory manifests itself in various forms and levels of ideology that, to a large degree, underlie the practice of politics. This is particularly relevant for aspects relating to the mobilisation of support and the manner in which resources are allocated that are central to the various definitions of politics. This places ideology at the centre and foundation of political theory. Ideology also played a very important role in history. This was particularly relevant to the Marxist ideology which became the driving force of communism. In this respect Fukuyama (2015:42) states: “*From the pen of Marx emerged a new secular ideology that became, in the hands of leaders like Lenin and Mao, a substitute for religion that succeeded in mobilizing millions of people and materially changing the course of history.*” It is for this reason, together with the radical nature of the NDR, that the enquiry into ideology in this chapter has to take into account the radical ideologies that played such an important role in the recent history of the world and still form a political basis for the strategies and tactics of political parties relating to transformation in general and transformation of land ownership in particular, in countries such as South Africa.

Even though political scientists argue that the end of the cold war initiated an era devoid of the burdens of political ideology, the fact that the NDR remains the key point of departure for political rhetoric and mobilisation strategy in South Africa implies that ideology remains relevant to any research into transformation in this country. Because of the ideologically based political rhetoric around issues relating to the transformation of land ownership in South Africa, it remains crucial for this study to have a thorough understanding of ideology as a concept, but also as a framework for political action. This

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chapter serves as the conceptual explanation for the evident dualism in government policy towards transformation of land ownership in South Africa which is a combination of reactionary to liberal government policies and radical political rhetoric.

The central research question relating to this chapter, as formulated in chapter one, is the following: *What ideological framework can be used for the study of transformation of land ownership in South Africa?*

While the research question is relatively simple, it requires a great deal of research and explanation. Since the NDR is a central political point of departure for transformation in South Africa and is based to a large degree on the radical revolutionary elements of communism and socialism, it is important to conceptualise and explain ideology, determine what models may be used in a study of this nature, explain the main categories of ideology and conceptualise some radical ideological approaches. This facilitates a greater understanding of the theme and offers the ideological model required by the research question for the classification of the various international case studies as well as local approaches to the transformation of land ownership in South Africa.

In this respect, the most important theoretical work is Baradat's (1997) *Political Ideologies Their Origins and Impact*, which creates a spectrum of political attitudes within which various ideological approaches to politics may be placed on a political spectrum ranging from radical on the far left to reactionary on the far right, depending on their various approaches to proposed political changes to a status quo. Within the governing Tripartite Alliance, there are various interpretations of the NDR and its applications within a transformation context. Other sources such as Sargent's (1990) *Contemporary Political Ideologies*, Susser's (1995) *Political Ideology in the Modern World*, Schwarzmantel's (2008) *Ideology and Politics*, and Seliger's (1976) *Politics and Ideology* supply further insights into ideology within a theoretical context.

This chapter is exploratory and descriptive in nature. The research was deductive since the literature into the various aspects of ideology allowed for the following aims to be achieved:

- Defining ideology as a normative theoretical point of departure.
- Investigating the various ideological models (lineal, cyclical and two-dimensional).

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- Explaining the various ideological categories (radicalism, liberalism, moderate, conservatism and reactionary).
- Exploring and explaining radical ideologies such as socialism and various forms of communism.

Once a sound theoretical basis has been established through the literature study that facilitates an understanding of ideology in general and some radical communist ideologies such as Leninism, Stalinism and Maoism in particular, it will then be possible to further investigate some practical aspects relating to the role of ideology in certain international case studies as well as issues around the transformation of land ownership within the context of the NDR in South Africa.

In order to achieve the above objectives, the following lay-out will be followed:

- Political ideology – some conceptual clarifications.
- Ideological models for the study of political ideas.
- Ideological categories.
- Radical ideologies.
- Concluding remarks.

3.2 Political Ideology – Conceptual Clarifications

The concept of ideology is often regarded as being vague. Its everyday use may have negative connotations that typically refer to rigid, misguided or partisan ideas of others: *“...we have our truth, and they have their ideologies”* (Van Dijk, 2005:728). From a social scientific perspective, ideology is seen as *“...a more or less coherent set of ideas that provides a basis for organised political action, whether this is intended to preserve, modify or overthrow the existing system of power relationships”* (Heywood, 1997:41). Sargent (1990:2) defines ideology as *“...a value system or belief system accepted as fact or truth by some group. It is composed of sets of attitudes toward the various institutions and processes of society. It provides the believer with a picture of the world both as it is and as it should be, and, in doing so, it organises the tremendous complexity of the world into something fairly simple and understandable”*. Seliger (1976:109) indicates that ideology is a belief system that serves to justify a reliance on moral norms that have a modicum of

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factual evidence and self-conscious rational coherence and supplies legitimacy for the “...implements and technical prescriptions which are to ensure concerted action for the preservation, reform, destruction or reconstruction of a given order”.

In the previous chapter, political theory and political philosophy were defined and explained. Political ideology and political philosophy are, however, often confused with each other. While ideology in its broad sense is a call to action based on political ideas, philosophy is an attempt to understand the world in order to create ideas around this understanding. Only once understanding has been achieved, ideas can be mobilised into some form of action. Once political ideas are formulated into programmes for political action, the philosophy becomes ideology (Seliger, 1976:106-107). Political philosophy is predominantly based on the prescriptive or normative questions relating to politics reflecting what “*should*”, “*ought*” and “*must*” be, rather than the empirical emphasis on “*what is*” (Heywood, 1997:12). Ideology, on the other hand, is the programme of action to implement the philosophical utopian ideas of what “*should*”, “*ought*” and “*must*” be. The life and world views that philosophy manages to conceptualise is systematised by ideology.

In terms of the definitions, ideology implies the following:

- It is a coherent set of ideas.
- The ideas are accepted as the truth by a group.
- It provides the basis for organised action.
- It is a set of alternative attitudes towards institutions and processes in society.
- It supplies legitimacy for action to preserve, oppose, modify or overthrow an existing or proposed order.
- It is usually idealistic and utopian in nature.
- It organises the world into something that is simple and understandable.
- It serves the political aspirations of a specific group in society.
- It creates a reliance on moral norms.

Stankiewicz (2001:82), Heywood (2007:45) and Seliger (1976:106, 109) indicate that ideologies are action based and have the following important dimensions:

- **An analytical dimension:** they represent a system of beliefs that justifies and explains (comprehends) a specific political order that either exists or is proposed. It is thus a reconstruction and interpretation of an existing order which may include an

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analysis of the existing, or unacceptable status quo in terms of an existing view of the world, with specific philosophical foundations.

- **A normative dimension:** ideologies create a typology of the ideal situation, often utopian in nature, which is a stark contrast to the previous analysis. This creates the dialectic or conflict between the two contrasting views. An ideal, good, fair and ideal society is projected, which is in direct contrast to, or in support of, the status quo. They also offer a strategy in the form of institutions, programmes and processes for the attainment of a new status quo.
- **A strategic dimension:** they unite people around a common goal within a political structure (political party, organisation or movement) that aims to bring about changes to an existing political order. A socio-political programme for change is drafted in order to change the unacceptable social, economic and political aspects of the status quo that is projected, in a utopian sense, as the ideal situation.

In chapter eight the NDR is discussed in terms of the three dimensions of ideology. In the past, the NDR was viewed as an alternative to the Apartheid order, a guideline of the objectives for a new order and at the same time supplied strategies for achieving a new order.

There have been arguments that since the end of the cold war, the era of ideology has come to an end. Vincent (2010:9-10) indicates that ideology is often referred to as the “isms” of politics of which liberalism, conservatism, socialism and Marxist-communism are the most prominent examples (but not the only examples). Many ideologies are associated with systems of government that are not conducive to the freedoms required for politics to function effectively. In such systems, the political content of discussions is restricted to the content of the ideology of the governing regime. Ideologically based systems could therefore be regarded as intolerant, limited and un-free.

The three main reasons for this are the following:

- That ideology was the root of the most mass pain, misery and violent conflicts in the twentieth century. The first part of the twentieth century experienced wars related to the expansionist policies of the Fascist and Nazi regimes of Italy, Japan and Germany,

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while the second half of the century was consumed by the ideologically-based cold war.

- Ideologies may still serve a purpose in some developing nations, but in industrialised democratic societies they only have a decorative role. Economic prosperity, combined with the growth of the welfare state, has diminished many political differences.
- The so called “*end of ideology*” coincided with the age of sociology which offered a world free of ideology. Sociology replaced superstition with a scientific view of society. Empirical social science demanded a value-free approach that emphasised scepticism and empirical verification. This does not, however, always support the normative and emotional appeals of political ideology and philosophy (Vincent, 2010:9-10).

Fukuyama (1992:27-28, 34-35) supports this in his so called “*end of history*” premise with the evidence that, since the early 1980s, when the Chinese communist leadership began permitting peasants to grow and sell their own food, agriculture became de-collectivised and the capitalist market relationships began reappearing. This was followed by protest action in the PRC, USSR and other Eastern-European states between 1986 and 1989. Ideologies such as communism and totalitarianism as well as African socialism began to lose credibility which supported the idea that the era of ideology was at an end. The end of the ideology debate is explained in a simple manner by Susser (1995:23) in his comments that grand ideologies became disgraced and disowned in the twentieth century. The prevailing order was to divide the resources of society (prevailing pie) in a way that would attempt to satisfy as many sides of the political debate as possible. In this respect, the phrase “*give and take*” replaced the old “*all or nothing*” concepts.

Another argument put forward by writers who supported the end of ideology idea was that ideology had specific functions that were no longer relevant. Besides the arguments that ideology was divisive, they argued that ideologies were no longer performing their mobilisation and action-orientated functions. Ideologies were meant to form the basis for ideas around which political mobilisation could take place and were meant to supply directives for implementable actions. The bases for these arguments were also conceptual in nature due to the lack of consistency over definitions of ideology (Sainsbury, 1986:5-8). Other arguments indicate that politics today is less about the differences between right and left, but more nuanced and tends to deal with aspects such as the

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environment, feminism and religious and cultural identity. These new ideologies are more about identity and less about class and materialism. They do not have the philosophical baggage of the traditional ideologies. It is also argued that they are not complex enough to capture the complexities of modern politics and are not able to mobilise society as traditional ideologies are able to do. Central to the new ideologies, is the issue of the acceptance of neo-liberalism with its market centred approach that regards individuals as consumers whose consumer choices are seen as the highest form of freedom and whose cultural and social identities are regarded as part of their private sphere. The arguments are that most social conflicts in the world today are less about the left versus right and more about identity and access to resources (Schwarzmantel, 2008:168-177).

Although some ideologies have become politically out-dated and support the end of ideology paradigm, Susser (1995:24-25) explains further that ideology still has important functions in modern society. It is ideology that transforms power in politics into accepted and legitimate political authority. It is through ideology that political culture is transferred and communicated and it provides a galvanising focus on which to build new nations in the absence of communal traditions. This is a crucial element in driving African nationalism in states that comprise diverse ethnic, lingual or religious groups. It is also central to the role of the NDR within South African society and politics, since it is from this ideological platform that the transformation of land ownership through the methods of land reform, land restitution and land tenure is driven in South Africa.

Another aspect applicable to the South African context is that ideology furnishes society with a roster of heroes and martyrs with which individuals can identify, but also with a gallery of rogues and traitors. Phrases such as “*Give me liberty or give me death*” or in a South African context “*One settler, one bullet*”, “*Kill the Boer, kill the Farmer*” and the demonization of historical figures of European origin, such as Jan van Riebeeck and Cecil John Rhodes, supplies followers of ideologies with a living sense of reality that science is not able to do. Individuals such as, among others, Sol Plaatjie, Nelson Mandela, Oliver Tambo, Walter Sisulu and Chris Hani were regarded as rogues by a pre-1994 dispensation, but are heroes in the post-1994 dispensation. Similar attempts are being made in the current dispensation to create new rogues, by allocating rogue status to some individuals such as Boer generals who may not deserve such status, alongside Apartheid leaders such as Hendrik Verwoerd, John Voster and P.W. Botha.

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The age of sociology brought with it a new conceptual framework that aimed at replacing concepts that dominate ideological discourse. This emphasises the importance of concepts within political discourse. Politicians in South Africa, however, still have a strong emotional attachment to ideology and use ideologically based discourse as a basis for both political communication and policy development. In South Africa, it is the contextual framework (historical, material, racial, etc.) of policies, rather than their content, that forms the basis of the continuation of the ideological dominance in political discourse. It is explained in chapter eight that this is also the source of policy insecurity in which the content of NDR driven political speeches and introductory statements in policy documents often contradicts the content and ultimate intentions of formal government programmes and policies. The NDR, which forms the basis of political communication, is not aligned to the NDP, which conceptualises the plans of action as well as the intended outcomes of the government. An example of this may be explained by the NDP objective of inducing greater investor confidence in South Africa, while the NDR driven transformation of land ownership policy threatens to restrict land ownership by foreigners and expropriate 50% of agricultural businesses (Herbst & Mills, 2015:184). These two objectives are ideologically and practically contradictory in nature. This is illustrated in more detail in section 8.7.4. Although there may be compelling reasoning behind the end of ideology debates within a South African political context, ideology still plays a prominent role in terms of its divisive, mobilisation and action functions. This utopian and value driven nature of ideology places it within the normative theoretical approach.

The following table illustrates the relevance of ideology when the effects of the NDR (which is rooted in ideology) on the transformation of land ownership are scrutinised:

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Table 4: The relevance of ideology on transformation outcomes

DIMENSIONS OF IDEOLOGY	TRANSFORMATION AIMS (STRUCTURES)	INTENDED AND CURRENT OUTCOME
Ideal situation	Transformation of land ownership from white to black through land reform, land restitution and land tenure programmes.	Increased black (also viewed as state) ownership of land.
Political structure to achieve changes	Initially the liberation movements and now the governing Tripartite Alliance (ANC, SACP & COSATU).	Achieving a NDR and vision in the Freedom Charter.
Current status quo and political order	Governing ANC, SACP, COSATU alliance	Political conflict over the NDR and democratic centralism <u>vs</u> the Constitution and programmes such as the NDP and NGP.

(Source: Author's own construct)

The various aspects relating to ideologies that were discussed above are crucial for a greater understanding of the theoretical and meta-theoretical context within which the study unfolds in the chapters that follow.

In terms of the above explanations of ideology it is important to note the following:

- Ideology is a political tool for mobilising individuals and groups in society in order to bring about transformation to the status quo.
- Ideology is an instrument for social, political and economic transformation in society.
- Ideology is as diverse as the human imagination is able to create new political, social and economic ideas.
- Ideology is all-encompassing in its ideas but predominantly political in its mobilisation.
- Ideology requires a political power base for its implementation.
- Ideology is an important instrument for political scientists to understand political dynamics and categorise political ideas.

Based on the above discussion, ideology formed the central paradigm within which the study of transformation of land ownership in South Africa took place. The study of the NDR as a central ideological point of departure for transformation of land ownership in South Africa required a structured approach. This was especially important for the inductive section of the study that required the development of a normative theoretical

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framework for the research. The nature of this research also implies that the international case studies identified for the development of the normative framework required ideological diversity in order to supply a legitimate spectrum of international ideas on the topic. An ideological theoretical model was required to analyse a variety of ideological ideas (political beliefs) in order to supply a structure to the various ideological approaches to transformation in South Africa. Various existing models or political spectra were used for this theoretical structure. Three such models were identified for further discussion.

3.3 Ideological Models for the Study of Political Ideas

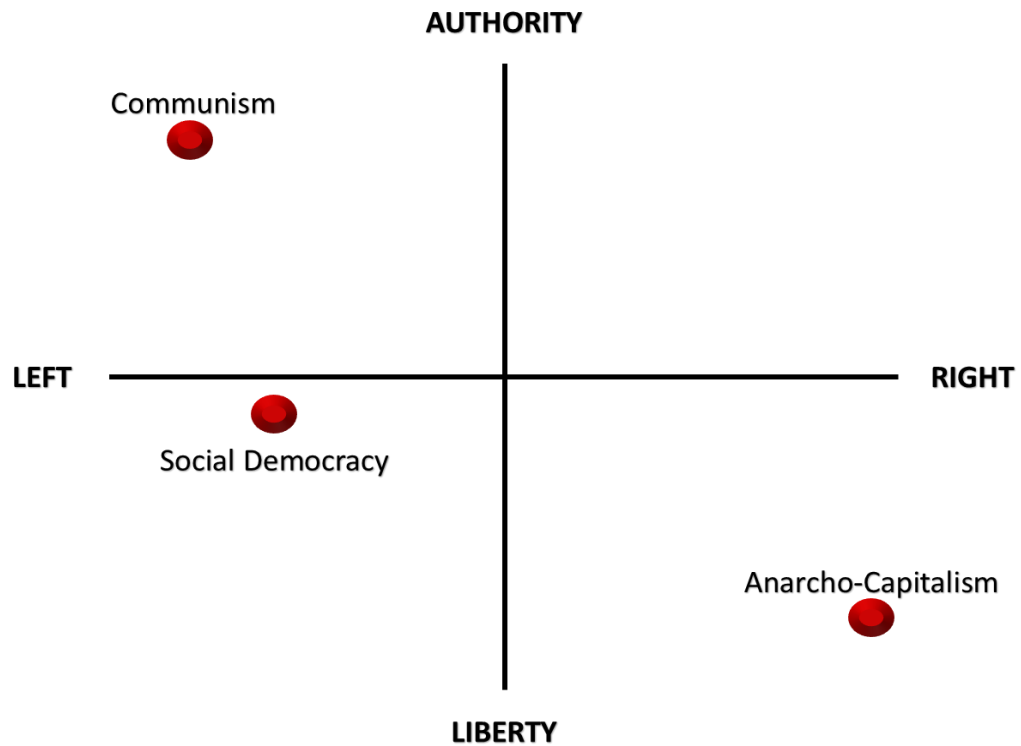
The transformation of land ownership had to be viewed within the context of transforming the current status quo regarding land ownership to accommodate those who had previously been disposed of land. This could be analysed within the ideological framework of a political spectrum (model). Three such spectra were used for this purpose, namely a two-dimensional spectrum, a linear spectrum or the cyclical (or horseshoe) spectrum.

Although the introductory research through the literature study (see section 1.6) already identified the model of Baradat (1997) for use in this study, it is important to discuss each of the other models individually in order to supply an inclusive picture of the choices facing researchers who delve into the field of ideology.

3.3.1 *Two-Dimensional Spectrum*

This spectrum was developed from the emergence of new ideologies such as, among others, feminism, environmentalism and animal rights. These ideological movements do not fit into the traditional ideological spectra, while a two-dimensional spectrum is able to accommodate this. In this respect, the two-dimensional spectrum to a large degree supports the end of ideology debate relating to the traditional mid-twentieth century ideologies such as fascism, Nazism, communism, socialism, etc. (Heywood, 2000:28).

The following diagram illustrates this spectrum:



(Source: Heywood, 2000:28)

Figure 6: Two-dimensional ideological spectrum

The above spectrum allows for traditional ideologies, but is adequate for more modern ideological movements that are not only political, but also economic, religious, environmental or social to be placed on the spectrum.

3.3.2 *Linear spectrum*

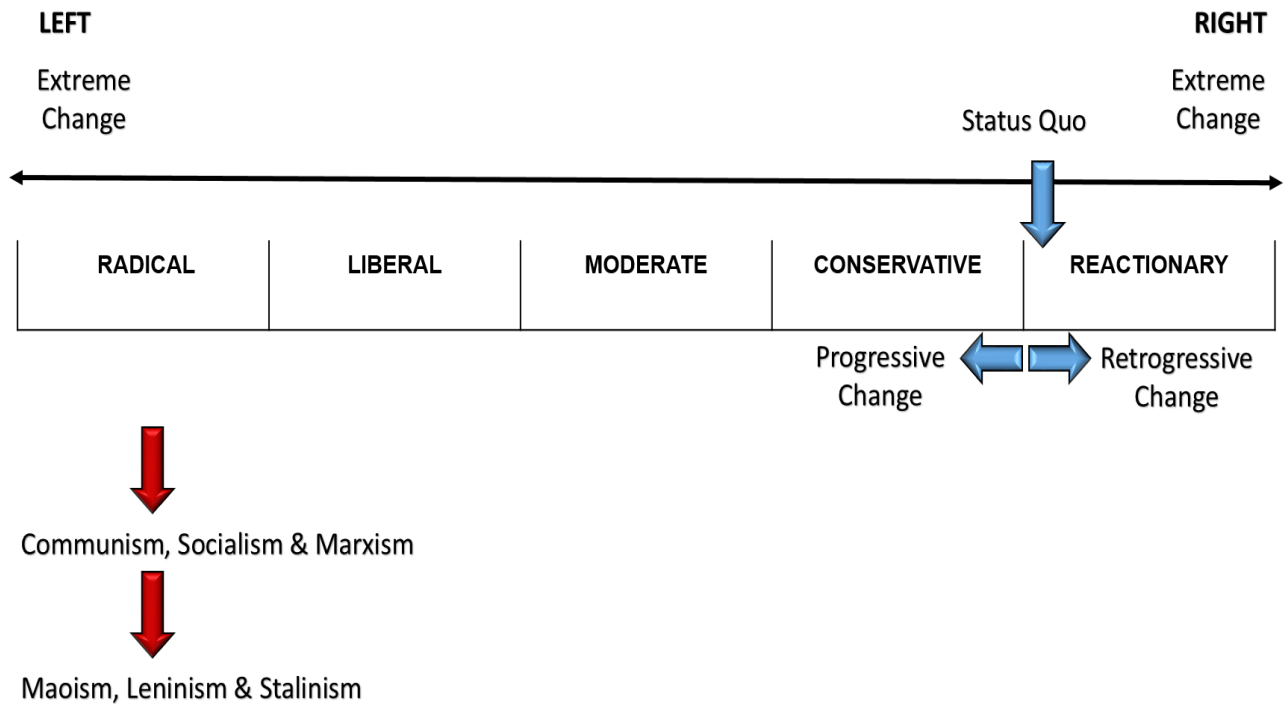
The linear spectrum was developed by Baradat (1997). He placed existing traditional ideologies on the political spectrum based on four aspects relating to the direction, method, depth and speed of the proposed changes (transformation). In order to understand Baradat's political spectrum, one has to develop an understanding of change. The concept of political transformation (radical, social and political change) obtains clarity within the context of Baradat's spectrum of political beliefs. Baradat (1997:14-16) used the four aspects relating to change to determine the type of change that was proposed. In terms of the **direction**, he identified change as being either progressive or retrogressive in nature. Progressive change was conceptualised by him as being a change of the status quo to something new or different. No value judgement (such change as being good or bad) was placed on this concept. On the other hand, retrogressive

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change denotes a return to something (policy or institution) that had been used in the past. In such instances everything to the left of reactionary is seen as progressive, while reactionary is seen as retrogressive. The **depth** of the change refers to whether the change would amount to a minor or a major adjustment to society. Changes can be anticipated, but it is difficult to predict all the possible impacts of change on society. For example, a policy to limit the amount of cattle allowed on communal property may require a limited adjustment and have little or no impact on the transformation of land ownership, but a policy recommending expropriation of land that excludes the willing buyer, willing seller principle would require major adjustments and would have extensive social, economic and political impacts on society. The **speed** within which change occurs is also a factor affecting the type of change. In most instances there is a correlation between the depth and speed of change. Individuals and groups who propose in depth changes to the status quo are normally impatient and unhappy and would like to see speedy changes. In South Africa, there are some groups that are impatient with the slow progress with the transformation of land ownership and are agitated to speed up the process with more drastic measures such as expropriation without compensation. The last factor affecting the type of change is the **method** of change. Political change takes place in many ways. It can take place legally, illegally or extra-legally; evolutionary (smoothly) or abruptly; peacefully or violently. In this respect violence is not restricted to extremism, but may be used across a political spectrum. The effects of the death penalty, expropriation of property without compensation and warfare on individuals and groups are regarded as violent in nature. The further individuals and groups are on the political spectrum from the status quo, the more dissatisfied they are and their methods in relation to violence are often in proportion to their dissatisfaction. In South Africa, the status quo is increasingly reacting to societal political pressures and is becoming less predictable as far as these four factors are concerned. In this regard the status quo is in a constant state of fluctuating.

The ideological spectrum of political beliefs is illustrated in the following diagram:

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(Sources: Baradat, 1997:16; Jackson & Jackson, 1997:152)

Figure 7: Linear ideological spectrum

The various ideological categories may be placed on the above political spectrum, based on the combination of the modes of change that are proposed within such ideological categories. According to the above spectrum, these include radical, liberal, moderate, conservative and reactionary categories. For the purposes of this study, the mentioned ideologies are termed as categories since various ideologies may fall within one of them. For example, communist ideologies such as Maoism, Leninism and Stalinism may all be regarded as radical, while Nazism and fascism may both be regarded as reactionary.

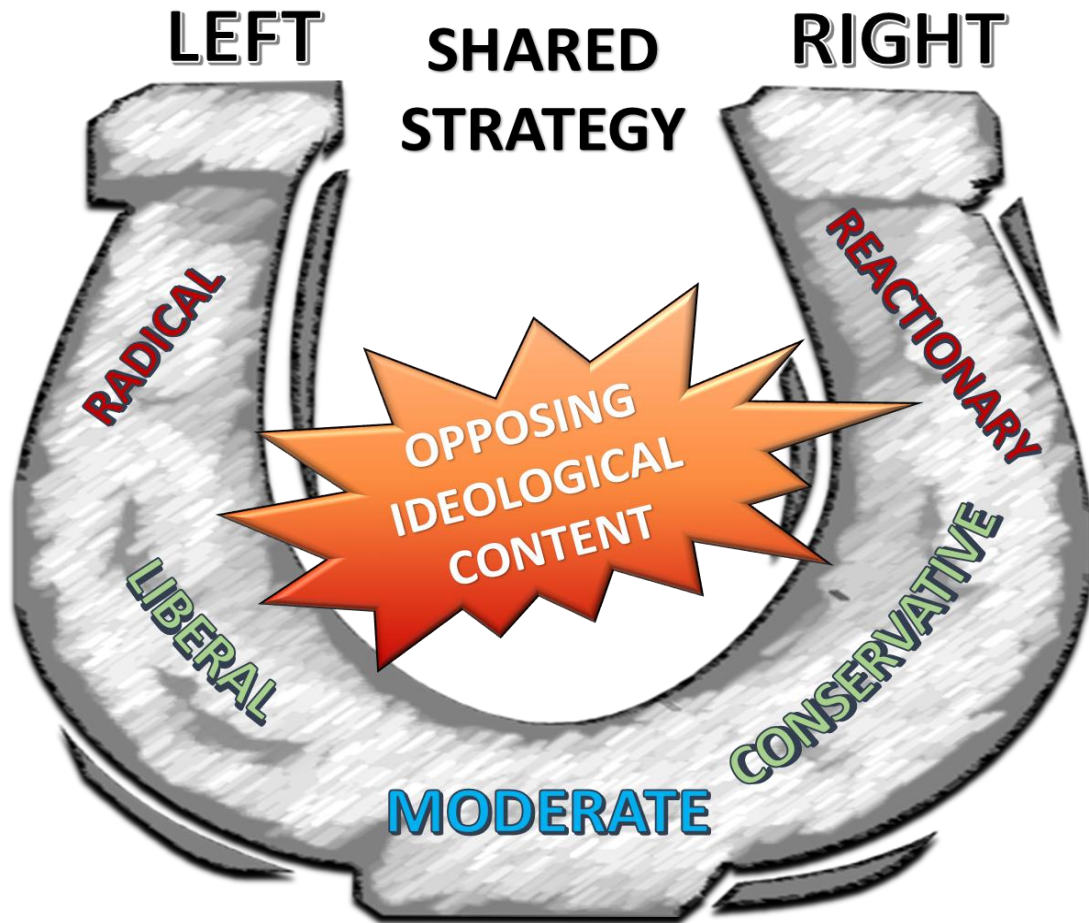
In order to understand and utilize the models effectively, it is important to explain each one of the ideological categories on the spectrum. This is carried out in more detail in other sections of this chapter.

3.3.3 The Cyclical Model for the Political Spectrum

The linear political spectrum has been questioned in literature and a cyclical (horseshoe) approach has been proposed to replace this model. One such study, carried out by Schoeman (1994), indicates that the spectrum of political ideas should not be linear, but rather cyclical in the form of a horseshoe, since the radical ideologies requiring

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revolutionary progressive change are not different in their methods and speed than the reactionary ideologies requiring revolutionary retrogressive change (Schoeman, 1994:17; Heywood, 2000:28). This is illustrated in the diagram below:



(Source: Author's own construct)

Figure 8: Cyclical ideological spectrum

Venter (2012:45) and Heywood (2000:23) rightly indicate that these opposing ideological ends on a linear spectrum come together regarding aspects of operational strategy (direction, depth, speed and method), but not ideological content. This is clear in the explanations of the various ideological categories in the sections below. The extreme left of the radical spectrum are not dissimilar in their depth, speed and method of change than reactionaries. It is the content and direction of their ideological approaches that differentiate them.

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Since the ideological spectrum is categorised into various ideologies, each with its own content and approaches, it is important to define and explain the various categories of ideology in more detail.

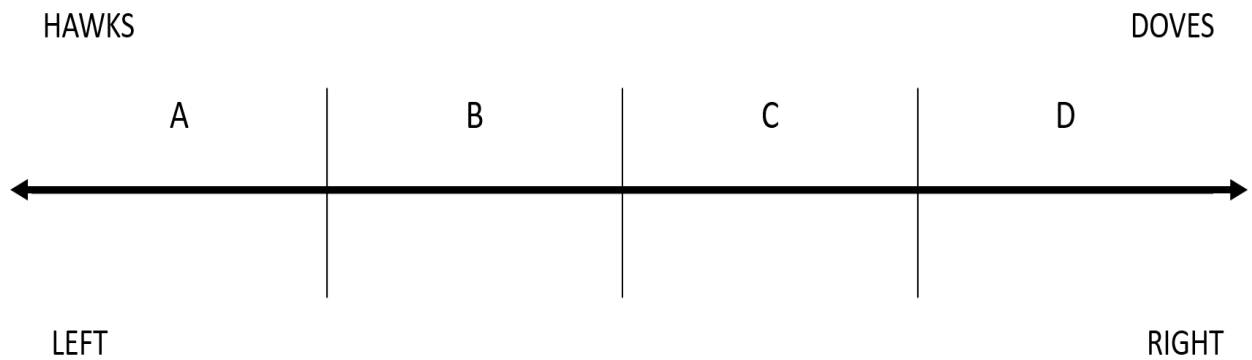
3.4 Ideological Categories

The spectrum of political ideologies can only be understood if each of the ideological categories, namely radicalism, liberalism, moderate, conservatism and reactionary are conceptualised and discussed. It is also necessary for the purposes of this study to delve more deeply into the various radical ideologies. This will assist in the understanding of the NDR as the central point of departure for transformation in South Africa, since the NDR may be regarded as radical in terms of its ideological approach.

3.4.1 Radicalism

Radicals are extremely dissatisfied with society as it is and are impatient with less extreme proposals for change to take place. Radicals want immediate and fundamental changes to take place that may be regarded as revolutionary. Because the perception is that radicals are revolutionaries and prepared to use violence as a means of change, the reaction to them is often severe (Baradat, 1997:17, 21). Radicals differ from one another on a micro-spectrum. On the one hand there are radicals who postulate the idea "*I know the good, extend it*", while on the other side there are those who postulate "*I know the evil, eliminate it*". While the former may promote greater involvement in their approach to politics, the latter may promote greater resistance (Stankiewicz, 2001:217). Those on the extreme left of the radical spectrum are often referred to as the hawks due to the often violent methods employed by them, while those on the far left are referred to as doves due to the often peaceful methods of protest. The categories from A to D on the diagram below are clarified in the table.

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A	Most extreme on the far left of the political spectrum. Extremely dissatisfied and frustrated by the existing political order. They propose immediate and violent changes to the political order. Society is so corrupt and perverted that only fire will cleanse it. Any compromises with the existing order would compromise and infest the new proposed order. The system must burn down completely and something new must be built on the ruins and ashes. The closest to this in the formal South African party political structures are the Economic Freedom Fighters (EFF).
B	These individuals are dissatisfied and frustrated with the status quo. Since their alternative is less distant from the status quo than the people in category A, they have a more tempered approach to the type of changes that they would like to see. Although they would like to see immediate changes, categories B do not insist on the use of violence. The SACP and labour unions can be placed within this category.
C	These individuals are dissatisfied and frustrated with the status quo. They differ from category A and B regarding the use of violence to achieve the proposed changes. They are reluctant to use violence. If they have to choose between change with violence and no change without violence, they would opt for the former. There are individuals within the ANC who fall within this category.
D	The political pacifists are located here. They propose fundamental and immediate change to the status quo. They refuse to use violence. Mahatma Gandhi and Martin Luther King, Jr. are examples of such people. It is important to note that not all revolutions are violent. Some traditional ANC factions may be placed within this category, but other factions may be placed in other categories depending on the issue under scrutiny.

(Extrapolated from Baradat, 1997:17-20)

Figure 9: Diagrammatic and tabular spectrum of radical change

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Radicals cause a great deal of discomfort to the status quo. They challenge the most established values of society. During the nineteenth century, extending the franchise to women, popular participation in politics, civil liberties and greater social welfare were often regarded as radical. During the twentieth century and beyond, this extended to some green parties and organisations as well as those who challenged state-church relationships (McLean & McMillan, 2003:455). Neither the status quo, nor that which is regarded as radical can be static. As values in society change, the political spectrum shifts. Nineteenth century radicals may in many societies today be regarded as being status quo orientated or even conservative. Susser (1995:28) indicates that Western radicals may advocate economic equality, the redistribution of property and concern for the rights of the impoverished. In the former post-communist Soviet Union, however, state-enforced equality, collective economics and authoritarian politics would be regarded as conservative and radicals would be regarded as being supportive of free enterprise, property rights and individualism.

In recent years, there has been an upsurge in radical ideologies in the form of change and protest driven actions, often associated with exponents of anti-globalisation, green, animal rights and feminist movements. Although these movements have not emerged as a challenge to traditional ideologies, they have brought about a certain amount of ideological renovation. Many of these ideologically based movements are transnational in nature, but manage to mobilize groups of citizens around issues of common interest at national levels. The convergence of previous class gaps and distinctions in most societies has created new agencies for social, economic and political change. Such movements have introduced new dimensions to inequality and exploitation. The aims of such movements are not only directed towards activism, but also towards introducing a new form of consciousness to society (Schwarzmantel, 2008:148-150).

Due to the ongoing racially based inequality in South Africa and the ANC government's inability to bring about sound transformation, people in the country are becoming increasingly impatient. Expectations regarding the transformation of land ownership are an example of government failure to effectively implement policies and legislation. These failures are resulting in an upsurge of radicalism in terms of calls for faster and more incremental changes that include expropriation without compensation and even state coercion. The exponents of a narrow and literal implementation of the NDR could find

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support for this as expectations rise and the ability to meet these expectations continues to decline. Some people may argue that the radical social movements that have appeared using violence as instruments to speed up the implementation of radical proposals, such as the “*Rhodes must fall*”, “*Fees must fall*” and even “*Zuma must fall*” campaigns imply that we are already in the midst of a revolution. The ongoing and increasing violent service delivery protests are further examples of increasing grass-roots political unease and unrest. These movements tend to use modern methods of communicating their demands and actions such as social media. While the governing party appears to be stuck in an ideological quagmire, aggrieved societal groups have proceeded along post-modernist political lines that call for less ideological rhetoric and more action. Unfortunately, much of this action is in the form of violence.

3.4.2 Liberalism

Liberal democracy has its political roots in the writings of John Locke, Jean-Jacques Rousseau, John Stuart Mill, John Hobbes and John Rawls. Its economic roots, however, were provided by Adam Smith in his work *The Wealth of Nations*. Liberalism is rooted in Western democracy that was practised first in Britain and later in the United States of America. This concept later evolved and spread to other parts of the world (Winter & Bellows, 1992:62-63; Stankiewics, 2001:113). Adam Smith believes that governments have three main duties, namely:

- to defend the state from foreign aggression,
- to establish and maintain an administration of justice and
- provide goods and services which are non-profitable in a free society that provide collective benefits paid by the citizens in a fair manner (Jackson & Jackson, 1997:157).

One of the main differences between radicalism and liberalism is their attitude towards the law. Because radicals are opposed to the status quo, they often regard the legal system as a tool of the establishment to control and dominate society. Radicals on the far left therefore find it hard to respect the law. Liberals tend to respect the concept of the law and even though they may want to change aspects of it, they tend not to violate the law. They do not support revolutionary change, but slower more structured evolutionary changes to society (Baradat, 1997:21).

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Liberalism is often regarded as a meta-ideology because it embraces such a broad range of political ideas and concepts. Early liberalism, referred to as classical liberalism, was the product of a breakdown of the feudal system and the growth of a market and capitalist society that reflected the ideals of an increasing middle class society. Initially, liberalism was politically inclined since it attacked absolutism and feudal privilege and in its place advocated a constitutional and more inclusive representative government. Classical liberalism regarded human beings as individuals who are egotistical, self-seeking and self-reliant creatures. There was an unsympathetic attitude towards the state that regarded it as a necessary evil whose sole purpose was to ensure order and security and enforce contracts. This was followed by a liberal economic creed that opposed state intervention and rallied around laissez-faire capitalism. Twentieth century (often termed *modern*) liberalism evolved to be more tolerant of state intervention and promoted welfare reform. A bigger state could be a counter to the potential for economic injustices that was created by a new industrialist capitalist order. Freedom does not necessarily imply being left alone as espoused by classical liberalism, but rather being allowed to flourish as an individual in society in order to gain self-fulfilment and achieve self-realisation. Modern liberals believe in the regulation of capitalism by the state and the protection of the most vulnerable individuals in society. The general feeling among liberals is that the intervention of the state should be conditional and it should be regulated and restricted by a constitution (Heywood, 1997:41-44).

The key elements of liberalism are identified and explained in the following table:

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Table 5: Elements of liberalism

INDIVIDUALISM	Human beings are first individuals and then part of a group. Although individuals have separate and unique talents and identities, they are of equal moral worth. A liberal society allows individuals to develop, each towards what they regard as being good as they define it. Liberalism is morally neutral and allows individuals to make their own moral decisions.
FREEDOM	Liberty and individual freedom are often regarded as interchangeable. Although freedom means that each person should be able to act as he or she chooses, freedom under the law recognises the potential threat of the liberty of one person to another.
REASON	The world has a rational structure that can be uncovered by critical enquiry, It implies faith in the ability of individuals to make wise decisions on their own behalf. It implies that human beings are the best judges of what is in their best interests. Liberals believe in progress and the ability of individuals to resolve their differences through debate and argument instead of violence.
EQUALITY	This is the belief that individuals are born equal at least in terms of moral worth. This has resulted in a commitment to equal rights and entitlements such as equality before the law and political freedoms and rights such as the right to vote, freedom of association, movement, speech, etc. Due to the differences in talent and the willingness to work, liberals do not endorse social equality or equality of outcome, but rather the equality of opportunity.
TOLERATION	Social liberty and the path to social enrichment are the toleration of ideas and the expression thereof that are different to that which a particular individual may believe. There is a balance between rival ideas and views and the concept of irreconcilable conflict is discarded.
CONSENT	Both authority and social relationships should be based on consent. Government is based on consent by the governed which is the basis for democracy. Contracts are willingly entered into by individuals and bodies and associations are also formed in this way. Authority must be grounded on legitimacy.
CONSTITUTIONALISM	A legitimate government is a guarantee for order and stability in society. The constant awareness of the dangers of tyranny implies that governments must be constrained. Limited government can be constrained through checks and balances, fragmentation and an independent judiciary. A constitution defines a bill of rights as well as the various relationships between the state, government and individuals.

(Extrapolated from Heywood, 1997:41-42)

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Opponents of radical transformation often propose liberal approaches to the issue of change. Most commercial agricultural unions and some opposition parties such as the official opposition Democratic Alliance (DA) follow liberal political approaches to issues relating to the transformation of land ownership. Such approaches strongly support constitutional safeguards regarding property rights and a free market based economy. This implies principles such as the willing buyer, willing seller, reasonable approaches to issues such as land ceilings and policies that will not cause disruptions to markets and food security.

Property rights is a very important topic of discourse in South Africa at the moment due to both the new expropriation legislation, current debates about land ceilings and the 50/50 framework. Heywood (2000:142-143) indicates that liberals support property rights for the following reasons:

- Property rights are based on self-ownership which follows that individuals have an exclusive right to labour that is linked to inanimate objects.
- Property rights incentivise labour and are therefore the only guarantees for economic prosperity and greater efficiency.
- Property rights promote independence and self-reliance, which in turn enlarges individual freedom.
- Social values are promoted through property rights since property owners are more likely to be law-abiding citizens and respect the property of others.
- It is a means of self-realisation since individuals' identities are often defined by what they own.
- Property rights allow individuals to access credit.

3.4.3 *Moderate ideological pragmatism*

Although they may believe that there is room for improvement, moderates tend to be satisfied with the status quo in society. Any changes in society should be gradual and no change is worth disrupting society. While fascists maintain that moderation breeds mediocrity, those on the left argue that resistance to change benefits the status quo at the expense of the downtrodden (Baradat, 1997:23). Wehmeier (cited in Venter, 2012:48) indicates that a moderate is often regarded as someone who does not indicate any extremist political options. The moderate falls in the middle of the ideological divide on a political spectrum. Some moderates show more liberal tendencies, some more conservative tendencies, but they are never extreme. Political parties such as the African Christian Democratic Party (ACDP) in South Africa may be regarded as moderate in their approach to most political issues. In most instances, moderates tend to be ideologically

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pragmatic in their approach to political issues and tend to choose the road of least political resistance.

3.4.4 Conservatism

The concept conservatism originates from the word *conservare*, which means to save or preserve. Conservatives tend to want to conserve and maintain political elements in society such as power structures, property status and other established institutions. They also place the social group above the capabilities of the individual when evaluating society's abilities to develop. The creation of happiness can best be achieved through a stable and ordered community, rather than through individual endeavours. Habits and customs that were used in the past must be respected. While liberals tend to be suspicious of state power, conservatives appropriately arranged state power as a necessity for social order (Jackson & Jackson, 1997:158-159). According to Susser (1995:29-31), conservatism consists of a loosely knit family of ideas that share a specific style, motifs and predictable programmes. Conservatism must not be confused with traditionalism. Traditionalism may have laid the foundation for the development of conservatism, but remains distinct from it. Traditionalism follows certain themes that include the use of custom and precedent to judge the legitimacy of certain ideas or practices, the notion of absolute truth, human limitations based on the idea that humans are flawed, imperfect and selfish creatures and the notion of hierarchy as being an integral part of the human condition. Modernity, however, undermined many traditional beliefs through the commercial, cultural and scientific transformations in modern society. Sargent (1990:92-94) identifies conservatives based on their attitude to change, reverence for tradition and their views on government. Conservatives do not oppose change, but are resistant to change. They believe that something that worked is better than something that is untested or unknown. Similarly, conservatives distrust reason and rely on tradition that encompasses the accumulated wisdom of past generations. This does not imply that everything from the past must be preserved, but only that which is best and useful from the past.

Edmund Burke (1729-1797) was a British conservative politician whose collection of essays and insights formed the basis for the concept of conservatism. Burke supported the American Revolution, but opposed the French Revolution. The American Revolution

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advocated government by the governed that has its conceptual roots in the Magna Carta. The French Revolution, on the other hand, was based on theory and implemented by individuals with limited political experience and uncertain ideas. They failed to understand that society was too complex to be taken apart and put together again at will. He believed that institutions such as religion, social hierarchy, government, the family and private property had developed and evolved over time through trial and error. Central to Burke's ideas were those of prescription, based on the weight of historical precedent and prejudice that is founded on the will to preserve a well-established judgement that is attached to a rich political tradition (Susser, 1995:33-37). Conservatism may be defined as: "...a political philosophy which aspires to the preservation of what is thought to be the best in established society" (MLEan & McMillan, 2003:114). In many respects, conservatism may be regarded as a philosophy, but when political mobilisation takes place against ideologies such as feminism, socialism and other progressive movements, conservatism becomes an ideology. Huntington (1957:468-469) describes conservatism as a "*positional ideology*" that develops to meet a specific historical need with no permanent group interests. When the need disappears, conservatism as an ideology subsides. As an ideology, conservatism is static and repeats the same ideas, rather than being politically evolutionary. In most instances, conservatives react to a social situation within a specific political order.

Within the current South African context, in which large numbers of people are dependent on various forms of social welfare packages (see section 7.4), the issue of overextended welfare schemes is a serious concern for conservatives. Conservatives do not believe that it is the duty of government to manipulate the environment, since this enlarges the powers of government until the point is reached where it is difficult to distinguish between a totalitarian and democratic system (Stanciewicz, 2001:95). Further examples are found in the collective agricultural schemes that have been implemented in South Africa (see section 9.2.4). These examples of collectivisation have created a dependency on government and as such have extended government's power over the lives of the affected individuals, who are regarded as beneficiaries and not victims of dependency.

3.4.5 Reactionary

Reactionaries are in favour of retrogressive change which would take society back to a previous value system or condition. Reactionaries can be categorised in a similar manner to radicals in so far as their ideas towards change are concerned, even though they differ dramatically in terms of their basic beliefs. Reactionaries on the far right of the reactionary spectrum would be as likely to use violence to achieve their political aims as the radicals on the extreme left of the political spectrum. One aspect that has developed over time and which differentiates the far left and far right of the political spectrum is their attitude towards property rights. Throughout many political debates, especially in the United States of America, the generally accepted premise has emerged that those on the left of the political spectrum tend to emphasise human rights as inalienable and property rights as social rights, while those on the right place a greater emphasis on private property rights. The reason for this is that rights relating to aspects such as food, clothing and shelter are more important for people's quality of life than the ownership of private property. This discussion originated from debates over the concepts of whether the American Declaration of Independence should read "*life, liberty and the pursuit of happiness*" or "*life, liberty and property*" (Baradat, 1997:30-310).

Schwarzmantel (2008:35-36) warns that many reactionary elements have deviated from the conservative notions of unity and cohesiveness. Reactionaries often follow a course of action that reaches its goals by the denunciation of the other. This was built into a extremist populist dynamic similar to fascism and Nazism. It is evident in many conflicts across the world that extremist popular dynamics have found expression in many modern religious conflicts in the Middle East and even in violence associated with xenophobia in South Africa.

The various ideological categories such as reactionary, conservative, moderate and liberal are important in order to place radicalism into context. The urgency that has been expressed within South Africa regarding transformation in general and transformation of land ownership in particular, is mostly radical in nature. This is mainly due to societal pressures to speed up the process of land reform, calls to ensure that proposals in this regard show progress and that policies bring about fundamental (deep) changes. Suggestions in some political quarters that expropriation without compensation (regarded

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as a form of violence) be used as a method to achieve political objectives is an outcome of this. The use of the NDR and Freedom Charter as the strategy and objective to bring about radical transformation of land ownership from white to black ownership makes it essential that radical ideologies such as Marxism, communism and socialism as the ideological roots of the NDR are conceptualised and discussed. These are taken further in discussions on Maoism, Leninism and Stalinism. From these discussions, it is explained how, for example, democratic centralism as an important strategy of the NDR originates from Leninism.

3.5 Radical Ideologies

South Africa is characterised by large scale inequality, poverty and underdevelopment which supplies a political foundation for radicalism. The NDR remains the prominent ideological basis used by the governing alliance to mobilize support for policies and programmes aimed at alleviating these scourges. The entrenchment of the NDR as the prominent ideological basis of the ANC can be traced to the central role of the SACP within the party (Venter, 2013:126-127). It is for this reason that the NDR is central to this study and why a further investigation into some of the radical ideologies in which this concept finds its roots is necessary. In this respect it will be critical to understand the ideological concepts of socialism and the various forms of communist, namely Soviet communism rooted in Stalinism, Leninism and Chinese communism rooted in Maoism. Within such an investigation it is also important to determine the origins of democratic centralism, which is a prominent instrument used in the implementation of the NDR in South Africa. For the purposes of understanding the practical implementation of the NDR, it is important to investigate how communism manifests itself in a society. Based on his study of communist systems, Gripp (1973:188) identified a checklist for development and management that is carried out through three levels in communist political systems. This is described in the following table:

Table 6: Communist development and management checklist

LEVEL	ECONOMIC MANAGEMENT	POLITICAL DEVELOPMENT
FIRST LEVEL	1. Nationalisation of industry 2. Collectivization/socialisation of agriculture 3. Inauguration of economic planning	1. Taking power by communist party 2. Setting up apparatus for a dictatorship 3. Elimination of political opposition
SECOND LEVEL	4. Decentralisation of economic organisation and management 5. Reform of economic planning 6. Managerial rationalisation (flexibility for lower level managers) 7. Striving for industrialisation	4. De-emphasis on extremes of dictatorship, elimination of terror, easing legal punishments 5. Decentralisation of some government functions 6. Increase in responsibility and autonomy of legislatures 7. Increase in electoral vitality, multi-candidates, contested elections
THIRD LEVEL	8. Introduction of small scale enterprise 9. De-collectivization/socialisation of agriculture 10. Use of market indicators	8. De-emphasis on monopoly power of communist party 9. Wider articulation of popular demands through mass organisations and interest groups 10. Increase in internal political diversity

(Source: Author's own construct)

In many systems, this did not take place simultaneously. Stalin concentrated on entrenching political power of the party and himself first and then embarking on a process of taking over control of civil society and the economy. Similarly, in chapter eight it is explained how the ANC-run government has followed a similar strategy of entrenching the NDR using the pretext of various development programmes.

3.5.1 Socialism

Socialism is based on the egalitarian ideas that took root in the French Revolution. Early humanitarian socialism developed out of the suffering caused by early capitalism and followed the view that mankind was destined to live communally. This was soon overtaken by Marxism (also known at the time as scientific socialism). Lenin soon transformed the socialist ideas of Marx into a revolutionary ideology that fought for the replacement of the bourgeois ruling classes in capitalist systems with a dictatorship of the proletariat (Baradat, 1997:184-185). In the twentieth century, communism and socialism were often regarded as synonyms. The main distinction came with a divergence that developed between Marxist orthodoxy and democracy. Radical communists claimed to be the true

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exponents of socialism, while social democrats regarded the autocratic tendencies of Marxists as destructive to the socialist cause. Marxists believed that parliamentary democracy was a facade for perpetuating class rule and diverting attention away from the needs of the working class who could not share power with their oppressors. This approach was rejected by Edmund Bernstein (a German socialist) who followed another *modus operandi* that the working classes could use the democratic systems to elect representatives who were of similar class and sympathetic to their interests (Susser, 1995:106-109).

Democratic socialism developed separately from communism and has become central in the modern understanding of socialism. This implies that the participation in political decision making that is present in democracies should be extended into economic decision making. Democratic socialists argue that elected governments should extend control of government over the most important parts of the economy. The main reason for this is that politics and economics are closely linked and that a government elected by the people to take political decisions should play a central role in economic decisions as well. In Britain, this form of socialism is often referred to as Fabian Socialism, while European socialists prefer the designation Social Democrats. Fabian socialists followed an approach that was less dogmatic together with a pattern of thought known as "*permeation*". This implied that society should be permeated through straight thinking. Their straight thinking advocated reforms in taxation, town planning and social welfare programmes which were meant to create concrete ways of transferring extravagant private ownership into communal control. Constitutional and popular government were central to achieving these aims. The Fabian arguments of modernisation, reasoning and pragmatism are still central in many modern socialist political parties (Sargent, 1990:80-81; Susser, 1995:107-108).

Ownership of production and the welfare state are central themes within socialism. Ownership of production implies that the state owns and controls the means of production⁵ in society. This could be achieved through nationalisation (when a government takes over ownership and control of an industry), which may be carried out

⁵Means of production are regarded as outputs in an economy and are defined as: "the natural resources, labour and produced plant and equipment used to make outputs", while the inputs are: "the goods and services that consumers want to acquire" (Baumol & Binder, 1988: 37).

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either by the purchasing of an industry on a willing buyer, willing seller basis, or in its extreme form by expropriation without compensation. Due to many problems experienced in the effective management of industries by the state, another method of ownership of production was developed through cooperatives. This allows for collective management of specific industries or enterprises and works alongside private enterprise. The welfare state is not as central to the economic focus of socialist thinking as the distribution of goods and services in society. For capitalists, private property is a reward for hard work and individual effort. This principle alone, however, does not alleviate the suffering of individuals who are outside of a system that becomes self-rewarding and elitist. For this reason, the welfare state was developed in order to distribute some wealth and alleviate human suffering. The nationalisation of certain core industries and services that were crucial for people to exercise their freedoms coincided with the distribution of physical wealth, often in the form of social grants such as old age pensions, disability benefits and workmen's compensation to vulnerable individuals in society. Such benefits are often meant for temporary relief until individuals are able to get reinstated into the main economy through sustainable employment (Baradat, 1997:187-191).

Sargent (1990:81) and Jackson and Jackson (1997:179) indicate that the following principles are generally accepted as being present in social democratic ideological thinking:

- Many properties and industries are owned by the state and controlled by a government that is often democratically elected. This could include utilities, transportation systems, healthcare facilities and even some major industries.
- There are limitations imposed on the accumulation of private wealth.
- There should be government regulation of the economy, which does not necessarily include absolute control.
- Extensive publicly financed assistance and pension programmes for individuals in society should be implemented.
- The implementation of moral values that include ameliorating material poverty caused by capitalism, social welfare assistance to those in need, the support of a classless society and the promotion of fraternity and cooperation.

Most democracies have varying degrees of socialism within their government programmes. Many governments have taken note of the main reasons for the fall of many

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communist regimes and the economic liberalisation of many others. Taxation remains the main source of income for governments who are also weary of eroding their tax bases. Effective social assistance programmes and the maintenance of public utilities require sources of income that state owned industries have not been able to sustain within a competitive global economic system. Countries like the PRC have raised USD120 billion to modernise state owned companies by flotation (selling shares on the stock exchange for the first time) over a period of 30 years which was central to the economic growth and development in that country. This has unfortunately not been emulated in South Africa, where State Owned Enterprises (SOEs) have had a long term debilitation effect on the economy of the country and regularly require huge state bailouts (Ensor, 2014:1-2). It is also common knowledge that most communal farming enterprises in South Africa are total failures, mostly due to lack of skills and support, but also due to infighting among beneficiaries.

The governing alliance in South Africa is a combination of the ANC, socialist labour movements and the SACP. As such, the alliance partners attempt to influence the dominant ANC in the current discussions about property rights in South Africa. Common property, as opposed to private property rights, is often advanced as ideal by both socialists and communists. In this respect, Heywood (2000:143) indicates that the following arguments are advanced:

- Common property reflects the fact that labour is a social and collective activity that depends on co-operation rather than independent effort.
- Common ownership of the fruits of labour is an outcome of the common ownership of property.
- Community and social cohesion is strengthened since all members of society have a collective identity and shared interest in outcomes of labour on common property.
- Equality is guaranteed since individuals are prevented from accumulating property while others are denied property.
- It allows an escape from greed and materialism since happiness is defined by personal development, as opposed to acquisition.

The ideological division within the governing alliance has manifested itself within the frameworks of the NDP and NDR. This ideological struggle continues and from the

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discussions on the transformation of land ownership it appears that, under the current Zuma-administration, the NDR paradigm is prevailing. The preference, in policy proposals that are discussed in chapter nine, of common property over private property is a clear example of NDR domination.

3.5.2 *Marxism*

Marx was not opposed to all forms of capitalism⁶, but spent a great deal of energy explaining the evolution, strengths and weaknesses of capitalism. He rather believed that capitalism had freed the world of a feudal system, but had subsequently outlived its usefulness. Central to his thinking was his historical materialism that asserts that an economy can only be understood when its place in history is understood. According to Marx, historical events are influenced by economic conditions that have filtered through social customs and political organisations. Economic factors are also the driving forces that determine the evolutionary direction of society. He believed that the feudal lord of the feudal system had been replaced by the modern capitalist and the serf by the free labourer. While economic conditions are important in the timing of revolutionary unrest, the unrest does not necessarily peak at a time when the lowest classes have the most to gain from it (Baumol & Binder, 1988:171-173).

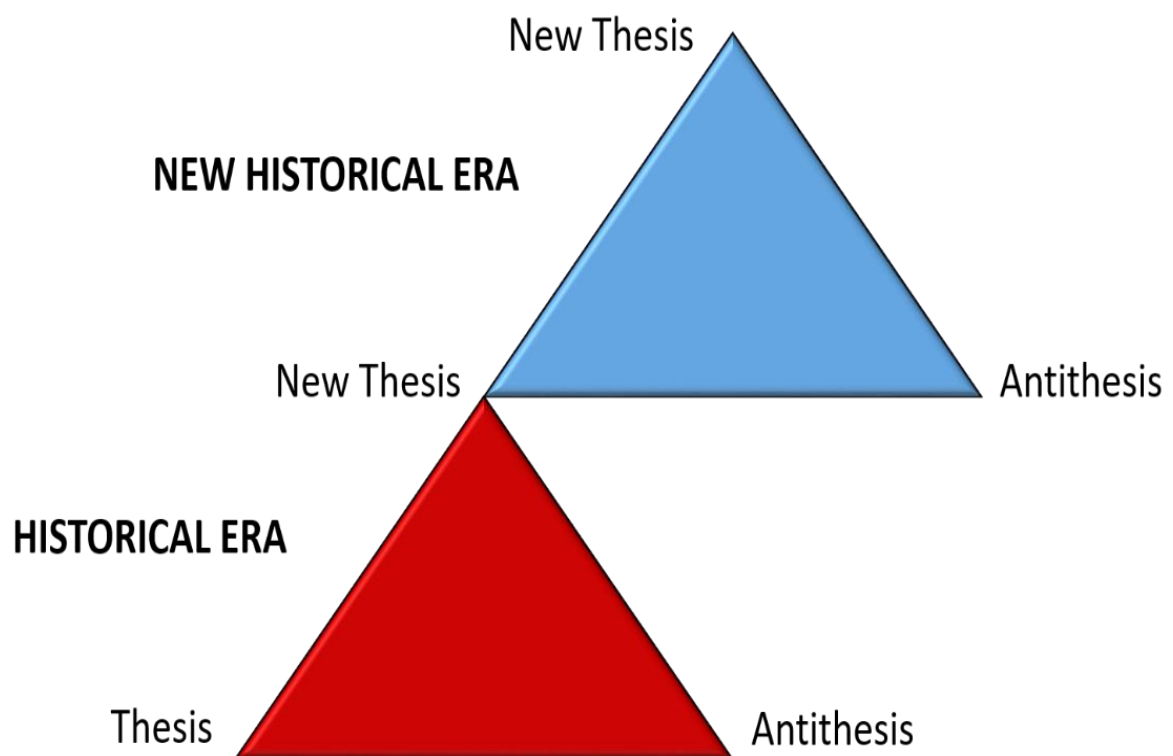
Marx viewed society in terms of two basic parts, namely the foundation and superstructure. The superstructure is composed of non-material institutions such as law, art, education, religion, values ideology and government. The superstructure has a function to allow rulers to dominate over the ruled. On the other hand, the foundation of society is the economic and social class systems. Marx viewed political power as a mere tool through which one class oppresses another. Religion was likewise a way of drugging the senses of the masses to put up with their miserable existence. Education systems are abused by ruling classes to encourage sympathetic attitudes towards dominant political and economic systems (Baradat, 1997:168-170).

⁶ Capitalism defined as “a method of economic organisation in which private individuals own the means of production, either directly or indirectly through corporations” (Baumol & Blinder, 1988: 888).

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Another important part of Marx's ideology was the idea of dialectic⁷ materialism. In terms of this idea the foundation of society changes. This in turn transforms the economic system and social class structure. The newly formed dominant class becomes the antithesis of the old class. Struggles between the new dominant class and the rest of society will eventually motivate further change and progress. The struggle between class structures at the end of one historical era will lead to the dawn of a new era. Each historical era is characterised by a specific economic system (means of production) and leads to a specific political system (superstructure). The ongoing dialectic was of a thesis, a struggle, an antithesis (proposed new order) and the development of a synthesis or new thesis. This triangular progression has continued throughout history (Baradat, 1997:172-173).

This dialectic materialism is illustrated in the following diagram:



(Source: Author's own construct)

Figure 10: Explanation of dialectic materialism

⁷ The concept dialectic originated from the ideas of George Hegel who developed a theory of history in which change is the central theme. The world, according to Hegel, was progressing towards a goal that was determined by God (Baradat, 2000: 171).

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The following table illustrates some of the main features of Marxist ideology:

Table 7: Features of Marxist ideology

ELEMENT OF MARXISM	EXPLANATION
Dialectic materialism	Explained in the diagram above.
Dialectic change	Historical change caused by internal contradictions in modes of production.
Class struggle	Division between bourgeoisie capitalist class (owners of the means of production) and proletariat (working class) caused by ownership of private property.
Alienation	Labour is reduced by capitalism into a mere commodity in which work is a depersonalised activity. Workers are alienated from the product of their labour and they lose their worth as creative human beings. Non-alienated labour is a source of human fulfilment.
Surplus value	The conflict between the bourgeoisie and proletariat is irreconcilable since workers are forced to produce surplus value that is measured in terms of profit. This is the source of oppression and exploitation of the working class.
Proletarian revolution	Capitalism will reach crises of overproduction that will bring about a consciousness by the worker and lead to class uprisings by the proletariat against the bourgeoisie.
Communism	The revolutions and counter-revolutions will usher in a classless communist society in which the wealth will be owned in common and used by all to satisfy all their human needs. This will allow humans to fulfil their own destinies and reach their full potential.

(Extrapolated from Heywood, 1997:51-52)

Both socialism and Marxism laid the foundation for communism in the form of Leninism, Stalinism and Maoism.

3.5.3 Leninist and Stalinist communism

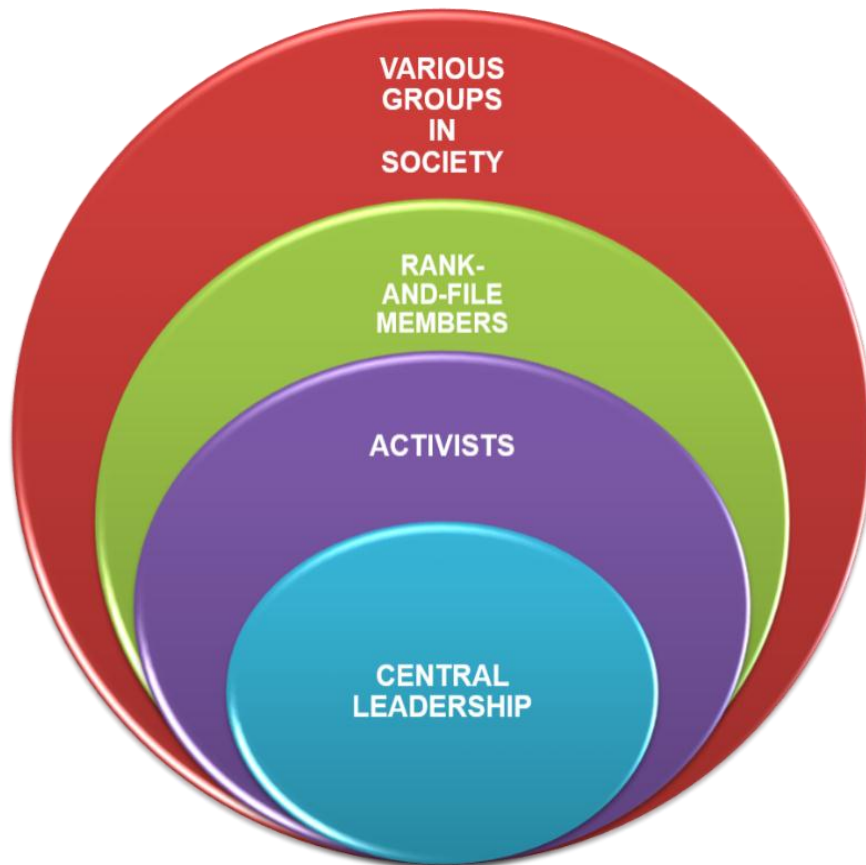
Based on the principles of socialism and Marxism, Lenin developed his own form of communism that was rooted in the conditions of the Russian and later Soviet people. Although his movement was small and divided, his success lay in his ability to convince people otherwise. In this respect, Vaizey (1980:120) rightly indicates that: “*He continually declared his minority a majority, until he convinced people it was*”. After World War One which led to a famine and a great deal of civil strife, Lenin adopted a New Economic Policy (NEP) in the newly formed Soviet Union. In terms of this policy, the former

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nationalised industries were returned to private hands with the purpose of recapitalising them. While this was taking place, the communist party in the country was in the process of imposing an authoritarian system. During this time, the country was on its way to economic recovery and the communist party became entrenched in power. Lenin was of the view that there should be a dictatorship of the proletariat, but in practice it was a dictatorship over the proletariat. In this respect Leon Trotsky warned that: “...*the organisation of the party takes the place of the party itself; the central committee takes the place of the organisation: and finally, the dictator takes the place of the central committee*” (Susser, 1995:156; Baradat, 1997:213). While this was meant as a warning for Lenin, it became a reality under Joseph Stalin. There are legitimate fears in South Africa that Trotsky’s warnings are becoming a reality within the current leadership of the governing alliance.

One of Lenin’s important introductions into the party system was the idea of a professional revolutionary in an organisational principle referred to as democratic centralism. Within this system the party would be composed of a group of professional revolutionaries who would have contact with, and support from, various groups in society. These party members had to have excellent organisational and propaganda skills in order to maintain front organisations throughout society. They had to prepare for the revolution that would take place when the masses revolted against their oppressors. The party had to be permanently prepared for a revolution. Democratic centralism combines freedom of discussion with centralised control and responsibility. In practice, however, history proved that the centralised control eventually overtook any freedom of discussion (Sargent, 1990:139-140). Within South Africa, a central feature in the implementation of the NDR is democratic centralism (cadre policy). Democratic centralism has been implemented across all state institutions with serious impacts and implications for the delivery of government services and implementation of government transformation programmes due to weakened institutional capacity that can be directly traced back to this strategy. Fukuyama (2015:464) explains that a merit-based civil service becomes a victim of policies or strategies that create institutions of party insiders that use superior access to information as well as state and government resources to manipulate a system to favour them and their political cronies.

The principle of Lenin’s democratic centralism is illustrated in the following diagram:



(Source: Sargent, 1990:140)

Figure 11: An illustration of democratic centralism

After Lenin's death, Stalin took control of the country and implemented a form of communist nationalism. Stalin followed a strategy of placing individuals who were personally loyal to him into all key positions in the party apparatus which assisted in his rise to power. This process replaced Lenin's idea of professional revolutionaries with a system of individuals whose loyalty was to the ruling faction and not the party. He immediately began his first five year plan that saw all industries being nationalised and farms being collectivised. This caused millions of deaths through political purges. Stalin's collectivism destroyed a whole class of small and large landowners (referred to as the Kulaks) and facilitated the appropriation by the state of all livestock, buildings, equipment and tools of these landowners. The individual populations themselves were transferred to other parts of the country. Many farmers followed a scorched earth policy by slaughtering their own livestock and burning their fields. The Soviet agriculture never recovered from this and was permanently regarded as the weak link in the economy. Further purges of opponents saw estimated tens of millions of deaths between 1934 and

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1938. During this time the Soviet Union emerged as a major industrial power with Stalin as head of a totalitarian state. A secret police and purges of all opposition created a personality cult around Stalin. After World War Two, Stalin brought many Eastern European states into his fold which created a Soviet Empire. Between Stalin's death in 1953 and the collapse of the Soviet Union in 1989 there were very few variations of communist in the country (Baradat, 1997:211-213; Susser, 1995:157-159).

3.5.4 Maoism

Mao Zedong (1893-1976) was a revolutionary who entrenched communism after taking power of the Peoples Republic of China (PRC) in 1949. Although his approaches to the government and state were based on military principles, he used these same principles in politics. One of his main military tactics was to first obtain a territorial base. This entailed the establishment of a peasant government in a specific area, allowing the peasants to redistribute the land and assisting peasants with required rebuilding activities. The main differences between Soviet and Chinese forms of communism rested with the revolution by the proletariat in the Soviet Union and the lack of a proletariat and replacement of this political institution with peasants in the PRC. Another important difference was that Soviet communism bent socialist doctrine to accommodate human nature, while Chinese communist bent human nature to accommodate the Maoist doctrines. The Chinese system was also initially less centralised than that of the USSR. Mao implemented two major political programmes, namely the Great Leap Forward and the Great Proletarian Cultural Revolution. The first was a great economic failure, while the latter was more a purging of society of all opposition to Mao's regime. After Mao's death, the PRC began a series of reforms that developed the country into one of the leading industrial economies (Baumol & Blinder, 1988:905-905; Sargent, 1990:140-141).

From the above discussion it is possible to differentiate between the radical ideologies of socialism, Marxism, Leninism, Stalinism and Maoism in the following table:

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Table 8: Differentiation between radical ideologies

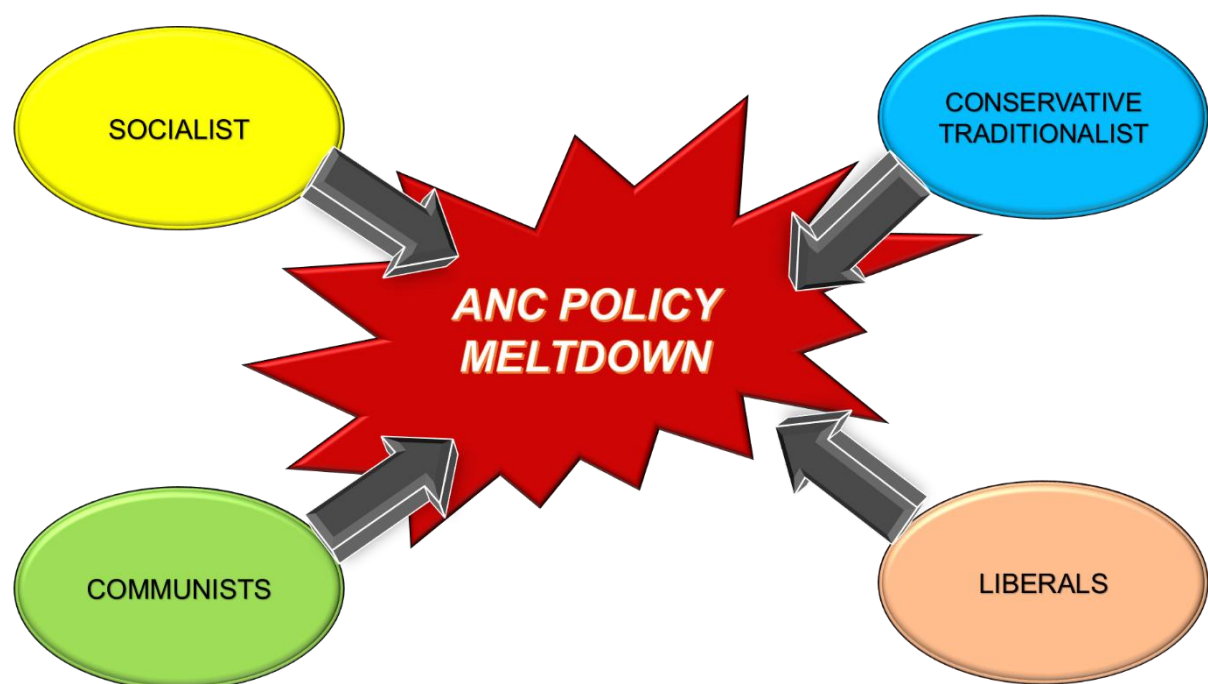
FORM OF RADICALISM	MAIN FEATURES
Socialism	• Egalitarian in nature. • Accommodates democracy. • Promotes state/communal ownership of production. • Supportive of a welfare state. • Strong government regulation over the economy and limitations on the accumulation of wealth. • Emphasis on common property rights rather than private property rights.
Marxism	• Opposed to all forms of capitalism. • Views democracy as a tool of suppression and perpetuation of class differences. • Economic conditions central to political decision-making. • Economic, social and political development is an ongoing dialectic between a current status quo (thesis) and proposed new status quo (antithesis). • Idealistic and utopian as opposed to practical in nature. • Views property rights as a source of class division and oppression.
Leninism	• Dictatorship and revolution of a proletariat. • Democratic centralism as an ongoing revolution. • Freedom of discussion within centralised communist party control. • Communist party control over all aspects of life.
Stalinism	• Communist nationalism. • Nationalisation of all industries and private property. • Promotes the use of violence (purges) of internal and external political opposition. • Closed all forms of democracy and centralised the state within the party leadership and patronage systems.
Maoism	• Use of military principles and tactics for achieving political objectives. • Revolution by peasants due to a lack of a proletariat. • Decentralised communist control. • A cultural revolution that is central to the economic and political revolution.

(Source: Author's own construct)

The NDR as a strategy could be viewed as a combination of radical ideologies aimed at transforming the South African society. In terms of its objectives, it is utopian in nature and leans more towards the idealism espoused in socialism and Marxism. The realities of a market driven global economic world order remain serious challenges for a more

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radical implementation of the NDR. While the NDR as an ideological point of departure drives political rhetoric in South Africa, Johnson (2015:14) indicates that many communist leaders in the governing alliance are frustrated with the lack of real implementation. This NDR as a radical ideological point of departure is investigated and explained in more detail in chapter eight. The diagram below explains how some ideological categories and radical ideologies, that are currently evident within the Tri-partite alliance, create a policy meltdown in government. The ideological impasse affects not only the development of policies that should complement the NDP's developmental goals, but also negatively impact policy implementation at an administrative level.



(Source: Author's own construct)

Figure 12: ANC Policy meltdown

3.6 Concluding Remarks

The above discussion on ideology creates a sound background for further investigation of the NDR as an ideological instrument for transformation in South Africa. The definitions of ideology indicate that transformation of land ownership in South Africa is ideologically based with the NDR as a central point of departure. Being a central feature of transformation in South Africa, the NDR complies with all the features of an ideology since

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it has analytical, normative and strategic dimensions to it. This is substantiated further in the chapters that follow.

While some authors argue that ideology has become irrelevant over the past few decades, it remains a central feature within South African political debates. Political discourse between the governing alliance and its political opponents in most instances denigrates into conflicting ideological points of departure with the extreme left being labelled counter-revolutionary and the central and right being labelled liberals or reactionaries. With a constitution that leans towards liberalism, there are elements within the governing alliance who regard the “*negotiated*” constitution a hindrance to transformation. Furthermore, the implementation of democratic centralism finds its roots within the radical communist ideology of Lenin and the evolution of the governing alliance into an institution with less democracy and a tendency towards centralised control follows a typical Stalinist model of communist development. Trotsky’s warnings of an internal dictatorship are as relevant to the governing alliance in South Africa today, as they were to the communist party in the former USSR.

In order to structure a study that involves ideology, the ideological models become very relevant. For the purposes of this study, the lineal model of Baradat was chosen for its categorisation of ideologies, rather than for reasons of an investigation into the modes of political change. This also assisted with the inductive aspect of the research that demanded the creation of a theoretical framework for the further investigation of transformation of land ownership in South Africa. It might, however, be necessary to use the cyclical model to explain some of the discrepancies in policies regarding the transformation of land ownership in former homeland and tribal areas in South Africa. For example, while land reform proposals regarding the transfer of land from white to black ownership could be regarded as radical in nature, the approach to land tenure in former homeland and tribal areas of South Africa is at least status quo orientated and could be regarded as reactionary. In such circumstances the cyclical model could indicate how reactionary and radical meet, even if this is within one political party.

The linear political spectrum is also used in chapter four in the identification and classification of international case studies relating to transformation of land ownership. These case studies lay a further foundation for the extrapolation and discussion of

Chapter 3: An ideological framework for an analysis of the NDR

variables for inclusion in an analytical framework that is developed in chapter five. The various ideological differences between government policy and legislative proposals regarding the transformation of land ownership in South Africa are placed on the linear spectrum in chapter nine in order to illustrate the ideological diversity of these proposals.

CHAPTER 4: THE TRANSFORMATION OF LAND OWNERSHIP IN SELECTIVE CASE STUDIES – A CONTEXTUAL SURVEY AND NORMATIVE FRAMEWORK

4.1 Introduction

Land remains an important economic, cultural and thus political resource, but also has strong emotional and symbolic meaning for many people. This is especially evident within a South African context where the issue of transformation of land ownership has a prominent historical and political significance. The previous two chapters placed the study firmly within the discipline of political science and developed meta-theoretical and theoretical backgrounds for further research into transformation of land ownership. With the NDR as central point of departure for this study, chapter three placed the research within an ideological theoretical framework and supplied ideological models that can be used to identify and analyse other aspects relating to this study.

Transformation of land ownership is not unique to South Africa. For just over a century, 39 countries have been grappling with the issue of transformation of land ownership on every continent on the globe (Wikipedia, 2015:1-2). While a broad definition of transformation was supplied in chapter one, this chapter takes this further by contextualising the phrase transformation of land ownership within the framework of land reform, land restitution and land tenure as the main methods of transformation. With the explanations of the various theoretical approaches to the study of the discipline of political science in chapter two, namely normative and empirical, it is possible to then undertake a normative comparative study using various international examples of transformation of land ownership that represent a variety of ideological approaches based on the ideological categories that were identified on the linear ideological spectrum. Where necessary, some empirical research was used to substantiate arguments.

The central research question relating to this chapter, as formulated in chapter one is the following: *What international case studies can be used within the ideological framework to support the creation of a theoretical framework for the study of the transformation of land ownership?*

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A number of states, provinces and regions followed different ideological approaches to transformation of land ownership in the recent past. The identification and analysis of such examples assisted in the determination of which ideological approaches to transformation of land ownership had been most effective and why others had been less effective or had even failed. A factor that assisted in the identification of states that require scrutiny is the various modes of transformation that were identified by the South African Minister of Rural Development and Land Reform, Gugile Nkwinti, during his 2015/16 Budget Vote in Parliament (2015) as well as during the 2005 Land Summit. During these events, taxation, expropriation, land ceilings, collectivisation and sustainable land reform were identified as specific modes of transformation of land ownership that the South African government is contemplating in various policy proposals. With this in mind, it was important to identify some international case studies that would assist in the analysis of the current South African proposals. This allows for the inclusion of important lessons learned from these examples into the analysis of current proposals regarding transformation of land ownership in South Africa. The preliminary research into the theme identified a number of states and regions for further analysis. These area combination of Latin-American states, Namibia, Tanzania, some Central Asian examples, the People's Republic of China (PRC), the Union of Soviet Socialist Republics (USSR) and Zimbabwe. These states and regions had at some stages of their development used some of the modes of transformation identified above and were thus able to supply some valuable insights for an analysis of South African proposals. The following table supplies clarity on the various methods and modes of transformation that are discussed in this study:

Table 9: Methods and modes of transformation

METHODS OF TRANSFORMATION	MODES OF TRANSFORMATION
• Land reform • Land restitution • Land tenure	• Taxation • Expropriation • Land ceilings • Collectivisation • Sustainable land reform

(Source: Author's own construct)

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Since the analysis of the transformation of land ownership through the methods of land reform, land restitution and land tenure in South Africa was conducted from an ideological point of departure that is firmly rooted in the NDR, it is necessary to structure the comparative research within such a framework. Chapter three identified various ideological categories that are relevant to this process. In this chapter, the research is based on the ideological classifications in chapter three as a framework for this chapter. The following table explains this structure:

Table 10: Methodological approach to the chapter

IDEOLOGICAL CATEGORY	TRANSFORMATION METHOD AND MODE IN SELECTED CASE STUDIES		
	LAND REFORM	LAND RESTITUTION	LAND TENURE
Reactionary	country/region & mode	country/region & mode	country/region & mode
Status Quo	country/region & mode	country/region & mode	country/region & mode
Conservative	country/region & mode	country/region & mode	country/region & mode
Moderate	country/region & mode	country/region & mode	country/region & mode
Liberal	country/region & mode	country/region & mode	country/region & mode
Radical	country/region & mode	country/region & mode	country/region & mode

(Source: Author's own construct)

The research carried out in this chapter required a literature study that deals with issues relating to transformation of land ownership within the identified states as specific case studies. These case studies were also used to evaluate the results of various modes of transformation. From the identified case studies, it was then possible to identify and further analyse some normative values that can be used as instruments to measure the effectiveness of land reform as central components of a normative analytical framework. This chapter has the following objectives:

- To contextualise the main methods of transformation of land ownership, namely land reform, land restitution and land tenure.

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- To carry out a comparative analysis of various states, provinces and regions that followed a variety of ideological approaches to transformation of land ownership.
- To determine the lessons learned from the comparative analysis.

This chapter is deductive since it involves a literature study and analysis of the various case studies based on their use of the modes of transformation identified by Minister Nkwinti and the 2005 land summit. The chapter, however, serves as a basis for the inductive process of creating an analytical framework in chapter five.

In order to achieve the objectives of this chapter the following lay-out is set in the offing:

- Transformation of land ownership – a conceptualisation of the methods.
- Ideological approaches to transformation of land ownership – some international case studies.
- Lessons learnt from the selected international examples.
- Concluding remarks.

4.2 Transformation of land ownership – a conceptualisation of the methods

Within a South African context, the transformation of land ownership deals with three main issues, namely land reform, land redistribution and land tenure. For the purposes of this study, these are referred to as the methods of transformation of land ownership. Since 1994, various policy and legislative attempts have been made to carry out transformation of land ownership using these methods. An analytical framework that deals with these three aspects should not only supply an explanation of each of these terms, but also explain the relationship between them in terms of the broader context of transformation of land ownership. This is carried out in the sections below.

4.2.1 Land reform

Land reform is often broadly described to include various aspects such as land redistribution, land restitution and land tenure. For the purposes of this study, land reform is conceptualised within the context of redistribution. In terms of the redistributive aspect

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of it, it is defined as: “...an effort by government to modify the distribution of land ownership” (Binswinger-Mkhize, *et al.*, 2009:3). Meier and Rauch (2005:407) define land reform in its most basic definition as “...redistributing land to the rural poor”, while Martin (1995:1) defines it as: “...the redistribution of property or rights in land for the benefit of the landless, tenants and farm labourers”. This definition is applicable to most land reform processes, but within a South African context, it has a historical background, rooted in colonialism and Apartheid. In South Africa, land reform proposals have the objective of transferring land from white ownership to black or state ownership.

According to de Klerk (1991:27), land reform has three basic components:

- It is used in the context of the demand for political rights. This gives land a political dimension which is important within the context of the political transformation of society as a whole.
- It is an attempt to acquire land on which to live.
- It is an attempt to acquire land on which to work and by implication secure a livelihood.

These three components are relevant to processes in which land reform is geared towards rights and production, but obtain a different meaning within an ideological context such as in the PRC, the former USSR and NDR driven process in South Africa. From the case studies that follow in this chapter, it is evident that, in cases of ideologically driven land reform, the political objectives outweigh any economic implications of such reforms. In this respect, Martin (1995:9) warns of two recurring issues that must be taken into account in an analysis of land reform programmes. The first is the political commitment by the leadership of the country. Opportunistically conceived land reforms fail because they are politically conceived in order to generate support for a government at a critical time when it best suits them, based on certain political considerations. The second relates to the administrative capacity of governments to implement land reform. Land reform requires a large and widely distributed group of well-trained field or extension staff who are able to inform people of their entitlements, facilitate legal processes of land acquisition and redistribution as well as ensure sustainability of land reform through agricultural support services to new and emerging farmers. These issues are discussed further within a South African context in sections 6.5.1 and 9.2.

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4.2.2 Land restitution

Land restitution is not a concept that is unknown to South Africa, although this country instituted formal legislation to deal with a history of expropriation and historical injustices under colonial and Apartheid governments. In this context, Roodt (cited in Hendricks, 2013:39-40) defines restitution in relation to “...*the restoration of land rights lost through the direct application of apartheid laws*”.

Chigara (2004:65-66) makes an important point regarding land restitution (which he refers to as land restoration), namely: “*But land restoration that achieves nothing more than recreation of early twentieth century communal existence without conferring opportunities that empower peasants to exploit that land in a manner that facilitates realisation of SADC (Southern African Development Community) economic aspirations may not suffice. The quality of the title to land enjoyed just before restoration must be maintained by the creation of individual titles that beneficiaries can use in the market place to secure developmental loans with banks, lease for a period for a fee or even sell if they wish. These are the qualities that make land more than just a dwelling place*”. These comments support the closing statements in the previous section by confirming the importance of ensuring that, similar to land reform, restitution is not just about transformation of land ownership in a political sense, but about the economic empowerment of individuals who were disempowered by actions of former decision-makers in power (both government or traditional institutions).

In Europe, there is a strong element of restorative justice in restitution arguments. In the Czech Republic and Hungary, farmland is finding its way back into the hands of former aristocratic families whose land was expropriated by communist regimes. Similarly, farmland belonging to Jews in Poland, Germany, Czechoslovakia and Hungary that was expropriated by the Nazis in the 1930s and 1940s and later collectivised by communists is subject to restitution claims. Restitution was also subject to de-collectivism in some former communist countries. The restitution processes in these countries emphasised the importance of carefully managing the de-collectivisation processes that accompanied them. The de-collectivism processes were more complicated since they had to be managed in a manner that did not rob people of livelihoods or create new groups of

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disposed people (Lipton, 2009:222). Restitution is not only relevant to South Africa, but in many other countries that have been subjected to expropriation by governments based on ideological, religious and ethnic considerations.

South Africa implemented legislation that allows for a process of restitution claims for land disposed after the Natives Land Act (Act No 27 of 1913). The restriction to land that was affected after 1913 is historical in nature, since the pre-colonial and colonial history of South Africa is ethnically complicated and has the potential to ignite historical ethnic enmity. This is also why Namibia did not embark on a process of land restitution (see section 4.3.2). The current South African land restitution legislation is discussed in sections 6.5.3 and 9.3.

4.2.3 Land tenure

Land tenure is broadly defined within a South African context by Lahiff (2009:93) as: *“...policies that seek to strengthen the property rights of those who already occupy land under various relatively insecure forms of tenure, notably in the communal areas and on commercial farms, it also has relevance for those who obtain land under the redistribution and restitution programmes”*. The United Nations Centre for Human Settlements defines security of tenure as: *“...an agreement between an individual or group to land and residential property which is governed and regulated by a legal and administrative framework. This legal framework is taken to include both customary and statutory systems. The security derives from the fact that the right to access to and the use of land and property is underwritten by a known set of rules, and this right is justifiable”* (Durand-Lasserve & Royston, 2002:8). From these definitions it is safe to say that secure land rights imply rights that are clearly defined, that have long term implications, are enforceable by law, are able to be transferred by legal means and are socially and legally legitimate. Such rights are able to increase agricultural productivity and production since they provide incentives to invest in improvements to the land, increase access to financial services and create opportunities for the optimal use of the land with less risk of losing the land (Landesa, 2012:1).

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While land tenure is embedded into modern laws, it must be noted that freehold tenure that provides absolute ownership rights that imply the right to own, control, manage, use and dispose of property is often regarded as a western practice that was imported into Africa and other parts of the world. The Economic Commission for Africa explains that: *“European settlers in Africa came with their own laws on land ownership. In Southern Africa for instance these were derived from Roman-Dutch law. The settlers created for themselves the legal regime of ownership that best protected them and gave them the largest bundle of rights possible under the imposed legal regimes”* (ECA, 2004:21). The pre-1994 legislative history of land tenure in South Africa is an example of how a white dominated legal system was imposed on South Africa to the detriment of the black majority.

Within the colonial context, the Dutch colonial policies are regarded as the most progressive. In the densely populated colony of Java (Indonesia), the Dutch colonial policy was to produce ample food for the native population. What is regarded as a notable achievement of the Dutch colonial administration was that the native population was prevented from bartering away their land. The argument was that the land was their only capital and that this had to be protected (Walinsky, 1977:60).

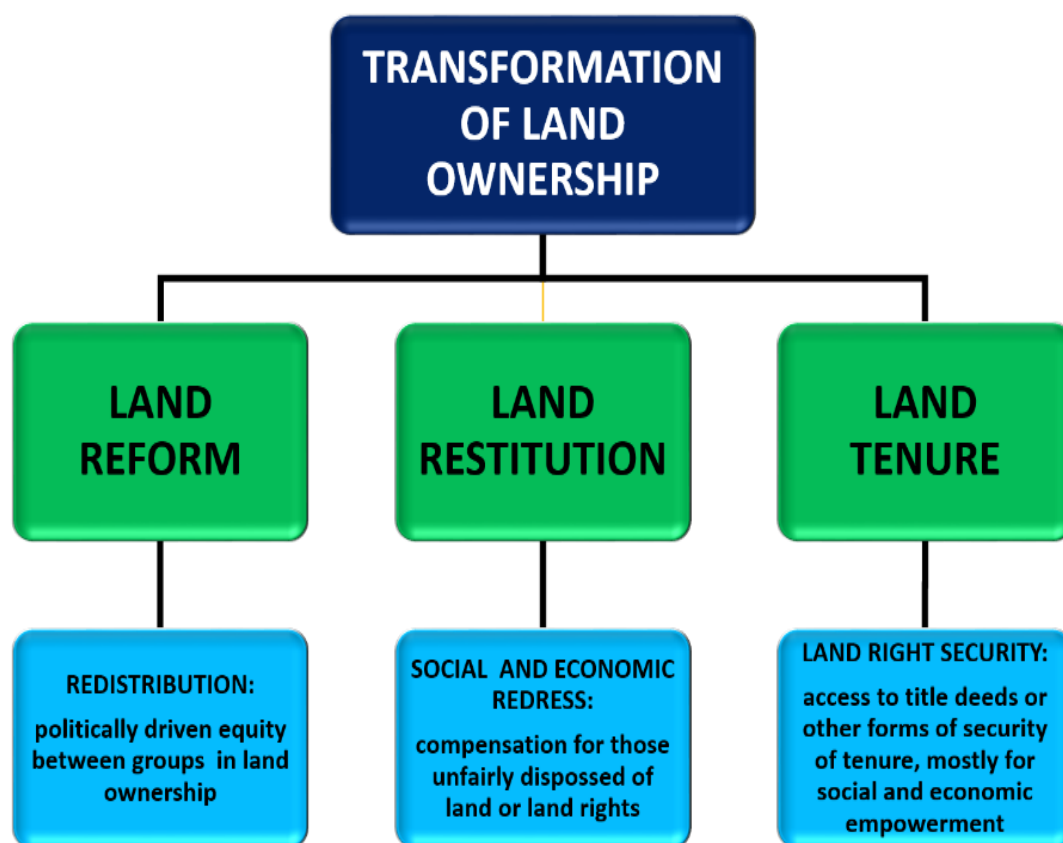
Various options are available that may be used in securing land tenure. Fourie (cited in Durand-Lasserve & Royston, 2002:19) identifies the following options:

- The de facto recognition, but without legal status in special zones (this is a guarantee against displacement or ensures incorporation of the area into a special zone that is protected against evictions). This is evident in the village system in Tanzania (see section 4.3.3) in terms of which village may be regarded as a special zone.
- The official recognition of security of tenure, but without any form of tenure regularisation (the authorities certify that the settlement will not be removed nor will people not evicted from the land).
- The provision of temporary renewable occupancy permits.
- Temporary non-transferable leases (India).
- Long term leases (that may or may not be transferable).
- The provision of legal tenure (leasehold or freehold).

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Land ownership is a form of land tenure, but is regarded as a modern phenomenon which was not known to man in his primitive state. Nomadic hunter gatherers did not have a need to own land. Only when groups of hunters were formed, was the idea of land ownership instituted. The first ownership of land by humans was collective in nature. Even when land became a source of cultivation in early agriculture, the ownership remained communal in nature. Only much later, as economies developed and communities expanded, did the need arise to own land, which resulted in the concept of property rights. The rise of capitalism was linked to the concept of property rights, which formed the basis of successful modern economic development. Within primitive states, property belonged to the state (king). The feudal system saw property being owned by barons and lords who protected the people and the realm in exchange for allocations of land. This land was utilised by peasants who paid taxes to the landlord in the form of portions of their crops. The use of iron implements and animals assisted in the further development of agriculture and productivity of the land. The evolution from communal systems, to a feudal system, to Renaissance Europe, developed the notion of property ownership as a source of economic wealth and political power. The concept of property rights was soon exported through colonialism and conquest to other parts of the world (Changuion & Steenkamp, 2011:11-13).

The concepts of land reform, land restitution and land tenure as discussed above are simplified in the diagram below. For the purposes of this study, these are regarded as methods of transformation of land ownership.



(Source: Author's own construct)

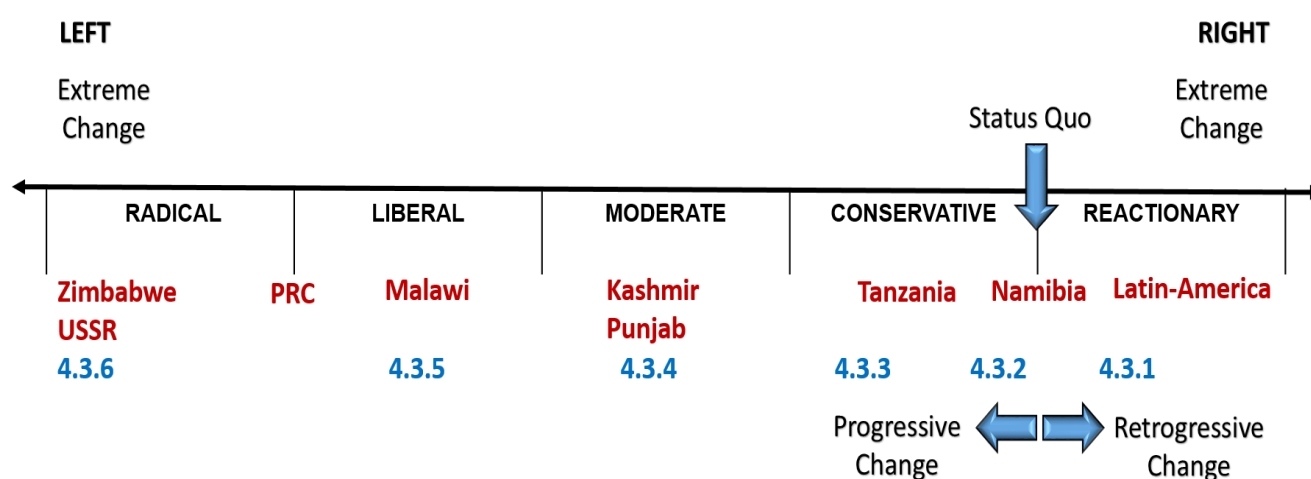
Figure 13: Methods of transformation

A sound understanding of the concepts land reform, land restitution and land tenure, that includes relevant definitions, creates boundaries for the research into transformation of land ownership. While many other aspects affect transformation and impact on political decision-making relating to this, this research concentrated on these three aspects as methods of transformation of land ownership. The next section deals with various international case studies relating to transformation of land ownership and is structured within an ideological framework that includes these three methods of transformation, while also investigating aspects relating to the modes of transformation identified by Minister Gugile Nkwinti and the 2005 land summit as explained in the introduction. This is done across the ideological political spectrum so that a balance of international ideological approaches may be evaluated and best practices as well as short falls identified.

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4.3 Ideological approaches to transformation of land ownership– some international case studies

The preliminary research carried out made it possible to identify international case studies based on their use of specific modes of transformation that are both similar and relevant to current proposals to transformation of land ownership in South Africa. The analysis of these case studies was carried out within the structure that combined both ideological categories and methods of transformation that was formulated in the introduction of this chapter. This analysis also facilitated the identification of some important variables related to the transformation of land ownership that could form the basis for the development of an analytical framework. A literature study was carried out on various case studies that could serve the ideological as well as conceptual purposes of this study. In order to cover the ideological spectrum, the following countries and regions were identified from the literature study, namely some Latin-American examples (grouped together), Tanzania, Namibia, Malawi, some central Asian regions (Kashmir in India and Punjab in Pakistan), Malawi, the People's Republic of China (PRC), the former Union of Soviet Socialist Republics (USSR) and Zimbabwe. These may preliminarily be placed within the various ideological categories on the following political spectrum:



(Extrapolated from Baradat, 1997:16)

Figure 14: Ideological classification by country and region

4.3.1 Reactionary approaches to transformation of land ownership

Latin American states followed various approaches to transformation of land ownership in the past that were in the most cases reactionary in nature. While Cuba followed a

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radical ideological approach to transformation of land ownership through violent expropriation, the approaches by most other states in this region were reactions to this. These reactions could be ideologically placed to the right (conservative) and far-right (reactionary) of the ideological spectrum. These examples were chosen because they supply an antithesis of the radical approaches followed in other parts of the world.

Latin-American examples between 1985 and 2005 supply good examples of three approaches to land reform, namely state-led land reform, market-assisted land reform and grassroots land reform. In Latin-America, the state was instrumental in land reform programmes which in most instances benefitted some classes, often disadvantaging the workers and peasants. The state played a dominant role in Brazil under the Cardoso and Silva regimes through the use of state apparatus to crush opposition to, and defend, a class of property owners who protected their property rights through murder and massacre with judicial impunity. Between 1985 and 1999 in Brazil, 1 158 rural activists were assassinated, while only 58 gunmen were brought to justice with 10 convictions. In Chile, gains made in land reform were halted and reversed under the Pinochet regime. In many instances, other Latin-American states reacted to the Cuban revolution with repressive measures that benefitted an elite class of landowners at the cost of the peasant classes. Redistribution only took place within the peasant sector, which saw the transformation of some peasants into the capitalist class (Veltmeyer, 2005:296-300).

In most instances, governments in Latin-America used the state either to co-opt peasant leaders, or to repress attempts to transform the status quo. Where the market-based approach was followed, it was based on the accumulation of social capital (in theory the ability to network and act cooperatively), rather than natural capital. This relieved the pressure on governments to expropriate and redistribute land. Some reforms provided adjustments in the economy by instituting a land bank to provide rural poor landholders with access to productive resources such as new technology, while strengthening land tenure. The World Bank supported a market-centred approach implemented in countries such as Mexico, Ecuador, Bolivia and Peru which included legislation that abolished the constitutional and legal protection of communal property, improved the legal entitlement to land worked by smallholders which increased their capacity to sell their land and build a land market, as well as encouraged attempts to increase efficiency in production.

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However, the elimination of subsidies to local producers, the commercialisation of credit and the reduction of protective tariffs undermined gains made by local producers, especially small scale peasants. The inflow of cheap agricultural products bankrupted many local producers and changed production and consumption of agricultural commodities, which was especially apparent in Peru. Access to credit by landowners, even those with privileged market access, became difficult, with high interest rates reflecting the risks involved. This approach devastated the peasant economy in Mexico, Ecuador, Peru and Central-American states. The last approach, namely grassroots land reform, was mostly a class struggle given impetus by the Cuban revolution. The struggle of peasant agricultural producers, landless people or near landless proletariat was mostly a struggle for land reform, aimed at the state, more than at land owners. New socio-political movements in the 1990s were peasant-based and peasant-led, many of whom were rooted in the struggle for land by indigenous communities, social justice and democracy. These movements became significant political forces in Brazil, Mexico, Paraguay and Ecuador. In Bolivia, Colombia and Peru, such movements also mobilised against cheap imports of agricultural goods. Land occupations in Brazil resulted in negotiations with the government to obtain title to land through expropriation of properties that did not have social use. New World Bank market-supported land reform programmes in Brazil were based on the redistribution of land, not to the tiller, but to the most productive. By 2005, 35% of the population in Brazil still owned two-thirds of the country's arable land, most of which was not utilised optimally. The national organisation of Brazilian peasants, the MST (Movimento dos Trabalhadores Rurais Sem Terra), mobilised hundreds of thousands of families or rural landless workers to occupy land, negotiated its legal expropriation and put it into production (Veltmeyer, 2005:296-305; Martin, 1995:5).

From the Latin-American example it becomes clear that neither the oppressive state-based, nor imported market-based approaches were able to show much success in terms of land reform. Only the grassroots approach brought some form of real redistribution, although the manner in which it was implemented is not ideal. The solution to the political dilemma facing people in Latin-America is supplied by Mattei (2005:356) who, using Brazil as an example, indicates that the precondition for transformation of land ownership is the combination of rural struggles for agrarian reform and urban struggles for urban reforms

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(wages, shelter, etc.). This mobilisation is the only way in which the economic and political power of “*antiquated Brazilian rural oligarchies*” can be destroyed. These oligarchies are regarded as a hindrance to both transformation of land ownership and national development. The land reform issue remains unresolved in Brazil with about five million families, an eighth of the population, being candidates for land redistribution. Their plight is fuel for political protest action and land invasions by a very active MST (Neto, 2007:1-2).

The maintenance of oligarchies also affected the political development of many Latin American states. For example, while the United States of America (USA) encouraged smallholdings through the 1787 Northwest Ordinance and the 1862 Homestead Act to prevent federal land from being monopolised by large land speculators and corporations, countries like Argentina entrenched land in the hands of landed oligarchies. The political decisions regarding resources such as land had a direct impact on the political development of these countries, especially on the ideological environment for the development of democracy (Fukuyama, 2015:278). It is for this reason that democracy became entrenched much faster in the USA and is currently still in the process of being entrenched in Latin America.

The Latin-American examples indicate that their reactionary approaches to land reform have not improved agricultural production or transformation. However, where peasants who have experience in farming take over land and receive tenure, agricultural output improves. This serves as a lesson on how communal land in South Africa could be managed, since much land remains under control of traditional authorities and such land remains less productive than commercially farmed land (see section 7.3). The Latin-American examples also produce arguments for grassroots based reforms that link tenure to productive individuals and that are individually tailored to suit local conditions instead of the programmes and policies of international institutions. These examples also indicate the potential negative effects of liberalisation on local agricultural producers who are in many instances not able to compete with cheaper, often subsidised, imported agricultural commodities. The lack of access to credit is another factor that impacts negatively on agricultural production among new entrants into the commercial farming sector. It is also

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important to note that land is an important resource whose allocation has both economic and political implications, extending as far as the entrenchment of democracy.

The following table indicates the lessons of the above reactionary examples on land reform, land restitution and land tenure.

Table 11: Reactionary case studies - lessons learnt

METHOD OF TRANSFORMATION	SUMMARY	LESSONS LEARNT
Land Reform	Redistribution within the peasant sector and not landed classes.	Land reform is a necessity when there are land monopolies. Land reform must benefit grass roots beneficiaries. Land reform can improve sustainability of agriculture if supported with credit and protectionist policies, while the lack of such protection destroys new ventures in agriculture.
Land Restitution	No restitution –the process defended landed classes.	None
Land Tenure	Existing property rights protected and an improvement in tenure for smallholder farmers.	Tenure for new entrants can improve the land markets and productivity of land.

(Source: Author's own construct)

4.3.2 Status Quo approach to land ownership

Even though Namibia followed a different transformation path than South Africa, this country was chosen because its history of land dispossession followed a similar tale than that of South Africa. It is also an example of a country that did not introduce policies or legislation that imposed serious changes to the status quo. The transformation in land ownership that was implemented, were slow market related changes.

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During the colonial era, German and South African settlers bought land at low prices. By 1905, the local groups were restricted to Police Zones under a special permit that was granted by the German Governor. The first permit was, however, only granted in 1912. The reason for the hesitation on granting land to local indigenous groups was the threat that this could pose on the wage labour market. When political control of the area was formally granted to the Union of South Africa after World War One, the territory was subject to South African legislation regarding land. Namibia only gained its independence from South African domination in March 1990 (Garcia, 2007:1).

In Namibia, about 4000 commercial farmers (mostly white) own just under half of all arable land. The rest of the land is home to 120 000 black rural households, while a smaller portion is devoted to state owned nature reserves and the crucial mining industry (Chigara, 2004:82). Namibia is mostly a pastoral country with small areas in the north that are suitable for crops, but are prone to drought. The redistribution of land is complicated by the fact that most farms are livestock or game ranches that are not suitable for small scale farming. A consultative process in which various stakeholders participated in a land conference was initiated and concluded in June 1991. At this conference, some ethnic groups argued for the redistribution of land that was currently owned by white free hold farmers lost under the former German colonial rule. After three days of debate, it was decided that this was not feasible. The main reason was that land had been superimposed by various groups over centuries which made the identification of land for specific groups difficult. The conference resolved that foreigners should not be allowed to own land, land owned by absentee landlords should be expropriated and that very large farms and ownership of many farms should not be allowed. Other resolutions dealt with overcrowded communal areas and the improvement of the conditions of farm workers. The extension of communal areas resulted in a great deal of environmental degradation in countries such as Botswana and this was therefore shelved by the Namibian government. It appears that, since agriculture employs 60% of the population, while contributing only 10% to GDP, Namibia has strong reasons for preserving the status quo (Chigara, 2004:82; Adams, 1992:102-106).

The introduction of a land tax and the state's first right to refusal to purchase commercial farms at market value for the purposes of resettlement are the most prominent land reform

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instruments. The purpose of the land tax is to encourage greater efficiency in the use of commercial agricultural land, but also to generate revenue for a Land Acquisition and Revenue Fund. This fund is used to appropriate commercial land that enters the market. These instruments are grounded in the Commercial Land Agriculture Reform Act (Act No 6 of 1995) which has the following aims:

- Providing for a commercial agricultural land tax.
- Enabling the state to obtain land through preferential right under certain circumstances and subject to adequate compensation. This implies that, in the case of any commercial farm offered for sale, the government must be given a first option to purchase such property.
- The prevention of ownership of multiple land holdings by a single individual.
- Regulating the purchase of land by non-Namibian citizens.
- Making provision for a fund to purchase the land required for land reform (Childress *et al.*, 2009:327; Dlamini, 2014:40).

Conflicts over competition for resources such as land among traditional groups, as well as between such groups and new commercial farmers, have escalated over the past decade and a half. A recent example is the conflict between communities in the Western Kavango Region and Owanbo cattle herders from the Ohangwena and Oshikoto regions which led to eviction orders in terms of current legislation. Other communities affected by such conflicts include the San and Herero communities. Further problems included fencing that prevented groups from access to water, groups invading grazing lands used by other groups and government conservancies and government being accused of protecting high profile farmers. The traditional Authorities Act (Act No 25 of 2000) was passed in order to allow Traditional Authorities to manage the sustainable use of commonages that included grazing areas and the distribution and carrying capacity of certain areas. The Communal Land Reform Act (Act No 5 of 2002) further clarified the roles of all actors, including Chiefs and Traditional Authorities, in the administration and management of communal land, the grazing rights of lawful residents, fencing and the use of commonages. This legislation did promote tenure security, but failed to deal effectively with fencing of commonages and does not take the different land uses and seasonal factors into account. Namibia is seen to have a progressive legal system that

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deals with such conflicts and while some deficiencies in legislation require tightening up, the current legislation has been used effectively by communities to defend their land rights (Muduva, 2015:1-4).

Policies and legislation relating to transformation of land ownership in Namibia have some key characteristics that differ from those of South Africa (cf. chapter six and nine):

- Ancestral land rights are not acknowledged which implies that there are no land claims (restitution). Legislation does, however, allow traditional authorities to manage and administer commonages to ensure sustainable resource use.
- The willing seller, willing buyer principle applies to all commercial farmland.
- The Namibian government has a right to first refusal on all land sales.
- Of the 35 million hectares of arable agricultural land, the Namibian government set a realistic and affordable target of transferring 15 million hectares (43% of this land) to previously disadvantaged communities and individuals by 2020. The aim is to transfer 5 million hectares for communal purposes and 10 million through a free market system of affordable loans to assisted individuals.
- So far, about 9,4 million hectares have already been transferred. This amounts to more than 60% of the 15 million hectare target which relates to 27% of the total agricultural land in Namibia (Moneyweb, 2014:1-2).

The table below indicates the lessons of the above status quo orientated example on land reform, land restitution and land tenure.

Table 12: Status quo case study - lessons learnt

METHOD OF TRANSFORMATION	SUMMARY	LESSONS LEARNT
Land Reform	Inclusive process. Land taxes. Preferential acquisition rights for the state (right to first refusal). Funded land reform. Market approach - willing buyer, willing seller principle maintained.	Political stability maintained and expectations controlled through policy stability and inclusivity. Agricultural productivity and production is protected. Food security prioritised. Fair process. Economic impact positive.

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METHOD OF TRANSFORMATION	SUMMARY	LESSONS LEARNT
Land Restitution	No restitution- ancestral lands not acknowledged.	Allows for modernisation and ensures productivity while preventing land degradation.
Land Tenure	Property rights protected and extended to beneficiaries of land redistribution.	Creates policy security and is conducive to economic investment.

(Source: Author's own construct)

4.3.3 A conservative approach to transformation of land ownership

Tanzania's agrarian history from 1967 is an example of a conservative approach to land reform that was initially state-led, but reverted back to the traditional authorities. This example is important for South Africa since Tanzania also has large tracts of land under the control of traditional authorities with unstable legal tenure arrangements.

Under the post-independence Nyerere regime, proposals were made for self-sufficient socialist villages across the country that would form the basis for rural development. This concept originated from a paper entitled "*Socialism and Rural development*" written by Julius Nyerere in September 1967. The proposals were for socialist co-operatives living in "*ujaama*" (Swahili for "*familyhood*") villages across the country. Initially, these were meant to be voluntary, but by 1968 only 180 villages had qualified as *ujaama* projects. By offering villages priority status regarding government entitlements, the villages increased to 5000 by 1973 involving 2 million people, about 15% of the population who were mostly party officials, agricultural officers and community development officers. By November 1973, an impatient Nyerere declared the villages to be compulsory. Between 1973 and 1977, amid reports of forced moves by the authorities, about 11 million people were in villages. The resulting decline in food production turned the country into a beneficiary of food aid, and between 1977 and 1983 the standard of living fell by 50% (Meredith, 2005:253-257). The failure of *ujaama* resulted in the country reverting back to the traditional village system under customary law.

A study carried out in the Iringa district in Tanzania illustrate some interesting normative factors relating to land ownership and land usage under traditional systems. Land rights

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in this district are underwritten by customary rules and norms that include age, status, gender as well group identities. In Tanzania, the “*wawenyeji*” (Swahili word for indigenous) group and the “*wageni*” (Swahili word for guests/immigrants) group are competing for the same land. In terms of the Village Land Act (Act No 5 of 1999), every person above 18 has a right to be assigned land if accepted as a member of a village. However, legislation makes provision for land purchases by the authorities alongside allocation. The Village Land Act accepts the roles of village authorities in the assignment of land. The result of this is that the nomadic Maasai groups (*wageni*) face conflicts with other groups regarding grazing areas for their cattle. Local customary rights are considered to be as secure as private title deed and are associated with obligations to use the land. These rights are for *wawenyeji* and only a few *wageni* who have lived in an area for some time. Most traditional authorities distribute specific rights to individuals or families, while the Maasai manage land as a common property resource. Traditional authorities only give land to *wageni* if it is available and on condition that they keep their distance from locals. Another method of claiming land is through the presence of graves. It has been reported that this is widely used and abused as a method of proving land claims. Land with no graves or tree plantations may be alienated by village authorities and re-allocated. The allocation of more land for cultivation and less for grazing by village authorities has led to further conflict between the Maasai and indigenous groups. A further challenge is that women are increasingly claiming land that is rightfully theirs in terms of customary norms and rules, but has been managed and utilised by their brothers. (Odgaard, 2005:244-258).

The formation of the Tanzania Gender Networking Programme (TGNP) in 1992 played an important role in lobbying for transformation at national and local levels of society. Under the slogan of “*Ardhini Hakiya Wanwake*” (Land is Women’s Right), this network began to exert its influence on issues relating to land and the transformation of the entrenched patriarchal systems of land use. Although the movement remained relatively weak due to its late appearance, after land transformation bills had been drafted, the movement remains an example of the growing demand for gender equality in transformation of land ownership (Manji, 2006:102-102).

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The conservative traditional approach to land issues in Tanzania is under increasing pressure as traditional norms and values experience difficulty with the management of land distribution in a world in which land is becoming an increasingly scarce resource, gender relationships are changing and ethnic land usage considerations are more prominent. Such instances have the potential to escalate the existing conflict into greater instability. While the International Monetary Fund (IMF) and the World Bank are advocating the formalisation and registration of land rights, most rural people in Tanzania in more than 8000 villages hold land in accordance with customary rules and norms. The traditional institutional framework differs greatly from a framework proposed by the international community. The financial cost of surveying land together with the potential instability of dismantling existing power structures and implementing a new institutional arrangement has to be measured very seriously against any positive outcomes of such land reform proposals (Odgaard, 2005:259-260). Tanzania continues to function in two political worlds, one in which traditional customs and rules supply stability to many rural people in a changing and modernising world and the other is characterised by attempts to restructure rural society by introducing new structures such as political parties, co-operatives and administrations. Government appears to continue to follow a conservative approach to aspects relating to transformation since it is the traditional leaders and structures that fill the rural leadership vacuum that is crucial for political order and stability in such areas (Miller, 1970:275).

The Tanzanian approach to land is conservative. It also offers a unique system of security of tenure that is not linked to formal legal title deeds. The system will, however, come under increasing pressure as the population outgrows the ability of traditional village political structures to allocate land for livelihoods and ethnically based cultures of cultivation clash with grazing cultures. South African communal land, much of which remains under control of traditional authorities, are facing similar pressures within a similar transitional society with growing expectations, increasing populations and modern norms and values that, in most instances, clash with traditional views on land ownership and usage. The following table indicates the lessons of the above conservative example on land reform, land restitution and land tenure.

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Table 13: Conservative case study - lessons learnt

METHOD OF TRANSFORMATION	SUMMARY	LESSONS LEARNT
Land Reform	Ujaama village system imposed by government from 1967 to about 1983. Currently an impasse between traditional and elected political leadership.	Ujaama led to massive food insecurity, decline in agricultural output and a sharp economic decline. Limited expectations and policy security that are conducive to political stability with traditional village system. Fixed traditional land structures contribute to current political stability, but have the potential for future instability. Fairness in terms of ethnic agricultural culture is questionable. Economic impact in terms of growth is limited due to traditional methods and structures and an unwillingness to modernise.
Land Restitution	No land restitution.	Conflicts arise between nomadic pastoralists and indigenous cultivators.
Land Tenure	Tenure is underwritten by customary rules and laws.	Currently, tenure is dependent on traditional structures. There is a potential for conflict between political groups demanding modernisation (e.g. gender), ethnic groups requiring land and traditional structures. Limited scope for improved productivity.

(Source: Author's own construct)

4.3.4 A moderate approach to the transformation of land ownership

Two moderate examples in central Asia serve the purposes of this study, particularly relating to specific modes of transformation such as land ceilings. Land reform programmes in Kashmir (India) serve as examples from which some important lessons

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relating to land ceilings may be learnt, while the experiences of land reform in Punjab (Pakistan) identify sustainable land reform legislation as a key element for success. Both of these are key elements identified by Minister Gugile Nkwinti to transformation of land ownership in South Africa.

Through the nineteenth and early part of the twentieth century, land ownership in India was transferred to a large degree through extension of credit by moneylenders to a number of wealthy landowners, while previous owners became tenants. Post-independence land reform in India was seen as a method of ensuring both livelihoods and employment for the large rural population. India has the largest number of rural poor and landless people in the world. Similar to South Africa, promises of land reform were used to mobilise support in the anti-imperialist struggle. Post-independence land reform in India dealt with three main issues, namely tenancy, intermediaries and land ceilings. Tenancy legislation was aimed at securing rights of tenants since most contracts were verbal and could be terminated at will. The tenancy reform laws dealt with issues relating to landowners' rights to reclaim land for personal cultivation, prohibition of future tenancies, setting allowable rental levels for tenancies and tenants' rights to pre-emptive purchases of land. The intermediary system that allowed landlords to hire individuals to manage land and collect rents often resulted in up to 50 intermediaries in an area. The sole purpose of intermediaries was to collect maximum rental without making any contribution to agricultural production. Legislation was implemented to root out intermediaries. This brought about greater equity in land management and also strengthened the state's ability to exercise greater control over land. Intermediaries were replaced by state taxes and levies for land rights. While economic gains were negligible, the political and social gains were significant since the legislation improved the status of tenants and ended forced labour, serfdom and other oppressive practices (Jha & Jodhka, 2013:296-300).

Legislation was also implemented in all states that imposed land ceilings on land ownership by individuals and families. Excess land was ceded to the state for distribution to poor, landless and marginal farmers. The land ceilings were implemented in two phases. The first were implemented in 1960 without national guidelines and the second from 1972 with national guidelines. By 2008, surplus land was calculated to be 6,84

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million acres⁸ of which 5,98 million acres had been taken over by the state. By March 2002, this had increased to about 7,4 million acres that were declared surplus benefiting about 5,7 million beneficiaries. The only states that redistributed more than 5% of operated land were West Bengal, Jammu, Assam and Kashmir. In most states there was a lack of political will to implement the land ceilings (Jha & Jodhka, 2013:303).

Issues relating to the implementation of land reform in Kashmir can be singled out as an example of some of the general issues in India. Some conservative arguments against intermediary and tenancy land reform in Kashmir in 1950 were based on the argument that 96% of the beneficiaries of the programme were illiterate farmers, insinuating that they could not assimilate to rapid transformation in their status. A counter more liberal argument was that illiteracy did not mean that they were ignorant. It was argued that the concept of a piece of land which they could call their own (land tenure), was important to beneficiaries. In Kashmir it was the capacity of the state to enforce land reform programmes that were problematic and not necessarily the capacity of beneficiaries to deal effectively with their status as land owners (Walinsky, 1977:181). Another important lesson learnt from the Kashmir example relates to the concept of land ceilings. An important reason for the implementation of land ceilings was that it could prevent the accumulation of land among a few landowners. One of the best historical examples of such legislation was the Big Landed Estates Abolition Act (Act No 17 of 1950) that restricted the amount of land that a landlord could own to 22,5 acres of cultivated land. The ownership of the excess land was ceded to the tenants. The Act excluded orchards due to their importance in the Kashmir economy. The landlord was also given the option to choose 22,5 acres of which suited him best. There were also time frames on compliance and penalties placed on non-compliance to this legislation. One of the most important failures identified in the Big Landed Estates Abolition Act is that, by restricting the amount of land that a landlord could own, it failed to make a distinction between the significance of 22,5 acres dry land, fertile land, wetland and non-productive land. It was argued that, in Jammu where dry land predominates, this amount of land an owner could retain, was worth infinitely less than a similar amount of wetland an owner could retain in the Kashmir valley (Walinsky, 1977:180).

⁸ One acre is equal to 0,404685642 hectares.

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In Punjab province in Pakistan, land ceilings were also implemented and later questioned due to their unfairness in terms of fertility of soil and productivity. While land ceilings were implemented as part of the initial land reform programmes in Punjab, there was a process of reforming the Punjab Land Reforms Act (Act No 10 of 1972) to increase land ceilings from 17,5 acres to 25 acres. Most land owners registered land in the names of family members to circumvent land ceilings. Land ceilings are questioned by the President of the Bharti Kisan Union, Ajmer Sing Lokhowal, who asked the question: *“When there is no ceiling on land for raising factories or other businesses, why it has to be on agricultural land?”* (Randhawa, 2013:1). The growing resistance to land ceilings indicates that this may soon be abolished in this region.

In Punjab, legislated transformation of land ownership provided a legal framework for the active participation of the effected people in the implementation of programmes. It was clear that land reform in Punjab could not be carried out from the cities and decisions regarding the correct status of individual landholdings, ownership and past and pending occupancy rights should rather be made at ground level. In this respect it was emphasised that: *“The very nature of a land reform program designed to benefit the large group of underprivileged demands that properly constituted groups of farmers, equally representative of all village interests, must be entrusted with the responsibility of doing the job. Only on this basis can the letter and the spirit of the legislation be fulfilled. “On economic, political, and social grounds there appears to be no substitute for this approach”* (Walinsky, 1977:160).

There are lessons from Central Asia that are applicable to the current South African proposals on land ceilings:

- Kashmir is an important lesson for South Africa, where there are vast differences in the value and production potential of the large tracts of non-arable land as opposed to smaller areas of arable or fertile land (see section 7.3). Another interesting aspect is that orchards that are of great economic importance were excluded from land reform in Kashmir. The presumption is that land reform should not have negative economic implications for the region.

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- Kashmir also emphasises that state capacity and political will to implement and support transformation of land ownership programmes and empower peasant farmers are more crucial for success than the literacy levels of the beneficiaries of such programmes.
- The approach in Punjab emphasises the importance of a well-legislated and managed inclusive process of grassroots land reform.
- Decisions regarding tenure were decentralised in Punjab and ownership of the process of transformation of land ownership was transferred to local structures. The land reform legislation merely gave structure to an inclusive decision-making process that included all interests at local implementation level.
- The examples of both Punjab and Kashmir emphasise how land ceilings can be circumvented and, as a result, legislative measures are often subjected to later changes.

The table below indicates the lessons of the above moderate examples on land reform, land restitution and land tenure.

Table 14: Moderate case studies - lessons learnt

METHOD OF TRANSFORMATION	SUMMARY	LESSONS LEARNT
Land Reform	Land ceilings implemented.	Land ceilings are not necessarily fair due to differences in fertility of land. Land ceilings must exclude important economic commodities. Land ceilings can hamper productivity and food security. Land ceilings should be a result of an inclusive process. Land ceilings give beneficiaries status and greater political significance.
Land Restitution	Tenancy reform.	Tenancy contracts transferred from private landowners to the state.

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METHOD OF TRANSFORMATION	SUMMARY	LESSONS LEARNT
Land Tenure	Land tenure for smallholder farmers strengthened. Consultative process in Punjab.	Tenure for smallholder farmers can improve productivity and is conducive to fairness if the result of a consultative process.

(Source: Author's own construct)

4.3.5 A liberal approach to the transformation of land ownership

Liberalisation regarding the economy, but also regarding transformation of land ownership is subject to ongoing debate in South Africa. Malawi has some important lessons for South Africa and serves as an interesting example of land redistribution through liberalisation since the country gained independence in 1964.

During the colonial era, Malawi only managed to attract about 2000 white settlers who obtained property through agreements with local chiefs. These agreements were formalised by title deeds to such property by the colonial government, which converted many subsistence farmers into labour tenants. Government policy in post-colonial Malawi, however, viewed land as a commodity that was governed by market forces which encouraged entrepreneurs to acquire portions of communal lands and convert them into private land. Most beneficiaries of this liberalisation were indigenous capitalist farmers, civil servants, senior politicians and business people. Various pieces of legislation transferred customary land into private land which led to an increase of privately owned estates and reduced the land available for smallholder farmers and rural communities in general. The state also acquired an estimated 21% of all land for reserves and national parks (protected areas). Redistribution of land after independence was mostly from white farmers to black farmers, but the structure of land ownership did not change in terms of grassroots redistribution (Kanyongolo, 2005:121-125).

Frustration among the rural poor led to the occupation of land by poor rural communities. Land occupations were not restricted to privately owned land, as was the case in most other countries. For example, in 1994 the Matandwe Forest Reserve was occupied for eight years by local villagers. By 2002 this number had grown to 5000 people who

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occupied 26 205 hectares of land. The occupation of the Liwonde Forest reserve in 2002 was met with arrests, the burning of occupiers' houses and destroying produce by police (Kanyongolo, 2005:126-128). Various other occupations took place that included politicians and traditional leaders and not only landless people. Occupations led to the creation of a structured land reform policy that included four main objectives, namely the restitution of land that was acquired on the basis of colonial land tenure regimes, the conversion of parks and reserves into food producing land, the equitable distribution of fertile lands and the democratisation of local governments responsible for the administration of land. The National Land Policy of 2002 was restricted by not dealing with redistribution or restitution per se, but rather with government's ability to access funds for this purpose. Land occupations continue to be met with harsh resistance from both the authorities and landowners (Chinsinga, 2008:4; Kanyongolo, 2005:135-136).

In his analysis of the Community Based Rural Land Development Programme (CBLDP) in Malawi, Chinsinga (2008:13-15, 18) indicates that this programme was the result of a Presidential Commission on Land Inquiry that had been constituted in 1996 and completed its work three years later. As part of the National Land Policy, the CBLDP was based on a willing buyer, willing seller principle funded by both the World Bank and the Malawi government. The programme allowed for a Community Oversight Committee (COC) and Project Management Committee (PMC) to jointly assist beneficiary groups to be formed, to acquire land and resettle in trusts as legal entities. The programme made significant contributions to household food security and created surplus agricultural commodities for sale by the trusts. The increased agricultural production boosted the local communities and created additional employment opportunities. However, the programme also experienced capture by local traditional leaders and COC members. The greatest threats to the programme were the disputes within these programmes and between communities that had been initiated by traditional leaders.

A study carried out by Zamchiya and Gausi (2015:1, 21-22)⁹ of the Institute of Poverty, Land and Agrarian Reform at the University of the Western Cape culminated in a report titled *Commercialisation of Land and 'Land Grabbing'* that came to the following conclusions regarding land issues in the Nkhotakota and Chikwana districts in Malawi:

⁹ Cf. further research of Gausi and Mlaka (2015) regarding land governance in Malawi.

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- Land tenure security laws in Malawi are open to manipulation by foreign investors, state authorities and local elites whose aims are to replace communal farmers with large-scale commercial production.
- Large-scale land acquisitions for commercial use contribute to the destruction of livelihoods of residents on communal land.
- Compensation and consultation procedures are not followed by investors, who are assisted by state institutions such as the police.
- Traditional leaders play a role in this land acquisition at the cost of their people.
- Community organised resistance, instead of costly and time consuming legal procedures, can help to ward off large land grabbing initiatives.
- Malawi requires its existing legislative framework regarding land to be revised in line with the Malawi National Land Policy in order to make provision for individual and group rights under customary tenure that clearly defines the roles and responsibilities of traditional leaders.
- A moratorium should be placed on all large-scale land acquisitions.

Despite many challenges facing Malawi relating to access to land, the country remains an example of how investment in agriculture by government has national benefits. Against the advice of international donors, the Malawi government has invested in fertilizer and seed subsidies for more than a million farmers since 2004. This initiative tripled maize production within two years and assisted the country during world food price increases that led to poverty and hunger in many African countries in 2008. During this time, Malawi was even able to export maize (McMahon, 2014:243)

Malawi has some important lessons for South Africa, namely:

- Funding for both land reform and food production remains a crucial element for transformation of land ownership.
- In Malawi, state owned land such as reserves are illegally occupied instead of commercial farmland as was the case in Zimbabwe. In such instances it appears that the political and economic consequences are not as significant as in other countries such as Zimbabwe.

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- The violent reaction to illegal occupations by the authorities is similar to some Latin-American examples. Such action, however, only serves to prolong a process of redistribution that appears to be inevitable and has the potential to escalate into political instability.
- Racial transformation of land ownership must benefit landless people and not capitalist commercial farmers, civil servants, politicians and business people. This is particularly relevant to South Africa where many beneficiaries of land reform programmes are chosen for reasons that benefit patronage networks instead of the rural poor.
- Land reform requires inclusive local structures that are able to facilitate and guide land reform programmes.

The table below indicates the lessons of the above liberal example on land reform, land restitution and land tenure.

Table 15: Liberal case study - lessons learnt

METHOD OF TRANSFORMATION	SUMMARY	LESSONS LEARNT
Land Reform	A market related approach that was dependent on funding. Transfer of land was mostly between white owners to black elites and to the state. Land transfers did not initially benefit the rural poor. Programmes were vulnerable to elite capture.	Food security and economic sustainability determined by government policy support. If expectations of rural poor are not met it can lead to internal unrest and land invasions. Inclusivity is an important part of land reform. Traditional structures can be disruptive to land reform. Land reform is vulnerable to elite capture
Land Restitution	Transfer through the market of title deeds from white to black owners.	Political stability affected by unfairness of transfers, to elites and large-scale commercial companies and not landless rural population.
Land Tenure	Secure property rights for all land owners. Landless rural poor still without tenure.	This has not assisted the landless rural poor to obtain land.

(Source: Author's own construct)

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4.3.6 Radical approaches to the transformation of land ownership

This section on radical approaches to land reform compares various approaches to this topic. The PRC and former USSR are historical in nature, while the Zimbabwe example is more contemporary and closer to home. The examples are relevant due to calls for expropriation without compensation and ongoing collectivisation in South Africa. The investigation into the radical approaches to transformation of land ownership by the three case studies in terms of content and comparison supply some important lessons for South Africa.

4.3.6.1 Land reform in China – an ideological pendulum

Post-war China serves as another example of both liberal and radical land reform. In parts of China (modern Taiwan), liberal approaches to land reform started prior to Communist takeover of mainland China. In 1948, a commission (Joint Commission on Rural Reconstruction established under the US China Aid Act of 1948) was established to bring about agricultural reconstruction. This commission's broad reconstruction guidelines are still applicable to agrarian reform today and include:

- Establishing basic principles underlying a sound reconstruction programme in underdeveloped areas.
- Establishing criteria for the selection of projects.
- Organising an agricultural reconstruction programme.
- Achieving rapid results.
- Accomplishing as much as possible with limited financial resources (Walinsky, 1977:137 & Palmer, 1989:311).

With the takeover of mainland China by the Chinese Communist Party (CCP) in 1949, a new radical approach to transformation of land ownership was implemented that was regarded as an agrarian revolution. The new approach was ideologically defined as being an important part of the bourgeois democratic revolution that would eliminate all the remnants of semi-feudalism that had previously characterised Chinese society. It had both political and economic objectives. On a political level it would deprive the landlords (who

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were most hostile to transformation) of their economic power and political strength, while increasing support of the peasants for the new government. On an economic level, it was seen as a means of restoring and increasing agricultural production. On 28 June 1950, the *Agrarian Reform Law* was enacted and was followed by a campaign to destroy the former oppressors of the peasants. With hundreds of thousands of work teams comprising party, government and People's Liberation Army (PLA) cadres, the peasantry were mobilised behind the revolutionary land reform process. By 1952, about 46 million hectares of land (half of cultivated land) had changed hands involving about 300 million peasants. All draught animals, implements and houses were also confiscated and redistributed. Former landlords were left with enough land to carry on as individual farmers in the peasant category. Any resistance was regarded as counter-revolutionary and was met with violence. It is estimated that there were hundreds of thousands of deaths as a result of this programme. The land reform programme did satisfy the political objectives of destroying a landed class and distributing land to peasants, but its successes in terms of modernisation or increased agricultural production are negligible (Rodzinski, 1988:19-21; Almond & Powell, 1992:417).

By 1953, there was a realisation that the land reform programmes had not contributed to larger crop yields. The new sentiment of the communist government was that socialism could not be built on the basis of a peasant economy, but rather on the basis of large collective industrial or agricultural undertakings. The new approach required the formation of agricultural co-operatives that would require peasant farmers to give up their land for this enterprise. This took place with great speed and by June 1955, about 16,9 million households were part of the 650 000 co-operatives. This was expected to increase to one million co-operatives accommodating a third of the 110 million households by 1957. While criticising cadres who were concerned by the speed of this reform, Mao Zedong was adamant that his co-operative approach should be carried out speedily. This process was completed by 1957. Labour, instead of land contributed, was used as a basis for remuneration on the co-operatives that were re-organised into 485 000 collective farms. This process was more successful than Stalin's collectivization in the Soviet Union. By 1978, authorities realised that a system of production in which groups of people who were deprived of initiative, responsibility or decision-making were flawed. After a process of experimentation, it was decided to return to a system of contracting production to

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households which implied a partial return to individual farming. Between 1982 and 1984, the system of collectivisation broke down as speedily as it had been implemented. The system of contracting land to peasants for 15 year terms encouraged peasant investment and improved stability. This was often regarded as the second land reform under the communist government and signified a liberalisation of land reform programmes. While government quotas had to be met, the new system gave people the power to make their own decisions regarding the economic activities they would engage in. Surplus was sold on the free market, taxes were paid to government and farm machinery and implements previously used on communes were either purchased or hired. By 1984, over 90% of all tractors in the PRC were privately owned. While ownership of land remained in the hands of the collective, the agricultural output of peasants increased by over 100% and led to an increase in rural industries such as food processing. As with all other countries, the mechanisation of agriculture led to a surplus of labour that had to be absorbed elsewhere (Rodzinski, 1988:33-36, 267-269).

Transformation of any kind inevitably creates expectations of further, even greater and faster, changes. This was evident in the PRC during student uprisings in the late 1980s. In this respect, Fathers and Higgins (1989:17) indicate that: *“What Deng (Xiaoping) could not, or would not, recognize was that the drive to reform and modernize China’s economy had inevitably set expectations in train, at least among the intellectual and professional classes, that politics and society would be reformed in their turn, as surely as night follows day”*. Many economic reforms that include the decollectivisation of the agricultural sector, the introduction of the contract system and the creation of a commodity economy are expected to translate into political reforms. It has been postulated that China’s diverse and decentralised regions will not be held together by nationalism and that democratisation in China will be a necessary outcome of changes that were first noticed and implemented in the rural agricultural sector (Khampa, 2000:2,4).

The PRC transformation of land ownership is summarised in the table below that illustrates the specific time frames for each.

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Table 16: Agricultural transformation in the PRC

YEARS	TYPE OF AGRICULTURAL TRANSFORMATION
1949-1952	Large landholdings ended and tenancy destroys the former rural elite.
1952-1955	Cooperatives of 4-10 households (agricultural producers) become the basic accounting units.
1955-1957	Collectivisation begins as smaller cooperatives become the basic units of higher cooperatives, with households retaining small plots.
1957-1959	Private plots are absorbed by communes and become production teams within communes of up to 25 000.
1959-1978	Private plots are returned to households with limited free markets for household food production. The communes are reduced in size and increase to about 50 000 after 1970.
From 1978	Return to family farming and the free marketing of surplus. Land use, draught animals and equipment are transferred to groups or households that incentivise production with individual profits.

(Almond & Powell, 1992:418-419)

Lessons learned from the radical PRC approach to transformation of land ownership indicate that collectivisation programmes do not contribute to improved agricultural output if they are not linked to market forces. The liberalisation that rewarded investment of initiative, labour and private mechanisation on land proved to dramatically improve the Chinese rural agricultural production and local economies. Unlike the USSR, the PRC was able to identify flaws in the radical approaches to collectivisation and remedy them with a more market orientated liberal approach which dramatically improved agricultural outputs. The Chinese work ethic differs from other countries and makes incentivised market related reforms conducive to improved agricultural production.

The following table indicates the lessons of the above radical example on land reform, land restitution and land tenure.

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Table 17: The PRC as a radical case study - lessons learnt

METHOD OF TRANSFORMATION	SUMMARY	LESSONS LEARNT
Land Reform	Expropriation of all land. Initial collectivisation was later followed by co-operatives and individual 15 year contracts for leasing of land to individuals.	Collectivisation is not conducive to improved agricultural output or food security. Contractual security of tenure improved agricultural output. Forceful state coercion is required to maintain political stability where freedom is restricted. Fairness is compromised by state control.
Land Restitution	No restitution	
Land Tenure	No private tenure, all land is owned by the state.	The expropriation and lack of tenure affected the fairness transformation processes. The limited 15 year contractual periods of tenure did improve productivity.

(Source: Author's own construct)

4.3.6.2 Land reform in the Soviet Union – the failure of collectivism

South Africa has various agricultural projects (some called agri-villages) that display typical characteristics of collectivism. These collectives are implemented on similar principles to the collectivist approach in the former USSR. By investigating the transformation of land ownership in the former USSR between 1917 and 1964, it is possible to learn some important lessons, not only on collectivism, but on the political and economic impacts of radical and violent transformation of land ownership.

The idea of an agrarian co-operative originated in the 1860s and 1870s from a Russian socialist, Alexander Herzen. He believed that an agrarian co-operative (or village commune) could form the basis for a new socialist society. Educational reforms in Russia were not met with reforms in other areas in society, which created a body of educated people with radical views. Attempts to spread these radical views to peasants by populists

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in Russia were met with distrust and resistance by peasants who regarded the Tsar as their protector against landlords and corrupt officials. Their main concern was the acquisition of more land and better materialistic conditions (Dziewanowski, 1979:38-39).

With the political victory of the Bolsheviks and the formation of the Soviet Union in 1917 came the birth of institutionalised communism. This had implications for the landed Russian estates. The *1918 Land Decree* ordered the immediate partitioning of estates, livestock and implements belonging to the former imperial family and the church to the peasants. The land became the property of the state and only individuals willing to cultivate it themselves were allowed to use it. The large estates were divided into 25 million individual smallholdings. This was, however, regarded as an interim measure until such time as collectivisation could take place. The arbitrary requisitioning of agricultural produce from peasant smallholdings, in the form of a food levy, led to a great deal of dissatisfaction. By 1921 a New Economic Policy (NEP) was accepted that replaced a food levy with a system of taxation that could not exceed half of the former levies and surplus could be sold on the open market. This tax was levied progressively so that individuals producing more produce would be taxed more heavily. The reforms were, however, too late to prevent a famine during 1921 and 1922 that was caused by previous policies. One of the consequences of the NEP was the realisation that, if peasants were to produce more food, they would require some sort of security in the form of reasonably long term land tenure. These concessions to peasants were known as the *Land Code*. This had an effect on industries across the country with some industries being leased back to previous owners. The NEP also increased food production and allowed for food rationing that was established during the famine to be abolished (Dziewanowski, 1979:105-106, 138-139).

By 1927, the government's unwillingness to pay market prices had led to a two million ton shortfall in state grain acquisition and another food crisis in the USSR. The reaction to this by leftist groups was to blame the 5% of peasants who had progressed to the category of owning more land than they could cultivate. They were referred to as Kulaks (fists) who were regarded as exploiters, while in reality most were hard working industrious farmers who owned most of the machinery and produced most of the grain. By 1928, the Stalinist government had implemented massive reprisals against the prosperous peasantry by confiscating available food and arresting the Kulaks who were to be "*liquidised*". A new

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system of collectivisation of 20% of individual farms was introduced that involved the confiscation of property and its inclusion into collective farms. This process is believed to have uprooted and destroyed millions of peasants. By the end of 1930, there were about 14 million peasant families on 250 000 collective farms averaging about 1 200 acres of size and 4000 state owned farms averaging 7500 acres. While in 1928, nearly 96% of farms were in private hands, by 1938 about 94% were in one form or another controlled by the state. Management of collective farms was one of the reasons for their failure. Collective farms were meant to elect their own chairpersons, but in practice chairpersons were appointed above and were communist party members. After Stalin's death in 1953, Khrushchev attempted to raise productivity and political support through campaigns aimed at social and political transformation. This did not improve food production and in 1960 the Soviet Union once again experienced grain shortages that led to the large scale starvation of livestock. The need to purchase grain from Canada and Australia in 1963, due to a drought, in spite of the largest sown area in the history of the country (350 000 000 acres) as part of Khrushchev's plant corn campaign, indicated the magnitude of the failure of the collectivized system. This was acknowledged by Khrushchev who criticised the fact that the input of farmers was not recognised in their rewards. He increased investment in agriculture to 11,5 billion roubles in the two years between 1964 to 1965, compared to 10 billion roubles in the previous four years combined. Additional investment in agricultural machinery, irrigation, chemicals, land reclamation and procurement price rises were adopted as part of long term programmes to improve agriculture. Agriculture soon became the greatest failure of the communist economy in the Soviet Union and led to the overthrow of Khrushchev in 1964 amid increased internal political instability (Dziewanowski, 1979:189, 192-195, 349-350, 386; Breslauer, 1982:121, 140, 269).

The above example indicate that collectivism as an instrument of land reform failed and led to serious famines in the USSR due to the following reasons:

- The lack of market-driven incentives to produce food.
- The punishment of individuals (Kulaks) who, through their initiatives and efforts, were able to produce more commodities and as a result accumulate more wealth than other farmers.

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- The imposition of cadres into management positions in collective enterprises does not improve productivity of collectives.
- The central control of commodity prices and the resulting lack of production incentives contribute to poor agricultural outputs.
- Imposing the state as the only buyer and distributor of agricultural commodities does not work, especially when the state is not capacitated to carry out such a task.

The table below indicates the lessons of the above radical example on land reform, land restitution and land tenure.

Table 18: The USSR as a radical case study - lessons learnt

METHOD OF TRANSFORMATION	SUMMARY	LESSONS LEARNT
Land Reform	Expropriation. No real redistribution to rural poor. Use of violence by the state to implement transformation.	Caused massive food insecurity and famines. Agricultural output never recovered. Utopian expectations of the masses were not met. The process can be regarded as unfair since it punished personal initiative and effort. Had negative long term economic implications.
Land Restitution	None	
Land Tenure	All land was transferred to the state.	Caused food insecurity and famine as well as poor agricultural outputs. Political instability was forcefully suppressed.

(Source: Author's own construct)

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4.3.6.3 Land reform in Zimbabwe – a speedy road to starvation

No comparative study on transformation of land ownership in South Africa can be complete without including Zimbabwe as an example of a modern radical approach to this issue. The fact that Zimbabwe borders on South Africa, the demographic and historical similarities with South Africa, the fall-out in terms of cross border migration and the impact of Zimbabwe's land reform policies on South Africa's political and economic discourse makes it imperative that this country's transformation policies are investigated further.

Zimbabwe's history regarding land is similar to that of South Africa. Prior to the fast track land reform policies, land was in the hands of a white minority, while the majority black population were reduced to full-time industrial or mine workers with subsistence-based agricultural activities for migrant labourers and their families on labour reserves. Some commodity production did take place on communal reserves that were mostly run by unwaged females, whose husbands were working elsewhere. Many such areas were run by traditional authorities. Although this system was not called Apartheid, it was very similar to the South African system (Moyo, 2013:255-256).

The Zimbabwean land reform model received a large amount of international attention and land reform in this country was denounced as "*land grabs*" under a "*corrupt and brutal dictatorship*" (Martin, 1995: 6). The land reform programmes, together with the international reaction, had a negative economic impact that turned the bread-basket of Southern Africa into a so-called basket case. The programmes were based on the 1992 Amendment to the Constitution and the Land Acquisition Act (Act No 3 of 1992) that were aimed at allowing government to acquire 5 million hectares of land from commercial farmers for resettlement. The Act made provision for a number of non-market provisions such as land valuation procedures to replace the willing buyer, willing seller provisions in determining purchase prices, limits on the number of farms owned, limits on farm size, limits on absentee landlords and foreign ownership and for the designation of areas for land acquisition and resettlement (Martin, 1995:6).

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This land reform model was carried out in various three distinct phases (time frames), as indicated by the table below:

Table 19: Zimbabwe's land reform time frames

PHASE	TIME FRAME	TYPE OF REFORM
1	1980-1992	Secure predominance of market methods with two sub-phases: • 1980-1985: Political emphasis on engaging with the market and delivering land to the peasantry. Government appeasement of peasantry. • 1985-1992: Redistribution and the fiscal status of the state tapered off. The liberation movement became embourgeoised (urban middle class orientated) which led to a rift between the ruling party and rural populations.
2	1992-1999	Beginning of the official challenge to market methods which led to the threat of compulsory acquisition in 1997 in the context of an encroaching social and political crisis. The Land Acquisition Act in 1992 legalised compulsory acquisition with provisions for compensation and legal recourse. This was done to appease the demands of war veterans and place the spotlight on the 1 470 white commercial farmers promising the transfer of 20% of their land to the veterans.
3	2000-2002	The resolute abandonment of a market approach which was replaced with radical and compulsory acquisition. By 2000, mass land occupations were led by war veterans and by June 2000, about 800 white owned farms had been occupied. By 2002, the “ <i>fast track</i> ” land reform had expropriated about 90% of white farms (10 million hectares).

(Extrapolated from Moyo & Yeros, 2005:183-185, 187-188)

The farmers, farm workers and their families were the main victims of occupations in Zimbabwe. In some rare cases, farm workers supported and joined such occupations, but in many instances they opposed them. In instances where they opposed occupations, they were subjected to violence and forced evictions. The unstructured land reform

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process often placed the interests of farm workers against those of landless invaders of land. The farm workers were not supported by a government who regarded them as being mobilised by white landowners to vote against constitutional changes and for the political opposition. In the past, unions among farm workers concentrated on issues such as wages and working conditions and they never engaged on land reform. The land occupations resulted in 150 000 workers being displaced and left destitute (Moyo & Yeros, 2005:190-191). Between 2000 and 2015, about 4800 white farmers and many black commercial farmers were forcibly evicted from their properties. About one million hectares is still under control and management of original owners in what is technically known as “*Offer Letters*” which are regarded as 99 year leases. About 200 farmers (3% of land affected) accepted compensation offered by the state and relinquished their rights to the land. The compensation amounted to a mere 10% in some instances. However, an extensive registry of land that had been expropriated was kept and this has been used to successfully challenge the Zimbabwean acquisition programmes in various regional and international courts of law (Cross, 2016:2-3).

State assisted grassroots transformation of land ownership in Zimbabwe took the country into famine status. The 489 000 unemployed farm workers became part of the 49% of the extremely food insecure part of the population that relied on donations from the United Nations World Food Programme. By 2005, about 7 million Zimbabweans were on the brink of starvation. Mugabe gave the state controlled Grain Marketing Board the sole right to import and distribute maize supplies. This enabled the ruling Zimbabwe African National Union – Patriotic Front (ZANU-PF) and government officials to use food as a political instrument as ZANU-PF controlled areas received priority and opposition areas were blocked. Currently there are about 160 000 black smallholder farmers on 7 million hectares of land and 28 000 black commercial farmers on 2 million hectares of land with about 200 to 300 white commercial farmers left. Although food production has recently improved, the country is still struggling with food insecurity and the economy remains in ruins (Plaut & Holden, 2012:325-326, Meredith, 2005:645). There has, however, been an increase in cropped land since the implementation of land reform policies. Before 2002, the large scale white owned farmers cropped 700 000 hectares of land that amounted to 20% of arable land. This had increased to 40% of arable land by 2007. The outputs in terms of yields per hectare fell significantly since 2000 and agricultural exports decreased

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significantly. Although the outputs have improved in recent times, they remain far below the 2002 values. Export commodities such as tobacco were grown on the large scale landholdings. By 2004, tobacco output decreased by 72% when compared to the 1990s average, but started to increase by 2011. The reduction in export commodities had a significant impact on Zimbabwe's economy (Moyo, 2013:273). The Current droughts across the Southern African region will have a further impact on the existing food security problems in Zimbabwe.

While some politicians in South Africa hail Robert Mugabe as an African hero for the manner in which he dealt with white farmers, it cannot be disputed that his methods destroyed Zimbabwe's economy and food security in the process. Much of the fallout in terms of these land reform policies and legislation was because government lost control of their implementation and allowed this to fall into the hands of violent and unscrupulous land invaders who cared little for the economic, political or social implications of their actions. It also made the state appear weak and unable to control land invaders, which had as bad an impact on investment and the economy as the actual actions of such invaders. The social, economic and political implications of Zimbabwe's radical land reform policies serve as a valuable lesson for South Africa. They also serve as a warning of what can happen when politicians, faced with growing opposition and seeking ways to divert political pressure and anger, are willing to sacrifice a country for personal political survival. Although South Africa has a much more diverse economy and different rural/urban dynamics than Zimbabwe, the ANC-led regime is facing mounting pressure and political rhetoric indicates a need for scapegoats who could afford short term political respite for political elites under pressure. In this respect, Zimbabwe looms as an extreme example of how short-sighted ideologically driven policies can impact on the economy of a country and lives of its people.

In March 2016, the Minister of Finance in Zimbabwe tabled a memorandum in Parliament that established a special fund to raise money for the administration and payment of compensation to owners of land held in Zimbabwe under freehold tenure. This implies that victims of the so called "*Fast Track Land Reform Programme*" could be eligible for compensation for four items, namely the land itself, immovable property and improvements, movable property taken over at the time of acquisition and any legal fees

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incurred (Cross, 2016:2). The sources of funding for this, however, appear to be as unsure as the political insecurity that the political rhetoric espoused by the country's President continues to create. Furthermore, it has been reported that the new 99-year leases issued to beneficiaries of the land-grabbing are not bankable. Although the Lands Minister, Douglas Mombeshora, indicated that such leases could be used to secure loans, the banks are rejecting the new lease documents. The main reasons for the rejection appear to be the lack of skills and infrastructure (Mpofu, 2016:24).

The table below indicates the lessons of the above radical example on land reform, land restitution and land tenure.

Table 20: Zimbabwe as a radical case study - lessons learnt

METHOD OF TRANSFORMATION	SUMMARY	LESSONS LEARNT
Land Reform	Three phases: market reform, compulsory acquisition with compensation or legal recourse and compulsory acquisition without compensation (land occupations).	Expectations of the masses were not met, only those of land invaders (mostly war veterans). Negative impact on food security. Destructive effect on the economy. Source of political dissatisfaction and insecurity. Destroyed productivity of occupied farms.
Land Restitution	Restitution was part of land reform.	Reform programmes did not meet restitution expectations.
Land Tenure	Property rights were secure in the first phase, but diminished in phase two and were meaningless in phase three. Other forms of tenure are similarly insecure.	Negative impact on food security. Destructive effect on the economy. Source of political dissatisfaction and insecurity. Created a new group of disenfranchised people. Destroyed productivity of occupied farms.

(Source: Author's own construct)

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In all of the above case studies, the state remained the most important factor as the drafter and implementer in land reform, land restitution and land tenure programmes. In Latin-American states there were grass roots attempts to transform land ownership that led to improved productivity of the land. In Tanzania it was clear that the state depended to a great degree on local traditional structures for both legitimacy and stability. Malawi is still in the process of transformation of land ownership that will require a great deal of state intervention. The Namibian and Central Asian examples indicate that inclusivity of stakeholders is important for land reform programmes and also indicate the importance of including productivity of land and food security into decisions regarding transformation programmes. The radical approaches of the USSR and PRC require hard-handed and often violent actions by the state to implement their transformation programmes, while in Zimbabwe this was left to land invaders with the active support of the state.

In all the case studies that were discussed above, regardless of their ideological approaches to land use and land ownership, the state was the driving force of actions relating to land. It is, therefore, important to investigate the role of the state in the process of transformation of land ownership in more detail. This is done in the section below.

4.4 The role of the state in transformation of land ownership – lessons learnt

The above examples indicate that South Africa is not alone in its attempts to grapple with transformation of land ownership. Land reform and land tenure, more so than land restitution, had been attempted in various ways in a number of countries with a range of ideological approaches that covered the ideological spectrum. The examples used in this chapter indicate that land reform can follow various approaches that are state-orientated, market-orientated, or grassroots-orientated. In most instances, the state either drives or influences market or grassroots orientated transformation.

The various orientations are explained in the following table:

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Table 21: State, market and grassroots transformation

ORIENTATION	EXPLANATION
State	• State implements administrative, financial and/or legislative measures to drive redress, redistribution and restitution. • Use of state coercion to intervene in (mostly to prevent) land occupations or alternatively to enforce redistribution policies. • Time frames and targets for land redistribution are set by the state. • It is mostly politically driven which has the potential to negatively affect productivity. • It is financially costly if state subsidised and eventually politically and economically costly if forcefully imposed or if expropriation is used as a mode of transformation. • Radical state supported or led transformation has the potential to disrupt agricultural production and contribute to food insecurity.
Market	• It is non-coercive in nature (e.g. willing buyer, willing seller). • There are often a lack of time frames and targets in redistribution of land. • It is demand (market) driven which is good for productivity. • It is costly if fully state subsidised, but is less costly if it is partially state subsidised. • If managed correctly, it should not disrupt agricultural production. • Unless ceilings of land ownership are in place, it is conducive to economies of scale.
Grassroots	• It has proved to be successful in many countries in forcing governments to transform land ownership (Brazil and Malawi). • It has little immediate financial cost, but can provoke further political unrest. • It is coercive in nature and can trigger coercive responses from either the state or landowners. • It has the potential to disrupt production and could cause instability that prevents investment in rural areas (Zimbabwe).

(Source: Author's own construct)

In all orientations of transformation of land ownership, whether predominantly state, market or grassroots, a strong state is crucial to ensure that it is done within the framework of the law and that it does not negatively affect food security. Transformation rests to a large degree on the political power of the state to carry out political and social engineering. The purpose of such transformation is to steer cultural and economic patterns and political structures onto a new course. Most successful regimes are capable of exercising power

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for transformation purposes instead of using force. Political institutions that enjoy legitimacy in society are able to exercise the power of the state in a manner that does not require the use of force, even though the threat of force exists within the state (Eckstein, 1988:798; Jackman, 1993:37, 38-39). In instances of state orientated transformation of land ownership, the capacity of the state to implement policies and programmes is crucial. Many developing states have been burdened with serious capacity problems that affect the successes of transformation. Huntington (1968:4) indicates that in many developing countries, political decay replaced development: “*Throughout Asia, Africa and Latin America there was a decline in political order, an undermining of the authority, effectiveness, and legitimacy of government*”.

There is concern that South Africa is increasingly becoming dysfunctional as a state. This has become even more apparent with current concerns around state capture by a small group of politically connected people, both inside and outside of government. This capture has extended beyond government into various organs of the state, the economy and civil society (Kane-Berman, 2016). In order to determine whether the state is functional enough to ensure successful transformation of land ownership, it is necessary to determine what state dysfunction implies.

Greffrath (2015:346-347) indicates that state dysfunction may be observed on societal, institutional and international levels. On a societal level, state dysfunction is characterised by highly fragmented societal control. In such situations, non-state actors offer competing strategies for survival to citizens. Together with this, continued modernisation creates high levels of political expectation, mobilisation and participation without the required means to effectively diffuse this. Low levels of institutionalisation often lead to the erosion of state capabilities, corruption and neo-patrimonial tendencies by political leaders. On an international level, dysfunctional states tend to have the expectation of foreign assistance without any notions of reciprocity or responsible distribution of such resources, which is in most instances used to sustain bankrupt administrations that are often guilty of infringing human rights in the process of sustaining political survival. Migdal (1988:32-33) indicates that, in many underdeveloped countries, the state's inability to achieve predominance is often the result of tenacious and resilient non-state organisations in society. Social control depends on compliance from a conforming population, the

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participation of citizens in activities proposed by the state and legitimating the voluntary acceptance of survival strategies offered by the state.

On the other side of the coin, Fukuyama (2015:540) indicates that a well-functioning political order must have a balance between three sets of effective political institutions, namely the state, the rule of law and accountability (entrenchment of democratic values and principles). Fukuyama (2015:532) explains this further with the following comments: *“In order to be effective and impersonal, states need to operate through law, The most successful absolutist regimes were those that possessed rule by rather than rule of the law, such as the Chinese Empire that could rule vast territories and populations through a bureaucracy, and the Prussian Rechtsstaat that established clear property rights and laid the basis for Germany’s economic development. Accountability, whether formal through democratic elections, or informal through a government that serves the substantive need of its population, is also critical to the good functioning of the state. States accumulate and use power, but they are much more effective and stable if they exercise legitimate authority instead and achieve voluntary compliance on the part of citizens. When governments cease being accountable, they invite passive noncompliance, protest, violence, and in extreme cases, revolution. When liberal democracies work well, state law, and accountability all reinforce one another.”*¹⁰ The ability of organs of state to interact with, and accommodate, other powerful organisations in society is therefore important for political stability.

In South Africa, the democratic state makes it possible for people to make calls for the transformation of the current racial profile of private land ownership. An accountable government is obliged to find ways of dealing with these expectations, most often through legislation. It remains important, however, that the rule of law and the constitution are respected during processes of transformation, Zimbabwe being an example of what happens when this is not done. Throughout such a process, the state is required to have both effective institutions and strong political will among both bureaucratic and political leaders. Such leaders have to be willing to take and implement decisions that are equitable and offer redress to the landless, but also fair to current land owners. These remain central requirements for effective land reform in all the case studies that were

¹⁰ Also see Boone (1994: 125-131) and Migdal (1987: 397-399)

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investigated. The extreme radical and reactionary ideological approaches to transformation of land ownership have proved to be counterproductive to the ultimate aims of transformation that not only require redress, but also contribute to economic, social and political development. In the USSR and Zimbabwe, the inability of the governments to react to the negative outcomes of radical policies on the transformation of land ownership and land use had more detrimental implications than the PRC, where the state relaxed its policies to mitigate the negative effects of initial radical policies.

In chapter seven, perspectives are supplied on how the agricultural sector in South Africa finds it difficult to function as a viable economic sector that is required to ensure food security under circumstances of growing state dysfunction, due to the patrimonial style of government under the Zuma-administration, coupled with increasingly hostile economic and natural environments. This is to a great extent due to the inability of the ANC government to transform from a liberation movement into a political party. This is explained by (Greffrath, 2015:166) as the: “...*inability of such movements to adapt effectively to the new role of government indicates weakness, both as credible political institutions and credible government*”.

4.5 Concluding remarks

The inquiries into the various processes of transformation of land ownership in the identified states and regions assisted in the understanding of how various ideological approaches to the transformation of land ownership influence the economic, social and political development of states. The chapter supplied a broad range of examples of both positive and negative impacts of various political decisions from a variety of countries. On the extreme left, in cases of radical transformation (Zimbabwe, USSR and PRC), it became clear how land reform processes that involved violence, had been hastily implemented and strangle initiative had impacted negatively on food security causing famine and economic hardship.

Those examples from the extreme right that followed conservative and reactionary approaches (Latin America and Tanzania) grappled with issues of equity and redress. In

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such instances modernisation and economic and political development will force transformation of land ownership that poses serious threats of conflict and even violence.

The moderate approaches followed by Central Asian countries (selected provinces in India and Pakistan) required a strong state and the rule of law to support land reform projects there. The ability of the state to identify flaws in policy and correct them is crucial to their successes or failures. They also highlighted economic and productivity concerns around land ceilings.

Malawi's liberal market based approach to land reform, while dealing with racial inequalities in land ownership, does not link this to economic equity and redress of rural communities. The replacement of one landed elite with another is a cosmetic approach to transformation of land ownership. Malawi, like South Africa, will learn that transformation of land ownership is not only about race, but about the economic empowerment of landless rural communities.

The historically realistic and politically cautious status quo approach followed by Namibia resulted in the most economic or political stability. Although Namibia has not reached its land redistribution goals, its measured approach to transformation based on sound economic and political reasoning with reasonable goals placed it on a path to success. The fact that the governing party in that country, the South West African People's Organisation (SWAPO) continues to maintain a strong power base, while other liberation movement governments are losing support, is perhaps because of their approach to their resource allocation and management.

An important lesson learned from the various case studies is that a stable and functional state is crucial to successful transformation of land ownership. Regardless of whether transformation of land ownership has leaned more towards state-orientated, market-orientated or grassroots-orientated approaches, a functional state is necessary to maintain order and guide the processes through ensuring strong institutions, the rule of law and accountability.

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The table below supplies a comparative summary of the various ideological approaches and their outcomes in terms of land reform, land restitution and land tenure.

Table 22: A comparative summary of case studies

IDEOLOGICAL CATEGORY	TRANSFORMATION METHOD IN SELECTED CASE STUDIES		
	LAND REFORM	LAND RESTITUTION	LAND TENURE
Reactionary	Latin American states —redistribution within the peasant sector, not landed classes.	Latin American states – defended landed classes.	Latin American states – existing property rights protected and improvement in tenure to smallholders that built a land market.
Status Quo	Namibia - land taxes, preferential funded acquisition rights for the state and willing buyer, willing seller principles.	Namibia – no restitution claims, only redistribution.	Namibia – protected and given to beneficiaries of land redistribution.
Conservative	Tanzania –The failure of Ujaama resulted in reverting back to traditional structures. Currently an impasse between chiefs and modern authorities.	Tanzania – conflict over historical land ownership and usage between indigenous and nomadic groups.	Tanzania – tenure underwritten by customary rules and norms.
Moderate	Kashmir – land ceilings implemented (22,5 acres). Punjab – land ceilings implemented, but being revised.	Kashmir & Punjab – restitution through land ceilings	Kashmir – land tenure for smallholder farmers strengthened. Punjab – supported demands for tenure, but through a consultative approach that included all stakeholders.
Liberal	Malawi – market related approach caused frustration among rural poor. Policies emphasise funding and not redistribution. Policies vulnerable to capture by elites.	Malawi – transfer through sale from white to black elites.	Malawi – secure property rights for those with title deeds.
Radical	China – expropriation of all land to the state. Collectivisation, followed by co-	China – no restitution USSR – no restitution under USSR, only post 1989 restitution for	China – collectivism with no tenure, later contracting land to

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IDEOLOGICAL CATEGORY	TRANSFORMATION METHOD IN SELECTED CASE STUDIES		
	LAND REFORM	LAND RESTITUTION	LAND TENURE
	operatives and later allowing for individual allocations with 15 year time frames. USSR—expropriation of land, livestock and farm implements. Zimbabwe – three phases: market reform, compulsory acquisition with compensation and compulsory acquisition without compensation (expropriation).	expropriated land under communist and Nazi regimes in some former communist countries. Zimbabwe – restitution through three phases of land reform.	individual farmers for 15 year terms. USSR—collectivism with no tenure. Zimbabwe –legally recognises land tenure but allowed expropriation by war veterans without compensation.

(Source: Author's own construct)

The case studies also allowed the researcher to identify some important normative outcomes, namely expectations, political stability, food security, fairness and economic impact that were outcomes of various ideological approaches to land reform, land restitution and land tenure policies. These are used as variables in the next chapter. By combining these outcomes, as variables, with the modes of transformation identified in the introduction to this chapter (as expressed by Minister Gugile Nkwinti and the 2005 land summit), it was possible to develop a normative analytical framework for the analysis of the various methods used for transformation of land ownership. This theoretical framework was used as a tool for analysing the current proposals to transform land ownership in South Africa. The next chapter uses the modes as policy instruments for implementing the methods of transformation and evaluates their outcomes in terms of the variables identified from the case studies. The following table explains this process in terms of the implementation of government policy and legislative proposals regarding the transformation of land ownership:

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Table 23: Transformation methods, modes and variables

METHODS	Methods of reaching transformation objectives.	Land reform Land restitution Land tenure
MODES	Policy and legislative instruments used to achieve transformation objectives.	Taxation Expropriation Land ceilings Collectivisation Sustainable land reform
VARIABLES	Possible outcomes of implementing policies and legislation aimed at transforming land ownership.	Expectations Political stability Land usage and productivity Food security Fairness Economic impact

(Source: Author's own construct)

The various modes of transformation, together with the variables that categorise the possible outcomes of implementing the respective modes of transformation, are defined and discussed in the next chapter. These discussions will facilitate the development of an analytical framework for the analysis of South African proposals in this regard.

CHAPTER 5: AN ANALYTICAL FRAMEWORK FOR THE ANALYSIS OF TRANSFORMATION OF LAND OWNERSHIP

5.1 Introduction

The meta-theoretical, theoretical, and comparative case study research was carried out in the previous three chapters. This formed the basis for the creation of a theoretical framework that may be used for the analysis of various policy and legislative proposals relating to transformation of land ownership in general, and in South Africa in particular. Chapter two placed the research within the discipline of political science and emphasised the important role of political theory in research of this nature. The chapter also included explanations of definitions, concepts and models as well as differences between political theory and ideology. Chapter three defined ideology and went on to provide a detailed discussion on the role of ideology, provided a model for the categorisation of ideology and discussed the various ideological categories. Chapter four further clarified the concepts land reform, land restitution and land tenure before combining the discussion on ideology in chapter three with the modes of transformation of land ownership identified by Minister Gugile Nkwinti and the 2005 land summit.

The central research question relating to this chapter, as formulated in chapter one is the following: *What normative theoretical considerations can be used for the development of an analytical framework for the study of transformation of land ownership, based on the international case studies?*

By combining normative outcomes of the discussion on the modes of transformation within the ideologically diverse case studies within the framework of land reform, land restitution and land tenure, some variables affected by policy and legislative proposals were identified. These were conceptualised at the end of each ideological case study in the previous chapter as lessons learned. The outcomes that were identified are: the impacts of proposals relating to transformation of land ownership on expectations of various groups in society, the impacts on political stability, the impacts on efficiency in land usage and productivity, the impacts on food security, whether proposals are fair or not and the possible economic impacts in society.

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The modes of transformation, namely taxation for land reform, expropriation versus property rights, land ceilings, collectivisation of land use and sustainable land reform that were identified in chapter four and discussed further in some of the case studies can be combined with the above variables for the creation of an analytical framework. By combining the modes of transformation with the variables that were identified, the following structure can be created:

Table 24: Modes of transformation and variable

	Taxation	Expropriation	Land ceilings	Collectivisation	Sustainable land reform
Expectations					
Political stability					
Land usage and productivity					
Food security					
Fairness					
Economic impact					

(Source: Author's own construct)

The above structure will be used as a framework for the analysis of various methods of transformation of land ownership, namely land reform, land restitution and land tenure. Within a South African context, the above framework will serve as a structure within which to analyse the diverse ideological approaches to the various methods of transformation of land ownership. An empirical scale will be added to the analytical framework to further evaluate ideologically diverse policy and legislative proposals.

In order to create such a framework, the following objectives will be achieved in this chapter:

- To clarify and discuss the modes of transformation of land ownership.
- To clarify and discuss the normative outcomes of transformation of land ownership.

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- To create a normative analytical framework for the analysis of the transformation of land ownership.
- To test the normative analytical framework using the case studies discussed in chapter four.
- To create an alternative empirical framework for transformation of land ownership.

This chapter is inductive in nature since it defines and explains a number of theoretical concepts relating to the various modes of transformation together with the identified variables in order to create an analytical framework. The absence of any existing framework that may be used for the analysis of the transformation of land ownership makes this chapter a crucial part of a study. This chapter is an exercise in building this analytical framework that will be used to evaluate policy and legislative proposals relating to transformation of land ownership. The information obtained in this chapter allows for the development of both normative and empirical frameworks. The nature of the theme, however, dictates that the normative analytical framework will be applied in the analysis of transformation of land ownership in South Africa. The empirical framework will be developed for use in further research.

A literature study was undertaken in order to clarify and discuss the various modes of transformation and the identified variables. A great deal of existing research on these individual issues was conducted. The various modes of transformation and normative outcomes were evaluated in terms of the linear ideological spectrum that was discussed in chapter three. The application of the constructed normative analytical framework on some of the case studies that were identified and discussed in chapter four serves as a deductive test run before the model is applied within a South African context in chapter nine.

The chapter has the following lay-out:

- Modes of transformation – conceptual clarifications.
- Normative outcomes – conceptual clarifications.
- A normative analytical framework for the analysis of the transformation of land ownership.

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- An application of the normative analytical framework on case studies.
- An empirical framework for the analysis of the transformation of land ownership.
- Concluding remarks.

5.2 Modes of transformation of land ownership

From the discussion in chapter four, various modes of transformation of land ownership, as identified by Minister Gugile Nkwinti and the 2005 land summit, can be implemented through government policies and legislation. Such modes of transformation include the implementation of taxation for land reform, expropriation, sustainable land reform, land ceilings and collectivisation of land use. These issues are relevant to current debates around the transformation of land ownership in South Africa and form a crucial part of the analytical framework. The discussions around these modes of transformation in chapters nine include the important role of the NDR as a government point of departure to transformation. Chapter ten uses the analytical framework and the linear ideological spectrum to analyse the alternatives proposed by other political parties and civil society in South Africa. A detailed discussion of the NDR is provided in chapter eight.

The various concepts relating to the identified modes of transformation must be defined and explained. This will facilitate a greater understanding of these concepts when they are discussed within a South African context in chapter nine.

5.2.1 *Taxation for land reform*

In chapter four, Namibia was identified as one of the countries that used a special tax in order to obtain funds for the implementation of land reform policies. Taxation was, until the nineteenth century, a method for governments to raise money to pay for their expenses. However, since the nineteenth century, taxation has been used as a method of redistributing income in society according to social need. Taxes were also used to pay for healthcare, education and social services which were regarded as redistributive taxation. The principle of redistributive taxation was to distribute resources in an equitable manner. This could among others include the redistribution of resources acquired through taxation to right historical wrongs (Benn, 1959:152-154). Various forms of taxation can be

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used for the transformation of land ownership that include land tax, property tax, once-off land reform taxes, incentives and/or taxes on idle land. These forms of taxation require further explanation.

Land tax is tax paid on the value of the land by the owner, while property tax is tax that includes both the land and the fixed improvements made on the land. An argument in favour of land tax, as opposed to property tax, is that it does not penalise individuals for improvements that may be utilised to increase agricultural production or economic output. It also incentivises the profitable use of land (Childress *et al.*, 2009:311).

A type of tax that has also been proposed in South Africa, but not yet implemented, is a once-off land reform tax on agricultural land. Meier & Rauch (2005:410) indicate that once-off taxes have to be accompanied by a commitment that there will not be further taxes or demands after initial policies have been implemented. If this is not done, it has the potential to negatively affect investment in agriculture. There will also have to be guarantees that such a tax will be ring-fenced to subsidise land redistribution using certain measures such as in Namibia.

Supporting voluntary private land reform or restitution initiatives through tax incentives could also speed up land reform processes and encourage private investment in such programmes. Some Latin-American countries such as Chile, Argentina, Jamaica, Uruguay and Colombia have implemented progressive land taxes. For example, holdings above 1000 hectares may be taxed at 1,5% of value per year, 500-1000 hectares at 1%, and 20-500 hectares at 0,5%. Another method of taxation is a tax on idle land which could incentivise the leasing or sale of land that is unutilised. This only applies to land that has not been utilised for a number of seasons and not land that is recovering or resting. Exemptions could be made applicable to households that experience illness. Additional taxes on idle land can be used as a punitive incentive for land to be used optimally for food production. Such taxes have to be guided by clear criteria that indicate a sound understanding of agricultural practices. In Venezuela, idle land may be seized for redistribution in terms of their 1999 Constitution. This idle land clause has, however, in some instances been subjected to abuse (Lipton, 2009:249-251).

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A once-off land tax has been mentioned as a method of acquiring the necessary funds to speed up land reform and land restitution in South Africa. This would be difficult to impose without negative economic impacts within the current economic environment and with the current drought that has affected the agricultural sector severely. The tax that is currently under discussion is a progressive land tax that will tax unutilised land and under-utilised land more than productive land and serve to fund land reform. Suggestions that it should only be implemented on very large land holdings to support land ceilings have also been proposed. The municipal property rates implemented in terms of the Municipal Property rates Act (Act No 6 of 2004) have an impact on such a proposed tax, since land is already taxed at municipal level and an additional national tax on the same property could have a severe impact on agricultural input and employment capacity. The Municipal Property Rates Act stems from Section 229 of the Constitution that states that “*rates on property*” are “*an autonomous source of revenue for municipalities*”. The same section also states that such taxes may not be levied in a way that would prejudice national economic policies, economic activities, or the national mobility of goods, services, capital or labour. The land tax is meant to supply municipalities with an income in order to carry out their local economic development objectives (Lund, 2010:1; Darroch *et al.*, 2008:372).

Municipalities in the Free State province serve as examples of the implementation of uneven land tax rates and land valuation procedures. Their compliance with legislation was questioned by civil society organisations such as Free State Agriculture and AfriForum. It appears that many municipalities lack the capacity to carry out fair land valuation processes and are ignorant of the economic constitutional constraints mentioned above (Smit, 2015). An additional tax on land has the potential to violate the constitutional restrictions in this regard. As a result of the diverse implementation of existing municipal land taxes across various municipalities in South Africa, the impact of additional land taxes will have to be determined per farm and per municipality and cannot be done as a national exercise. All land taxes will have to be determined by measuring income generation for government against the impact on investment in farm improvements and on the various local economies (Darroch *et al.*, 2008:384).

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Taxation as a mode of transformation of land ownership is analysed within a South African context in section 9.2.2. This section provides the necessary conceptual framework for this analysis.

5.2.2 Expropriation versus property rights

In South Africa, an Expropriation Bill (2016) has been passed by parliament awaiting ratification by the President. While the legislation is discussed in section 9.2.3, some theoretical concepts relating to this are discussed in this section. Serious causes of contention in transformation of land ownership are constitutional and legal property rights that could be threatened by arbitrary expropriation, eminent domain or nationalisation policies. This is especially relevant to current political debates in South Africa. The issue of expropriation is also subject to other aspects such as whether to compensate or not and whether such compensation should be market related or not. These issues are conceptualised and discussed in more detail below.

5.2.2.1 Expropriation

Expropriation is defined as: “*The act of taking privately owned property by a government to be used for the benefit of the public*” (Investopedia, 2015). Within a South African context, expropriation was defined in terms of the South African property clause in the Constitution by the 1998 Constitutional Court decision in “*Harksen v Lane*” as: “*...the process whereby a public authority takes property (usually immovable) for a public purpose usually against payment of compensation*” (Dlamini, 2014:58). Expropriation is referred to as “*eminent domain*” in countries such as the United States of America (USA) where land may be expropriated for public use even without consent, but with market related compensation and prompt payment (Investopedia, 2015a). In some instances, the term nationalisation is used to explain: “*...the acquisition of ownership by government of an industry, a company, or any other type of property previously privately owned*” (Nolutshungu, 2011:60). Since this study focuses on the transformation of land ownership, specifically within the context of land reform and land restitution in South Africa, expropriation is discussed in terms of transfers from privately white owned commercial property to black or state ownership.

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Expropriation can be carried out with compensation or without compensation. Where compensation is offered, the question is whether it should be a “*fair price*” determined by government, or a “*market related price*” (Hendricks, 2013:34). A further question is whether the fair or market prices should include the value of the land or the value of the property. When used in the context of land reform and land redistribution, legislated expropriation can be regarded as a radical form of transformation due to the speed with which it is able to be carried out, the coercive methods often associated with it (use of state authority), the depth of which the status quo is affected by such changes and the progressive direction to the left of the status quo (see the explanation of radical ideology in section 3.4.1). Expropriation is normally a mode of transfer of land from private to collective or public ownership. The USSR, PRC and Zimbabwe all serve as examples of extreme forms of expropriation (nationalisation without compensation), but also serve to indicate the consequences of radical forms of expropriation. Most examples of radical land reform are associated with political suppression by governments’ in attempts to prevent political insurrection brought about by economic disruptions and food shortages that are normally the consequences of other reform programmes.

While expropriation without compensation is one extreme, on the other extreme is over-compensation was a characteristic of Tsarist Russia and the Philippines under Aquino, where landowners received as much as 133% of the market value. Landowners will resist any land reform attempts that do not include fair market-orientated compensation for property that encompasses the land, family homes, infrastructure and sentiment. Compensation does limit the scope of land redistribution, since it limits the amount of land available for distribution when compensation has to be paid by the state. There are various options available relating to compensation. The state can fully subsidise the purchasing of land and force beneficiaries of the land to pay the money back at reduced interest rates which serve as incentives to ensure productivity. In many instances, this is written off over time. The effect of compensation is that resources are diverted from other sectors of the economy to the agricultural sector. In most instances, land reform is less extensive when compensation is paid by the state (Meier & Rauch, 2005:413). The various forms of expropriation may be placed on the linear ideological spectrum as indicated in the table below.

Table 25: Expropriation on the ideological spectrum

RADICAL (LEFT)	RADICAL (RIGHT)	LIBERAL	CONSERVATIVE	REACTIONARY
Expropriation without compensation.	Expropriation with fair prices (determined by government).	Expropriation with market related prices and/or willing buyer, willing seller principle in land reform.	A willing buyer, willing seller principle in land reform with fair market prices.	Preferably no land reform related transfers or very limited land reform with a willing buyer, willing seller principle and fair market prices.
 Land restitution could be reactionary in direction and radical in method if expropriation is used to restore a past situation caused by previous historical injustices. This is an example of the cyclical ideological spectrum where radical and reactionary ideologies merge.				

(Source: Author's own construct)

Within a South African context, the current constitutional arrangement was summarised by Deputy Chief Justice Dikgang Moseneke (2014:11) as follows: *"The Constitution does not protect property it merely protects an owner against arbitrary deprivation. Deprivation that is not arbitrary is permissible. The property clause does not carry the phrase: 'willing buyer: willing seller' which is often blamed for an inadequate resolution of the land question. The state's power to expropriate does not depend on the willingness of the land owner. The compensation may be agreed but if not, a court must fix it. The compensation must be just and equitable and not necessarily the market value of the land. Market price is but one of five criteria the Constitution lists for a court to set fair compensation. The property clause is emphatic that the state must take reasonable measures, within available resources to enable citizens to gain access to land on an equitable basis. The cutting question is whether our democratic consolidation has achieved urban or rural land equity? Although much has been done, the answer is no"*.

As with taxation as a mode of transformation, an important factor that has to be considered regarding expropriation of agricultural land is economic and financial in nature. Much of the privately owned agricultural land in South Africa has been mortgaged to banks, which allows land-owners to obtain credit to cover operational and input costs. It is estimated that farmers owe banks close to R125 billion. Banks with the greatest total

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of loans to farmers are FirstRand Bank at 3,6% of total loans, Barclays Africa (ABSA) at 3,4%, Standard Bank at 2% and Nedbank at 1% (Bloomberg, 2016:1). Any mode of transformation that impacts on the agricultural sector's ability to service debt will automatically have a negative impact on banks. The utilisation of funds to service debt will also impact on the availability of funds to cover further input costs on farms. In chapter seven, the drought, together with economic, social and political factors are discussed. These factors, together with debt, will impact on farmers' ability to utilise land productively in the near future.

5.2.2.2 Property rights

According to Heywood (2000:142) *"...the question of property has been one of the deepest and most divisive issues in political and ideological debate. Indeed, ideological divisions have traditionally boiled down to where one stands on property, both left-wing and right-wing political creeds practicing different forms of politics of ownership. The clash between capitalism and socialism has thus been portrayed as a choice between two rival philosophies, the former based upon private property and the latter upon common ownership"*. The dilemma of property rights within a South African context is explained with a question posed by Hendricks (2013:37) as to whether the property clause in South Africa's constitution entrenches existing inequalities or opens up possibilities for them to be diminished. He argues that, while the property clause serves as a compromise between the protection of existing property rights and land reform, it does not deal with the fact that land is a finite resource. This implies that, while the property clause protects property rights in land, it serves to negate claims to that land by others.

Property is accepted as the legal relationship between a legal person and an object. The property may be private, common or public. The concept of property has become central to modern legal, economic and political systems. It is argued that, without the coercion of the law, property rights would not exist. This is also central to the ideas of Locke and Nozick, who investigated the concept of property within a *"state of nature"* in which property rights are absent. As capitalist systems developed, property included natural resources such as land and not just objects. The ownership of property is reflected, not only in the rights and powers that exist over an object, but also in the acceptance of duties

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and liabilities in relation to it (McLean & Mc Millan, 2003:444; Heywood, 2000:141; Benn & Peters, 1959:156-157).

There is broad international consensus on what is meant by property rights in relation to land. In this respect the following four points raised by Binswanger-Mkhize *et al.* (2009:29) are important:

- Property rights are rules that govern the relationships between individuals with respect to land. Such rights should be defined by either the community or the state to which such individuals belong.
- Property rights must be clearly defined, well understood and accepted by all those who have to abide by them. Property rights must be strictly enforced to avoid conflict.
- Property rights can be individual, common or public depending on the circumstances.
- Property rights must be deemed to be secure.

As mentioned above, property can be private, common or state-owned (public property).

Private property is regarded as the right of an individual or institution to exclude others from its usage or benefits. Exclusive use of property does not, however, necessarily include access to property, which is viewed in terms of permission of the owner of the property for others to utilise it or obtain benefits from it. **Common property** is based on a shared right of access to property among members of a collective body (often a community or cooperatives). Exclusion in this respect is in terms of non-members of such a body, but not in relation to members. **State property** is private property that belongs to the state. Private individuals do not have a right to access and usage of state-owned property. Within the concept of state-owned property, there are two concepts of ownership, namely social ownership of property and public ownership of property. Central to this concept is the fact that social ownership refers to property belonging to and used by all citizens, even though it is most often owned and controlled by the state. State property is not always common property and may be restricted in terms of its usage (such as nature reserves, military bases, etc.) (Benn & Peters, 1959:158-160; Heywood, 2000:142).

The concept of land and infrastructure ownership is thus just another form of property ownership. Within this concept, land may be viewed within the framework of property

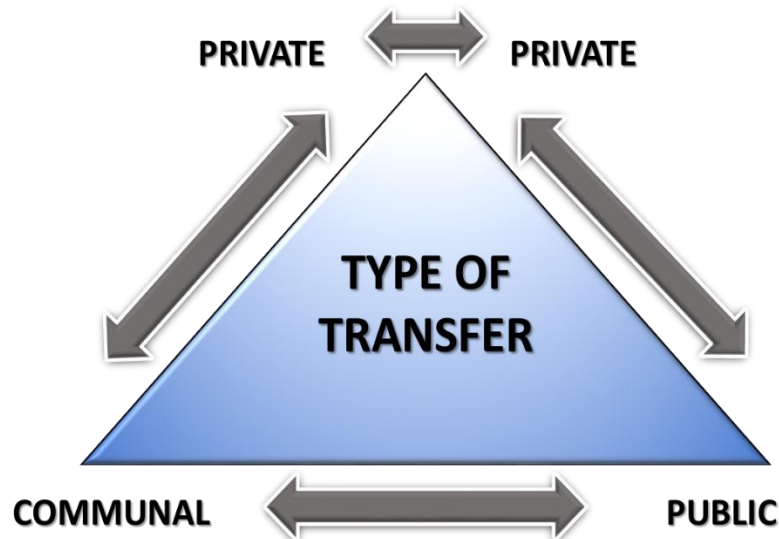
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rights. Such rights have often been linked to economic development. In this respect, Sørensen (2004:51-52) indicates that there are four important institutional conditions for economic growth and development, namely (1) secure property rights, (2) an efficient and unbiased judicial system, (3) a clear and transparent regulatory framework and (4) an institutional framework that promotes impersonal forms of exchange and interaction including rules of contract and regulations for entry and exit for private institutions. For example, if individuals or companies want to invest in agriculture, they will need to be able to purchase and own the property which they are investing in, they will need to be sure that they will receive fair treatment in the courts should the transaction turn sour, they will require certainty on regulations regarding the use of their property relating to aspects such as taxation, environmental requirements, labour relations etc. and they will probably prefer to work with agents, banks and lawyers who are impersonal and professional. If a person wants to invest in communal property owned or controlled by a chief, any infrastructural improvements on such property cannot be used as collateral for a loan, since a contract signed by a chief on behalf of someone else on communal land will in all probability not be accepted as binding in the courts. A threat to property rights could have an impact on the willingness of investors to invest in a specific state which in turn will negatively affect rural economic growth and job creation.

Economic arguments that deal with lack of access to credit for individuals farming on communal property, or social arguments pointing to the abuse of the rights of individuals, especially women, in traditional and communal structures must be taken into account in a constitutional democracy such as South Africa. The alternative offered by communal systems to many individuals who lack land and obtain livelihoods from these systems, to a large degree, prevents an exodus of people seeking employment in urban areas. While some countries such as Malawi and Kenya initiated processes to privatise communal land, most countries in the region opted for flexible approaches that saw the state become the beneficiary of land previously governed by traditional and customary laws (Garcia, 2007:2-3). As in the case of Tanzania (see section 4.3.3), the existence of traditional or state owned communal property continues to provide a source of relative political stability, albeit in the interim, while politicians and other stakeholders wrangle over issues relating to the transformation of land ownership.

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The transfer of property between various private owners, between private and communal owners or the state, or between state and communal is a central mode of transformation of land ownership. The types of transfers are illustrated in the diagram below:



(Source: Author's own construct)

Figure 15: Types of property transfers

As with the case of India (see section 4.3.4), there are some strong arguments for tenancy¹¹ instead of land tenure. This could allow tenure to a group, but tenancy for individuals on communally owned land. This could especially be useful in communal areas (especially those taken over by the state or individuals) or large commercial farms transferred to public or private ownership. South Africa is grappling with this situation and could learn from the pro-tenancy arguments identified by Lipton (2009:160-161) who argues for tenancy along the following lines:

- It helps individuals and families to adjust to farming lifestyles without large capital investments.
- It will assist in placing people on properties close to their social comfort zones.
- It assists in ensuring skills development and in the long term will allocate land accordingly.
- It can encourage the sharing of resources such as equipment or draught animals.

¹¹ See section 9.4 for an explanation of labour tenants.

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- It could fill the void between farm worker and owner allowing individuals with entrepreneurial skills to climb the agricultural ladder.
- Cutting transactional costs could allow more efficient large scale farming with more resources available for the development and even ultimate purchase of the property.
- It will ensure the more efficient use of labour and encourage tenants to be more productive.
- Land owned by individuals could be rented to others who have a better capacity to utilize the land more efficiently.

An important question is whether land reform policies and legislation would allow for the renting of property without restriction of race (perhaps excluding land ceilings from this), while restricting resale outside of the designated racial group that is meant to benefit from land reform. This is especially relevant within the current South African context in which racial inequality in the distribution of land is the greatest driving force behind attempts to transform land ownership.

The above section dealing with expropriation versus property rights can be summarized with the following important points:

- Expropriation can be with compensation or without compensation.
- Expropriation with compensation can be carried out with market prices or fair prices.
- Fair or market prices could be based on land alone or property (land plus improvements)
- Property rights uphold the principle of willing buyer, willing seller.
- The main types of property are private, state and common.
- Property rights are meaningless without the rule of law.
- Property rights allow for greater access to credit.
- The issue of property rights remains one of the main ideological divides between socialism (left) and capitalism (right).
- Secure property rights and tenure has an impact on local and foreign investment in agriculture.

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Due to the large amount of money owed to banks by the agricultural community, large scale expropriation will not only affect land owners, but credit institutions such as banks, food value chains, local economies and employment. The Banking Association in South Africa has already raised concerns about the impact of the implementation of expropriation legislation on the agricultural sector. Financing to farmers by banks is determined by the market value of the property. Any payments of compensation that do not use a similar principle could result in loans exceeding compensation value which will create problems for both farmers and credit institutions such as banks (Pressly, 2015:15).

Another policy proposal that has been mentioned in South Africa that is closely linked to the concept of property rights is land ceilings. This is conceptualised in the next section.

5.2.3 Land ceilings

In section 4.3.3, land ceilings were discussed as modes of transformation in cases of ideological moderate land reform programmes in both India and Pakistan. Land ceilings are considered to be less obtrusive than a ban on all sales of land, since it allows for the reallocation of land among owners who own less than the allowable hectares. Implementing ceilings without restricting the leasing of land could mitigate some of the negative effects of such a policy decision. Implementing such policies could prove to be problematic if a government does not have funds to purchase excess land, especially if the targeted group are not able or willing to make such purchases. Furthermore, monitoring such a policy will require additional bureaucratic supervision, but could be monitored by deeds offices should they have the capacity to do so. Another way of policing such a policy could be to force landowners who sell to buyers who already reached their ceilings to reclaim such land without a refund on the purchase price (Meier & Rauch, 2005:412).

The experiences of Kashmir indicate that land ceilings should take the factors that affect land usage such as fertility and production potential of land into account, since this is topographically diverse. Arguments against ceilings indicate that there are advantages to economies of scale such as greater access to credit, bulk buying and selling and the cost effective and efficient use of technology (Janovsky, 2015:17; Meier & Rauch, 2005:411).

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There are also arguments that the severe fragmentation of landholdings must be avoided, since it encourages subsistence farming which may contribute to short term food security for some rural households, but could contribute in the long term to food insecurity in urban areas. It is argued that population growth has an impact on the eventual size and productivity of land. Rapid population growth in countries such as the Philippines, Indonesia and India has led to extreme fragmentation of land where peasant holdings in many areas are less than one hectare. This traps peasant farmers in poverty and encourages sharecropping in which peasant farmers often give up 50% to 80% of their crops as rent (Todaro, 1989:307-308). The Philippines experienced the largest productivity losses as a result of land ceilings where farm sizes were reduced by 34%, but agricultural productivity dropped by 17%. Litigation also held up transactions for long periods of time and government funds were regularly depleted before targets could be met (Nkosi, 2015:31-32).

Using examples from West Pakistan, Migdal (1974:164-165) indicates that, if land ceilings are too low, they have the potential to negatively affect agricultural outputs. In such instances, as in South Africa where land is not very fertile, there is little scope for mechanisation or the consolidation required for economies of scale that is crucial for extensive crop growth. Farmers will also be less likely able to make use of new seed varieties and fertilizers through multiple cropping. This has kept many farmers poor and forced others to find alternative employment in towns. Sections 7.3 and 7.4 investigate the respective challenges facing South Africa in terms of geographical diversity in fertility of land as well as the economic and social challenges relating to this. These factors should have a significant impact on decisions relating to whether land ceilings should be an option in this country, and if so, how they should be implemented to limit negative impacts on production and land usage. In this respect Namibia remains a useful example where land ceilings were implemented by the prevention of ownership of multiple land holdings by a single individual (see section 4.3.2). This was carried out in a manner that did not impact negatively on the agricultural outputs or employment in the agricultural sector.

Nkosi (2015:33) identifies the most prominent challenges experienced across countries that implemented land ceilings as the following:

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- Threats to production outputs due to variances in land fertility among different regions (India and Pakistan).
- The incapacity of the state to keep accurate records of land transfers.
- A high prevalence of litigation affected the speed and costs of the process.

The short term political advantages of land ceilings are that they could increase the amount of new entrants into the ownership of agricultural land, without necessarily decreasing the number of existing commercial farmers. Lipton (2009:145-146) indicates that the example of the implementation of land ceilings in West-Bengal between 1969 and 1971 exposed some important requirements and procedures that should be taken into account during such a process:

- The identification of land owners (families, individuals or legal entities) whose properties exceed the required ceilings.
- Identifying the plots of excess land (above the land ceilings) that could be transferred in consultation with land owners. It must be noted that, in all probability, this land will often be the least fertile and include areas already allocated to employees for housing and grazing.
- The allocation of excess land to new owners and/or users must be fair and production based.
- Preventing the illegal eviction of individuals who already work and/or live on such property.
- Ensuring credit and other support to new users and/or owners in order to ensure that such land is used effectively.

The issue of land ceilings is very contentious within the current land reform proposals by the South African government. These proposals and counter-proposals regarding this issue are discussed further in chapters nine and ten.

From the above discussion, the following important factors regarding land ceilings should be noted:

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- Land ceilings are less obtrusive than a ban on all land sales.
- Implementing land ceilings without restricting leasing can mitigate some negative effects of this.
- Implementing land ceilings requires more monitoring and management from the state bureaucracy.
- Productivity and fertility of land has to be considered, there is no one size fits all in South Africa (see section 7.3).
- Land ceilings are not conducive to economies of scale and have the potential to impact negatively on agricultural production.

While land ceilings are currently being proposed as an option to speed up the transformation of land ownership in South Africa, collectivisation has been implemented as a government policy for two decades. Collectivisation of land use is conceptualised and discussed in the next section.

5.2.4 *Collectivisation of land use*

Collectivisation was subject to discussion on radical ideological approaches to the transformation of land ownership in section 4.3.6. The examples of the PRC and USSR were used to display that collectivisation had negative impacts on food security and led to political dissatisfaction among rural populations. While the PRC took steps to remedy this situation, the USSR were hesitant to do so and therefore experienced massive food shortages and famines as result. Collectivisation as a mode of transformation is currently in use in South Africa, particularly at provincial level. The conceptualisation and discussion on collectivisation below will assist in the discussions relating to the South African context in section 9.2.4.

Collectivisation implies the transfer of property (tenure) from individuals to groups. In collective and co-operative farming, the group shares the incomes as well as the costs of running the farm. Co-operative farming is voluntary, while collective farming is induced by strong government pressure (in some instances mandatory) and exit is discouraged or prevented. In most instances, collective farms become state farms through state control over key decisions. The USSR in the 1930s and 1940s and the PRC in the 1950s

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and 1960s forced collectives to plant certain crops and deliver crop quotas at below market prices in order to get more food to cities and prevent urban protests. The results of these policies caused a lack of incentives to produce more than the quotas and eventually resulted in rural unrest. Similarly, in Ethiopia, the collectivisation of farms taken from private owners and the diversion of resources away from other private farms to collective farms were some of the reasons for the famine that existed between 1994 and 1995. Collectivisation has the potential to cause rural instability since poor productivity of collectives does not effectively deal with growing demands for food in urban areas. In most instances, this forces governments to eventually revert to more liberal policies. In spite of the lessons learned, some countries such as South Africa, Belarus, Russia and Kazakhstan continue to pursue collectivisation as if it is a prerequisite for land reform. In Latin America above ceiling land was collectivised using former employees of large farms or established tenants as beneficiaries. In this region, collectivisation was linked to mechanisation in order to increase productivity. While the standard of living improved for the direct beneficiaries, it did not improve the lives of rural people outside of such collectives (Lipton, 2009:190-191, 195-196).

Many countries that initially implemented collectivisation policies later decided to de-collectivise. Lipton (2009:204) identifies the following forms of de-collectivisation of land:

- De-collectivisation from state or collective management to household, company or individual ownership.
- Liberalisation that reduces or removes the rules that restrict transactions relating to the sale or use of inputs (such as land, fertilizer, labour, water, etc.) as well as special inducements such as taxes or subsidies.
- Positive enablement such as continued government services and infrastructure (schools, clinics, roads, agricultural research, etc.) is often a missing, but crucial ingredient for a successful de-collectivisation process.

Section 9.2.4 exposes how collectivisation in South Africa has failed dismally and how de-collectivisation has not been carried out in a manner that ensures effective land usage. The reasons for this are closely linked to the incapacity of government departments to ensure either effective collective farming enterprises, or effective processes of de-

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collectivisation. Many such enterprises are either derelict, or have returned to subsistence farming.

Collectivisation has been implemented in a number of countries with very little success. Malawi is an example of a country that has liberal transformation policies, but attempted collective projects as well (see section 4.3.5). The following key points can be extrapolated from the above discussion and the discussions on the PRC, USSR, Tanzania and Malawi in chapter four:

- Collectivisation in most instances involves the transfer of property (voluntarily or involuntarily) from the individual to the state.
- Individuals involved are induced by strong government pressure.
- Collectivised agricultural operations are often subject to co-option by government elites.
- Collectivisation is not conducive to the achievement of the full production potential of the land (it de-incentivises production).
- Collectivisation requires a great deal of government support and some incentives in order to sustain agricultural production.
- Similarly, de-collectivisation has to be well-managed by government.

Collectivisation has not been able to bring about sustainable land reform. The concept of sustainable land reform is discussed in the next section.

5.2.5 Sustainable land reform

It is possible to make land reform a permanent and sustainable feature in society. This could be done through measures that include banning transfers of redistributed land (this should exclude inheritance), enforcing permanent land ceiling regulations or other clearly defined circumstances (Meier & Rauch, 2005:411).

In most countries that have implemented land reform programmes, such programmes remain relevant and subject to political debate until such time as the distribution of land becomes less unequal, societies become less agriculturally based, poverty reduction and access to sustainable employment opportunities become urban based, food security is

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threatened or when land reform significantly threatens incomes of agricultural labour. In some instances, land reform is often an intermediary between the status quo and a possible rural unrest or even a revolution. When such threats to the status quo diminish, land reform often loses its political appeal (Lipton, 2009:298). Transformation of land ownership in South Africa has, within the context of NDR rhetoric, become a political instrument to appease a radical left wing, both inside and outside the governing alliance. At the same time, transformation of land ownership requires an approach, as contained to a limited degree in the NDP, which will not disrupt food security. Section 7.5 discusses food security within a South Africa context in more detail. Food security continues to be a challenge for the country with a growing urban population and social and economic structures in the process of transition. The current drought places further pressure on food security which could be threatened by radical transformation policies or legislation.

Meier & Rauch (2005:411) indicate that if transformation of land ownership is implemented in a manner that is based on secure principles that are fixed in policy and legislation, it could have the following positive outcomes:

- A measure of policy security that is crucial for investment in agriculture.
- If enforced consistently and sustainable land reform is less likely to be undone.
- It encourages a rural population to remain in rural areas.
- It reduces the pressure for further land reform in the future when current beneficiaries are deceased.

Sustainable land reform implies that policies and legislation are drafted and implemented that are fixed for a period of time and closely linked to long term development programmes such as the NDP. This improves the potential for investment in agriculture and removes uncertainty in the agricultural sector. In this respect, the chief economist at Nedbank, Dennis Dykes (cited in Mkentane, 2015:16), indicates that the formula to strong and sustained economic growth lies in good leadership, effective government and sound market and regulatory institutions. In this respect, he indicated that a “*confused policy message*” from government has an impact on the economy. This emphasises the need for well-planned, long term and well-funded policies aimed at transforming patterns of land ownership in South Africa in an economically sound and sustainable manner. The

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various proposals regarding transformation of land ownership in South Africa are discussed in chapter nine, but sustainable land reform is specifically discussed in section 9.2.1.

In order to evaluate whether the various modes of transformation of land ownership that were discussed above are successful or not, they have to be measured in some way. The measurement instruments can be found in the various normative outcomes that were identified from the discussion of various case studies in chapter four. These were identified in the table at the end of each discussion on a particular case study as the lessons learned. These lessons were conceptualised in the introduction to this section and are defined and discussed individually in the following section.

5.3 Normative outcomes of the transformation of land ownership

The various case studies were identified because of their diversity of ideological approaches, but also because of policies that can relate to various modes of transformation that are relevant to the current discourse on transformation of land ownership in South Africa. When the various case studies were combined with literature studies on the modes of transformation, a number of normative issues were extrapolated that could serve as theoretical instruments in the construction of an analytical framework to analyse transformation of land ownership. The identified value driven instruments are expectations, political stability, land usage and productivity, food security, fairness and economic impact. Policies relating to transformation of land ownership could be measured against the positive or negative impacts they would have on these value driven instruments. These instruments are central to the construction of an analytical framework as an outcome of this chapter. A literature study was conducted in an attempt to conceptualise these normative outcomes individually.

The theme of the study “*The national democratic revolution and the transformation of land ownership- a critical analysis and alternative framework*” implies that an instrument is required for the “*critical analysis*” which may be used to form the basis for an “*alternative framework*”. This section conceptualises the instruments that will be used in this measurement process and combines the instruments into a normative analytical

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framework. The various issues discussed in this chapter also provide enough information for the development of an empirical framework. The empirical framework will, however, be developed for further research and not for use in this study. The various instruments that will be used in the creation of a normative analytical framework are conceptualised and discussed in subsections 5.3.1 through to 5.3.6.

5.3.1 *Expectations*

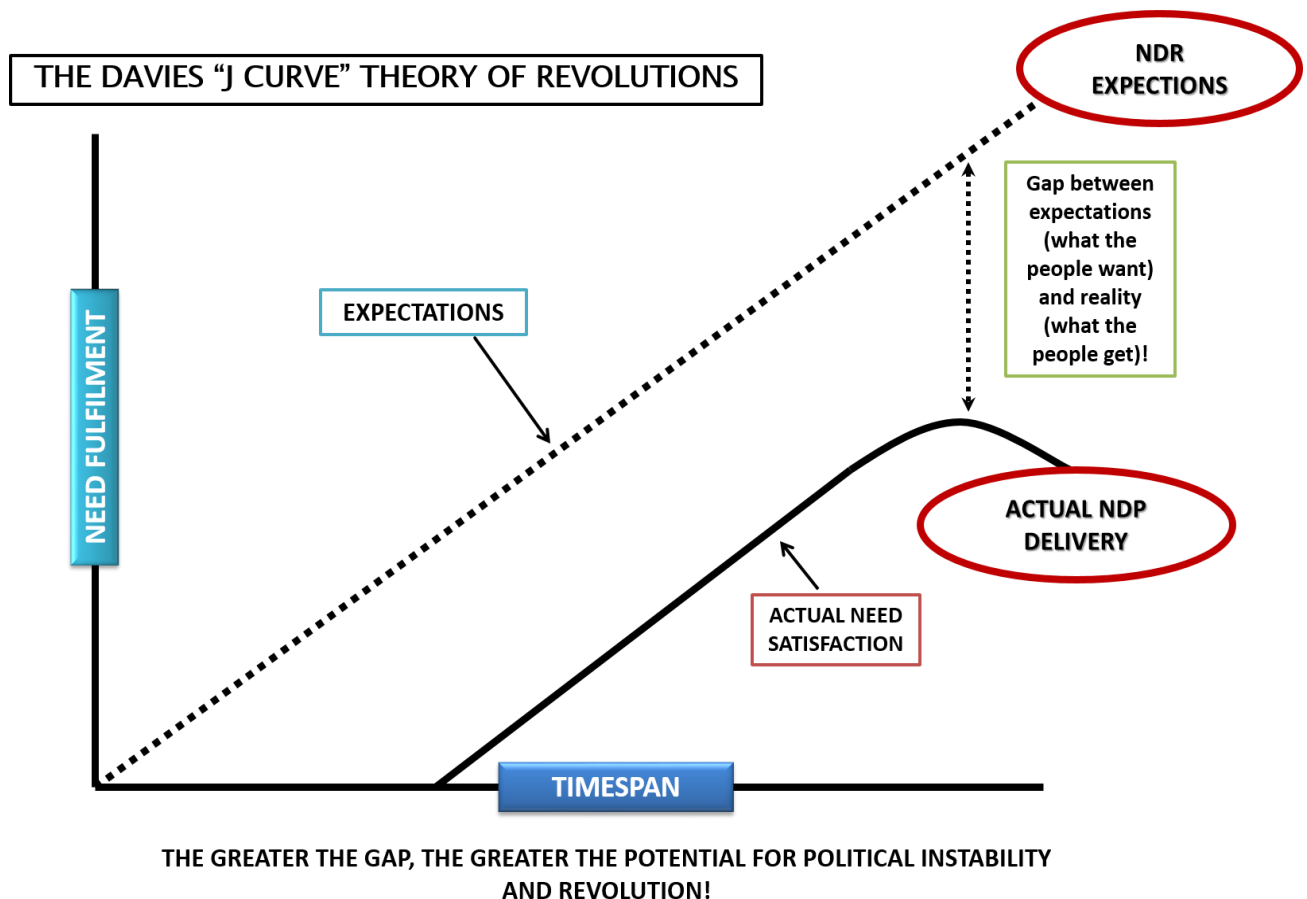
Expectations are an important political aspect relating to the transformation of land ownership in South Africa. The expectations created by the Freedom Charter, the Constitution, the NDR and political rhetoric have created legitimate expectations for land reform, land restitution and land tenure reform. These expectations have been further fuelled by administrative processes that allowed thousands of people to apply for land or financial compensation as restitution for land disposed as part of the 1913 Natives Land Act (Act No 27 of 1913) and subsequent policies and legislation. Furthermore, the slow pace of redistribution of land from white to black ownership has aggravated the expectations of most South Africans. Where land redistribution has taken place, expectations regarding sustainable livelihoods for beneficiaries have in most instances been dashed. The expectation was that transformation of land ownership since 1994 would assist the rural poor to overcome poverty through access to land for sustainable and productive agricultural production.

A great deal of political strife and civil unrest in modern times may be attributed to poverty. In such instances there must be sufficient poor people who believe that a change in the power structures in society will reduce poverty. In many instances there is a belief that this cannot be achieved peacefully. They regard the possible cost of subversion and political organisation worth the political risks involved. Most rural poor and landless people's movements do not have the co-ordinating potential (mostly due to their dispersion), tolerance of the risks involved or unity in the motives to carry out meaningful political subversion or protest. The better organised urban population is in a much better position to do so. The only real exceptions to this were in Mexico, China and Zimbabwe where land redistribution was of greater political consequence than the purely political and ideological issues in other countries such as the USSR. In all instances, however,

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the landless poor often became the greatest victims of radical land reform policies (Lipton, 2009:59).

One of the major causes of revolutions can be attributed to what James C. Davies coined the J-curve theory. Davies indicated that revolutions are most likely to occur when there have been periods of social and economic improvements that are suddenly replaced by periods of sharp reversal. After such a reversal, people fear that what they have fought for or earned will be lost and their mood becomes revolutionary. Davies argued that, rather than the poor, it is those who have gained the most from a transformation process who are most likely to revolt when their fears of losing that which they have gained appear to become a reality. The revolt is not necessarily due to their material losses, but rather due to their state of mind and mood that is driven by a fear of losing hard won material benefits. Based on this assumption, he argues that revolutions are most likely to occur in societies where basic day to day survival is not at the forefront of people's minds. Physical deprivation is not the cause of a revolution, but rather the fear of physical deprivation (Davies, 1971:134-147; Jacobsen, 2013:1). In this respect, a growing black middle class in South Africa have experienced substantial economic growth and have a great deal to lose through political decisions that have the potential to negatively affect their newly found economic status. The politically expedient NDR rhetoric fuels expectations which are not able to be met by development programmes such as the NDP. The socio-economic factors affecting the transformation of land ownership are discussed in section 7.4. The J-curve is adapted to the NDR (expectations) and NDP (actual development) paradigm and illustrated in the diagram below:



(Extrapolated from Davies, 1971:135)

Figure 16: Davies' J-curve within the NDR and NDP context

From the above diagramme it is evident that the gap between the politically mobilised expectations (what people want) and the limited economic growth combined with a weakened state (what people get) could be an important cause of political dissatisfaction and ultimately even revolutions. Obviously, the greater the gap, the greater the potential for revolutions or other forms of political unrest. The increasing gap between expectations and the government's ability to deliver effective government services and growing unemployment are sources of political protests in South Africa. There is also concern that economic and political post-1994 gains are being rapidly lost. An analysis of the Institute of Strategic Studies (ISS) Public Violence Monitor data from January 2013 to December 2015 suggests that South Africa experiences an average of three protests per day (including labour strikes). The high number of protests, combined with a history of violence in the country, the sustained structural inequalities and growing frustration with the ruling ANC are serious threats to the political and economic stability in the country (Businesstech, 2016).

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The limited economic growth experienced in many developing or so-called Third World nations is often caused by such nations themselves. In this regard, Palmer (1989:298) indicates why some states may be referred to as “*backward*” with the comment: “*If those states are backward, the reason is that their political systems have been unable to provide the preconditions for economic growth; they have the wrong type of political systems; their leaders have pursued misguided policies; or their leaders have meddled in economic policy when they shouldn’t have*”. Most political and economic commentators in South Africa are united in their concerns about both misguided policies as well as political meddling in policies by politicians. This has had serious economic ramifications that are manifesting themselves on political and social levels in the form of protest action in communities.

The causes of the so-called Arab Spring in some countries are particularly relevant to South Africa. Greffrath and Duvenhage (2014:30) indicate that the acute unemployment among an educated and literate youth, combined with the acquisition of skills that allow for instant communication and aggravated by high levels of corruption and lack of accountability are dangerously volatile combinations. This is particularly evident in contemporary South Africa in the “*fees must fall*” campaigns among students. It is perhaps only ethnic diversity and the rural urban divide that currently serves to prevent greater unity among urban and rural youth in South Africa. This will not be a permanent barrier to greater inter-ethnic communication and mobilisation, especially among students and the growing unemployed urban youth in South Africa. With this background, it is evident that food insecurity should never become a negative consequence of policies or legislation aimed at the transformation of land ownership in South Africa. Food insecurity has the potential to become the spark that ignites the political powder keg.

The discussion above may be briefly summarised as follows:

- Expectations are created during an upward economic movement (economic growth) and positive political development (increased democratisation) in society.
- Expectations become a source of potential strife and conflict in society when economic or political development becomes stagnant, or reverses, and expectations are no longer met.

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- The causes of most revolutions in history can be traced to situations in which expectations exceed the ability of governments or society to meet those expectations.

Growing expectations, combined with the inability by government to meet the expectations, is a source of political instability in South Africa. Being one of the normative instruments, political stability is discussed in greater detail in the next section.

5.3.2 *Political stability*

Political instability may exist when expectations are not met, but also between various value systems within different communities (traditional and modern) that co-exist in a single state. In most instances it is the reaction of governments to political threats that cause the political unrest and even violence. The reaction to land invasions in Brazil and Malawi are examples of violent reactions by both authorities and landowners to grassroots land invasions and threats. Zimbabwean political and economic decay was a result of the government's support for grassroots land invasions at the cost of the rule of law. In both China and the USSR, the political violence was ideological in nature and was meted out to a group of landowners or tenants who were perceived as a threat to the achievement of communist objectives (cf. chapter four).

One of the most extreme examples of land reform related political unrest was the Philippines. In the Philippines, the aim of land reform by the regime of Corazon Aquino was to gain the political support of peasants and placate leftist forces. The programmes were therefore not based on a conviction to transform land ownership through redistribution or improve agricultural productivity, but purely political in both their nature and objectives. This led to a great deal of political instability with the continued communist insurrection from the left and attempted military coups in 1987 and 1988 instigated by landowners from the right. Similarly, land reform programmes in Iran under the Shah led to hostility from landowners and a disruption of agricultural production. At the same time it did nothing to placate the opposition to his regime. The resulting political unrest led to the overthrow of the Shah's regime (Palmer, 1989:311).

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Any process of transformation has the potential for political instability, which is mitigated by the ability of governments to maintain social control over society. Migdal (1988:22) defines social control as *“the successful subordination of people’s own inclinations of social behaviour or behaviour sought by other social organisations in favour of the behaviour prescribed by state rules”*. Greffrath (2015:225) indicates that social control or social fragmentation as the antithesis of social control, rests upon two variables, namely the presence of rules (laws) and the ability to implement those rules (institutions). In societies in which there are high levels of disregard for laws coupled with an inability to implement sanctions against individuals who flout laws, social control is regarded as fragmented. On the other hand, social control is dependent on a society’s acceptance and obedience to the law coupled with the institutional ability to deal effectively with individuals who flout the law. Social control may be used to determine the difference between politically unstable and politically stable states. States that display poor social control are normally politically unstable, or, depending on the level of decay regarding social control, have the potential for political instability. Successful social control also depends on the manner in which institutions use the coercion available to them. Too much or too little use of coercion could increase instability.

The Egyptian example of using agrarian reforms in the form of land ceilings to transform society by destroying a politically dominant class during the 1950s to 1970s shows the potential impact of transformation of land ownership on social control. In the 1950s, the state managed to implement the redistribution of land through land ceilings of only 8,4% of cultivated land, which rose to about 12,5% during the 1970s. One of the main objectives, namely the destruction of big landowners as a powerful political, social and economic class, was successful. While this land reform proved to have some short term political advantages, it did not strengthen the state’s long term social control over society. Former landowners had dictated behaviour using rewards and sanctions at their disposal as leverage. Nasser was unable to create effective state institutions to replace those landowners through a politically motivated cadre from whom he drew appointments. The lesson learned from this example was that the state cannot simply replace an established social order with another and expect a stable outcome (Migdal, 1988:186, 188-190). Transformation that manages to maintain social order and accompanying political stability tends to be an evolutionary and not a revolutionary process.

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The above examples indicate that transformation of land ownership should be carried out from political conviction based on sound transformation objectives and not political expediency based on ideology. There should be a genuine need for transformation of land ownership and such policies and processes must be equitable, economically sound and politically mature. Land reform that is carried out for ideological reasons or to placate leftist movements, often leads to political unrest or even violence.

From the discussions on expectations, together with the above discussion on political stability and instability, the following important points can be noted:

- Political instability exists when economic and political expectations exceed the ability of the government or state to meet these expectations or when values in society clash (e.g. modern versus traditional values).
- Political stability depends to a large degree on the political reaction to the demands of society.
- Social control is crucial for political stability.
- Social control depends on the rule of law and the institutional ability of a state to enforce the law.
- The example of Egypt indicates that social control is structurally and institutionally based and cannot be maintained by merely replacing one ruling class with another.

The increasing loss of social control over society in South Africa as well as political interference through economically unsound policy and legislative interventions are adding fuel to already high rates of violent protests in the country. Attempts to transform land ownership have not been matched by similar attempts to ensure that transformed land is utilised effectively, which further fuels dissatisfaction among beneficiaries of such programmes. The issue of land usage and productivity is discussed in the next section as one of the important instruments in the creation of an analytical framework for the analysis of transformation of land ownership.

5.3.3 Land usage and productivity

The ultimate purpose of transformation of land ownership should not only be political in nature, but should also have the aim of economically empowering beneficiaries of

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transformation. This implies that transformation initiatives, whether land reform, land restitution or land tenure based, should ensure that transferred land is put to productive use. Agriculture has various factors affecting productivity that jointly make agriculture a unique economic sector. Meier and Rauch (2005:382) identify six factors that play important roles in ensuring productivity in agriculture, namely:

- The numbers of people making decisions in this sector. In some industries the decision-makers range from a handful to perhaps thousands, while in the agricultural value chain millions of people are involved in day-to-day decision making.
- The seasonality and geographical dispersion of agricultural production create the need for an extensive system of storage and transportation which makes this industry infrastructure dependent.
- The weather creates a great deal of volatility to production and increases risks of price fluctuations.
- The vast regional variations in climate and topography.
- The important factors relating to availability of water and rainfall patterns.
- The fertility of land and regional variations relating to this.

These are among the factors that form the basis of a contextual survey of land ownership in South Africa in chapter seven.

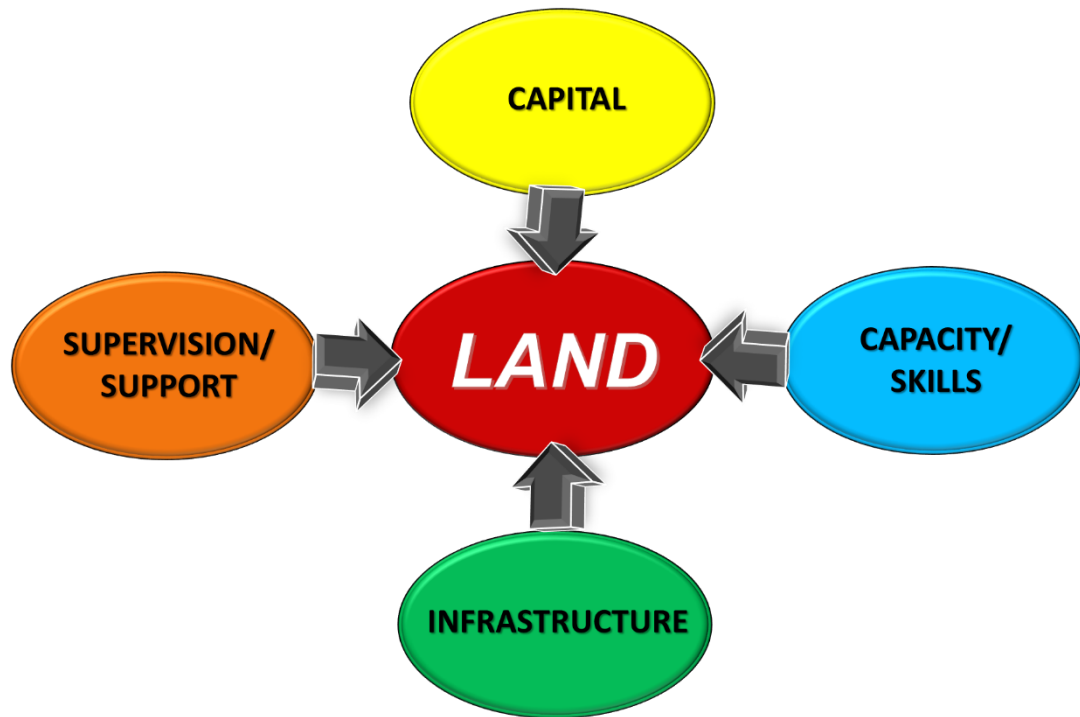
Infrastructure is crucial for sustainable agricultural development. Rural infrastructure in the form of irrigation and drainage works, roads, ports, communications, electricity, railroads and market-facilities provide an important foundation for an efficient economy. Most of this investment comes from the public sector, but the benefits in terms of increased investment in rural areas and employment creation during and after infrastructure construction are crucial for rural economic and political stability. The resulting economic upward mobility caused by wealth creation often results in a challenge to monopoly control over land owned by families or traditional structures, especially among women (Migdal, 1974:169-171; 179). Employment creation is an equally important factor in the agricultural industry. In modern economies, more employment is created by agribusinesses than in farming itself. In less-developed agricultural economies there is less agribusiness and farming remains the main employer in rural areas. Agri-processing

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such as, among many others, grain milling, cotton spinning and weaving, food processing and cigarette factories are sources of employment. When small scale traders, food wholesalers, retailers and peddlers are included in the value chain, the volume of indirect employment often overtakes employment on farms. These employment opportunities assist individuals to escape from the rural poverty traps (Meier & Rauch, 2005:405).

The realities of modern twentieth century agriculture include aspects such as economies of scale, farming and business skills, capital, infrastructure and technology, rather than just land. Farmers in South Africa have to function in an uncertain environment that is compounded by policy uncertainty. In order to remain competitive it has become necessary for farmers to obtain more land and increase the size of farming operations. Most smallholder and even medium-sized farms are struggling to survive due to the demands of a global environment. Government needs to ensure that South African farmers survive and remain competitive through relevant research, support and improvement of their access to credit through secure tenure, especially in former homeland areas (Herbst & Mills: 2015:73). Modern farming is about business and entrepreneurship as much as it is about land. In this respect, Herbst and Mills (2015:73) correctly indicate that: *“Like any other sectors, those who survive and prosper will be the better farmer, marketer and entrepreneur, improving yields and technology, and inserting themselves into local and global value chains”*.

The support required to transform land into a successful business enterprise that contributes to food security and local economic development is explained in the following diagram:



(Source: Author's own construct)

Figure 17: Support required for land to become a business

Within a South African context, it remains important to ensure that transformation initiatives are accompanied by the necessary support to ensure that transferred farms are sustainable, productive and ultimately become businesses (commercial enterprises) that are free of dependency on government support. This is the only way to secure food security in South Africa, since it is the country's commercial farmers who currently ensure food security in the country (see statistics in section 7.3). Food security as an instrument in the analytical framework is discussed and conceptualised in the section below.

5.3.4 Food security

Of all the outcomes that may determine the success of efforts to transform land ownership, the one that stands out is food security. This outcome is linked to the very nature and purpose of the agricultural sector in any society. Food security is defined in different ways, but in most instances refers to the availability of sufficient food to sustain human lives. The World Food Summit in Rome in 1996 defined food security as existing when people “*have access to sufficient, safe, nutritious food to meet their dietary needs and food preferences for an active life*”. Food security is regarded as having three

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dimensions, namely food availability, food access and food use. Food availability implies that a country must have sufficient availability of food at both national and household levels. Food access refers to the ability of a nation and household to obtain sufficient food on a sustainable basis, while food use refers to the appropriate use of food based on knowledge of nutrition and care, as well as adequate water and sanitation (Du Toit, 2011:2).

A nation is regarded as food secure when it is able to manufacture, import, retain and sustain food required to support its population at minimum per capita nutritional standards. A community is regarded as being food secure when residents in a community are able to obtain safe, culturally accepted, nutritionally adequate diets through a system that maximises self-reliance in a sustainable manner. A household is regarded as food secure when its members do not live in hunger or fear of starvation (Du Toit, 2011:3).

An important aspect relating to food security is the relationship between food production and the means of food production. If large segments of rural populations are not absorbed into the labour force in the food production process, even a large food output could leave large portions of the population in poverty and food insecure. In this respect, technological advances, although they increase agricultural productivity, could actually increase food insecurity by increasing rural unemployment. Although agriculture is often viewed as a race between population growth and food, there are strong arguments that indicate that the equation should rather be between food supply and food demand. This is dependent on the economic development and employment expansion within countries (Meier & Rauch, 2005:393, 398).

The lack of sustainable and affordable sources of food for a growing population has political ramifications. Food has been a recipe for revolutions throughout history, whether in ancient Rome, Queen Marie Antoinette's France or Tsarist Russia. In more recent times the political unrest in Arab countries is directly linked to food, since Arab autocrats maintained stability through cheap food supplies. The social contract was: "*we give you cheap bread, you don't demand democracy*". Skyrocketing food prices in 2008 resulted in bread riots in Jordan, Morocco, Algeria, Lebanon, Syria and Yemen. In Tunisia the protestors faced riot police with baguettes. Bread prices in Egypt rose by more than one-

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third and by March 2008 people had begun to die in bread lines due to fights or exhaustion. The army was instructed to take over the baking and distribution of government subsidised bread on instruction of President Mubarak. By January 2011, unrest over food in Egypt had started a revolution with people complaining that they were forced to live on beans (McMahon, 2014:49-51). An outcome identified in an analysis of the Great Bengal famine of 1943 and more recent famines in Bangladesh and Ethiopia, indicated that it was not the decline in the availability of food that was the major cause of the famine. In Bengal, it was the military expenditure and inflation of food prices that caused the famine among mostly landless agricultural labourers and rural artisans whose incomes lagged behind inflation. Both China and India faced high risks of famines, but unlike China the democratic structures and free press forced the Indian government to take steps to avert a famine (Meier & Rauch, 2005:393; Martin, 2007:108-109). Community and household food insecurity can, therefore, be caused by the lack of the availability of food as much as by affordability of food in communities.

The above examples indicate that the democratic system can play a very important role in averting food insecurity or famines in countries. They also serve as warnings to governments that are contemplating implementing policies that may impact negatively on the sustainability of a supply of diverse and affordable sources of food. Food and water remain basic necessities for human survival and when these dry up, people who are facing possible death through starvation or thirst will resort to any means necessary to survive. Governments can perhaps spin (through political rhetoric) their way out of many difficult political situations, but they cannot spin away empty stomachs. Pearce (2012:X) indicates that securing food supplies must be weighed up against other factors: *“This is not about ideology. It is about what works. What will feed the world and what will feed the world’s poorest. But what works has to do with human rights and access to natural resources, as well as about maximising tonnes per hectare.”* The issue of ideology within a South African context becomes apparent in chapter eight when the NDR is discussed in more detail. However, the above comment by Pearce remains relevant to all aspects of this study.

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The following important aspects relating to food security deal with the key arguments discussed in the above section:

- Access to sufficient nutritious food is a basic human right.
- Food security exists when there is enough available food to sustain a human population.
- Food security has three dimensions, namely national, community and household.
- Increased agricultural production may meet the requirements of national food security, but does not automatically result in community or household food security.
- Food insecurity has the potential to contribute to serious political instability, as was experienced in the co called “*Arab Spring*” uprisings in various countries.

The issue of food security is also affected by the next instrument in the development of an analytical framework, namely fairness. Fairness in transformation of land ownership will serve as a motivation for food producers to invest in, and produce, adequate food supplies for a nation with a growing population. The opposite also applies, in that the lack of fairness could serve to hamper the production of food on commercial farms. The issue of fairness in the transformation of land ownership is discussed in the next section.

5.3.5 Fairness

Policies and legislation aimed at the transformation of land ownership that result in political instability are largely because they are based on politics and ideology, rather than fairness and justice. Within a South African context, the issue of fairness has to create a balance between historic racially based injustices and attempts to transform society in a manner that is fair, equitable and just. In this respect, political perceptions are as important as the outcomes of attempts to transform society. This is one of the main issues that is discussed in chapter eight when the NDR is weighed up against the NDP and previous development programmes. It remains important that attempts to transform patterns of land ownership in South Africa that have been entrenched over centuries, are done in a manner that is perceived to be fair. In order to use fairness and a normative outcome of such processes, it is important that the concept of fairness is discussed and conceptualised.

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Fairness is closely linked to the concept of social justice. The concept of social justice was originally coined in the 19th century by the Catholic Church during campaigns for a *living wage* that could ensure the dignity of workers. The term *social justice* was at that time mostly concerned with the relationship between American capitalism and what the church determined as ethical behaviour. By the 1960s, social justice became associated with the civil rights movement and gender rights for women. In South Africa, this shift was seen in the anti-apartheid movement that used the term in the fight to end racial and gender discrimination and in the promotion of the rights of workers. Currently, social justice projects in South Africa deal predominantly with issues relating to economic justice, public participation, socio-economic rights, accountability and improved access to services in a variety of sectors (SGI, 2013). Maiese (2013:1) links social justice to fairness in the following statement: *"In its narrower sense justice is fairness. It is action that pays due regard to the proper interests, property, and safety of one's fellows...Parties concerned with fairness typically strive to work out something comfortable and adopt procedures that resemble rules of the game. They work to ensure that people receive their share of benefits and burdens and adhere to a system of fair play"*.

The concept of fairness in terms of land is explained by Binswanger-Mkhize *et al.* (2009:5) with the following comment: *"Societies usually have strong feelings about how and by whom land should be used because the overall area of land in a country is fixed, and because agriculture is (or could be) an important source of income for many people. The matter of equity is particularly pronounced when it comes to land: communities tend to feel that land should be equitably distributed to as many people as possible. A countryside populated by small family farmers tilling the land corresponds in many peoples' minds to a system that is fair"*.

As rational beings, humans should be regarded as equal. In order to ensure equality and function as rational beings it is generally accepted that contracts should be kept, life and property should be respected and justice should prevail. Principles of fairness and justice are usually bound to other elements such as procedural, retributive and restorative justice in which outcomes are unbiased, consistent and reliable. Where distribution of wealth is concerned, it is commonly accepted that, in order for it to be fair and just, the distribution of costs and punishments should also be fair. In order to ensure fairness at an institutional

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level, there should be mechanisms to ensure that all cases are treated equally and that individuals affected by any action are given representation in the determination of punishment or restitution (Benn & Peters, 1959:27; Maiese, 2013:2).

Governments should play a leading role in ensuring that the state is capacitated with policies, legislation and institutions that are able to ensure fairness and justice in society. In this respect Goodwin and Pettit (1993:31) argue that inequality of property holdings may be regarded as an injustice in society, particularly if the acquisition of property is historically based. In instances of historical injustice, it can be argued that a state has a responsibility to restore fairness and justice. However, policies and legislation aimed at transforming land ownership should not only ensure fairness through land reform, land restitution and land tenure reform that bring about restorative justice in land ownership for deprived individuals, but should also ensure that legitimately purchased land is not unfairly expropriated. Such transactions should also strive to achieve outcomes that do not negatively affect agricultural outputs that could adversely impact food security or local economies. This is especially important in transitional societies that are dependent on an economically sound agricultural sector to provide employment and economic stability in rural areas, but also to supply food for expanding urban populations.

A legitimate fear in a racially divided society such as South Africa, with a history of racial conflict and racial discrimination, is whether the courts that have to implement justice and ensure fairness are able to do so. The words of Deputy Chief Justice Dikgang Moseneke (2014:11) explain this from the perspective of the judiciary: *“Our constitutional democracy was forged on the anvil of division, past injustice and economic inequity, but also on the hope for reconciliation, nation building and social cohesion. Notionally, our Constitution is premised on the will of the people expressed in representative and participatory processes. It does not only establish its supremacy, rule of law and fundamental rights but also recites our collective convictions. It contains our joint and minimum ideological and normative choices of what a good society should be. It enjoins the state and all its organs to take reasonable steps without undue delay to achieve that good society”*. The good society in a South African context would be one in which all individuals and groups can expect to be treated fairly by the state and government and when disputes arise over this, at least obtain redress based on the principle of fairness from the courts.

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Benn and Peters (1959:350) summarise the concept of fairness in terms of government as follows: “... *no interests should be so powerful that government can safely attend to them alone. Conversely, no interests should be so weak that a government could afford to disregard any convincing case it might put up*”. In this respect, it is important for the governing alliance to disregard the temptation to place populist NDR related political decisions and rhetoric ahead of any sound arguments from smaller groups, such as the farming community, regarding transformation of land ownership.

Attempts to bring about transformation of land ownership will have to deal with issues relating to fairness. The South African situation is complicated since the direct perpetrators of previous Apartheid policies and legislation are not directly affected by policies to redress historical injustices, but may be the descendants of such individuals or groups. A question that still has to be answered, is whether an individual who may have benefitted from policies and legislation that they did not draft or implement are liable for the consequences of such policies and legislation? Since 1913 and even since 1994, much land has changed hands in South Africa in what may be regarded as simple business transactions. A balance will have to be struck between what is fair to individuals who are trying to make a living from a business that happens to take place on a farm and the individuals and groups who were dispossessed by legislation that was implemented for over a period of three and a half centuries. There is no doubt that most white people, including farmers, still benefit from wealth, values and knowledge that were exclusively available to their forefathers, at the cost of black, coloured and Indian people. Obtaining fairness without creating new forms of discrimination remains a huge challenge in South Africa. Namibia has so far managed to strike some sort of balance regarding transformation of land ownership, which may be linked to the continued electoral successes of the governing party in that country.

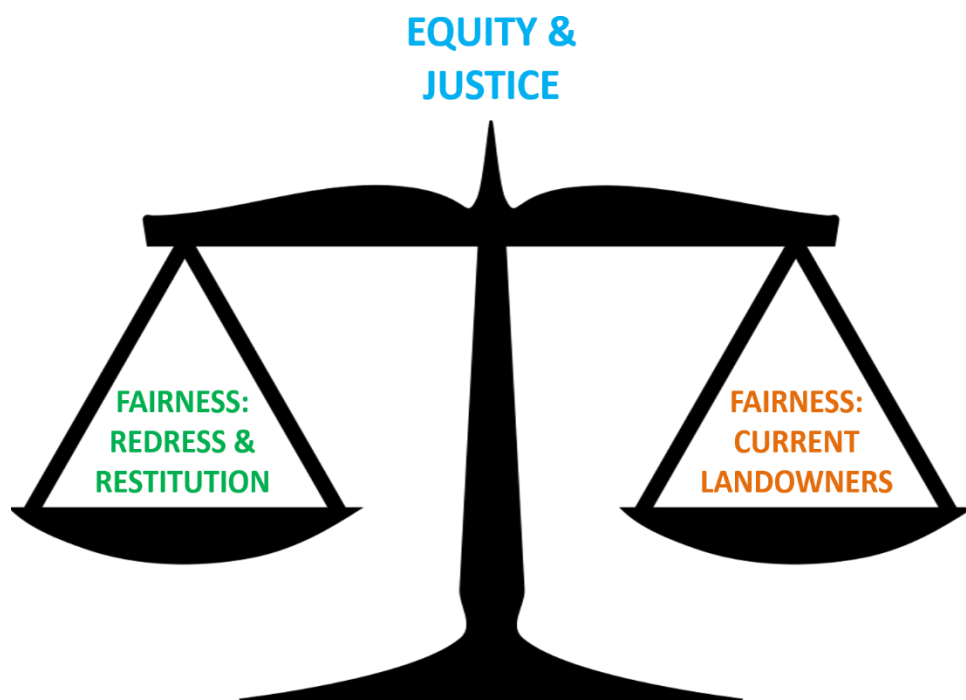
Key elements regarding fairness include the following:

- Fairness includes actions that pay due regard to the proper interests of the property and safety of others.
- Fairness is based on fair play that ensures that people receive their proper share of both benefits and burdens in society.

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- Fairness is bound by elements such as procedural, retributive and restorative justice.
- Fairness requires sound institutions such as an independent judiciary.
- In terms of transformation of land ownership in South Africa, the rights of the disposed to redress and restitution have to be balanced with the rights of current property owners.

The political difficulty facing fairness in transformation of land ownership in South Africa, is to strike an equitable and just balance between redress and restitution on the one hand and fairness on the other. Redress and restitution for the majority of black people in the country who were denied access to land prior to 1994, and fairness to current landowners who are predominantly white and most of whom have purchased and invested in land using private capital or bank loans. This is explained in the following diagram:



(Source: Author's own construct)

Figure 18: Striking an equitable balance between redress and fairness

The various instruments that form the basis of the analytical framework that were discussed in the above sections, in varying degrees, impact in some way on the economy and vice versa. It is for this reason that the economic impact of policy and legislative

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proposals of transformation of land ownership are weighed up alongside the other instruments. Economic impact as an instrument in the analytical framework is discussed below.

5.3.6 *Economic impact*

Discussions on the various case studies in chapter four indicate how poorly formulated and implemented policies aimed at transformation of land ownership impact on the economies of countries. This is especially evident in countries such as the Philippines, former-USSR and Zimbabwe. The people worst affected in these countries were rural dwellers who depended on a sound agricultural sector for direct or indirect sources of income. The main reasons for the negative economic impacts were policies based on political and ideological considerations that were ruthlessly implemented, without due consideration for the social and economic disruptions on the lives of rural communities. The resulting food insecurity and even famines were often regarded as unfortunate but necessary outcomes to achieve political and ideological ideals. In most cases, regimes had to change before new reforms were able to bring some relief to economically deprived and desperate populations.

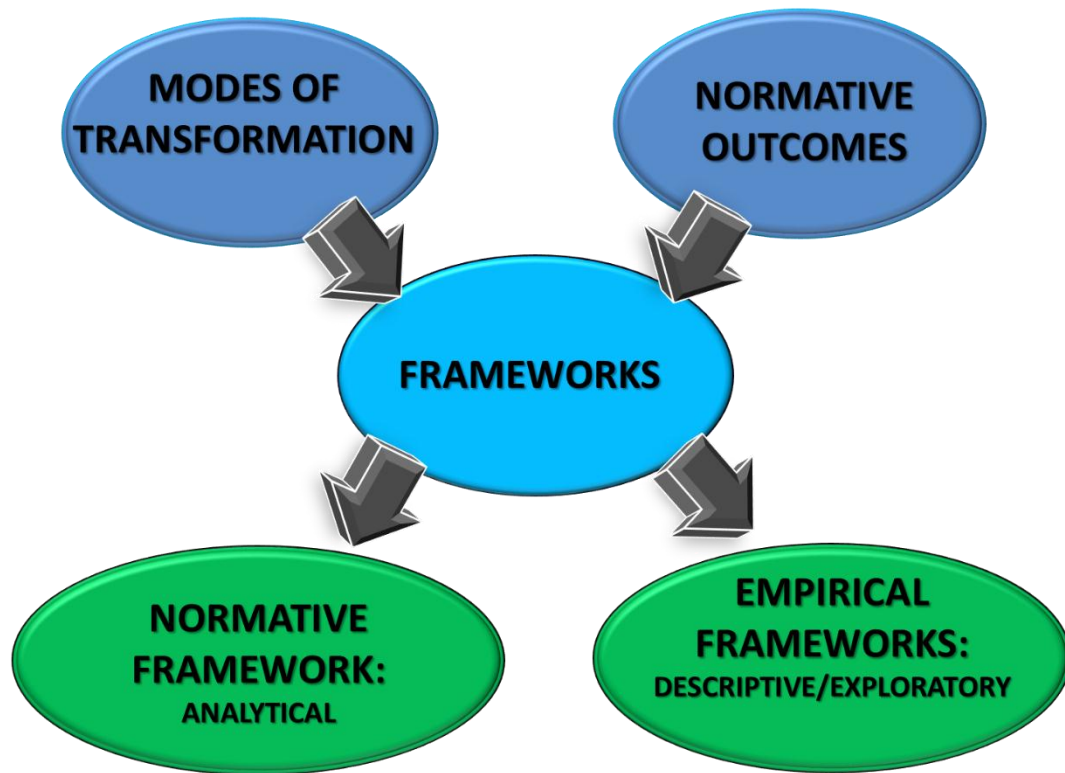
Another important factor that affects economic development is that policies aimed at transformation of land ownership often result in the entrenchment of a subsistence rationality that prioritises the fulfilment of immediate family needs of rural households above those of long term economic growth. Subsistence farming does not create surpluses that are required to feed growing urban populations, which results in many agrarian states having to import food, or at worst to experience various forms of food insecurity. This is often combined with political elites who feel threatened and are preoccupied with political survival. Although political legitimacy is closely linked to economic growth, such growth is often the result of sound long term policies, while the terms of office of politicians are often measured in shorter time frames. Political leaders are often tempted to implement policies that are able to produce short term personal political benefits instead of long term beneficial economic outcomes (Palmer, 1989:308; 321). This is unfortunately a reality in South Africa where insecure politicians and politically appointed officials are increasingly reverting to the politics of plunder as

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opposed to the politics of prudent policy. Economic factors must be prioritised as important outcomes when decisions are taken regarding transformation of land ownership.

The World Bank has indicated that decades of research carried out by agricultural economists all over the world has proved that small-scale farmers generally use land, labour and capital more effectively than large-scale farmers who depend primarily on hired labour. The research proves that redistribution of land from large-scale farmers to family farmers can increase efficiency and result in economic gains. This does not imply that family farmers create more wealth than large-scale farmers, but only that they produce more out of the little they have than economies of scale (Binswanger-Mkhize *et al.*, 2009:5). Most commercial farms in South Africa are family-run farms and may be regarded as medium-scale farms. There are also many environmental issues that affect profitability and sizes of farms in South Africa (see section 7.3).

The detailed explanations of the various instruments in the sections above facilitate their use as normative outcomes within the paradigm of transformation of land ownership. These instruments can be used as the basis for an analytical framework with which to analyse the outcomes of the various modes of transformation that were discussed in section 5.2. The detailed explanations make provision for the development of both a normative and an empirical framework. Due to the ideological point of departure (the NDR), the normative analytical framework will be used for further analysis that is required in this study. The diagram below explains the next process in this chapter:



(Source: Author's own construct)

Figure 19: Methodology for the analytical framework

5.4 A normative theoretical framework for the analysis of transformation of land ownership

The discussions on the normative outcomes that include expectations, political stability, land usage and productivity, food security, fairness and economic impact in section 5.3 lay the foundation for the analytical framework. Section 5.2 conceptualised and discussed the various modes of transformation of land ownership that had been identified as possible instruments for implementing land reform, land restitution and land tenure reform in South Africa.

The modes of transformation may be evaluated individually or collectively against the normative outcomes, based on which are applicable to any given policy or legislative proposals. One could, for example, only evaluate expropriation and land ceilings and adjust the possible outcomes accordingly. In this way it can be determined whether the various ideologically driven modes of transformation aimed at the transformation of land ownership have positive, neutral or negative impacts on the broader society. This will be determined by a content assessment based on sound research. By placing numerical

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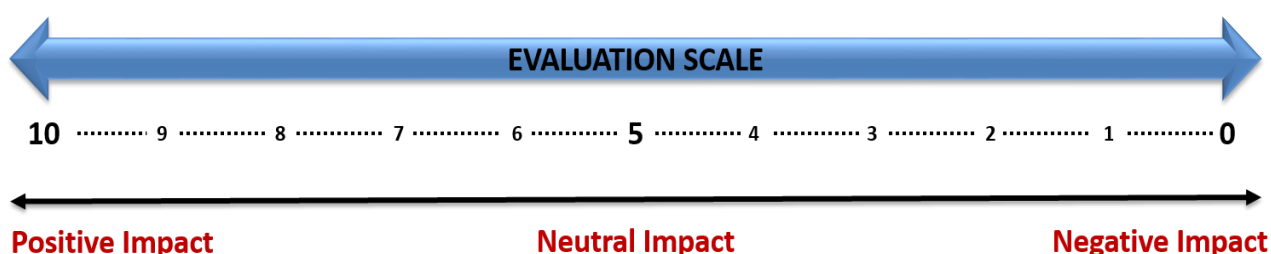
values on each normative outcome using a sliding scale from positive (6-10 points), neutral (5 points) to negative (0-4 points), it will be possible to develop a score for each mode of transformation. In this way the various ideological approaches to transformation of land ownership can be evaluated by allocating scores to the possible outcomes. If all five of the modes of transformation are used, a score between 180 and 300 will be predominantly positive, 150 a neutral score, while a score between 0 and 120 will be mostly negative. These scores could also be graphically illustrated.

The following table and diagram explain the analytical framework:

Table 26: Analytical framework

	Taxation	Expropriation	Land ceilings	Collectivisation	Sustainable land reform
Expectations	(0-10)	Score	Score	Score	Score
Political stability	Score	Score	Score	Score	Score
Land usage and productivity	Score	Score	Score	Score	Score
Food security	Score	Score	Score	Score	Score
Fairness	Score	Score	Score	Score	Score
Economic impact	Score	Score	Score	Score	Score

(Source: Author's own construct)



(Source: Author's own construct)

Figure 20: Analytical framework scoring scale point allocation

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It is important to note that, since this is a normative (evaluative) framework, the scoring will be determined by the research carried out by the individual who is scoring the various modes of transformation of land ownership.

The next section tests this analytical framework using the various modes of transformation that are relevant to the case studies that were identified and discussed in chapter four.

5.5 An application of the normative theoretical framework on the selected case studies

As a simple example, the following outcomes may be achieved if the analytical framework is applied to the radical approaches to the transformation of land ownership in the USSR, using all the modes of transformation:

Table 27: USSR - analytical scoring

	Taxation	Expropriation	Land ceilings	Collectivisation	Sustainable land reform
Expectations	1 (had a negative impact)	5 (met bourgeoisie expectations)	5 (neutral since it led to further purges)	3 (did not meet all expectations)	1 (negative impact due to suppressive tactics)
Political stability	2	2	5	4	2
Land usage and productivity	3	2	2	1	2
Food security	1	1	1	1	1
Fairness	1	1	1	1	1
Economic impact	2	2	2	2	3

(Source: Author's own construct)

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Out of a potential of 300 points, the radical approach of the USSR scored 61 points (20,3%). This score indicates that the radical approach to transformation of land ownership in the USSR had an overall negative outcome on society as a whole.

An analysis of the other case studies identified and discussed in chapter four will be carried out using the normative analytical framework as indicated above.

Table 28: Namibia - analytical scoring

	Expectations	Political stability	Land usage and productivity	Food security	Fairness	Economic impact
Status quo approach	5 (met some but not all expectations)	9	7	8	6	7
Score: 42 out of 60 = 70%						

Table 29: Latin America examples - analytical scoring

	Expectations	Political stability	Land usage and productivity	Food security	Fairness	Economic impact
Conservative approach	4 (met some but not all expectations)	5	4	5	3	5
Score 26 out of 60 = 43,3%						

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Table 30: Tanzania - analytical scoring

	Expectations	Political stability	Land usage and productivity	Food security	Fairness	Economic impact
Collectivisation (village approach)	5 (meets expectations of people in villages, but not outsiders)	5	3	1	4	2
Sustainable (permanent) approach	5	5	2	2	2	3
Scores: 39 out of 120 = 32,5%						

Table 31: Central Asia - analytical scoring

	Expectations	Political stability	Land usage and productivity	Food security	Fairness	Economic impact
Land ceilings	5 (met expectations of landless, but not of land owners)	5	4	5	6	5
Score: 30 out of 60 = 50%						

Table 32: Malawi - analytical scoring

	Expectations	Political stability	Land usage and productivity	Food security	Fairness	Economic impact
Sustainable land reform	4	6	5	5	5	5
Collectivisation	6	4	5	5	6	5
Scores: 61 out of 120 = 50,8%						

Table 33: PRC - analytical scoring

	Expropriation	Collectivisation	Sustainable land reform
Expectations	4 (7)	3 (7)	4 (7 – adjusted expectations)
Political stability	4 (6)	4 (7)	5 (6)
Land usage and productivity	2 (6)	2 (7)	3 (7)
Food security	2 (6)	2 (6)	2 (6)
Fairness	1 (5)	1 (5)	1 (6)
Economic impact	3 (7)	3 (6)	2 (5)
Score: 48 out of 180 = 26,6%			

(Score after market reforms: 112 out of 180 = 62,2 %). The PRC scores indicate that market reforms had a positive outcome on society when compared with the former policy framework.

Table 34: Zimbabwe - analytical scoring

	Expropriation	Collectivisation	Sustainable land reform
Expectations	2 (met landless people's expectations but destroyed jobs of farm workers)	2 (did not meet expectations)	1 (negative impact due to suppressive tactics)
Political stability	3	5	3
Land usage and productivity	3	3	4
Food security	1	2	2
Fairness	1	1	3
Economic impact	2	2	2
Score: 42 out of 180 = 23,3%			

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The above scores are own constructs that are used as examples only, and more in-depth explanations will be required to determine a more accurate score based on a more comprehensive study on each mode of transformation and outcome within each of the case studies. This is not necessary at this stage since the main focus is on the analysis of the transformation of land ownership in South Africa. It is, however, evident from the brief application of the theoretical framework on the selected case studies that the points decrease significantly as one moves away from the status quo on both sides of the ideological spectrum.

By evaluating various ideological approaches to the modes of transformation of land ownership implemented by the South African government, it will be possible to measure and compare them in a normative manner using a simple empirical point scoring system based on a value driven normative analysis.

The research carried out in sections 5.2 and 5.3 lends itself to the development of an empirical framework, in addition to the normative analytical framework. Since this research had already been done, it will be useful to create such a framework for future research. This framework is discussed in the next section.

5.6 An empirical framework for the analysis of the transformation of land ownership

Although the study does not require an empirical framework as an analytical tool for the analysis of the transformation of land ownership in South Africa, the research has reached a stage that facilitates the development of such an additional framework. This empirical framework could add value to and be of use for future research. It will require a combination of various factors that were identified within the discussions in both chapter four and this chapter relating to transformation of land ownership. The framework will also identify factors relating to the need for transformation, the environment within which such transformation has to take place, the transformation process and the post transformation support required to ensure that such a process remains stable.

5.6.1 The need for transformation

The need for transformation is based on two of the most important factors that affect transformation of land ownership, namely the often divergent aspects of food security (see section 5.3.4) and expectations (see section 5.3.1). While expectations are the main driving force behind transformation of land ownership in South Africa, such expectations should be met without compromising food security. Attempts to transform the agricultural sector should in fact have improved food security as an outcome. While this is sound theory, on a practical level the expectations created by an NDR paradigm could be met at the cost of food security.

5.6.2 Transformation environment

The transformation environment within agriculture in South Africa is determined by a combination of historical, political, environmental, security and socio-economic factors (see section 7.3). These must be examined and will form an important contextual basis for any study in the transformation of land ownership. These are examined in a South African context in chapter seven.

5.6.3 The transformation process

Within a South African context, any process of transformation will be determined by the dominant ideological point of departure of those who are making the proposals, whether government, opposition parties or civil society. These ideological points of departure will to a large degree determine the levels of state, market and grassroots inputs into the transformation processes (see discussion in section 4.4). These are important factors that influence the outcomes of transformation processes and will impact on the identified outcomes.

5.6.4 Methods of transformation

The various methods of transformation that have been identified within a South African context are an integral part of the policy development and implementation processes

regarding the transformation of land ownership, namely land reform, land restitution and land tenure as conceptualised and discussed in section 4.2.

5.6.5 Modes of transformation

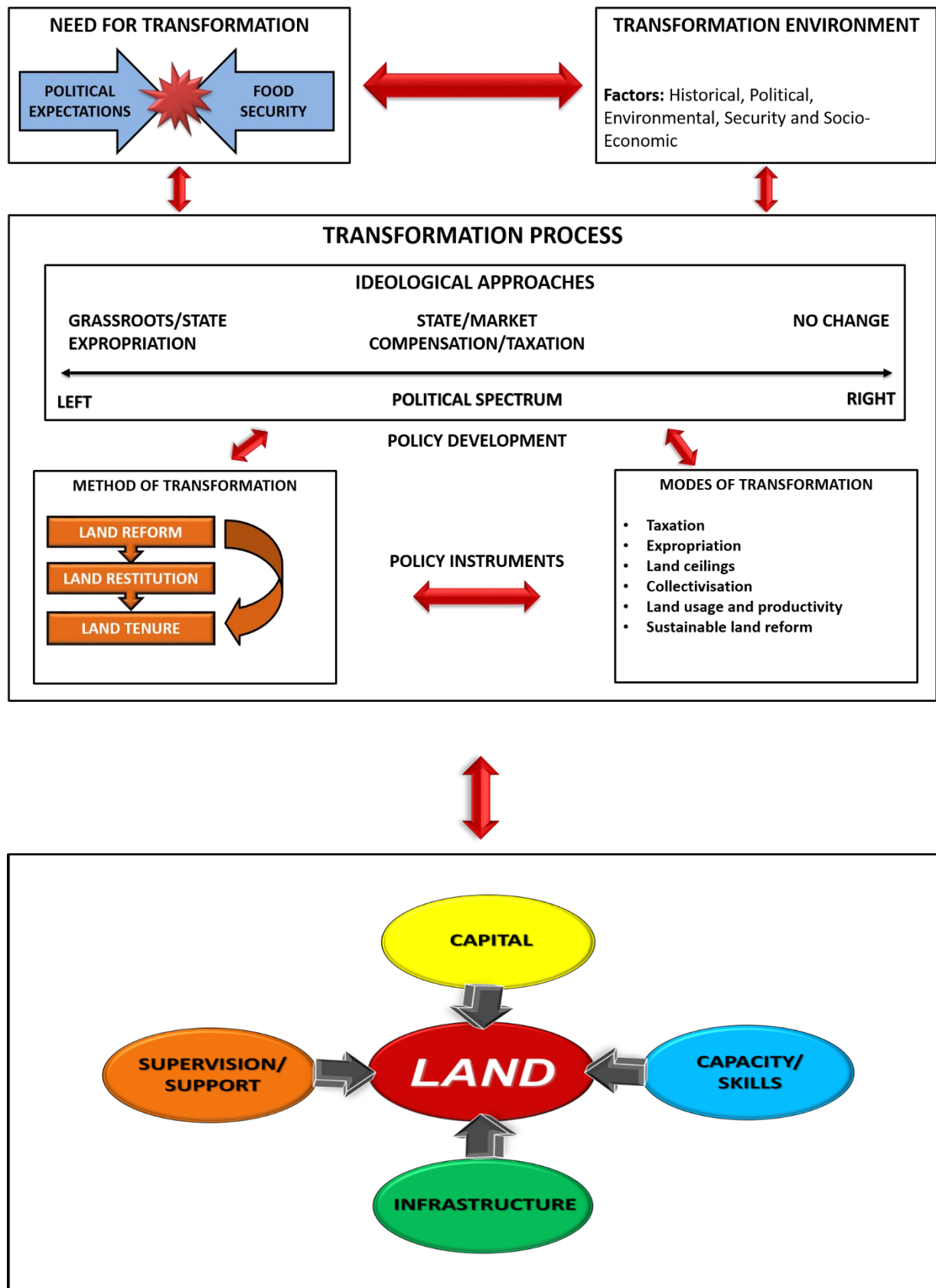
Once the methods of transformation have been determined, the next step in the policy development process would be to determine which modes of transformation are required in order to implement the objectives contained in the various methods. This is an important part of the policy development process regarding transformation of land ownership. The various modes of development identified within a South African context are taxation, expropriation, land ceilings, collectivisation, land usage and productivity and sustainable land reform (as discussed in section 5.2).

5.6.6 Transformation support

In order to ensure the positive impacts on the various outcomes that are affected by the implementation of policies and legislation aimed at transformation of land ownership, it is important that any practical initiatives receive the necessary support. Land alone is not enough to ensure a successful outcome of such a transformation process. The success requires a combination of additional inputs in the form of capital, supervision and support, capacity and skills building and transfers and infrastructure development (see section 5.3.3). The combination of these aspects in the right quantities at the relevant times could ensure the success of transformation initiatives in the agricultural sector.

With the brief explanations above, the framework below covers the transformation of land ownership in its entirety and will ensure that a case study that is subject to this empirical framework includes all applicable areas of transformation. This framework is descriptive and explanatory in nature and requires less value driven research decisions. The framework is explained in the diagram below and explanations on each of the aspects below can be found in this chapter as well as chapter four.

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(Source: Author's own construct)

Figure 21: Empirical framework

5.7 Concluding Remarks

The literature study carried out in this chapter resulted in detailed explanations of both the modes of transformation and the normative outcomes of the transformation of land ownership. The five modes of transformation are used as instruments for the implementation of political transformation policies, while the six normative outcomes are used as variables to measure the impacts of these instruments on not only the agricultural sector, but society as a whole.

The outcomes of this process allowed for the creation of two theoretical frameworks based on the information that emerged from the research carried out in this chapter. This allowed the researcher to decide, based on the epistemological considerations of the study, whether to use the empirical or normative theoretical frameworks. Central to the decision regarding which theoretical framework to use, was whether such an analysis was analytical (normative) or descriptive and exploratory (empirical) in nature.

Although the original objective was to develop a normative framework, the empirical framework was a logical additional outcome of the research. It created an opportunity for an additional framework which the researcher decided not to waste.

Since this study was analytical in nature, an important part of it entailed the application of the normative analytical framework to the policy proposals regarding transformation of land ownership in South Africa. This is set out in chapter nine according to Table 25.

The normative analytical framework can also be used to analyse the various contextual sections that form part of the agricultural environment within which transformation of land ownership has to take place in a similar manner as in Table 24. The sections that should be evaluated are: the transfer of land ownership – a political perspective, land usage – a contextual perspective, socio-economic factors affecting the transfer of land ownership, food security and security concerns.

Before the application of the analytical framework takes place in chapters seven and nine, it is necessary to allocate a chapter to create a historical background for the current

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proposals regarding transformation of land ownership in South Africa. This is done in the next chapter. The ideological nature of the NDR as the central point of departure for transformation in South Africa is discussed alongside the various government development programmes that have been adopted and implemented since 1994. This is done from an agricultural perspective in chapter eight. These next three chapters create an important contextual basis for the application of the normative analytical theoretical framework on proposals made by government and civil society relating to transformation of land ownership in South Africa since 2014.

CHAPTER 6: A HISTORICAL PERSPECTIVE ON LAND OWNERSHIP IN SOUTH AFRICA

6.1 Introduction

The previous chapters dealt with the meta-theory and defined and explained ideology within a theoretical framework. Various international case studies were identified and discussed based on their ideological approaches and modes of transformation of land ownership. All of these chapters culminated in the creation of an analytical framework in chapter five that will be used to carry out an analysis of the transformation of land ownership in South Africa. Before an analysis can be done using the analytical framework that was developed, it is important to identify and discuss the historical, political, social, economic and natural environmental issues that impact on agriculture in South Africa in general and land ownership in particular.

Due to the fact that South Africa has experienced 364 years of documented conflict over issues relating to the ownership and occupation of land, it is necessary to allocate a single chapter to the historical background of land ownership in this country. In this respect, Pienaar (2014:53) correctly indicated that, in South Africa it is “*impossible to discuss ‘history’ and ‘land’ separately*”. The other aspects that impact on the topic are discussed jointly in Chapter seven. One of the most famous quotes explaining the effect of the 1913 Natives Land Act was from Sol Plaatjie’s political tract *Native Life in South Africa?* in which he stated: “*Awakening on Friday morning, June 20, 1913, the South African native found himself, not actually a slave, but a pariah in the land of his birth*” (Holden & Plaut, 2012:305).

History is important in any discussion on transformation of land ownership. In this respect, Sørensen (2004:7) indicates that “*We must have some notion of what existed before in order to properly assess the extent to which change has taken place. Transformation is always from one particular state of the state to another, and we cannot make sense of what happened unless we know that earlier state of the state*”.

The history of land ownership, especially in the former colonies in Latin-America, Africa and Asia, was in Marxist terms a process of “*primitive accumulation*” which is a process

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whereby direct producers are separated from their means of production by means of violent seizure or expropriation of native communal land holdings. In terms of the Marxist approach, colonial processes allowed for the conversion of money which had been accumulated through pillage, theft, mercantile trade and enslavement into capital which transformed pre-capitalist production into capitalist production. The revolutions and uprisings against colonial oppression were also economic uprisings against class systems that had been imposed by colonial regimes. Transformation of land ownership was central to these struggles and still remains an unresolved issue of contention in many countries today (Veltmeyer, 2005:286-287).

An explanation of the historical events relating to land ownership in South Africa is crucial for an understanding of the current complexities that are a result of this history. Davenport (1991:111) emphasises this with the statement: “...*that outright competition for land – and increasingly scarce commodity – best explains the history of South Africa’s nineteenth-century frontiers*”. Hendricks (2013:31) explains this historic role within the current South African context further with the comment that “*Of course, undoing history was never going to be unproblematic, but recognising the injustice of colonial land dispossession is a necessary starting point to any analysis claiming to be in favour of land reform. There is little room for middle ground on this. The precise form taken by this dispossession – the wide variety of regional differences, the ongoing administrative difficulties, the deficiencies in capacity in various government departments, and the many problems of implementation – does not extinguish the simple reality of generalised land dispossession for blacks, and the property and privilege for whites*”.

The central research question relating to this chapter as formulated in Chapter one is the following: *What historical considerations must be taken into account in order to carry out a study of current proposals regarding the transformation of land ownership in South Africa?*

The current political discourse around the transformation of land ownership in South Africa is largely determined by, and often motivated around, a history of dispossession. In view of the racial nature of the discourse around the issues of transformation of land ownership, it is interesting to note the changes in the racial profile of South Africa in 1904,

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1960, 2014 and 2015. The following table displays the changes in the demographic profile of the country by main racial groups in both numbers of population and percentages:

Table 35: Racial profile of South Africa: 1904-2015

	BLACK	WHITE	COLOURED	INDIAN/ASIAN
1904 numbers.	3 491 056	1 116 805	445 228	122 734
1904 %	67,4	21,6	8,6	2,4
1910 numbers	4 000 000	1 500 000	500 000 (85% in Cape Colony)	250 000 (90% in Natal)
1910 %	67,4	21,6	8,6	2,4
1960 numbers.	10 928 264	3 088 492	1 509 258	477 125
1960 %	68,3	19,3	9,4	3
2014 numbers.	43 333 700	4 554 800	4 771 500	1 341 900
2014 %	80,2	8,4	8,8	2,5
2015 numbers	44 228 000	4 534 000	4 832 900	1 362 000
2015 %	80,5	8,3	8,8	2,5

(STATSSA, 2014:3; STATSSA, 2015c:2; Wikipedia, 2016; Changuion & Steenkamp, 2012:125)

The above table does not include 2016, since these statistics were not yet available at the time of the study. The table does supply additional insights into the discussion around issues relating to the history of land ownership and dispossession in South Africa, especially from the perspective of changes in the racial profile of South Africa from the early twentieth century, to the mid-twentieth century, to 2014 when the discussion in this chapter ends. The researcher was unable to obtain reliable statistics per race, besides information extrapolated from eye witness accounts by naturalists and explorers, prior to the 1904 census that was carried out after the British authorities had taken control of all the colonies that comprise current South Africa.

This chapter only serves as a brief background that places the study in historical context. In this regard the following objectives are addressed in this chapter:

- To investigate the pre-1910 history and patterns of land ownership in South Africa.
- To investigate the legislated discrimination regarding land ownership between 1910 and 1948.

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- To investigate the legislated discrimination regarding land ownership during the Apartheid era between 1913 and 1948.
- To carry out an analysis of post-Apartheid transformation in South Africa regarding land reform, land restitution and land tenure to 2014.

In order to achieve these objectives, a deductive approach was followed that required a literature study using various historical sources dealing with South Africa's history and in particular that aspect of the history that deals with issues relating to land. Some of the more prominent sources that were consulted and used for this chapter include, among many others; Saunders' (1989) *Illustrated History of South Africa. The Real Story. 2nd Edition*, Changuion and Steenkamp's (2012) *Disputed Land The Historical Development of the South African Land Issue 1652-2011*, Pienaar's (2014) *Land Reform*, Mullers' (1988) *Five Hundred Years A History of South Africa. 5th Ed*, Hendricks, Ntsebeza, and Helliker's (2013) *The Promise of Land: Undoing a Century of Dispossession in South Africa*, Ntsebeza and Hall's (2007) *The Land Question in South Africa. The Challenge of Transformation and Redistribution*, Feinberg's article (1995) *Pre-Apartheid African Land Ownership and the Implication for the Current Restitution Debate in South Africa*, Letsoaro's (1987) *Policy Options for Land and Agrarian Reform in South Africa* and a parliamentary research document by Pepeteka (2013) *Reversing the Legacy of the 1913 Natives Land Act: Progress of Land Reform*.

The layout of the chapter is as follows:

- Pre-1910 history of land ownership
- Legislated discrimination in land ownership between 1910 and 1948
- Legislated discrimination in land ownership between 1948 and 1992
- The transformation of land ownership in South Africa between 1994 and 2014

It is important to note that some of the concepts used in this chapter that deal with the historical background may not be politically correct for use in the current political context, but are historically relevant in a specific historical time frame and should be viewed and interpreted as such.

6.2 Pre-1910 history of land ownership

South Africa was inhabited for almost 2000 years by Khoikhoi who occupied the coastal regions of the current Western and Eastern Cape and the San people who lived in the interior of the country. The Khoikhoi were pastoralists who moved south and divided into three groups, namely the Korana who settled where the Orange and Vaal Rivers join, the Namaqua who moved into the Cape areas and the Einiqua who settled and followed the Orange River westwards. These groups clashed with the San people who had already inhabited the areas and who relied on wildlife for their hunter gatherer existence. While some San people fled into the mountainous and desert regions, others joined the Khoikhoi as hunters, herders, slaves or warriors. They later also merged into these societies (Saunders, 1989:21-22, Van Jaarsveld, 1971:24-25). These people may be regarded as the traditional inhabitants of South Africa, long before the so-called “*Bantu*” and “*Europeans*” moved into this area and occupied the land.

The “*Bantu*” (people) are regarded as all those groups who moved into Southern Africa from Central Africa and exclude the Khoikhoi and San people. The Bantu groups were divided into various groups such as the Nguni, Sotho, Venda and Tsonga. The Nguni were sub-divided into the Xhosa, Thembu, Mpondo, Mpondomise, Mfengu, Ndebele and Bomvana people. The Sotho were sub-divided into the Southern Sotho, called Basotho, and the Northern Sotho who were sub-divided into the Pedi, Lobedu and Tswana people. These groups moved into, and settled in, the various fertile areas in the current South Africa between the thirteenth and sixteenth centuries (Saunders, 1989:62-63; Changuion & Steenkamp, 2012:17).

While the Portuguese were the first Europeans, under Bartholomew Diaz and Vasco da Gama, who sailed and landed along the shores of Southern Africa in the fifteenth century, the first settlement in the Cape by the Dutch East India Company in 1652, led by Jan van Riebeeck, is regarded as the first European occupation of land in the southern part of Africa. The settlement was agricultural in nature and was meant to serve as a supply base for trading ships travelling between Europe to the East. This European settlement expanded and soon clashed with indigenous people living in the area. What is known as the “*First Hottentot War*” (Khoikhoi War) began in 1659 and ended with the expropriation of grazing land claimed by the so-called “*Kaapmans*” in 1660 by van Riebeeck. In 1662,

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Van Riebeeck boarded a ship for Batavia and ended his term in the Cape (Muller, 1988:32-33). In the current South Africa, Jan van Riebeeck continues to represent the arrival of white people and his legacy is often used in negative political rhetoric, generally aimed at white people in South Africa.

Simon Van der Stel arrived in the Cape in 1679 to govern a European and slave population of 767 individuals of whom only 22 families were involved in farming activities. Van der Stel immediately began to expand the small colony and by 1681 the colony was self-sufficient of all food products, except the rice that was preferred by the slaves. Between 1688 and 1689, groups of French and German settlers arrived and settled in the growing colony. When Willem Adriaan Van der Stel took over the Cape in 1699, its population had risen to 1 147 settlers. Free burgers (citizen colonists) were given land and farmed and traded with the Khoikhoi. Conflict arose between the free burgers and officials over crop farming techniques, land ownership and trade with the local Khoikhoi tribes. Van der Stel encouraged the free burgers to revert to cattle farming and to move further into the interior. Due to the deaths of many Khoikhoi as a result of a smallpox epidemic, land was available for expansion by the colonists. By 1717, cattle farmers had reached the banks of the Breede River, by 1730 they had reached the Great Brak River and by 1734 the colony had reached the Riet Valley (Van Jaarsveld, 1971:16-17; Muller, 1988:40-44, 60-61).

Between 1770 and 1800, most conflicts between the San people and the white farmers were over land. The main reason was the view by the San people that the white farmers had occupied their hunting grounds and were shooting their game, while frustration among farmers was over raids into what they regarded as their occupied territory. This was mostly in the areas along the line of the Bokkeveld, Hantam, Roggeveld, Nuweland and the Sneewberg mountain ranges. By 1809, recommendations of a more humane approach to the San people by the British major Collins undid some of the tensions that had existed up to then. There were, however, many whites and even Griqua people who regarded the San people as vermin who had to be exterminated. Many San people eventually became labourers on farms and assimilated into the Cape through mission stations (Davenport, 1991:112).

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In 1760, white hunters reached as far as what is known today as the Orange River and by 1778 the colonists started to make contact with the Xhosa on the eastern border of the colony. Although agreements were reached between subordinate Xhosa chiefs and farmers to regard the Great Fish River as the boundary between them, these were not recognised by Radebe, the paramount chief in the area at the time. In 1781, a mounted commando drove the Xhosa back into their territory and contrary to his instructions, the commander, Adriaan van Jaarsveld, took 5300 head of Xhosa cattle to be divided between his men. By 1793, the border conflict culminated into a full-scale war during which all but four of the 120 farmer's houses were destroyed and the farms plundered. This was caused largely by commando attacks on Xhosa's who had settled west of the river (Muller, 1988:75, 78, 92-95).

The British occupied the Cape in 1795, by which time the Europeans had settled vast tracts of land from the Fish River in the east and halfway to the Orange River in the North. During the period between 1803 and 1806, the Cape was handed over to the Dutch government as a colony. The colony was, however, retaken by the British due to threats of French invasion. By 1806 the number of Europeans in the Cape Colony had increased to about 27 000. The British actively recruited people from Britain to settle in the Cape Colony and from 1820 many of these settlers were given farms along the eastern border as a buffer between the colony and the Xhosa. An ongoing conflict between the British government in the Cape and the Dutch population led to the Great Trek (Voortrekkers) between 1834 and 1854. This resulted in the spread of groups of white people into the interior through lands inhabited by various black tribes (van Jaarsveld, 1971: 50-52; Muller, 1988:131, 146-147; Pienaar, 2014:61).

The wars between the colonists and the Xhosa people on the Eastern frontier continued, and between 1778 and 1878 nine wars occurred. Initially the Rharhabe and Gqunukwebe who had mixed Nguni and San attributes bore the brunt of the conflict between the Xhosa and settlers. Their Zuurveld land between the Sundays and Fish Rivers was cleared by the British in 1812. This area was densely settled by white settlers after the Rharhabe and Gqunukwebe were driven out and their huts and gardens destroyed. Conflicts between the Thembu and Gcaleka and Mfengu clans created a dynamic on this frontier that went beyond that of white settlers versus Xhosa conflict. Further conflicts between rival clan leaders over land assisted the advance of initial white encroachment and later

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white domination over much Xhosa territory. This was assisted by a policy that was implemented by Sir George Grey which saw Xhosa chiefs forfeit their powers in exchange for a monthly salary that allowed white officials to assist them with administration and law enforcement. The Nongqause suicide incident in 1857 led to starvation of many Xhosa people, and by 1865 the uninhabited British Kafraria (later Ciskei) had been incorporated into the Cape Colony and settled by white settlers. Conflicts between various Xhosa groups that led to requests for British protection eventually allowed the British government in the Cape to take control over all Xhosa territory (Davenport: 1991:115, 124; Changuion & Steenkamp, 2012:46-47).

Many of the Southern African tribes were displaced due to the conflicts that had preceded the arrival of whites. In this respect, any discussion on the history of land ownership must take into account the pivotal role of the Nguni people in South Africa. In the eighteenth century land, water and grazing became important commodities in Nguni societies. The quest for land was mainly driven by large herds of cattle that were at the centre of the Nguni economy and social structures. Scarcity in this regard led to violent inter-clan conflicts that resulted in the annihilation of smaller Sotho and Nguni groups by the Mthethwa clan. After defeating the Buthelezi clan, Shaka gained control of the Zulu kingdom in 1815. After building a powerful army, he was able, through extreme violence and brutality, to unite many clans into his kingdom and drive many others into exile (Saunders, 1989:80-84).

While the Zulus traded regularly with the Portuguese in Algoa Bay, the first significant settlement of white people in the interior of the country were the “*Voortekkers*”, whose initial numbers were about 15 000. They acquired land through negotiation that resulted in treaties or agreements, through bartering and exchanges of services, or by means of conquest. These groups of white “*Boer*” settlers added to the already volatile conflicts between the various groups such as the Ndebele under Mzilikazi and the Zulu under Shaka. During this time, many people and groups were unsettled and forced off their land by larger groups with stronger armies. Examples of such groups include the Ngwane, who fled the Zulu only to defeat the Hlubi, who in turn fled to join the Mfengu people. Other groups, fleeing the violence inflicted on them by the Zulu armies, fled into what is known today as Mozambique and caused a great deal of disruption on the Tsonga and Portuguese settlers. Invading Hlubi people also fought fierce battles with the Tlokwa

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people that disrupted the Sothos along the Caledon River. With the disbanding of some groups, others such as the Sotho and Tlokwa consolidated under Moshoeshoe. In other areas, the movement of the Ndebele together with the raids by the Ndwandwe caused great disruptions to the Pedi. Another group that was a victim of this, namely Mfengu assimilated with the Xhosa, while others settled under the protection of missionaries in the Cape (Pienaar, 2014:63-64; Saunders, 1989:88-92).

This era of South African history was characterised by massive land dispossession as a result of tribal conflicts. In his book, *The Zulu Aftermath: A Nineteenth Century Revolution in Bantu Africa*, Omer-Cooper makes the following comment regarding this era: *“The colossal upheaval was accompanied by carnage and destruction on an appalling scale. Whole tribes were massacred and even more died in the famine and anarchy that followed in the wake of desolating hordes. Still greater numbers abandoned their ancestral lands and sought refuge in difficult mountain country or elsewhere, where geographical features held out hope of asylum. The pattern of the population distribution in South Africa was radically changed. Instead of fairly even scatter of tribes with population density varying according to the advantages of water and soil, great agglomerations of peoples emerged, often centred on relatively inhospitable terrain and separated from one another by considerable tracts of virtually empty land”* (cited in Van Jaarsveld, 1971:114-115). This era was known as the Mfekane by the Zulus and Difaqane by the Sotho and remains a highly contentious issue in South Africa’s history. The current ethnic population sizes and distribution of South Africa could be attributed to this era in which the Zulu, who assimilated women and children of other tribes into their own during conquests, remains the largest group in South Africa at 22,6% of the population, followed by Xhosa at 16% (STATSSA, 2011a:24).

Eye witness accounts of various naturalists and explorers such as Le Vaillant (1795), Lichtenstein (1806), Burchell (1815), Thompson (1827) and Gordon-Cummings (1850) indicate that large areas comprising most of the interior of South Africa, about two thirds of the country, were largely deserted in the eighteenth and early-nineteenth centuries and had probably never carried a population of more than 250 000. Most human settlements were along the coastline, adjacent interior and along the larger rivers in the interior of the country. Permanent settlements in the interior only took place after technology had been imported from Europe allowing for the extraction of underground water and the

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construction of storage dams. Only small isolated groups of nomadic settlements existed at the time and moved around in search of grazing, hunting grounds and water (Pringle, 2016:34). Most major conflicts between various ethnic and racial groups at that time were over the more fertile parts of the country. This is supported by various figures supplied by Changuion and Steenkamp (2012:298) who indicate that, when the “Voortrekkers” arrived in the interior of the country, only about 33,56% of South Africa’s current land was occupied by Bantu tribes. Alternative calculations indicate that this figure was closer to 41,2%. The table below illustrates the total percentage of land (calculated in terms of current provincial land masses) and the occupation of this land in the seventeenth century by Bantu tribes:

Table 36: Seventeenth century land occupation per province

	WESTERN AND NORTHERN CAPE	EASTERN CAPE	FREE STATE, NORTH WEST, GAUTENG, MPUMALANGA, LIMPOPO	KWAZULU-NATAL	RSA (TOTAL)
Land mass of SA in ha.	49 120 00	16 953 000	46 621 000	9 210 000	121 910 000
Land as a % of SA.	40	13,9	38,5	7,6	100
Bantu occupation of province %.	0	85	40	85	
Bantu occupation of province as RSA total %	0	11,82	6,46	15,28	33,56

(Changuion & Steenkamp, 2012:298)

After the various conflicts between the groups of white people and local black tribes, that included many wars and battles, the country was soon divided into four white controlled areas, namely the colonies of the Cape and Natal and two Boer Republics, the Orange Free State and Transvaal. Although many battles included the defeat of superiorly equipped modern white armies, such as the British at Isandhlwana and Rorke’s Drift, the

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superior weapons of the whites allowed them to eventually gain political and administrative control over Southern Africa. In the Boer republics, the land was soon settled by white farmers (Boers) by right of conquest. Black groups were accommodated in protected territories with very little social interaction besides a master and servant principle. This early form of Apartheid also developed in British colonies under a treaty system. While attempts were made to protect indigenous land rights through the 1828 Cape Ordinance that confirmed the rights of Hottentots and other free indigenous persons to acquire and dispose of land, the 1894 Glen Gray Act in the Cape abolished communal land and introduced individual land tenure that included freehold title after twenty years in some districts (such as Xhalanga) and a reasonable amount of self-government in the Xhosa (Transkeian) territories. This was a shift from a policy of black and white people encouraged to live in harmony, to a policy of separate development. In the Cape, loyal tribes were rewarded with more land, while rebellious tribes had their land reduced or thrown open for white settler occupation. In Natal, the initial non-discriminatory approach was replaced a pass system that was implemented to confine and control the movement of black people. The Natal Colony followed a “*protectionist*” and “*segregationist*” approach in which land was held communally by black people. The Zululand Annexation Act (Act No 37 of 1897) made provision for the Province of Zululand to be annexed by the Colony of Natal. While the Cape Constitution of 1854 was technically colour blind, a number of franchise qualifications disqualified all but a few people of colour (Pienaar, 2014:70; Joyce, 1990:8-9; Ntsebeza, 2013:57; Letsoalo, 1987:33; Pakenham, 1991:62-71).

Additional ethnic historical developments that must be taken into account in discussions on land issues in South Africa are the Kora and Griqua conflicts over land. While the encroachment of whites into Kora and Griqua territories was a threat to their land rights, conflicts between rival groups over land further exasperated the issue. After an uprising, the whole Korannaland was annexed and renamed Gordonaland by the British Cape Government. Likewise, the Griqua succumbed to white land occupations after attempts to use diplomacy between the conflicting British and Boers. After various attempts to find territory which they could call home and a number of armed uprisings, the Griqua also succumbed to white domination and land occupation (Davenport, 1991:128-134).

Various conflicts occurred between whites and different black tribes in the Transvaal Republic which led to a decree that whites were not allowed to own land in areas where

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a black tribe had settled. An 1853 Volksraad Resolution in the Transvaal Republic made land available for black people on condition that it was “*necessary*” and that they (the black applicants) showed “*good*” behaviour and obedience. The ownership of such land was with the state and it was only possible for black people to own land after 1905. This was ignored by many whites who registered farms in areas where black people resided. In the Orange Free State, black people were not allowed to own land in freehold, although a small group lived at Thaba’Nchu because of grants made during the nineteenth century. Prior to 1905, about 61 black people bought and registered farms, often in the name of missionaries or white people. Between 1905 and 1913, approximately 399 farms were bought by individual black people, syndicates of black people or tribal groups (Feinberg, 1995:50; Letsoaro, 1987:34; Changuion & Steenkamp, 2012:65).

Towards the end of the nineteenth century, land had become a scarce commodity. By the 1870s, there was a scarcity of farmland across the whole of South Africa. The issue of tenure was problematic since the African chief normally held the land on behalf of his people and he had the power to allocate arable land for use, but never outright ownership. Grazing land was held in common, but the chief had control over it by the villagers’ livestock. Outside of the Cape Colony, land tenure in the form of title deeds was reserved for whites. Many black people were forced, due to both the reduction of land and survival, to work on white owned farms. There were two types of labourers on white owned farms, those who were labour-tenants and those who worked for cash as well as payment in kind. Most labourers were labour-tenants who were allowed to settle and graze their cattle and cultivate on farms. Male labour-tenants were obliged to work three months per year and females two days per week for the white farm owners. These individuals were known as “*squatters*”, many of whom preferred this relative independence over having to provide wage labour in urban areas. By the end of the twentieth century, there were more black people on white owned farms than in the reserves. The problem with this system was that it denied tenure in most areas to black people who first had to do work for the white landowners before they could tend to their own animals and crops. The introduction of “*pass laws*” later made it illegal for a black person to seek other employment or move to another landowner. The rise of a capitalist economy created the need for labour elsewhere, which resulted in legislation that attempted to curb labour tenancy and squatting. This was further augmented by the mechanisation on farms (Letsoalo, 1987:30-31; Davenport, 1991:164).

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The Langden Commission was set up to gather accurate information on native affairs that could lead to a common understanding of the question of native policy. This commission, which formed the basis of the 1913 Natives Land Act, finalised its work in a report in 1905 with the following recommendations (Changuion & Steenkamp, 2012:120-121):

- Locations, reserves and other areas for black occupation should be defined, reserved and delineated by legislation and no more land should be allocated for these purposes.
- Black locations should be established near labour centres that should be defined and squatting on white farms should be limited.
- Blacks should only be allowed to reside on white owned farms as labourers and when government sanction was given that it was necessary and desirable.
- Occupation and purchase of white farms by blacks should be limited as much as possible.
- Whites would not be allowed to purchase land on reserves.

The era from 1652, with the establishment of the first white settlement in the Cape, to the founding of the Union of South Africa in 1910, was characterised by various conflicts between the different ethnic and racial groups who settled in the country currently known as South Africa. The conflicts between the different groups were initially about land as a place of settlement and as an agricultural resource for grazing and cultivation. As other resources such as gold and diamonds were exploited, land was used as an instrument to ensure labour for mining and industries that began to develop in growing urban areas. Interactions between different groups during this era could be regarded as ethnic in nature, with both black and white groups falling within the conceptualisation of ethnicity. The twentieth century, however, was characterised by interactions that were dominated by issues relating to white groups on the one side and a united front of black groups on the other. The era between 1652 and 1910 laid the political, economic and social foundations for the next era that was categorised by legislated economic and political exploitation of the black majority by a white minority, even though both groups were ethnically and lingual diverse in nature.

Current discussions motivating transformation of land ownership in South Africa find their roots in the pre-1910 history of land acquisition, conquest and settlement. The ethnically

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diverse nature of conflicts and territorial dispersion of people across South Africa during the seventeenth to the nineteenth centuries serves as motivation for the decision to restrict post-1994 land restitution to the post-1913 era. The next section deals with an important part of our history that entrenched the racial nature of land ownership in South Africa between 1910 and 1948.

6.3 Legislated discrimination in land ownership between 1910 and 1948

The Union of South Africa was formed in 1910 that united the four colonies into provinces under a unitary government. The union also had to consolidate four different administrations and colonial policies. This included the issue of the allocation and administration of land for the use of various racial groups. The new parliament appointed a select committee under the chairmanship of the Minister of Native Affairs, Henry Burton, to investigate the settlement of black people on private and state land (so-called squatters) as well as the issue of black people who had bought or rented land in so-called white areas. This commission reached the same conclusion as the Lagden commission (1903-1905), namely that black and white people should live apart. Although the commission drafted a Bill that did not go so far as to restrict black ownership of land, it included the following features (Muller, 1988:393):

- Not more than five black people may purchase a farm together.
- A white farmer would require a license if he wished to house more than five black families on his property.
- The government was empowered to restrict the number of black people living on mission stations.

Due to the fact that many whites felt that their rights were being restricted by the proposed Bill, it was never introduced into parliament. In 1912 Hertzog replaced Burton as Minister and immediately started drafting a new Bill, however, his dismissal from cabinet stopped this draft legislation. In 1913 J.W. Sauer was appointed as Minister and gave in to pressure from members of parliament to draft a new Bill.

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Muller, (1988:394) indicates that the nature of this pressure explains some of the sentiments at the time, and included:

- A question, by Colonel M. Ments of Zoutpansberg, on 28 January 1913, whether the minister would soon introduce legislation that dealt with the squatter problem and prevented black people from buying up white owned land.
- Thirteen petitions from I.J. Meyer of Harrismith from his constituency on 31 January 1913, which called for legislation prohibiting the lease of land to black people.
- A question by G.W.J. du Toit of Middelburg on 4 February 1913, asking the Minister whether he was aware of the dissatisfaction in the Transvaal about the squatter problem.
- On 28 February 1913, J.G. Keyter of Ficksburg asked for legislation to be introduced that would deal with vagrancy among blacks without passes, the squatter problem on farms and the practice among some whites to allow blacks to live on their farms on a shareholder basis.
- P.G.W. Grobler of Rustenburg suggested an amendment to this proposal that would also prohibit blacks from buying or leasing land from whites.

The result of this pressure was the controversial Natives Land Bill. The aim of this Bill was to achieve territorial segregation in the Union of South Africa. The Bill would prohibit land sales or leasing to black people outside of designated reserves, while white people were prohibited from owning land in the reserves. The Bill did not apply to the Cape since it would contravene the Union Constitution that allowed for black franchise in that province, which was linked to land ownership. The Bill already applied in the Free State. Opposition to the Bill came from John X. Merriman of the National Assembly and W.P. Schreiner in the Senate who believed that it was principally wrong not to allow black people to own more land and that it would deprive three quarters of the population rights that they previously had. In spite of this opposition, the Natives Land Act (Act No. 27 of 1913) was passed on 19 June 1913. The Act made provision for the Native Land Commission (Beaumont Commission) to make further recommendations. It did this in March 1917 with the recommendation in the Native Administration Bill that an additional 8,3 million morgen¹² of land be allocated to black people, which would see the land

¹² Until the advent of metrication in the 1970s, the morgen was the legal unit of measure of land in three of the four pre-1995 South African provinces – the Cape Province, the Orange Free State and the Transvaal.

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increase from 10,4 million morgen to 18,7 million morgen. This was later reduced to an additional 7,5 million morgen after consideration by five provincial and regional committees set up for this purpose. The Native Administration Bill was initially not passed due to insistence from liberal quarters that it required a two thirds majority, and the limits on land for black people were temporary until the Native Trust Act (Act No 18 of 1936) later incorporated these recommendations. It was estimated that the reserves would only be able to accommodate 2,2 million black commercial farmers and that 300 000 pastoralists and mixed farmers would have to be accommodated elsewhere in industrial South Africa. Prior to this, the Native Administration Act (Act No 38 of 1927) had been passed that appointed the Governor-General as the Supreme Chief taking away much of the authority of tribal chiefs. A clause allowing the Governor General to grant approval for black people to purchase land under special circumstances was placed under the responsibility of the Native Affairs Department. It was found that officials responsible for the evaluation of such requests were very sympathetic to the plight of black people and attempted to moderate the effects of the Natives Land Act. Transactions in which black people bought land were done by means of either shares or being held in trust for the group by the Minister of Native Affairs. Later provision was made to buy land on behalf of a "*tribe*" which was motivated by the argument of overcrowding on reserves. The silence in the Act regarding the circumstances for the acquisition of land under the approval of the Governor General was used in some very limited instances to mitigate the effects of the Natives Land Act (Feinberg, 1995:50-51, Muller, 1988:396-397; Saunders, 1989:379-380).

Letsoalo (1987:37) identifies some of the powers of the Supreme Chief (Governor-General) as:

- The appointment of any person to be chief or headman and the making of regulations that prescribed their powers, duties and privileges.
- His Department of Native Affairs could regulate ownership and occupation of land in native locations and reserves.
- A system of local councils could be established to substitute a disappearing tribal system.

In November 2007 the South African Law Society took the initiative by publishing a conversion factor of 1 morgen = 0.856 532 hectares.

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- He could declare new tribal boundaries, or order tribes or sections of tribes to move from one area to another.

The Bantu Trust and Land Act (Act No 18 of 1936) was an extension of the 1913 Natives Land Act and released more land for black occupation, while rejecting the findings of the Beaumont Commission on the grounds of being too generous. The main issue was that too much land for black people would reduce the amount of black labour available for white owned farms and industries. The Act did make provision for the release of white owned farms for use by black people. This released land was in Trust and administered by the Native Affairs Department and not owned by black people. This Act also limited the number of labour-tenants on white owned farms and made this subject to “*Master and Servant*” laws which formed the basis for the land tenure system. Fees were imposed on landowners for squatting that were aimed at discouraging and abolishing this system. It is argued that this Act was actually aimed at securing a labour reservoir for a growing capitalist system which was obstructed by land ownership and farming by black people. The Act went so far as to define the term *native*. In terms of the Act a native was defined as (Letsoalo, 1987:39-41; Changuion & Steenkamp, 2012:166-167):

- a member of an indigenous race or tribe of Africa,
- a person whose father or mother is a native,
- any other person of whom one or more of his parents are natives,
- a person wishing to be regarded as a native or who usually passes as a native, or observes the customs of a native in his daily life,
- a person who uses some native language as his usual and natural means of expression and generally consorts with natives under native conditions or
- a company in which a native or natives have a controlling share.

The attitude of the Nationalist Party towards coloured people between 1924 and 1929 was that they could not be equated to blacks, that they should not be politically and economically segregated and that their political and economic status should be raised to that of whites.

In 1946 the Coloured Persons Settlement Act (Act No 7 of 1946) was promulgated that allowed for certain areas within urban confines to be set aside for exclusive occupation

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by coloureds. The status of coloured people declined under the Apartheid government and the Population Registration Act (Act No 30 of 1950) indicated that they were neither black nor white. In terms of this Act, coloureds were defined by their ancestry and appearance and the following criteria were used to define a *coloured person* (Pienaar, 2014:124-125):

- a person who could not prove at least 85% European ancestry,
- a person who had a greater percentage of mixed blood than Afrikaner,
- a person who, in appearance, did not appear to be, or looked different from, Europeans and
- those who were not generally accepted as European.

Most of the legislation relating to agriculture was aimed at assisting white farmers. An example of such legislation that assisted white farmers to dominate the agricultural landscape was the Cooperatives Societies Act (Act No 12 of 1922), which created a network of agricultural cooperatives to support them. The system also capacitated white farmers with information about farming techniques and markets. The cooperative system worked in conjunction with a newly formed land bank that offered white farmers soft loans. These measures ensured that white farmers had a competitive advantage that allowed them to dominate the agricultural landscape. This was further supported by the Marketing Act (Act No 26 of 1937) that assisted white commercial farmers with the marketing of their products by guaranteeing markets for many of their commodities and thus provided a strong motivation to expand production. This Act did not apply to black farmers in reserves. Likewise, the Soil Conservation Act (Act No 45 of 1946) was only aimed at conserving soil quality in white farming areas, while excluding black areas (Obi, 2006:30-31).

Land was the focus of electioneering in the 1948 elections. The first significant electoral campaign actions taken after World War Two started when the Herenigde (Reunited) National Party (HNP) appointed a team of ideologically driven people headed by Paul Sauer to investigate and formulate a new *native policy*. The United Party (UP) reacted by appointing Judge Fagan to head the *Native Laws Commission*. In February 1948, the commission reported on its findings. The report found that complete integration was “*totally impractical*”. It also found that the urban flow of black people from reserves could

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not be reversed, although it could be regulated or restricted. It did find that this urbanisation was a natural and inevitable economic phenomenon that could benefit the industrial demand for labour. On the other hand, the Sauer report indicated that the process of “*detrification*” should cease and that black people should enter cities as contract workers and return to their designated tribal areas when the contracts ended. While the Fagan commission report favoured the industrial sector, the Sauer report favoured the farming sector. The Sauer report leaned strongly on the fear factor, of being overrun by black people in cities and not having labour on farms. This formed the basis for the showdown between the HNP and the UP in the 1948 elections (Saunders, 1989:372-373). These elections would be crucial in defining the political landscape of South Africa for decades to follow, the legacy of which is, to a large degree, the reason for the current debates on the transformation of land ownership in South Africa.

A great deal of the political discourse around the transformation of land ownership in South Africa today is centred on the 1913 Natives Land Act. The Restitution of Land Rights Act (Act No 22 of 1994) used 19 June 1913 as the initial date from which claims from dispossession of land could be made. Although the 1913 Natives Land Act was politically instrumental in the process of land dispossession, subsequent legislation such as the Bantu Trust and Land Act (Act No 18 of 1936) extended the implementation of the 1913 Natives Land Act and entrenched the use of land related legislation to regulate exploitative labour practices. Differences among white dominated political parties over the issue of land played an important role in the outcome of the elections in 1948 which placed a HNP government in power. The outcome of the 1948 elections brought with it an era of extensive legislated racial segregation that resulted in the introduction of the armed struggle by the ANC and later entrenched the NDR as a policy instrument for post-1994 transformation (section 8.5).

6.4 Legislated discrimination in land ownership between 1948 and 1992

Shortly before the elections, Prime Minister Smuts wrote a letter to John X. Merriman in which he lamented the enormity of facing the racial problems confronting the country at that time with the following words: “*I must say I look in the shadows and the darkness; and then I am inclined to shift the intolerable burden of solving that sphinx problem to the ample shoulders and stronger brains of the future*” (Canguion & Steenkamp, 2012:179).

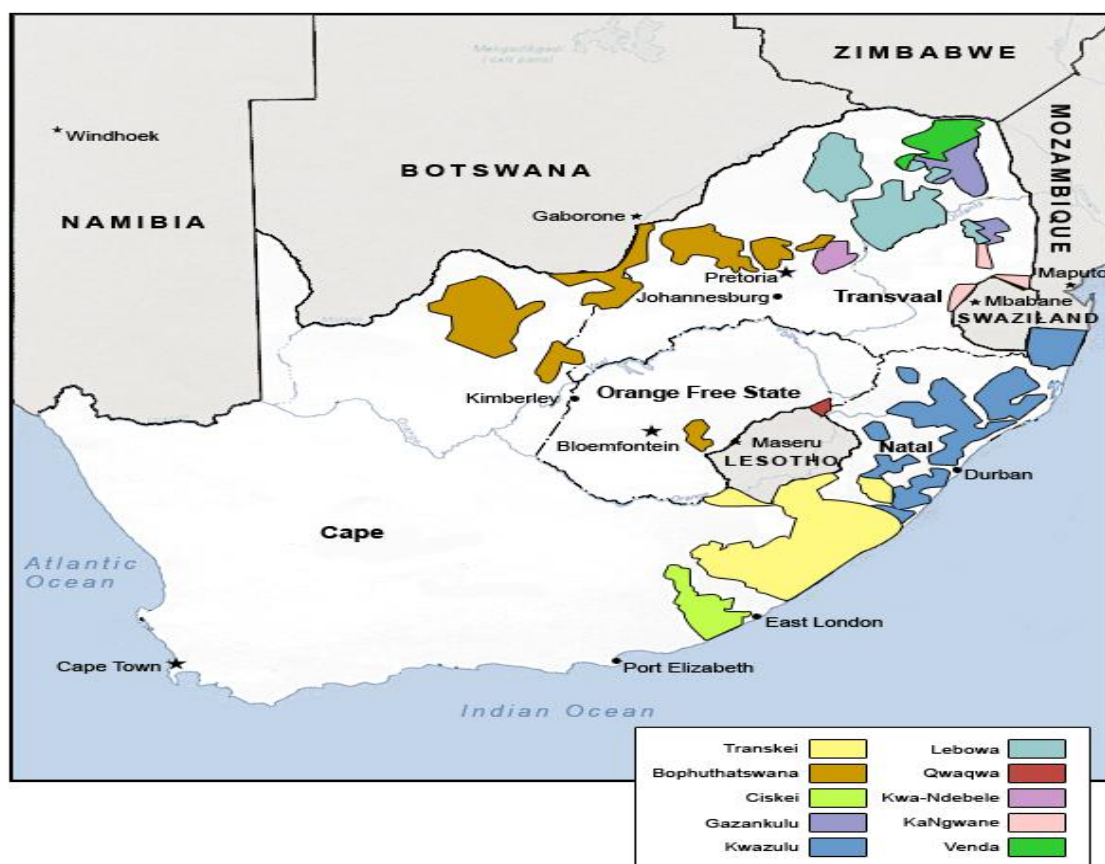
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Smuts did not have to lament further, because on 26 May 1948 the NHP, with the support of Havenga's Afrikaner Party, won the election in South Africa. On 28 May 1948, Daniel Malan was able to constitute his new government. One of the first priorities of the new government was to implement a series of laws that would restrict the rights of black people in white areas and substitute this for rights in reserves. Hendrik Verwoerd, the Minister of Native Affairs, was a staunch advocate of the concept of a homeland system. In 1951 he told parliament that this entails: "*Bantu control over bantu areas as and when it becomes possible for them to exercise that control efficiently and properly for the benefit of their own people*" (Saunders, 1989:378). A year earlier he had appointed a Commission for the Socio-Economic Development of the Black Areas (reserves) under the chairmanship of a well-known agricultural economist, Prof. F.R. Tomlinson (known as the Tomlinson Commission). Various agricultural projects were initiated in what had by then become known as *homelands*. The Bantu Authorities Act (Act No 68 of 1951) made provision for a greater amount of self-government in homelands. This consisted of tribal authorities (headmen and his councillors), regional authorities (various tribal authorities) and territorial authorities (various regional authorities). The prominent role of headmen in these structures emphasised Verwoerd's belief in a traditional government system in the homelands. The underlying motive, however, was to get the support of traditional leaders for his homeland policy. The first homeland to opt for this was Witsieshoek (now Qwaqwa), followed by homelands in the Transvaal. The Transkei resisted this, demanding representation in the white parliament. The Bunga in the Transkei, however, relented and Kaiser Matanzima became the first leader of a territorial authority in May 1957 (Pienaar, 2014:118-119; Muller, 1988:487).

Meanwhile, the Tomlinson Commission had completed its report by October 1954 and had found that any policy of integration would lead to racial friction and separate development would only succeed if homelands were developed on a large scale. The Minister of Native Affairs, Dr Verwoerd, was not impressed with the report and was convinced that the commission had transgressed its boundaries, while many other cabinet ministers regarded the plans as "*unrealistic*". The recommendation that white entrepreneurs be allowed to develop industries in homelands was rejected by Verwoerd, who believed that it would interfere with the development of the black people in homelands and furthermore did not reconcile with the idea of "*Apartheid*" (separation). He did, however, support the idea of border industries that would allow for the daily

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movement of black people to and from work. The idea of the homelands developing into independent states was not supported by Prime Ministers Malan (1948-1954) or J.G. Strydom (1954-1958), who believed that whites should remain the guardians of the blacks. After Verwoerd took office as Prime Minister in 1958, he began to advocate the idea of eventual independence of black states. While the opposition criticised the idea of a fragmented South Africa, Verwoerd indicated that it would be better to live in a small white South Africa than a large black South Africa. The subsequent Promotion of Bantu Self-Government Act (Act No 46 of 1959) classified black people into eight ethnic groups who should each be allocated a homeland. These were the Northern Sotho, Southern Sotho, Tswana, Zulu, Swazi, Tsonga, Venda and Xhosa (who were sub-divided into the Transkei and Ciskei). All black people working and living outside of these areas would be allocated to one of these areas for citizenship purposes. The act also took away all political rights of black people outside of their allocated homeland areas (Muller, 1988:489-490). This was later followed by the Bantu Homelands Constitution Act (Act No 21 of 1971) that made provision for the granting of partial self-government to homelands under proclamation by the South African government. This would take place in two phases: the first phase would be an elected legislative assembly, followed in the second phase by a chief minister with a cabinet. From 1972 to 1974 various homelands became partial self-governing territories that included Bophuthatswana, Ciskei, Lebowa, Gazankulu and Venda, while Qwaqwa received partial or complete self-government status. Only KwaZulu and the homelands of the Swazi and Ndebele did not have such status (Changuion & Steenkamp, 2012:204-205; Muller, 1988:522-523). The map below depicts the self-governing territories and states in South Africa by 1984:



(MSU online maps)

Figure 22: Self-governing territories in SA by 1984

The dispossession process also facilitated the forced removal and relocation of numerous black, coloured and Indian communities from their homes and land. It has been estimated that up to 3,5 million people were uprooted between 1960 and 1983 (Pepeteka, 2013:1). Central to this process was the removal of people from the so-called “*black spots*” which were relics of nineteenth century systems. The land in the black spots was located within white areas and was owned by black people with title deeds obtained prior to 1936. These people were uprooted from family homes and forced to move to areas designated by government, even though the policy was not to move people without consultation. Land that was a source of livelihood and provided a home was replaced by a dwelling spot in other areas or homelands. Between 1948 and 1976, about 258 632 people were removed from “*black spots*” and forcibly relocated elsewhere (Letsoalo, 1987:47-48).

Various other forms of discriminatory legislation were implemented between 1948 and 1991, although by 1992 some of this had begun to be dismantled in preparation for negotiations around an inclusive democratic South Africa. Between 1913 and 1948, some

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60 pieces of racially divisive or discriminatory pieces of legislation were passed and between 1948 and 1991 another 161 pieces of legislation were passed that were blatantly discriminatory, some of which made provision for the homeland system to be implemented (SAHO, no date, 1-16). This legislation assisted the government to implement and manage the system of Apartheid that was based on the principle of racially-based separate development. The process saw the large scale land dispossession of many black and white people in South Africa. This dispossession remains the cause of many of the expectations and frustrations in the post-1994 South Africa and a motivating factor for the NDR. Any discussions around transformation of land ownership cannot be undertaken without an understanding of the history that led to the current dispensation in this regard.

The era between 1948 and 1991 saw the implementation of legislation that entrenched Apartheid in South Africa, but towards the end on the 1980s and early 1990s, the seeds were sown for the dismantling of this political system. The implementation of the Apartheid system had a dramatic impact on communities based on geographically ethnic political decisions. During this era, land was used as an instrument to impose a system based on separate political, social and economic development for different ethnic groups in geographically delineated areas. This created two land related systems within one country: one in which private property rights of white people were protected in designated areas and another in which the majority ethnically diverse black population lived in areas on tribal, Trust, state owned or commercial white owned land with little or no security of tenure. It was within this dispensation that the ANC-government took office in 1994 and immediately embarked on transformation processes aimed at dismantling the network of Apartheid legislation. The processes of transformation of land ownership were based on three legs, namely land reform, land restitution and land tenure. The 1994 elections were preceded by a great deal of political unrest that is explained in the next section, followed by an exposition of the transformation of land ownership up to 2014.

6.5 The transformation of land ownership in South Africa between 1991 and 2014

A great deal of violence resulted from the struggle against the Apartheid dispensation. The political unrest in the period between 1984 and 1988 led to the death of about 4 162 black South Africans. Most of these deaths were the results of factional violence between

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supporters of the Inkatha Freedom Party (IFP) and the United Democratic Front (UDF) in the province of KwaZulu-Natal. On 2 February 1990, former President F.W. de Klerk unbanned the ANC, SACP and the Pan African Congress (PAC). A referendum among white voters on 17 March 1992 gave the NP government, led by F.W. de Klerk, the mandate to negotiate a new constitution for the country. This paved the way for negotiations that resulted in a transition from Apartheid to a democratic dispensation in South Africa. The 1990s saw an increase in violence with more deaths. It is estimated that about 20 500 people were killed between 1984 and 1994 due to politically related incidents of violence. Multi-party negotiations managed to secure a negotiated future for South Africa with the military wing of the ANC, Umkhonto we Sizwe (MK), disbanding and becoming part of the South African National Defence Force (SANDF) in 1993. It was clear that neither the NP government nor the ANC could sustain continued hostilities indefinitely. Economic as well as domestic and international political pressures forced the NP onto a new path, while the broad lack of support for an ongoing long-term military struggle, which appeared not to have a positive outcome, forced the ANC to the negotiation table (De Jager, 2015:77, 81,83, 85-87). On 20 December 1991, various delegates from 19 political parties and administrations called the Convention for a Democratic South Africa (CODESA) embarked on a negotiated settlement aimed at developing a framework for a democratic future for the country. The parties agreed on the following constitutional points for discussion (Graham, 2015:96-97):

- equality of sex, race and creed,
- universal adult suffrage,
- a bicameral legislature,
- proportional representation,
- an independent judiciary,
- multiparty democracy and
- a Bill of Rights.

After a long process of negotiations and political manoeuvring that included mass action and threats to boycott the process, a new interim constitution was approved by parliament on 18 December 1993. This was followed by inclusive elections won by the ANC-led alliance on 27 April 1994 and the approval of a new constitution that was signed into law by then President Nelson Mandela on 10 December 1996. The election was not without

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problems, with initial boycotts by the IFP, continued violence, 165 so-called “no-go” zones imposed by political parties and capacity issues relating to the Independent Electoral Commission (IEC). Voter education appeared to be one of the most problematic issues in the run-up to and during the elections (Graham, 2015:101; Lodge, 1999:6).

Similar to most post-colonial regimes, the transformation of land ownership was regarded by the newly elected ANC-dominated government as both an economic priority and a political necessity. In this respect, Boone (1994:128) indicates that land is an important political issue for the following reasons: “...*patterns of control over land undergirded the political and social organization of rural society, and defined the channels and mechanisms through which agricultural surpluses could be appropriated. Mandating land reform from above remained a live and latent option, pressed by those committed to increasing the productive capacity of the rural sector as well as by those interested in breaking the backs of reactionary ‘feudal’, chiefly, or ‘petty bourgeois’ power brokers of the countryside*”.

The ANC government undertook various attempts to bring about transformation of land ownership through various policies and legislation. Changuion and Steenkamp (2011:274) indicate that in 1994 all land in South Africa was placed into five distinct categories, namely:

- **Tribal land** – This land was registered in the deeds office to be in the name of the former Minister of Native Affairs in trust for the tribe, headman, community, or individual. The former Minister acted as a mere trustee regarding the land affairs of the group or individual in the trust. This land cannot be regarded as state land since some of it was bought with private funds and the trustee has to act in accordance with the wishes and instructions of the beneficiaries.
- **Allocated tribal land** – This was South African Development Trust (SADT) land that was transferred to the former homelands and self-governing territories, but has been allocated to, and is included in, certain tribal authorities by way of a government notice. The land was registered in the name of the SADT, homelands and self-governing territories. Since 1994, this land was regarded as state-owned land.
- **Transferred land** – This land was transferred to the SADT, homelands and self-governing territories. This land is regarded as state-owned land.

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- **SADT land** – This was SADT land which was meant to be transferred, but the transfer was never carried out. This is regarded as state land.
- **Private land** - This was land registered in the name of private individuals and entities.

It is also important to note that by 2009, R30 billion had been spent on land transformation projects in South Africa which resulted in less than 7 million hectares of commercial land being transferred. It is now common knowledge that 90% of land reform projects have failed and most of the land transferred is either no longer in productive use or being operated sub-optimally (Kotzé & Rose, 2015:6). It was within this context that transformation of land ownership would have to be analysed. The failure of transformation attempts are, to a large degree, the result of the disintegration of state capacity. In this respect, Douglas (1997:5) states: *“Since 1994 – perhaps surprisingly – state collapse seems to have progressed quite apace, thanks to a government which is generally more interested in grand plans and transformation than in the dull practicing of governing...As long as half the laws are nonsense and the other half are barely enforced, the collapse of the state will continue”*.

The transformation of land ownership became a priority for the new ANC-led government after 1994 which is also mandated by the constitution. The “*White Paper on South African Land Policy*” released by the Department of Land Affairs (DLA) in 1997 still serves as a framework for transformation of land ownership in South Africa. Lahiff (2009:171) indicates that this framework divided this into three main areas, namely:

- **Land restitution** – this provides for relief for certain categories of victims of dispossession.
- **Tenure reform** – this is intended to secure and extend the tenure rights of the victims of a past discriminatory dispensation.
- **Land Reform (Redistribution)** – this is based on a system of discretionary grant that helps certain categories of dispossessed people to acquire land through the market.

These categories of transformation of land ownership (referred to as methods of transformation in this study) are discussed in more detail below within the twenty year time frame of 1994 to 2014.

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6.5.1 Land reform

Section 25(5) of the South African Constitution (1996) states that: “*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*”. The purpose of land redistribution within a South African context is to address the legacy of racial inequality in accessing land and creating opportunities for development. The government set itself a target of redistributing 30% of commercial and agricultural land by 2014, which amounts to 24,6 million hectares (Pepeteka, 2013:3-5). Quoting statistics from Frans Cronjé of the Institute of Race Relations, Holden and Plaut (2012:307) indicate that it has been estimated that black owned land in South Africa amounts to about 20% through an estimated two million hectares purchased in the open market and an additional six million hectares transferred through various land reform and restitution processes. Furthermore, it is estimated that the state owns about 25% of land in the country. Added to this, the coloured and Indian owned land and the total could add up to about 55% of land not owned by white farmers. Using statistics supplied by Mike Mlengana of the African Farmer’s Association of South Africa (AFASA), Holden and Plaut (2012:308) further indicate that the organisation has about 32 000 members of whom 5000 sell their produce on the open market and can therefore be regarded as commercial farmers.

In an attempt to secure land from white farmers outside of the country, the South African government put aside \$450 million in 2010 to support South African farmers outside of the borders of the country. By mid-2011 government had formally backed programmes to settle such farmers in Congo-Brazzaville and Mozambique, while Agri-SA President at the time indicated that his organisation had received requests from 22 countries from all parts of Africa. In 2009, the former South African Minister of Agriculture, Tina Joemat-Pettersen, told an Agri-SA congress that the “*second great trek*” was strategic in that it opposed competition for Chinese, Russians and Brazilians who were moving in on African farmland. While Agri-SA was promoting Africa as a destination for white farmers, the TAU started promoting Georgia as a possible destination (Pearce, 2012:278, 282). Zambia has been one of the most aggressive recruiters of South African commercial farmers. As recently as 2016, the Zambian High Commissioner to South Africa, Mr Emmanuel Mwamba, urged South African farmers to take advantage of Zambia’s investor-friendly environment and the abundant arable land to invest in the country. In this respect he

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stated that the Zambian government “...is now focusing on agriculture as the alternative sector to drive Zambia’s economy. We are calling on you the (South African) farmers to come and assist us diversify our economy by setting up out-grower scheme arrangement with communities and this will help you earn good reputation showing good corporate citizenship” (Agritech, 2016). The end results of such efforts remain the same, which are to export unique farming skills that have been passed on and improved from one generation to the next over two centuries to other countries. These efforts have not necessarily assisted the transformation of land ownership in South Africa, since land reform does not appear to be a beneficiary of this process. Perhaps the greatest beneficiaries were countries that benefited from an increase in productivity of land usage where South African commercial farmers have settled.

Two of the most prominent problems identified that negatively affect the successes of land reform programmes are institutional in nature. Firstly, beneficiaries of land reform programmes are required to be assisted and supported, which is hampered by the lack of capacity and skills of municipalities as well as provincial and national government departments to supply adequate support. Secondly, conflicts have arisen between traditional structures and new government structures. Resistance to any state interference to measures that may be interpreted as attempts to interfere in local land use makes transformation of land ownership (specifically land tenure) difficult in traditional areas, especially former homelands (Andrew *et al.*, 2003:23). There is a perception in government that white farmers are not willing to sell land. This has been refuted by both Agri-SA as well as research that has found that most willing sellers of land have been hindered by a process that is “ensnared in bureaucracy”. The main issue that has prevented successful land reform is: “...not the lack of land on the market or the price, but rather the government’s apparent inability to implement its policy” (Russell, 2010:191-192).

While the RDP, which concentrated on fiscal austerity and export-oriented growth, dominated the land reform paradigm between 1994 and 1999, the new neo-liberal GEAR strategy was followed under the government of former-President Thabo Mbeki. While the Settlement Land Acquisition Grant (SLAG) was the main land reform policy instrument under the RDP, the Land Redistribution for Agricultural Development (LRAD) programme became the main policy instrument from 2001. The SLAG made R16 000 available for

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beneficiaries, while the purpose of LRAD was to provide beneficiaries with between R20 000 and R100 000 combined with between R5000 to R400 000 own contributions. The funds were allocated to purchase farms in collectives by pooling grants. Problems around collective decision-making and lack of support from government such as access to credit, training, extension services and advice, transport and ploughing, veterinary services and access to markets led to the failure of most ventures. Most beneficiaries were unemployed people living on the edges of towns who had very limited experience of farming or running a business. Land that often supported one family suddenly had to support a collective (Holden & Plaut, 2012:318-319; Alden & Anseeuw, 2009:92). The LRAD strategy was soon replaced by the Proactive Land Acquisition Strategy (PLAS). The purpose of the PLAS was to support local governments to develop area-based planning and improve co-ordination between institutions responsible for land reform. In terms of this strategy, government could speed up land transfers through the proactive acquisition of land in the market by government for redistribution purposes. In terms of PLAS, land would be permanently transferred to beneficiaries after they had proven that they had the necessary production capabilities in three seasons of monitoring by agricultural officials with a *use it or lose it* principle. It was envisaged that this would encourage beneficiaries to become sustainable and produce food for the market (Antwi & Nxumalo, 2014:2). Besides the policy instruments used by government to transform the patterns of land ownership in South Africa, there was also an attempt to obtain consensus on this issue through an inclusive land summit.

A historic Land Summit was held in Johannesburg in July 2005. The summit had as its central theme: “*A partnership to Fast Track Land reform: A New Trajectory forward to 2014*”. With this, government singled out 2014 as the year to achieve the target of redistributing 30% of white owned land to black South Africans. At the time of the summit, just over 3% of land had been transferred.

The summit did not reach consensus with the commission on land distribution that, according to Ntsebeza and Hall (2007:15), promoted the following as a strategic direction:

- the state should be the pro-active driving force of land reform,
- the rejection of the willing buyer, willing seller principle,
- the state should have the first right to refusal on all land sales,

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- land reform should benefit the poor, women, farm workers and the youth and
- land should be expropriated for these purposes.

The summit emphasised the lack of consensus on the issues of transformation of land ownership and did not take the constitutional or important issues of land use into consideration, but rather concentrated on the question of land acquisition. Out of the summit emerged three distinct schools of thought. The first was of the view that the fundamentals were in place and that there was a need to fine-tune policy to manipulate land markets to be more pro-poor, while at the same time giving attention to the modalities of implementation. The second school of thought was of the view that a neo-liberal approach was not working. The state should be more pro-active by using the possible manoeuvrability within the constitution to expropriate land or pay out below market prices. The third school of thought was a radical, anti-capitalist and socialist perspective which advocated co-operative farming and possible nationalisation of land. Such a process should be people-driven and not state-driven (Ntsebeza & Hall: 2007:17-18).

Since 1994, the South African government's rural development strategy has been characterised by tension between neo-liberalism and developmentalism. Deregulating government control over imports and exports, lowering of tariffs and disbanding marketing boards are examples of the neo-liberal approach to transformation. This approach has, however, not dealt decisively with the developmental needs related to past injustices, although this aspect is recognised in some government rural development strategies (Hendricks, 2013:33).

Another factor that negatively affected land reform between 1994 and 2014 was the post redistribution support to so-called "*emerging farmers*". Many farms lie derelict and in some instances farms have been sold back to white farmers by black beneficiaries of land reform. This has had a counterproductive effect on both the successes of land reform, but also on agricultural output. It is clear that successes depend not only on transfer of land, but also on access by emerging farmers to capital, technology, capacity building and market networks. With a growing urban population in South Africa, it is important that land reform not compromise food production. It is also important to note that agriculture requires time, sometimes generations, to master and that farming skills have to be transferred along with land if land reform programmes are to be successful. Currently,

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most of these skills are established among white farmers. Mechanisms such as partnerships need to be developed for the transfer of such skills to black farmers (Dlamini *et al.*, 2013:25). The inability of the DLA to implement land reform programmes has been institutional in nature. The lack of adequately trained personnel and overly bureaucratic processes within the department has hampered their ability to carry out the huge task of implementing land reform policies and legislation. This is in addition to other constraints that have impacted negatively on the successes of land reform (Dlamini, 2014:55-56).

In April 2008, the Cabinet in principle approved a concept Bill that would allow for the expropriation of land. The purpose of this legislation was to speed up the process of land reform due to the slow progress in achieving the target to transfer 30% of land owned by white farmers to black farmers in the first ten years of democracy. It was hoped that such legislation would assist the government to achieve this objective by 2014. This legislation differed from previous legislation since it refused property owners legal recourse, removed the willing buyer, willing seller principle and undermined market-related values of property. Due to a huge amount of opposition from civil society and opposition parties in Parliament, the proposed Bill was withdrawn in August 2008. The lack of consultation was used as a reason for the withdrawal. Another contentious proposal was that white commercial farmers should cede 40% of their farming operations to black farmers. This proposal was put on hold and has only recently resurfaced with a 50/50 policy framework (Changuion & Steenkamp, 2011:285-286, 293-294). The new proposals and legislation in this regard are discussed in section 9.4.2.

Agri-SA (2007:11-12) indicates that funding remains a serious problem in land reform programmes. The following problems were identified regarding this:

- Land without credit for production inputs, access to markets, or infrastructure and training for beneficiaries will hamper progress with land reform initiatives.
- The communal nature of land reform created problems relating to lack of cohesion, infrastructure and funding. Conflicts between beneficiaries in Communal Property Associations (CPA's) and Trusts are a serious source of failure of such projects.
- Land reform failures have hampered investor confidence in agriculture.
- There is often a lack of cohesion and co-operation between various funding departments in land reform projects.

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- There is a lack of cohesion between various funding models and institutions since their focus and objectives differ.

The opposition DA emphasised that, between 1994 and January 2013, 4813 farms had been transferred to black South Africans through various redistribution programmes. These transfers through private transactions are estimated to be five times higher than government facilitated transfers. The success rate of land reform projects was placed at between 10% and 20% (DA, 2013:6). In reply to a question by the Freedom Front Plus (FF+) in Parliament, Minister Nkwinti indicated that the 30% transfer target set by government was only aimed at white commercial farming land. This prompted the FF+ to raise concerns about the effect of this on food security (Groenewald, 2012:1).

The failure of government to reach its land reform targets has supplied the political ammunition required to justify a more radical ideological approach to land reform going forward, in line with NDR ideologically based objectives. Dlamini *et al.* (2013: 27) warn of the dangers of basing land reform on ideology: *“Basing reforms on ideology alone could, in the event that they fail to deliver land to the majority poor, impact negatively on economic growth, food production, food prices and food security”*.

The land reform policy and legislative proposals since 2014 are discussed in section 9.2. It is perhaps the failures of land reform between 1994 and 2014 that prompted the current, more radical NDR aligned approach, to this issue.

6.5.2 Land tenure

Individual land tenure did not exist before the Europeans arrived in South Africa. Before then, there was a social-communal system that was practised by various tribes, while some smaller groups of people were nomadic. Any territory inhabited and/or cultivated by an ethnic group was owned and utilised by the tribe in the name of the king or chief. This was similar to the system of tenure in the middle ages in Europe (Changuion & Steenkamp, 2012:13). The system of tenure that is currently in place in South Africa is a result of the country's pre-1994 history. The adoption of a new constitution in 1996 brought with it a tenure clause that was a result of this history.

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The process of ensuring land tenure in South Africa is governed by section 25(6) of the Constitution that states: “*A person or community whose tenure of land is legally insecure as a result of past racially discriminatory laws and practices is entitled, to the extent provided by an Act of Parliament, either to tenure which is legally secure, or comparable redress*”. The 1997 White Paper on Land Reform emphasised the following issues of importance (Mahomed *et al.*, 2014:2):

- transforming insecure tenure into rights that are legally protected and enforceable,
- creating the conditions where people have the right to choose the tenure system that suits their needs and
- promoting a culture of human rights in tenure reform systems and processes.

The enactment of the Extension of Security of Tenure Act (Act No 62 of 1997 - ESTA) provides for the security of people living on farmland belonging to someone else and regulates the eviction of such people. The Land Reform Act (Act No 3 of 1996) provides security for labour-tenants and those who work or occupy land due to their association with such tenants. Such tenants are given the same procedural rights as other occupiers are granted in terms of ESTA. It provides limited opportunity for labour tenants¹³ to claim land that they occupy and use. The Communal Land Rights Act (Act No 11 of 2004 - ClaRA) aims to give people living on communal areas the right to own the land that they occupy, as communities, individuals, or households in the place of a mere permission to occupy. A constitutional court ruling, however, declared CLaRA to be invalid as a result of procedural flaws. This implies that people on communal land do not have secure land tenure. The temporary Interim Protection of Informal Land Rights Act (Act No 31 of 1996 – IPILRA) provides temporary protection for occupation pending the final comprehensive legislation in this regard (Pepeteka, 2013:10-11).

Much of the resistance to legislation aimed at securing land tenure for people in former homelands has come from traditional leaders. Legislation aimed at securing land tenure for individuals threatens to erode their power, much of which is derived from administrative control over large areas of land in South Africa. This system has been subject to a great deal of abuse in the past. The scaling down of this system without

¹³ Labour tenants work on a farm for a right to live on the farm and cultivate a portion of that farm.

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modern governance arrangements could threaten stability in these areas (Obi, 2006:50-51). The origins of this problem lie with the Natives Trust and Land Act (Act No 18 of 1936) that placed the ownership of land in the rural areas of former Bantustans in the hands of the state via the Development Trust. This was in spite of the fact that residents whose families had occupied the land for centuries should be given ownership of the land. Since 1994, however, all land has been placed within municipalities with democratically elected councils. Even though the constitution recognises the institution of traditional leadership, it fails to offer clarity on the role of chiefs within a democratic dispensation (Hendricks *et al.*, 2013:12-13).

The ESTA also had the unintended consequence of discouraging farmers from employing full-time employees in favour of temporary workers. It also made sense for them to restrict permanent accommodation of employees not already living on farms. Farmers also cut back on labour and mechanised wherever possible. Relationships that were largely based on paternalism, with the social support that often accompanied this, were replaced with formal labour relations arrangements and contracts. The ultimate result was the uprooting of close to a million people from commercial farms between 1994 and 2003. This had severe impacts on unemployment, household food security and placed additional pressure on municipal authorities in terms of additional housing and services (Plaut & Holden, 2012:314-315).

Agri-SA (2007:3-7) raised concerns about the Land Reform (labour-tenants) Act (Act No 3 of 1996) that restricts the eviction of labour-tenants and allows them to institute claims (prior to 30 March 2001) for property rights on land that they have occupied and utilised. Problems relating to the unavailability of a database of existing claims and the slow pace of finalisation of such claims remain problematic. Agri-SA is also concerned about a number of issues relating to tenure that include housing, evictions, labour-tenants and unlawful occupation of land (squatting).

A serious issue that affects the transformation of land ownership in South Africa is the dichotomy between statutory laws and customary land tenure. This will have to be addressed in both policy and legislation in the near future (Dlamini, 2014:12). Policy and legislative proposals regarding land tenure since 2014 are discussed in section 9.4.

6.5.3 Land restitution

Within a South African context, the concept of restitution has an important function to redress past injustices. The restitution processes seek to compensate people who were dispossessed of their land due to discriminatory laws that were implemented since 1913. The process is informed by the Restitution of Land Rights Act (Act No 22 of 1994). This was one of the first pieces of legislation passed after 1994 which aimed to redress past injustices. The Act meets the requirements of section 25(7) of the Constitution (1996) which states that: *“A person or community dispossessed of property after 19 June 1913 as a result of 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 comparable redress”*.

The Act established a Commission on the Restitution of Land Rights that had the following tasks (Obi, 2006:48):

- to promote equity for persons or groups dispossessed by the policies of the past, especially those who are as a result landless and can be classified as poor, including the rural poor;
- to facilitate a developmental orientation to the solution of the problem by encouraging the relevant stakeholders to organise in the framework of viable development initiatives and
- to contribute towards an equitable redistribution of land rights in the country.

The closing date for submission of claims was December 1998 by which time about 79 689 were lodged with the Commission for Restitution of Land Rights (CRLR). The limited number of claims submitted due to poor communication of the legislation led to the Restitution of Land Rights Amendment Act (Act No 15 of 2014) that extended the cut-off date for claims to 30 June 2019 (Pepetaka, 2013:3). In terms of this Act (South Africa, 2014:2-8):

- no one may obstruct the passage of any claim;
- no one may sell, exchange or donate, subdivide, rezone or develop the claimed land without giving the Commission one month's written notice of his/her intention to do so;

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- no one may remove or evict a claimant who occupied the land in question at the date of commencement of the Act without written authority of the Chief Land Claims Commissioner;
- no one may enter and occupy the land under claim without the permission of the land owner or lawful occupier and
- any person who lodges a claim with the intention of defrauding the state can be charged with the offence of fraud.

In his criticism of slow progress in land restitution in the country, Moseneke (2014:11) indicates that *“present statistics on land redistribution show very little movement away from apartheid patterns of the use and ownership of land. Only a small percentage of land restitution claims have been finalised. The bulk is yet to reach the courts. Land claims that do reach the courts, display remarkable delays of years before reaching the courts. The claims are also beset by bureaucratic inadequacies”*.

The Annual Report by the Commission on Restitution of Land Rights, for the review period 01 April 2013 – 31 March 2014, indicates that a total of 3.07 million hectares acquired at a cost of R17 billion and financial compensation in the amount of R8 billion have been awarded to 1,8 million beneficiaries coming from 371140 families of which 138456 are female headed families. In addition, R4,1 billion have been awarded to those beneficiaries that have been awarded land as development assistance. The total cost of the restitution programme by 2014 stood at R29,3 billion. The report also reflects that the Commission on Restitution of Land Rights has settled 77610 claims. On 01 July 2014 the Restitution of Land Rights Amendment Act (Act No15 of 2014) came into effect which reopened the restitution claims process that closed at the end of 1998 and gave claimants five years until 30 June 2019 to lodge further claims (Moseneke, 2014:11).

There was huge interest in the re-opening of the process prior to the 2014 provincial and national elections, and government undertook road shows in every province to encourage people to apply. People were encouraged to apply for restitution on land and property where they worked. Many people submitted claims for farms and residential properties where they were employed. The process created many expectations which will have to be met (Maré, 2015:1). The photographs below were taken during the application process in Bethlehem in the Free State province. Officials were inundated with applications every

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day that their mobile offices were parked outside the Bethlehem town hall and many expectations were created.



(Maré, 2015: 1)

Figure 23: Photographs of restitution applicants

South Africa's official opposition DA objected to the re-opening of the restitution process, claiming that the previous legislative attempt to carry out an efficient land restitution process was poorly managed by a corrupt and incapacitated system. The party argued that re-opening would not guarantee restitution or redress, but would in all probability lead to even more and yet longer delays and dispossession and stagnation in the rural economy, which is already beginning to undermine food security in our country. The DA recognises that people who were deprived of the right to lodge a verifiable land claim before the 1998 deadline should not be penalised because of the State's inefficiency. They claimed further that, what is often ignored is that 92% of all restitution claimants have preferred to take cash pay-outs rather than return to the land. They indicated that, when critics complain about the slow rate of return to the land by dispossessed people, it is important to note that the vast majority of successful claimants up until now have chosen not to. Those who have chosen to return to take their right to land have found it very tough. According to the Minister of the DRDLR, about 90% of such programmes have failed to keep the land productive. Farmers are unable to develop or borrow money against land on which a claim has been lodged. An investigation into the restitution process by the Special Investigating Unit (SIU) found illegal land grants to the value of at least R96.6 million, 636 examples of non-existent or false beneficiaries, forgery of evaluation documents and officials' family members listed as beneficiaries. Zille (2014a)

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raised the following serious concerns regarding both the legislation and the process on behalf of the DA:

- The process did not have a guaranteed budget of between R129 billion and R179 billion that would be required to implement the Act as indicated by the DRDLR.
- The individuals whose properties had been subject to claims, were expected to spend large amounts of money on legal fees that often bankrupted them.
- Claims on property have left them valueless until the process is finalised, which implies that owners are unable to even use their property to secure capital through loans.
- The state is attempting to legislate its failures with no guarantee that the process will be better managed or receive the necessary financing.
- Allowing a long five year window of opportunity for claims creates economic uncertainty in that it will restrict investment in the agricultural sector during that timeframe. People will not invest in agriculture, or expand existing investments on property that could be subject to a claim.
- The same officials who failed to implement the first legislation may be used to implement the Amendment Act.

Brink (2015) indicates that one of the greatest failures of government is their inability to successfully establish a significant number of small subsistence farmers as beneficiaries of land claims and redistribution. The institutional problems facing the Department of Agriculture further hamper the proposals regarding agriculture in the NDP. Agri-SA (2007:2-3) has identified the following issues that require attention in the process of land restitution:

- Implementation of the legislation regarding land restitution must be transparent.
- The implementation of the definition of a valid claim in the Restitution Act should strike a balance between that which has been lost by claimants and that which has been returned to them.
- Lists of claims must be published by the Land Claims Commission.
- Land should be evaluated by registered professional valuers with the option by landowners of an independent valuator.
- Landowners should receive a personal notice of claims on their property.

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- Time limits must be placed on evaluations and offers as well as between acceptance of offers and payments in order to ensure fairness and limit uncertainty.
- Uneconomical tracts after claims should be purchased by the state.
- Where criteria of claims are not met, landowners should be compensated for any costs incurred by them.
- Agri-SA was against the re-opening of land claims.
- The use of expropriation legislation is accepted provided validity of claims is confirmed through mediation and legal proceedings.

According to the DA (2013:7-8), the slow progress of the transformation of land ownership through land reform, land tenure and land restitution is characterised by:

- Very slow progress regarding the transfer of land from white to black ownership.
- Limited success with the restitution programme. This programme has not contributed to the transformation of land ownership from white to black owners since most of the claimants' prefer financial compensation instead of land.
- A very high failure rate as far as agricultural activity on land transferred through land reform programmes. A study carried out by the University of Pretoria in 2005 indicated that close to a quarter of farms that had been transferred through land reform programmes had seen no production since new owners took over. This implies that land reform could have a negative impact on food security.
- Security of tenure on communal land areas has not been addressed.
- There is uncertainty about the true state of land reform due to the lack of a land audit that could also quantify the contributions to land reform by the private sector.

A great deal of debate has taken place around the 1913 cut-off date regarding the legislation relating to land reform and land restitution. Some people have advocated for the date to go back as far as 1652. The former Minister of Agriculture and Land Affairs, Thoko Didiza, indicated that this would cause a struggle among black communities. When former President Thabo Mbeki was questioned over the same issue, he indicated that government was bound by the compromise of 1993. The greatest problem with restitution is that the completion of land claims could stretch to 2020, mainly because of the large amount of funding required for this (Canguion & Steenkamp, 2012:279, 288). This

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legislation has become problematic due to constitutional court challenges which are discussed in section 9.3 in conjunction with an analysis of progress in this regard.

6.6 Concluding remarks

The period prior to 1913 was an important historical era that established the patterns of land occupation in South Africa. The time was tumultuous for the people of the region with various groups of people, both black and white, attempting to establish dominance over large parts of the land mass of the country. The political, economic and social instability caused by a belligerent Zulu nation at that time was compounded by the movement of influx of Europeans into the interior of the country, initially in search of new territory and later to exploit other resources such as gold and diamonds. The various wars among black tribes, among whites and blacks and between the Boers and British all contributed to the establishment of a new pecking order in the region. Although differences were evident in various approaches to race relations between the British colonies and Boer republics, this era established the social and economic order of black people as sources of labour and white people as owners of the means of production in South Africa.

The era between 1913 and 1948 saw a united approach through the Union of South Africa to land ownership and land use. This era entrenched white control and ownership of land through legislation, the most notorious being the 1913 Natives Land Act. This Act was significant, but was later overshadowed by further legislation that saw the further entrenchment of white domination over land ownership. Even though there were divergent views among white politicians over this issue, this era laid the foundation for the Apartheid-era. It was also the era in which the ANC was founded and formed the foundation phase for the development of the NDR.

The so-called Apartheid-era between 1948 and 1991 overshadowed previous historical eras by the legislated racial social engineering of society and the implementation of the homeland system. The Apartheid system further disenfranchised black people's basic human rights and citizenship outside of designated homelands. This historical experiment not only denied black people land tenure, but also systematically eroded their agricultural skills base to that of labourers on white owned farms, or subsistence farmers in tribal

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(homeland) areas. This era was also dominated by violence brought about by political and economic resistance, both nationally and internationally, to the Apartheid system.

The unbanning of liberation movements and the later release of political prisoners initiated an era of political manoeuvring between 1991 and 1994. The sudden advent of democracy saw established political parties and former liberation movements competing among each other and with new political parties for votes. This was both a violent time in the history of the country, but also a time of great expectation for a better and more stable post-election future for the country. After the first inclusive democratic elections in 1994, the new ANC-led government had the huge task of dismantling decades of Apartheid and centuries of colonialism, and replacing this with a new democratic social, economic and political order. One of the central objectives of the new order was transformation of land ownership in South Africa. The need for this was entrenched in the constitution and various legislative attempts were made between 1994 and 2014 to ensure redistribution through land reform, redress through land redistribution and equity through land tenure. It is, however, generally accepted that these attempts did not achieve the desired outcomes and that new approaches to the transformation of land ownership are required.

Since 2014, the ANC-run government has drafted policies and legislative proposals that appear to be more radical in their approaches than previous more liberal proposals. The limited successes of economic programmes can to a large degree be coupled with the ambiguity of a government that proposes liberal programmes, while the governing party espouses revolutionary rhetoric. The chapters that follow deal with the agricultural environment within which transformation of land ownership has to be imposed, investigate the NDR as a central point of departure by the governing party and finally carry out an analysis of current government, opposition and non-governmental approaches to the transformation of land ownership using the analytical framework created in chapter five.

The compelling question that is dealt with in the following chapters is ideological in nature. This is articulated by Hendricks (2013:36) with the following words: *“While the South African constitution has been hailed as one of the most progressive in the world, it merely represents the balance of forces at the time of transition. It was a compromise, not without its costs for the majority. One of the compelling questions confronting contemporary*

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South Africa is whether fundamental land reform can in fact take place within the context of the rule of law, or whether we require a land revolution rather than just land reform”?

CHAPTER 7: LAND OWNERSHIP IN SOUTH AFRICA – A CONTEXTUAL SURVEY.

7.1 Introduction

In Chapter two and three, the most important meta-theoretical and theoretical points of departure for this study were identified, explained and contextualised. Chapter four used various international examples to analyse the various modes of transformation and to identify important normative value driven instruments that were used in the development of an analytical framework. The analytical framework developed in Chapter five is used as a normative tool for further analysis of the transformation of land ownership in South Africa. Since aspects relating to transformation of land ownership are central to the future of the agricultural sector and agricultural production, it is important to contextualise this sector. It is for this reason that Chapter six was allocated to the historical context that examined the historical background and context for the current political environment within which transformation of land ownership is taking place.

In Chapter five, the various normative outcomes that are used as instruments for the implementation of the three methods of transformation of land ownership (land reform, land restitution and land tenure) were conceptualised and discussed. The normative outcomes identified in Chapter four and discussed in Chapter five were used as a basis for a predominantly empirical study of the contextual environment within which the agricultural sector has to function. In addition to these normative factors are issues such as the topographical environment, climate change, water scarcity, the socio-economic environment, political environment and security concerns. The outcomes that form the basis of the analytical framework are used to measure the impacts of policy and legislative proposals regarding transformation of land ownership. These outcomes are expectations, political stability, efficiency in land usage and productivity, food security, fairness and economic impacts. These factors affect the agricultural sector as a whole, but specifically political decisions relating to the transformation of land ownership. These factors cannot be ignored during a process of transformation in the agricultural sector. The following diagram explains the integration of these factors as discussed in this chapter:



(Source: Author's own construct)

Figure 24: Integration of contextual factors and outcomes

The central research question relating to this chapter as formulated in chapter one is the following: *What are the most prominent social, economic, political, security and environmental factors/forces affecting transformation of land ownership in South Africa?*

South Africa's socio-economic environment affects all industries in South Africa, of which agriculture is a crucial player in terms of providing food security, employment and stability in rural areas. Issues relating to unemployment and economic growth as well as dependency and poverty affect all industries that rely on large capital and production investment. In this respect, agriculture is no exception. One of the main aims of agriculture is to secure food security through agricultural production. Therefore, the issue of food security is central to debates around transformation of land ownership in South Africa. Another issue that impacts heavily on the morale of the agricultural community is security. The agricultural community is prone to violent crime that is contextualised as “farm

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attacks” which has a psychological impact on this sector. With these in mind, this chapter has the following objectives:

- To place transformation of land ownership within a South African political context.
- To obtain a contextual perspective on factors that affect land usage in South Africa.
- To investigate the impact of the current socio-economic environment on the agricultural sector.
- To determine the status of South Africa's agricultural production and its impact on food security.
- To determine the main security concerns that impact on the agricultural community.

While previous chapters favoured normative approaches to the research, the approach in this chapter is predominantly empirical in nature. The nature of this chapter requires a great deal of statistical data from various sources such as research institutions. A number of research reports, newspaper articles, as well as subject related popular magazines were consulted together with some relevant academic articles and books. The chapter remains deductive in nature since the analytical framework is used to evaluate the various contextual factors that affect agriculture and therefore also transformation of land ownership.

This chapter indicates that the agricultural sector is in fact a micro-cosmos of the broader South African society with similar concerns and obstacles as other economic sectors. Political, socio-economic and security issues affect all sectors of our society in varying degrees and no economic sector of society is immune to the effects of these factors. The agricultural industry is directly affected by topographical and environmental issues that are completely outside human control to such an extent that production can be halted as a result of these factors. This makes the agricultural sector unique, but also exposes it to vulnerabilities, the impact of which is seldom fully understood by those outside of this sector. It is for this reason that it is important to discuss these factors prior to any discussions on transformation of land ownership. While transformation of land ownership, which is a crucial component of this sector, is a political imperative in the current dispensation, it must be understood within the context of other challenges facing this sector which is so crucial to securing food for a growing urban population.

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In order to achieve the above objectives of this chapter, the following lay-out is presented:

- Transformation of land ownership – the political context.
- Factors affecting land usage – a contextual perspective.
- Socio-economic factors affecting transformation of land ownership.
- Agricultural production and food security.
- Security concerns - the impact on the agricultural community.
- Concluding remarks.

7.2 Transformation of land ownership – the political context

Current views regarding transformation of land ownership in South Africa must be discussed within the context of the present Zuma regime. While previous post-1994 presidents, namely Nelson Mandela and Thabo Mbeki, attempted to carry out land reform with programmes that were often regarded as liberal leaning, the present Jacob Zuma regime appears to be determined to correct previous failures by replacing liberal grounded government programmes with an approach that is ideologically guided by the NDR. In order to understand the current approach to transformation of land ownership, it is crucial to outline the transformation that has taken place within the governing Tripartite Alliance. In this respect it is important to recall the warnings of Leon Trotsky that were quoted in section 3.5.3: “...*the organisation of the party takes the place of the party itself; the central committee takes the place of the organisation: and finally, the dictator takes the place of the central committee*” (Susser, 1995:156). This is a characteristic of a system of democratic centralism in which a faction within the party manages to take control of the party itself. In most instances this is done by a so-called *strong man* who initially manages to manipulate the party in order to entrench his power, but later extends this power to all spheres of government, the state and eventually the rest of society. Once the power of the party is entrenched, it is then possible for the party leader to extend his personal power through patronage and clientelism to other areas of society. Such a dispensation in a modern democracy is referred to as a neopatrimonial system. In order to contextualise a neopatrimonial system, it is first necessary to determine the meaning of a patrimonial system.

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Patrimonial systems are characterised by the following: “...an individual rules by dint of personal prestige and power; ordinary folk are treated as extensions of the ‘big man’s’ household, with no rights or privileges other than those bestowed by the ruler. Authority is entirely personalised, shaped by the ruler’s preferences rather than any codified system of laws. The ruler ensures the political stability of the regime and personal political survival by providing a zone of security in an uncertain environment and by selectively distributing favours and material benefits to loyal followers who are not citizens of the polity so much as the ruler’s clients” (Bratton & Van der Walle, 1997:61). Neopatrimonial states are different to patrimonial states in that they have the outward appearance of modern states with a constitution, presidents or prime ministers, legal systems and other pretensions of impersonality. The main characteristic of such a state is that the operations of government are based on the core business of sharing of state resources with friends and family (Fukuyama, 2015:287-288).

A neopatrimonial system of government is characterised by patronage and clientelism that are supported by the abuse of state resources. Patronage is linked to the mutual and reciprocal exchange of favours by people of different statuses or power which usually involves the extension of favours from an individual who may be regarded as a patron to a client in exchange of the client’s loyalty and political support. On the other hand, clientelism involves the extension of individual benefits to political supporters of an individual or faction in exchange for their votes. State resources such as schools, clinics, bursaries, jobs in the civil service and lucrative government contracts are abused in patronage and clientelistic relationships in order to secure personal political support, support for a faction or that of the political party or movement (Fukuyama, 2015:86-87; Bratton & Van der Walle, 1997:65-66).

The following are some of the examples of the neopatrimonial rule that are characterised by democratic centralism and suspicious relationships between President Jacob Zuma and various controversial individuals:

- In 2015 the SACP publicly indicated that they had regretted replacing Thabo Mbeki with Jacob Zuma whom they regarded as a cult figure. They indicated that politics within the governing alliance had become personalised and that a personality cult had developed from this. The SACP’s KwaZulu-Natal chairperson Themba Mthembu is

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quoted as saying: *“The ANC is not stable. Look at the ANC Youth League. They can’t hold a conference. The same with the ANC Women’s League, and we don’t even know if they have a Veterans’ League or not”* (Letsoalo et al., 2015:2-3). Within such an unstable situation, the security of individuals within the organisation would depend on loyalty to the strong man in charge.

- The capture of the state by Jacob Zuma is one of the more serious threats to South Africa’s democracy, especially the rule of law. In this respect the Leader of the Opposition in Parliament and DA leader Mmusi Maimane stated: *“Over the past five years, the Government has presided over the systematic project of state capture that has resulted in the significant erosion of the independence of key institutions. Employing the ANC’s programme of cadre deployment, the President and the Cabinet he leads have abused the power entrusted to the Executive by the Constitution to shield themselves from accountability for the corruption and maladministration that is endemic to the current administration. A prime example of the destruction that cadre deployment causes is the irrational decision made by former acting national Prosecuting Authority head, ADV. Mokotedi Mpshe, to drop 783 charges of corruption, fraud and racketeering levelled against President Zuma...The Executive has come to believe that it is above the law, and that it can bend the Constitution to its will in protection of its own”* (Maimane, 2015:1). Through democratic centralism, the strong man has been able to infiltrate and control state institutions to the detriment of the rule of law and the democratic principles of transparency and accountability.
- When the Public Protector concluded in her investigation report into the building of a R246 million residence for President Zuma at Nkandla, which indicated that certain buildings were not essential and that the money should be paid back, a parliamentary committee set up to investigate the matter found the President innocent of any wrongdoing (Breytenbach, 2015:1; Maimane, 2015:1). This decision was a blatant abuse of the ANC majority in parliament to protect the President and undermined the Constitution by its contempt of the Public Protector. The later admission by the President through his willingness to pay back some of the money contradicted the findings of parliament and thereby confirmed this abuse.
- Serious allegations emanating from the United States of America’s (USA’s) State Department have surfaced in the press that have implicated President Jacob Zuma in accepting funds from Libya’s former head Muammar Gaddafi in exchange for political support (de Wet, 2016:3). This implies that, apart from employing patronage and

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clientelism, President Zuma is also prone to being a beneficiary of patronage from strong men who are more powerful than himself.

- Other examples of patronage relate to the trial and conviction of a businessman Schabir Shaik for bribing Zuma during the controversial and notorious arms deal. The judge in this trial, Judge Hillary Squires, claimed that the relationship between Zuma and Shaik was “*generally corrupt*” and one of “*mutually beneficial symbiosis*” (M&G, 2005). Zuma used the cadre deployment policy to appoint a National Prosecuting Authority (NPA) acting head, Mokotedi Mpshe, who dropped charges against him in 2009. After a long drawn out battle in the courts by the DA, the Pretoria High Court set aside the NPA’s decision to drop the 783 charges and ordered them to be reinstated (Sunday Times, 2016:4).
- It was also revealed in 2015 that President Zuma met with notorious gang leaders in the Western Cape Province at his official residence in Cape Town. The purpose of this meeting was to garner the support of gang leaders to topple the DA government in that province. In exchange for requested services, one of the gang bosses, Quinton Marinus, allegedly indicated that: “*Mr President, we will mobilize our members and work hard for you*” (Amabungane Reporters, 2015:2).
- There are serious allegations that President Zuma attempted to bypass legislation and influence decisions relating to a very controversial R1,6 trillion (between \$50 billion and \$100 billion) nuclear deal with a Russian company. It was reported that: “*Zuma has assumed personal control of the nuclear programme, and it has been characterised by: secret meetings; undisclosed documents and classified financial reports; deceit; aggressive campaigning; damage control exercises; illegality; use of Apartheid (national key point) legislation; sidestepping of Eskom’s technical and financial oversight; destruction of oversight organs of the state; disregarding of industry experts; refusal of public consultation; ignoring the ANC’s national executive committee and resolutions; and the removal of any government opponents, the most notable of whom was Nene*” (Gosam, 2016:2).
- Mabengela Investments is a company that is headed by Zuma’s son Duduzane Zuma and Rajesh Gupta. It is alleged that this company is used as a vehicle for the Zuma family’s empowerment by the powerful Gupta family (Gosam, 2016:7). Gupta companies are also beneficiaries of business ventures with state owned arms distributor Denel and coal mines that supply coal to the state owned energy generation company Eskom (Brümmer *et al.*, 2016:2; Mazzone, 2016).

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In December 2015, President Jacob Zuma fired his Minister of Finance Nhlanhla Nene, replacing him with a relatively obscure Des van Rooyen. The negative economic reaction and impact of this decision forced him to remove Van Rooyen and replace him with Pravin Gordhan within days. Only a few months later the Constitutional Court found President Zuma and Parliament had contravened the constitution. This damaged the integrity of Parliament as an institution, but strengthened the rule of law and constitutionalism in South Africa (Van Niekerk, 2016). The firing of Nene has had a huge economic impact on the country. It is estimated that this decision alone has raised the country's debt servicing costs by between R1,5 billion and R2 billion a year (Jammie, 2015). Other economic costs were revealed during a briefing by the Public Investment Corporation to the Standing Committee on Finance in Parliament during which it was indicated that they had lost R100 billion in the first 48 hours after Zuma's announcement. The Government Employees Pension Fund was estimated to have lost R95 billion, the Unemployment Fund R7 billion, the Workmen's Compensation Fund R3 billion and other funds an additional R1,2 billion. The total capital losses sustained by South African bonds and equities was estimated at R500 billion within 48 hours (Van Vuuren, 2016). The decision also increased the risks for further credit rating downgrades. In this regard, the chief economist at Econometrix, Azar Jammie (2015), stated the following: *"Allowing financially illiterate President Jacob Zuma to impose his ideas on South Africa's fiscal policy is akin to handing a practicing alcoholic the keys to the booze cabinet."*

The above examples confirm that South Africa is under control of the type of government that Trotsky warned about- one that could be regarded as a typical example of neopatrimonial rule. It is within this political context that transformation of land ownership has to take place. Transformation of land ownership within a neopatrimonial system of government can be expected to be fraught with patronage and clientelism in which beneficiaries will be chosen based on their loyalty and support for the *strong man* and his faction, rather than on redress or the ability to utilise land efficiently towards improving food security.

Neopatrimonial rulers thrive in transitional environments. Being a transitional society, South Africa is still grappling with the fact that there is a lack of consensus over the political, economic and socially acceptable rules of behaviour. This relates to both individual and group behaviour and interactions. In this respect Palmer (1989:139)

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indicates: *“Transitional individuals are the product of the discontinuous upheavals of change. They are increasingly aware of the limitations of traditional life, but they are unsure of how to remedy them. They are increasingly aware of the material rewards of the modern world, but they are unsure how to attain them. They possess enough information and empathy to understand the appeals of competing political factions, but they lack adequate sophistication to weigh the credibility of their promises”.*

President Zuma indicated during events at the ANC's birthday celebrations in Rustenburg in January 2016 that the party needed to come up with new *“instruments”* to fast-track land reform to be able to resolve the problems of poverty, inequality and unemployment. While addressing traditional leaders he stated that: *“The source of poverty, inequality, unemployment is land ... which was taken, not bought. Stolen”*. He went further to say: *“But the government of the people has been buying it back as if it was sold at one point. It was never sold, it was taken ... stolen”*. Later on the same day he repeated these sentiments with the comment that *“land hunger”* was the cause of poverty and inequality and: *“Without solving that problem, rest assured, we would talk about it for many decades to come. We need some bold decisions”*, and speaking at the event celebrating the ANC's 104th anniversary, Zuma said the pace of land reform *“must be radically accelerated”* (Shoba, 2016). These comments are sources of concern within the agricultural community and are both radical and strongly NDR aligned. Such comments have the potential to damage the relationship between the predominantly white commercial farming community and government. Government has also become very intolerant to criticism. The more the policies of government are seen to fail, the more intolerant it becomes. Government intolerance is not unique to South Africa. In this respect Barker (1990:134) indicates that: *“All regimes, all parties, and all governments have found it difficult to believe that resistance to them could arise from anything other than moral or intellectual perversity”*.

In the case of President Jacob Zuma, the political system has become what Johnson (2015:56-57) describes as *“...a medieval state in which the king or mafia don was owed fealty by mighty barons who paid him tribute and gave him political support...the final fruit of the Zuma system was seen in the incessant popular protests in townships and informal settlements. These were endemic almost everywhere, with marches, demonstrations, burning tyres, stoning of cars and municipal buildings, and so on.”* In

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2012 alone there were 113 incidents that were described as major protests directed at the state (Cronje, 2014:62).

The above comments are also examples of how, through a combination of patronage and political ambiguity, the ANC has managed to manipulate the fears and aspirations of a relatively unsophisticated “*transitional individuals*” in South Africa into a political support base that is entrenched in liberation rhetoric, while at the same time consumed by promises of a better life. This is evident in the conflicting ideological points of departure between the NDR and the NDP (see Chapter eight). This also implies that the ANC has been unable to fully transform from liberation movement to political party, which is crucial for any political party in government. Lastly, this also forms the basis of understanding the dynamics of current attempts to transform South Africa.

Within this political context, there is concern that the complicated factors that are unique to agriculture in South Africa will be either misunderstood, or even worse, manipulated to favour an exclusive politically connected group of people. The manner in which the political environment impacts on the normative outcomes is explained in the table below:

Table 37: Impact of the political environment on society

NORMATIVE OUTCOME	IMPACT
Expectations	Clientelism and patronage networks create unrealistic expectations and channel state resources away from meeting expectations.
Political stability	Neopatrimonial systems are a source of political instability since they threaten the core of a democratic system. The rule of law, which is a crucial aspect of transformation of land ownership, is threatened under such circumstances.
Land usage and production	Uncertainty caused by a neopatrimonial government that prioritises NDR rhetoric above NDP implementation will impact negatively on investment in agriculture which will further reduce effective land usage and production.
Food security	Threats to effective land usage and production will impact negatively on food security.
Fairness	Neopatrimonial governments are inherently unfair since they use clientelism and patronage to distribute resources at the cost of other individuals and groups in society.

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NORMATIVE OUTCOME	IMPACT
Economic impacts	NDR rhetoric by a neopatrimonial government impacts negatively on investment and job creation in all sectors of the economy, including agriculture.

(Source: Author's own construct)

The above section must be read in conjunction with Chapter eight that deals with the NDR. A conceptual understanding and discussion of the NDR contributes to an understanding of South Africa's political environment which also drives the transformation of land ownership. While the above political landscape within which the agricultural sector has to function is man-made, there are other environmental and topographical factors that affect land usage which are in the realm of the natural environment. These factors are discussed in the next section.

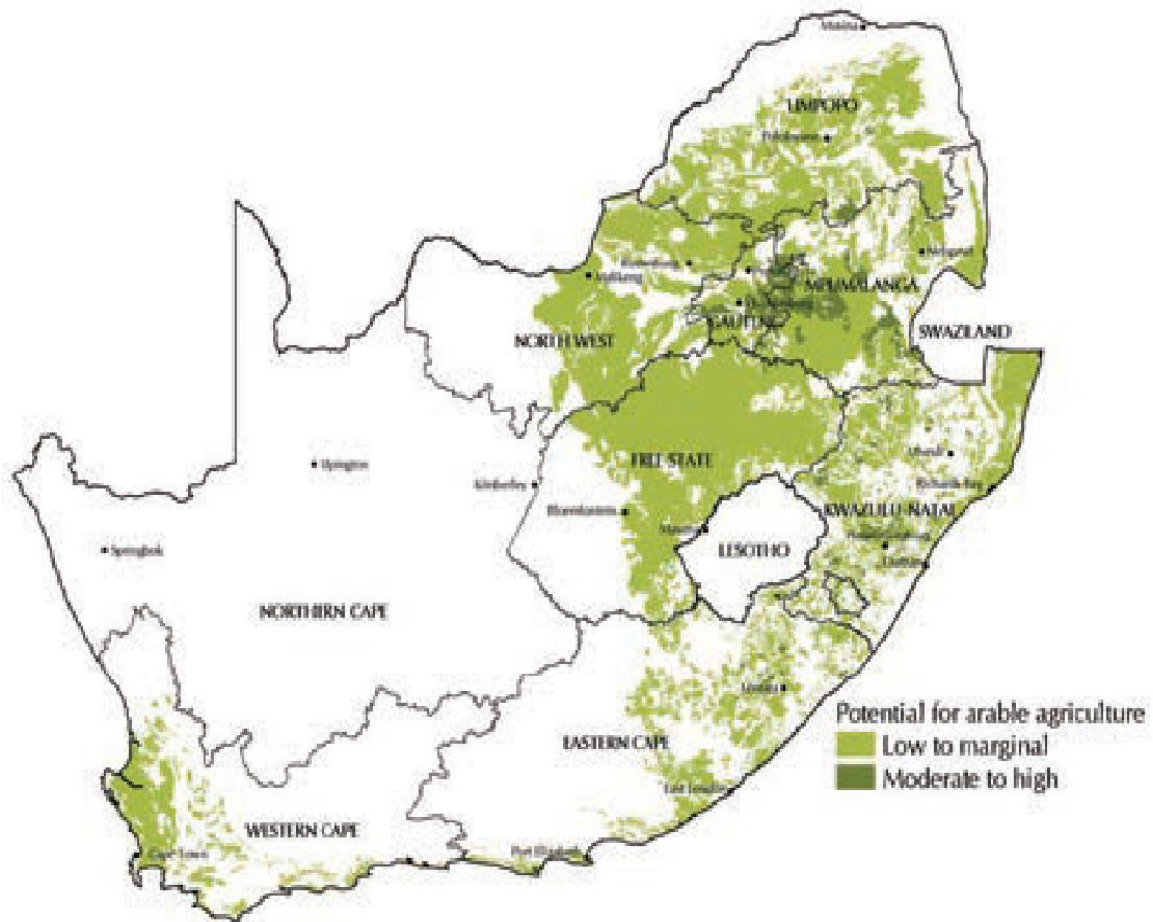
7.3 Land usage – a contextual perspective

Transformation of land ownership must take various factors that affect agriculture into account, including environmental and topographical factors. Although transformation of land ownership is historically and politically driven, consideration must be given to issues that affect production output such as the types of agricultural production in various areas of the country. This is especially relevant to discussions around land ceilings. The application of the analytical framework to this section indicates that land usage has impacts on society as a whole and not just the agricultural sector.

Contrary to what many people in South Africa might believe, the country is not well-suited for agriculture. A large portion of the country is drought prone and most farms survive as businesses due to the efficient manner in which the land is managed. About 20% of farms supply 80% of all food in the country. Commercial farmers account for 95% of all locally produced food, while the remaining 5% is produced by the approximately 220 000 emerging farmers and two million subsistence farmers. While 69% of land in South Africa is estimated to be good for grazing alone, only 13% of land is arable (good for cultivation) and 3% are considered to be high potential agricultural soil. This cannot be ignored in discussions concerning the transformation of land ownership (Kotzé & Rose, 2015:4-5, 10).

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The map of South Africa below shows the areas that are low to marginal and moderate to high as far as the potential for arable land is concerned. The rest of the country is mostly only good for grazing.



5

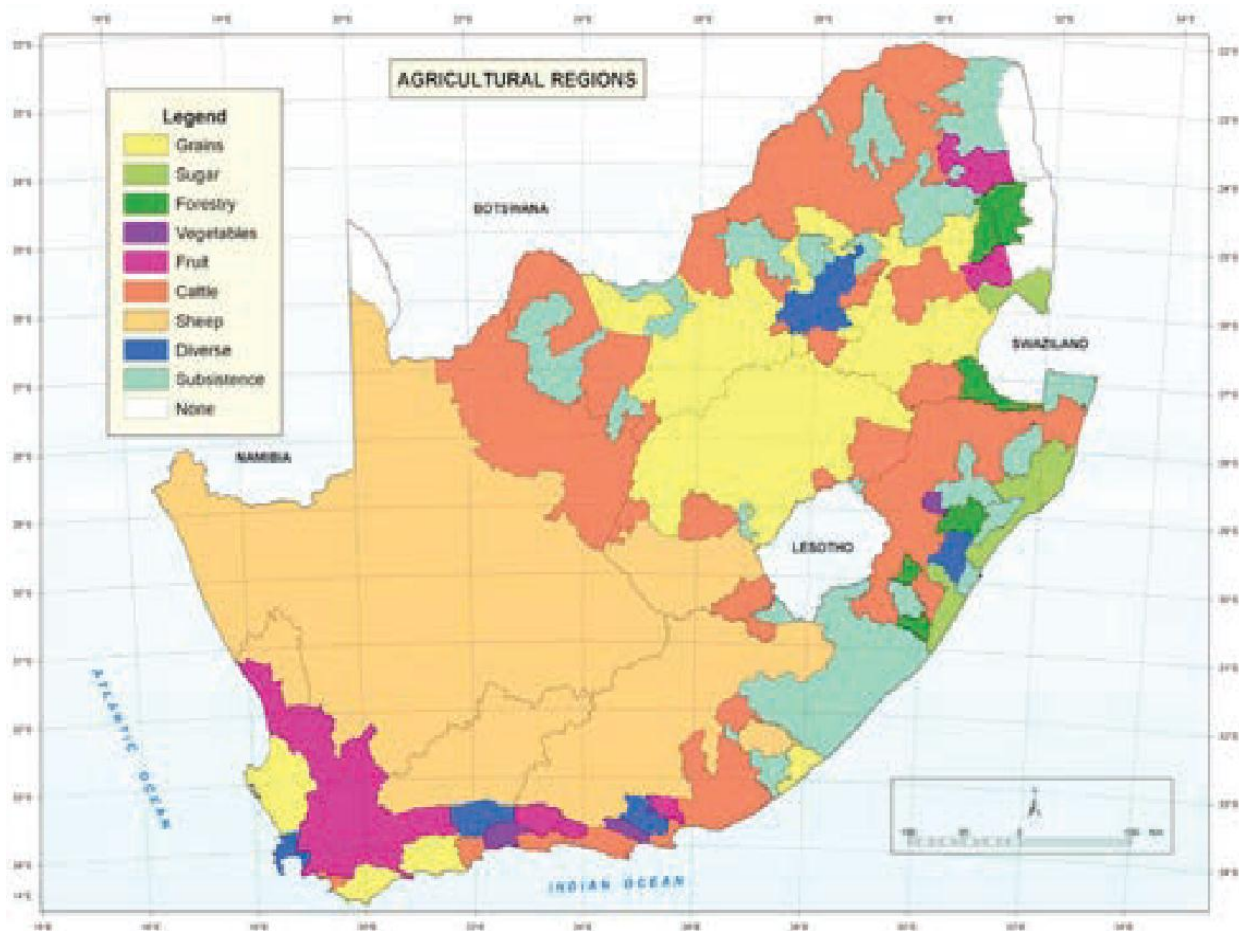
(Kotzé & Rose, 2015:12)

Figure 25: Potential for arable agriculture in South Africa

The spread of the semi-arid Karoo is largely a man-made phenomenon. This part of the country was covered with fine silver coloured grass that used to flatten against the soil when the wind blew and reflected the sun. Sheep farming caused this grass to be grazed out of existence and it is estimated that in the 100 years up to 1970, the Karoo invaded 207 000 square kilometres. Awareness has prevented further degradation, but the semi-arid Karoo takes up a third of South Africa (Clarke, 2002:203-204). The lack of arable land over vast tracts of South Africa implies that areas that produce grains, fruit and vegetables are restricted. Many other areas are only able to be utilised for livestock, although even these areas are often hostile in terms of water, climate and vegetation. The map below indicates how agricultural commodities are distributed. The numbers of

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hectares required for the farming of various types of commodities differ greatly from the north to the central and southern regions of the country.



(Kotzé & Rose, 2015:5)

Figure 26: Agricultural regions in SA

Other aspects that currently affect agricultural production and are expected to escalate in the future are water scarcity and climate change. Water scarcity remains one of the most serious predicaments for future agricultural production in South Africa. A great deal has been written about water scarcity, water usage and the water-footprint of various agricultural products. An assessment of the water footprint of farm animal products was undertaken by Mekonnen and Hoekstra (2012:413). In determining the water footprint of animal products, they took into account aspects such as feed, drinking water and services and the production of meat. Their calculations were able to determine and predict the water footprint of getting meat onto the market compared to that of grains. Their conclusions indicate that global meat production is likely to double between 2000 and 2050. This doubling must be viewed within the context of “...an ongoing shift from

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traditional extensive and mixed-farming to industrial farming systems". They make a very important conclusion that: "...managing the demand for animal products by promoting a dietary shift away from a meat-rich diet will be an inevitable component in the environmental policy of governments" (Mekonnen & Hoekstra, 2012:413)¹⁴.

Climate change¹⁵ affects agriculture in various ways. According to Jankielsohn (2014:40) "*Climate change causes highly variable conditions, including higher temperatures and a shift of seasons as well as changes in atmospheric gas composition (CO₂ levels), changes in rainfall, variation in water availability, and extreme natural events. All of these changes will have a significant impact on agriculture*". Many other scientific articles such as Goffman's *The Environmental Impact of Meat* (2012) look at the carbon emissions involved with meat production and the effect of this on climate change. In an article titled: *Land, irrigation water, greenhouse gas, and reactive nitrogen burdens of meat, eggs, and dairy production in the United States*, Eshel et al. (2014:11996) indicate that livestock based production is a very pervasive way that humans impact on the environment. It causes about one fifth of global greenhouse gas emissions. It is also the key land user and source of water pollution by nutrient overabundance (Cf. Sundström et al., 2014; Vanhonacker et al., 2013).

In South Africa, agriculture remains the largest water consumer and has to share limited water resources with urban households, industries and the ecological reserve. It is estimated that over two thirds of South Africa's surface water are used for irrigation in agriculture. Water demand is expected to have grown by 32% by 2030. Agricultural expansion, mining and growing urbanisation are already affecting existing water resources. Only 35% of mainstream rivers and 57% of tributaries are in a healthy condition, while 65% of wetland ecosystems and 57% of river ecosystems are threatened. It is also estimated that up to a third of the 320 dams in the country are eutrophic¹⁶ and

¹⁴ This is supported by, among others, Gerbens-Lees et al., in an article titled: "*The water footprint of poultry, pork and beef: A comparative study in different countries and productive systems*" (2013), and Vanham in an article titled: "*Potential water saving through changes in European diets*" (2013). In an article titled: "*The water footprint of soy milk and soy burger and equivalent animal products*", Ercin et al. (2012) indicate how soy products have a far lesser water footprint than animal product equivalents.

¹⁵ Climate change is caused by global warming which takes place when carbon dioxide (mostly from fossil fuels) and other gasses are trapped in the earth's atmosphere. They trap heat by allowing the sun's rays through to warm up the earth's surface, but then prevent this heat from radiating back into space. This is known as the "*greenhouse effect*" (Clarke, 2002:51).

¹⁶ "Eutrophic" means that there is a lack of oxygen due to algae build-up in the water (Kotzé & Rose et al., 2015:20).

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another third are close to being eutrophic. The greatest cause of this is phosphates from fertilizers. Climate change will further add to the shortage of healthy and sustainable water supplies. It can be expected that dry-land farms will be affected differently from irrigation farming since droughts and floods together with erratic rainfall are all outcomes of climate change (Kotzé & Rose, 2015:20-24). About one third of South Africa receives less than 500 mm of rainfall per annum and only 3% receives more than 1000 mm of rainfall per annum. The poor seasonal distribution of rainfall also makes it seldom possible to grow crops throughout the year even if temperatures allow this. More than two thirds of the country receives 70% of its rainfall during six months of the year. Erratic and seasonal distribution of rainfall is also a contributing factor to soil erosion (Clarke, 2002:209).

The current increase in food consumption and production can expect to add to the looming water and environmental crises in the near future. Water governance will have to be included into agricultural and environmental policies and legislation. Agriculture contributes to the problem of climate change through the carbon footprint on the production side of agriculture. This carbon footprint is further increased by the processing, packaging, distribution, retail and consumer sides of agriculture. After a study that looked at rainfall and temperature patterns in South Africa over four separate historical time frames, Blignaut *et al.* (2009:67) made the following conclusions: *“South Africa, on average, has been hotter and drier during the last ten years than during the 1970s. If this represents future climatic trends this has major implications for South African agriculture. Notably, there is very little scope for expansion of irrigation, given the limited supply of non-saline water and pressing socio-economic needs. This scenario implies that farmers are likely to rely increasingly on water-saving techniques that may drive up costs even further, in a sector that has a small net income margin and which is already facing rapid cost rises. This is likely to make it increasingly difficult for emerging farmers to enter the sector, despite the official national policy to help them. In addition, there likely will be significant impacts on food security, which is already under pressure”*.

The agricultural sector will also have to compete for land and water with a growing urban population and industries whose demands for basic services such as water and electricity are already sources of political pressure on government. Much of the service delivery unrest in urban areas is about access to basic services such as water. Pollution from urban areas will further aggravate the problems relating to sustainable water supplies.

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The conflict between agricultural and urban demand for water will only increase and will inevitably affect the way in which land will be utilized in future. While agriculture is greatly affected by water shortages and climate change, it also has a negative impact on both of these.

The above statistics, maps and information indicate that the natural features of the country are not agriculture friendly which implies that the agricultural outputs are a result of an above average amount of skills, experience and perseverance. Such skills are transferred over many seasons, often over generations, and cannot be transferred by an extension officer with a bureaucratic approach. Janovsky (2015:16-17) has identified a number of factors that could improve productivity in the agricultural sector for both commercial and emerging farmers, which are listed below:

- Improving consumer access through marketing, packaging, taste enhancement and variety without compromising safety and quality.
- Improving shelf life through improved storage technology. An example is apples that can be stored for up to 18 months.
- Improving transport technology and infrastructure could increase South Africa's global competitiveness. While the lack of government support in this regard is an impediment to global competitiveness, South African farmers appear to have become world leaders in the efficient use of transportation and energy.
- The use of information technology has led to the concept of precision farming. This has led to the optimisation in the use of fertilizer, seed, herbicide and pesticide application and increased production while decreasing inputs.
- Biological farming practices that include the effect of biological material in soil on bacteria, water retention and aeration of soils and the use of predators to control pests have positive impacts on both inputs and production.
- Although controversial, the use of genetic technology still has a great deal of potential to increase production.
- The impacts of economy of scale allow for bulk buying and selling and more effective use of technology. It does however have an impact on the depopulation of rural areas.

The application of, and constant improvement on, the above skills and technology in agricultural practices are what makes South African farmers more effective than farmers

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who face similar challenges in other countries. These are important factors that must be taken into account in political decisions regarding transformation of land ownership. This is also crucial for post-land reform support and extension services provided by government to beneficiaries of land reform and land restitution programmes. In section 6.5.1 it was noted how many land reform initiatives have failed and the expectations in this regard dashed due to the lack of the necessary support. In some instances, the support breakdown was the result of unskilled and inexperienced bureaucrats and extension officers.

Besides the political and natural environments, farms are small villages and are subject to similar socio-economic problems facing society as a whole. The agricultural sector also plays a vital role in creating employment for rural populations and contributes greatly to rural economies. Some of the factors affecting this and other industries are socio-economic in nature and are discussed in the next section.

The impact of land usage on the normative outcomes is illustrated in the following table:

Table 38: The impact of land usage on society

NORMATIVE OUTCOME	IMPACT
Expectations	South Africa is not a fertile country and expectations of creating sustainable livelihoods through transformation of land ownership are exaggerated by political rhetoric.
Political stability	The poor performance of land reform programmes so far (see section 6.5.1) added to political expectations in this regard is a recipe for political instability.
Land usage and production	South Africa's current production exceeds the expected potential given the low fertility of agricultural land in the country. The innovation of South African farmers is the main reason for the current agricultural output.
Food security	Food security is threatened through the drought, but South Africa's agricultural production figures exceed expectations when compared to figures relating to fertility of land and water scarcity.
Fairness	Political decisions on the transformation of land ownership will have to take the water scarcity, fertility and topographical diversity of land into account since there cannot be a one size fits all approach to transformation in agriculture, especially when land ceilings are discussed.

NORMATIVE OUTCOME	IMPACT
Economic impacts	Given the fertility figures and topographical diversity of agricultural land, the economic impacts have been favourable due to the innovation of existing farmers. Transformation of land ownership will require a great deal of support in order to match this.

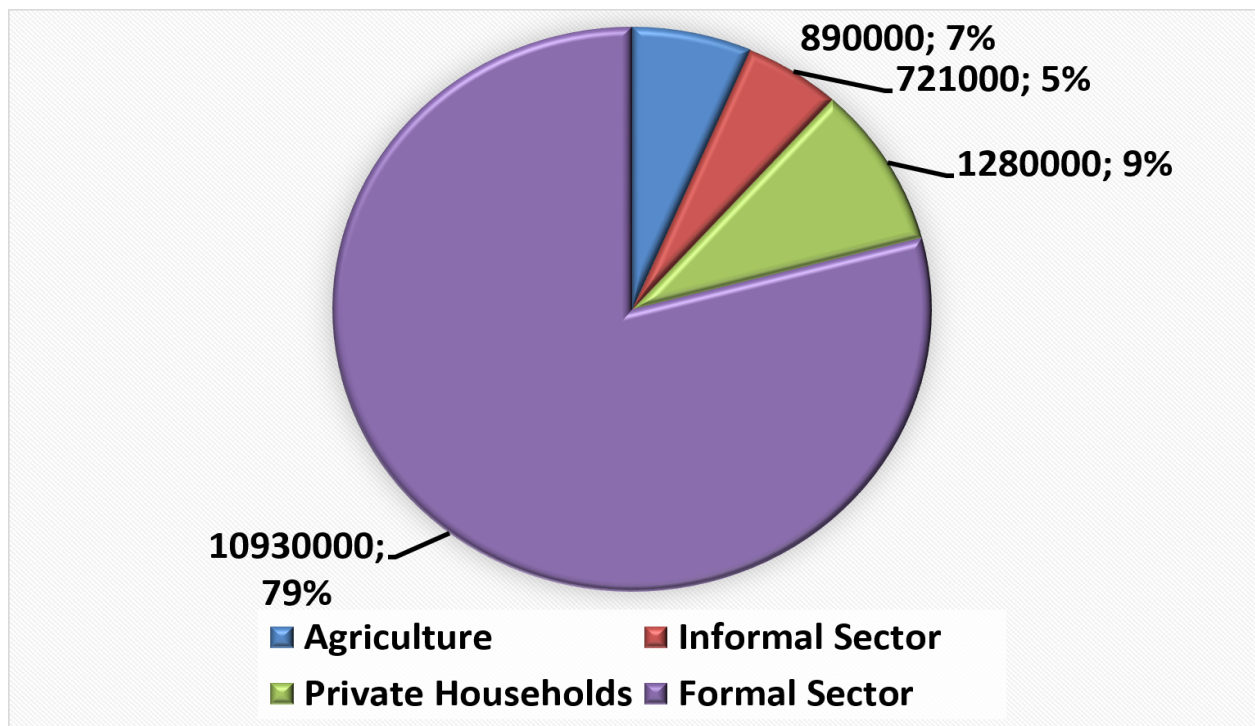
(Source: Author's own construct)

7.4 Socio-economic factors affecting transformation of land ownership

In order to understand the role of the agricultural sector on the country's social development, it is important to understand the current social and economic status of average South Africans. Rural populations in South Africa are poorer than urban populations, which places pressure on the small agricultural sector to produce food, create employment and contribute to rural economic growth.

Statistics during the third quarter of 2015 indicate according to the official unemployment rate that 25,5% of all South Africans are unemployed and 34,4% in terms of the expanded unemployment rate¹⁷ (Bernstein, 2016:9). This is out of a total working age population (15-64 years) of 35 799 000 people (STATSSA, 2015a:34). The diagram below indicates the amount of people working in each sector.

¹⁷ The expanded unemployment rate takes people of employable age who have ceased seeking employment into account, while the official unemployment only includes current job seekers.



(Bernstein, 2016:9)

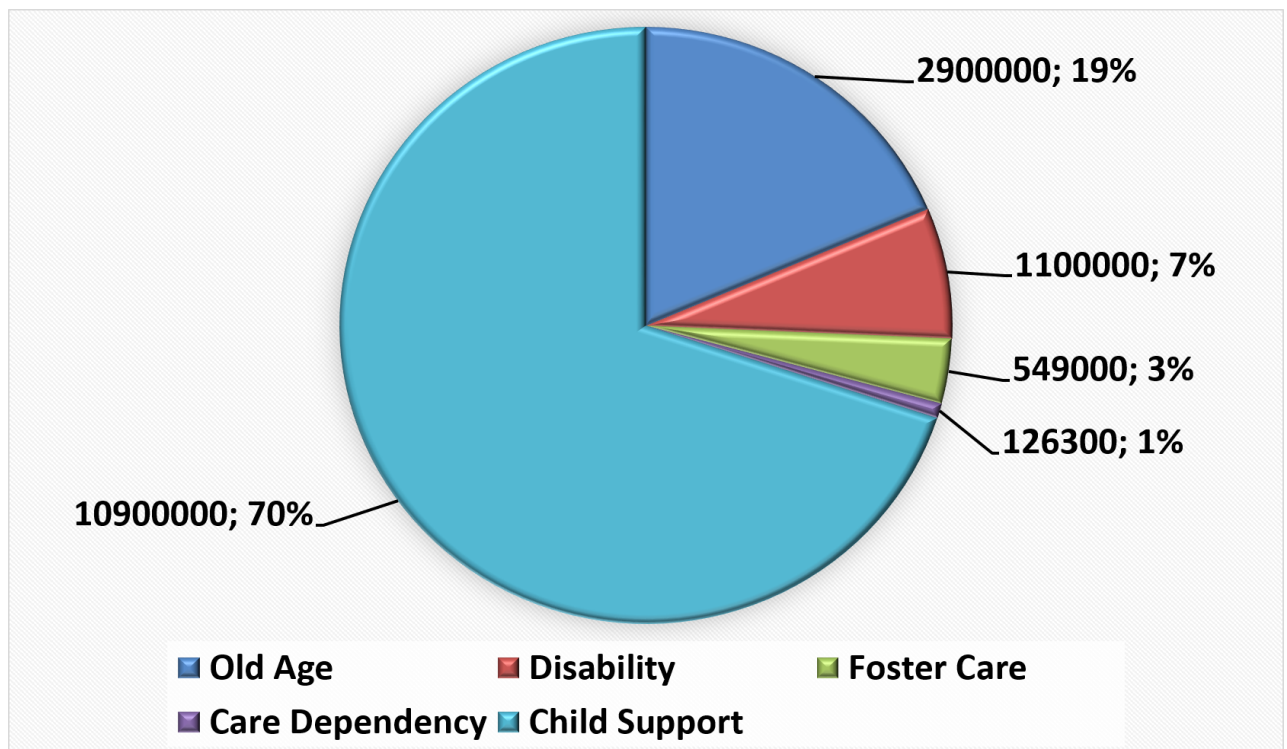
Figure 27: Employment per sector - 2015

Agriculture is responsible for 890 000 employment opportunities that contribute to economic and political stability in rural areas. Agriculture does not function outside of existing political, social and economic conditions in South Africa. As the primary food producers, the agricultural industry is crucial for the socio-economic stability in the country. In section 5.3.2, the link between food security and political stability was explained using examples from the so-called Arab-Spring countries. The demand for the fundamental transformation of land ownership in South Africa is partially driven by a perception that this could relieve poverty. This is proven incorrect when transformation of land ownership projects on land that has been earmarked for this purpose are examined. An example is the Vrede Dairy Project in the Free State Province in which more than R173 million has been invested and to date none of the 80 currently impoverished beneficiaries identified from the local community at Vrede have been involved in the project (Burger, 2015:4). This is but one of many such examples of failed, or failing, government sponsored agricultural projects across the country.

Currently 54% of South Africans live below the poverty line, which is regarded as living on less than R25,50 per day. Eleven million people live on R11 or less per day, which emphasises the importance of the R121 billion in government grants (2015/16 financial

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year) that are paid to various types of beneficiaries (Grant, 2015:8). The diagram below indicates the type of social grant paid to the 15 575 300 grant beneficiaries in South Africa.



(Grant, 2015:8)

Figure 28: Types of social grant distribution in SA

What remains a concern, however, is that there are currently only about 7 024 199 registered taxpayers in South Africa who, together with other forms of taxes, support these grants and pay for the delivery of all government services, infrastructure and salaries of civil servants every year (BizNews, 2015). Agriculture's contribution to the economy is significant, since even though the direct contribution is about 2,4%, the indirect contribution along the value chain is between 15% and 20% (Van Zyl cited in Uys, 2016:35).

The slow progress in poverty alleviation is indicated by the fact that about 40% of South Africans lived in poverty in 2012 and sixteen years later this figure had only fallen to 36%. This implies that many people's experience of democracy in the country is of a life in poverty. Another source of potential political and social instability is inequality. In 2012, South Africa was ranked 0,63 in the Gini coefficient (1 being complete equality and 0 being completely unequal). The country remains one of the most unequal countries in the

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world. The racial nature of inequality is emphasised by an education system in which the dropout figure before grade 12 was 50% in 2012 and of the population with tertiary education 851 000 were white (25%) and 992 000 were black (4%). The slow pace of economic transformation and the racial nature of inequality serve as fuel for political rhetoric of exponents of radical transformation (Cronjé, 2014:12-13, 112-113).

South Africa is not expecting the economic growth necessary for a substantial improvement for the employment or economic outlook in the immediate future. The current GDP growth rate in the country is 0,7% and expected to grow at a very slow rate to about 2,1% in 2020. This growth rate will not create substantial new employment opportunities (tradingeconomics, 2016). The Minister of Finance Pravin Gordhan indicated in his 2016 Budget Speech that government will put measures in place to strengthen agriculture and agri-processing. Although agricultural output has declined due to the severe drought, certain agricultural export products such as nuts, berries, grapes and both deciduous and citrus fruits have shown strong growth (Gordhan, 2016:6; 8).

Other aspects such as the lack of viable roads and rail infrastructure and electricity supply have further negative economic impacts on agriculture. Electricity supply problems impact as heavily on the agricultural sector as any other sector. Agricultural activities such as, among many others, dairy parlours, poultry and irrigation rely heavily on reliable sources of electricity. In a report presented to the Free State Legislature by the provincial Department of Agriculture and Rural Development, concerns were raised concerning the lack of a sustainable and reliable electricity supply which is expected to have “...a severe impact on food production and food security throughout South Africa” (FSDARD, 2015:16-17).

The agricultural sector is not outside of the general economy and will experience similar economic pressures as other sectors due to static economic growth, an erratic energy sector, a low rand value, price increases (such as fertilizer, seed, labour, fuel, equipment, vehicles, etc.), labour unrest and declining capacity in the public sector. This will make it increasingly difficult for current commercial farmers to survive and cause extreme hardships for emerging farmers, most of whom are beneficiaries of state driven land reform programmes.

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The table below indicates how the socio-economic environment in South Africa impacts on the normative outcomes in the analytical framework.

Table 39: Impact of socio-economic factors on society

NORMATIVE OUTCOME	IMPACT
Expectations	Political expectations far exceed the ability of the government and economy to meet them. The initial post-1994 economic growth and current slow pace of socio-economic transformation has a huge impact on expectations.
Political stability	The impact of political instability that results from an inability to meet expectations (see section 5.3.1), together with the blaming of farmers for this situation, have a huge impact on stability and investment in the agricultural sector.
Land usage and production	Slow economic growth and a poor educational system will impact on attempts to sustain agricultural production on transformation (land reform) projects.
Food security	The negative impact on production due to the factors mentioned above will impact negatively on food security.
Fairness	The current socio-economic environment is not conducive to fairness in transformation of land ownership since beneficiaries are disadvantaged by these factors and a poor education system. Their expectations regarding securing sustainable livelihoods through the transformation of land ownership and usage will be threatened by these factors.
Economic impacts	Transformation of land ownership requires large amounts of funds that are not available when government has other increasing and more pressing socio-economic priorities.

(Source: Author's own construct)

The socio-economic environment highlights the need for South Africa to be self-sufficient as far as food production is concerned. The economic situation affects the country's ability to import food products within the framework of an erratic currency and volatile international food supply. It is for this reason that the country requires the agricultural sector to maximise food production for food security. The poor performance of government sponsored agricultural transformation projects indicates that maintaining food security will be the responsibility of the commercial agricultural sector for some time. The next section discusses agricultural production and food security in more detail.

7.5 Agricultural production and food security

Food security was conceptualised in section 5.3.4. The issue of food security is often heard during debates around transformation of land ownership. The discussions above indicate that a handful of very innovative commercial farmers in South Africa meet the growing demands for food security in South Africa in topographically, environmentally, economically and politically hostile environments. While South Africa is generally regarded as being food secure at a national level, the same cannot be said for all communities and households in the country. The General Household Survey for 2011 indicated that 21,2% of South Africans had limited access to food and that 11,5% of people experienced hunger (STATSSA, 2011a:40).

South Africa is facing a serious drought that reached crisis proportions in 2015 and continued into 2016. The current drought has been one of the worst experienced over the past few decades. Permanent water scarcity in most municipalities and chronic water shortages in many towns across the country, due to both the drought and poor planning and maintenance by municipalities, emphasises the seriousness of this issue. Section 27 of the Constitution (1996) indicates that: *“Everyone has the right to have access to...sufficient food and water”*. Water and food are basic requirements for the sustenance of human life. This constitutional right is being affected by the current drought and inadequate response to it by government.

Reports estimate that South Africa may be required to import 5 million tons of maize and about 10 million tons of wheat, rice and soya in 2016 (Muchave, 2016; Steyn, 2016:2). This has huge implications for the country's balance of payments due to the weaker rand, and will impact negatively on food security. A further concern is that there might not be an adequate supply of grain available on the international market to meet the global demand. If food is available it will be very expensive, with predictions by Andries Jordaan from the University of the Free State Disaster Management Training Centre for Africa that food prices could increase in 2016 by as much as 30% to 40%, which implies that 60% of our country's population may not be able to afford food, even if it is available (cited in Burger, 2016:1). Concerns have also been raised about the ability of the country's infrastructure to import and transport food required for both South Africa and neighbouring countries that are dependent on the South African infrastructure system. The main

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problems relate to the sourcing, procurement and distribution of food within the Southern African region. Lesotho is also experiencing similar problems with dire water and food shortages. It is estimated that up to 650 000 people in Lesotho face starvation. Zimbabwe, Zambia and Malawi also face serious food shortages with millions of people facing famine in 2016 and beyond (Tempelhoff, 2016:1; Pienaar, 2016:7).

Given the high unemployment and poverty in South Africa, the drought will have a significant impact on food security, not only through the threat to direct food supplies of certain commodities, but also due to the affordability of food. In this respect Steyn (2016:2) indicates: *“Rising food prices, particularly maize and wheat, which is the staple diet of many South Africans, pose serious problems for the urban and rural poor. The drought will put pressure on food prices, with hikes likely in everything from maize and grains, to meat, poultry and dairy products...As subsistence crops fail, and food prices increase, there will be a dramatic increase in malnutrition with the poor suffering the most. Direct effects such as marasmus and kwashiorkor in children will be exacerbated by indirect affect in terms of increased susceptibility to disease, especially immune-compromised patients such as people living with HIV/AIDS”*. The situation also exists that much of the imported maize will be used for animal feed to produce meat and dairy products which are considered luxury food items by many poorer South Africans.

The following table highlights the factors that will contribute to drought related food insecurity at various levels, as conceptualised in section 5.3.4.

Table 39: Factors contributing to food insecurity at various levels

LEVEL OF FOOD INSECURITY	CONTRIBUTING FACTORS
Regional	• Ability to import food due to international supply. • Ability of countries to source and purchase required food due to low currency value and poor economic outlook. • Capacity of international relief organisations to supply food at the required scale. • Logistical issues relating to ports of entry and transportation of required grain and other commodities.
National	• Ability to import food due to international supply. • Ability of the country to source and purchase required food due to low rand value and poor economic outlook.

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LEVEL OF FOOD INSECURITY	CONTRIBUTING FACTORS
	Logistical issues relating to ports of entry and transportation of required grain and other commodities.
Community	- Logistical problems relating to supply of certain food products (already shortages of fresh vegetables). - Price increases of food due to shortages. - Availability and distribution of food in rural and remote communities.
Local	- Price increases of food. Many households may not be able to afford food based on minimum nutritional requirements. - Distribution of food to households in rural areas. - Availability of food in shops could become a problem for households in rural areas.

(Source: Author's own construct)

There are various causes of food insecurity that are related to supply, demand and markets. This is explained in the diagram below.



(Grote, 2014:190)

Figure 29: Supply, demand and market causes of food insecurity

The factors affecting the supply side of food security have been discussed in the above sections in which arable land and healthy water supplies have been identified as having serious implications for future agricultural production. Agriculture in South Africa is as vulnerable to an unproductive and unskilled workforce as other sectors of the economy. The agricultural sector is also seriously affected by changing weather conditions due to global warming, which in turn could affect dietary preferences of consumers.

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On the demand side, the agricultural sector is expected to deliver food to a growing urban population, whose dietary preferences are less traditional and more modern (the increase and popularity of fast food outlets is an example of this). Although bio-energy may impact positively on prices of certain commodities, it is expected to have a negative long term impact on food security. The demand for commodities such as canola oil or maize for bio-fuel will increase the demand and price of such commodities. Policy support for the bio-fuel sector due to the demand for more environmentally friendly fuel products will further encourage agricultural production that could lean towards meeting these demands at the cost of food security.

The state has dismantled much of its support to commercial farmers. The closing of agricultural marketing boards and the phasing out of certain import and export tariffs have forced the agricultural sector into the market economy. While this has diminished the amount of commercial farmers due to the inability of some to adapt to these changes, others have become more vibrant and competitive. The wheat and dairy producers have been the main victims of the offloading of subsidised products from the developed world and are struggling to overcome this added pressure (Kotzé & Rose, 2015:7, 39). Another important aspect on the market side is the impact of property rights on food security. Grote (2014:193) indicates that there is evidence that secure land titles provide incentives for farmers, especially small-scale farmers, to invest in their land. Investment by property owners results in increased productivity and overall efficiency in food production. This will be difficult in the many areas under the control of traditional authorities since government policy proposals do appear not to be conducive to this (see section 9.4.4).

Food production for food security remains the main aim of the agricultural sector in the world and South Africa. The agricultural sector in South Africa has the responsibility of securing food security in a country that is politically and environmentally hostile to this goal. In this respect Blignaut *et al.* (2009:65) indicate: *“Agriculture’s importance cannot be overemphasised from a food security perspective, or from its vital role in assisting the country to enhance and maintain political stability through successful land reform. Understanding changes in agriculture already taking place, or likely to take place in the near future, in response to climate change is therefore of utmost importance”*. South Africa’s growing urban population, coupled with a large unemployment rate, place a huge responsibility on the commercial farming sector to provide food security.

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In South Africa, 891 000 people are producing food for a total population of 51 681 272. While there is conflicting data on the amount of smallholdings accommodating small-scale growers, it is generally estimated that there are about two million farming households in South Africa of whom only 38 000 are commercial farmers, down from 60 938 in 1996, 45 818 in 2002 and only 8000 expected to still exist by 2030. Since many of the small-scale farmers are not producing food on a large commercial scale, the declining number of commercial farmers has the potential to seriously impact on food security (Countrymeters, 2015; Kotzé & Rose, 2015:40-4; Johnson, 2015:171). The numbers of subsistence and smallholders farmers who are involved in food production outside of the commercial agricultural sector play a very important role in securing household food security. These numbers remain low with only 18,3% of people involved in various forms of food production. The table below indicates the provincial breakdown of people involved with food production.

Table 40: Subsistence and smallholder farmer food production per province

PROVINCE	PERCENTAGE
Eastern Cape (EC)	34,7%
Free State (FS)	21,5%
Gauteng (GP)	3,7%
KwaZulu-Natal (KZN)	22,4%
Limpopo (LP)	46,8%
Mpumalanga (MP)	29,8%
Northern Cape (NC)	12,8%
North West (NW)	13,7%
Western Cape (WC)	3,5%
South Africa (RSA) total	18,3%

(STATSSA, 2015b:60)

Of the above households that are involved in food production, most are involved in agriculture to augment their existing food sources. The table below indicates the reasons for augmented food production per province.

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Table 41: Reasons for augmented food production per province

PROVINCE	MAIN SOURCE OF INCOME %	EXTRA INCOME %	LEISURE ACTIVITY %	MAIN FOOD SOURCE %	EXTRA FOOD SOURCE %
WC	4,6	0,7	50,8	6	37,8
EC	0,5	4,8	4,1	5	85,6
NC	9,1	28,4	4,1	7,6	50,8
FS	1,2	3,2	3,4	15,1	77,1
KZN	3	2,7	6	23,8	64,4
NW	4,3	24,6	4,1	9,4	57,8
GP	4,2	5,4	24,6	19,6	46,3
MP	1,5	3,2	5,7	3,7	85,9
LP	0,7	3,4	0,6	1,2	94,1
RSA	1,9	5,1	5,9	9,6	77,5

(STATSSA, 2015b:61)

In most provinces, such as Limpopo 91,1%, Eastern Cape 86,6%, Mpumalanga 85,9% and Free State 77,1%, people are involved in agriculture to augment their food sources. It is interesting to note that 28,4% of households involved in agriculture in the Northern Cape have attempted to create an additional source of income through agriculture, while 50,8% of people involved in agriculture in the Western Cape have done so as a leisure activity. In KwaZulu-Natal, 23,8% have been involved in agriculture as a main source of food for their households. These statistics indicate that there are differences in agricultural needs between various provinces. It is obvious that the Northern Cape and Western Cape have very different economic, social and economic requirements regarding basic agriculture. This would also impact on demands for land as well as expectations regarding transformation, since it is generally accepted that expectations are higher where economic transformation has progressed. Protests in the agricultural sector in the Western Cape, although widely believed to be politically driven, could also be explained in terms of the J-curve (see section 5.3.1).

The table below explains the production and consumption patterns and future outlook of various agricultural commodities between 2015 and 2019. It must be noted that the table indicates predictions based on normal production. It can be expected that production since 2015 will decrease significantly due to the drought and can then be expected to normalise when the drought ends.

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Table 42: Agricultural commodity outlook 2015-2019

COMMODITY	PRODUCTION/CONSUMPTION	2015	2016	2017	2018	2019
Maize (‘000t)	Production	13 000	12 500	12 625	12 751	12 879
	Consumption	12 315	12 852	13 412	13 997	14 607
Wheat (‘000t)	Production	1 800	1 800	1 800	1 800	1 800
	Consumption	3 322	3 380	3 439	3 498	3 559
Soya beans (‘000t)	Production	897	874	918	963	1 012
	Consumption	1 069	1 003	987	1 047	1 111
Sunflower (‘000t)	Production	856	835	786	867	908
	Consumption	799	755	825	780	737
Sugar (‘000t)	Production	2 564	2 630	2 697	2 767	2 838
	Consumption	1 994	2 072	2 152	2 236	2 322
Groundnuts (‘000t)	Production	80	83	85	88	90
	Consumption	115	118	120	122	125
Wine (Ml)	Production	795	799	801	806	810
	Wine sales	819	838	857	876	895
Mutton (ton)	Production	146 582	150 979	155 509	160 174	164 979
	Consumption	No stats				
Wool (‘000t)	Production	50	46	51	57	55
	Consumption	No stats				
Beef (‘000t)	Production	845	866	887	909	931
	Consumption	850	854	870	894	910
Pork (ton)	Production	231 153	240 014	249 215	258 769	268 689
	Consumption	264 281	274 483	285 079	296 084	307 514
Poultry (‘000t)	Production	1 645 175	1 706 533	1 770 178	1 836 197	1 904 678
	Consumption	2 265 671	2 380 594	2 501 347	2 628 225	2 761 538
Dairy (‘000 litres)	Production	2 901	2 959	3 018	3 079	3 140
	Consumption	3 031	3 089	3 148	3 209	3 270

 Consumption exceeds production

(Extrapolated from Savory, 2015:102-110)

The above table indicates that consumption exceeds production in a number of important agricultural commodities such as maize, wheat, soya beans, groundnuts and most meat products. This implies that the country will have to increasingly import basic commodities to ensure food security in the future, which is obviously exacerbated by the current drought and currency fluctuations. This will impact negatively on an already worrisome trade deficit in the country.

The following table indicates how food production and food security potentially impact on the normative outcomes.

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Table 43: Impact of food production and food security on society

NORMATIVE OUTCOME	IMPACT
Expectations	Political expectations of transformation of land ownership are based on expected increases of food production and improved community and household food security. The socio-economic indicators, failure of land reform thus far and production potential of land in South Africa paint the opposite picture.
Political stability	Expectations relating to food security, specifically through land reform, will not be met by current policy and legislative proposals, which has the potential to result in political instability.
Land usage and production	Land usage and production techniques and innovation by the agricultural sector have enabled the country to ward of national food insecurity, even though this is not the case at community and household levels.
Food security	South Africa becoming increasingly food insecure. In most commodities, consumption exceeds production which is exacerbated by the drought.
Fairness	Food insecurity is a result of poverty and inequality. Food security is guaranteed in the constitution, but transformation of land ownership thus far has not improved fairness in the racial distribution of food production.
Economic impacts	Food insecurity exacerbates social spending which has an impact on the economy, specifically government's ability to allocate adequate resources to transformation of land ownership. This creates a downward spiral that only sound governance and good fiscal management can halt.

(Source: Author's own construct)

Food production and food security rely on a stable and secure environment. The threats to the security of individuals who live and work on farms is one of the reasons for the declining number of commercial farmers. The love for the land and desire to produce food has to be weighed against the possibility of becoming victim of violent crime. This is discussed in the section below.

7.6 Security concerns – the impact on the agricultural community

A great concern of farmers and their employees are the above average incidences of criminal attacks on the agricultural community in general, and farmers in particular. In many instances the victims of such attacks are subjected to an unusual amount of violence and mental and physical torture.

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A report into farm attacks commissioned by the South African Police Services (SAPS) conceptualises farm attacks with the following definition: *“Attacks on farms and smallholdings refer to acts aimed at the person or residents, workers and visitors to farms and smallholdings, whether with the intent to murder, rape, rob or inflict bodily harm. In addition all actions aimed at disrupting farming activities as a commercial concern, whether for motives related to ideology, labour disputes, land issues, revenge, grievances, racist concerns or intimidation should be included. Cases related to domestic violence, drunkenness, or resulting from commonplace social interaction between people – often where victims and offenders are often known to one another - are excluded from this definition. Specific crimes that are included in the definition are murder, attempted murder, rape, assault with intent to do grievous bodily harm, robbery, vehicle hijacking, malicious damage to property where damage exceeds R10 000, and arson”*. The report also refers to the various pieces of legislation aimed at land reform, land restitution and land tenure that have the potential to be abused. One of the concerns raised is that the legislation could foster *“animosity”* through interference in labour matters, since labour disputes have motivated many farm attacks (SAPS, 2003).

A 2012 study carried out by the South African Institute of Race Relations (SAIRR), with the support of the TAU indicates that certain crimes committed against the agricultural community are much higher than the national average. The joint murder, aggravated robbery and attempted murder rate is 422/100 000¹⁸ on farms, while the national average is 260/100 000, which implies that the chances of such crimes on farms far exceed the national average. In 2011 some 68/100 000 farmers (including their families) were murdered as opposed to a national murder rate of 31/100 000, which indicates that farmers are twice more likely to be victims of murder than ordinary citizens. When families of farmers and employees are included, the situation is not extraordinarily different to the rest of the country. What is important to note is that South Africa's murder rate is 500% higher than the USA and 3000% higher than parts of Western Europe such as the United Kingdom and Germany. Farms are in many instances far away from police stations and the farmers do not have access to private security companies like urban dwellers who can afford this (Cronjé *et al.* 2012:1-5).

¹⁸ 422 per 100 000 of the total population in SA

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Statistics from AfriForum and the TAU indicate that the number of murders on farms increased from 62 in 2013 to 67 in 2014. In 2014 there were 277 farm attacks that resulted in the 67 murders. In 2015 there were 64 murders of farmers and employees in 318 farm attacks (SAPA, 2015:1-2; Davids, 2016:1). The high number of farm attacks, as evidenced from the statistics, remains a great concern for the agricultural community.

The extreme example of Zimbabwe's land invasions with the accompanying violence is fresh in the memories of white commercial farmers. Many farmers fear similar events in South Africa, especially within the context of continued revolutionary NDR driven rhetoric from various political sources. The Zimbabwean leader of the land invasions Chenjerai Hunzvi indicated that the land redistribution programme in Zimbabwe was a revolution and further stated that: "*All revolutions require violence*". Zimbabwe's President Robert Mugabe received passive support from the South African government, through their approach of silent diplomacy. Mugabe himself advocated violence to anyone who resisted his land redistribution programmes. Even though the courts declared farm invasions illegal, Mugabe indicated that farmers should not resist the takeover of their land with the following words: "*Then I will declare the fight to be on and it will be a fight to the finish*" (Meredith, 2002:161-171).¹⁹

A Landless People's Movement (LPM) emerged in Mpumalanga province in South Africa in response to evictions from commercial farms. The organisation draws its members from a variety of groups that include residents of informal settlements around towns, dissatisfied land restitution claimants, people from overcrowded former homelands and some chiefs. The land invasions at Bredell in the Western Cape province were not carried out by potential land reform beneficiaries, but rather by unemployed backyard tenants of nearby townships who were no longer able to pay rent to landlords. Research carried out has indicated that, while 54% of black South Africans would support more radical land reform measures, the majority of people interviewed were not in agreement with the 7000 member strong LPM's actions or ideologies (Anseeuw & Alden, 2015:31).

Slogans such as "*kill the Boer, kill the farmer*" and "*one settler, one bullet*" are recent reminders of what farmers regard as hate speech that specifically targets them. This is

¹⁹ See the section on Zimbabwe in Chapter four.

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aggravated by the recent remarks about farmers being thieves by President Jacob Zuma. There is a strong argument that a thin line exists between rhetoric and action, or between hate speech and hate crimes. The ongoing farm murders and political rhetoric around issues relating to land in South Africa, combined with the Zimbabwean example on the country's doorstep, are sources of insecurity and fear among white farmers. Violence constantly lurks in the periphery of the imagination of everyone in the agricultural community in the country. These factors will obviously have an impact on the attitudes and approaches to transformation of land ownership by a politically and economically vulnerable agricultural sector. It is also a factor in decisions by farmers not to reside on their properties, or give up farming completely.

The table below indicates how the security environment impacts on the normative outcomes.

Table 44: Impact of security concerns on farms on society

NORMATIVE OUTCOME	IMPACT
Expectations	Security issues impact negatively on investment and employment creation in agriculture. This has an impact on economic expectations of local communities that are dependent on the agricultural sector for economic sustenance.
Political stability	Security concerns are a serious source of political instability and give rise to an alternative extra-state security apparatus to fill the security vacuum in many rural areas.
Land usage and production	Farm attacks, especially murders, often result in the temporary loss of production, especially on small and medium sized enterprises (Defenceweb, 2010).
Food security	The resulting loss of production due to farm attacks impacts on investment in agriculture, which negatively influences food production, especially if this becomes a permanent feature in South Africa.
Fairness	Farm attacks are regarded as normal crimes by government, but the brutality involved and the numbers of farmers murdered remain high when compared to any other economic sector.
Economic impacts	The economic impact of one farm attack was calculated in 2010 by the South African Chamber of Commerce and Industry (SACCI) as R1,9 million per attack or murder (Defenceweb, 2010).

(Source: Author's own construct)

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From the above discussions it is clear that the business of farming in South Africa is subject to various negative impacts that are beyond the control of this sector. There can be no one size fits all approach to transformation of land ownership in such a diverse country. The maps indicate that large portions of the country have a very low yield agricultural potential. The value and output of a farm in the central part of South Africa cannot be compared with a farm in the northern and eastern parts of the country in terms of commodities produced, yields, or amounts of land required for production. Similarly, dry land farming areas cannot be dealt with in the same manner as irrigation areas. These factors, combined with hostile socio-economic, security and political environments, contribute to an insecure agricultural sector. With many farmers struggling to keep their businesses solvent, transformation of land ownership can be viewed as an additional potential threat to the agricultural sector. The transformation process has the potential to cause serious conflicts between communities, but also threatens South Africa's ability to ensure food security. Any debates around land ownership in South Africa must take the impact thereof on food security into account.

7.7 Concluding remarks

The environment within which farmers in South Africa are expected to deliver food is becoming increasingly hostile. Weather conditions relating to both topography and climate change, changing demands relating to food choices, as well as water scarcity and erratic rainfall patterns all impact on the ability of the agricultural sector to produce the food required by a growing population. These factors are prevalent during normal years, and are exacerbated during periods of extended and severe drought. In this respect the Chairman of the Agricultural Development Policy Committee, Ernest Pringle (2016:34), indicated: *"The current drought in South Africa is a sharp reminder of how inhospitable our country is to permanent human settlement. Prior to the nineteenth century, permanent human settlement and agriculture were confined to the well-watered eastern and southern coastline and adjacent interior; this area spanned the coastal region south of the Oliphant's River in the Western Cape, and extended to the area south of the Swartberg mountains, and there to the east of the Winterberg, Amathole and southern Drakensberg mountains, and northwards to the Highveld plateau and the region east of this. The remaining two thirds of the country were occupied by nomadic groups of pastoralists and hunters. In the vast arid interior only the Gariep (Orange), Vaal and*

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Kuruman Rivers allowed permanent human habitation and agriculture to take place". These factors are crucial to debates around land ceilings, since land in various regions differs considerably in terms of its production potential. Land earmarked for transformation and restitution will also have to continue to produce food in a sustainable manner if food security is to be maintained.

The socio-economic environment, especially increasing unemployment and poverty, place additional demands on the agricultural sector. Food security, especially regarding sustainable and affordable food supply at household level, should remain important factors for consideration in any policy decision that affects agriculture. It is also far less profitable and more difficult to farm under the current economic and market conditions with less government support than it was in the past. Given the sector's important role in ensuring food security, it receives limited support and is vulnerable to various outside factors. Phillips (2016a:15) accurately summarises the current situation as follows: "*South Africa does not have a safety net for its farmers. The drought is forcing them to deplete their own capital reserves to leverage extra borrowing capacity for their farming businesses, to try and absorb the financial losses of the current and preceding years. Livestock farmers are having to use their savings to buy feed to get animals in a condition for sale. Feed prices have increased dramatically and availability is hampered by drought. Emergency culling of animals is pushing down farm-gate prices*".

Section 5.3.4 must be read with section 7.5 regarding the important role of household food security in political stability. Food security remains a regional, national, community and household concern. Food security is affected by various factors relating to demand, supply and the market. The discussion in this regard indicates that, among various other factors, the issue of availability of agricultural land and land tenure is an important factor that impacts on food security. Statistics indicate that many people in South Africa produce additional food for household consumption, but it is a dwindling number of commercial farmers who produce food for an increasing urban population with changing consumption habits. Debates around policies and legislation aimed at transformation of land ownership cannot ignore these very important factors.

The hostile security and often toxic political environment places a great deal of psychological pressure on the farming community. Comments by President Jacob Zuma

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clearly indicate that he intends to criminalise white farmers by indicating that they stole land from black people. This is an important reason why fewer people are investing in agriculture and the commercial farming population is growing older and smaller. Fortunately, moderate voices such as that of the former Public Protector Thuli Madonsela remain. Madonsela has recently been quoted as saying that, while the political narrative is that people are poor because white people still owned the land and the means of industrial production, *“(u)nintentionally, you are creating a situation similar to Nazi Germany, where the average poor person was told you were poor because it’s the Jews that are taking all the jobs and resources and are favouring each other and excluding you. Yes, there is a legacy of apartheid, but the honest part is that, through maladministration, some balls have been dropped”* (cited in Jadoo, 2016:3). It is clear that where land and white farmers are concerned, the NDR rhetoric is a greater political priority than NDP objectives regarding food security and rural economic development.

The next chapter outlines the conflicting ideological points of departure within the governing alliance. The NDR is central to this conflict which places additional pressure on the agricultural community through the policy insecurity that results from this. The neopatrimonial political leadership environment within which policies are determined and implemented creates further political uncertainty for a sector facing economic, social, political and personal threats.

The proposed policies and legislation regarding transformation of land ownership are analysed in Chapter nine, using the analytical framework that was developed in Chapter five. The unique contextual perspectives from this chapter must be considered alongside this analysis.

CHAPTER 8: THE NDR AS IDEOLOGY FOR TRANSFORMING SOUTH AFRICAN SOCIETY

8.1 Introduction

The NDR remains the central ideological basis, and to a large degree also the political strategy, through which the governing alliance in South Africa plans to transform South African society. The ANC Youth League describes this with the following statement: *“Over the years, the ANC led congress movement has understood social transformation within the context of the National Democratic Revolution whose central thesis is to extricate South African society out of the trappings of national oppression, gender subjugation and class super-exploitation”* (ANCYL, 2014:3). Central to the NDR as an ideological point of departure is transformation of land ownership in South Africa. Much of the research carried out in previous chapters created the normative and empirical foundation for the analysis of the NDR and its role in transforming land ownership. Further analysis of the role of the NDR in development programmes aimed at transforming agriculture and rural economies will facilitate this.

Chapters two and three create the meta-theoretical and theoretical background for this chapter that places the study within an ideological theoretical context. Chapter four and five culminated in the development of a normative analytical framework for transformation of land ownership, while Chapters six and seven contextualised the theme within the context of the historical, political, natural, social, economic and security environments in which the South African agricultural sector has to transform. The central theme of the study places the NDR at the centre of the ideological analysis of transformation of land ownership. This made it imperative that the study included a chapter that defines and explains the NDR as the central ideological point of departure for current government policies and legislation regarding transformation of land ownership in South Africa. It was necessary to do this prior to the analysis of the policies and legislation proposed to achieve transformation of land ownership in Chapters nine and ten. This chapter facilitates a greater understanding and contextualisation for Chapter nine as well as civil society and opposition party's reactions to government policy proposals in Chapter ten.

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Transformation of land ownership has been central to ANC rhetoric, both during the struggle against Apartheid, but also during efforts to mobilise support for attempts to transform society since 1994. In this respect, one of the ANC's founding documents that outlines the ideological struggle against Apartheid and for post-Apartheid transformation, the Freedom Charter, pronounces that "*The Land Shall be Shared Among Those Who Work It!*" and further that: "*Our people have been robbed of their birthright to land, liberty and peace by a form of government founded on injustice and inequality...Restrictions of land ownership on a racial basis shall be ended, and all the land re-divided amongst those who work it to banish famine and land hunger...The state shall assist the tillers and help peasants with implements, seed, tractors and dams to save the soil. All shall have the right to occupy land wherever they choose*" (cited in Alden & Anseeuw, 2009:90). These words are central to the Tripartite Alliance's approach to transformation of land ownership and create the ideological justification for radical policies and legislation that attempt to achieve this.

The central research question relating to this chapter as formulated in Chapter one is the following: *What is the ideological role of the NDR as the central point of departure for transformation of land ownership in South Africa?*

Some academic research has been carried out on the NDR. One of the most recent and comprehensive studies is the work of Jan Charl Marthinus Venter in his thesis *The National Democratic Revolution (NDR) in a post 1994 South Africa: a reconstruction, interpretation and evaluation of this revolutionary ideology*. In this thesis, the NDR was studied within its analytical, normative and strategic dimensions. This study is valuable not only because of its in depth analysis of the NDR, but mainly because it supplies insights into the NDR through an ideological theoretical lens. A work in progress paper by Raymond Suttner, titled: *Revisiting National Democratic Revolution (NDR): the 'national question'* (2011 version), supplies general insights into the NDR as a phenomenon, implemented within the paradigm of a liberation organisation. A presentation by Anthea Jeffery titled *The NDR and the second stage* (2014), as well as her book *Chasing the Rainbow* (2010) supply a broad background on the NDR. The most important primary sources for the study of the NDR, however, come from various policies and other documents from political parties and organisations. These also supply important information for the analysis of the NDR within the ideological spectrum.

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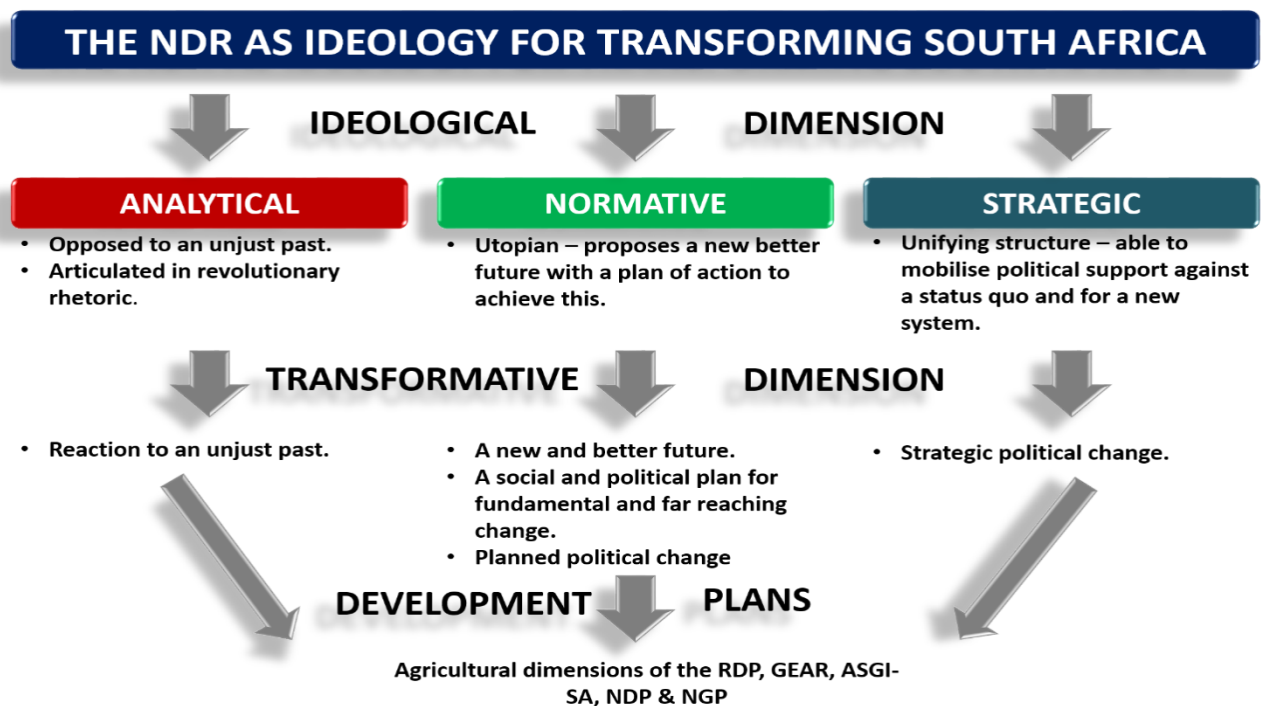
Since the NDR is aimed at transforming South African society, it is important to conceptualise transformation as a key concept in understanding the NDR within the context of this chapter, as formulated in the research question. The term transformation is not mentioned in the South African constitution and is therefore not a constitutional imperative. This begs the question why it enjoys so much prominence in political discourse in South Africa. A former leader of the opposition in parliament, Tony Leon, indicated that: *“The ruling party’s own strategy documents describe it (transformation) as a process of extending the power of the National Liberation Movement over all levers of power in the state and beyond it. In relation to our constitutional democracy, transformation is something rather different from what the ANC once described it in 1994 as a people-centred society. In fact, it is a programme of building a party-centred society, where the ANC is omnipresent and omnipotent”* (Leon, 2006:4). The title of this study, *“The National Democratic Revolution and the transformation of land ownership in South Africa – a critical analysis and alternative framework”*, places the NDR at the centre of the analysis transformation in terms of land ownership. For this reason, it is important to have a thorough understanding of the NDR as both a concept as well as a central point of departure for transformation.

Transformation as a concept is often used interchangeably with the term change. The forms of change in terms of direction, depth, speed and method were dealt with in the discussion on Baradat’s political spectrum in section 3.3.2. Change as a concept, however, requires some explanation. Change is defined by Palmer (1989:7) as *“...any alteration of an existing state or condition”*. He goes on to explain that: *“Social change is an altercation of existing social structures and relationships; economic change is any alteration of existing production and distribution patterns; and political change is any alteration of existing political relationships, processes, or institutions”*. There are two types of change, namely natural change which is a process that occurs without cognitive human intervention (e.g. change of seasons) and designed change which takes place as a result of human intervention, which may be a result of natural change. Transformation is a form of designed change (Wallace cited in Cloete, 2013:21).

In the search for a definition for transformation, as opposed to change, Eckstein (1988:798) indicated that: *“By transformation I mean the use of political power and artifice to engineer radically changed social and political structures, thus culture patterns and*

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themes; to set society and polity on a new course toward unprecedented objectives". This definition is supported by Duvenhage (2007:283) who describes transformation as: "...the fast progressive, comprehensive, and fundamental political change of society, that arises from an unacceptable past, which takes on the form of central planning (social engineering and political manipulation), often driven by hegemony, with an emphasis on the management of change in general and conflict management in particular". Duvenhage creates a unique structure for an analysis of transformation from this definition. In terms of this definition, transformation has five aspects, namely a reaction to an unjust past, a new and better future (utopia), a social and political plan for fundamental and far-reaching change, planned (structured) political change and strategic political change (Duvenhage, 2007:283-387). This structure is aligned with the structure and purposes of ideology identified in Chapter three. It can thus be argued that transformation in itself is an ideologically driven process with similar purposes. Against this background, it is possible to provide an explanation of transformation within the context of the NDR. The structure of transformation also provides a framework within which an analysis of the NDR can be carried out. This structure falls within the three ideological dimensions identified in Chapter three. This is explained in the diagram below:



(Source: Author's own construct)

Figure 30: Ideological dimension of the NDR

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An investigation into the agricultural dimensions of various development programmes that have been implemented since 1994 is crucial for an analysis of the role of the NDR in transformation of land ownership. Such programmes include the RDP, GEAR, Asgi-SA, NDP and NGP.

For the purposes of this research, the categories relating to a social and political plan for far-reaching and fundamental change were combined with planned political change under the heading: *The NDP as a plan for political change*.

This chapter aims to achieve the following objectives:

- to conceptualise of the NDR;
- to examine the NDR as a reaction to an unjust past;
- to determine the role of the NDR in creating a new and better future;
- to examine the NDR as a plan for political change;
- to explain how the NDR is used as a strategy for political change and
- to determine the relationship between the NDR and the agricultural dimensions of government development programmes.

In order to achieve the objectives of this chapter, it was necessary to follow a deductive approach that involved a literature study of various, books, journals, as well as political party and government documents.

In order to achieve the above objectives, the chapter has the following lay-out:

- The NDR – a conceptual analysis.
- The NDR as a reaction to an unjust past.
- The NDR as a vision of a better future.
- The NDR as a plan for political change.
- The NDR as strategy for political change.
- The NDR and developmental programmes – agricultural perspectives.

8.2 The NDR – a conceptual analysis

To understand the NDR from an academic perspective, it is firstly important to define and discuss the key terms relating to the NDR as central topic of this chapter, namely national, democratic and revolution. While there is a great deal of literature in the discipline of political science on each of these terms, this section is confined to defining, discussing and contextualising these terms within the perspective of the NDR, which is predominantly African nationalist in its approach. It is also important to investigate how the NDR is defined as an ideological approach within the current political dispensation. This section comprises discussions on nationalism, a conceptualisation of democratic, a conceptualisation of revolution and a conceptualisation of the NDR.

8.2.1 Nationalism

Nationalism cannot be defined as a single idea, but rather as a number of different concepts that are ideologically grounded (Harris, 1976:292). In Chapter two, it was explained that the connotation is very important for the explanation of a concept. In this respect the concept of nationalism is deeply rooted in its connotation. Therefore, Western forms of nationalism are very different to African nationalism. The ANC defines itself as an African nationalist organisation and it is within this context that nationalism has to be conceptualised.

Nationalism in Africa is not easy to define, since its roots lie in the struggle against colonialism and domination, rather than in elements that bind people such as religion, language, customs and ethnicity. In *An African Survey* published by Lord Hailey in 1938, the term Africanism was preferred over nationalism due to the latter's description within ethnic European terms. The only exception to this in post-colonial Africa was Lesotho and Swaziland (Smith & Nöthling, 1985:411-412). Three main events contributed to the shaping of African nationalism, namely the Japanese victories against European powers such as Russia and Britain, the ideological war against racial domination of the ideologically based regimes in World War Two and the emergence of the Indian sub-continent into independence that was regarded by many African leaders as a model of African independence. Although many African demands were initially political and social

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in nature, Kwama Nkrumah's call "*Seek ye first the political kingdom*" became a central feature of political tactics for many African nationalists (Hodder-Williams, 1984:69-70).

The term nationalism within an African context was coined by Thomas Hodgkin (cited in Smith & Nöthling, 1985:412) as follow: "...to describe any organisation or group that explicitly asserts the rights, claims and aspirations of a given African society...in opposition to European authority". This definition differed from the ethnic territorial, lingual and ethnic nationalism that formed the basis for the formation of many European states. Although there were some exceptions such as the "*Mau Mau*" uprising that was Kikuyu (ethnic) based in Kenya, most nationalist movements in Africa aimed at the self-determination of the whole black population rather than an ethnic sector of society (Hodder-Williams, 1984:72). Another important African nationalist movement that is relevant to the context of this study is Afrikaner nationalism. Afrikaner nationalism formed the basis of many decisions over land ownership in South Africa and later became the target of African nationalism due to its European territorial, lingual and racially ethnic nature. Giliomee (2004:307) indicates that "*Afrikaans het gou die simbool van die Afrikanernasionalis se nasionaliteit geword*" (Afrikaans soon became the symbol of the Afrikaner nationalists' nationality). Afrikaner nationalism, which was a central feature of the NP policies during the Apartheid era, was also ammunition in the ANC's political arsenal in the struggle against *colonialism of a special type*. Afrikaans became the symbol of oppression during the Apartheid era and was transformed into a symbol of '*unfinished business*' for NDR rhetoric after 1994.

Historically, black leaders expressed their political aspirations through narrow ethnic terms. This was to a large degree a result of the turbulent history of conflict between various groups. During what became known as the Mfecane between 1813 and 1830, King Shaka of the Zulu's caused a great deal of political turmoil that destabilised the ethnic territorial structure entire region. With the formation of the Union of South Africa in 1910 it became clear to black African leaders that they needed to unite around a common cause, which at that time was white domination and the suppression of black people that included restricting their access to, and use of, land. This unity required all leaders, more importantly the chiefs, to support the South African Native National Congress (SANNC) that was founded in 1912. By bringing ethnically diverse chiefs together, they were able to unite around a common African identity. The dilution of the power of tribal identity

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assisted in the formation of a larger black consciousness in South Africa. The ANC did not follow an exclusive African nationalist approach, but throughout the years of struggle up to 1994 it never abandoned its racially inclusive character. The racial inclusivity led to a split in the ANC. The PAC was formed by more radical individuals who used the issue of land as a central political agenda (Mashele & Qobo, 2014:29-36).

An important feature of nationalism, from an ideological perspective, is that it transforms devotion to a nation into principles and political programmes. In this way, it differs from patriotism which implies devotion that is most often devoid of such principles and programmes. Nationalism, therefore, requires a nation-state (land) for it to become relevant, since political principles and programmes require a territorial state with a government for their implementation (McLean & McMillan, 1996:361). The ANC's form of nationalism was guided by specific political principles and programmes of action, but the inclusive nature of these principles made the organisation a typical African national organisation. Mashele and Qobo (2014:37) explain the ANC's African nationalism as follows: *"Fundamentally, African nationalism, mild or virulent, is a product of and reaction to the politics of racial exclusion, introduced to South Africa by a long succession of white minority regimes – from the Dutch East India Company to British imperialism, from the Union government to apartheid. Had the human and political rights of the African people been promoted throughout the making of modern South Africa, it is doubtful whether African nationalism would have developed the way it did...Looking from the vantage point of today, the ANC appears more like a historic necessity – a political party ordained by history to liberate the African people from the yoke of colonialism and apartheid"*.²⁰

African nationalism is ideologically and politically driven around inclusive principles and programmes of action that were derived from reaction to colonialism and later Apartheid. This differs from the narrower and exclusive European ethnically and geographically driven nationalism of the late nineteenth and early twentieth century's. African nationalism, as opposed to European ethnic nationalism, forms the basis for the NDR. The ANC (ANCYL, 2009:4) defines the term 'national' in terms of four main components, namely:

²⁰ Compare Suttner's (2011:7) version of nationalism within an NDR context.

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- Determination – the consolidation of national sovereignty by changing the dependent development path.
- Nation-building - the consolidation of a single “*South Africanness*” that dispels the narrow ethnic, tribal and racial notions.
- Revolutionary nationalism - the recognition and acknowledgement of the national content of a class struggle.
- National consciousness – a sense of patriotism and ownership of South Africa.

8.2.2 A conceptualisation of democratic

The term “*democracy*” or “*democratic*” can be traced back to Ancient Greece where it was coined from the words “*demos*” meaning “*people*” and “*kratos*” meaning to “*power*” or “*rule*”. The most common explanation for democracy is derived from Abraham Lincoln’s famous Gettysburg Address in which he referred to democracy as: “*government of the people, by the people, and for the people*” (Heywood, 1997:66). According to Dahl (cited in Lijphart, 1984:2), democracy can only exist when the following eight institutional guarantees are present:

- The freedom to join various organisations of an individual’s choice.
- Freedom of expression.
- The right to vote.
- Eligibility for public office.
- The right for political leaders to compete for support and votes through the efforts of individuals or political organisations and parties.
- Alternative sources of information and a free press (social media plays an important part of this in the modern world).
- Regular free and fair elections.
- Institutions for making government policies depend on votes and other expressions through which individual preferences can be expressed (e.g. legislatures and the executive).

Many developing countries have, however, opted for a totalitarian version of democracy. In Pakistan, democracy was meant to be simple, inexpensive to run, related to the voters expectations and education and should have resulted in a strong and stable government.

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Chairman Mao in China indicated that democracy should have strong leadership and should be under “*centralised guidance*”. Fidel Castro phrased this version of democracy with the following words: “*A democracy is that in which a man is assured of all his rights, not only the right to think freely, but also the right to know how to think*”. Totalitarian democracy is not only applicable to communist controlled regimes, but also to other societies with strong single-party systems (cited in Harris, 1976:230-231).

In the ANC Youth League (ANCYL) training manual, the ANC indicates that democracy broadly includes elections, human rights, equality of constitutional rights, civil liberties, freedom and the rule of law (ANCYL, 2009:5). These are all very broad terms that are included in the country’s constitution.

Another form of democracy is democratic socialism. Social democrats believe that constitutional democratic processes can be used for social engineering, with the aim of making society more rational. A rational society, in social democratic terms, is more prosperous, more equal and more just. Social democrats tend to believe that the power of the state could be used to create employment and to hasten innovation by promoting investment. The vanguard of the struggle for a better order in socialist terms remains the working class (Vaizey, 1980:262-263). It is explained later in this chapter that these are also the intended outcomes of government development programmes in South Africa. The Tripartite Alliance appears to be an ideological mixture of the Maoist centrally guided democracy and social democracy.

8.2.3 A conceptualisation of revolution

In order to understand the NDR, it is important to define and explain the term revolution as a political concept. Huntington (1968:264) defines a revolution as: “*(a) rapid fundamental and violent domestic change in the dominant values and myths of society, in its political institutions and social structure, leadership and government activity and policies*”. Revolutions are driven by the desire for transformation. In this respect Eckstein (1988:798) indicates that transformation involves: “*...the use of political power and artifice to engineer radically changed social and political structures, thus culture patterns and themes: to set society and polity on new courses toward unprecedented objectives. Transformation typically is the objective of modern revolutions*”. Theory on revolution has

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undergone various permeations from Marx's theory of class war, to Mao's theory of peasant's in revolution, to Lenin's struggle against imperialism which was also used by Nkrumah and later to a limited and slowly spreading guerrilla war espoused by Debray (Bell, 1973:34). According to Bell (1973:48) and Kamrava (1993:182-183), revolutions often take place when there is a breakdown of rational or legal authority related to one or more of the following conditions:

- **The rulers increasingly break existing laws:** the pre-1994 dispensation could be regarded as a police state in which the government of the day used legislation that was legislated by institutions regarded as democratically restricted, to legitimise the use of force against the population. In section 7.2, an explanation is supplied of how the current regime in South Africa, under President Jacob Zuma, is abusing state institutions for the enrichment and protection of the small group of political elite.
- **The rulers attempt to extend their authority into spheres considered illegitimate by a large proportion of the people:** the pre-1994 regime used the security apparatus of the state to remain in control of government by coercion. Attempts to capture the state under the pretext of democratic centralism by the current political leadership in South Africa are an example of this.
- **The laws (or some laws) contradict prevailing social patterns of behaviour that evolved gradually:** the pre-1994 dispensation was imposed on the population through legislation that denied the majority of the people in the country rights based on race. Currently, attempts at economic and social engineering through legislation have caused a great deal of uncertainty and concern among racial minority groups in South Africa.
- **The entire regime is considered illegitimate by a large portion of the population:** this was the case in the pre-1994 dispensation under NP rule. Currently, this has not yet taken place due to the entrenched position of the ANC as the liberation movement in South Africa. The neopatrimonial tendencies of current political leaders are causing a great deal of dissatisfaction within both the governing alliance and society. This is also a potential source of division between the ANC and many of its supporters. This will inevitably lead to a crisis of legitimacy for the Zuma-led faction and ultimately the ANC.

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Marx is regarded as one of the fathers of the concept of twentieth century revolutions. He identified ten steps that had to be taken by the organisers of a revolution. These were identified by Harris (1976:250) as the following:

- The abolition of property rights based on land, including any rent obtained from land for private purposes.
- A loaded progressive policy of taxation.
- The abolition of rights to inheritance.
- Confiscation of property of individuals who leave the country or resist the new order.
- Setting up national banks that would have a monopoly over credit and replace commercial banks.
- The national ownership of all forms of communication and transportation. This would see public broadcasters replace private forms of communication.
- The gradual take-over of all means of production by the new order.
- The enforcement of the equal liability off all to work, particularly in agriculture.
- A gradual elimination of the differences between urban and rural dwellers and a better interaction between agriculture and industry.
- A free system of universal public education.

The above ten points emphasise the important role of land and agriculture in the imposition of a new revolutionary order. Elements of this are often heard from various political groups in South Africa such as the EFF, radical elements within the governing alliance, and “*Fees Must Fall*” campaigners. These elements include nationalisation of land, control over communication and transportation, increased taxation, nationalisation of banks and industry and universal free education.

Lenin (cited in Bell, 1973: 103-104) was more practical in his approach and created a practical guide for revolutionary organisers that involves the following:

- Revolution requires careful planning and discipline and cannot succeed if it is spontaneous or undirected.
- Responsibility and planning must rest with a small cadre of professional organisers and revolutionaries.

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- The prime task of revolutionaries is to superimpose on trade union actions (such as strikes) the antagonism of social democratic struggles and to impose the notion that their cause and interest are irreconcilable with the entire political and social system, instead of just one part of it.
- Other complimentary organisations should be allowed to exist and, where appropriate, to contribute to the revolutionary process. Masses must, however, be controlled and manipulated.
- Training and discipline are crucial within the leadership group. Such groups must be small enough to maintain morale and secrecy.
- The manipulation of the masses must be undertaken by two forms of persuasion, namely propaganda and agitation (often through strategic slogans).
- The larger organisation must inoculate itself against counter-resistance by forming cells that are operationally independent, self-sufficient (though centrally directed) and anonymous (so that cell members only know those who are part of their cell).

The above aspects are all included in the ANC's strategy and tactics documents. Lenin also emphasises the importance of democratic centralism (see section 3.5.3) in the organisation of a revolution. Democratic centralism, referred to as the cadre policy, is a central instrument for the ANC's implementation of the NDR. The Marxist-Leninist approach was one of a non-class conception of people. Within this paradigm, the conception of 'the people' is the working classes headed by the working class and its party. While *power to the people* within a Western perspective would be interpreted as *one man one vote*, in a Marxist-Leninist perspective it implies that political power would be in the hands of the workers under the leadership of a Communist Party that excludes the rest of the population. In effect this means a one party state (Du Plessis, 1987:96).

The revolutionary ideas of Mao Zedong (Maoism) are especially relevant to the ANC as liberation movement with the NDR as both strategic ideological objective and tool. Maoism was regarded as an extension of Marxist-Leninism regarding the entrenchment of communist ideology in China through revolutionary warfare. Revolutionary warfare is regarded as a revolutionary action aimed at: "*...the total extinction of an existing political system and an existing social order, and then the establishment of total new order with value systems of a different kind*" (Lass, 1976:34). While Marx and Lenin regarded the proletariat as the instruments of the revolution, Mao regarded the peasants as his

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instruments. It is for this reason that the land reforms in China became the means of mobilising the masses of rural peasants against the existing order (refer to section 4.3.6.1). This is also why the governing alliance in South Africa champions transformation of land ownership in political rhetoric, in most instances at the cost of other important socio-economic issues.

The ANC regards a revolution as “a *change in social, political and economic relations*” and “a *change of ruling class through elections or violent insurrection*” that are caused by the “*failure of governments to meet social needs*” (ANCYL, 2009:6).

The next sections investigate the transformation aims of the NDR in terms of the theoretical features of ideology identified in Chapter three and the components of transformation identified in this chapter.

8.2.4 A conceptualisation of the NDR

The NDR can be conceptualised within the above ideological conceptual frameworks, but needs to be contextualised within the historical development within the ANC and its alliance partners. Between its inception in 1912 and about 1937, the ANC hoped for a greater political role for black people in South Africa with the support of white liberals. Much of this was in the form of petitions and representations to government. During this time, the ANC encouraged a spirit of loyalty to the British Crown and endorsed the Rhodes conception of “*equal rights for all civilised men*” (Bureau for Information, 1986:3). The failure of these approaches to bring about transformation in the political dispensation at the time, allowed the SACP to exert a great deal of influence over the ANNC. The origins of the NDR are regarded by most protagonists of this as having its roots in the 1919 Congress Communist International. During discussions on the *National and Colonial Question* at this congress, Lenin indicated the following: “*We have discussed whether it would be right or wrong, in principle and in theory, to state that the Communist International and the Communist parties must support the bourgeois-democratic movement in backward countries. As a result of our discussion, we have arrived at the unanimous decision to speak of the national-revolutionary movement rather than of the bourgeois-democratic movement*” (cited in Venter, 2012:121).

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After a visit to Moscow in 1927, both Gumede of the ANNC and La Guma of the Communist Party of South Africa (CPSA) brought back the message that: *“Our aim should be to transform the African National Congress into a fighting nationalist revolutionary organisation against the white bourgeoisie and the British imperialists, based upon the trade unions, peasant organisations, etc., developing systematically the leadership of the workers in the organisation...”* (cited in Venter, 2012:126-127). At its sixth congress in 1928, the Communist International resolved that: *“The CPSA (Communist Party of South Africa) should pay particular attention to the ANC. Our aim should be to transform the ANC into a fighting nationalist revolutionary organisation...”* (cited in Bureau for Information, 1986:3). This laid the historical foundation for the entrenchment of an NDR paradigm within the organisational culture of the ANC.

The coining of the term *“colonialism of a special type”* by the SACP in 1950 defined South Africa as being an imperialist state and black South Africans as being a colony. The implication of this approach being that the wealth of the white minority had been achieved through the exploitation of impoverished black people through a system of racial capitalism. In 1962, the SACP adopted a programme known as *“The Road to South African Freedom”* which envisaged the overthrowing of the colonial state of white supremacy and an independent state of national democracy established in its place. The new state would be led by the ANC who would implement the NDR on a continuous basis. In this respect the NDR would have to go beyond the mere political enfranchisement of black people and repealing racial laws, but also have to rid the country of all aspects of white domination. An integral part of achieving this ideal would be the re-staffing of the civil service, the Judiciary, the army and police to make them fully representative of society. In order to prevent resistance, the SACP further advocated for a vigorous and vigilant dictatorship to be maintained by the people against the former dominating and exploiting classes. In terms of transformation of land ownership, the 1962 SACP document also states that *“In order to rally the support of the great masses of rural people, to raise their living standards and to rectify the injustices committed by the colonialists in seizing most of the land of south Africa, the revolutionary state must take immediate and drastic measures to restore the land to the people. The reserve system and any laws restricting land ownership on a racial basis, must be abolished”* (SACP, 2010:1). This NDR-driven statement remains a constitutional prerogative in the post-1994 South Africa and a priority in most policy and legislative proposals regarding transformation of land

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ownership that were discussed in Chapter seven. In section 9.4.4, however, it is noted that current proposals do not adhere to ownership of land in “reserves”.

The theory of colonialism of a special type and the need for an NDR to overturn the consequences of this was officially accepted by the ANC at its national conference in Morogoro in Tanzania in 1969 (Jeffery, 2010:5). At this conference the ANC (ANCYL, 2009:32) committed itself to three main objectives, namely:

- the transformation (termed *socialisation*) of key industries and monopoly capital;
- that the land belongs to all who live in it and
- an ANC government in South Africa that would restore the wealth of the country and the heritage of all South Africans to the people as a whole.

It is clear that the NDR found its origins and historical and ideological roots in Marxist-Leninism and was the result of direct actions by the Communist Party to turn the ANC into a revolutionary movement that would achieve the aims of that organisation. The Freedom Charter was regarded as the *ideological constitution* of the ANC. In line with the Freedom Charter, the ANC defines the NDR as “A process of struggle that seeks to transfer power to the people and transform society into a non-racial, non-sexist, united, democratic one, and changes the manner in which wealth is shared, in order to benefit all the people” (ANC 2012:70).

The above definition aligns itself with three phases of development and management of communist systems identified by Gripp (1973:188), as discussed in section 3.5. The ANC’s definition of the NDR is applied to the political development of communist systems in the table below with attached timelines, political objectives and economic programmes that form the basis of further discussion in this chapter.

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Table 45: The development of the NDR since 1994

LEVEL	POLITICAL DEVELOPMENT IN COMMUNIST SYSTEMS	NDR DEFINITION AND PROGRAMATIC TIMELINES
FIRSTLEVEL	1. Taking power by communist party. 2. Setting up apparatus for a dictatorship. 3. Elimination of political opposition.	NDR: “A process of struggle that seeks to transfer power to the people...”: Timeline: 1994-1997: ANC winning elections in 1994 and consolidating political power at all levels of government – transition. Economic Programme: RDP
SECONDLEVEL	4. De-emphasis on extremes of dictatorship, elimination of terror, easing legal punishments. 5. Decentralisation of some government functions. 6. Increase in responsibility and autonomy of legislatures. 7. Increase in electoral vitality, multi-candidates, contested elections.	NDR: “...transform society into a non-racial, non-sexual, united, democratic one...”. Timeline: 1997-2009 Implementing democratic centralism, restructuring municipalities and their boundaries and capturing the state - transformation. Economic programmes: GEAR, ASGISA
THIRDLEVEL	8. De-emphasis on monopoly power of communist party. 9. Wider articulation of popular demands through mass organisations and interest groups. 10. Increase in internal political diversity.	NDR: “...changes the manner in which wealth is shared, in order to benefit all the people”. Timeline: Since 2009 Extending the reach of the ANC to civil society, attempts to capture and control of “independent” state institutions (National Prosecuting Authority, SA Broadcasting Corporation, Independent Electoral Commission, Judiciary, etc.) – radical transformation. Economic programmes: NDP, NGP

(Source: Extrapolated from Gripp, 1973: 188; Author’s own construct)

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The NDR has been criticised as a vehicle that undermines the principles of transparency and accountability in South Africa. The former leader of the DA and current Premier of the DA-run Western Cape Province, Helen Zille, indicated that: *“The ANC’s National Democratic Revolution (NDR) is not only incompatible with democracy, but lies at the heart of virtually every crisis we face. The electricity crisis, the arms deal, the manipulation of the criminal justice system, the weakening of parliament and threats to the media and judiciary can all be traced back to the NDR”* (cited in ANC Today, 2008:6). This was emphasised in the discussion on the current political context within which the transformation of land ownership is taking place (see section 7.2). It is clear that the Marxist-Leninist basis for the NDR, through the neopatrimonial tendencies of political elites, has taken on strong Stalinist tendencies.

The ANC’s 52nd Polokwane Conference held in 2007 confirmed the commitment to the NDR. In the words of Bheki Khumalo, who indicated that: *“There should be no denying the fact that our tradition is firmly revolutionary, now committed to the National Democratic Revolution of Reconstruction”* (cited in ANC Today, 2008:3). At the conference, the following resolutions were taken regarding land and agriculture by the ANC (2007a):

- *“The state must regulate, but not prohibit ownership of land by non-South Africans who must take the country’s commitment to land reform, restitution, redistribution and access to land into account.*
- *The state and mandated entities must exercise their right to expropriate land in the public’s interest and for public purposes and compensation must be awarded in accordance with the constitution with special emphasis on equity, redress and social justice.*
- *The willing seller, willing buyer principle must be reviewed and market-driven land reform should be discarded in order to accelerate the equitable distribution of land.*
- *The adequacy of post-settlement support in land reform programmes must be reviewed.*
- *The management and control of state-owned land should be placed under one department.*
- *A land audit should be conducted.*
- *Customary land should be democratised and not only be the preserve of traditional leaders.*

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- *Redundant land belonging to state-owned enterprises and municipalities should be transferred for low cost housing”.*

The ANC’s 53rd Mangaung conference in 2013 reaffirmed the above resolutions, but emphasised that land reform “...*must represent a radical and rapid break from the past without significantly disrupting agricultural production and food security*” (ANC, 2013:25). The emphasis on a radical and rapid break from the past indicates that the NDR has become more prominent in the party’s approach to transformation of land ownership and also emphasises the ineffectiveness of attempts thus far.

The further discussion of the NDR is done within the framework of the various dimensions of transformation, namely an alternative to an unjust past, a vision for a better future, a plan for political change and a strategy for political change.

8.3 The NDR as an alternative to an unjust past

The NDR has positioned itself, through the Freedom Charter, as an ideological alternative to an unjust past. From a theoretical perspective, the NDR as an ideology creates a typology of the ideal situation that is utopian in nature and offers an alternative to an existing or previous order, namely colonialism of a special type. This creates the dialectic or conflict between the two contrasting political orders. In this respect the ANC has as the aim of: “...*appropriating the state and making of it an instrument of democratic social re-organisation. The objectives of this social re-organisation was, and still is, the reversal of the grand colonialism of a special type and the building of a united nation whose citizens owe allegiance to the same democratic state, same constitution and the same flag without the oppression of one national group by another*” (ANCYL, 2014:4). In terms of this aim the apartheid state evolved into: “...*Colonialism of a Special Type, with both the coloniser and the colonised located in a common territory and with a large European population. The deal between the descendants of Dutch settlers and the British imperial power at the end of the so-called Anglo-Boer War formalised, in 1910, South Africa’s statehood, premised on the political oppression and social subordination and exclusion of the majority of the people*” (ANCYL, 2014:3-4). The NDR became the driving force through which the liberation objectives of the Freedom Charter would be implemented, the

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purpose of which was to transform all levels of society, including existing patterns of land ownership.

Johnson (2015:103) describes the NDR as “...a long discredited soviet formula...a sort of African socialist nirvana in which not only will poverty, inequality and unemployment be abolished but the antagonistic contradiction between the oppressed majority and their oppressors, as well as the resolution of the national grievance arising from the colonial rule will be resolved”. This description is an important feature of an ideology that is utopian in nature and in stark contrast with the previous order, colonialism of a special type. The problem with this typology is that it requires the Tripartite Alliance to remain in power indefinitely, which is a dangerous and inherently undemocratic point of departure (Johnson, 2015:104). The NDR is often referred to as the ANC myth, the argument being that the ANC’s nationalism was constructed under conditions of oppression and was ideologically relevant while the oppression was in force. The demographics of a younger population who do not place sentimental value on an ideology that was based on a utopian struggle against Apartheid will inevitably cause this ideology to become vague and lose relevance. The almost divine right to govern indefinitely through their struggle credentials that some ANC leaders believe they have does not contribute to meeting the expectations of a younger electorate. The economic inequalities that are still visibly based on race, however, continue to serve as a motivation for the older generation of people who experienced Apartheid to support the ANC’s transformation agenda based on NDR rhetoric (Mashele & Qobo, 2014:182-184). This is an important source of political rhetoric during ANC election campaigns and remains a key ingredient in the glue that binds the ANC to its electoral base.

The struggle for equity in land distribution was an integral part of agendas of liberation movements in South Africa. The liberation movements in South Africa prior to 1994 drove their political agendas and mobilised support against the Apartheid system along ideological lines. The following table explains the characteristics of a typical liberation struggle identified by in terms of its nature, leadership, causes and outcomes:

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Table 46: Characteristics of a liberation struggle

Nature of the struggle	Insurgency that increases in strength to gradually defeat the regime (often through a guerrilla war).
Leadership	Intellectuals and other leaders who mobilise the lower strata of the population.
Causes	Social mobilisation of previously apolitical groups into the struggle, usually through a form of nationalism.
Outcomes	Widespread changes to the social and political order, though some vestiges (state institutions) of the previous system are often retained. National independence from colonialism was often the aim in Africa.

(Source: Extrapolated from Bell, 1973:121)

The ANC struggle was not different from many of the anti-colonial liberation movements that combined national democratic ideology with democratic ideas such as representativeness and human rights. An ideological approach provided the political justification for decolonisation that was manifested in the doctrine of a *national right to self-determination* within the context of colonialism of a special type. This also provided the basis for the mobilization of large numbers of people in opposition to those which were regarded as unjust, namely colonialism and Apartheid. The problem that governments face after mobilising people along such ideological lines is that it becomes difficult to demobilize them, which has the potential to erode any progress that has been made in transforming societies (Jackman, 1993:104). This is particularly relevant to South Africa where violent protests often replace democratic processes in the demand and urgency for rapid transformation. Although land has not been a central driving force of grass roots political mobilisation (this has rather been based on poor service delivery, free education, etc.), it remains firmly entrenched in the political agenda of the governing alliance. There have also been attempts to mobilise politically around the transformation of land ownership and even use this as a reason for current poverty and inequality problems in society.

8.4 The NDR as a vision of a better future

Kamrava (1993:107) indicates that social and political changes are not only reflected in the structural changes that are a central feature of the developing world, but more importantly also in the alteration of people's attitudes, views and cultural orientations. This

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implies that people have to believe that transformation can bring about a better future. The fanatical belief in the concept of liberation that dominates the political attitudes and views of the governing alliance overshadows all other cultural and economic aspects relating to transformation. This is explained by Nyerere (1979:249) with the comment: *“The foundation of all other kinds of liberation for Africa is political freedom from external rule, and from racist minority rule. Despite all the horrors that we have seen in independent Africa, I still assert that it is better to be ruled oppressively within a free nation, than to be part of a colonial empire, however mild its rule may be. For colonialism implies the inferiority of the colonised; acceptance of it means an automatic limit to self-respect”*.

Transformation in South Africa, similar to the views of Nyerere, is based on the ideas of liberation and the restoration of the dignity and self-respect of the black majority. It also supplies the justification for the liberation movements to remain in power, even after they are unable to meet many of the liberation expectations and display non-democratic tendencies. The ANC Youth League’s (ANCYL’s) views on political and economic transformation are based on the NDR and confirm Nyerere’s comments within a South African context: *“The South African cause for democracy and freedom is essentially a struggle for fundamental social transformation whose strategic objective is the burial of the social architecture of the Apartheid state. It is about the creation of a democratic order whose political, social and economic dividend can transform our race relations, diffusing the dichotomy of blackness as a symbol of underdevelopment whilst whiteness coincides with exclusive privilege, and the forging of a common national identity that transcends the racial cleavage of our past”* (ANCYL, 2014:2). This is backed up by the ANC’s 2012 Strategy and Tactics document (ANC, 2012:23-24) that summarises the main tasks of the NDR as the realisation of the following:

- a united state based on the will of the people without regard for sex, race, belief, language, ethnicity or geographic location;
- a dignified and improving quality of life for all people by providing equal rights and opportunities to all citizens and
- the restoration of the birthright of all South Africans regarding access to land and other resources.

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Within the above context it becomes clear that any aspect of society that is seen to be white dominated is regarded as a perpetuation of Apartheid “*exclusive privilege*” and will be the target of intensive transformation efforts. It is for this reason that the white dominated ownership of commercial farmland in South Africa continues to be perceived as an obstacle of the realisation of the envisaged new and better future by the ANC. Within such a paradigm, the concept of liberation can never be fully achieved until all vestiges and symbols of the Apartheid past have been eradicated. The NDR has various phases regarding the achievement of its aims. The first phase was the political control and transition to democracy in 1994. The Strategy and Tactics document (ANC, 2012:6-7) indicates that this first phase had been completed: “*Given the nature of the political settlement, the democratic movement used the breakthrough of 1994 as a beach-head to lay the foundation for a systematic transition from colonialism to a national Democratic Society*”. This was followed by the second phase that is summarised as follows: “*The interventions required to speed up change, especially with regard to economic and social transformation, can be understood as marking a second phase in the transition to a National Democratic Society. This second phase of the transition should be characterised by decisive action to effect thorough-going economic transformation and democratic consolidation*” (ANC, 2012:13). The ANC’s second phase is a combination of the second and third phases that were explained in terms of Gripp’s phases of communist political development (see section 8.2.4).

In terms of agriculture, the second phase sees the National Democratic Society as follows: “*In this regard, such a society will place a high premium on redistribution of land in both urban and rural areas for the benefit of those who were denied access under colonialism. Such access must be provided for a variety of purposes including agriculture, housing, environmental preservation, mining and other economic activity, public utilities and spaces, entertainment and other uses. In order to ensure effective and sustainable land and agrarian reform, effective measures will be put in place to assist ‘emergent’ and small-scale farmers and co-operatives*” (ANC, 2012:26).

The SACP, a partner in the Tripartite Alliance, views the NDR as the implementation of the Freedom Charter through revolutionary means. While the party does not dismiss the possibility of a non-violent transition, it similarly does not dismiss the possible need for insurrection and supports strikes, boycotts and demonstrations. In terms of agriculture,

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the party supports the immediate confiscation of all property in the hands of financial monopolies and speculators. They also support the tenure for small-holder farmers who fruitfully cultivate their land, including communal and tribal land. They also support and encourage the implementation of co-operatives and collective farms (SACP, 2010).

8.5 The NDR as a plan for political change

The formal mobilisation against colonialism and white domination started in 1912 when the ANNC was formed in reaction to the exclusion of black people from the formation of the Union of South Africa in 1910 and the political processes in the country at the time. Since then, various strategies have been used by the movement such as petitions, passive resistance, mass mobilisation, defiance campaigns and eventually armed struggle. The ANNC held its congress in 1918 during which the aims of a united democratic South Africa and universal adult franchise were formulated. Petitions in this regard were sent to both the South African and British governments. The organisation also participated in the rising labour movements at the time. The party adopted Gandhi's strategy of passive resistance and in 1919 and thousands of black people were arrested for burning their passes. In 1923 the organisation changed its name to the ANC. An initial alliance between the ANC and the SACP ended in 1927 and the organisation then formed alliances with coloured and Indian organisations during World War Two. After the war, the Youth League emerged with a strong Pan African orientation. At that time, the Youth League often clashed with the old guard regarding their ideological approaches. By 1952 the organisation was better organised and launched a countrywide defiance campaign that encouraged people to go out at night without passes, enter black townships without permission and use public and government facilities reserved for whites. The defiance campaign was the first well-planned attempt by black nationalists to increase support and membership. This was followed by one of the most historic events, namely the acceptance of the Freedom Charter in Kliptown near Johannesburg in 1955 by the Congress of the People that comprised the ANC, the South African Congress of Democrats, the South African Indian Congress and the Coloured People's Congress. This document remains an important platform for political mobilisation and is the document on which the NDR is based. The Freedom Charter made provision for transformation of land ownership with a section titled: "*The land shall be shared among those who work it*" (ANC, 2015).

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In terms of the above planned objective, the following explanation is given in the Freedom Charter (ANC, 2015):

*“Restrictions of land ownership on a racial basis shall be ended, and all the land re-divided amongst those who work it to banish famine and hunger;
The state shall help the peasants with implements, seed, tractors and dams to save the soil and assist tillers;
Freedom of movement shall be guaranteed to all who work on the land;
All shall have the right to occupy land wherever they choose;
People shall not be robbed of their cattle, and forced labour and farm prisons shall be abolished”.*

The Pan African Congress (PAC) was formed in 1959 in opposition to the multi-racial nature of the Freedom Charter. The Sharpeville massacre on 8 April 1960, during which 69 people were killed and 178 wounded, combined with the Rivonia treason trials that saw Nelson Mandela and others imprisoned, had a profound impact on the ANC. These events resulted in adoption of the armed struggle by the ANC in 1969. After years of violent conflict, the *“Constitutional Guidelines for a Democratic South Africa”* was published by the organisation in 1988. The guidelines were strengthened by the *“Harare Declaration”* in 1989 which adopted policy guidelines that were to guide the party into the future. These guidelines (Kotzé & Greyling, 1991:31-40) included:

- The pursuit of a unitary, non-racial democratic state.
- A system of general franchise based on the *“one man, one vote”* principle.
- A bill of rights.
- A mixed economy.
- A reform programme in respect of land ownership.
- A bill of workers’ rights included in the constitution.
- State institutions constitutionally obliged to eradicate inequalities resulting from Apartheid.
- A non-aligned South African state, subject to the charter of the Organisation of African Unity (OAU) and the United nations (UN).

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On 1 February 1992, the former president F.W. de Klerk made a historical reform speech which was followed by a discussion document by the ANC titled: “*Structures and principles of a constitution for a democratic South Africa*” in which the following proposals were made (Kotzé & Greyling, 1991:44-45):

- A system of proportional representation.
- An executive president with diminished powers (directly or indirectly elected).
- A bicameral parliament with both a national assembly and a senate.
- An independent judiciary with a bill of rights.
- A constitutional court.
- Re-inclusion of homelands into South Africa.
- Equal status for ten languages.

Although there was much violent conflict and political strife following these events, these proposals paved the way for a negotiated constitution and the first inclusive democratic elections after which Nelson Mandela was inaugurated as the first black president of South Africa in 1994. Since then, the ANC-led government has undertaken a process of transformation, changing the landscape and face of both society and government. The failure of government plans aimed at the transformation of land ownership has placed it under increasing pressure, of which the current more radical proposals are a result (see Chapter nine). The current policy and legislative proposals have caused some conflict between government and the agricultural sector.

Since 1994, South Africa has been struggling to bring about the necessary changes to a legacy of 46 years of legislated and entrenched Apartheid. The first comprehensive reaction by the new government of national unity was a programme of action coined the RDP. The RDP (1994:4) had a broad goal: “*to mobilize all our people and our country’s resources toward the final eradication of the results of apartheid and the building of a democratic, non-racial and non-sexist future*”. The document (RDP, 1994: 4) went on to state that an “*...integrated process of transformation must ensure that the country:*

- *develops strong and stable democratic institutions and practices characterised by representativeness and participation*
- *becomes a fully democratic and non-racial society*

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- *becomes a prosperous society, having embarked upon a sustainable and environmentally friendly growth path*
- *addresses the moral and ethical development of society”.*

This had to be achieved through amendments to legislation, the scrapping of discriminatory legislation, processes such as the Truth and Reconciliation Commission and attempts to integrate a society that was fraught with racially based economic, social and political fault lines. Immediate attempts to remedy these included, among others, Affirmative Action (AA) and Broad Based Black Economic Empowerment (BBBEE) legislation, the integration of the security services of both liberation movements and self-governing states with the existing statutory forces, the integration and deracialisation of the civil service, the social and economic integration of the broader society and the redistribution of land. Much of this transformation was legislated successfully through parliament, but in other areas such as transformation of land ownership, successes have been limited.

Extensive political mobilisation is required for the transformation of society. This is part of a long-term ANC strategy that requires the governing alliance to remain in power for a significant period of time. It was explained in section 3.2 that ideologically driven political leaders require groups of people or individuals who represent that which they oppose to be allocated rogue status. This common enemy assists an ideology to become entrenched and for its leaders to obtain power and remain in power. In South Africa, the governing alliance continues to use race within the rogue context to ensure that the idea of a common enemy supersedes any lack of performance as a government, especially during election campaigns. According to Mangcu (2008:102), white South Africans assist the governing alliance with this: *“The culture of denial and racial solidarity among whites provides the backdrop for understanding why black nativist leaders are able to entrench themselves further in power. They can always point to white people and say, ‘See. Look how they deny what they did to us. Look at how they refuse to share the resources. Look at how they continue to abuse and disrespect black people’. That kind of rhetoric can be quite seductive for a formerly oppressed community, especially when backed up by evidence of denial”*. The strategy of demonization and the creation of perceived threats are heard in speeches such as those of President Zuma, who not only demonises white farmers, but even criminalises them, on public platforms (see section 7.2). After more

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than two decades of ANC government, the transformation of land ownership remains an unresolved political issue in South Africa which places the commercial agricultural sector at the centre of the political priorities of NDR-driven policies and legislation.

Programmes aimed at implementing an NDR and specifically transformation of land ownership, have been hamstrung by factors such as the lack of state capacity, the implementation of democratic centralism (cadre policy) that was extended to land reform programmes, predatory tendencies of the governing elite on state run land reform projects and the conflicting ideological approaches within the governing alliance towards transformation.

8.6 The NDR as a strategy for political change

The cadre policy (democratic centralism) is both a central feature and strategy²¹ of the NDR. This strategy was captured in a document titled *Cadre and Deployment Strategy* that was adopted by the National Executive Committee (NEC) of the ANC in 1998 for implementation from 1999 (Jeffery, 2010:11). This is a replica of Lenin's strategies on democratic centralism (see section 3.5.3). The ANC's (1997:1-6) cadre policy has the following goals:

- The centralisation of power within the ANC and specifically the National Work Committee (NWC).
- Cadres would be accountable to party structures at all times.
- Cadres should establish party control over state institutions.
- The strengthening of ANC hegemony over civil society.

The achievement of these strategies includes the presence of cadres in state institutions, as well as activism in civil society, business, universities and the media. The job of cadres in these institutions is to promote progressive traditions in the intellectual community, to reshape production relations in line with the outlook of a National Democratic Society and to help shape the intellectual and ideological terrain in a manner that avoids rigid dogma.

²¹ Political planning is referred to attempts to achieve political goals such as the political well-being of a group or a particular pattern of land use. Political strategy, on the other hand, is aimed at eliminating or defeating political opponents or their plans (McLean & McMillan, 2003:404; 519).

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The career-pathing of ANC activists should be part of such a coherent cadre policy (ANC, 2012:45).

The cadre policy is criticised as being inherently unconstitutional. Not only does the cadre deployment policy ensure capture of state institutions that are meant to be constitutionally independent, such as the South African Broadcasting Corporation (SABC), Independent Electoral Commission (IEC), National Prosecuting Authority (NPA) and Public Service Commission (PSC) by the ANC, but the deliberate deployment of ANC cadres in the civil service also contradicts Section 197 of the Constitution (1996) that deals with party political prejudice in the civil service (Jeffery, 2010:13-14). This has eroded the important constitutional principle of the separation of party and state. The cadre policy has also entrenched patronage and clientelism²² within the civil service since it ensures that ANC party loyalists are given the most lucrative jobs. The problem with the cadre policy is that factionalism manifests itself in the bureaucracies of national, provincial and local governments. Factionalism has even led to violence in provinces such as the Free State, North-West and Limpopo. This has resulted in political assassinations, the paralysis of party functions and eventually resulted in the decay of service delivery (Greffrath, 2015:296).

As part of government programmes and policies, the dismal performance in the areas of transformation of land ownership cannot be separated from this general trend related to cadre deployment in government. This is supported by comments of the former acting head of the Public service Commission (PSC) Richard Sizani who indicated at the PSC Congress in 2014, that discussed which policies should be reviewed to align them with the NDP, that cadre deployment, affirmative action and transformation were the main reasons why many state departments were collapsing in South Africa. He went on to indicate that such measures were necessary immediately after 1994 to transform the inherited civil service, but that they should be revised after 20 years (Prince, 2014:11).

Many of the objectives of the “*better future*” that the ANC espouses have been written into various development programmes that have been drafted by government since 1994, including the RDP, GEAR, ASGISA, the NDP and the NGP. While the objectives of these

²² See explanations of patronage and clientelism in section 7.2.

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programmes have been acceptable across most of the political spectrum in South Africa, it is the capacity of government to implement them due to political interference through the implementation of the cadre policy that has kept the ANC's plans of a better future from becoming a reality.

The development programmes of the governing alliance (RDP, GEAR, ASGI-SA, NDP and NGP) may be useful strategies to steer their transformation agenda, but it is often the verbal political and liberation rhetoric that is the most powerful strategy for the political elite to mobilise the masses of voters required to remain in power. While the white population in general are allocated rogue status, the white agricultural community could then be regarded as *super rogues* by the governing elite due to the failure of transformation in this sector, much of which is due to government's own lack of capacity and progress in this regard (see section 3.2 regarding the discussion on the role of allocating rogue status to individuals by ideologies). While groups blame each other for deteriorating race relations in South Africa, the centuries of racial prejudice and inequalities are still soundly entrenched in much of South African society today. This assists political strategies aimed at the retention of power through racial division and stereotyping on all sides of the political spectrum. Similar to Zimbabwe, it appears that white farmers are convenient victims of such strategies, which are central to discussions around transformation of land ownership.

In order to realise its ideals, it is important for the ANC to transform internally from a liberation movement to a governing political party. Jeffery (2010:4) argues that the ANC has been unable to transform itself into a political party that plays according to normal rules, but continues to define itself in terms of the NDR. The main reasons for this are found in the aims of the NDR that find their roots in Lenin's communist ideology. The SACP programme adopted in 1962, *The Road to South African Freedom*, explained the term colonialism of a special type in stark racial terms – “...*the advantages of the white majority were the result of the dispossession and exploitation of a black majority*”. This state had to be overthrown and replaced by a national democratic one that is defined by the NDR vision (Jeffery, 2010:5). This visible political reality was, and still is, a plausible political feature around which to unite the black African majority within the framework of a NDR. The 50th conference of the ANC in Mafikeng in 1997 resulted in a *Strategy and Tactics* document that described the character of the NDR as follows: “...*the strategic*

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objective of the NDR is the creation of a united non-racial, non-sexist and democratic society. This, in essence, means the liberation of Africans in particular and black people in general from political and economic bondage. It means uplifting the quality of life of all South Africans, especially the poor, the majority of whom are African and female” (ANC, 2000:1). At the same conference, the ANC emphasised the strategic tasks of the NDR (ANC, 2000: 1-2) that include:

- The progressive replacement of the apartheid state by a democratic state through a gradual approach since the transition to democracy was affected through negotiations, rather than the revolutionary seizure of power. In order to fundamentally transform the state, structural changes are required concerning the personnel in the civil service as well as their ideological orientation.
- The commitment of the democratic state to reconstruction and development that will emancipate people who have been objects of oppression and exploitation under a colonial and apartheid system based on human dignity and a better life.
- A better life for all which includes a strategy to improve the quality of life for all, especially in rural disadvantaged areas. Aspects such as housing, social security, transport, health care, education, water and electricity, telecommunications infrastructure, postal services and youth development are central to this.
- The mobilisation of the masses to govern themselves in the context of “*the people shall govern*”. The state has a responsibility to ensure independent and representative non-governmental organisations that will assist the people to govern themselves in their own interest. Such organisations include political parties, trade unions, community based and other non-governmental organisations.
- Social partnership for development and transformation. Since the democratic state is developmental and transformative in nature, it is important to fight against the liberal concept of “*less government*”. This weakens the state’s ability to transform society and enhances and strengthens other centres of power.
- The ANC’s programme on the economy involves the pursuit of growth and development. This involves increasing the wealth base of the economy by producing more goods and services in the same measure as the quality of the lives of people are improved, especially the poor. This also incorporates the redistribution of wealth and income in favour of those previously excluded from the mainstream economy.

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An increasing threat to the NDR may be in the form of postmodernist populist movements in society. The recent popular uprisings, mostly among the youth in South Africa, around the “*Rhodes Must Fall*”, “*Fees Must Fall*” and even “*Zuma Must Fall*” campaigns are examples of what has been termed postmodern politics. Best and Kellner (2001:9) explain this concept by indicating that power is everywhere- in factories, schools, prisons, hospitals and all other institutions. Challenges to any existing institutions or power structures are not restricted to traditional political institutions. Postmodern politics questions and contests every sphere of life in society, whether it is social, political or economic. Postmodern politics is in most instances a spontaneous political reaction that finds its roots in a technology based society. Postmodern politics poses threats to the moral high ground of traditional ideologically based power structures. The student protests in South Africa threaten the status quo in various ways and particularly the ANC’s attempts to transform society in an ideological manner based on the NDR. The neopatrimonial tendencies of President Jacob Zuma and recent accusations of state capture threaten the *moral high ground* status of the ANC. In this respect, the National Union of Metalworkers of South Africa (NUMSA) indicated at their Special National Congress in 2013 that the NDP was “*not on course*” and that the “*Liberation Movement in general and the ANC in particular is in grave danger...*”. This was due to their belief that the capitalist class, and not the workers, was the greatest beneficiary of the 1994 democratic breakthrough (NUMSA, 2013:4).

Within this context, the issue of transformation of land ownership that has been driven by the objectives of the Freedom Charter and the NDR may not be such a crucial issue for a growing and increasingly dissatisfied urban youth. Urban demands for employment opportunities, education and improved government services combined with the growing demand for food could dwarf the issue of who owns and works the agricultural land that produces the food. In fact, the hostile natural environment and threats of droughts within which agricultural production takes place, may serve as a deterrent rather than an attraction for most people to become farmers.

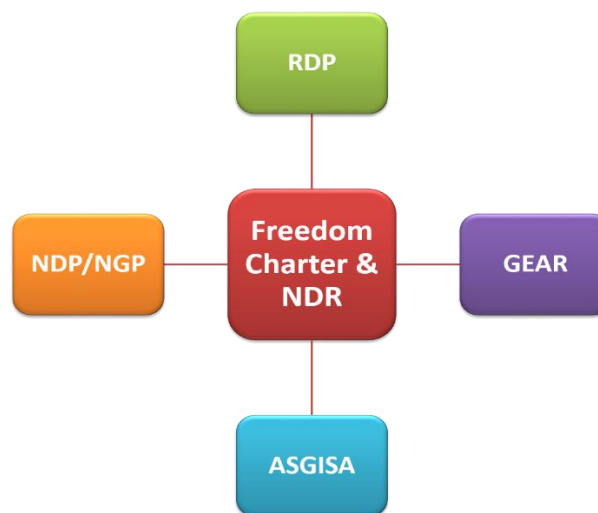
Various plans and strategies aimed at the agricultural sector have been included in different government-driven developmental plans that have been implemented since 1994. While these plans are predominantly social and economic in nature, the political

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objectives of transformation of land ownership remain central political objectives. These are discussed in more detail in the next section.

8.7 The NDR and developmental programmes

On a political level, within the ANC-led alliance, the Freedom Charter and the NDR have dominated the transformation agenda, while the various development programmes (RDP, GEAR, ASGISA, the NDP and the NGP) have been sold to society as the government's plans for social and economic transformation. These, often conflicting, ideological approaches to transformation have been referred to as sources of policy uncertainty. While the NDR is based on the strategies of Marx and Lenin, the government development programmes have predominantly been based on global and more liberal views of transformation. The various developmental programmes are illustrated in the diagram below:



(Source: Author's own construct)

Figure 31: An illustration of government programmes

This section looks at the various government programmes in terms of their broad objectives, but concentrates on aspects relating to transformation of land ownership and agricultural outcomes.

8.7.1 The Reconstruction and Development Programme (RDP)

One of the greatest challenges that the ANC faced in 1994, after years of political Freedom Charter rhetoric on land, was accurately articulated by Anseeuw and Alden

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(2011:14) as follows: *“Reconciling the ideals contained within ANC statements on land made four decades ago with the complexities of South Africa’s contemporary agricultural setting, coupled to the high level of expectations raised among the black population (and fear, especially pronounced amongst the white farming sector, of ANC rule) formed the crux of the challenge for the new government”*.

The RDP does not deviate greatly from the objectives of the Freedom Charter, and was the first formal all-encompassing development programme of action that was initiated after 1994 by the newly elected ANC-run government. This programme deals with issues of land as part of the proposed lead projects in Annexure One of the RDP document. There is very little focus on agriculture outside of this in the document. In terms of Annexure One, there are three agriculture related Pilots, which are:

- Land Reform Pilots with the aim: *“To develop and support integrated sustainable rural development and rural local government models through land restitution, tenure reform and settlement support to kick-start a wider land reform process. Linked to other land programmes”*. It was envisaged that one pilot would be undertaken in each district (RDP, 1994:55-56).
- Land Restitution with the aim: *“To support the restitution of land to communities with land claims to state land, support settlement planning and infrastructure development to ensure sustainable development process”*. This was initially aimed at ten communities: Roosboom, Riemvasmaak, Alcockspruit, Bakubung, Charleston, Zwelendinga/Zulikama/Thornhill, Smidtsdrift, Goedgevonden, Zwartsrand and Doornkop (RDP, 1994:56).
- Small Scale Farmer Development with the aim: *“To respond to demands of land-based communities for small-scale agricultural production training and support. Also, development of appropriate training modules, development of mobile training units. Building capacity of existing institutions to train trainers to serve the sector”*. This was meant to be implemented by all provinces (RDP, 1994:57).

The RDP clearly aimed to ensure economic stability immediately after the elections of 1994 which put the ANC-led government of national unity into power. The fact that the transformation of land ownership, that was later implemented through various pieces of legislation, was not a key issue in the RDP implies that it was less important to the general

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maintenance of political and economic stability in the country during the transition to democracy.

During a speech at a Congress of the South African Agricultural Union (SAAU) on 18 October 1994 in Cape Town, President Mandela expanded on the role of the agricultural industry within the framework of the RDP with the following comments: *“The success of the Reconstruction and Development Programme requires a partnership among all social structures. Few other sectors can be as crucial in this as the agricultural industry: for it is on your shoulders that the food security of the nation rests. It is on your efforts that a great part of the manufacturing industry relies for its raw materials. On its part, the government is committed to creating conditions in which the agricultural sector can prosper. Of course, there are characteristics that we cannot change: the climatic conditions bequeathed us by nature, the vagaries of its moods and the natural disasters that sometimes befall us. But in partnerships, we can minimise the effects of this and optimise the positive elements that our country possesses in abundance. Such partnerships should bring restructuring of the agricultural industry, improved productivity and training of employees, an opening of farming opportunities for those who have been hitherto excluded, and measures to correct past injustices. It should include co-operation in working out measures that will lead to farm-workers enjoying the same rights and security as workers in other industries...But it is equally important that new injustices are not created or production capacity disrupted. Our policy acknowledges the property rights of existing land-owners, it also recognises the legitimate demand for justice from those who have been dispossessed or excluded. In addressing these matters, organised agriculture should seek to be part of the process of change, with the aim of sharing in the creation of a more just dispensation”* (Mandela, 1994).

The above extract explains the expectations and conciliatory approach towards the organised commercial agricultural industry. This was not included in the RDP document, but was a central point of departure between 1994 and 1999 during the Mandela presidency. Although Mandela’s approach did not contradict the Freedom Charter, the co-operative and reconciliatory nature of his comments are not aligned with the more recent militant approach by current individuals, such as President Jacob Zuma, who espouse NDR rhetoric that includes a retributive approach to land ownership.

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It is accepted that the RDP did not have the impact that had been expected. This is attributed to a lack of competence and commitment by public service managers who were inherited by the previous government, the global fears about investing in a country with a new government, an inherited budget deficit and interest bill from the previous NP government and the increase of interest rates by the Reserve Bank that choked growth and lastly investment by former governor Chris Stals (who was regarded as a functionary inherited from the previous government) (Hirsh cited in Jeffery, 2010:242). Other factors that affected the successes of the RDP were skills shortages that were exacerbated by affirmative action policies, the ideological thrust of the NDR that demanded greater intervention in the economy by government and policy inconsistencies related to the country's labour regime. The RDP strategy was also criticised by businesses for being very weak in detail (Jeffery, 2010:243-244).

The Mbeki presidency brought with it a new approach to issues of development that was included in the GEAR programme.

8.7.2 Growth, Employment and Redistribution (GEAR)

The GEAR programme found its roots in what the Tripartite Alliance referred to as the *1996 class project*. GEAR challenged the socialist orientations of the NDR and was regarded as an attempt to impose a capitalist orientated *National Democratic State* by replacing the workers as the motive force with a black capitalist class (Venter, 2012:146).

GEAR said very little about agriculture and focussed on improving South Africa's growth rate to 6% per annum, the creation of 400 000 employment opportunities per annum by 2000 and building capacity to meet demands of international competitiveness. This would be achieved by accelerated growth of non-gold exports, the rapid expansion of private sector capital formation, improved private sector investment and output growth and increased infrastructure development and service delivery. In order to achieve this, the programme concentrated on improving fiscal, monetary exchange, trade, industrial, small business, public investment, employment and wage policies (GEAR, 1996:1-9).

Agriculture is mentioned briefly as part of a section on housing, land reform and infrastructure. In this section land reform is indicated as having to combine asset

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redistribution with tenure enhancement in order to improve long-term prospects for employment and income generation in the rural economy. Emergent farmer support programmes would be combined with the finalization of procedures for the rapid release of land. It was indicated that, as this gains momentum, the emphasis would shift to marketing support, technological interventions and streamlined extension services. The aim of these policy interventions would be to enhance the redistribution of income and economic activity (GEAR, 1996:16).

While the success of the GEAR strategy was dependent on close co-operation between government, labour and business, the major alliance partners of the ANC did not accept the strategy. COSATU and the SACP accused the ANC of lack of consultation and making too many concessions to foreign investors (Jeffery, 2010:246). As political pressure within the alliance mounted it became clear that GEAR would have to be replaced, which led to the birth of Asgi-SA.

8.7.3 Accelerated and Shared Growth Initiative- South Africa (Asgi-SA)

Asgi-SA did not deviate much from GEAR and was initially announced in the State of The Nation Speech by former President Thabo Mbeki in 2006. In terms of this plan, government would overcome the restrictions to economic growth that included shortages of skilled labour, a volatile rand, infrastructure backlogs, a lack of competition in certain sectors, regulatory burdens on small businesses and capacity and leadership deficiencies. However, due to conflicts between Mbeki and Zuma, this strategy was also rejected by COSATU and the SACP who supported Zuma. They cited the lack of a plan to deal with poverty, unemployment and inequality as their main reasons for not supporting the strategy. They further criticised the GEAR strategy for its failure to deliver growth and employment and embarked on national strikes to display their dissatisfaction (Jeffery, 2010:255; 256-257). It was, however, clear that the ideological differences within the governing alliance were such that Asgi-SA was doomed to the same fate as the GEAR programme. Asgi-SA was largely a victim of internal ideological and personal differences within the governing alliance. The ideological differences were between the exponents of the NDR (including the Zuma faction within the ANC) and those of more liberal market related economic approaches. As part of the business community, commercial agriculture

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was seen in a hostile manner by strong NDR exponents within the governing alliance. At that stage it was already clear that Jacob Zuma was strongly aligned to the NDR faction.

8.7.4 The National Development Plan (NDP)

The NDP has greater emphasis on agriculture than GEAR or Asgi-SA. As part of the Vision 2030, the NDP envisages rural economies that have greater opportunities to participation in the social, economic and political life of the country. In terms of the NDP, agriculture is required to support rural economies through successful land reform, job creation and poverty alleviation. The main driving force will be irrigated agriculture supplemented by dry-land agriculture and the exploitation of the economic potential of agro-processing, tourism and small enterprises such as fisheries. Agriculture is an important feature of a differentiated rural development strategy alongside quality basic services such as education, health care and public transport. Access to basic services, food security and the empowerment of farm workers are central to this strategy (NDP, 2011:197). In terms of land reform (NDP, 2011:206), the following proposals are made:

- The speed of transfers of agricultural land from white to black beneficiaries should be increased without distorting land markets or the confidence of business in the agricultural sector.
- Human resources should be developed through incubators, learnerships, apprenticeships, mentoring and accelerated training in agricultural sciences in order to ensure the sustainable production of agricultural land.
- Land markets should be monitored against undue opportunism, corruption and speculation through various institutional arrangements.
- Land should be successfully transferred by streamlining the land transfer targets with fiscal and economic realities.
- White commercial farmers should be encouraged to contribute to the success of land reform activities through mentorships, chain integration, preferential procurement and skills transfers.

The achievement of the above proposals would be carried out by a model that includes a committee in each district municipality named the District Lands Committee (DLC) comprising all landowners in the district, private sector (banks and agribusinesses),

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national and provincial government departments and government agencies (Land bank and Agricultural Research Council). The DLC would identify 20% of commercial land in each district and give white commercial farmers the option to assist in the transfer of such land to black farmers. This would be accompanied by an accelerated financing system that would be implemented to assist with skills development and to spread the cost between future earnings of the farmer and the pockets of the taxpayer. This should be implemented through the following three strategies that, in terms of the NDP (2011:207), would remove uncertainty around land reform and loss of investor confidence:

- The identification of available land for transformation purposes which includes land already in the market, land of commercial farmers who are already under severe financial pressure, land held by a willing to exit absentee landlord and land in deceased estates. The aim of this is to acquire land without distorting markets.
- Acquisition of land through the state at 50% of market value, making up the shortfall by cash in kind contributions from commercial farmers who volunteer to participate.
- Farmers who participate would be exempt from losing land later and would gain BEE status.

The above suggestions relating to land reform, while being progressive, are not currently being implemented and would not necessarily comply with the demands of the NDR that require more state intervention in transformation. The partnerships envisioned in the NDR, while being state sponsored, would not ensure state control or ownership of acquired land. This was expanded on during a Speech by the Minister of Rural Development and Land Reform, Gugile Nkwinti, at an Afrikaanse Handelsinstituut (AHI) workshop on land reform. During his speech, Nkwinti (2014:4-5) emphasised the NDP as an instrument of land reform and went on to indicate that policy, legislative and practical interventions were necessary to redress the dispossession of people of their land in the following comments: “...the policies that will drive the actual socio-economic change and interventions in rural South Africa will include:

- *The democratisation of decision making in matters of land administration and development;*
- *Facilitating scaled up land reform, and*

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- *Instituting legally secure tenure and managed agrarian transformation as a basis for broader rural development”.*

The use of the term “*actual*” indicates that, while the NDP stands as the central point of departure, the actual implementation of land reform may differ from the NDP proposals (the current legislative and policy proposals are discussed in Chapter nine). In parliament, Minister Ngwinti (2014:10) closed his 2014 budget speech with the following words aimed at those who criticised government proposals: *“In the context of building a non-racial society, this class based assault on the Proposals is highly commendable. But, viewed against the reality that these classes are pitted against the vast majority of propertyless and landless classes, who have nothing to lose but hunger, poverty, disease and their dignity that goes with these ill, I submit that it is short-sighted and tragic”*. These words are aligned with the mobilisation aspect of the NDR and clearly aimed at mobilising people in support of a more radical approach to transformation of land ownership. The approach is perhaps also a result of vocal criticism by unions such as NUMSA (2013:17) that criticised the NDP for its protection of property rights and misdirected use of the state. NUMSA, like many other organisations to the ideological left of the ANC, believes that the NDP empowers the state to provide public infrastructure so that businesses can make profits, instead of being involved in the production of goods and services itself.

Concerns have been raised over the fact that the NDP runs parallel with the New Growth Path (NGP), since both include the objectives of creating jobs and increasing economic development. The framework of the NGP introduced by government in 2010 placed an emphasis on a green economy, a review of the legal framework in the mining sector, the re-industrialisation of the economy through increased manufacturing, tourism development and high level services, as well as interventions in agriculture. These interventions included job creation through addressing the high costs of fertiliser and other inputs and improving exports and processing. Greater assistance would be given to smallholders with seed, silos, tractors, finance, marketing, water, extension services and other inputs. The plan also emphasised the need to improve the living conditions of farm workers and unblocking stalled land transfers that constrain investment (Patel, 2010:2).

In his 2014 budget debate in parliament, Minister for Economic Development, Ebrahim Patel, emphasised the need for “*radical economic transformation*” within the framework

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of the NDP and the NGP. In order to achieve radical economic growth, there would be a greater concentration on what Patel (2014) referred to as the six “I”s, namely:

- infrastructure;
- industrialisation, investment, innovation,
- inclusion and
- integration.

There are currently two plans for economic growth and increased job creation which form the basis of developmental initiatives that run parallel to each other. The NGP appears to supply greater strategic direction for the implementation in some areas of the NDP. In this respect Hendriks (2012:10; 13-14) indicates that the NDP places a great deal of emphasis on public resources to achieve its development outcomes, while the NGP recognises that investments in poverty reduction, job creation and economic growth require a social commitment and partnerships. Deficiencies of both plans are that neither of them places much emphasis on food security or agriculture. While agriculture is mentioned in both, food security is ignored. Both programmes ignore the fact that hunger and poverty are inextricably linked to one another.

Cronjé (2014:11) emphasises the ideological divide between the approaches of the two plans by highlighting a third approach, namely the NDR. This implies that there are three approaches to development and agriculture, namely the NGP that has a vision based on state-led growth as a strategy for creating a developmental state, the NDP that favours private sector investment-led growth and the NDR that aims for a national democratic society with a mixed economy, with state, co-operative and other forms of social ownership and private capital (ANC, 2012:27).

While the approaches of the NDP and NGP in some respects appear to be ideologically contradictory, there are significant ideological clashes between the NDP and the NDR. Some examples of the disparities between the NDP objectives and NDR as the governing party point of departure are illustrated in the following table:

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Table 47: NDP objectives versus government NDR-driven actions

NDP OBJECTIVES	GOVERNMENT NDR-DRIVEN ACTIONS
Identification of problems hindering economic development and clear policies to deal with them.	The Mineral Petroleum Resources Development Act (Act No 28 of 2002) that has created a great deal of investor uncertainty.
Recognition of the role of education in development and education reform.	Government support for the Democratic Teacher's Union (DTU) that entrenches support for a dysfunctional education system.
Focus on disciplined public spending.	Condone above-inflation wage increases for public servants, some of whom are notoriously inefficient.
Develop investor confidence.	Publicly announce the intention to legislate against foreign land ownership and seize 50% of land. Neopatrimonial tendencies related firing of the former Finance Minister that led to massive disinvestment.

(Herbst & Mills, 2015:184)

The discussion indicates that the objectives of the various government programmes since 1994, specifically relating to agriculture, lacked the support of all the alliance partners and caused some ideological divisions within the ANC. When determining which strategies are regarded by the NDR as dominant in the implementation of its aims of a National Democratic Society, the following extract from the ANC Strategy and Tactics document is crucial: *"In broad terms our approach is informed by the ideals contained in the Freedom Charter", while "The practical measures towards a national democratic society are contained in the Reconstruction and Development Programme (RDP) adopted by the ANC, the Tripartite Alliance and the broad mass democratic movement in the run-up to the first democratic elections"* (ANC, 2012:57). This statement in 2012 only recognises the Freedom Charter which was a political document and only the RDP as a government programme, for the transformation of society. While various regimes within the ANC might have attempted to speed up growth and employment through more liberal government programmes of action, it is clear that the radical NDR approach has prevailed. The cadre deployment policy has been abused by cadres who have used factional differences caused by ideological divisions within the Tripartite Alliance to promote personal agendas based on nepotism and self-enrichment. In this respect Mashele and Qobo (2014:192) indicate that, while the ANC hopes to cleanse itself of political impurities and lead the country to the utopia of the NDR, it has *"become a magnet for political riff-raff and cadres who lust after tenders and those who, learning from its president Jacob Zuma, seek to*

Chapter 8: The NDR as ideology for transforming South African society

turn the state into an avenue for personal gain". Other criticism against the NDR has come from the *Afrikaner Bond* (AB), whose Chief Secretary, Jan Bosman, indicated that: *"Transformasie is nodig – maar dit is die regering wat sal moet transformeer vanaf sy bevrydingsretoriek en uitgediende ideologie na 'n sisteem soos deur die NOP voorsien word en wat werklik tot voordeel van alle Suid-Afrikaners is"* (Bosman, 2015:9)²³.

The current, more radical approaches to transformation of land ownership (see Chapter nine) that include land ceilings, the 50/50 proposals, restrictions on foreign land ownership and the deviation from the willing buyer, willing seller principle are further indications that the NDR is soundly entrenched as the dominant paradigm within the current Zuma-led government.

The table below indicates the main approaches of each programme that has been implemented since 1994 regarding agriculture and transformation of land ownership. It is important to note that the NDR is not a development programme, but an ideological point of departure.

Table 48: Agriculture and transformation outcomes of government programmes

PROGRAMME	MAIN AGRICULTURAL OBJECTIVES	TRANSFORMATION OF LAND OWNERSHIP OBJECTIVES
NDR (as the ideological point of departure)	The NDR is more political in nature and does not deal with agricultural development and food security, although this is an implied outcome of the objectives of revolutionary (radical) land reform approaches.	Revolutionary state must take immediate and drastic measures to restore the land to the people. A review of the willing buyer, willing seller principle, expropriation for land reform and democratisation of customary land.
RDP	A prosperous agricultural sector with integrated and sustainable rural development.	State supported sustainable land restitution that includes the acknowledgements of property rights of landowners.
GEAR	Enhanced employment creation through rural development.	Rapid release of land and support for land reform. Emergent farmer support through improved extension services.
ASGI-SA	Infrastructure development and economic growth in the agricultural sector.	Transformation of land ownership falls within broader developmental objectives.

²³ Translation: *"Transformation is necessary-but it will have to be the government that transforms from its liberation movement outdated ideology to a system as proposed in the NDP that will be beneficial to all South Africans"*.

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PROGRAMME	MAIN AGRICULTURAL OBJECTIVES	TRANSFORMATION OF LAND OWNERSHIP OBJECTIVES
NDP/NGP	Differentiated rural development strategy in which agriculture is an important feature. Exploitation of irrigation, agro-processing and small rural enterprises to secure food security.	Increased speed of land reform transfers, human resource development, mentorships and skills transfers. Market related approach to land transfers and transformation development.

(Source: Author's own construct)

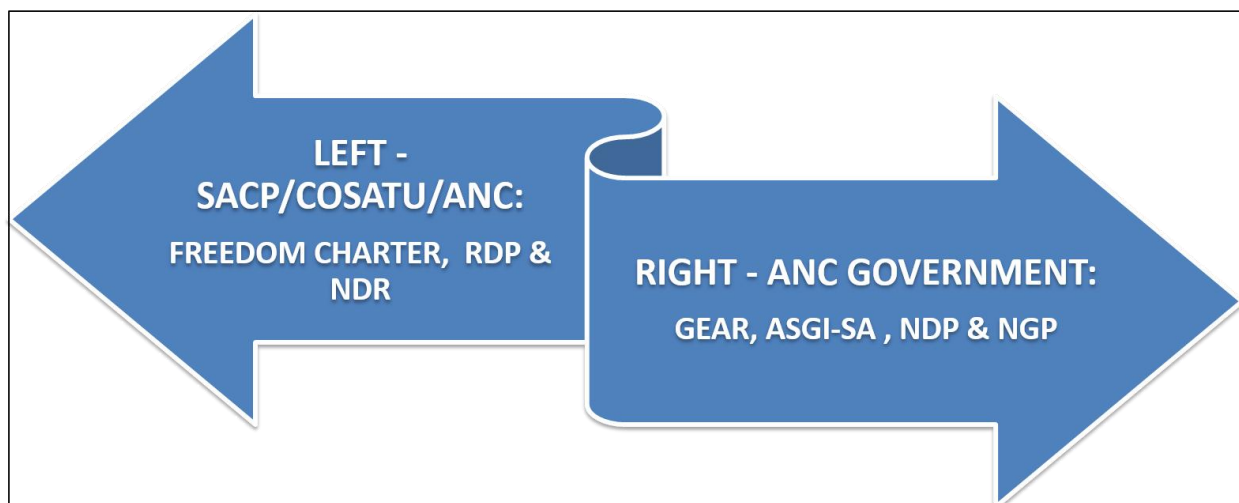
8.8 Concluding remarks

This chapter defined the NDR in terms of its key concepts that are a combination of nationalism, democracy and revolution. In discussions around each of these concepts, a picture developed around the NDR as a central ideological point of departure for the implementation of the Freedom Charter in South Africa. Central to the concept of the NDR, is the unifying element of African nationalism against colonialism and Apartheid. In the discussion on democracy it became clear that, while South Africa's constitution is based on liberal views of democracy, in practice the NDR creates opportunities for neopatrimonial tendencies that undermine the basic principles of democracy. While the revolution in South Africa has been a phased process that is less violent and more evolutionary than in other societies, its expected outcomes are nevertheless no different from sudden violent revolutions experienced in other countries regarding the radical transformation of society.

The ideological nature of the NDR implies that it has analytical, normative and strategic dimensions. The analytical feature implies that the Freedom Charter, which contains the objectives of the revolution, will be implemented through a NDR. Aligned with the utopian nature of the Freedom Charter is the normative element of the NDR that clearly outlines the aim of a better future for all the people of South Africa. The strategic element is closely linked to the implementation of a cadre policy that will be used to mobilise and implement the strategic objectives of the NDR. All these features are closely linked to the revolutionary strategies and objectives of Marx and Lenin. Venter (2012:201) explains that the NDR is an important instrument for unifying the nationalist-liberalist ANC and the socialist-liberalist SACP. In this respect the NDR has been described as the glue that holds the Tripartite Alliance together.

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While the NDR and RDP have been hailed in the ANC Strategy and Tactics documents as being central to the radical transformation of South Africa, they ignore government programmes such as GEAR, Asgi-SA, the NDP and NGP. The NDP might be a more recent government programme of action to transform South Africa, but it is the NDR that is on the political agenda of the governing Tripartite Alliance. In terms of agriculture, it is clear that government programmes are cautious not to jeopardise investment and employment, while the NDR is impatient and more radical in its expectations for transformation of land ownership. In parliament, the words of the ANC's Deputy-Minister of Transport Jeremy Cronin indicated that the NDP was "*more of a vision*" with "*useful insights and recommendations*", while the Deputy-President Cyril Ramaphosa indicated that: "*We are committed to the NDP. There is no doubt, no hesitation on this side of the house*" (news24, 2015). The differences between the NDR and NDP are to a large degree ideological and not strategic in nature. This internal tug of war is what Gumede (2005) refers to as the "*...battle for the soul of the ANC*". The following diagram explains the ideological tug of war taking place within the Tripartite Alliance.



(Source: Author's own construct)

Figure 32: Tripartite Alliance tug of war

The NDR, as a point of departure, together with the various developmental programmes can be ideologically explained in terms of the speed, depth, direction and method of change (see section 3.3.2) in determining an ideological position on the political spectrum based on the status quo. The following table and explains this.

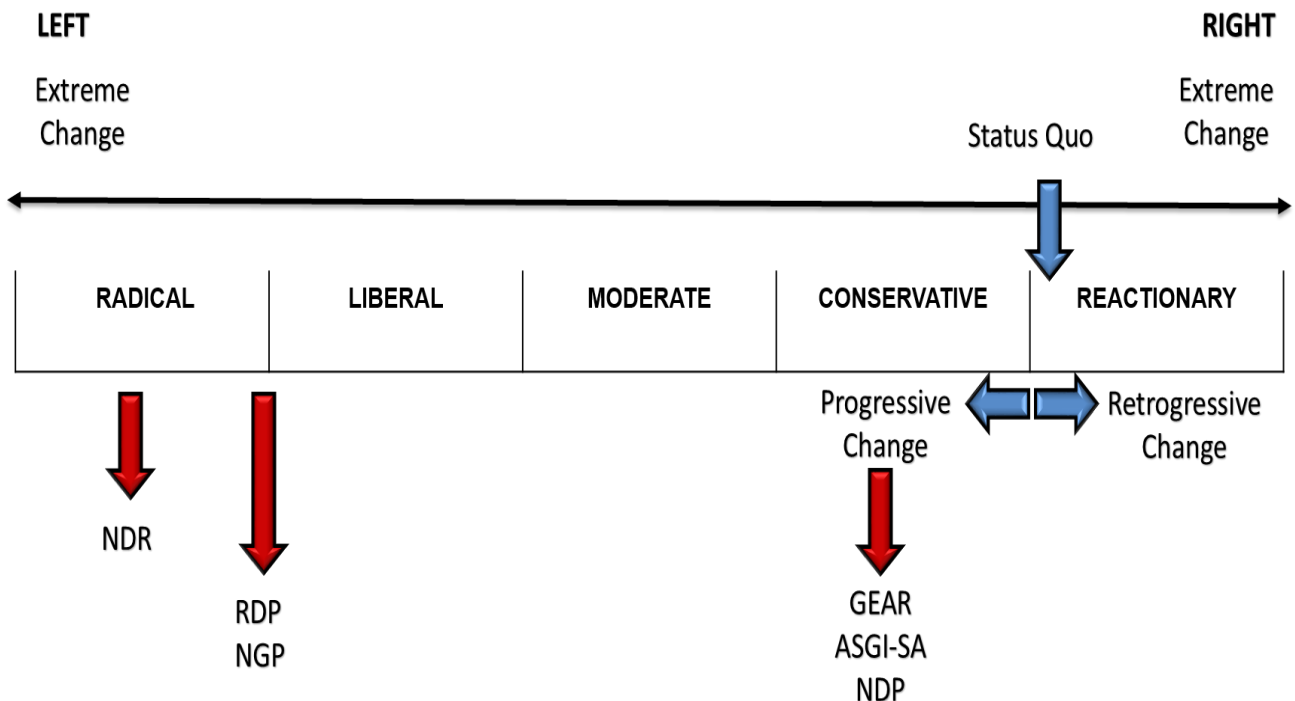
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Table 49: Ideological differences between the development programmes

PROGRAMME/ STRATEGY	DIRECTION	SPEED	DEPTH	PREDOMINANT METHOD
RDP	Socialist leaning, progressive, left.	Revolutionary	Incremental, transitional.	State & market- driven
GEAR	Liberal leaning, progressive, left.	Evolutionary	Incremental, transformative.	Market-driven
ASGI-SA	Liberal leaning, progressive, left.	Evolutionary	Incremental, transformative.	Market-driven
NDP	Liberal leaning, progressive, left.	Evolutionary	Incremental, transformative.	Market-driven
NGP	Socialist leaning, progressive, left.	Evolutionary	Incremental, transformative/re volutionary.	State & market- driven
NDR	Radical leaning, progressive, left.	Revolutionary phased approach.	Incremental revolutionary	Cadre-driven

(Source: Author's own construct)

Based on the above table, and the explanations of the various ideological categories in Chapter three, it is possible to place the various programmes and strategies on the political spectrum as follows:



(Source: Author's own construct)

Figure 33: Placement of government programmes on the political spectrum

Chapter 8: The NDR as ideology for transforming South African society

Current proposals regarding transformation of land ownership under the Zuma-presidency are more radical in their approach than any previous post-1994 ANC-regimes. These proposals go beyond the current government developmental programmes and lean strongly towards the NDR. Chapter nine emphasise the ideological differences in society around transformation of land ownership as well as the attitudes towards food security, investment and job creation. The greatest fear is that these important outcomes of the agricultural sector may become victims of the abuse of the NDR for the political survival of desperate leaders.

CHAPTER 9: TRANSFORMATION OF LAND OWNERSHIP IN SOUTH AFRICA – CURRENT POLICY AND LEGISLATIVE PROPOSALS

9.1 Introduction

The approach to transformation of land ownership by the Tripartite Alliance has been driven by the vision of the Freedom Charter and the strategy of the NDR. Government programmes have included the RDP, GEAR, Asgi-SA, NDP and NGP. Within these programmes, the various approaches have been characterised by SLAG, LRAD and more recently PLAS. Other than these attempts to ensure sustainability of transferred land, there had not been any radical proposals that attempted to ensure that targets in this regard were met prior to 2014. President Zuma's second term of office has been characterised by attempts to speed up the process of transformation of land ownership through policy and legislative proposals that deviate from the willing seller, willing buyer principle that characterised the process between 1994 and 2014. This deviation is the central feature of a more radical approach to transformation of land ownership.

This chapter deals with government's current proposals regarding transformation of land ownership. The current proposals are motivated by the failures of previous policies regarding transformation of land ownership in South Africa. These failures are illustrated by statistics that indicate that, between 1996 and 2012, only 7% of the 30% target of distribution of white owned agricultural land to black ownership in the first five years of democracy had been redistributed. Furthermore, 90% of farms that were redistributed are no longer productive (Lund, 2012). Ghaleb Dawood (2016), budget analyst for the Financial Fiscal Commission, has raised concerns that government has spent R60 billion on land reform projects since the 1990's with a 69% decrease in crop production on such farms. This is mainly due to the tendency among land reform farmers to transform labour intensive farming operations into subsistence farming which has led to job losses averaging 84% in three surveyed provinces.

It has been argued that the obsession with the amount of land the state can require by certain dates has not dealt with the important issue of how the acquired land contributes to food production and food security, as well as the important issue of rural economic development and employment in rural areas. The latest targets announced by

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government are that two million hectares of strategically located land have to be transferred by 2019. This is over and above the 50% that government wants commercial farmers to share with farm workers (Van Wyk, 2016:16). This is an issue that government has been grappling with, and the current radical policy and legislative interventions are an attempt by government to deal with these thorny political issues. The radical and revolutionary approach by the ANC towards transformation of land ownership came in the form of a warning from the Secretary General of the ANC Gwede Mantashe, who indicated that farmers should work with the ANC on policies on land reform or face a situation similar to Zimbabwe (Walters, 2015). Such comments confirm that the NDR is currently the main driver of transformation of land ownership in South Africa. It is clear that the NDR has reached its second phase, which is to exert total control over all aspects of society, including land and agriculture (the second and third levels of communist development discussed in section 8.2.4).

In order to carry out an analysis of current proposals relating to the various methods of transformation of land ownership, namely land reform, land restitution and land tenure, the normative analytical theoretical framework that had been developed in Chapter five was utilised. This framework was created for this specific purpose. This chapter and chapter ten are the culmination of a research process that has taken us from the meta-theoretical considerations that supplied a justification of a study on the transformation of land ownership within the discipline of political science to an explanation of the NDR in Chapter eight. The NDR was also explained in terms of its relationship with other government developmental programmes that have been implemented since 1994. During this process, a chapter (Chapter three) was dedicated to an inquiry into ideology, due to the ideological motivations behind the current proposals regarding transformation of land ownership. This motivation finds its roots within the central ideological point of departure of the governing alliance, namely the NDR. In this respect, the head of the Institute of Race Relations Frans Cronjé (2015: 2) indicates that: “...the South African government - of today – is driven at its core not by the Constitution, nor by any of the formal economic policy blueprints it has adopted, but rather by the ideology of the national democratic revolution or NDR, Understanding the NDR is the key to understanding South African Policy thinking”. It is for this reason that Chapter eight was devoted to the

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conceptualisation and historical contextualisation of the NDR as the ideological framework and point of departure for government policies.

The discussions in Chapter four identified the various modes of transformation of land ownership, as proposed by Minister Gugile Nkwinti and the 2005 Land Summit, that are proposed in government policies and legislation in order to speed up transformation of land ownership in South Africa. Such modes of transformation include taxation for land reform, expropriation, sustainable land reform, land ceilings (that included the 50/50 policy and restrictions on foreign land ownership) and collectivisation of land use. These issues are relevant to current debates around transformation of land ownership in South Africa and form a crucial part of the analytical framework.

The lack of an analytical framework that could be used for the analysis of transformation of land ownership in South Africa (using the three methods - land reform, land restitution and land tenure) required the development of such a framework. It is for this reason that the various modes of transformation applicable to South Africa were identified and used as a basis for the identification of various case studies. From these case studies a number of variables were identified that could be used to create such an analytical framework in Chapter five.

Central to the discussion on transformation land ownership is how the proposals could possibly contribute to, or perhaps infringe upon, the NDP's broad objectives regarding rural development and food security. This will to a large degree be determined by the use of the normative analytical framework that was developed for this purpose. This framework (that was developed in Chapter five) was used to evaluate the various modes of transformation proposed by the South African government. Most government proposals regarding the transformation of land ownership (referred to as land reform by government) include a reference to the historical necessity for transformation. It is for this reason that a historical context was supplied in Chapter six. Even though government's restitution proposals do not go back further than the 1913 Natives Land Act, the pre-1910 historical perspective supplies the reasons for this. The historical tribal, Boer Republics and colonial complexities prior to 1910 would complicate any restitution process and delay implementation indefinitely. It is also for this reason that Namibia did not embark

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on a restitution process (see section 4.3.2). Furthermore, since transformation of land ownership primarily affects the agricultural sector, it was important to evaluate the contextual political, natural and topographic, socio-economic and security environments within which this sector operates. This contextual analysis will assist with the evaluation of various government proposals that are dealt with in this chapter.

The central research question relating to this chapter as formulated in Chapter one is the following: *What is the nature of the current government policies, programmes, and legislative proposals aimed at transforming land ownership in South Africa based on the theoretical framework developed for the evaluation of such proposals?*

From this research question, the following objectives have been developed for this chapter:

- To identify and evaluate government's current land reform proposals based on the theoretical analytical framework.
- To identify and evaluate government's current land restitution proposals based on the theoretical analytical framework.
- To identify and evaluate government's current land tenure proposals based on the theoretical analytical framework.

The Department of Rural Development and Land Reform (DRDLR) regards land reform (referred to as transformation of land ownership in this study) as inclusive of four pillars, namely restitution of land rights, redistribution of land (land reform for the purposes of this study), land tenure reform and development of the land. In terms of *the Greenpaper on Land Reform*, the principles that underpin land reform are threefold, namely the deracialisation of the rural economy, a democratic and equitable land allocation and use across gender, race and class and strict production discipline for guaranteed national food security (DRDLR, 2016:23).

Various proposals regarding transformation of land ownership have been developed within the framework of the above pillars and principles. The various proposals in this regard were analysed using different sources that included various government policy

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documents and legislation, journals, newspapers, political party documents that comment on the proposals and other relevant documents. The analysis reflects only the most important information from government documents that is relevant for an explanation and analysis of the main objectives of the proposed policy and legislative proposals and approaches, without interrogating the details relating to the implementation of each proposal. While such details are important, they are not necessarily relevant for the purposes of a broad political analysis. The other sources that were consulted supplied additional information that assisted in the normative analysis of relevant policy and legislation within the framework that had been developed for this purpose.

Each mode of transformation that is discussed in this chapter was subjected to the normative analytical framework and scored out of a total of 60 possible points, which was converted into a percentage. These scores were combined to determine whether the impacts of current government proposals would be good, neutral or poor when implemented. The various modes of transformation were scored by combining the research done in Chapter five with the current policy and legislative proposals in South Africa. In most instances these were measured in terms of the projected or potential impacts determined by the researcher, since most of the policy and legislative proposals were in various processes of implementation or even drafting.

The following layout has been adhered to in order to achieve the objectives of this chapter:

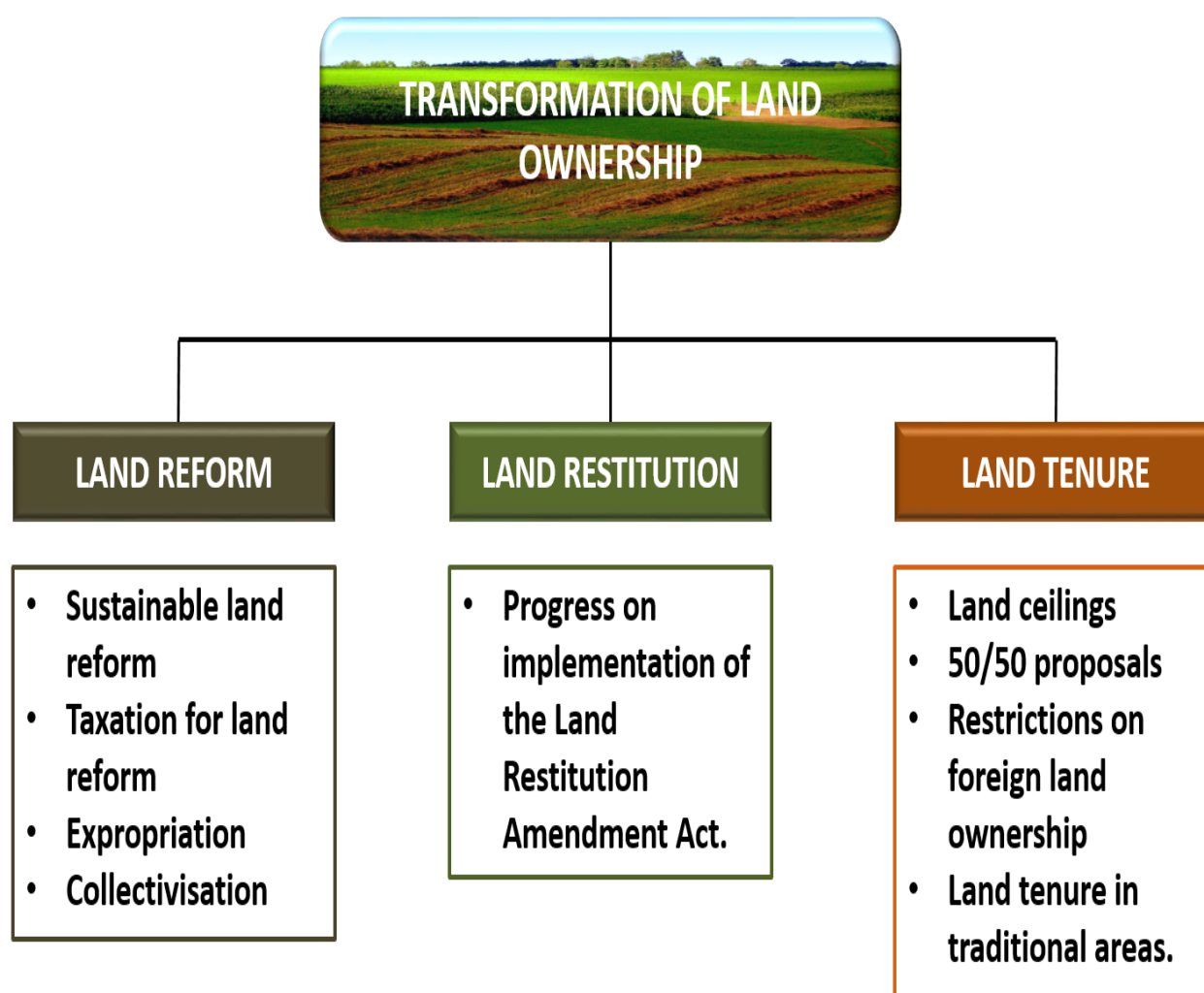
- Current land reform proposals.
- Current status of land restitution.
- Current land tenure proposals
- Concluding remarks.

Each of the above sections of this chapter includes the relevant modes of transformation that were conceptualised and discussed in Chapter five. Once these modes of transformation have been thoroughly interrogated, the analytical framework would be used as a normative tool for the allocation of points so that they could be compared with each other. Similarly, the alternative proposals and framework in Chapter ten will be

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subjected to this analysis. The analysis will also take into account the research on the various methods and modes of transformation of land ownership and the variables used in the analysis that was undertaken in chapter five.

In order to determine the ideological nature of the various modes of transformation, the linear ideological spectrum, that had been identified and discussed in Chapter three, was used to categorise each mode of transformation in terms of its ideological point of departure. The three main sections of this chapter are subdivided in order to individually deal with the various modes of transformation as identified in the diagrammatic representation of the structure of this chapter illustrated below.



(Source: Author's own construct)

Figure 34: Structure of the chapter

9.2 Current land reform proposals

Land reform as a concept was conceptualised in section 4.2.1. The conceptualisation indicated that land reform has a very important redistributive component to it. This is especially relevant in the South African context within which the purpose of land redistribution is to facilitate collective redress for groups and individuals who were historically subjected to discriminatory measures relating to land ownership. In short, it is meant to be aimed at transferring land from white ownership to black ownership. One of the key constraints to agricultural development identified by the Department of Agriculture, Forestry and Fisheries in South Africa, is the uncertainty created by land reform policies and legislation. In this respect the CEO of the agricultural business chamber (Agbiz), John Purchase (2016:6), indicated that: *“It is widely acknowledged that land reform is absolutely necessary, even though it is a highly complex, emotive and difficult topic given our country’s history. The question is not whether we must implement land reform, but how we can implement it to achieve more equitable land ownership without compromising agricultural productivity, development, and food security”*. This implies that it should be implemented in a manner that meets the objectives of the NDP and NGP.

The normative analytical framework was used in order to analyse the various modes of transformation based on the discussion in this regard. The following modes of transformation are discussed in the form of sub-divisions in this section:

- sustainable land reform,
- taxation for land reform,
- expropriation and
- collectivisation.

9.2.1 Sustainable land reform

Attempts to bring about sustainable land reform in South Africa are to a large degree dependent on the policy environment within which this takes place. Section 5.2.5 supplied a conceptualisation of sustainable land reform which must be read in conjunction with this

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section. Sustainable land reform is dependent on sound policies and legislation that takes government's developmental agenda into account. Such policies and legislation must be implemented efficiently and effectively in a consistent manner. Public policy is broadly defined by Hanekom (1987:8) as “...a desired course of action and interaction which is to serve as a guideline in the allocation of resources necessary to realise societal goals and objectives, decided upon and made publicly known by the legislator”. Heywood (1997:382) indicates that policy is a linkage between a government's intentions, actions and results. At the level of intentions, policy is coined by what government says it intends to do (objectives of the methods of transformation of land ownership), at the level of action it is reflected in what government actually does (implementation of modes of transformation of land ownership), while at the level of results it is evaluated in the consequences and impact of government actions (through the normative analytical framework in this study).

In order to succeed in implementing policies relating to transformation of land ownership, government must have the capacity to do so. Such capacity has to include financial, managerial, bureaucratic and technical resources. In many third world countries, the state is seen as the benefactor and only saviour. Policies end up being statements of belief rather than statements of intent. In such situations policies are formulated that are broad, ambitious, unrealistic and Utopian in nature (Swanepoel & De Beer, 1997:61). Government policy follows various processes. The policy process is explained in various phases in the table below, using the explanation of the NDR in Chapter eight:

Table 50: Phases and characteristics of policy within a SA context

POLICY PHASE	CHARACTERISTICS OF POLICIES	LEVELS OF POLICY & POLITICAL CONTEXT IN SA
Agenda setting	Elected and appointed officials place problems on the public agenda (e.g. transformation of land ownership).	Political party policy: transformation of land ownership in line with ideological NDR objectives.
Policy formulation	Officials formulate policies to deal with identified problems (e.g. land reform, land restitution and land tenure policies).	Government policy: cadre deployed officials formulate policies in line with ideological political objectives.
Policy adoption	Policies are adopted with the support of the legislative majority (ANC majority in Parliament).	Executive policy: ANC deployed majority in Parliament approve government policies.

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POLICY PHASE	CHARACTERISTICS OF POLICIES	LEVELS OF POLICY & POLITICAL CONTEXT IN SA
Policy implementation	Policies are implemented by administrative units (government departments) by mobilising various financial and human resources to implement policy proposals (e.g. taxation, land ceilings, expropriation legislation, 50/50 policies, etc.).	Administrative policy: policies implemented and managed by politically appointed cadre deployed officials.
Policy assessment	Auditing and accounting to determine whether policies are achieving intended outcomes effectively and efficiently within the allocated resources.	Administrative, executive and political assessment of policy: policies are assessed by politically appointed cadre deployed officials in government and party politically-run legislatures.

(Dunn, 1994:16; Hanekom, 1987:5-18; Chapter eight)

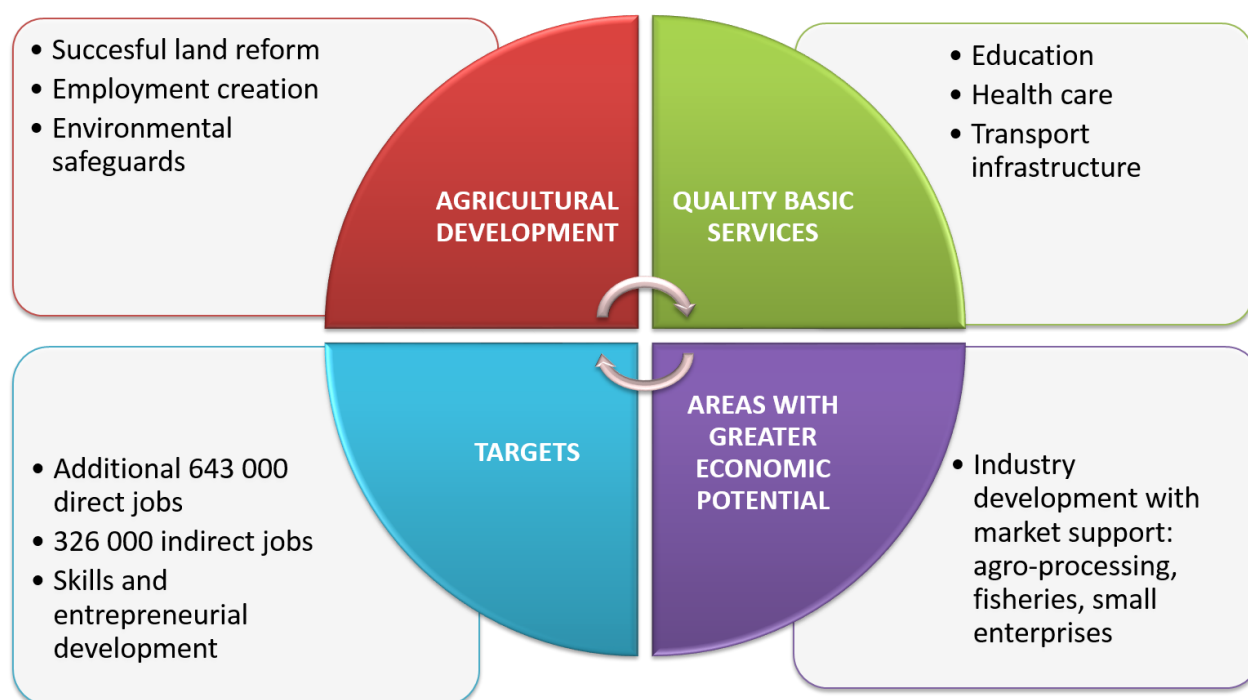
The Agricultural Landholding Policy Framework that serves as the policy and legislative guideline for land ownership by the DRDLR (2013:7-8), is guided by the following principles:

- *“Agricultural land is a common heritage for all South Africans;*
- *Agricultural land must be shared amongst those who use it to produce values;*
- *Every owner and user of agricultural land must protect and preserve it;*
- *Every owner of agricultural land must produce optimum values;*
- *Agricultural landowners and users must be part of the governance of agricultural landholdings;*
- *Every person can enter and participate in the different value chains of the agricultural sector;*
- *Assistance must be rendered to bring landholding sizes below to above the floor level;*
- *Assistance must be rendered to bring landholding sizes above to below the ceiling;*
- *and*
- *Assistance must be rendered to agricultural value chains with landholding within permissible levels to be efficient, sustainable and competitive”.*

The above principles include the various modes of transformation that are discussed and analysed according to the analytical framework in various other sections and sub-sections of this chapter. The above framework further indicates that sustainable land reform

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depends not only on land redistribution, land restitution and land tenure, but to a large degree on the outcomes that are closely linked to food security and rural economic development. In this respect the NDP's *Vision 2030* envisages the following linkages in outcomes within agrarian communities in order to facilitate sustainable land reform. These are explained in the following diagram:



(Extrapolated from DRDLR, 2013b:14)

Figure 35: NDP vision 2019 agrarian linkages

In order to ensure sustainable land reform, the government is implementing an agri-park concept. This concept is meant to overcome the spacial divide caused by Apartheid's social and geographical divisions that denied black, coloured and Indian people the right to own land, accumulate capital, skills and social networks required for commercial farming enterprises (see Chapter six). The results of this are still visible in current rural underdevelopment. Of the 40% of people in South Africa who reside in rural areas, more than two thirds lived below the poverty line in 2011, compared to less than a third of urban residents. The inequality is further substantiated by the fact that 94,2% of all indigent people in the country are black and in 2011 a total of 34,6% of blacks were employed, compared to 69% of whites. South Africa remains one of the most unequal societies in the world. Land reform programmes in South Africa have not been able to address the

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challenges facing small-scale agricultural producers, or to generate sufficient numbers of successful black smallholder farmers who comprise a substantial number of the country's rural poor. The agri-parks programme has been developed by government to deal with these rural challenges through plans to create an enabling environment by expanding access to resources and markets, bolstering vertical and horizontal linkages and supporting institutions and partnerships (DRDLR, 2015a:9-11).

In order to facilitate this, a Rural Economy Transformation Model (RETM) has been developed. The RETM plans to assist the rural economy to meet basic needs, facilitate rural enterprise development and improve land tenure systems. Additional aims will be to ensure that all land reform farms are 100% productive and rekindle a class of black commercial farmers that was destroyed by the 1913 Natives Land Act. According to DRDLR (2015:12-14), a transformed rural economy should include communal areas, commercial farming areas, rural towns and villages that can support agricultural and non-agricultural sectors by implementing the following:

- Planning of the agri-parks will be done through the Spatial Planning and Land Use Management Act (Act No. 16 of 2013) (SPLUMA).
- It is envisaged that the agri-parks will form part of district rural development plans and will be designed for multiple uses that accommodate small farms, public areas and natural habitats.
- Such parks will ultimately allow smallholder farmers access to secure land and local markets, provide fresh food to households and schools and will become educational, environmental and aesthetic amenities for nearby communities.
- The concept originated from a combination of local and international projects that include educational/experimental farming, collective farming, farmer-incubator projects, agri-clusters, eco-villages and urban-edge allotments and market gardens on both public and private land (DRDLR, 2015a:15-16).

According to the DRDLR (2015a:18-19), the agri-parks will be implemented as follows:

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- *“Establish agri-parks in all of South Africa’s Districts, starting first on state land within the 27 Priority District Municipalities that will kick-start the Rural Economic Transformation of these rural regions;*
- *Promote growth of the smallholder sector by creating 300 000 new small-scale producers, as well as 145 000 new jobs in agro-processing by the year 2020 (as set out in the NGP);*
- *Promote skills of and support to small-holder farmers through the provision of capacity building, mentorship, farm infrastructure, extension services, production inputs and mechanization inputs;*
- *Strengthen existing and create new partnerships within all three spheres of government, the private sector and civil society to develop critical economic infrastructure such as roads, energy, water, ICT and transportation/logistics corridors that support the agri-park value chain;*
- *Enable producer ownership of the majority of agri-parks equity (70%) with the state and commercial interests holding majority shares (30%);*
- *Allow smallholder producers to take full control of agri-parks by steadily decreasing state support over a period of ten years;*
- *Bring under-utilized land (especially in Communal Areas and land reform farms) into full production over the next three years, and expand irrigated agriculture; and*
- *Contribute to achievement of the NDP’s ‘inclusive rural economy’ and target one million jobs created in the agriculture sector through creating higher demand for raw agricultural produce, primary and ancillary inputs, as well as generating increased downstream economic activities”.*

Government’s Medium Term Strategic Framework (MTSF) is informed by the NDP and NGP. Three of the 14 outcomes of the MTSF are related to agriculture. These are: Outcome 4: decent employment through inclusive growth, Outcome 7: comprehensive rural development and food security and Outcome 10: protect and enhance our environmental assets and natural resources. Due to the recession that the country has faced as a result of two consecutive terms of negative growth, the government has placed a great deal of emphasis on agriculture and agro-processing value chains as the number one driver of future economic growth (Purchase, 2016:6). The key objectives regarding

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employment opportunities of the agri-parks fall within these strategic government policy frameworks. This is illustrated in the table below:

Table 51: Objectives of agri-parks

NATIONAL DEVELOPMENT PLAN	NEW GROWTH PATH	MEDIUM TERM STRATEGIC FRAMEWORK
1 million hectares under production. 1 million additional jobs in the agricultural sector by 2030.	145 000 new jobs in agro-processing by 2020. 300 000 new smallholder farmers.	1 million new jobs in the rural economy by 2030. - Reduction of rural unemployment from 49% to less than 40% by 2030.

(DRDLR, 2015a:6)

The agri-parks concept that has been initiated is an extremely ambitious project that, if the socio-economic (section 7.4) and political contexts (section 7.2) are taken into account, will require resources that are not available within the current socio-economic environment. The agri-parks will also require a restructuring of the social and political rural landscape and mind-set. Private investment in agri-parks could be hampered by radical approaches by government to other modes of transformation of land ownership, which are discussed in the other sub-sections of this chapter, since policies do not get implemented in compartments and their impacts are closely linked to one another.

The following table analyses sustainable land reform as a mode of transformation of land ownership in terms of the normative analytical analysis with the relevant scores.

Table 52: Analysis of sustainable land reform

NORMATIVE OUTCOME	IMPACT	SCORE (OUT OF 10)
Expectations	The current economic climate caused by poor political decision-making has already impacted negatively on investment and economic outlooks for the country for the immediate future. The intended outcomes of the agri-villages proposals do not meet the economic realities, which implies that expectations in this regard will in all probability not be met.	4
Political stability	While the concept of agri-parks may be good, the ability to meet the targets, and thus economic and political	5

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NORMATIVE OUTCOME	IMPACT	SCORE (OUT OF 10)
	expectations in this regard have potential to cause additional political instability in rural areas that are already prone to protest action over poor government service delivery.	
Land usage and production	The agri-parks concept has, as its intentions, the objective of improving land use and production. Theoretically it sounds good, but in practice it is thin on detail, especially regarding the buy-in of investors and commercial agriculture, many of whom already have existing agro-processing markets for their goods.	5
Food security	The agri-park concept has the potential to improve food security if the resources, expertise, and political will are available to implement it.	5
Fairness	Agri-parks, as a concept, should enhance fairness and equity in the distribution of economic benefits to rural areas and assist in transforming the racial patterns of land ownership.	8
Economic impacts	The concept of agri-parks has as its intention huge economic benefits for rural communities. In practice, however, the implementation of these ambitious plans will require economic resources and skills that are currently not available in rural areas, or the country as a whole.	4

(Source: Author's own construct)

Sustainable land reform as mode of transformation is rated 31 out of 60 which gives it a 51,67% score. The score for sustainable land reform is neutral according to the analytical framework which implies that it will have little impact on society as a whole. This is because the plans are too ambitious and unaffordable within the current economic climate.

9.2.2 Taxation for land reform

The concept of taxation as a mode of transformation of land ownership was discussed in section 5.2.1. This conceptual analysis of taxation must be used as a background to this sub-section that deals with taxation of agricultural land for land reform purposes in South Africa. Historically, land tax is not a new phenomenon in South Africa. *Agricultural income tax payable in kind* was paid in the Cape of Good Hope as early as 1677. In the Republic of the Orange Free State, Natal and the South African Republic, taxation included transfer duties, stamp duties on transferred deeds, hut taxes and property taxes. In the early 1990s taxation became part of the debate around the cost of land reform programmes and many experts reasoned that tax on land could provide government with enough

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resources to finance land reform (Obi, 2006:65-66). However, as early as 1998 the National Treasury *Commission of Inquiry into certain Aspects of the Tax Structure of South Africa* (Katz Commission) report recommended against the use of rural land tax in the national sphere of government as either an instrument of securing revenue, or for land reform purposes. This was, however, not applicable to provincial and local spheres of government. It was indicated that this would be most preferential for the local sphere of government. At that stage there was not yet clarity on the nature of future local governments (National Treasury, 1998:48). The report indicated that they could not find any reason why privately owned or state owned land should be excluded from the definition of a tax base. Some of the problems identified with the implementation of a land tax were in relation to the surveying and registration of such land, the weak capacities of local governments to administer and collect land tax and the absence of municipal services on such land. It is for this reason that they recommended that such a tax should be implemented from a district municipality level. The commission also favoured a use value (as used in the United States of America) as opposed to a market value base for valuation of land for tax purposes (National Treasury, 1998:49-50). The new municipal boundaries that were implemented in 2000 incorporated farms into municipalities. This soon led to the extension of property tax to farmland within municipalities. The Land Summit of June 2005 came up with the recommendation that a rural land tax should be introduced which was favourably received by government. An additional land tax for land reform purposes would not necessarily be well received so soon after the municipal property taxes on agricultural land (Lund, 2010; Obi, 2006:67). One of the main concerns of taxpayers is that additional taxes are not being spent efficiently and effectively. This is supported by the latest Auditor General (AG) *consolidated general report on the audit outcomes of local government* for 2014 to 2015 that indicated that fruitless and wasteful expenditure at municipal level continues to increase and is currently at R15,32 billion rand, while irregular expenditure is R14,75 billion. The report also stated that the financial health of 92% of local governments in the country was regarded as “...either concerning or requiring intervention...” (Makwethu, 2016:17-18). Resistance to additional taxation is to a large degree a result of a growing and legitimate perception that government is not able to ensure that such taxes will be utilised in a constructive manner.²⁴

²⁴ Also refer to the section dealing with the neo-patrimonial tendencies of President Zuma in Chapter seven.

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Whether taxation can be used to increase the availability of land in the market by encouraging land owners not to hold on to unproductive land has been subject to a great deal of debate. In this respect Obi (2006:54-55) indicates that the main aspects that should be considered in this debate are the following:

- **Economic efficiency:** Tax as a redistributive mechanism should not be achieved by interfering in the efficient allocation of resources to make the economy productive since this would defeat the purpose of taxation. Taxation should be as broad based as possible and should not disturb consumer choices.
- **Competitiveness:** Taxation should not be so high as to discourage foreign and local investment, but not too low that it does not generate enough finance required for development purposes.
- **Administrative simplicity:** Taxation systems should facilitate smooth flow of funds to national coffers, but not allow loopholes for evasion or corrupt activities.
- **Adequacy:** Adequate funds should be raised to fund the various obligations of government. An adequate taxation system should be able to generate enough funds for the country's developmental needs taking demographic and economic realities into account.
- **Fairness and equity:** A taxation system should not be discriminatory and must bear equally on all groups or individuals in the same economic circumstances.

In 2010, when the issue of a progressive tax was under discussion, it was proposed as an instrument, of not only obtaining additional funding for land reform programmes, but also as a method of reducing land values. At the time it was estimated that it could reduce such values by as much as 30%. The idea was, however, shelved when the municipalities started taxing agricultural land (Lund, 2010). The debate on taxation of agricultural land was taken further in 2013, when the former ANC Chief Whip in parliament Stone Sizani called for a tax on all fallow land in South Africa (SAPA, 2013).

To date, the proposals for taxation made by various ANC politicians have not yet resulted in concrete proposals in this regard. This does not, however, imply that this will not be done in the near future.

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The following table analyses taxation for land reform as a mode of transformation of land ownership in terms of the normative analytical analysis with the relevant scores. The first score indicates the impact should it be implemented and the second score shows its current status, which is neutral.

Table 53: Analysis of taxation for land reform

NORMATIVE OUTCOME	IMPACT	SCORE (OUT OF 10) First score if implemented, second score if not implemented.
Expectations	Taxation on land has already been implemented in various municipalities and the income has been absorbed into the bottomless pit of fruitless and wasteful expenditure. An additional tax to fund land reform purposes will in all probability cause the threshold for reasonable taxation to be exceeded. It is, therefore, currently a neutral factor in the equation of land reform. This may, however, change if additional taxes on agricultural land are seriously contemplated.	4 - 5
Political stability	An additional tax will cause some political instability within the agricultural sector if implemented, but not on the country as a whole.	4 - 5
Land usage and production	The agricultural tax would have a negative impact on land usage since it will leave fewer resources available for agricultural inputs, such as infrastructure and impact negatively on investment in the industry.	3 - 5
Food security	More tax implies less money available for agricultural production.	4 - 5
Fairness	Since agricultural property is already being taxed by municipalities, in addition to various other taxes, it would be unfair to implement an additional industry specific tax.	3 - 5
Economic impacts	The impact of an additional land tax for agricultural purposes will have a severe impact on investment in the sector and will impact negatively on rural economies.	3 - 5

(Source: Author's own construct)

This mode of transformation would be rated 21 out of 60 if it were implemented, which would give it a 35 % score. However, since this has only been mentioned politically and no plans are currently in place to implement it, it is scored a neutral 30 out of 60 which is 50%. The first score for taxation as a mode of land reform indicates that, should it be

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implemented, it will have a negative impact on society. The main reason for this is that the agricultural community is already under a great deal of pressure, as explained in Chapter seven and any additional taxes will prevent further investment in this crucial sector. The second score is neutral because such proposals have not yet been implemented.

9.2.3 Expropriation

Most countries have some form of expropriation legislation which is used to acquire property that is necessary for the common good or in public interest. The concept was discussed in detail in section 5.2, where property rights were debated alongside expropriation. Discussions on radical approaches to transformation of land ownership in the former USSR, the PRC and Zimbabwe (see section 4.3.6) indicated that, in those radical instances, expropriation and collectivisation were the central modes of transformation of land ownership. In the examples discussed, expropriation was carried out without compensation in order to allow for rapid transformation. Expropriation is regarded as a radical mode of transformation due to the speed with which it enables transformation to take place, the direction to the far left (radical) on the political spectrum, the method which usually involves state force or coercion and the depth of change by the major adjustments that it brings to the status quo. Expropriation can take place with or without compensation which, together with its intended purpose, will be an important factor in determining its place on the ideological spectrum within a specific country.

Expropriation is not a new concept in South African law. The 1965 Expropriation Act (Act No 55 of 1965) determined that compensation had to be paid for expropriated property. This Act was not clear regarding procedures and assessment of property, particularly relating to agricultural land which was handled by the Department of Agricultural Credit and Land Tenure. It therefore became necessary to implement new legislation to standardise the procedures for the assessment and purchase of land by the state. This new legislation was in the form of a new Expropriation Act (Act No 63 of 1975) that took effect from 1 January 1977. The new Act made provision for compensation that would comprise the market value of the property, an additional amount equal to ten percent of the market value not exceeding R10 000, as well as an amount that would compensate

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the owner for any actual loss or inconvenience that might be incurred as a result of the expropriation. The main purpose of these pieces of legislation was to enable government to implement its homeland policies of separate development. These policies contributed to the decision of the United States of America (USA) to impose sanctions on South Africa (Changuion & Steenkamp, 2012:229). The large tracts of land required for the implementation of the policies of separate development implied that government had to purchase a great deal of agricultural land from commercial farmers who were also able to lodge restitution claims.

After 1994, the government drafted new expropriation legislation in 2008 that was later withdrawn and replaced by the Expropriation Act (Bill No 4 of 2016). In its content, this Bill (South Africa, 2016:3) clearly indicates that it attempts to comply with section 25 of the Constitution that deals with property. In this respect the Constitution states the following:

“Property

25. (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

(a) 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 compensation and the time and 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 the property,

(b) the history of 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 purposes of this section –

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(a) The public interest includes the nations commitment to land reform, and reforms to bring about equitable access to all South African'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 a community whose tenure of land is legally insecure as a result of past racially discriminatory laws or practices is entitled, to the extent provided by an Act of Parliament either to restitution of the property or to equitable redress.

(7) A person or community dispossessed of property after 19 June 1913 as a result of past racially discriminatory laws or practices is entitled, to the extent provided 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 provisions of this section is in accordance with the provisions of section 36(1).

(9) Parliament must enact the legislation referred to in subsection (6)."

In terms of the Expropriation Act (Bill No 4 of 2016), the above section is read in conjunction with section 33(1) of the Constitution that provides that everyone has the right to administrative action that is lawful, reasonable and procedurally fair. The Bill aims to ensure the following:

- *"expropriation does not take place arbitrarily and takes place only for a public purpose or in the public interest,*
- *procedural norms and standards are set for organs of state and persons with powers to expropriate,*
- *persons who are expropriated of unregistered rights in property are treated on a procedurally fair basis, and*
- *a person whose right in property is expropriated is entitled to just and equitable compensation".*

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The two most important aspects of the Constitution that apply to expropriation of agricultural land are sections 25(2) which indicates that expropriation is permissible only for public interest and 25(4)(a) which states that this public interest includes the nation's commitment to land reform. In a Constitutional Court case, *Harksen v Lane* (Harksen 1988 (1) SA 300 CC), the court defined expropriation as “*the process whereby a public authority takes property (usually immovable) for public purpose and usually against payment of compensation*”. In this respect, the court also indicated that an acquisition would only qualify as expropriation if an owner was permanently deprived of a right (Dlamini, 2014:59).

An important aspect of expropriation is whether it takes place with or without compensation and what criteria are applicable to compensation. The Expropriation Bill (Bill No 4 of 2016) indicates the following regarding the compensation of the property that is subject to expropriation (South Africa, 2016:14):

“12. (1) The amount of compensation to be paid to an expropriated owner or expropriated holder must be just and equitable reflecting an equitable balance between the public interest and the interests of the expropriated owner or expropriated holder, having regard to all relevant circumstances, including –

- (a) the current use of the 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 expropriation.*

(2) In determining the amount of compensation to be paid in terms of this Act, the expropriating authority must not, to the extent that is just and equitable to do so, take account of-

- (a) the fact that the property has been taken without consent of the expropriated owner or expropriated holder;*
- (b) the special suitability or usefulness of the property for the purpose for which it is required by the expropriating authority, if it is unlikely that the property would have been purchased for that purpose in the open market;*

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- (c) any enhancement in the value of the property, if such enhancement is a consequence of the use of the property in a manner that is unlawful;*
- (d) improvements made on the property in question after the date on which the notice of expropriation was served upon the expropriated owner and expropriation holder, as the case may be, except where the improvements were in advance agreed to by the expropriating authority or where they were undertaken in pursuance of obligations entered into before the date of expropriation;*
- (e) anything done with the object of obtaining compensation therefor; and*
- (d) any enhancement or depreciation, before or after the date of service of notice of expropriation, in the value of the property in question, which can be directly attributed to the purpose in connection with which the property was expropriated”.*

The Expropriation Bill (Bill No 4 of 2016) furthermore deals with the powers of the relevant minister to expropriate, the investigation and evaluation of property that is subject to expropriation, various administrative issues relating to notices of intention to expropriate property and compensation and the determination by a court relating to urgent expropriation and withdrawal of expropriation.

Arguments put forward by the South African Institute of Race Relations (SAIRR) in its submission to the Gauteng Legislature during deliberations of the National Council of Provinces (NCOP) on the Expropriation Bill (Bill No 4 of 2016), highlighted the vulnerability of the 16,5 million people living on communal land (especially those living near large cities), as well as tenants who lease properties for business purposes. They indicated that the Bill also affected all other property owners in South Africa. A further argument is that the Bill could see more land and other assets being vested in government that could be regarded as creeping nationalisation and creating greater dependency on government. Overall, they regarded the Bill as bad for investment since in their view it would reduce the economic growth rate due to the uncertainty that it would create. This could lead to ratings downgrades, cause a further slump in the value of the rand and increase an already high inflation rate (SAIRR, 2016:4-5). Concerns raised by the Democratic Alliance indicate that the legislation in its current form may be unconstitutional with specific reference to property and the right not to be evicted that is distilled in sections 25 and 26(3) of the Constitution. The party further voiced concerns about the economic

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policy uncertainty that the legislation could cause since, in its current form, according to them, it undermines investment, economic growth and job creation which should be a priority taking into account that 8,9 million people are unemployed in the country (Dreyer, 2016).

Agri-SA legal and policy advisor Annelize Crosby warned that the Bill infringes on registered servitudes on property and unregistered rights of farm workers and their families. Such individuals would in all probability be eligible for compensation, but it is unclear how this would work in practice (Forum, 2016:24). The constitutionality of the Bill was also questioned by the SAIRR since, when the expropriating authority takes ownership of the property in question; all unregistered rights such as customary land use rights, leases and the rights of farm residents to live on commercial farms will automatically be expropriated at the same time. This also applies to some registered rights. Once notices have been served on the owner for permanent expropriation, they are stripped of ownership and have to contest this in the courts afterwards, if they can afford to do so. The onus of proof is also on the expropriated owner, who will have to pay the legal costs of the expropriating authority, as well as his or her own, if this onus is not discharged by the courts. The concept of the protection of the liberty and property of an individual from a powerful state is undermined, since even law enforcement agencies may only enter property either with the consent of the owner, or with a court order. There is a strong argument in favour of the expropriating authority being forced to prove that their intention to expropriate falls within the constitutional requirements of it being for public interest and that the interests of the public and those affected are balanced. Currently, the property owner has to disprove the validity of the expropriation after it has taken place. The affordability of such challenges by owners affects the principle of protection of the rights of the individual from a powerful state, which may be contrary to section 33 of the Constitution regarding the right to just administrative action and the basic principle of fairness (SAIRR, 2016:6-7). The gaps identified above leave a great deal of leeway for interpretation by politically appointed officials and politicians who are ideologically bound and driven.

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The values of property for land reform purposes will be determined by the Office of the Valuer-General set up in terms of the Property Valuation Act (Act No 17 of 2014). Section two sets out the objectives of the Act which are (South Africa, 2014a:4):

- to give effect to the provisions of the Constitution which provide for land reform and to facilitate land reform through the regulation of the valuation of property;
- to provide for the establishment of the Office of the Valuer-General;
- to provide for the valuation of property that has been identified for purposes of land reform;
- to provide a voluntary valuation service to departments; and
- to provide for the setting of criteria and procedures and the monitoring of valuations.

The Office of a Valuer-General (OVG) was established by cabinet in terms of the above legislation prior to the passing of the Expropriation Bill (Bill Number 4 of 2016) by parliament. The government has indicated that the OVG will address the absence of a nationwide and comprehensive hub for the assessment of property values. In line with the above objectives, the OVG is a statutory office that will be responsible for various issues that are indicated by Hall (2015:5) below:

- the provision of fair and consistent land values for rating and taxation purposes in the country;
- to determine the financial compensation in terms of expropriation under the Expropriation Act and any other policy or legislation that compliant with the constitution;
- providing specialist property advice and valuation to government;
- monitoring of service delivery and the setting of standards;
- undertaking market and sales analysis and setting guidelines, norms, and standards that may be required in order to validate the integrity of the valuation date; and
- the creation and maintenance of a valuation information data-base.

The current concerns regarding expropriation legislation must be weighed up by what Dlamini (2014:70) refers to as a necessary “...*interventionist and robust approach from the state based on section 25(2) and (3) of the Constitution what is needed to bring about*

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the fundamental shift in property rights that is required and to effectively address the extreme inequality in landholding that currently prevails in South Africa; as well as ensuring that steps are taken to meet the government's redistribution targets". This is supported by Hall (2015:3) who indicated during a submission on the Expropriation Bill in Parliament that the absence of expropriation has been a "*credible threat*" that has impeded the land reform process and in particular the resolution of land claims through a "*landowner veto*" when landowners refused to sell at prices offered by the state. She indicated further that this privileged the property rights of current owners over the property rights of the dispossessed which was "...*contrary to the letter and spirit of Section 25 of the Constitution*". Another problem envisaged is that there is no guideline or formula for what "*just and equitable*" compensation comprises.

A legal expert, Prof. Elmien du Plessis from North-West University, has indicated that the legislation does not pose a constitutional threat. She indicates that the state has always had the power to expropriate land for transformation purposes and the current legislation now forces the state to negotiate with land owners before expropriating. This is supported by Deputy Minister of Public Works Jeremy Cronin, who argues that the legislation does not give government additional powers and that he does not expect a wave of expropriation by government. Concerns, such as those of Agri-SA, relate to the implementation of the legislation regarding payment below market value which will force land owners to undertake costly court applications (Van Burick, 2016).

It was estimated by 2 February 2015 that there were 13 252 farms for sale on the open market which had increased to 19 280 by 27 May 2016. Government might not find it necessary to expropriate land, but could buy it on the open market instead if they chose to do so. Agricultural economist, Philip Theunissen, indicated that agricultural land was previously over-priced, which placed pressure on farmers with the repayment of bonds and forced many of them to place their properties on the market. Analyst Johan Bornman of Agri-Development Solutions indicates that the drought impacted on the ability of many farmers to repay debt and obtain production capital in the new season. These factors could imply that although the willing buyer, willing seller principle has been abandoned with the new legislation, there are enough farms on the market that may be available at lower prices. The supply will exceed the current budget allocated for the purchasing of

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agricultural land to meet current transformation of land ownership requirements (Bezuidenhout, 2016).

The following table indicates the farms available for sale per province:

Table 54: Farms available for sale per province

PROVINCE	FARMS ON THE MARKET TO DATE 27 MAY 2016
Gauteng	5 511
Mpumalanga	1 570
Limpopo	2 225
North West	2 817
Free State	1 358
KwaZulu-Natal	956
Western Cape	3 641
Eastern Cape	836
Northern Cape	366
Total	19 280

(Extrapolated from: Bezuidenhout, 2016)

It has been estimated that the value of all agricultural land in 2014 was R167 billion. In terms of the NDP, 20% of all agricultural land must be transferred to black farmers by 2030 which implies that this could cost up to R33 billion, or R2 billion per annum if the land is purchased at market value (Rooi, 2014:7). With the speed with which land is becoming available on the market at reasonable prices, this could be a viable option.

However, government's NDR transformation objectives regarding the use of expropriation legislation to acquire land was clearly outlined by the ANC Free State Spokesperson and Chairperson of the Free State Provincial Legislature Portfolio Committee for Economic

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Development, Thabo Meeko, during a member's statement: *"...it (the Expropriation Bill) is indeed a radical economic programme of the ANC to reverse centuries of systematic exclusion of Africans and blacks from this important asset to economic activity and exclusion that started long before the Land Act of 1913. This historical and radical approach to the controversial land question happens under the leadership of President Zuma...The ANC declared that the land question is the primary reason for our struggle and that is why we agree with President Zuma that the persistent challenges of interrelated poverty, unemployment and inequality have their roots in the issues of land..."* (Meeko, 2016).

It appears that a great deal of uncertainty exists over what the government's ultimate land reform intentions are with the legislation. If the approach of the NDR is followed towards land reform, the purpose will be the radical transformation of land ownership in the country. This appears to be the political perception and expectation of many ANC supporters and public representatives. However, if the more liberal NDP approach is followed, the purpose will be to transform land ownership in a manner that does not jeopardise food security, rural economic development or employment opportunities. The utterances of the President regarding the theft of land by white people (see section 7.2), together with the revolutionary objectives of the NDR (see Chapter eight), do not create confidence in the soundness of government's ideologically driven political intentions with the Expropriation Bill.

The table below analyses expropriation as a mode of transformation of land ownership in terms of the normative analytical analysis with the relevant scores in terms of the current political dispensation and uncertainties.

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Table 55: Analysis of expropriation for land reform

NORMATIVE OUTCOME	IMPACT	SCORE (OUT OF 10)
Expectations	The rhetoric around this legislation meets the political expectations of those individuals who expect a radical transfer of land using this legislation as a mode of transformation. In practice, however, the legislation may be tested in the constitutional court and it does create economic uncertainty and fears that may affect investment in agriculture and the country as a whole. In both instances, it will not meet expectations that the legislation will contribute to rural job creation or food security since experience has shown that the redistribution of land alone does not contribute to the expectations. Political expectations that are not matched with economic delivery are sources of political, economic and social instability.	3
Political stability	The short-term electoral expectations may be met by the legislation, but in terms of Davies' J-curve (see chapter five), it does not bode well for long term political stability.	3
Land usage and production	Should the Expropriation Act (2016) be used for the purposes of speeding up land reform, there is no reason why it will not follow the same route as all other pre-2014 land reform programmes. Political expectations and rhetoric by the President indicate that this may well be the case, since land has to be accompanied by post-transfer support with production capital, infrastructure, implements and skills which were the major causes of previous failures.	3
Food security	Examples of Zimbabwe, the PRC and former USSR have shown that expropriation for the purposes of radical transformation of land ownership have a devastating impact on food security.	3
Fairness	There are enough agricultural properties on the market to meet current budgetary allocations for land reform purposes. For this reason it should not be necessary for land reform related expropriation. These properties will in all probability be sold at reasonable or even below current market prices. The Expropriation Act (2016) in its current form does not meet requirements for fairness in terms of pricing and legal redress for current land owners. The historical need for redress has to be weighted up against this, but land reform initiatives should not discriminate against current land owners.	2
Economic impacts	The economic impacts of the Expropriation Act (2016) in its current form appear to weigh in on the side of negative.	2

(Source: Author's own construct)

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This mode of transformation is measured 16 out of 60 which is 26,67%. The score for expropriation as a mode of transformation of land ownership indicates that this will have a negative impact on society. The main reason for this is the NDR related political rhetoric that has accompanied this legislation. This has already created a great deal of uncertainty that has negatively affected investment in the agricultural industry and the country as a whole. Even if government indicates that it does not intend to use expropriation legislation for radical transformation, the mere fact that this option exists is a threat to investment.

9.2.4 Collectivisation

Collectivisation was a prominent mode of transformation of land ownership within the previous SLAG and LRAD programmes which were replaced by the PLAS programme that encouraged the productive use of redistributed farms. The support for this in terms of capital, skills and infrastructure remains the greatest stumbling block for the success of PLAS (see section 6.5.1). In 2009, a Sunday Times reporter, Bongani Mthethwa, published a report on land reform titled *Farms collapse as land reform fails*. He explained how thousands of once-productive farms were abandoned (Plaut & Holden, 2012:316). Some of his discoveries included the following:

- twenty top crop and dairy farms in the Eastern-Cape bought for R11,6 million and returned to the Kokstad community became informal settlements;
- a former productive potato farm in KwaZulu-Natal became a soccer field;
- 8000ha of prime fruit and macadamia farms redistributed in Limpopo were “crippled” by a R5 million debt;
- a former multi-million rand tea estate at Magoebaskloof in Limpopo became an overgrown forest; and
- a R22 million irrigation system built by government to supply water to new farmers in KwaZulu-Natal was unused.

In order to further expand on the use of collectivisation as a mode of transformation of land ownership, some case studies from the Free State province will be used. The above examples are supported by a reply to a question in the NCOP by Darryl Worth in 2010 which indicated that of the 164 Free State farms that were redistributed between 1994

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and 2010, 20 were abandoned and a further 144 were unproductive. The main reasons for this were cited as an inability to pay Land Bank loans, in-fighting among beneficiaries, a lack of water, electricity and machinery and the lack of skills, training and funds (Worth, 2010). These farms were collective enterprises, most of which are still unproductive.

In spite of this, the Free State Provincial Department of Agriculture and Rural development continues to implement collectivised agri-village concepts that consume a huge amount of money, remain dependent and have shown little financial benefit for the beneficiaries involved. Currently the government is implementing three such projects, namely Diyatalawa (between Kestell and Harrismith), Wilhelmina (Ficksburg) and another at ThabaNchu. The Diyatalawa agri-village was the first such project, established in 2009 on 2079 ha of land. This land comprises 950 ha of arable land, 1029 ha of grazing lands and 100 ha for pastures. The project includes a dairy, apple orchard and a herd of beef cattle (FS DARD, 2014:1-2). Currently there are 50 families who are beneficiaries of the project and for whom houses and a school have been built. The project is run by a Communal Property Association (CPA). The majority of the beneficiaries do not receive any monthly income. Some of the problems identified by a 2013 report by the Portfolio Committee on Agriculture and Rural Development of the Free State Provincial Legislature included conflicts of interests, alleged corruption by the management and implementing agent, a lack of co-ordination and the distribution and sale of cattle by beneficiaries. Two years later an NCOP delegation found that a lack of funding, a lack of teamwork among beneficiaries and lack of skills implied that the project was far from being sustainable. The project remains dependent on government funding for its day to day activities and beneficiaries still have no regular income even though more than R150 million has been spent on the project (FSL, 2013:12-13, NCOP, 2015:53-55).

Another well-known current Free State example of a failure of collectivisation, even though the national government has supposedly abandoned the concept, is the Vrede Dairy Project. Some of the serious issues around this project as identified by the DA (cited in Khalane, 2016:4) include:

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- The project was implemented without following supply chain procedures, without a budget, without a feasibility study and without the requirement of urgency to by-pass some of these requirements.
- The private sector partner Estina was both a partner and the implementing agent which is irregular.
- Estina misrepresented themselves by falsely claiming to have the backing of a prominent dairy company in India, namely Paras. Paras have rejected this claim.
- Estina was meant to invest R228 million in the project and the provincial government a further R342 million. It was highly irregular that Estina should then contractually receive a 49% share in the project for a 40% investment. The contract was approved by the Office of Free State Premier Ace Magashule.
- Estina was paid R184 million directly into its account by the provincial government for the construction of a dairy, processing plant, cow sheds and other infrastructure.
- Since the Free State Development Corporation took over the project in 2014, it has been found that further investment will be required to complete the project.
- The 80 listed beneficiaries of the project have been completely side-lined and are not part of the project at all.
- After investigations by both National Treasury and the Public Protector were initiated, the contract with Estina was terminated with no penalty, accountability, or consequences for either the company or officials in government.
- A National Treasury report that cost R868 447 recommends disciplinary action against senior government officials. This report has been ignored by the provincial government.
- Estina's Gauteng offices were housed in the same Grayston Ridge Office Park in Sandton that also houses a number of Gupta businesses (see the Gupta/Zuma political context explained in Chapter seven), including Mabengela Investments, in which the sons of both President Jacob Zuma and Free State Premier Ace Magashule are involved.

These ongoing agri-village and other projects are examples of collectivisation and have, after many years of investment, been unable to become sustainable and remain dependent on government. The skills necessary to run large diverse agricultural

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enterprises do not exist within the networks of beneficiaries or within government's bureaucracy.

The government's policy to support productive use of land is encapsulated within the Rural Development Policy Framework (DRDLR, 2016:26) that has the following objectives:

- to build on the previous four years of piloting the Comprehensive Rural Development framework;
- to build on household capabilities;
- to promote social and economic infrastructure;
- to deploy the resources of the Animal and Veldt Management, River Catalytic, Enterprise development and Industry Development programmes;
- to promote active youth involvement in development;
- to promote clear rights in land, incentivize development through a Rural Investment and Development Finance Facility that will support the management and facilitation of rural development, incentivise partnerships in rural development, and obtain resources for rural development; and
- to coordinate rural development through a rural development agency.

While collectivisation was meant to be abandoned when the SLAG and LRAD policies were replaced by PLAS by national government, collective projects continue to be implemented at provincial level. The incentive linked PLAS policy is the only possible option to achieve the above objectives, since collectivisation creates dependency at best and large amounts of fruitless expenditure and corruption at worst. A factor of concern are the levels to which agricultural projects are open to financial abuse by officials and so-called business partners or implementing agents. If PLAS is to succeed, it will require individual beneficiaries to receive initial support in capital, infrastructure and skills transfers. Skills transfers could be carried out through a process of mentorship with credible existing commercial farmers in conjunction with organised agriculture.

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The following table analyses collectivisation as a mode of transformation of land ownership in South Africa in terms of the normative analytical analysis with the relevant scores.

Table 56: Analysis of collectivisation for land reform

NORMATIVE OUTCOME	IMPACT	SCORE (OUT OF 10)
Expectations	Collectivisation has created expectations of a steady income and future for beneficiaries and their families which are not met.	2
Political stability	The failures of these project's, and the poor expectation achievement is a source of political instability in rural areas.	2
Land usage and production	While some of the land is used productively, it remains dependent on inputs from government and, after many years, no projects have been able to stand alone. Those that are still in operation remain dependent on government financial and other inputs.	5
Food security	Those projects that have ongoing government support do contribute to food production, but remain unsustainable when financial inputs are compared to the outputs.	5
Fairness	The projects fail the fairness test since they create expectations that are not met and only cater for a small group of beneficiaries who are in most instances part of a government patronage network. The majority of people in rural communities have not benefited much from collectivisation.	3
Economic impacts	The amount of money invested in collective projects does not match the output when compared to the private sector. Furthermore, these collective projects either fail, or require ongoing assistance. Their economic contributions in rural communities are negligible.	2

(Source; Author's own construct)

Collectivisation within a South African context receives a point of 21 out of 30 which is 35%. Collectivisation as a mode of transformation of land ownership has a negative score due to the manner in which such projects have been implemented and the failure rate of these projects. Collectivisation continues to create dependency and is a burden on scarce state resources that could be used more effectively elsewhere in the agricultural sector.

9.3 Current status of land restitution

Restitution was conceptualised in section 4.2.2 as a process of redress with redistributive elements. The legislation relating to land restitution was implemented prior to 2014 and as such it was discussed in section 6.5.3. The analytical framework will be applied to land restitution in South Africa using the analysis carried out in this section in conjunction with section 6.5.3.

It was noted in section 6.5.3 that most beneficiaries of the restitution legislation opted for financial compensation instead of the land. This has hampered the government's progress regarding the transformation of land ownership in terms of hectares redistributed. The main reason for this is that money alleviates the immediate financial concerns of beneficiaries, many of whom reside in urban areas. The Land Claims Commission indicated that in former homeland areas, the land was not registered or surveyed which makes title to the land difficult to establish. This is further hampered by poor infrastructure such as roads and other landmarks and the lack of communication systems. Kahn (2007:10-11) indicates that, although this has not been enforced, the Commission prefers the claimants to select land instead of cash for the following reasons:

- land appreciates in value which enriches claimants over time;
- land is a factor of production that is critical for economic development in rural communities;
- land can be inherited and thus passed on from one generation to the next; and
- land is a symbol of the dignity of a nation.

By 2011, state and communal land accounted for 25,2%, land redistributed 2,8%, restituted land 2,2% and privately owned land of all races 69,8%. It is estimated that the R5 billion paid out to restitution claimants who accepted cash payments instead of requesting the land to be returned to them between 1995 and 2011, could have purchased 2,6 million hectares of land. This could have pushed the amount of land in black hands to 30% (Cronjé, 2011). Since the reopening of the land claims in 2014, an additional 143 720 claims had been lodged by 31 March 2016, of which 27 642 were through the mobile lodgement offices (Nkwinti, 2016:7). Since then, the number of claims

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had increased to 162 767 by 24 July 2016. The DRDLR indicated that of the 79 696 claims lodged by the end of 1998, 78 750 had been finalised (Gerber, 2016). It has been estimated that up to 379 000 new claims could be lodged and that expected successful claims could cost government up to R179 billion (Mahlaka, 2015). Given the preference of claimants for cash pay-outs instead of land, this costly process will have political value, but will not assist in meeting the transformation of land ownership targets in South Africa.

On 26 July 2016 the Constitutional Court ruled that the Restitution of Land Rights Amendment Act (Act No 15 of 2014) was invalid. The court found that the NCOP and provincial legislatures' process for public participation was inadequate. Provincial legislatures were pressurised to complete their respective legislative processes in less than two weeks. During this time they had to advertise and hold public hearings, consider oral and written submissions from the public and provide negotiating and final mandates (Gerber, 2016). This has implications for the individuals who have lodged claims since 2014. It also confirms accusations by opposition parties against government that the urgency to finalise the legislation before the 2014 national and provincial elections was politically motivated. The Constitutional Court judgement has also prompted President Jacob Zuma to request Parliament to explain what processes were followed for the Expropriation Bill (Gerber, 2016). The procedure followed by the NCOP with this legislation appears to have followed a similar politically motivated process in anticipation of the 3 August 2016 municipal elections.

Section 4.2.2 conceptualised restitution in terms of land rights lost through the application of Apartheid laws. If this is the central point of departure, then the process of land restitution has not met this basic requirement since the redress has predominantly been in the form of financial compensation instead of restitution of land rights. In this respect, while it has had political and some immediate economic benefits for beneficiaries, it has not contributed to the transformation of land ownership as a whole.

The table below analyses land restitution as a method of transformation of land ownership in terms of the normative analytical analysis with the relevant scores.

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Table 57: Analysis of the current state of restitution

NORMATIVE OUTCOME	IMPACT	SCORE (OUT OF 10)
Expectations	The restitution process met many of the redress expectations of beneficiaries whose claims had been successfully processed. The fact that most opted for cash pay-outs instead of land did not assist with the overall land reform objectives regarding redistribution. While expectations of individuals were met, the expectations regarding land redistribution were not assisted by this. This has to a large degree neutralised this method of transformation of land ownership.	5
Political stability	The land restitution process in South Africa did contribute to political stability due to the individual redress aspect of it. The fact that it did not contribute to redistribution, which could have been emphasised in its implementation, implies that it has not contributed to political stability in terms of redistribution of land ownership as a whole in the country. The two aspects of restitution cancel each other out in terms of positive or negative impacts of this method of transformation of land ownership.	5
Land usage and production	Due to the low levels of redistribution of land attached to restitution as a method of transformation of land ownership, it did not impact negatively on land usage and production. Examples from land reform attempts through the SLAG and LRAD programmes indicate that, should land have been distributed with the R5 billion by 2011, instead of being used mostly for restitution pay-outs, this would have had a negative impact on land usage and production since land distributed in terms of other policies was not utilised effectively. This may be negative in terms of the redistribution objectives of government, but positive for this variable.	8
Food security	Food security was not negatively affected by restitution since little land was redistributed and thus land usage and production were not negatively affected as with other redistributed land.	8
Fairness	The land restitution process was relatively fair and met many of the individual expectations in this regard. The slow progress with finalising claims had impacted slightly on this.	7
Economic impacts	The economic impact of land restitution has been relatively neutral to poor since the positive aspects relating to the process are cancelled out by the fact that the money invested in the restitution process has not contributed to economic investment in the agricultural industry, and was most probably utilised in household consumption in urban areas.	3

(Source: Author's own construct)

This method of transformation of land ownership obtains a point of 36 out of 60 which is 60%. Land restitution as a method of transformation of land ownership was a necessity

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in order to redress past dispossession. While there are concerns about the large costs and minor contribution to transformation of land ownership, the overall impact on society has been positive.

9.4 Current land tenure proposals

Section 4.2.3 indicated that land tenure in South Africa is aimed at strengthening property rights of individuals who occupy land under various insecure forms of tenure, predominantly in communal areas or on commercial farms. The discussion on land tenure further indicated that this concept was imported into Africa and is historically a Western notion. While this historical notion may be correct, the fact remains that South Africa is a constitutional democracy with the rule of law in which property rights are respected. In terms of the *Land Tenure Security Policy for Commercial farming Areas* (DRDLR, 2013a:17-18), the following categories of people are targeted:

- **Farm dwellers** – people living on farms, other than the owner.
- **Farm workers** – people who carry out regular work on farms, whether full-time, part-time or seasonal. This includes people who are not necessarily farm dwellers, but may live elsewhere. The definition of a “farmworker” is: “a person who is employed on a farm in terms of a contract of employment which provides that in return for the labour which he or she provides to the owner or lessee of the farm, he or she shall be paid predominantly in cash or in some form of remuneration, and not predominantly in the right to occupy and use land; and he or she is obliged to perform his or her services personally”.
- **Labour tenants** – people who reside or have a right to reside on a farm, who have the right to use cropping or grazing land on the farm (or another farm of the owner), provide labour to the owner or lessee in consideration of the right and whose parent or grandparent has use of cropping or grazing land on a farm or another farm of the owner, provides labour to the owner or lessee of a farm and includes a person who has been appointed successor to the labour tenant in terms of the Land Reform Act (but excludes a farm worker).
- **Occupiers** – people residing on land which belongs to another person and who has consent or another right to do so since 4 February 1997. This excludes labour tenants

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and people who use the land for industrial, mining or commercial and commercial farming purposes, but includes people who work the land themselves and do not employ people who are not family members.

- **Farm owners** – private people or legal entities with recognised formal rights and vested interests in land. This includes people who have benefitted from land reform since 1994, whether they own and/or control land on the basis of freehold titles, leases and/or Community Property Association (CPA) land rights.
- Various spheres of **government** who have interests in private or commercial farming.

A serious concern regarding redistribution efforts by government so far is that the PLAS, which involves buying land directly from owners for redistribution to beneficiaries, has not benefited farm workers or farm dwellers. The issue of how tenure on redistributed land should be implemented is an issue that is still being debated since some beneficiaries expect freehold land tenures, while another proposal is for long-term leases ranging from 30 years or more for land redistribution beneficiaries. These proposals, however, only benefit beneficiaries who have access to private resources and does not provide access to credit for those who are not as fortunate (DRDLR, 2013a:25).

This section takes the discussion of transformation of land ownership further by investigating and analysing the various modes of transformation of land ownership in South Africa that attempt to improve, or affect, security of tenure. The various policy proposals that are currently under discussion in South Africa regarding tenure reform are dealt with in the following sub-sections:

- land ceilings;
- 50/50 policy framework;
- restrictions on foreign land ownership; and
- land tenure in communal areas.

9.4.1 Land ceilings

Section 4.3.4 identified and discussed some international examples of the implementation of land ceilings as modes of transformation of land ownership. The examples from

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Kashmir (India) and Punjab (Pakistan) were used to explain how land ceilings were implemented that did not take land usage and productivity into account. This led to calls for reforms in this regard. It was also noted in section 5.2.3 that, in countries such as the Philippines, large productivity losses were incurred in agriculture as a result of land ceilings. It was also highlighted that, while land ceilings have political advantages, such policies could pose long-term threats to food security. The implementation of land ceilings places further administrative burdens on already crippled bureaucracies in developing countries. Other issues that were identified were the impact on further evictions of employees of farms, the criteria and fairness in allocations of excess land, the fertility of excess land and the identification of such land.

The 2012 ANC policy document on land reform proposed that the state should control the quantity of land that a person may hold. Alongside this were proposals relating to the right to first refusal, which would give the state an automatic preference above any other person to purchase property that comes onto the market. The policy also refers to a pre-emptive right that the state should enjoy over certain property that has newly come into existence. This would be implemented on selected sensitive land or in national interest (ANC, 2013a:13). During his budget speech, the Minister for the Department of Rural Development and Land Reform, Gugile Nkwinti (2015), indicated that one of the modes of implementing land reform in South Africa would be through land ceilings. Examples from Europe and Latin America were used by him to illustrate the disparity in sizes of farms. In Europe, the average farm size is 14 ha, while in Latin America it ranges between 72ha in Brazil and 84ha in Chile. South African average farm sizes were between 750ha and 950ha between 1918 and 1950 and are currently between 750ha and 2000ha. In view of this, he proposed the following land ceilings for both natural and juristic persons:

- for viable small scale commercial farms – 1000ha;
- for viable medium scale commercial farms – 2500ha;
- viable large scale commercial farms – 5000ha; and
- a special dispensation for three categories of farms.

Minister Nkwinti (2015) went on to indicate that any excess land portions between the above categories, small scale to medium scale, medium scale to large scale and above

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12 000ha maximum would be expropriated and redistributed based on just and equitable compensation as enshrined in the Constitution. In addition to this, he proposed that a special category that addresses the 12 000ha maximum would only include forestry, game farms and renewable energy. This policy, together with the restriction of land ownership by foreign nationals, would be implemented by a Regulations of Land Holdings Bill. These policies are supported by a World Bank report on agricultural land redistribution which indicates that: *“In many countries, the formation of the large-scale farming sector is not an expression of the efficiency of large-scale farms, but the legacy of past injustices”* (Binswanger-Mkhize, Bourguignon & Van den Brink, 2009:9).

The Agricultural Landholding Policy Framework (DRDLR, 2013:8) supplies the following guidelines regarding the scope of the landholding policy:

- *“land officially designated as agricultural land in the Republic of South Africa;*
- *agricultural landholdings under all farming industries;*
- *agricultural landholdings of all sizes;*
- *agricultural landholdings in urban and rural areas;*
- *agricultural landholdings in former homeland and commercial white farming areas;*
- *publicly and privately owned agricultural landholdings;*
- *dormant and active agricultural landholdings;*
- *land reform and non-land reform farms; and*
- *the 4-tier tenure system”.*

The 4-tier system was developed in the *Green Paper on Land Reform* (DRDLR, 2013:6) which provided for a single land tenure system that integrated the multiple forms of land ownership, including communal, state, public and private land. This system identified four types of land, namely:

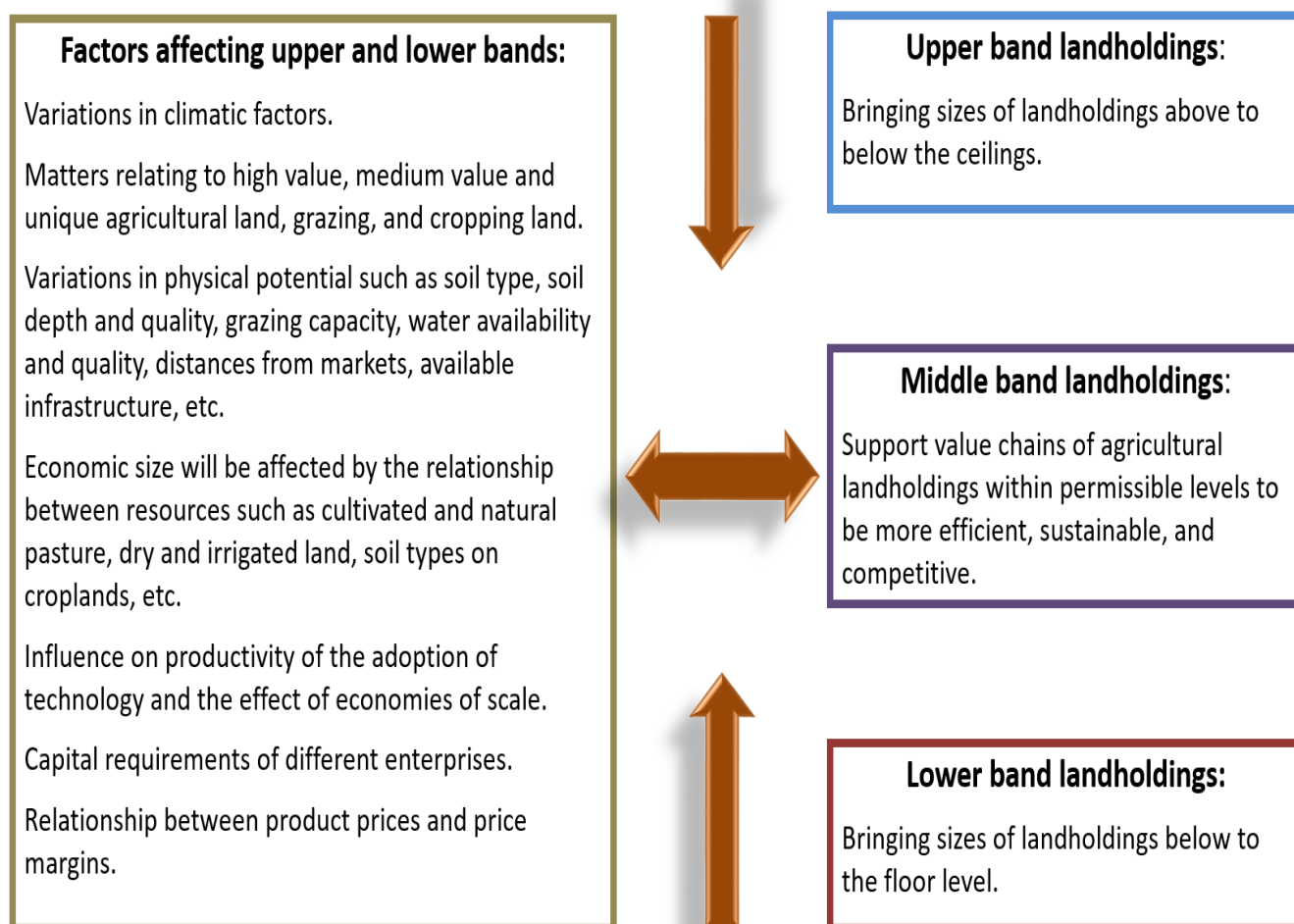
- state and public land (leasehold);
- privately owned land (freehold with limited extent);
- land owned by foreigners (freehold, but precarious tenure that includes conditions and obligations that have to be complied with); and
- communal land (communal tenure with institutionalised use rights).

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Within the above framework, the determination of specific floor and ceiling levels will be done at district level taking the agricultural industry into account. This involves the proclamation of district agricultural and land use zones through legislation such as Spatial Planning and the Land Use Management Act (Act No 16 of 2013). It will be compulsory for the disclosure of ownership and land rights through new or amended legislation. Mapping of agricultural landholdings will be done in order to identify and remove barriers to entry and participation and serve as a deterrent to rent-seeking. Governance factors will also be identified that must be removed in agriculture to facilitate competitiveness, sustainability and efficiency in different industries. A value chain analysis will allow for the examination of four issues, namely **structural issues** inclusive of governance, linkages, partnerships and networks, **economic market issues** that include cost margins and competitiveness, **environmental issues** inclusive of improved resource productivity and environmental performance and lastly **developmental issues** that include income distribution, employment opportunities and livelihoods (DRDLR, 2013:9-10).

In line with the contextual survey carried out in Chapter seven, the government intends to take various factors into account in the determination of lower and upper bands of landholdings. This is explained in the following diagram.

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(Source: Author's construct extrapolated from DRDLR, 2013:8, 11)

Figure 36: Factors affecting upper and lower bands of land ceilings

A serious problem is that the upper and lower bands were determined prior to a comprehensive study on local factors that may affect the suggested bands. Some of the factors affecting land usage that should be included in discussions on land ceilings in South Africa were identified and discussed in section 7.3. Currently, the Regulation of Agricultural Land Holdings Bill is in various processes of ratification and will eventually limit the extent of hectares owned by individuals and entities (Nkwinti, 2016:7). A concern regarding this legislation relates to the fact that 10% of the largest farms in the country produce 80% of South Africa's food. Furthermore, the FW de Klerk Foundation indicated as far back as 2010 that the constitutionality of such proposals could be challenged in the courts (Steward, 2010:2). The issue of food security was raised by the national planning commission as far back as 2012 when it was estimated that farmers would have to

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increase their outputs by 20% to meet food demand by 2030. At the time, research carried out by the universities of the Western Cape and Cape Town indicated that such threats had been exaggerated due to the fact that the largest portion of aggregate production came from the top 25% of commercial farmers (Lund, 2012). Current land ceiling proposals, however, neutralize this argument and reverts the country back to the planning commission's concerns relating to long-term food security. The CEO of Astral Foods, Chris Schutte, has indicated that farms will not be able to grow and that land that is cut off may not be large enough to be sustainable (Mahlaka, 2015).

In 1998, Parliament passed the Agricultural Land Repeal Act (Act No 68 of 1998) which was meant to be a legal tool for overcoming restrictions that prevented the subdivision of farms. This legislation faced a great deal of opposition and was therefore never signed into law (Lund, 2012). According to the Institute for Poverty and Agrarian Studies (PLAAS), the draft Preservation and Development of Agricultural Land Framework Bill and Policy that was gazetted in 2015 should be ignored and the 1998 version should rather be accepted. The current proposed Bill aims to provide for the subdividing and rezoning of agricultural land to protect it from unsustainable and non-economical uses and repeals the Subdivision of Agricultural land Act (Act No 70 of 1970). The main reasons for opposing this legislation is that the Bill argues for a “*strong commercial core*” in agriculture, stating that small farming units are unproductive and the “*fragmentation of agricultural land into small uneconomic units*” threatens food security. According to PLAAS, research indicates that there is no necessary relation between farm size and productivity (PLAAS, 2015:3, 9). On the other hand, Ernest Janovsky, the head of agribusiness at ABSA, indicated that: “*For the (agricultural) industry to remain competitive and survive, it has to become more productive. This is done in various ways, including adopting and improving technology and taking advantage of economies of scale. Land caps mean that farms cannot grow beyond a certain size, removing one way to increase competitiveness and survival. The size and productive value of farms varies vastly across the country. The productive value of a farm in the Karoo, which may be as large as 30 000ha because of the arid environment, varies starkly from that of a farm in the Free State*” (Donnelly, 2015:2).

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The draft Preservation and Development of Agricultural Land Framework Bill and Policy also came under heavy criticism from the TAU (Carstens & Malan, 2015) for the following reasons:

- Land that is not optimally utilised, in line with guidelines that are determined by the Minister, may be expropriated at a lower price as what it would have paid had it been optimally utilised.
- It could see owners of high potential farmland only being allowed to produce food for human consumption which will interfere with the market and economic freedom of individuals.
- Owners of high potential farmland may have to get permission from the Minister to sell their property or if they plan to let it for more than ten years.

Individuals such as Frans Cronjé of the SAIRR and Pieter Smit of Falcon and Hume Attorneys have indicated that this proposed legislation is similar to the Minerals and Petroleum Resources Development Act (Act No 28 of 2002) that declared the state as “*curator*” of a shared resource that should be used to benefit all South Africans. This principle was accepted by the Constitutional Court in 2013. The draft Preservation and Development of Agricultural Land Framework Bill dictates what farmers will be able to do with their land. Fears exist that the legislation may be another manner of expropriation without using the term. If it does not expropriate land rights, it will expropriate the right to utilise land freely (Carstens & Malan, 2015).

While international examples indicate that there is not a correlation between the size of farm holdings and production, the current trend in South Africa indicates that the country has unique environmental, land usage and economies of scale issues that have to be taken into account in this regard (see section 7.3).

The following table analyses land ceilings as a mode of transformation of land ownership in terms of the normative analytical analysis with the relevant scores.

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Table 58: Analysis of land ceilings

NORMATIVE OUTCOME	IMPACT	SCORE (OUT OF 10)
Expectations	Implementing land ceilings can make more land available for redistributive purposes. The political expectations of individuals and groups who receive excess land will in all probability be met if criteria for allocation of such land are implemented consistently and fairly.	7
Political stability	There can be short term political benefits in the implementation of land ceiling proposals, but this may be neutralised by long term political instability linked to negative economic impacts of such policies.	5
Land usage and production	The diversity in terms of potential of land in South Africa is affected by environmental factors such as, among others, water scarcity, fertility of soil and topography that were identified and discussed in chapter seven. There can be no one size fits all approach to land ceilings as currently proposed. A policy that does not take diversity in terms of land usage into account could cause major disruptions to agricultural production.	2
Food security	Any major threats to land use and agricultural production will have a similar impact on food security. The fact that food security is secured by a small percentage of economies of scale agricultural enterprises in South Africa has been excluded in current policy proposals.	2
Fairness	A policy that makes national proposals, without acknowledging unique environmental issues affecting land usage at local level, cannot pass the test of fairness.	2
Economic impacts	The economic impacts of current land ceiling proposals are linked to issues of land usage and food security. The economic impact of land ceilings that do not use local environmental and topographical issues relating to land usage as criteria for determining farm sized will have a predominantly negative economic impact.	2

(Source: Author's own construct)

The above scoring gives land ceilings as a mode of transformation of land ownership and as proposed in South Africa 20 out of 60 which is 33,33%. Land ceilings as a mode of transformation of land ownership has scored very low, which indicates the potential negative impacts that it may have on society as a whole. The main reason for this is the fact that South Africa is not a fertile country (see section 7.3) and economies of scale are necessary to secure food security and rural development. Land ceilings will not enhance

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food security and could turn productive agricultural operations into non-viable entities in many areas of the country.

9.4.2 50/50 Policy Framework

The 50/50 policy framework for improving tenure of farm workers and distributing land was not discussed as a separate mode of transformation in Chapters four or five. One of the motivating factors regarding this policy proposal is that between 1994 and 2004, about 942 000 people were evicted from farms, of which 77% were women and children and 1% followed legal processes. Previous redistribution and restitution programmes failed to deal with issues relating to farm workers and farm dwellers, but rather concentrated on dealing with social injustices by victims of land dispossession (DRDLR, 2013a:24-25).

It can also be argued that the 50/50 policy framework should rather be regarded as a unique method of implementing land ceilings and links up with the expropriation debate. As such, it is dealt with as a separate sub-section in this chapter under land tenure as method of transformation of land ownership.

During his budget speech, the Minister for the DRDLR, Gugile Nkwinti (2015), indicated that an additional method of implementing land reform in South Africa would be through the implementation of the Strengthening of Relative Land Rights of People Working on the Land policy, a so-called *50/50 Policy Framework*. In terms of this policy, 50 pilot projects would be implemented using a share equity model whereby the government would sponsor 50% and Wildlife Ranching South Africa (WRSA) the other 50% at a 2,5% interest rate with a 40 year repayment on bank loans. Other proposals that were considered included full acquisition and joint venture companies in which the workers were the majority shareholders. By April 2016, Minister Nkwinti (2016: 7) reported to Parliament that 10 transactions had been finalised with about 540 beneficiaries, covering 7 642 hectares. More than 50 submissions had been received from farmers and organisations relating to the 50/50 Policy Framework.

The framework required clarity on the allocation of shares to farm workers based on the amount of years that they worked on the farms. The FW de Klerk Foundation voiced

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concerns about the proposals of 10% share after 10 years, a 25% share after 25 years and 50% share after 50 years since no clarity existed if, for example, eight workers had worked for 10 years and three had worked for 25 years. In terms of the proposals, the state would buy 50% share of the farm. However, the state would not pay the funds to the farmer, but into an “*Investment Development Fund*” (IDF) that would be used to develop the managerial and production capacity of the farm, instead of being used to create funds that were jointly owned by the new ownership regime. While the system was meant to protect the tenancy of farm workers, it would also prescribe “*a regime of duties and responsibilities*” with which farm dwellers would have to comply or face eviction by a Land Rights Management Committee on the recommendations of the combined farm management. The proposal aimed to “*deepen the security of tenure of farm workers and farm dwellers without threatening household food security and national food sovereignty*”, which required that current farmers remain on farms to retain expertise. The main problem with the proposal is that farmers could be forced to give up 50% of their property without compensation which could be in breach of section 25 of the Constitution (1996). It also gave power to the government and Land Rights Committees to interfere in the management of farms. In his motivation for this proposal, Minister Nkwinti indicated that: “*...the moral basis for these proposals is that fellow South Africans (white farmers) who benefitted from the proceeds of the land dispossession wars and race-based segregation policies and laws of successive Colonial and Apartheid regimes have a moral duty and responsibility to contribute to the restoration of justice and national reconciliation effort*”. A question that has been raised from this is why stop at 50%? (Steward, 2014).

The possible economic impact of the large scale implementation of the 50/50 proposals was highlighted in a statement by the Centre of Excellence on Food Security run by the Department of Science and Technology and National Research Foundation. The statement indicated that the impact of such a policy would be that: “*Farm workers will not benefit, unemployment will get worse, and hunger could well increase, both in the rural and urban areas*”. The majority of food insecure people in South Africa are not farm workers, but people who live in rural settlements in the former homelands. The proposals would only benefit long-term employees and farmers would decrease employment of people if increased employment leads to a loss of equity. The losses in terms of the capital base of farmers could be as much as R100 billion and losses in marketed production

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could be as much as R91 billion. A comprehensive plan to boost labour intensive agricultural production in former homelands and on commercial farms was proposed that would have more positive outcomes (Erasmus, 2014). Another crucial factor that has to be taken into account is that 60% of farms are bonded and there is a great deal of uncertainty about how a 50/50 policy framework will affect the debt in the agricultural sector (Donnelly, 2015: 2).

It is clear from the above arguments that the 50/50 policy framework requires a great deal more discussion among various stakeholders along the entire agricultural value chain. Although pilot projects have been implemented, the lack of finality and clarity on the proposals has created a great deal of insecurity that has impacted negatively on potential investment in the agricultural sector.

The table below analyses the 50/50 policy framework as a mode of transformation of land ownership in terms of the normative analytical analysis with the relevant scores.

Table 59: Analysis of 50/50 framework proposal

NORMATIVE OUTCOME	IMPACT	SCORE (OUT OF 10)
Expectations	The policy could assist in meeting short term expectations of farm workers, but the potential to harm rural economies could neutralise any such expectations in the long term.	5
Political stability	It is not envisaged that the proposals will have a short term impact on political stability since farm owners who will be forced to cede portions of their property as a result of this have not historically been comfortable with non-conventional forms of political expression. The long term economic impacts in rural areas have the potential to impact negatively on political stability in the long term.	4
Land usage and production	It has been indicated that these proposals could have a serious impact on land usage and production.	3
Food security	The potential negative effects of this policy on land usage and food production has the potential to impact negatively on food security.	3
Fairness	The fairness of forcing current commercial farmers to cede 50% of their enterprises to farm workers after they have personally invested their skills and money and have taken all the risks in their businesses is negative. On the other hand, arguments that workers have invested their labour into commercial farming enterprises over time with little long term financial or job security and that the proposals will	4

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NORMATIVE OUTCOME	IMPACT	SCORE (OUT OF 10)
	afford them this must also be taken into account. From a liberal perspective it will be perceived as unfair, but from a socialist perspective it will be perceived as fair.	
Economic impacts	The economic impacts of the proposals must be measured against the effect on financial institutions as well as commercial agriculture. The potential loss of production on land and businesses ceded, the lack of incentives to invest in agriculture, the policy insecurity regarding the details of these proposals and the overall impact on rural economies that are currently supported by commercial agriculture all indicate that the economic impacts may be seriously negative.	2

(Source: Author's own construct)

This policy proposal is given a point of 17 out of 60, which is 28,33%. The uncertainty around the manner in which the 50/50 framework will be implemented on a national level have a negative impact on the agricultural sector. The impact has negatively affected further investment in agriculture and is regarded as another form of expropriation. This framework must be voluntary and should be implemented in a manner that enhances sound human relations on farms. Details around the manner in which it will be implemented in practice are required to create greater certainty.

9.4.3 Restrictions on foreign land ownership

Restrictions on foreign land ownership is a controversial issue for investors, but land grabs in parts of Africa and minority monopoly over land ownership in South Africa remains a reality for many communities and groups. Restrictions on, or the regulation of, foreign ownership of land, especially agricultural land, have been implemented in countries like Namibia. In Malawi it has been suggested that local inhabitants, especially the rural poor, are being abused by foreign investors who purchase land with the support of government (see section 4.3.5).

It is estimated by *The Land Matrix* that 358 foreign land purchasing transactions in Africa cover 15 million hectares, an area larger than Greece. Most of these transactions have been called *land grabs*, since a World Bank study concluded that foreign investors prefer to conclude land transactions in countries with “...weak land governance and poor local

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recognition of land rights” (McMahon, 2014:187-188). Some of the countries targeted for such transactions are Sudan, Ethiopia, Madagascar, Mozambique, Benin, Tanzania, Sierra Leone and Liberia which are themselves suffering from high levels of malnutrition and food insecurity. Countries involved in purchasing land include Saudi-Arabia, United Arab Emirates, Kuwait, Bahrain and South Korea. By March 2011, it was estimated that there were 60 multinational companies involved with land transactions in 16 countries. It is also argued that the highly mechanised agricultural systems that most foreign investors implement do not create much local employment, are a cause of considerable environmental damage, are in many instances also water grabs and do not contribute to food security for local communities (McMahon, 2014:188-190, 197-198). Against this background it may be justified that some countries, including South Africa, may contemplate measures such as legislation that will protect local agricultural resources and communities from possible abuse that could result from large scale foreign land transactions.

In August 2004, a *Panel of Experts on Foreign Ownership of Land* directed by Shardack Ghutto was commissioned by the Minister of Agriculture and Land Affairs to investigate and develop a policy on the regulation of land ownership by foreigners. The report by the commission indicated that there should be no short-term moratorium on the sale of land to foreigners or expropriation of land belonging to non-citizens. Such policies should rather be aimed at reducing speculation (Anseeuw & Alden, 2011:36). This was supported by the ANC’s 2012 policy document on land reform that indicated in its objectives and vision that the party supported “...secure forms of long-term land tenure for resident non-citizens engaged in expanded agricultural exports and improved agro-processing development” (ANC, 2012a:6). The government’s proposal to restrict ownership of land by foreign nationals, without upfront clarity on the conditions attached to this, has caused a great deal of uncertainty among existing foreign land and property owners as well as potential foreign investors across all sectors. Minister Nkwinti (2015) indicated in parliament in 2015 that there was resistance to restricting ownership of land by foreign nationals from organisations such as the Banking Association of South Africa, the Agricultural Chamber of Business and Agri-SA. The basis of the rejection being that such a policy would drive away foreign investment in both the agricultural sector and the

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economy as a whole. Nkwinti further indicated that his conviction was that any investor, whether foreign or national, required policy certainty and would adapt accordingly.

The Regulation of Land Holdings Bill is currently in the process of being ratified and could eventually terminate, or at least restrict, ownership by foreign nationals (Nkwinti, 2016:7). The DRDLR (2016: 22) has indicated that this proposed legislation has the following aims:

- the disclosure by landowners of their nationality, race and gender;
- the circumstances under which foreign persons may own and/or have access to land;
- the establishment and maintenance of a register of land ownership;
- the submission of information on public land;
- the establishment and composition of a Land Commission; and
- the resolution of disputes over situations in which two or more title deeds have been issued in respect of the same land.

Various property agencies have joined the choir of voices regarding concerns over the proposed legislation to terminate property ownership of foreign nationals. Arguments against the proposed legislation indicate that international investors in agriculture are mostly interested in wildlife and lifestyle farming and the wine industry. By 2007 foreign ownership of land was at 5%, most of which is in the vineyards of the Western Cape where foreigners own between 25% and 30% of all vineyards and this also accounts for much of the marketing and exports of wine. According to the Chairperson of Seeff Property Group, Samuel Seeff, foreigners have assisted in the revitalisation, development, investment and tourism in the local wine industry in the Western Cape (Kruger, 2016). As early as 2010, the Executive Director of the FW de Klerk Foundation Dave Stewart (2010:2) indicated that the description of the limitation of foreign land ownership, namely, “*precarious tenure linked to productivity and partnership models with South African citizens*”, as “*ominous*”. This implies that foreigners would be able to retain part of their interests if they take on local partners and it suits government. Stefan Sakoschek, Executive Chairman of the European Union Chamber of Commerce and Industry in Southern Africa, has warned that: “*The rules for investing in South Africa appear to be changing too quickly and too drastically...the novelty factor of investing in*

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and helping to build a post-Apartheid South Africa has worn off while competition for foreign direct investment has increased...” (cited in Naidoo, 2016).

Although there has been a great deal of concern within the business sector about the proposed legislation regarding foreign ownership of property, international examples indicate that such legislation may be necessary to protect an important national asset such as land from unscrupulous foreign companies and governments whose ownership has negative environmental and local social-economic implications. Section 7.3 explained that South Africa does not have as much productive land or water as other countries in Africa and that is why foreign agricultural investment has been in specific industries such as vineyards, wildlife and lifestyle estates and not in land per se. Furthermore, current foreign land owners should enjoy some constitutional protection from radical proposals such as expropriation.

In all probability, the proposed legislation will be more regulatory and restrictive than an outright ban. In fact, while the Bill is awaiting finalisation for public comment, government spokespeople have hinted that the legislation may contain provisions for the reduction of land ownership by foreign nationals to leaseholds for a minimum of 30 years to a maximum of 50 years (Mahlaka, 2016).

The table below analyses restrictions on foreign land ownership as policy and legislative proposal in terms of the normative analytical analysis with the relevant scores.

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Table 60: Analysis of restrictions on foreign land ownership

NORMATIVE OUTCOME	IMPACT	SCORE (OUT OF 10)
Expectations	Restrictions on foreign ownership of land will not have a direct impact on expectations since a small amount of land is affected by this and even current foreign land owners will be protected by section 25 of the Constitution.	5
Political stability	Proposals regarding restrictions on foreign land ownership should not impact on political stability.	5
Land usage and production	The manner in which proposals restrict and regulate foreign ownership of land will determine whether it will affect land usage and production. Given the international examples of land grabs in Africa, foreign ownership or part ownership, in agricultural industries (businesses) will be less controversial than ownership of land.	5
Food security	Proposals should not affect food security in South Africa since any proposals in this regard will mostly affect non-staple commodities such as vineyards and wildlife industries.	5
Fairness	The actual proposals will determine the fairness of restrictions and regulation of foreign land ownership. Proposals in this regard are subjected to review by the courts.	5
Economic impacts	The economic impact of proposals will in all probability not impact on the agricultural industry, but rather on the image of the country as a viable investment destination for foreign companies. Legislative proposals will have to take this into account. There are, therefore, definite risks and potentially negative economic implications if proposals are too restrictive and policy security is not established in a transparent and fair manner.	3

(Source: Author's own construct)

This policy proposal gets 28 out of sixty which is a relatively neutral 46,67%. Restrictions on foreign land ownership are in all probability unnecessary due to the hostile environment within which agricultural production takes place in the country. Such a policy proposal can only serve as further deterrent to foreign investment in agriculture and the country as a whole.

9.4.4 Land tenure in communal areas

During the colonial and Apartheid eras, South Africa denied black people the right to own property in large parts of the country. The post-1948 period saw the systematic implementation of policies of separate development that divided the country into areas that were predominantly white where land tenure was secure for white commercial farmers and other areas in which black people were forced to live on communal land, mostly under the control of various forms of traditional authorities (see Chapter six). Although non-discriminatory rights to own property have been extended to all areas of the country, large portions of land are regarded as communal and in either state hands, or under the control of traditional authorities. Ntsebeza (2013:55) indicated that the traditional (tribal) authorities (chiefs, headmen, kings, etc.) were the extended arm of the Apartheid state. Although the chiefs did not own the land, they were given enormous judicial and administrative powers at local level. No rural person could be issued a permit to occupy land by a magistrate without the approval of the tribal authority. This situation has not changed much after 1994. Transformation of land ownership, in terms of the dismantling of Apartheid, did not take place in former reserves and Bantustans. The lack of secure tenure in such areas has prompted government to embark on a policy and legislative process that deals with land tenure on communal land.

A dilemma that government is experiencing is that secure tenure implies the transfer of land to individuals who live and work on land in former Bantustans. This would imply the privatisation of land in these areas. In Parliament, however, the former Chief Whip Stone Sizani articulated the ANC's view on this issue with the comment that: *"We will not allow the privatisation of communal land. Why? Because we know it will be bought by the same people who say we must privatise it. We will protect it"* (SAPA, 2013). This statement contradicts the Freedom Charter that states that *"The Land Shall be Shared Among Those Who Work It"* and further that: *"Restrictions of land ownership on a racial basis shall be ended, and all the land re-divided amongst those who work it to banish famine and land hunger... All shall have the right to occupy land wherever they choose"* (Alden & Anseeuw, 2009:90).

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One of the challenges experienced in such a process was the status of indigenous law that was applied to much of the communal land in traditional (former tribal) areas. In 2003 the Constitutional Court handed down a ruling that was ground-breaking for the dispossessed and poor. The Court pronounced that the Richtersveld Community was entitled to restitution for its land that included minerals and precious stones. In this respect the Court confirmed that indigenous land ownership had equal status to that of common law. This also resolved any concerns of whether western law overruled indigenous law. In this case the Court maintained the following: *“While in the past indigenous law was seen through the common law lens, it must now be seen as an integral part of our law. Like all law it depends for its ultimate force and validity on the Constitution...the Constitution acknowledges the originality and distinctiveness of the indigenous law, makes it clear that such law is subject to the Constitution and has to be interpreted in light of its values...in the result, indigenous law feeds into, nourishes, fuses with and becomes part of an amalgam of South African law”* (Kahn, 2007:14-15).

The greatest contradiction regarding transformation of land ownership is in terms of communal land in traditional areas. After nine years in power the ANC government drafted legislation that favoured an undemocratic traditional system of leadership in the form of the Traditional Leadership and Governance Framework Act (2003), the Communal Land Rights Act (2004) and the Traditional Courts Bill (2008) that has yet to be ratified after being reintroduced in parliament in 2012 (Ntsebeza, 2013:55-56). In 1994 the RDP identified the effects of *“...forced removals and historic denial of access of land”* as key aspects of colonial and Apartheid legacies. Section 25(6) of the Constitution (1996) went further to state that *“A person or community whose tenure is legally insecure as a result of past racial discriminatory laws or practices is entitled, to the extent provided by an Act of Parliament, either to tenure that is legally secure or to comparable redress”*. Ntsebeza (2013:61-63, 65, 67) indicates that the above clause *“...speaks directly to the experiences of residents in the rural areas of the former Bantustans”*. Initially government attempted to break the hold of traditional leaders over rural communities by declaring South Africa a developmental state and extending democratically elected local governments into tribal areas and thus distinguishing between land ownership, land administration and powers of local governments. By 1998 the DLA had developed policies that indicated that land should be vested in the individual and not tribal authorities. From 1999, however, the

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Thabo Mbeki presidency, with Jacob Zuma as his deputy, started to concede to traditional authorities. The Communal Land Rights Bill (2002) initially took land administration functions from traditional authorities and placed them in democratically elected structures, giving them 25 ex officio representations in the land administration structure. A last minute cabinet intervention replaced this by placing land administration in the hands of traditional structures. The Traditional Leadership and Governance Framework Act (Act No 41 of 2003) allows Premiers of provinces to recognise areas as traditional, in which traditional councils would be established of which 60% would be made up of traditional authorities and 40% of members elected by rural residents. Ironically, this legislation finds its roots in the Apartheid-era Tribal Authorities as a basis for the establishment of Traditional Councils. Similarly, the Traditional Courts Bill that was indefinitely withdrawn finds its roots in Black Administration Act (Act No 38 of 1927) and allows traditional courts to be presided over by a King, Queen, or senior traditional leader to resolve disputes.

About one third of South Africa's population live in former homelands, which comprises about 13% of all land (Kahn, 2007:15). The DRDLR (2016:22) is drafting a Communal Land Bill (2015) that will provide for the following regarding communal land:

- the regulation of communal land;
- the legal security of tenure by transferring communal land, including KwaZulu-Natal Ingonyama land, to communities and members of communities;
- the administration of communal land by communities;
- communal land administration committees and household forums;
- land rights enquiries;
- the establishment of a Communal Land Board; and
- the amendment and repeal of certain laws.

In addition to the above legislation, the government is planning to develop policy that will strengthen the relative rights of people working on land through securing the residential tenure of farm dwellers and workers, to enable such individuals to sell their labour across the fence without fear of eviction and to strengthen their bargaining power regarding their rights as workers and bargaining power (DRDLR, 2016:24). Further land tenure reforms (DRDLR, 2016:25) are envisaged that will do the following:

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- address tenure insecurity in communal areas;
- promote communal tenure with institutionalised use rights;
- clarify the roles of stakeholders and determine their respective authority and responsibilities;
- create an enabling institutional framework to affirm and register rights to various land portions;
- create an enabling environment for investment and development;
- access additional land in order to decongest the communal areas and rehabilitate damaged land; and
- target 25 farms per affected province for the decongestion effort.

A Communal Land Indaba was held in May 2015 and concluded proceedings with a summary that included 95 recommendations and proposals for inclusion in legislation (DRDLR, 2015:2-10). A few of the more prominent recommendations included:

- Practical mechanisms must be put in place to prevent elites or minorities from appropriating the resources and benefits that belong to the majority.
- The state should consider a broad spectrum of tenure systems on communal land.
- The DRDLR should assist in the resolution of the question of legitimate and illegitimate traditional leaders.
- More land should be allocated to women – giving land to women is safer and women produce 80% of food in Africa.
- People should have title deeds with legal content that can be recognised by the bank for security and can be used as collateral.
- There is a strong sense that individual household title deeds in communal land threatens to dilute the sense of community.
- The rights should be capable of being bequeathed, e.g. through wills.
- Policy should ensure that there is equitable benefit for all the households in communal land.
- People must be able to democratically choose the land governance structure and development. Support will need to be provided for an area oversight committee that deepens and further rationalises community and economic development.

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- Implement a requirement, not an option that before the land is given to people, the people should be capacitated so that they are skilled and able to use the land they are given productively and it does not lie fallow.

Some of the recommendations from the Indaba are contradictory, especially around individual rights to title deeds. This displays the conflicting views relating to communal land. For example, while there was a view that land should be utilised effectively, the private capital required for this requires secure land tenure. These are issues that will have to be clarified in the legislation.

Minister Nkwinti indicated in Parliament that a communal land policy is in the process of being developed and will culminate in the Communal Land Tenure Bill (Nkwinti, 2016:7). In this regard, the recommendations of the Communal Land Indaba of 2015 also included the following legislative proposals by the DRDLR (2015b:11-12):

- Legislation to enforce a working relationship between all stakeholders.
- The rights in communal areas should be categorized and those affected should be considered during consultations.
- Legislation should strengthen the existing customary rights instead of issuing individual title deeds for households.
- A balance is required between individual rights and the rights of the group.
- A land tribunal is required to resolve disputes involving communal land.
- There must be clearly defined roles and responsibilities for all actors.
- Aggrieved parties must be protected and provided with recourse for infringement of their rights.
- There should be clear delineation of roles and responsibilities, with Traditional Authorities (TAs), Community Property Associations (CPAs) and other authorities acting within the bounds of the designated functions.
- Reforms need to acknowledge, strengthen and protect individual rights to land.
- The principle of choice is critical in this process.
- In areas with CPAs and TAs, these structures must enter into service Level Agreements that are in alignment with municipal IDPs (Integrated Development Plans).

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- The legislation that the DRDLR is developing must hold that land governance structure to account.

The above proposals do not conform with the ANC's 2012 *Land Reform Policy Discussion Document* that states as some its objectives and vision is to: *"Ensure that all South Africans, especially the poor, women, youth have reasonable opportunity to gain access to land with secure rights, in order to fulfil their basic needs for housing and productive livelihoods"* and also to: *"Ensure clearly defined property rights supported by an effective judicial and governance system, which ensures all citizens have access to a fair, equitable and accountable land administration system"* (ANC, 2012a:6). This was supported by the National Youth Development Agency that drafted a document titled *Smart Lessons – How has communal land tenure hindered agricultural growth and development in rural areas in South Africa?* In this document they refer to communal land as *"dead capital"* since land, as an asset in the formal economy, cannot be used for economic transactions or guarantees in rural informal economies (NYDA, 2012:4-5). It appears that the Zuma administration has deviated from the ANC's 2012 policies regarding transformation of land ownership and opted for a reactionary approach to transformation of communal land, as opposed to the radical approaches to transformation of commercial land and property. This is most probably due to the traditional ethnic and neopatrimonial approaches of the current Zuma-led ANC administration. In addition to his comments quoted in the introduction to this chapter, Frans Cronjé (2015:6) indicates that: *"Core natural resources – water, mineral wealth, and land – have already been vested in the State or are increasingly moving into State ownership. Ironically, though this is being done in the name of redress for past wrongs, all black South Africans are increasingly being barred from Individual ownership of these key assets... Instead of encouraging private investment and helping poor South Africans gain jobs, income, self-reliance and economic independence, a critical part of the current ANC's strategy – to lead the country into socialism – is to constantly put forward the idea of a developmental state..."*

In addition to the above land reform measures, the government has also drafted *The Land Commission Bill* (2013) that will facilitate the appointment of a Land Management Commission (South Africa, 2013:13-14) that has the following functions:

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- to establish and maintain a database of all state land which appears in any Deeds registry as being registered in the name of any department including unregistered state land,
- to adjudicate land ownership disputes in respect of which two or more title deeds have been issued on the same land parcel and
- to advise the Minister and any other minister on ownership relating to state land and land in communal areas.

It appears that the South African government is following a cautious approach to the issue of communal land. In Chapter five it was explained that, with the exception of Malawi and Kenya, most countries in the region are following flexible approaches that have seen the state becoming the beneficiary of land that was previously governed by traditional or customary laws. With the above context, it is important to note that the existence of traditional or state owned communal property provides a source of political stability in many transitional societies.

The table below analyses land tenure in rural areas as an important issue in the transformation of land ownership in terms of the normative analytical analysis with the relevant scores.

Table 61: Analysis of communal land policy and legislative proposals

NORMATIVE OUTCOME	IMPACT	SCORE (OUT OF 10)
Expectations	The expectations of people living on rural communal state- or traditionally-run land are not very high and a reactionary approach should not greatly affect this. However, any expectations of improving livelihoods will not be met by the current approach to communal land by government.	5
Political stability	The current reactionary approach by government to the transformation of land ownership in traditional and communal areas should not impact negatively on political stability and may even support this variable. Traditional authorities' will oppose any attempts to dislodge them from their current status.	7
Land usage and production	The current approach does not contribute to improve land usage and production in the greatly under-utilised land in many former Bantustans in the most fertile areas of KwaZulu-Natal and Eastern-Cape. This fertile land has huge potential for the increased production of agricultural commodities which could have substantial economic benefits local communities living in such areas. The current government approach is a lost opportunity.	3

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NORMATIVE OUTCOME	IMPACT	SCORE (OUT OF 10)
Food security	The potential for increasing food security through increased land usage and production is lost in the current government approach.	3
Fairness	The government approach negatively impacts on the ability of people living on communal state or traditionally governed land to improve their economic conditions which secure tenure which title deeds to the land which they currently utilise could afford them. People are also subjected to undemocratic governance structures on such land that lack transparency and accountability. People on this land are exposed to potential abuse, nepotism and corruption by traditional authorities and officials.	3
Economic impacts	The economic impacts of the approach by government to communal land should not be regarded as negative, but rather as an exercise in lost economic and political opportunities for people who are dependent on communal land for their livelihoods.	4

(Source: Author's own construct)

The above analysis of the government's approach to communal land scores 25 out of 30 which is 41,67%. Current reactionary policy proposals on land in communal and traditional areas score negatively on the analytical framework. The creation of land rights through the issuing of individual title deeds has the potential to turn such areas into productive agricultural hubs and promote a great deal of investment into such areas. Such investment and enhanced agricultural production have the ability to transform surrounding communities into vibrant rural economies. Some of the most fertile areas in the country are in former homelands.

In addition to the above legislation, there are some additional legislative proposals. The proposed Communal Property Associations Amendment Bill (2015) intends to amend the Communal Property Associations Act (Act No 28 of 1996) in order to redefine the kind of communities and persons to whom the provisions of communal property associations apply. The Extension of the Security of Tenure Amendment Bill (2015) aims to find lasting solutions to tenure insecurities on commercial farms by combining land redistribution measures within legal protection and dispute resolution mechanisms. The Electronic Deeds registration Bill (2015) intends to provide for an electronic deeds registration system (DRDLR, 2016:22).

The issue of land tenure as a method of transformation of land ownership has a split personality. On the one hand are the radical progressive approaches that include land

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ceilings, the 50/50 policy framework and restrictions on foreign land ownership, while on the other are retrogressive proposals that deviate from the ANC's own policies regarding land tenure on communal land that are reminiscent of the Apartheid legislation. It can be argued that the NDR drives the transformation of land ownership where commercial white owned farms are concerned, while patrimonial and neopatrimonial tendencies prevail regarding land tenure of black people. This ideological schizophrenia is not based on sound policy principles that are necessary for investment in agriculture.

9.5 Concluding remarks

In attempting to juggle the ideological political prerogatives of an NDR with the economic objectives relating to food security within the NDP, the government may end up on a political guillotine. In 1993 the then leader of the Democratic Party Tony Leon warned that: *"Whoever governs the new South Africa will be haunted by the ghost of Maximilien Robespierre. He allegedly shouted to the crowd as he faced the guillotine: 'I gave you freedom, now you want bread as well.' While that was in 1794, today's breadlines in Moscow and the massive instability in Eastern Europe have illustrated that the transition from authoritarianism to democracy offers no guarantee of prosperity. The key to unlocking the potential of the new South Africa is to transform ourselves on both the political and economic fronts at the same time"* (Leon, 1993:49).

The discussions on the various methods of transformation of land ownership was carried out in this chapter by analysing the different modes of transformation relevant to each method within the analytical framework of expectations, political stability, land usage and production, food security, fairness and economic impact. The various modes of transformation and in some instances approaches to the transformation of land ownership in South Africa were analysed and given points within the framework provided. The totals in each case can now be used to determine the overall score for the various policy and legislative interventions and proposals for transformation of land ownership. This is done in the following table:

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Table 62: Analysis of transformation of land ownership in South Africa

MODE AND APPROACH TO TRANSFORMATION OF LAND OWNERSHIP	SCORE (OUT OF 60)
Land Reform	
Sustainable land reform	31
Taxation for land reform	30
Expropriation	16
Collectivisation	21
Land Restitution	
Land Restitution	36
Land Tenure	
Land ceilings	20
50/50 policy framework	17
Restrictions on foreign land ownership	28
Land tenure in communal areas	25
Total score out of 540	224 (41,48%)

(Source: Author's own construct)

The scores give the transformation of land ownership in South Africa a 41,48% which is a relatively poor score with 50% being a neutral impact on society. This implies that the various modes and approaches to transformation of land ownership require improvements in order to neutralise or improve their impacts on society. The political proposals in terms of such improvements are discussed in Chapter ten.

Since many of the proposals and approaches are a result of an ideologically motivated NDR point of departure by the Zuma-administration, it is important to categorise them on the linear ideological political spectrum of Baradat, as discussed in section 3.3.2. This can be done by identifying the direction, depth, method and speed of each proposal or approach since 2014. The following table explains and expands on this:

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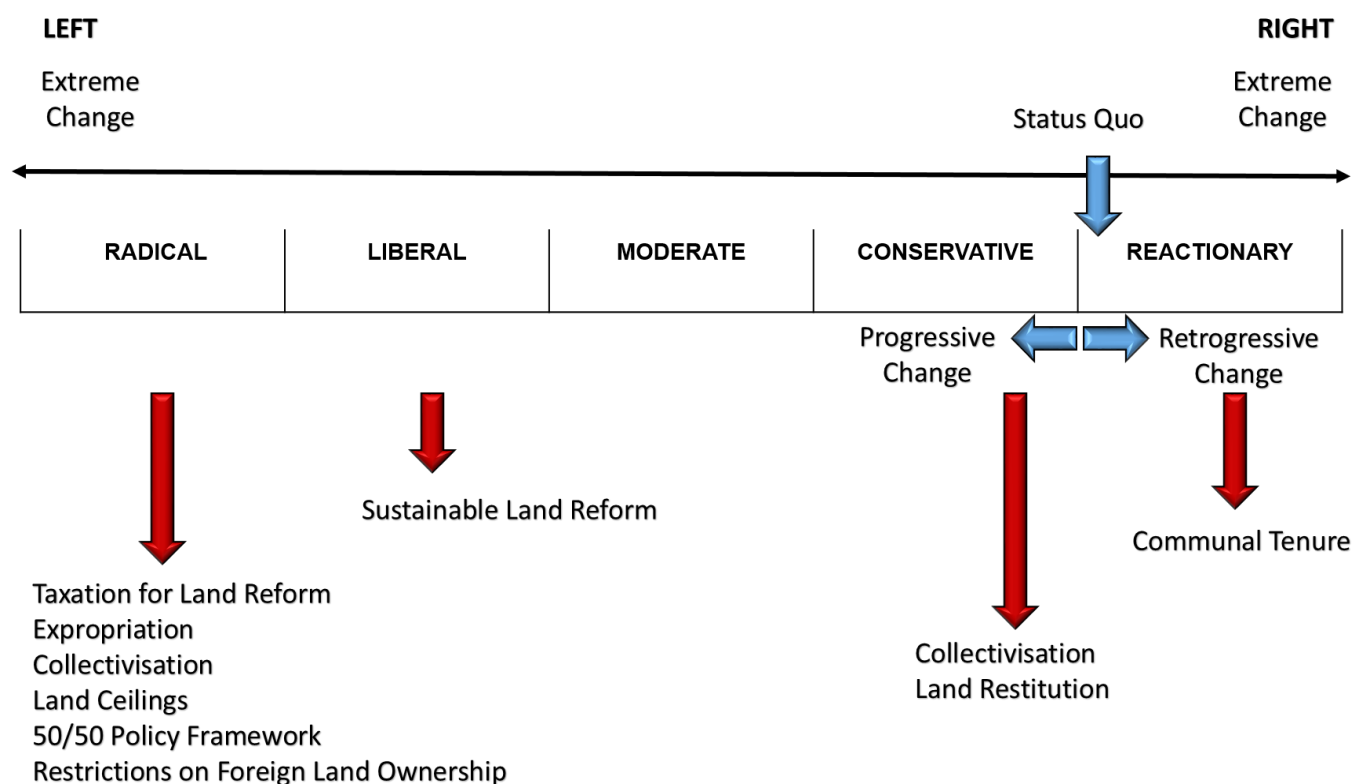
Table 63: Ideological approaches to land reform in South Africa

MODE AND APPROACH TO TRANSFORMATION OF LAND OWNERSHIP	DIRECTION OF CHANGE	DEPTH OF CHANGE	METHOD OF CHANGE	SPEED OF CHANGE	IDEOLOGICAL CATEGORY
Land Reform					
Sustainable land reform	Progressive left	Slight adjustment	Policy and legislation	Slow	Liberal
Taxation for land reform	Progressive left	Major adjustment	Not yet in place	Not yet in place	Radical if implemented
Expropriation	Progressive left	Major adjustment	Policy and legislation	Fast tracked	Radical
Collectivisation	Status Quo orientated	Deviation of policy	Policy implementation	Slow	Status Quo orientated
Land Restitution					
Land Restitution	Status Quo orientated	No adjustment	No adjustment	No adjustment	Status quo orientated
Land Tenure					
Land ceilings	Progressive left	Major adjustment	Policy and legislation	Fast tracked	Radical
50/50 policy framework	Progressive left	Major adjustment	Policy and legislation	Fast tracked	Radical
Restrictions on foreign land ownership	Progressive left	Major adjustment	Policy and legislation	Fast tracked	Radical
Land tenure in communal areas	Retrogressive right	No adjustment	Policy and legislation	Very slow changes	Reactionary

(Source: Author's own construct)

When placed on the political spectrum the above table may be transformed into the following diagram in terms of Baradat's ideological political spectrum:

Chapter 9: Transformation of land ownership in South Africa – current policy and legislative proposals



(Source: Author's own construct)

Figure 37: Modes of transformation in South Africa on the ideological spectrum

The above diagram indicates that the ANC-run government policies, legislative proposals and approaches to transformation of land ownership are not ideologically consistent, but highly diverse from far left to far right on the ideological spectrum. While the majority of proposals and approaches are radical in nature, there are some that are status quo orientated, while land tenure in communal areas is reactionary (retrogressive) in nature. It is interesting to note that proposals targeting commercial farming are predominantly radical in nature, while those targeting communal and traditional land as well as general rural developmental policies, fall within the liberal to reactionary categories on the political spectrum. The radical policy proposals also scored much lower in the analytical framework. This implies that the impacts of radical policies have neutral to negative impacts on society as a whole.

On a political level, this indicates that the ANC-government's approach to transformation of land ownership may be classified as politically pragmatic, if not opportunistic. It may be difficult for a party that has ideologically diverse approaches to various modes of transformation of land ownership to develop and implement policies which are conducive

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to the policy security that is crucial for investment in agriculture and to ensure long-term food security. The research carried out in this study indicates that there is a definite correlation between policies that impact on land usage on the one hand and food security on the other. Current policy proposals relating to agricultural land also show a definite bias in favour of land rights for workers on commercial farms without this being reciprocated on state owned communal and traditionally run land. There is also a general trend that indicates that government is developing and implementing policies and legislation that tend to transfer land to the state. This creates dependency on government at the cost of effective land usage and improvement of food security. The ideological diversity and the resulting policy insecurity are not conducive to investment in agriculture or the creation of sustainable livelihoods for rural communities. It appears that, as with the pre-2014 policies, government is once again missing an opportunity to implement developmental programmes such as the NDP in a manner that meets its rural developmental requirements and food security objectives.

CHAPTER 10: TRANSFORMATION OF LAND OWNERSHIP IN SOUTH AFRICA – OTHER PERSPECTIVES AND AN ALTERNATIVE FRAMEWORK

10.1 Introduction

Chapter nine carried out an analysis of current government proposals regarding transformation of land ownership. From this analysis it became clear that current government proposals might meet some political expectations, but fall short of ensuring political and economic stability, food security, fairness and effective land usage. The current proposals have been met with a great deal of criticism from both opposition parties and commercial agricultural organisations. In both the criticism and alternatives that have been proposed, an ideological diversity exists in terms of their approaches to transformation of land ownership. These alternatives range from status quo and liberal market orientated approaches to an outright radical approach that include expropriation.

The central research question relating to this chapter as formulated in Chapter one is the following: *What alternative proposals on the transformation of land ownership are being offered by non-governmental institutions and main opposition parties in South Africa and what alternative policy or legislative proposals are identified that may facilitate successful transformation of land ownership in South Africa based on the analytical framework developed for this purpose?*

In order to obtain a balanced analysis of transformation of land ownership in South Africa, it remains important to also carry out an analysis of the alternative approaches to the issue. In this respect the analytical theoretical framework that was created in Chapter five is used to evaluate the approaches of each of the political parties identified for analysis in this chapter. An analysis of the various approaches also allows the parties and organisations to be categorised on the political spectrum that was identified for this purpose and discussed in Chapter three in terms of the direction, depth, method and speed of change relating to their approaches. This facilitates a comparative analysis within both political and ideological contexts. The following political parties and organisations have been identified for further discussion and analysis regarding their alternative approaches to transformation of land ownership: the DA, the EFF, Agri-SA

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and the TAU. Opposition political parties should have detailed alternative policy proposals on which they base their criticism of government policies. Commercial agricultural organisations are not opposition parties, who aim to provide alternatives to convince voters of their ability to govern. In most instances these organisations restrict their comments that might contain some alternative proposals, to government policies that affect them. It is for this reason that the analytical framework is only applied to the two political parties whose policies are discussed. The two political parties, namely the DA and EFF, provide diverse ideological approaches to the issue and have been more proactive than other smaller parties in providing and promoting ideological and practical alternatives to current government approaches. An analysis of all the parliamentary represented political party policies on transformation of land ownership will be a cumbersome process. It is the opinion of the researcher that such additional research will not add enough value in terms of its content to render it viable for the purposes of this study.

The identified organisations' proposals are analysed in terms of the three methods of transformation of land ownership (land reform, land restitution and land tenure). While the various modes of transformation form part of discussions, they are not used as sub-headings for analysis, as was done in the previous chapter. The reason for this is that some of the organisations may refer to the modes of transformation in their criticism of government policies, but do not necessarily subscribe to these in terms of their own policies or approaches.

The following objectives are set for this chapter:

- To identify and discuss the most prominent alternative approaches to land reform in South Africa.
- To identify and discuss the most prominent alternative approaches to land restitution in South Africa.
- To identify and discuss the most prominent alternative approaches to land tenure reform in South Africa.
- To carry out an analysis of the alternative proposals using the theoretical analytical framework.

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- To develop an alternative political framework for the transformation of land ownership.

This chapter is deductive in nature since it involves a compilation of information in order to enable the researcher to discuss and analyse the various approaches to transformation of land ownership within the identified analytical and ideological frameworks. In order to carry out such an analysis, various sources were consulted. These included policy documents from political parties and organisations concerned as well as other sources such as newspaper articles, journals and popular agricultural magazines. Opposition scrutiny and alternatives to government policies are not subjected to similar oversight by the public and the media as government policies. It is for this reason that more sources are available that evaluate and comment on government policies, as seen in Chapter nine, than in this chapter.

In order to achieve the objectives of this chapter, the following lay-out is presented:

- Land reform – other perspectives
- Land restitution – other perspectives
- Land tenure – other perspectives
- An analysis of the alternative proposals
- An alternative political framework for transformation of land ownership
- Concluding remarks

10.2 Land reform – other perspectives

Land reform as a concept was conceptualised and discussed in section 4.2.1 and this information was used to expand on the discussion of government policies implemented between 1991 and 2014 in section 6.5, while current government proposals were discussed in section 9.2. Government proposals on land reform included the following modes of transformation: sustainable land reform, taxation for land reform, expropriation and collectivisation. These modes of transformation were discussed and each one was analysed in terms of the analytical theoretical framework that was created for this purpose.

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This section discusses the various approaches to land reform from the DA, EFF, Agri-SA and TAU. The discussions attempt to briefly capture the most important comments and alternative proposals from a political perspective.

10.2.1 Democratic Alliance

In its *Policy for a Fair South Africa*, the DA identifies accelerated land reform that empowers people with ownership as an economic asset to bring about redress in South Africa. The DA has indicated that the redistribution target of 24.5 million hectares of agricultural land to black South Africans through redistribution and restitution programmes has failed. The main reason cited by the party for this is because the quantitative target has no reference to the quality of land to be distributed. Furthermore, the targets did not place any obligation on the state to ensure that those settled on this land operated sustainable agricultural businesses or improve their livelihoods through subsistence agriculture. In spite of the purely quantitative targets, due to the absence of a comprehensive land audit, the DRDLR is not currently in a position to account for the actual distribution of land between different racial groups in South Africa. The party also raised concerns that the majority of restitution beneficiaries opted for financial compensation rather than land and that, due to this, it could be expected that a land-equivalent of financial compensation would be included when considering progress towards the 30% target (DA, 2013:10-11). The DA has the most comprehensive alternative policy framework to that of the ANC and the ANC-run government. The DA's approach to transformation of land ownership addresses land in both urban and rural areas. For the purposes of this study, however, only the policies relating to agricultural land are analysed. The DA's approach to transformation of land ownership is based on the following statement in the introduction to the *DA Policy on Land Reform*: "*As land use is intricately tied to food production and food security, policies that affect land ownership and land use must prioritise the need to ensure the continued supply of food at prices that are affordable to ordinary South Africans*" (DA, 2013:3). With this in mind, the DA policy supports a land reform process that fulfils a number of objectives (Maimane, 2016:5; DA, 2013:5), including the following:

- the advancement of social justice through a programme of rural redress;

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- the inclusive expansion of the modern and advanced agricultural sector through more inclusive business ownership and participation in the agricultural value chain such as agri-processing, marketing and distribution;
- the promotion of security of tenure that enhances agricultural activity in communal areas;
- the provision of support to subsistence agriculture in recognition of its role in alleviating poverty in rural areas; and
- maintaining household and national food security.

The DA (2013:13-14) has indicated that, when it is in national government, it will carry out the following to ensure sustainable land reform:

- *“Ensure that new entrants (both land redistribution and restitution beneficiaries) who wish to establish themselves as commercial farmers receive appropriate support to navigate this complex landscape. This should include a greater emphasis on vertical integration, and specifically the need to establish value added production close to farms. This allows value to be added at little cost and can significantly increase the profitability of small farming enterprises.*
- *Provide the water, road and transport infrastructure needed for the sector to thrive.*
- *Invest in training and education for agriculture.*
- *Expand investment in research and development for agriculture.*
- *Keep rural communities and their property safe.*
- *Implement an effective disaster risk management system for agriculture.*
- *Manage agricultural input costs by reviewing the administrated costs that have a direct impact on the sector.*
- *Implement the proposals of the National Development Plan with regard to facilitating access for new entrants to key food markets in rural areas where the state is the main purchaser – including school feedings schemes and institutionalised catering such as hospitals, correctional services facilities and emergency food packages.*
- *Ensure that productive land is transferred to beneficiaries who are ready and organised to manage it effectively and avoid situations where productive land is warehoused by the state.*

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- *Support the creation and duplication of business models in agriculture that can assist small-scale agriculturalists achieve scalability towards larger scale commercial operations.*
- *Provide policy certainty with regard to land reform through a firm commitment to the principle of ‘willing buyer-willing seller’ in the land reform process and re-affirming the right of land-owners to use the legal system to appeal compensation offered in cases where expropriation cannot be avoided.*
- *Continue pushing for changes to expropriation legislation to ensure that an expropriation authority cannot take ownership of land before compensation has been paid in full”.*

The DA has found in a review of the status quo of extension services in South Africa that only 19.8% of extension officers have a degree or higher qualification – the minimum qualification prescribed by government’s own norms and standards for extension services. In spite of significant investment in agricultural extension, the quality of extension services is considered to be generally poor. Small-scale farming households in rural areas typically rely on other sources of income (especially old age pensions and other grants) as their primary source of income and undertake farming only to supplement household food requirements (see section 7.5). Farming grants that require detailed business plans and substantial financial contributions from land recipients effectively exclude small-scale farmers from government support. Where beneficiaries on small-scale farming units have been successful in improving their livelihoods, it is often because they have either abandoned or amended project plans recommended by the DRDLA. Private sector players make significant contributions to land reform and empowerment through various mechanisms which include services to black emerging farmers, sector organisations that assist black entrants to enter the formal market by supplying support services, assisting emerging farmers with the processing and marketing of their products, initiatives (by private companies) to train emerging farmers in the use of their products and share transfers to farm workers. Industries in which significant empowerment has already taken place (such as the sugar industry where 21% of land is under black ownership) indicate significant involvement by commercial players to establish and support emerging farmers (DA, 2013:14-15, 17).

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To ensure that appropriate support is provided to different categories of land reform beneficiaries, the DA has indicated that, should it take over national government, it will expedite the implementation of the national extension services turnaround plan to increase the supply of appropriately qualified extension officers with the necessary resources to support small and large scale commercial farmers as well as initiatives to improve rural livelihoods through subsistence farming. The party will further ensure that a survey of skills requirements for agriculture is conducted in order to identify needs regarding training programmes. Investment is required in the expansion of agricultural training, including more agricultural schools, colleges and practical training programmes presented at community level. Preferential treatment should be considered for potential land reform beneficiaries who have completed agricultural training or educational programmes and land reform beneficiaries should be able to utilise the services of accredited private sector extension officers and claim payment for this from the state, until such time as the quality and availability of extension services provided by the state have been improved. A portion of funding for every project should be reserved for capital and infrastructure investment. Rebates should be offered on loans from public institutions (such as the Land Bank) to farmers and agri-businesses participating in mentorship programmes. The value of non-government stakeholders, including organised agriculture and civil society organisations with an interest in land reform, must be recognised. Business models that nurture and develop embedded technical expertise, knowledge and entrepreneurship will be supported. The party also prioritises improved beneficiary selection for ensuring that land reform beneficiaries have a real interest in land ownership and have the intention to keep transferred land and improve productivity (DA, 2013:18).

The DA policy is clear that the party supports the willing buyer, willing seller principle regarding land (DA, 2013:22). The party's Agriculture Spokesperson, Annette Steyn (2015), has criticised the ANC for blaming the willing buyer, willing seller method for the failure of land reform while the estimated R70 billion spent on land reform so far would have been enough to buy about 50% of productive agricultural land in South Africa at market value.

10.2.2 Economic Freedom Fighters

The EFF policy documents include references to radical land reform programmes as revolutionary processes similar to those of Russia, the PRC, Cuba, Mozambique, Zanzibar and Zimbabwe (EFF, 2014a). The EFF (2014) have based their land reform policy on seven proposals that were passed by their National Assembly in December 2014. These proposals are discussed next:

1. The first proposal is that all land must be transferred to the custodianship of the state in a similar manner that the Mineral and Petroleum Resources Development Act (Act No 28 of 2002) transferred mineral and petroleum resources to the ownership and custodianship of the state. All land should be transferred to the state that will then *“administer and use land for sustainable development purposes”*. Such transfers should take place without compensation and should apply to both black and white South Africans alike.
2. Those people currently using land or intending to use land will apply to the state for a *“land-user license”* which will be issued for 25 years. Licenses may be renewed if the land is being used as intended when the licenses were issued. Licenses may be withdrawn by the state and the land reallocated for public purposes.
3. Licenses will be allocated when the intention of land use is clearly outlined and initial leases will not exceed 25 years. Leases may be given to individuals and corporations with the state retaining the right to expropriate if the land is not used for its intended purposes.
4. The policy also indicates that, *“in line with the Freedom Charter and a new vision of an agrarian revolution”*, the state should supply resources (implements and extension services) to those who use the land productively. The state should also procure 50% of food for state-run institutions (hospitals, prisons, schools, etc.) from small-scale farmers so that their farming enterprises become economically sustainable.
5. The provision of subsidies and open packaging and retail opportunities for small scale farmers will empower them to produce food for growing global and African populations.

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6. Legislation must be implemented to structure the support and protection of small-scale farmers by ensuring that *“all the food bought government for hospitals, schools, prisons, and the like should be sourced from small-scale food producers”*.
7. South Africa can realise the development of a food economy that exceeds Brazil’s and that will create sustainable jobs. This will *“require land reform to be expedited and water supplies to be guaranteed for the sustainability of this important sector of the economy”* (all quotes from EFF: 2014).

The blanket approach to expropriation will not be applied to residential areas, although the size of residential areas will be fixed and multiple ownership of land will not be permitted (EFF, 2014a). The land reform policy proposals of the EFF contradict each other and pose a number of unanswered questions. For example, the issue of subsidies is very vague and requires clarity. While the policy indicates that government procurement of food must include 50% of small-scale farmers, the policy proposals later indicate that all food should be bought from such farmers. While the EFF indicates that South Africa’s *“food economy”* can exceed that of Brazil, the latter’s increased input into the global food systems has been due to large scale commercial farmers, increased landlessness and dislocation of the poor, mechanisation and the use of genetically modified crops. Such food systems rely on economies of scale which in most cases do not support job creation. (Greenberg, 2015). The EFF policies are conducive to greater dependency on the state, while the same policies would erode the very tax base that allows government to support such dependency.

The EFF are not the only organisation that supports radical revolutionary approaches to transformation of land ownership. The *Black First! – Land First! Movement* also supports the redistribution along strong racial lines with the following comments: *“Without land there can be no freedom or dignity. We want Land First because it is the basis of our freedom, our identity, our spiritual well-being, our economic development and culture. The land of Africans was stolen and this theft has rendered us landless in our own land. We want all the land with all its endowments on its surface together with all the fortunes underground as well as the sky. All of it belongs to us. We are a people crying for our stolen land. We have decided to get it back by any means possible”* (Mngxitama, 2015).

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There is a vast ideological difference between the radical approaches that are discussed above and the liberal approach of the DA.

10.2.3 Agri-SA

Agri-SA is a large agricultural union that has membership from a large portion of the commercial agricultural sector. The President of Agri-SA, Johannes Möller (2014:1-3), identified a number of points of departure that the organisation regards as important in any process of land reform. These include the following:

- Land reform proposals must increase the property rights to agricultural land of previously disadvantaged people and contribute to food security.
- Programmes regarding land reform must be well-designed and well-implemented so that they contribute to a stable, viable and profitable agricultural industry and contribute towards achieving national objectives of food security, job creation and poverty alleviation.
- The agricultural community must contribute to the social upliftment and development of farm workers.
- Agri-SA supports the NDP proposals for an integrated and inclusive rural economy.
- Land reform proposals should comply with the Constitution, recognise economic and market realities, not be dependent on state support and utilise the potential of private-public partnerships.
- Diversity of agriculture must be recognised (regions, commodity branches, size and scope of farming units).
- Participation in land reform should not be compulsory, but incentives should make participation for both commercial and emerging farmers attractive.
- Land reform should promote consensus and ownership thereof in a manner that creates unity in the sector.

Agri-SA is also creating an idea bank which will allow successful land reform projects to be reported and analysed and relevant information to be made available for wider application. In addition to this, financing on favourable terms and conditions are essential for inclusion in proposals regarding funding and structuring of proposals. A factor that

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remains important for the agricultural sector is policy certainty from the side of government (Möller, 2015:23).

10.2.4 Transvaal Agricultural Union

The President of the TAU, Louis Meyntjies, has criticised some of the rhetoric driving much of the politics around the transformation of land ownership in South Africa calling it a “*psychological war*”. These comments are based on accusations against white commercial farmers that they acquired ownership of land through devious means. He indicated that: *“It seems that all and sundry wish to prescribe to us what we should do with our land, and how our employees should be advantaged while no other sectors of the economy, even those that are larger, are expected to do the same. Should we dare to express our convictions, we are shouted down and stereotyped as racists, colonialists or longing for the return of apartheid. In contrast, the governing party and its allies in the tripartite alliance have succeeded in hiding behind concepts which on face value seem laudable, but which in practice have resulted in economic and social catastrophe”* (Meyntjies, 2015:6). The TAU strongly supports the principles of a willing buyer, willing seller and private property ownership. According to the Union there is enough land available for sale on the open market to enable the government to reach the 30% target within six years. Transfers of acquired land require a business approach that utilises a combination of sound selection criteria, mentorships and effective agricultural extension by the state (Van Zyl, 2015). Another important issue for the agricultural sector is the safety and security of the producers of food, which remains a non-negotiable responsibility of the state. In addition to this is the necessity of a stable policy environment (Meyntjies, 2015:6).

The TAU further indicated that they drew their line in the sand regarding certain important political issues that include the following (Meyntjies, 2015:7):

- Farmers did not steal their land.
- Refusing to tolerate accusations that a loyal and essential labour force is being maltreated.

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- A refusal to be drawn into participation in failed, failing or doomed government projects.
- Farmers will continue to farm and produce food without being drawn into socialist rhetoric and refraining from an unquestioning belief and acceptance of government propaganda.

From the above discussions, it is possible to evaluate the various policies, proposals and approaches of the political parties and organisations to land reform in terms of the four aspects relating to change that enable them to be categorised on the linear ideological spectrum. The following table illustrates this:

Table 64: Ideological analysis of alternative land reform proposals

POLITICAL PARTY OR ORGANISATION	DIRECTION OF CHANGE	DEPTH OF CHANGE	METHOD OF CHANGE	SPEED OF CHANGE	IDEOLOGICAL CATEGORY
Land Reform					
DA	Progressive	Major adjustments	New policy and legislation	Fast	Liberal
EFF	Progressive	New order	Constitutional and legislative amendments	Fast track	Radical (revolutionary)
Agri-SA	Evolutionary progressive	Slight to major adjustments	Policy & legislative proposals	Slow	Moderate with liberal elements
TAU	Evolutionary progressive	Slight adjustments	Policy & legislative proposals	Slow	Conservative

(Source: Author's own construct)

The next section discusses alternative proposals regarding land restitution as method of transformation of land ownership.

10.3 Land restitution – other perspectives

Land restitution as a concept was conceptualised and discussed in section 4.2.2 and this information was used to expand on the discussion of government restitution policies

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implemented between 1991 and 2014 in section 6.5. The opening up of land claims to June 2019 through an amendment to the legislation has to a large degree closed the policy debate around this issue. Section 9.3 reviewed the status of the implementation of the Restitution of Land Rights Amendment Act (Act No 15 of 2014) that has successfully been subjected to judicial review. It still has to be determined whether government has the administrative or financial capacity to deal with the large numbers of additional claims.

This section discusses the various views on government's land restitution legislation as amended in 2014 from the DA, EFF, Agri-SA and TAU perspectives. These discussions attempt to capture the most important comments on this legislation from a political perspective.

10.3.1 Democratic Alliance

The DA has indicated that the re-opening of land restitution claims (after the initially agreed 1998 deadline) and the suggested exceptions to the 1913 cut-off date for restitution claims have introduced further uncertainty around land ownership making land-owners wary of investing in capital expansion with long term pay-offs. The DA initially supported the reopening of restitution claims on the basis that justice should not be denied as a result of poor communication and processes on the part of the state prior to the 1998 deadline. The party did, however, preface this support on the condition that an integrated database of claims submitted before 1998 must be developed and that individuals and communities must not be allowed to re-submit claims that have previously been found to be invalid. The party indicated further that restitution claims should also not be re-opened until such time as the DRDLR has developed the capacity to manage these claims effectively. While the 1913 cut-off for restitution claims is a constitutionally agreed date based on the historical marker of the 1913 Land Act and should thus not be changed without reasonable grounds, the DA is open to continuing the conversation with regard to the land rights of Khoi and San people. In this respect the party contends that too many questions remain unanswered to allow an exception to the 1913 cut-off date for this group at this time. Unanswered questions include: (i) on what basis the exception will be made if the Khoi and San are not formally recognised as “*first peoples*” of South Africa, (ii) how heritage/ lineage will be established and (iii) what historical marker(s) will replace the

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1913 cut-off. As a result of the above uncertainties, the DA proposes that the land needs of Khoi and San people are addressed through alternative mechanisms such as the prioritisation of these groups in land reform programmes (DA, 2013:22).

10.3.2 Economic Freedom Fighters

The EFF policy on land reform does not mention restitution, probably because redress is regarded as being carried out when the state expropriates all land. In terms of the EFF policy on land reform, land that may have been allocated as a result of restitution processes will be subject to expropriation along with all other land. Beneficiaries of land reform and restitution efforts since 1994 who did not take up the option of cash pay-outs and took land instead will have to forfeit their land rights for a second time.

10.3.3 Agri-SA

Agri-SA are of the opinion that restitution holds risks for sustainable agricultural production and could impede land redistribution and related empowerment. Support programmes must be considered in order to make restitution viable (Möller: 2015:3). Agri-SA also voiced concerns around the transparency of the process, namely the lack of balanced criteria between that which was lost and that which was returned to them, owners whose land is subjected to claims should be informed by means of a personal notice, only registered valuers should conduct valuations, limits should be placed on times to speed up finalisation of processes to minimise uncertainty, fair compensation must be ensured, uneconomical units should be avoided and the acceptance of expropriation for restitution purposes (Agri-SA, 2007:2).

10.3.4 Transvaal Agricultural Union

The TAU regards the re-opening of the restitution process to June 2019 and the slow completion of cases since the process opened as having a profound impact on stability in the agricultural sector. According to the Union the country cannot afford such instability because it has a negative impact on food security (Van Zyl, 2015).

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From the above discussions, it is possible to evaluate the various policies, proposals, and approaches of the political parties and organisations to land restitution in terms of the four aspects relating to change that enable them to be categorised on the linear political spectrum. The following table illustrates this:

Table 65: Ideological analysis of alternative land restitution proposals

POLITICAL PARTY OR ORGANISATION	DIRECTION OF CHANGE	DEPTH OF CHANGE	METHOD OF CHANGE	SPEED OF CHANGE	IDEOLOGICAL CATEGORY
Land Restitution					
DA	No change	No change	No new policy or legislation	None	Status Quo to conservative
EFF	Scrap restitution	New order	Legislative and constitutional amendments	Fast	Radical revolutionary
Agri-SA	No change	No change	No new policy or legislation	None	Status Quo to conservative
TAU	No change	No change	No new policy or legislation	None	Conservative to reactionary

(Source: Author's own construct)

The Constitutional Court ruling that invalidates the Restitution of Land Rights Amendment Act (Act No 15 of 2014) will have implications for the process. Opposition parties will be vocal about this in parliament and use the opportunity to get a second bite at possible amendments regarding their concerns about the first Act. The next section discusses alternative proposals to land tenure in South Africa.

10.4 Land tenure – other perspectives

Land tenure as a concept was conceptualised and discussed in section 4.2.3 and this information was used to expand on the discussion of government tenure policies implemented between 1991 and 2014 in section 6.5. Section 9.4 discussed the current policy approaches to tenure reform by expanding on the following modes of transformation, namely land ceilings, the 50/50 policy framework, restrictions on foreign land ownership and land tenure in traditional areas.

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This section discusses the various views and alternatives of the DA, EFF, Agri-SA and TAU regarding government's land tenure policy and legislative proposals. These discussions attempt to capture the most important comments on these proposals from a political perspective.

10.4.1 Democratic Alliance

In 2014, the former leader of the DA, Helen Zille (2014b), voiced her concern about Minister Nkwinti's 50/50 policy framework proposals. In this respect she indicated that her party supported the approach of turning farm workers into farm owners, but was puzzled by the Minister's profound departure from the land reform model proposed in the NDP. The DA (2013:14) policy document indicates that the party does not support the current 50/50 framework, but rather offers alternatives. These alternatives include the following:

- **Joint ventures:** these involve partnerships between established and emerging farmers. It is aimed at matching new farmers with access to land with skilled and experienced agri-business practitioners.
- **Co-operatives:** these are collaborative relationships between farmers that include new entrants, which could assist them to share expensive capital equipment and skills, pool resources to establish marketing opportunities for their products and boost their bargaining power in both procurement and marketing.
- **Contract farming:** this involves land reform beneficiaries allowing other farmers or firms to use their land on a contract basis in order to generate significant income from their land.
- **Farm equity schemes:** such schemes allow complex business models to be maintained which are required to allow modern commercial farming to be competitive, while diversifying ownership and promoting economic inclusion. About 90% of equity schemes implemented in the DA-governed Western Cape Province are regarded as successful²⁵.

²⁵ Research carried out by Gray, Lyne and Ferrer (2005) titled *Criteria to monitor the poverty alleviation empowerment and institutional performance of equity-share schemes in South African agriculture* supplies additional information on this topic.

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The DA regards individual land ownership as an important tool for empowering individuals in both urban and rural areas. In this respect, the DA's Deputy-Shadow Minister for Rural Development and Land Reform, Ken Robertson, stated the following in parliament: *"Individual land ownership with support, is a solid foundation from which we can give historically poor South Africans a start to economic transformation. For every South African to succeed, they must be given the opportunity to own their own piece of South Africa, with their own title deeds as their dignity and futures depends on it"* (Robertson, 2016).

Regarding land in communal areas, the DA's criticism of current government proposals and alternatives are articulated by the DA Shadow Minister for Rural Development and Land Reform, Thomas Walters (2016), with the following comments in parliament: *"Another example of the mockery of freedom under the outgoing government, we can see it persist is in entrenching the Apartheid and Colonial tactic of using traditional leaders to keep itself in power. President Zuma encourages traditional leaders to claim land rather than asking individuals to do so and actively treating traditional leaders like the owners of tribal land, rather than allowing South Africans living on such land to claim the land they use as their own. Many traditional leaders see through that and want those communities they are associated with to be free, but the ANC government does not want to treat South Africans living in communal areas as equal citizens. They want communal farmers to remain dependent 'subjects'; perpetually dependent on government grants and locked in electoral bondage to the ANC. It is no surprise that the poorest South Africans live on potentially the most productive land in South Africa on the Eastern Seaboard of the Country...A DA government would ensure that land obtained for land reform is actually owned by individual beneficiaries. We are the party that wants the poor to own land. Under a DA government, the former Ciskei, Transkei and Ingonyama Trust land will be the breadbasket of South Africa. A DA government will ensure that residents on communal land are afforded their full constitutional rights and individually own land"*.

The DA has indicated that the party agrees with the diagnosis of the National Planning Commission, who identified insufficient tenure security for black farmers in communal areas as a *"major risk"* to agricultural expansion and the objective of building inclusive

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rural economies in the NDP. The DA's (2013:10) policy proposals to improve tenure security in communal areas include the following:

- *“Demarcate communal land areas as municipalities governed by the Municipal Systems Act.*
- *Clearly distinguish between the administrative duties of tribal chiefs (as recognised in the Traditional Leadership and Governance Framework Act of 2003) and their direct role in allocating land use rights in communal land areas.*
- *Release state-owned land in the former homelands for reform purposes.*
- *Urgently initiate procedures to address the legislative vacuum with regard to tenure security in communal land areas.*
- *Use existing legislative frameworks (including the Designated Provision of Land and Assistance Act, 126 of 1993; and legal structures like Home Owners Associations) to initiate tenurisation in municipalities where we (the DA) govern.*
- *Develop omnibus legislation to give ‘deemed rights’ to landowners in communal land areas that are managed on laws of contract and would make whatever rights citizens currently have on communal land (e.g. right of use or right to occupy) fully tradable.*
- *Develop a Recognition of Land Ownership Act that would reduce regulatory burdens (e.g. around environmental impact assessments and engineering services reports) in instances where tenurisation is simply a process of formalising existing insecure land rights”.*

10.4.2 Economic Freedom Fighters

In terms of the EFF's (2014) land reform policy, all land will be expropriated and there will be no individual or corporate security of tenure. The 25 year land-use licenses will depend on the land being used for the purposes intended in the application for such leases. The renewal of the 25 year land-use licenses will only be considered if the land is being used as planned.

While the land is nationalised in terms of EFF policy, individuals are encouraged to occupy land, even illegally. In this respect, EFF leader, Julius Malema, has indicated that

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the EFF agrees with Pan Africanist Congress (PAC) founder Robert Sobukwe, who has said that the clause in the Freedom Charter, that the land belongs to all who live it, is a sell-out clause. Malema is quoted as saying that: *“So, if you see a piece of land and you like it, don’t apologise, go and occupy that land. That land belongs to us...If we say that South Africa belongs to whites too it means we are defeating what our forefathers were fighting for...These whites found us here and not one of them came with a piece of land in their pockets.”* (cited in Manyathela, 2016). The EFF has indicated, through the voice of their leader that once blacks have been declared rightful owners of the land, the EFF will then decide how much percentage to give white people who have naturalised (Manyathela, 2016).

The radical comments and policy proposals not only undermine the rule of law by instigating illegal activities, but also the constitution. The EFF (2014a), however, question the legitimacy of the *“liberal”* constitution with the following statements in their policy documents: *“...the first question to ask is, who drafted the constitution and in whose interests?”*. The issue of legality and the rule of law are answered in the EFF policy documents in the following manner: *“For the black majority land was stolen and therefore it must be returned without paying a cent. Paying any compensation for land or rather buying back our land offends the sense of justice and promotes illegality. From this perspective land expropriation without compensation is the most just and desired outcome”*. The EFF is also very clear that land held in trust under traditional leadership will be subject to the same rule as private agricultural and industrial land.

The question of how land will be managed is answered in the following manner: *“...land shall be managed by democratically elected committees with 100% gender representation”*. In terms of the EFF (2014a) policy documents, such committees will be set up in each district to assist the state with the monitoring and management of land uses that include the awarding of land use licenses. A provincial land tribunal will deal with disputes that cannot be dealt with at local level and a national land arbitration council shall be the *“instant and final appeal”*. There is no mention of the rule of law and the courts in this process.

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The EFF is of the opinion that the agrarian sector in South Africa is a combination of racist feudalism (white commercial agriculture) and local despotism (former Bantustans). Regarding the issue of farm workers the party indicates that: *“Land dispossession helped create a racist society with skewed land ownership between blacks and whites on the one hand, on the other created a racist agrarian structure which is socially discriminatory, economically exploitative and environmentally harmful. Essentially, the South African agrarian sector is sustained by racist feudalism, where black farm workers are mere slaves and white farmer’s lords. Food production is driven by the profit motive...(f)arm workers must receive their own land to carve out their own autonomous lives not bound to the employment...(s)econdly, farm workers must receive a minimum wage of no less than R5000 per month to break the racist relations of production on farms”* (EFF, 2014a).

A concern identified in sections 5.2.2 around expropriation is the issue of bonds. Since large portions of agricultural land are bonded to banks, the EFF have the following confusing proposal in their policy documents: *“The price land which is part of current value of mortgages shall be immediately subtracted from the bond value. This would reduce the current exorbitant bond prices and contribute to the policy of reducing bond repayment to less than ten years as proposed by the EFF”* (EFF, 2014).

10.4.3 Agri-SA

Agri-SA does not support land ceilings or the 50/50 framework proposals, but rather complies with Agri-Black Economic Empowerment (AgriBEE) requirements. They indicate further that, should this be implemented, technical criteria should be developed and adhered to, time frames must be set and rules must be drafted by experienced conveyancers. The organisation has indicated that a right to first refusal and a pre-emptive right can be used as instruments whereby the state could expand its access to the land market for the purposes of land reform (Möller, 2014:5, Rooi, 2014:7).

Agri-SA (2007:4-6) has more detailed proposals on housing issues, evictions from farms, labour tenants and squatting of farms. These may be summarised as follows:

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- **Housing** should be linked to economic opportunities, availability of infrastructure, social integration and housing of an acceptable quality for farm workers.
- **Evictions** must be lawful, less cumbersome and expensive, and supply off the farm housing options with offers of mediation. Local governments should play a greater role in offering land and housing for farm dwellers.
- Agri-SA is opposed to **labour tenancy** and in favour of purchasing of land. Landowners against whom labour tenant claims are pending should still be able to exercise their property rights. Furthermore land transferred to labour tenants should be economically viable.
- It is the state's responsibility to prevent **squatting** or unlawful occupation of land through effective, affordable and easily applicable statutory instruments. The state should act firmly to protect the rights of landowners. Furthermore, the terms *trespassing* and *occupation* should be clearly defined to clarify the role of the SAPS in such instances.

10.4.4 Transvaal Agricultural Union

The TAU does not support land ceilings since they are of the opinion that economies of scale and the effective use of land are crucial for the sustainability of farming. As examples they indicate that the agricultural output per hectare in the De Doorns valley in the Western Cape Province cannot be compared with the Northern Cape. While 50 ha in De Doorns could provide a stable income, the same cannot be said for 50ha in Carnarvon. This is supported by the current pattern in land claims. In this respect the TAU regard it as *“unrealistic and impractical to place an artificial ceiling on agricultural land”* (Van Zyl, 2015).

The TAU is concerned that the government is not taking the criticism regarding the 50/50 division into account. Issues relating to the division of profits, the impact on sustainability and profitability as well as possible losses, the effect on bank securities and bond responsibilities and the management skills of beneficiaries require serious consideration. According to the Union, agriculture is the only sector in the country that is forced to supply tenure to retired workers. Such tenure is accompanied by accommodation, services, grazing and land for gardens (Van Zyl, 2015).

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From the above discussions, it is possible to evaluate the various policies, proposals, and approaches of the political parties and organisations to land tenure in terms of the four aspects relating to change that enable them to be categorised on the linear political spectrum. The following table illustrates this:

Table 66: Ideological analysis of alternative land tenure proposals

POLITICAL PARTY OR ORGANISATION	DIRECTION OF CHANGE	DEPTH OF CHANGE	METHOD OF CHANGE	SPEED OF CHANGE	IDEOLOGICAL CATEGORY
Land Tenure					
DA	Progressive	Major adjustments	New policy and legislation	Fast	Liberal
EFF	Progressive	New order	Constitutional and legislative amendments	Fast track	Radical revolutionary
Agri-SA	Evolutionary progressive	Slight to major adjustments	Policy & legislative proposals	Slow	Moderate with liberal elements
TAU	Evolutionary progressive	Slight to major adjustments	Policy & legislative proposals	Slow	Conservative with moderate elements

(Source: Author's own construct)

It is clear from the above discussion that the opposition parties and agricultural organisations that have been identified do not support current proposals regarding land tenure. It remains interesting that, similar to discussions on the other methods of transformation of land ownership, the opposition to tenure proposals are not ideologically aligned. The next section uses both the analytical framework and the linear ideological spectrum to analyse the approaches by the opposition parties and agricultural organisations.

10.5 An analysis of the alternative proposals

The discussions in the previous sections allow for the further analysis of alternative proposals to transformation of land ownership by the identified opposition parties and agricultural organisations. The alternative approaches from the two largest opposition

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parties, the DA and EFF, are evaluated in terms of the analytical theoretical framework and the points are allocated accordingly. This analysis is not based on individual aspects of their alternative approaches, but on the total package of political approaches to the issue of transformation of land ownership. Since this is a normative study, the allocation of points emanate from the discussions in this section combined with research carried out in the various chapters of this study. The point allocations remain the opinion of the researcher.

Both the opposition parties and the agricultural organisations are also placed on the linear ideological spectrum in order to visually plot their ideological stances regarding transformation of land ownership.

The tables below analyses the DA's approaches to transformation of land ownership in terms of the normative analytical framework with the relevant scores.

Table 67: Analysis of the DA's approaches to the transformation of land ownership

NORMATIVE OUTCOME	TRANSFORMATION OF LAND OWNERSHIP	SCORE (OUT OF 10)
Expectations	The proposals do not create unrealistic expectations.	8
Political stability	The policy proposals are liberal in nature, should meet political expectations and be conducive to long term political stability. The proposals to restrict the current rights of traditional leaders to administer land in favour of title deeds for individuals will be met with staunch opposition and could create some short-term political instability in such areas.	5
Land usage and production	The policy proposals are conducive to the optimal use of commercial and communal land to maximise production through market-based approaches that include property rights for individuals living on communal land.	8
Food security	The policy proposals are geared towards maximising food production for food security.	8
Fairness	The proposals are geared towards redress as well as rural development and food security using market-driven principles which are conducive to fairness.	8
Economic impacts	The economic impacts of the proposals are geared towards economic growth, food security and rural development through inclusive market-driven approaches.	8

(Source: Author's own construct)

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The total point allocation of the DA regarding their approaches to transformation of land ownership in terms of the analytical framework is 45 out of 60. This is 75% which is the highest score so far. The DA is also more liberal in their approach to transformation of land ownership with an emphasis on individual property rights, redress and rural economic development and job creation.

The table below analyses the EFF's approaches to transformation of land ownership in terms of the normative analytical framework with the relevant scores.

Table 68: Analysis of the EFF's approaches to land ownership

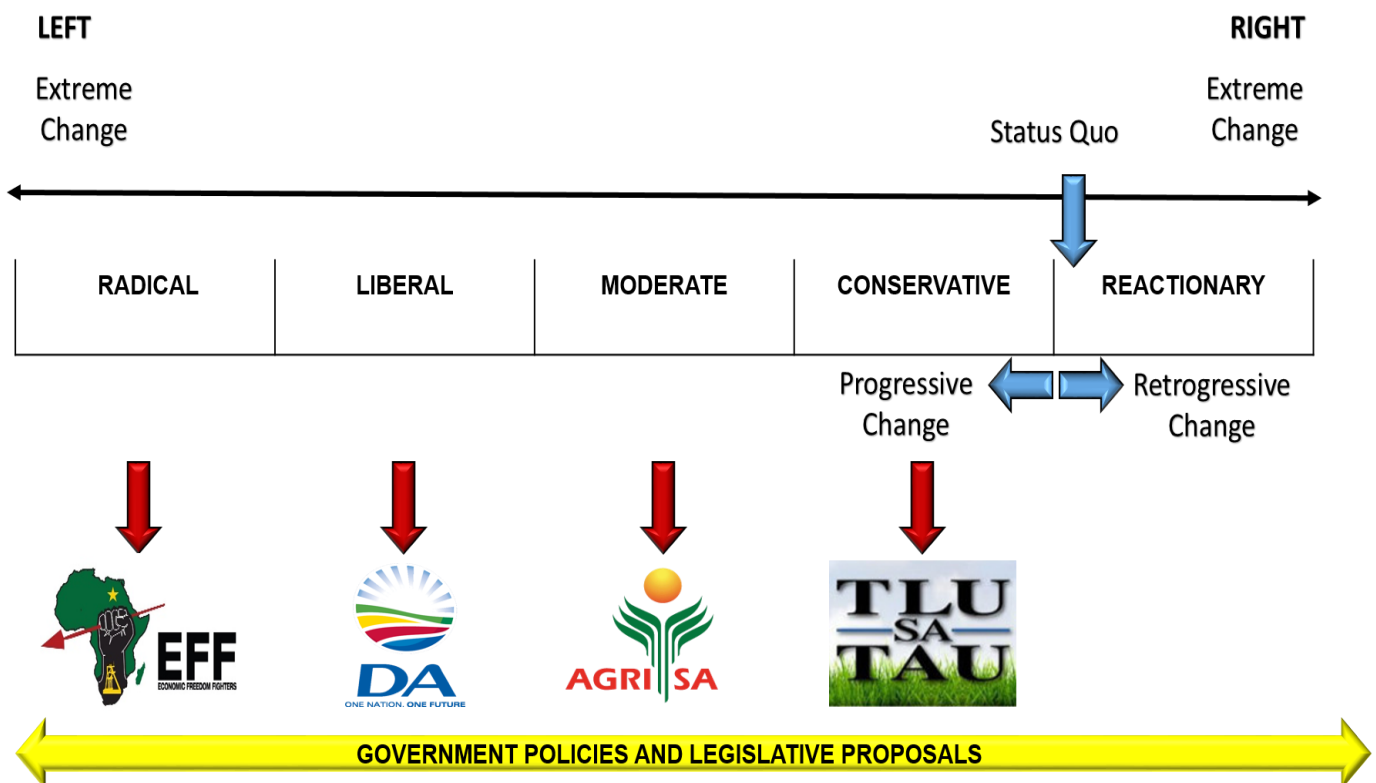
NORMATIVE OUTCOME	TRANSFORMATION OF LAND OWNERSHIP	SCORE (OUT OF 10)
Expectations	The proposals create a great deal of expectations regarding access to land. The expectations of land will only be met if radical constitutional and legislative amendments are carried out. Individuals will then be confronted with the reality that the land is not owned by them, but by an ideologically controlled state. Current legal and parliamentary frameworks are not conducive to such a scenario. Revolutionary actions will create a great deal of political instability which will not be conducive to meeting long term expectations.	3
Political stability	A politically and economically unstable Zimbabwe scenario would be the most likely outcome if the EFF are able to carry out their radical transformation agenda.	2
Land usage and production	The EFF proposals regarding nationalisation have proven in the USSR, the PRC and Zimbabwe to reduce incentives for effective land usage and will seriously restrict access to production loans and credit.	2
Food security	In the USSR, the PRC nationalisation had serious impacts on food security to the extent that they had to reform the policies in order to provide greater incentives for food production. In Zimbabwe the undermining of individual property rights turned the country from the "bread basket" of Africa into a so called "basket case".	2
Fairness	The proposals regarding state ownership of all land through expropriation without compensation will affect both commercial and emerging farmers, as well as beneficiaries of land reform and restitution programmes since 1994.	1
Economic impacts	The research from chapters four, five and nine indicate that expropriation without compensation and the removal of individual property rights will destroy the agricultural and greater economies of a country.	1

(Source: Author's own construct)

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The above analysis gives the EFF a score of 11 out of 60 which is 18,3%. This is the lowest score so far. The main reason for this is the radical approaches that include expropriation without compensation. Zimbabwe (see section 4.3.6.3) is a practical example of a country that followed a similar approach to transformation of land ownership and now faces huge economic and political instability as a result of this. Zimbabwe scored 23,3% when the analytical framework was applied to it (see section 5.5).

The divergent ideological points of departure between political parties and organisations are visible from the discussion on the alternatives identified in this chapter. In most instances the political parties and organisations oppose current government policy proposals, but from different ideological perspectives. The DA is clearly more liberal in its approach to transformation of land ownership than the EFF which is revolutionary radical. Agri-SA is conservative with liberal elements, while the TAU is predominantly conservative. The diagram below illustrates how the various political parties and organisations may be placed on the linear ideological political spectrum:



(Source: Author's own construct)

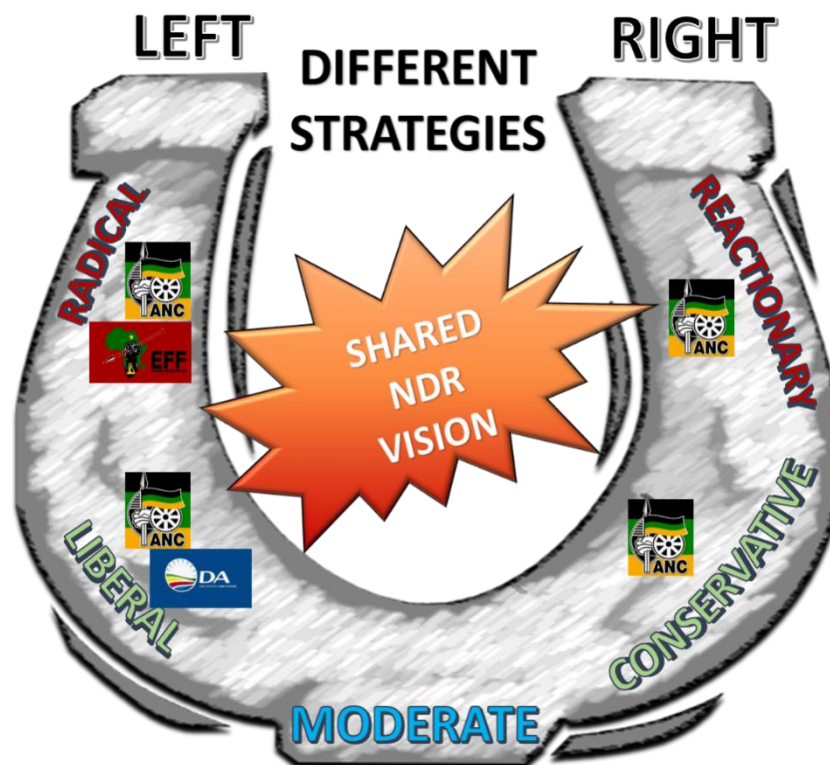
Figure 38: Alternative proposals on the linear ideological spectrum

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Government proposals and approaches to transformation of land ownership vary from radical (land ceilings, restrictions on foreign ownership and expropriation), to liberal (sustainable land reform), to conservative (collectivisation and land restitution), to reactionary (approaches to communal land and former-homelands). On the other hand, approaches of the DA are more liberal orientated and the EFF purely radical. The various ideological approaches to transformation of land ownership by the various political parties share the vision of the NDR, which in terms of the ANC's definition is: *"A process of struggle that seeks to transfer power to the people and transform society into a non-racial, non-sexist, united, democratic one, and changes the manner in which wealth is shared, in order to benefit all the people"*(ANC 2012: 70).

It is, however, not in the NDR vision that the various political parties differ ideologically from each other regarding transformation of land ownership, but rather on their strategies to achieve this vision (modes of transformation of land ownership).

This is illustrated in the following diagram:



(Source: Author's own construct)

Figure 39: Various political party approaches to the NDR

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It remains interesting that the DA, who have liberal approaches to transformation of land ownership to the left on the political spectrum, scored better in the analytical theoretical framework. This implies that the DA policy approaches have a more positive impact on society than those on the far left of the spectrum such as the EFF. This was also the case in the analyses of the various modes of transformation proposed by government in Chapter nine.

It is also clear that, as the official opposition and also a party of government in the Western Cape, the DA has more comprehensive alternative policy proposals to those of other political parties and organisations regarding transformation of land ownership in particular, but also towards land use, food security and rural development. The EFF's proposals revolve around expropriation without compensation and are ideologically motivated with strong racial rhetoric. It is clear that the EFF proposals are significantly aligned with NDR strategies, while on a strategic level the DA has no commonalities with the NDR.

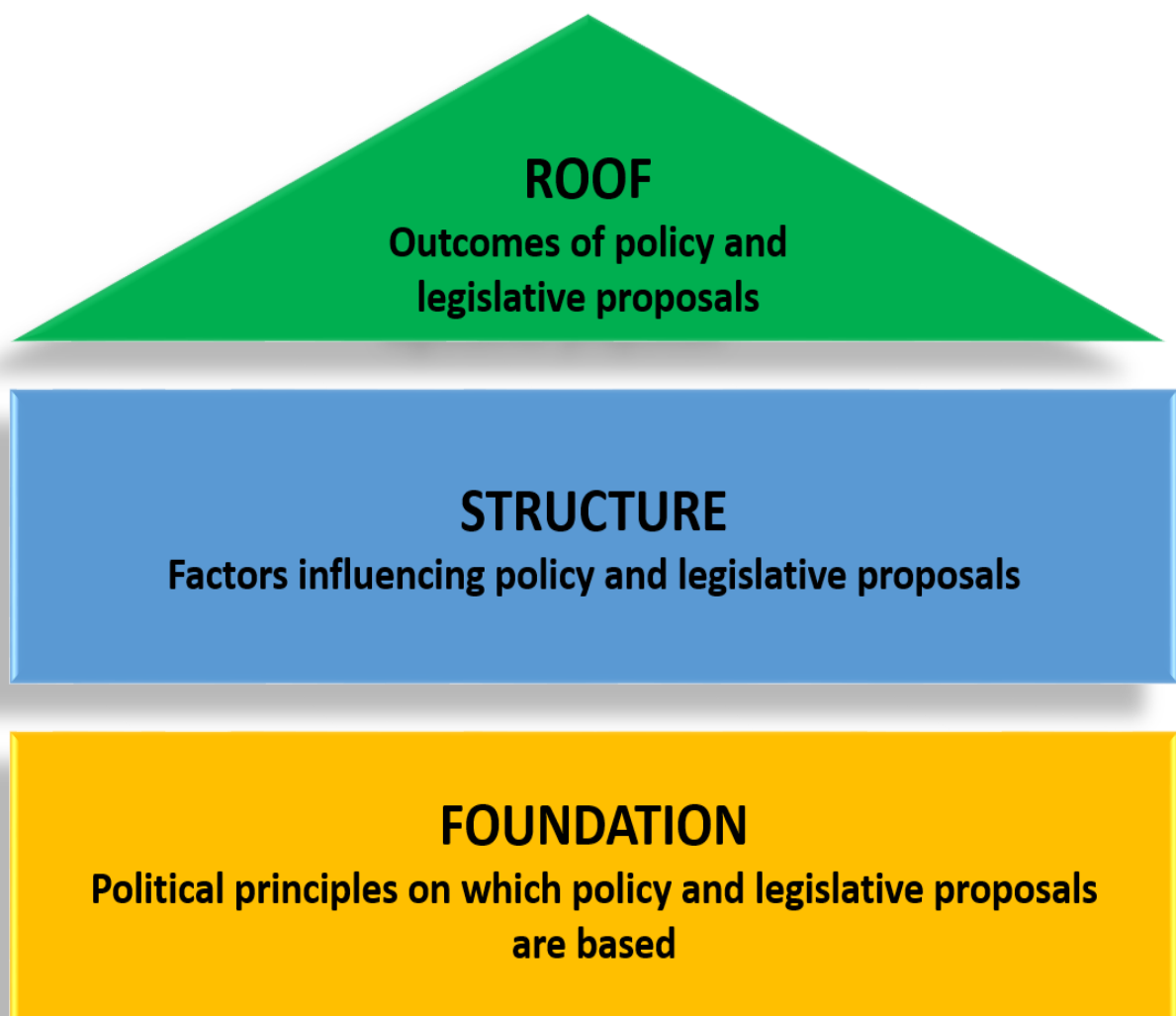
Examples from the international case studies indicate that radical policy proposals and strategies have not contributed to political stability, economic development or food security (see section 4.3.6). The approaches of the non-governmental organisations (Agri-SA and TAU) to transformation of land ownership are predominantly reactive in nature, which is expected since they represent a sector that is involved with the day to day business of producing food and not with the politics and technical aspects of policy creation and the drafting of legislation which is the domain of political parties.

10.6 An alternative political framework for transformation of land ownership

The development of an analytical framework in Chapter five together with discussions on various modes of transformation in Chapters six and nine have supplied enough insights into transformation of land ownership for the development of an alternative political framework for transformation of land ownership. It is important to note that the creation of such a framework does not include the drafting of alternative policies or legislation. An alternative political framework is also not aimed at the further evaluation of policy proposals or legislation, since this has already been done. The alternative political

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framework simply serves as a political guideline for transformation of land ownership. In this respect the existing analytical framework is of great value to measure the outcomes of proposals in this regard. Other chapters supply the insights necessary to form the foundations and structure of an alternative framework. The alternative framework is created in a similar fashion to the building of a house, with a foundation, structure and roof. The foundation contains the political principles on which transformation of land ownership should be based. The structure comprises the various factors that must be taken into account in the development of policy and legislation regarding transformation of land ownership. The roof entails the outcomes that should be achieved with the implementation of policy and legislative proposals regarding transformation of land ownership. This is illustrated in the following diagram:



(Source: Author's own construct)

Figure 40: Illustration of an alternative structure

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Each aspect of this alternative structure is discussed in the sub-sections below with broad recommendations regarding political principles, factors that should be taken into account in structuring transformation of land ownership initiatives and the outcomes of such a structure.

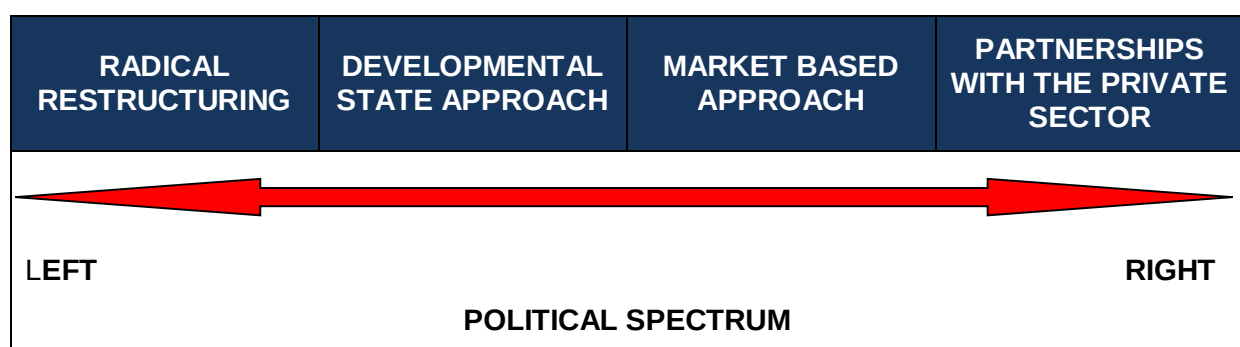
10.6.1 Political principles applicable to transformation of land ownership in South Africa

Various approaches to the transformation of land ownership have been identified in South Africa. Hall (2009:246) indicates that the four main approaches are:

- A market-based approach that relies on the market to determine which land is redistributed and what is produced on it.
- Partnerships with the private sector that improve resources and post-land transfer support.
- A developmental state approach that implies restructuring which favours smallholder farmers, cooperative farming, introducing targeted production subsidies and public investment in agro-processing and rural infrastructure.
- Radical restructuring that is characterised by punitive legal measures to counteract strong commercial agricultural enterprises and either smallholder farming or large state-controlled farming on nationalised land.

This is illustrated on the political spectrum from left to right in the diagram below:

Diagram 34: Approaches to transformation of land ownership from left to right



(Source: Author's own construct)

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From discussions on collectivisation (section 5.2.4 and 9.2.4) and sustainable land reform (section 5.2.5 and 9.2.1) it is clear that an approach is necessary that will have positive outcomes as measured by the analytical framework. In this respect an approach will be required that supports food security supplied by commercial, smallholder and subsistence farmers (see section 7.5). Previous discussions from this research may be combined with a World Bank (2015:5) report titled *Land and Food Security* and research carried out by Van Der Elst (2012:572-573) to develop a hybrid approach may be most conducive to positive outcomes in transformation of land ownership. Such principles include the following:

- Acknowledgement of the history of dispossession over centuries by ensuring the constitutional imperatives of redress, restitution and the advancement of social justice.
- A balance must be created through the protection of existing land rights with adequately funded and supported acquisition, transfer and support for new-entrants into the agricultural sector from previously dispossessed communities.
- Transparent processes that ensure inclusivity and accountability with the aim of acquiring legitimacy and ownership by all stakeholders for transformation of land ownership initiatives.
- Sustainable rural development and food security must motivate and be a logical outcome of transformation of land ownership.
- The expansion and achievement of a modern and advanced agricultural sector.
- The promotion of security of tenure that enhances and ignites agricultural activity in communal and traditional areas.
- Economic and environmentally friendly decision-making.
- Decision-making must prioritise investment-driven rural economic development and employment creation.

10.6.2 Proposals on the structure of sound transformation of land ownership

Transformation of land ownership must be structured in a manner that takes the principles that have been formulated above into account. From various discussions on transformation of land ownership in Chapters five, seven and nine it is possible to extrapolate some of the best practices in this regard. From a political perspective the

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structure of sound transformation of land ownership may revolve around the political environment, institutions and budgets that have been allocated for this purpose (Kloppers, 2014:712). Based on these aspects, the discussions on the structure of sound proposals regarding transformation of land ownership, this sub-section is sub-divided into three sub-sections, namely:

- Political considerations
- Institutional structure
- Budgets

10.6.2.1 Political considerations

Discussions in sections 5.3.2 and 7.2 indicated that a stable political environment is crucial not only for agricultural production, but also for transformation of land ownership. On a political level it is important to overcome the transitional uncertainty brought about by transformation as speedily as possible. In this respect Migdal (1974:202) indicates that in rural villages external influences soon overtake the local traditional structures as links to the broader political and administrative institutions. This implies that traditional structures soon become irrelevant and even intolerable for people living in rural and traditional areas.

Being a transitional society, South Africa requires strong political structures and political leadership who are willing to make decisions based on sound economic, political and social principles. Rural social and economic structures that were institutionalised over more than a century on commercial farms and traditional areas have become redundant. Progressive steps are required to replace old patterns of social stratification with ones that are aligned to a constitutional democracy. Decisions required to advance rural development and sound transformation of land ownership policies require a great deal of *political will*. In this respect Todaro (1989:530) indicates that *political will* to ensure development: “...will require an unusual ability to take a long-term view and to elevate national social interests above factional, class, caste, or tribal interests...It requires an unusual ability and a great deal of political courage to challenge powerful elites and

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vested interest groups and to persuade them that such developments are in the long-run interests of all citizens”.

Political leaders have to exercise a willingness to recognise the historical, cultural and ethnic patterns of land ownership and administration and take decisions that take the long-term interests of rural development that include greater investment in agriculture and employment creation into account around decisions on transformation of land ownership. Political decisions based on ideology instead of sound economic principles are not conducive to long-term sustainable rural development or food security. In this respect the NDP should not be side-lined in favour of politically expedient and historically outdated NDR rhetoric.

World Bank-sponsored literature on redistribution of land indicates that the best political approach to transformation of land ownership involves a market-assisted private approach that is demand-driven. Beneficiaries themselves must be allowed to identify the solutions to their problems through the appropriate technical and organisational support (ECA, 2004:78). A combination of the Food and Agricultural Organisation (FAO) voluntary guidelines and African Union framework guidelines for the improvement of land governance and administration have culminated in the following requirements for sound policy and legislation in this regard:

- **The recognition of customary tenure as property:** customary tenure of land and other natural resources must be regarded as real and defensible property rights in civil law.
- **Encourage private investment that empowers small-scale farmers:** this can be done through provision of resources, skills development and extension services.
- **The promotion of inclusive business models:** this implies creating access to markets, improving land use and productivity and providing business models that link small-scale farmers with investment and financing agencies.
- **The allocation of sufficient funding and support personnel:** this implies screening and assistance with business proposals, assisting with sound contract negotiations, and sound extension by sufficiently trained and motivated government officials.

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- **The improvement of transparency and accountability in the public and private sectors:** this is done by empowering oversight institutions such as legislatures and civil society organisations to monitor, evaluate and make suggestions on the improvement of policy and legislation. This also implies that recommendations are acted upon by policy makers in government (Sulle & Hall, 2014:10-11).

The *right to first refusal* using market-principles that was implemented in Namibia (see Chapter four) is an acceptable option for some agricultural industry players such as Agribusiness (Agbiz). Models that have been developed by business include creating opportunities for commercial farmers to participate in land reform and assist black farmers through partnerships (Phillips, 2016b:7).

10.6.2.2 Institutional structure

Sound institutions are crucial for the success of any transformation agenda, including transformation of land ownership. Institutions can be viewed as stable patterns of behaviour that regulate collective human behaviour (Fukuyama, 2015:462). Andrew *et al.* (2003:22) indicate that institutional capacity is a crucial ingredient for the success of transformation of land ownership projects. Beneficiaries of such initiatives must develop the necessary managerial and institutional capacity to enable them to settle on land and use it productively. Groups of beneficiaries need to be well-organised and cohesive and have to receive efficient extension support and advice.

Good land policy and legislation are regarded as those that in most instances protect the land rights of individuals, define the rights and responsibilities of institutions, set out adjudication processes for conflict situations and promote economic development and agricultural growth through increased security and incentives to develop land in an environmentally sustainable manner (ECA, 2004:75-76). While most states in Africa tend to use the state to draft and implement policies and legislation, the better option is to include the general citizenry in policy processes in a manner that is inclusive, transparent and that promotes accountability. This will generate greater ownership of policies and legislation and allow citizens to use their rights to their advantage (ECA, 2004:78). In this respect sustainable government policy on transformation of land ownership, implemented

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by an efficient bureaucracy and adjudicated by an effective judiciary, will guarantee success. The following aspects derived from the research carried out as well as from studies conducted by Hanekom (1987:15, 91), Jacobs (2003:8, 10, 12, 14) and Hall (2009:249, 251) should be considered in decision-making around government policies on transformation of land ownership. In support of the above the following functional areas of support have been identified as important factors for the establishment of successful agricultural businesses on farmland:

- Extension services that comprise the dissemination of information by efficient and adequately trained and experienced extension workers to farmers. The extension workers must have the necessary resources to carry out regular visits to farmers. In South Africa this is done by both national and provincial governments. It has been suggested that such services could be contracted to private companies involved in agriculture. Currently in South Africa the private sector services are provided to large commercial farmers by agri-business institutions such as large feed and pesticide companies and co-operatives.
- Skills development and capacity building must include empowerment through training in agricultural schools and colleges, mentorship supplied by existing successful commercial farmers, access to information and management programmes. Incubation centres have been proposed as places where farmers could be trained and moulded.
- Infrastructure support that includes bulk infrastructure on farms such as irrigation and fencing, but also improved public infrastructure such as roads, signage and public services.
- Access to markets must include informal local markets as well as formal marketing arrangements with commodity organisations.
- The inclusion of local socio-economic, environmental and topographical impact assessments in determining the feasibility of modes of transformation of land ownership in various areas.
- Inclusive and representative processes that aim to obtain and utilise inputs into the formulation process of policy and legislation.
- Inclusive and improved participation in the agricultural value chain such as agri-processing, marketing and distribution.

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- The efficient use of existing financial resources available for the implementation of policies.
- Effective use of existing human resources and skills available to support transformation of land ownership initiatives.
- Ensure the availability of research and technology to ensure effective usage of agricultural land and food security.
- Encouraged investment in rural infrastructure such as roads and rail transportation, clinics, schools and other government services.
- Consideration for subsidised production inputs for certain categories of farmers.
- Careful scrutiny and recruitment of beneficiaries of transformation of land ownership programmes and projects guided by the livelihood needs of beneficiaries.
- Incentivising (e.g. rebates) support for transformation of land ownership programmes and projects as part of private sector social responsibility initiatives.
- Structured and time bound post-transfer of land support to beneficiaries.

10.6.2.3 Budgets

Adequate budgets are required for transformation of land ownership to cover the capital required to purchase land for redistribution and restitution purposes as well as support such as infrastructure and equipment, administrative budgets for the effective administration of the department and transformation activities and a budget for extension and training support for beneficiaries of transformation initiatives. Current budgets for the DRDL are not adequate and will have to increase significantly if government's redistribution of land targets are to be met (Hall, 2009:262-263). Section 7.4 indicated that the current economic climate in the country would not enable government to make large additional allocations to government departments in the foreseeable future. This implies that the DRDLR will have to make do with what it has and perhaps cut back on quantity in favour of quality regarding transformation initiatives. Access to finance and credit remain serious impediment to success for many emerging farmers. Government needs to budget for this, but extension services could assist farmers with business plans to access private sector financing. Title deeds remain important sources of collateral for credit by financing institutions and this could assist individuals not only to access credit, but also as an incentive for success.

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Cronjé (2016:6) indicates that privatisation should be a priority in transformation initiatives. This includes the extension and not the curtailment of property rights. In section 9.2.4 it was explained how collectivisation continues to consume budgets and contributes to dependency. Partnerships with the private sector that are aimed at transformation of land ownership could alleviate the financial burden of the state. Allowing the commercial agricultural sector to initiate and take greater responsibility for transformation of land ownership through tax or other incentives, mentorships²⁶ and partnerships, with fewer government restrictions, has the potential to increase redistribution of land and food security.

10.6.3 Outcomes of transformation

The outcomes of any successful transformation of land ownership were discussed in section 5.3 as part of the creation of an analytical framework. Since these aspects have been conceptualised, they are only mentioned below. Within an alternative structure for transformation of land ownership, the outcomes should be aimed at the following:

- Creating reasonable expectations and attempting to meet such expectations through the implementation of sound policies.
- Ensuring that policy and legislative proposals will contribute to political stability in society.
- To develop policy proposals that will enhance land usage and productivity.
- To ensure that all policy and legislative proposals will ultimately contribute to national, local and household food security.
- Policy and legislative proposals must be aimed at an environment that is conducive to fairness and social equity. Existing rights of landowners have to be weighed up against redistribution objectives as enshrined in the constitution.
- Reducing any negative economic impacts of policy and legislative proposals should be a priority in a country with pressing social needs and a stagnant economy.

²⁶ See Terblanche (2011) for more information on mentorships.

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The alternative framework is not aimed at developing alternative policies, but rather to serve as guidelines for new policy and improvement of existing policy and legislative proposals regarding transformation of land ownership.

The following diagram illustrates this alternative political framework:

ROOF: OUTCOMES OF TRANSFORMATION
• Creating reasonable expectations and attempting to meet such expectations through the implementation of sound policies. • Ensuring that policy and legislative proposals will contribute to political stability in society. • To develop policy proposals that will enhance land usage and productivity. • To ensure that all policy and legislative proposals will ultimately contribute to national, local and household food security. • Policy and legislative proposals must be aimed at an environment that is conducive to fairness and social equity. Existing rights of landowners have to be weighed up against redistribution objectives as enshrined in the constitution. • Reducing any negative economic impacts of policy and legislative proposals should be a priority in a country with pressing social needs and a stagnant economy.
STRUCTURE: STRUCTURE OF TRANSFORMATION OF LAND OWNERSHIP
• Sound political leadership with the necessary political will to ensure success. • The inclusion of local socio-economic, environmental and topographical impact assessments in determining the feasibility of modes of transformation of land ownership in various areas. • Inclusive and representative processes that aim to obtain and utilise inputs into the formulation process of policy and legislation. • Inclusive and improved participation in the agricultural value chain such as agri-processing, marketing and distribution (access to markets). • The efficient use of existing financial resources available for the implementation of policies. • Effective use of existing human resources and skills available to support transformation of land ownership initiatives (extension services). • Ensure the availability of research and technology to ensure effective usage of agricultural land and food security. • Encourage investment in rural infrastructure such as roads and rail transportation, clinics, schools and other government services. • Consideration for subsidised production inputs for certain categories of farmers. • Careful scrutiny and recruitment of beneficiaries of transformation of land ownership programmes and projects guided by the livelihood needs and agricultural experience of beneficiaries. • Incentivising (e.g. rebates) support for transformation of land ownership programmes and projects as part of private sector social responsibility initiatives. • Structured and time bound post-transfer of land support to beneficiaries. • Adequate budgets and private sector partnerships are a prerequisite for success.

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FOUNDATION: POLITICAL PRINCIPLES APPLICABLE TO TRANSFORMATION OF LAND OWNERSHIP

- Acknowledgement of the history of dispossession over centuries by ensuring the constitutional imperatives of redress, restitution and the advancement of social justice.
- A balance must be created through the protection of existing land rights with adequately funded and supported acquisition, transfer and support for new-entrants into the agricultural sector from previously dispossessed communities.
- Transparent processes that ensure inclusivity and accountability with the aim of acquiring legitimacy and ownership by all stakeholders for transformation of land ownership initiatives.
- Sustainable rural development and food security must motivate and be a logical outcome of transformation of land ownership.
- The expansion and achievement of a modern and advanced agricultural sector.
- The promotion of security of tenure that enhances and ignites agricultural activity in communal and traditional areas.
- Economic and environmentally friendly decision-making.
- Decision-making must prioritise investment-driven rural economic development and employment creation.

(Source: Author's own construct)

Figure 41: Alternative political structure for transformation of land ownership

10.7 Concluding remarks

The DA and EFF are the two largest opposition parties in the country. The DA has the added advantage of being in government in the Western Cape Province and various municipalities. It is perhaps for this reason that the outcomes of the analysis of the two party's alternative proposals regarding transformation of land ownership indicate a greater understanding of the political, social and economic realities facing the country by the DA than the EFF. The EFF's alternative proposals are radical and revolutionary in nature and appear to be out of touch with global and local economic realities. The political rhetoric and alternative proposals of the EFF appear to be aligned with the NDR, while the DA alternative proposals are more NDP aligned (compare with section 8.7). It is, however, clear that the general vision of the NDR is one that is shared among all the parties. On the other hand, the approaches of Agri-SA and TAU are respectively liberal and conservative, while in some respects they are *status quo* orientated. The approaches of the two agricultural organisations do not differ much from each other, or from those of the DA. The main difference being that the DA's alternative approaches to transformation of land ownership have more political and practical content.

Chapter 10: Transformation of land ownership in South Africa – other perspectives and an alternative framework

The development of an alternative framework for transformation of land ownership is not bogged down by details, but rooted in basic principles and guidelines. The purpose of this alternative political framework is to supply some political pointers, based on the research that has been carried out in this and previous chapters, on what factors should be taken into account in the development of policies and legislation on transformation of land ownership. This framework is not an alternative policy, but rather a framework that is the culmination of a cumbersome process of undertaking a critical analysis of transformation of land ownership in South Africa with the NDR as central point of departure. This analysis also required the development of an analytical framework. This framework remains the basic measuring tool by which transformation of land ownership can be measured and is therefore an important feature of the alternative framework.

Chapter eleven of this study contains the concluding remarks that serve as a short summary of the research that was carried out in view of the research problem that was identified in Chapter one. The final chapter also supplies some suggestions of how this research can be utilised in the academic milieu.

CHAPTER 11: CONCLUDING REMARKS

Chapter ten dealt with the alternative proposals of opposition parties and agricultural organisations and created a broad political framework within which further discussion and research on the theme can take place. The concluding remarks serve to confirm that all the scientific requirements identified in diagram four in chapter two, namely the central features of a political science approach and purposes of a scientific study, were met. It is also important to indicate how the central problem statement was appropriately dealt with in the study by summarising each mode of transformation of land ownership in relation to the NDR.

The problem statement in chapter one of this study indicated that the ideological nature of transformation of land ownership, with its roots strongly grounded in the NDR, requires further enquiry from a political perspective. The discipline of political science with its broad reach is the ideal discipline within which such a study should take place. Political science has a rich meta-theoretical basis within which to kick-start research which is directed at a political phenomenon that is firmly entrenched in a political ideology. It is for this reason that two chapters were devoted to the meta-theoretical and theoretical framework for this research. From a meta-theoretical perspective, the theme “*The National Democratic Revolution and the transformation of land ownership in South Africa – a critical analysis and alternative framework*” is unpacked from the basket of items that make up the central features of a political science approach (see section 2.9 and table 69 below). The meta-theoretical and ideological backgrounds conceptualise aspects that differentiate this study from a more popular or purely political approach to the theme. Much has been written on the theme from a popular perspective, some of which was used to substantiate a scientific analysis of the theme.

The research also met the requirements that constitute the purposes of science from a political science perspective. In this respect the following is applicable in terms of these purposes:

- **To inform policy:** the research analysed existing modes of transformation of land ownership identified in the policy and legislative proposals and created an alternative political structure in chapter ten that serves as a guideline for such policies. In this

respect the research has the potential to play an informative role regarding possible amendments to existing policy proposals and future policies regarding transformation of land ownership.

- **Build knowledge around the theme:** the research included the acquisition of a great deal of information on the topics identified in the theme through the literature studies that were carried out for each chapter. The combination of this information within the structures developed for this purpose contributed to the building of knowledge around the theme in a structured manner that can be of both academic and practical value.
- **To find solutions for problem areas:** the critical analysis of the theme within the analytical framework that was developed for this purpose identified problem areas in various policy proposals, while the alternative political framework in chapter ten supplied broad solutions in terms of a political approach to these issues.
- **To satisfy the curiosity of the researcher:** the research satisfied the curiosity of the researcher regarding the topic. This is especially relevant to the portfolio of agriculture and rural development which the researcher serves in as a member of the Free State Provincial Legislature.

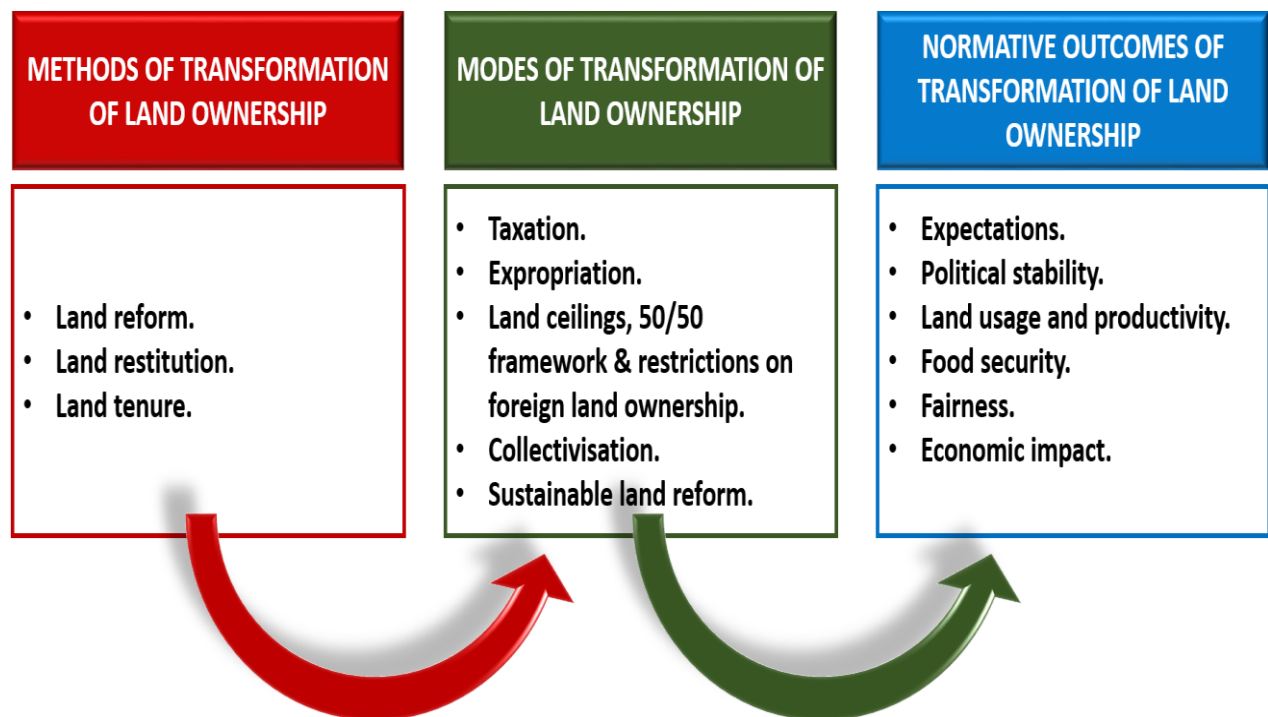
Political science differs from other disciplines within the social sciences and has a number of central features that differentiate this discipline from others. The table below indicates how the research was carried out, in a manner that complies with the central features that comprise a political science approach:

Table 69: Central features of a political science approach to transformation of land ownership

CENTRAL FEATURE	OUTCOMES OF THE RESEARCH
Political	The NDR is central to the theme of this study. This political phenomenon is a source of political rhetoric for transformation in South Africa. Transformation of land ownership (land reform, land restitution and land tenure) remains a priority for government. Individuals within the governing Tripartite Alliance have conflicting views based on support for either radical transformation rooted in NDR strategies or more liberal approaches to transformation rooted in the NDP. These factors supplied the theme with its political nature.
Historical	Transformation of land ownership in South Africa is a result of a history of conflict and dispossession during which land was a central feature. While this was referred to in various sections of the research, it was significant enough to devote a whole chapter to historical perspectives on land ownership.
Ideological	The NDR is the central ideological point of departure for transformation of land ownership. It was also a central aspect of the theme of this study. It is for this reason that two chapters were devoted to the ideological nature of this research. In the first instance ideology was conceptualised and discussed from a theoretical perspective in chapter three. In the second instance chapter eight was devoted to the conceptualisation and discussion of the NDR as the central ideological point of departure for transformation of land ownership.
Methodological	An important part of the research was the development of an analytical framework within which transformation of land ownership could be analysed. The meta-theoretical discussion in chapter two identified two approaches, namely normative and empirical. Chapter four identified and discussed various international case studies that served as examples for the various modes of transformation used in South Africa. This was done in a manner that covered the ideological spectrum identified in chapter three. In chapter five an analytical framework was developed that was used for the analysis of transformation of land ownership. While empirical and normative frameworks were developed, the normative framework formed the basis for the critical analysis of the theme. The normative analytical framework was used in a deductive manner to carry out an analysis of transformation of land ownership in South Africa in chapter nine and in the development of an alternative framework in chapter ten.
Theoretical	The research is theoretical in nature since it is soundly anchored in political science and the study was carried out from an ideological perspective. The linear ideological spectrum was identified for the ideological analyses of various approaches to transformation of land ownership. The study was also to a lesser degree inductive in nature due to the creation of an analytical framework that was used as a tool for a critical analysis of the theme.

(Source: Author's own construct)

This study included an in-depth conceptualisation, discussion and analysis of various aspects relating to transformation of land ownership which included the three methods, modes and an analytical framework based on normative outcomes of transformation of land ownership. One of the outcomes of the study was the conceptualisation of these aspects of transformation of land ownership and the development of frameworks within which the theme may be analysed. This is illustrated in the diagram below.



(Source: Author's own construct)

Figure 42: Framework for the study on transformation of land ownership

Transformation of land ownership is central to political debates around agriculture and food security. A great deal of political unrest can be expected when the basic nutritional needs of individuals and groups are not met. This emphasises why it is important that transformation of land ownership is carried out in a fair manner that meets the political expectations of redress and restitution of past historical injustices without compromising food security or political or economic stability. In this respect a balance has to be struck between politically driven ideological considerations and economic and political stability. This study indicates that there remains a serious disjuncture between these two aspects within the governing alliance. The NDR has played a critical role in driving the political message and objectives of a governing party that appears to be sinking into a political and ideological quagmire. Government development policies such as the NDP and NGP

are constantly undermined by the politics of ideological expedience, at the cost of their developmental and economic goals. Transformation of land ownership has been characterised by political rhetoric that is aimed at reviving the loyalty of an electorate who are growing disillusioned with being fed NDR political rhetoric. The NDR struggle based rhetoric is losing its credibility alongside growing unemployment, stagnant economic growth and increasing inequality. Since 1994, attempts to implement the NDR vision have followed various permutations. The table below indicates the various ideological approaches to development programs and agricultural policies since 1994.

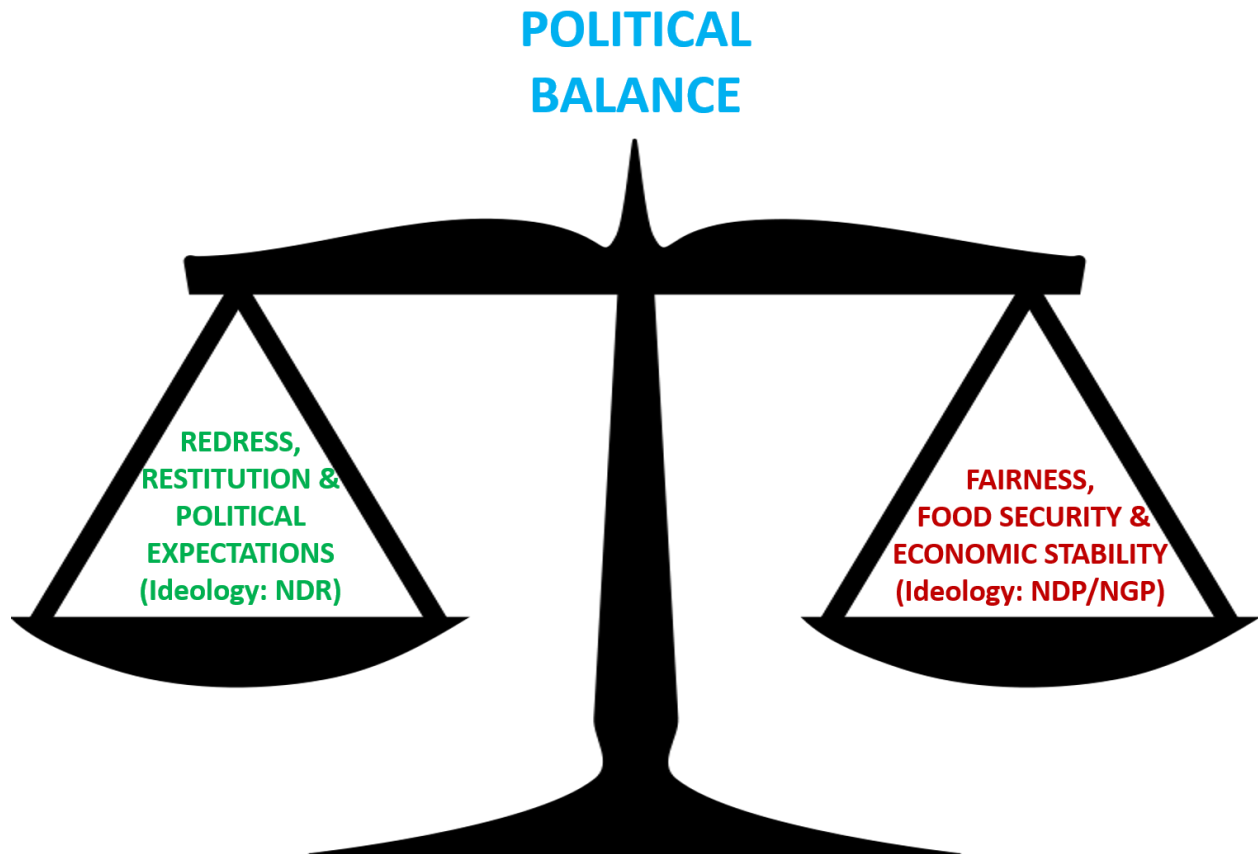
Table 70: Ideological approaches to government policies and programs

TIME FRAME	RADICAL	LIBERAL	CONSERVATIVE	REACTIONARY
1994 - 1996	RDP 	RDP & SLAG		
1996 – 2009		GEAR, ASGISA (from 2006) & LRAD		
2009 – 2014		NDP: PLAS		
SINCE 2014	Land Ceilings, Expropriation, Land Ceilings, 50/50 Framework & Restrictions on Foreign Ownership	NDP, NGP, Sustainable Land Reform	Collectivisation & Restitution	Communal Land Tenure
SUMMARY OF ANC LAND POLICIES SINCE 1994				

(Source: Author's own construct)

Transformation of land ownership is an aspect that requires sound political, institutional and outcome based decision-making. Food security and rural economies are at risk with current radical approaches to transformation of land ownership that are not based on sound outcomes and supported with the necessary resources to ensure effective land usage. While the inability of municipalities to supply sufficient and safe water has been a source of political unrest in communities, an additional risk of food insecurity could be the source of major political disruption or even revolution.

A balance is required in the approach to transformation of land ownership. This can be achieved by ensuring that the basic recommendations in the alternative structure in chapter ten are implemented consistently and weighed up against the identified outcomes to ensure that they are positive. This is illustrated in the diagram below.



(Source: Author's own construct)

Figure 43: Critical balance for transformation of land ownership

Policies aimed at transformation of land ownership prior to 2014 concentrated mainly on the three methods of transformation, namely land reform, land restitution and land tenure. The various policy interventions failed due to a number of reasons. Firstly, government was chasing politically motivated and determined land reform targets (quantity) and in the process failed to realise the important aspect of land usage and agricultural production (quality). Secondly, beneficiaries of transferred land were not supported with the necessary expertise and means to turn land into successful commercial farming enterprises. Much has been learned from these experiences by officials, but this knowledge has not been transferred to their political seniors. Until political rhetoric is matched by resources for beneficiaries, land reform will remain an unrealised dream with

food security remaining the main victim of this. Thirdly, land reform continues to be a government driven process that has not included the concerns and recommendations of the commercial agricultural sector. It now appears that blaming white commercial farmers for the inequalities and skewed racial profile of land distribution, using historically based political rhetoric, after more than two decades of failed attempts to improve the situation, is being used as a political scapegoat by the ANC government.

Land restitution, on the other hand, has been politically successful, but failed to contribute to meeting land reform targets since over 90% of beneficiaries have opted for cash pay-outs instead of land. The main reason for this is that government has followed a silo approach to implementing each of the methods of transformation of land ownership, instead of integrating them into a single framework (transformation of land ownership) and implementing them as methods of achieving this framework. Restitution is also being implemented in other countries, such as in Europe, to redress expropriation dating back to World War Two and post-war communist regimes. In purely political terms, South Africa is an example of a successful restitution process. However, on administrative and redistribution terms, restitution has been less successful.

Land tenure policies have contributed to securing rights for individuals living and working on commercial farms. The political and centralised approach to drafting and implementing the legislation in this regard has however damaged the labour and other relationships between groups and individuals on the ground. The policies and legislation should have been more inclusive in their compilation and evolutionary in their implementation. After two decades, government is still grappling with tenure in communal and tribal areas in former homelands that have further entrenched traditional and undemocratic entitlements and patronage systems. These patterns continue to keep many rural populations ensnared in rural patronage systems and poverty.

Since 2014, government has embarked on an approach that is much more radical and NDR orientated. This approach to transformation of land ownership has concentrated on achieving the methods of transformation of land ownership with specific modes of policy and legislation that include the following:

- The re-introduction of political discussions on taxation.

Chapter 11: Concluding remarks

- Drafting new expropriation legislation that included the constitutional imperative of land reform.
- Drafting a policy and implementing pilot projects relating to land ceilings. Included in these proposals are measures that provide for restrictions on foreign ownership of land and a 50/50 policy framework.
- Provinces continue with collectivisation projects, even though this has been replaced with other approaches at national level.
- Government drifted away liberal policies on communal and tribally controlled areas towards a reactionary approach to these issues.
- Government has come up with new proposals on sustainable land reform through an integrated agri-park approach.

The research supplied a great deal of information on each of these which is discussed in terms of main features, lessons learned, relationship to the NDR and counter proposals. For the purposes of this analysis it is important to repeat the ANC's definition of the NDR as: *"A process of struggle that seeks to transfer power to the people and transform society into a non-racial, non-sexist, united, democratic one, and changes the manner in which wealth is shared, in order to benefit all the people"* (ANC 2012:70).

The summaries of the various modes of transformation of land ownership are done in tabular form.

Table 71: Taxation as mode of transformation

MAIN FEATURES
Taxation is not currently included in formal proposals regarding transformation of land ownership, but has been mentioned as a possibility at political level (2005 Land Summit and more recently by senior ANC politicians). Taxation in terms of a once-off tax may contribute to the funding of land reform projects, but will have to take constitutional restrictions and local commercial farming conditions into account.
LESSONS LEARNED
Namibia introduced an agricultural land tax that contributed to land reform in that country. Some Latin-American countries also introduced progressive land taxes that included a sliding scale that decreased with the size of landholdings. Taxation on idle land is another method that was implemented to force landowners to utilize land more effectively or sell or rent out land for utilisation by others. Exceptions are often included for recovering or resting land and illness of owners. Taxation can be imposed on land alone or on the entire property (including improvements). The historical discussions around taxation in South Africa included recommendations by the Katz Commission against the use of rural land tax at national level. Municipalities extended their property taxes to include agricultural land which, together with various other taxes and levies, saturated the agricultural sector's ability to contribute further without damaging production. The only advantage that taxation may have for redistribution is that it has proven to reduce the prices of agricultural land.
RELATIONSHIP TO THE NDR
The NDR requires that society " <i>changes the manner in which wealth is shared to benefit all the people</i> " (see section 8.2.4). In this respect a once-off tax on agricultural land aligns itself with the NDR. However, the NDR is an ideological instrument that is used mainly in political rhetoric that does not take practical local economic issues into account. Additional taxation aimed at white commercial farmers to assist in the redistribution of land to the black majority will resonate well with exponents of the NDR.
COUNTER PROPOSALS
An additional tax for land reform purposes will not assist to improve administrative and bureaucratic efficiency which has been the main reason for government failures in this regard. Corruption in the public sector is extremely high and there is no guarantee that additional taxes will not be placed in the larger pot that feeds the self-serving nature of the current governing elite. Further taxation on the agricultural sector within the current drought and economic climate will deter further investment in the sector and damage existing commercial enterprises. Additional taxes aimed at the agricultural sector should not be considered at this stage and government should unambiguously communicate this.

(Source: Author's own construct)

Table 72: Expropriation as mode of transformation

MAIN FEATURES
Expropriation legislation exists to allow governments to obtain property and land for public benefit. Most countries have constitutional guarantees that protect the property rights of their citizens from arbitrary expropriation. South Africa is no exception (see Section 25 of the Constitution). Most issues relating to expropriation arise over factors relating to compensation and specifically around fair or market prices and in the case of land for redistribution and restitution purposes around the willing buyer, willing seller principle and property (that includes improvements) versus land. The radical cases of expropriation without compensation discussed in this research included the PRC, USSR and Zimbabwe. These examples showed how radical approaches to agricultural property such as expropriation caused a rapid decline in rural economies and in extreme cases even famines. Expropriation cannot be an arbitrary politically driven process and has to be done only in the public's interest. Furthermore, a balance has to be struck between the need for expropriation for redistribution and redress on the one hand and property rights as an imperative for economic investment and growth on the other.
LESSONS LEARNED
Expropriation legislation has been an almost permanent feature in South Africa and was used prior to 1994 as an instrument to implement Apartheid separate development policies with tragic social and political consequences. Legislation drafted in 1998 was withdrawn and new legislation was passed by parliament in 2016 in the form of the Expropriation Bill (Bill No 4 of 2016). Various flaws were identified with this legislation regarding its fairness, constitutionality and potential economic and social impacts. The Bill appears to have been rushed through parliament without the diligent consideration of all the concerns raised by opposition parties and civil society. It also appears that the processes followed during this rush to get the legislation passed before the 3 August 2016 elections flouted the procedural requirements in this regard. The Bill will in all probability be referred back to parliament by the President to correct the flaws in procedure. It remains to be seen whether this will be used as an opportunity to ensure a more inclusive process and entertain some of the serious concerns raised regarding the implications of its content.

RELATIONSHIP TO THE NDR

Government has refrained from left-wing pressure to expropriate without compensation. The current Expropriation Bill will, however, do away with the willing buyer, willing seller principle that has become a feature of policies relating to transformation of land ownership in South Africa. This in itself is radical in nature and is a clear indication that government intends to use the NDR principles of “*power to the people*” in which the ANC claims to represent the people, transforms society into a “*non-racial...one*” using expropriation to redistribute land from white to black (considered as state by the ANC) and change the “*manner in which wealth is shared, in order to benefit the people*”. While the NDR objectives appear noble in their intent, the ANC have claimed the sole right to represent all black people and expropriation legislation will in all probability be used to further empower a state that has been captured by a small group intent of plundering its resources under the pretext liberation motives (see section 7.2).

COUNTER PROPOSALS

There has been little opposition to the principle of expropriation for the public good and for legislation to be enacted that allows for this to take place. The opposition to the expropriation legislation has therefore been in content and not on principle. It is important for legislators to seriously consider the content of concerns raised by civil society and the opposition and to show greater understanding and appreciation for the concept of public participation. The most obvious proposal within a post-election context, given the current economic pressures facing the country, would be for the President to refer the Bill back to parliament for consideration with a directive that the above issues are included in the content and processes relating to this legislation.

(Source: Author’s own construct)

Table 73: Land ceilings as mode of transformation

MAIN FEATURES
Land ceilings have been used in various countries for redistributive purposes. The research identified state capacity to implement and monitor such a process and financing as the main concerns around implementation of land ceilings.
LESSONS LEARNED
The research on international case studies identified three important lessons that have to be taken into account regarding land ceilings. 1. In Kashmir (India) and Punjab (Pakistan) the main problems with the implementation of land ceilings were with the uneven distribution in terms of productivity of land (see section 4.3.4). It was argued that ceilings could not be applied to all areas equally due to the differences in fertility and resulting values of land. It was also found that individuals registered land in the names of family members in attempts to avoid the policy. Low land ceilings had serious implications on productivity. 2. In the Philippines, Indonesia and India the fragmentation of land had severe economic consequences. In these countries the policy placed peasant farmers in poverty traps and it encouraged sharecropping. The Philippines experienced a reduction of farm sizes by 34%, but also a 17% reduction in productivity (see section 5.2.3). 3. Land ceilings in Egypt were used by the government to destroy a powerful class of landowners for political reasons. The destruction of the established social order in rural areas caused a breakdown of social control. This led to political instability in rural areas. The main lesson being that transformation of land ownership should be carried out from political conviction based on sound principles and not from political expediency or ideological reasons (see section 5.3.2). The lessons are simply that there can be no one-size-fits-all approach to land ceilings. Productivity and value of land has to be part of decision making of ceiling sizes in different areas. If this is done for the wrong reasons it can impact negatively on political stability in rural areas.
RELATIONSHIP TO THE NDR
Land ceilings are quick ways to “ <i>transfer power to the people</i> ”, transform rural landholdings into a “ <i>non-racial</i> ” entities and “ <i>change the manner in which wealth is shared</i> ”. This mode of transformation complies with all the aspects within the definition of the NDR.

COUNTER PROPOSALS

Should land ceilings be considered, the following will have to be taken into account in a South African context:

1. The bureaucracy within government was mentioned as one of the main reasons for the failure of transformation of land ownership. Implementing land ceilings requires a very effective bureaucratic process and institutional capacity that South Africa does not have.
2. Land ceilings cannot be applied to all areas equally (see section 7.3) since productivity and land values in South Africa are geographically diverse.
3. Land ceilings can only be considered if they will improve productivity and not impact negatively on food security. South Africa is experiencing drought that has had a huge impact on the agricultural sector and has placed pressure on the country's ability to provide food security. Fragmenting land into economically unstable landholdings will serve to destabilise rural economies.
4. There is enough land on the market for government to purchase land through a willing buyer, willing seller principle without reverting to radical modes of transformation of land ownership that have unsure economic, social and political outcomes. Unemployed former land-owners could be used to assist with the management of purchased farms.
5. Namibia's implementation of a right to first refusal is also an option that could be investigated.

(Source: Author's own construct)

Table 74: Restrictions on foreign land ownership as mode of transformation

MAIN FEATURES
There has been a concerted effort by countries such as Saudi-Arabia, United Arab Emirates, Kuwait, Bahrain and South Korea to buy land in Africa. Countries such as Sudan, Mozambique, Benin, Tanzania, Sierra Leone, Madagascar and Liberia have been the main victims of this. This has been referred to as <i>land grabs</i> and a <i>second colonisation of Africa</i>. The land purchased has in most instances caused disruptions and even evictions of local populations and economies of scale have not produced much employment (see section 9.4.3). These examples have motivated arguments for restrictions on foreign land ownership in other countries such as South Africa, while Namibia has already implemented restrictions on foreign ownership of land.
LESSONS LEARNED
The main reasons for so-called land grabs are to secure sources of food and water for nations with growing populations and limited agricultural potential. South Africa's land fertility, climate, topography and water scarcity are not conducive to the type of activities that are carried out by companies and countries that are involved in such activities. Most foreign involvement in South African land is in wildlife, lifestyle and wine farming industries. The foreign investment in these industries has revitalised and assisted in the further development of local industries, especially in tourism.
RELATIONSHIP TO THE NDR
These proposals will not assist to implement the objectives of the NDR since levels of foreign ownership of land are very low in South Africa (estimated at about 5%). Most foreign investment has been in agri-industries and tourism as opposed to physical farming and food production. Further foreign investment could empower local industries and create employment for South Africans. These proposals will not meet the objectives of the NDR, except as a source of political rhetoric.
COUNTER PROPOSALS
The extent of prevention of foreign ownership of land is unclear at this stage, and must be weighed against the positive outcomes of foreign investment in agricultural activities, agro-processing industries and tourism. Announcing such a policy proposal without clarity has merely served to add to existing uncertainty around government's intentions regarding transformation of land ownership and is contradictory to the objectives of the NDP and NGP which is to increase foreign investment.

(Source: Author's own construct)

Table 75: 50/50 policy framework as mode of transformation

MAIN FEATURES
This mode of transformation was discussed in section 9.4.2. The main purpose of the policy is to supply farm workers and farm dwellers with greater security of tenure and income. This policy is regarded as a unique method of implementing land ceilings. The policy is currently being implemented on 50 pilot projects covering 7 642 hectares. The sources of funding for this proposal are unsure within the current economic climate. It is proposed that funds will be paid into an <i>Investment Development Fund</i> and not to the farm owner. While the policy is meant to protect farm workers, it is argued that they will have to prescribe to a “<i>regime of duties and responsibilities</i>” or face eviction by a <i>Land Rights Management Committee</i> (see section 9.4.2). This proposal shares many similarities with the collectivisation projects that were implemented in the USSR and PRC that are controlled by politically appointed cadres. As in those examples, the system proved to be prone to political abuse and patronage. Furthermore, the lack of individual incentives caused the failure of such programmes in those countries.
LESSONS LEARNED
There is not much literature on this issue. There appears to be a lack of information on how this will be implemented and how shareholding will be determined for workers who have worked for different periods of time with different skills sets and salary packages.
RELATIONSHIP TO THE NDR
This is regarded as another form of land ceilings which are quick ways to “<i>transfer power to the people</i>”, transform rural landholdings into a “<i>non-racial</i>” entities and “<i>change the manner in which wealthy is shared</i>”. This mode of transformation complies with all the aspects within the definition of the NDR and is probably the most radical approach so far, since it comes down to expropriation without compensation because it appears that farmers will not be paid out for their loss in shareholding.
COUNTER PROPOSALS
As it stands, this proposal threatens to destabilise the agricultural sector, disincentivise investment in the sector and could be regarded as a form of expropriation without compensation. Attention should rather be given to the possibility of rolling out equity share schemes at a national level that have been implemented by the Western Cape provincial government with a great deal of success.

(Source: Author's own construct)

Table 76: Collectivisation as a mode of transformation

MAIN FEATURES
Collectivisation implies the transfer of tenure from individuals to groups of collective or co-operative farming enterprises. In such instances the group shares the incomes as well as the costs of running a farm. While co-operative farming is voluntary, collective farming is induced by strong government pressure (sometimes even mandatory). In most instances collective farms become state farms and decision making on such farms becomes that of cadres appointed by the state (see section 5.2.4).
LESSONS LEARNED
Such enterprises failed dismally in the PRC (see section 4.3.6.1) and USSR (see section 4.3.6.2). The main reason for their failure was the lack of incentives, state control over the livelihoods of beneficiaries through state appointed individuals and state price fixing. These enterprises led to disruptions of rural economies, political instability and national food insecurity. The PRC was quick to implement market related reforms that included greater incentives, long-term security of tenure, private ownership of implements and equipment and the ability to sell excess products on the free market for personal profit. The USSR was slower to reform and this contributed to the political instability that led to the fall of the former USSR. Collectivisation appears to have lost some of its appeal at national level in South Africa, but continues to be a central feature of agricultural projects in many provinces. This research was not able to find sustainable government initiated collective projects that are independent from government subsidies and control. In fact, the research from the Free State indicated that these projects created a dependency on the state through ongoing government support with no exit strategies in place. In many instances the collective projects are abandoned completely. In-fighting, lack of skills and expertise, shortages of equipment and lack of incentives are some of the factors that contributed to their failures.
RELATIONSHIP TO THE NDR
In principle, collectivisation falls within the NDR objectives since its purpose is to “ <i>transfer power to the people</i> ”, it transforms rural landholdings into “ <i>non-racial</i> ” entities and there is a “ <i>change the manner in which wealthy is shared</i> ”. This mode of transformation complies with all the aspects within the definition of the NDR and can be used as one of the main links between the NDR and communist and socialist principles.
COUNTER PROPOSALS
Collectivisation proved disastrous in all the countries in which it had been implemented, including South Africa. Collective projects should be scrapped and handed over to the shareholders who should be trained to own and manage these projects as commercial farming enterprises.

(Source: Author's own construct)

Table 77: Land tenure in communal areas

MAIN FEATURES
About 13% of land in South Africa comprises former-homelands that house about a third of the country's population. Land tenure in former homelands areas is mostly communal and remains one of the weakest areas of application of transformation of land ownership by government. Between 1994 and 1999 the attitude of government was that land in former Bantustans, mostly communal land run by tribal authorities, should be transferred to individuals living and working on the land. This attitude changed and government has subsequently conceded to demands of traditional authorities, who control most of these areas, not to implement major changes. The Traditional Leadership and Governance Framework Act (Act No 41 of 2003) allows Premiers of provinces to recognise areas as being traditional for the establishment of traditional councils. This legislation finds its roots in the Apartheid tribal authorities. The Communal land Bill (2015) is being drafted and will in all probability not transfer secure legal tenure to people living in such areas, but rather explore other forms of tenure without undermining the power of traditional authorities. This is similar to the approach followed by Tanzania following the failure of the <i>Ujaama</i> collectivist approach (see section 4.3.3).
LESSONS LEARNED
The continuation of the village system in Tanzania in which 8000 villages are run by traditional authorities and in which land ownership and usage is allocated to families underwritten by customary laws and norms, is under threat. This entrenched patriarchal system is being questioned by women's groups and is a source of growing conflict between indigenous groups of pastoralists and nomadic Masaai herders. Through this system, Tanzania continues to function in two worlds, one in which traditional customs and rules supply stability to many rural people in a changing world and another that is characterised by attempts to restructure rural communities through democratisation and the imposition of public administrations. The country appears to have institutionalised its transitional society status. South Africa seems to be entrenching a similar system to that of Tanzania by allowing traditional authorities to continue to wield undemocratic power in a changing and modernising world. The victims of this approach are the millions of people trapped in subsistence livelihoods on land under the authority of traditional patrimonial systems.
RELATIONSHIP TO THE NDR
The approach by government to communal land run by traditional authorities is reactionary in nature and contrary to both the NDR and objective on the NDP. The decisions in this regard are short-sighted and purely political in nature. The current Zuma-administration still finds support within these traditional areas and the use of traditional authorities to hold onto power for reasons related to neopatrimonial tendencies outweigh any rational developmental thinking in this regard.

COUNTER PROPOSALS
Communal land in former homeland areas should be transferred to the individuals who work and live on it. Secure land tenure in the form of formal title deeds to property will transfer the wealth of the land to these individuals. They will be able to use land as collateral for financing to expand farming enterprises, sell property to other landowners who wish to expand their businesses, they will own property that is transferable through wills to the next generation and title deeds will give people an incentive to break their subsistence farming habits. Legislation that facilitates this could have time bound racial clauses in them should fear arise that the land would be bought by white commercial farmers and therefore not contribute to the redistributive objectives of transformation of land ownership.

(Source: Author's own construct)

Table 78: Sustainable land reform as a mode of transformation

MAIN FEATURES
Sustainable land reform is closely linked to a stable agricultural policy environment within which the “<i>rules of the game</i>” are based on sound economic, political and environmental principles. Local conditions should be central features in decision making around agriculture with food security and local economic development as outcomes. The Agri-park concept of government is an attempt to secure sustainable land and agricultural reform.
LESSONS LEARNED
Sustainable land reform should be an integral part of government's proposals to build integrated rural communities by implementing the <i>Rural Economy Transformation Model</i>. This includes agricultural development, setting of viable targets, the exploitation of local agri-processing industries and including education, healthcare and transport infrastructure in planning.
RELATIONSHIP TO THE NDR
The Agri-park concept is an ambitious plan that, if resources and expertise are available for its implementation, will comply with the objectives of the NDR and to a large degree also the NDP.

COUNTER PROPOSALS

Land reform must be based on sound principles, rather than on political and ideological considerations. Such principles were discussed in chapter 10, but should at least comply with the following:

1. A measure of policy security which is crucial for investment in agriculture.
2. Consistent land reform policies that are applied without prejudice, implemented effectively and efficiently and contribute to rural economic and political stability and food security.
3. Policies should attempt to create livelihoods for people in rural areas in order to keep them there.
4. Policies should reduce pressure for further and future race based reforms. They should therefore be implemented for fixed periods of time and linked to long-term development plans such as the NDP and NGP.

(Source: Author's own construct)

While inequalities in South Africa remain tied to race as a result of the country's Apartheid and colonial past, transformation of land ownership should be looking beyond racial head counting and rather at the transformation of rural economies. The agri-park concept is noble in its intentions, but will require skilled and detailed planning and implementation at municipal and provincial levels of government. These levels of governments are failing in their most basic management and service delivery functions and will therefore not be able to contribute in any meaningful way to rural transformation. Transformation of land ownership will have to be approached in a manner that encourages black businesses to invest in land and agriculture using the skills and expertise of white commercial farmers that has been learned and transferred over decades. Many of the farms on the market could be bought and transferred using the former owners as managers and mentors. The NDR approach to transformation in general, and transformation of land ownership in particular, is being ideologically abused to serve the needs of a self-serving political elite. The outcomes of this research, as explained in the discussions on the various modes of transformation in the above tables, indicate that government will have to look at transformation of land ownership as means of securing food security and rural development instead of a source of ideological rhetoric for the procurement of political support.

It is interesting to note that the vision of the NDR is not different from those of the DA, EFF or even Agri-SA. It is, however, in their ideological approaches to strategies aimed

at achieving this vision through the various modes of transformation of land ownership that the various political parties differ. In this respect the NDP and NGP could be regarded as strategies for achieving the vision of the NDR. It is the continued use of traditional radical NDR strategies such as democratic centralism and radical modes of transformation that undermines the efforts of achieving the NDR vision through the NDP and NGP. In this respect it could be said that the NDR has become the instrument of its own demise. Exponents of a traditional approach to the NDR within the ANC still propose the use of radical communist strategies drafted in an Apartheid era in which the NDR was the ideological political instrument in the struggle for liberation. On the other hand, the more economic development orientated exponents of the NDR vision regard liberal economic strategies of the NDP and NGP as the instruments to deal with problems of poverty, inequality and unemployment. This could be regarded as an internal ideological tug-of-war between traditionalists and modernists within the ANC. On the one hand the traditionalists regard the Tripartite Alliance as a post-Apartheid liberation movement, while on the other hand there are those who would like to transform the ANC into a political party with the liberal and modern plans to transform society. While the first phase of the NDR (political liberation through ANC domination) has been completed, differences over how to achieve the second phase (economic liberation through ANC expansion) have become the source of strategic ideological dissent within the governing alliance. This ideological dissent has been abused by a Zuma-aligned internal faction to gain control over the ANC and are now intent on capturing the state as well. The in-fighting over control of the ANC has extended to control over state resources using democratic centralism as an instrument.

The internal ideological dissent will not assist transformation of land ownership and will in all probability result in a more radical approach to this issue in the short-term, as ANC politicians attempt to transfer attention from their own misfortunes to a more visible enemy, namely the white commercial farmer sector. While a Zimbabwe style approach will serve to appease a radical faction in the ANC and the EFF, it will result in similar economic and political consequences. Should a more moderate faction win the battle over the soul of the ANC, then the country may experience a balanced economically viable and politically prudent approach to the issue of transformation of land ownership that will benefit both rural development and national food security. While a window of opportunity existed for the ANC to transform itself into a modern development orientated political

party, this vacuum has increasingly been filled by the DA. The DA's strong emphasis on economic growth and redress has resulted in significant electoral growth for the party in urban areas.

The drought has placed additional pressure on the ANC-run government to ensure food security, but also placed further pressure on government run agricultural projects. A significant outcome of the drought is the lack of appeal that farming and land appears to have for a population that is becoming urban in both demographics and thinking. Government's NDR-based ideological rhetoric based on redistribution of land will become increasingly less attractive to voters who view a return to the land in rural areas as regressive as opposed to the progressive modern attractions and opportunities of life in cities and towns. Issues of education, economic inequalities and unemployment in urban areas have already overtaken transformation of land ownership in terms of political importance. It is inevitable that the scale of public opinion around transformation of land ownership will eventually tip in favour of sound land usage and food security and less towards NDR motivated racial redistribution. This does not mean that transformation of land ownership will not continue to be high on the political agendas of radical groups in society who will use the visible racial imbalances in land ownership as a political instrument around which to mobilise support.

The growing need for food, together with the politicisation of land issues at a national and international level makes it necessary for political scientists to spend more time and energy on analysing political issues relating to agriculture. Just as *hydropolitics* (the politics of water) has become entrenched as a sub-discipline within political science (Jankielsohn, 2012), so too could an emphasis be placed on *agripolitics* (the politics of agriculture) as a sub-discipline. With growing populations that require adequate supplies of food across the globe, this will ensure that issues of agriculture and food security receive the necessary attention from political scientists and politicians in future.

BIBLIOGRAPHY

Adams, M. 1992. Namibia: land reform – who will be the beneficiaries? (*In* Dudley, N., Madaley, J. & Stolton, S., eds. *Land is life land reform and sustainable agriculture*. Bonn: Foundation for Development and Peace. p. 102-106).

AfriforumTydskrif, 2016. Onteining is minder rooskleurig vir plaaswerkers. *Forum: AfriforumTydskrif*: 24.

AGRI-SA. 2007. Agri-SA land and agrarian strategy. No/2006/grondsake/AgriSA Grondstrategie-e-130406-AC. Obtained via e-mail from Annelize Crosby, Agri-SA legal and policy advisor. Date of access: 28 September 2015.

AGRITECH. 2016. SA farmers urged to invest in Zambia. <http://www.agritech-expo.com/Pages/Detail/26803> Date of access: 30 July 2016.

Andrew, M., Ainsley, A. & Shackleton, C. 2003. Evaluating land and agrarian reform in South Africa. An occasional paper series. Land Use and Livelihoods 8. Programme for Land and Agrarian Reform. School of Government. Cape Town: University of the Western Cape.

Alden, C. & Anseeuw, W. 2009. Land, liberation and compromise in Southern Africa. London: Palgrave Macmillan.

Almond, G.A. & Powell, G.B. 1992. *Comparative politics today a world overview*. New York: Harper Collins Publishers.

Amabungane reporters. 2015. Zuma's 'deal' with gang bosses. *Mail & Guardian*: 2, 20 Nov.

ANC. 2000. Tasks of the NDR and the Mobilisation of the Motive Forces. National General Council Discussion Documents. 11-15 July 2000. Port Elizabeth. <http://www.anc.org.za/show.php?id=2356> Date of access: 16 September 2014.

ANC. 2007. Cadre policy and deployment strategy.

<http://www.anc.org.za/ancdocs/pubs/umrabulo/articles/cadrepolicy.html> Date of access: 7 March 2016.

ANC. 2007a. 52nd National Conference resolutions. 20 December 2007.

www.anc.org.za/show Date of access: 4 May 2016.

ANC. 2012. Strategy and tactics of the ANC. December 2012.

www.anc.org.za/docs/pol/2013/strategy.pdf Date of access: 16 February 2016.

ANC. 2012a. Land reform discussion document.

www.anc.org.za/docs/pol/2012/landpolicy Date of access: 25 March 2016.

ANC. 2013. 53rd National Conference resolutions. 13 January 2013.

www.anc.org.za/res/resolutions53rd Date of access: 4 May 2016.

ANC, 2015. The Freedom Charter. <http://www.anc.org.za/show.php?id=72> Date of access: 29 May 2015.

ANC TODAY. 2008. We are all in this together: Budget 2008. *ANC Today*, 8(7): 22-28.

www.anc.org.za/docs/anctoday/2008/at07.htm Date of access: 25 April 2016.

ANCYL. 2009. The National Democratic Revolution. ANCYL Political Education Manual.

<http://www.ancyl.org.za/docs/political/2009/NDR%20Presentationb.pdf> Date of access: 23 September 2014.

ANCYL. 2014. The national democratic revolution and social transformation. ANC Youth League 25th National Congress. Johannesburg: Gallagher Estate. 24-28 September 2014.

Andrew, M., Ainslie, C. & Shackleton, C. 2003. Evaluating land and agrarian reform in South Africa. Occasional paper series. Land Use and Livelihoods 8. Programme of Land and Agrarian Studies. Cape Town: University of the Western Cape.

Chapter 12: Bibliography

Anseeuw, W. & Alden, C. 2011. From Freedom Charter to cautious land reform – the politics of land in South Africa. Discussion Paper 2011(1). October 2011. Postgraduate School of Agriculture and Rural Development. Pretoria: University of Pretoria.

Antwi, M. & Nxumalo, K.K.S. 2014. Impact of Proactive Land Acquisition Strategy (PLAS) projects on human capital livelihood of beneficiaries in the Dr.Kenneth Kaunda District in South Africa. *Journal of Agricultural Science*,12(6): 1-13.

Babbie, E. & Mouton, J. 2001. The practice of social research. Cape Town: Oxford University Press South Africa.

Baradat, L.P. 1997. Political ideologies: their origins and impact. 6th ed. New Jersey: Prentice-Hall International, Inc.

Barker, R. 1990. Political legitimacy and the state. Oxford: Clarendon Press.

Ball, T. 1997. Political theory and conceptual change. (*In* Vincent, A. ed. Political theory, political theory tradition and diversity. Cambridge: Cambridge University Press. p. 1-28).

Baumol, W. & Blinder, A. 1998. Economics: principles and policy. 4thed. New York: Harcourt Brace Jovanovich, Publishers.

Bell, V.J. 1973. Resistance and revolution. Boston: Houghton Mifflin Company.

Ben, S.I. & Peters, R.S. 1959. Social principles and the Democratic State. London: George Allen & Unwin Publishers (Ltd).

Berkeley. No date. Understanding Science - how science really works.

http://undsci.berkeley.edu/article/0_0_0/howscienceworks_18 Date of access: 12 March 2015.

Bernstein, A. 2016. Groei is al uitkoms vir SA. *Volksblad*: 9, 15 Apr.

Best, S. & Kellner, D. 2001. Dawns, twilights and transitions: postmodern theories, politics and challenges. *The International Journal of Inclusive Democracy*, 7(1).http://democracynature.org/vol7/best_kellner_postmodernism_PRINTABLE.htm
Date of access: 23 October 2014.

Bezuidenhout, J. 2016. Meer as 19 000 plase in SA op mark. Landbou.com/nuus/meer-as-19000-plase-in-sa-op-mark/ Date of access: 1 June 2016.

Binswanger-Mkhize, H., Bourguignon, C. & Van denBrink, R. Eds. 2009. Agricultural land redistribution: toward greater consensus. Washington D.C: The World Bank.
<https://openknowledge.worldbank.org/bitstream/handle/10986/2653/488960PUB0REPLACEMENT0FILE09780821376270.pdf?sequence=1> Date of access: 9 February 2016.

BIZNEWS. 2015. Budget 2015: number of taxpayers and what they contribute.
www.biznews.com/budget/2015/02/25/budget-2015-nimber-of-taxpayers-and-what=-they-contribute/ Date of access: 8 June 2015.

Blignaut, J., Ueckerman, L. & Aronson, J. 2009. Agriculture production's sensitivity to changes in climate in South Africa. *South African Journal of Science*, 105:61-70.
www.sajs.co.za/agriculture_production's...south_africa/.../pdf Date of access: 2 June 2015.

Bloomberg. 2016. Boere verdrink in skuld in die droogte. *Volksblad Sake*: 1, 18 Jan.

Boone, C. 1995. Peasant farmers, the merchant state and the consolidation of postcolonial regimes. (In Migdal, J.S., Kohli, A. & Shue, V. eds. *State power and social forces. Domination and transformation in the Third World*. New York: Cambridge University Press. p. 108-142).

Booth, J. 2004. Scientific knowledge: truth, induction and valsification. *Richmond Journal of Philosophy*.
www.richmond-philosophy.net/rjp/back_issue/rjp7_booth.pdf Date of access: 12 March 2015.

Bosman, J. 2015. Wiemoeteintliktransformeer? *Volksblad*: 9, 27 Mei.

Bratton, M. & Van de Walle, N. 1997. Democratic experiments in Africa regime transitions in comparative perspective. Cambridge: Cambridge University Press.

Breslauer, G.W. 1982. Khrushchev and Brezhnev as leaders: building authority in Soviet Politics. London: George Allen & Unwin (Publishers) Ltd.

Breytenbach, G. 2015. Nkandla: President Zuma never intended to comply with Public Protector's remedial action. Press Statement by Adv Glennis Breytenbach DA's Shadow Minister for Justice. 20 November 2015. Cape Town: Parliament.

Brink, F. 2015. South Africa is at a crossroad. <http://m.news24/MyNews24/South-Africa-is-at-a-crossroads-20150908> Date of access: 9 September 2015.

Brümmer, S., Sole, S. & McKune, C. 2016. Guptas cash in on Denel deal. *Mail & Guardian*: 2, 5-11 Febr.

Bryman, A. 2012. Social research methods. 4th Ed. New York: Oxford University Press.
BUREAU FOR INFORMATION. 1986. Talking with the ANC. Pretoria: Bureau for Information.

Bruger, V. 2015. 'Begunstigdes net op papier' om omstrede suiwelprojek te regverdig. *Volksblad*: 4, 4 Jun.

Burger, V. 2016. Kosprysekanweensdroogte met tot 40% styg. *Volksblad*: 1, 7 Dec.

BUSINESSTECH. 2016. This is what's driving South Africans to violent protests. Businessstech.co.za/news/general/127489/this-is-whats-driving-south-africans-to-violent-protests Date of access: 28 July 2016.

Camay, P. & Gordon, A.J. 2004. Evolving democratic governance in South Africa. Johannesburg: CORE - the cooperative for research education. (Supported by Ford Foundation SA).

- Carstens, S. & Malan, P. 2015. Staat wil sê hoe jy mag boer. Wetsontwerp maak staat 'kurator' van alle landbougrond. www.netwerk24.com/nuus/2015-06-2015-staat-wil-se-hoe-jy-mag-boer Date of access: 25 February 2016.
- Changuion, L. & Steenkamp, B. 2012. Disputed land: the historical development of the South African land issue, 1652-2011. Pretoria: Protea Book House.
- Chigara, B. 2004. Land reform policy: the challenge of Human Rights Law. Burlington: Ashgate Publishing Limited.
- Childress, M.D., Hilton, A. Solomono, D. & Van den Brink, R. 2009. Agricultural land tax, land-use intensification, local development, and land market reform. (*In* Binswanger-Mkhize, H., Bourguignon, C. & Van den Brink, R. eds. Agricultural land redistribution: toward greater consensus. Washington D.C: The World Bank. P.311-332). <https://openknowledge.worldbank.org/bitstream/handle/10986/2653/488960PUB0REPLACEMENT0FILE09780821376270.pdf?sequence=1> Date of access: 9 February 2016.
- Chinsinga, B. 2008. Exploring the politics of land reforms in Malawi: a case study of the Community Based Rural Land Development Programme (CBRLDP). Discussion Paper Series Number Twenty. September 2008. Department of International Development. School of Environmental Development. Manchester: University of Manchester.
- Clarke, J. 2002. Coming back to earth - South Africa's changing environment. Houghton: Jacana (Pty) Ltd.
- Cloete, E.P. 2013. A critical analysis of the relationship between political transformation and corruption. Bloemfontein: University of the Free State (Thesis - PhD).
- Connolly W.E. 1983. The terms of political discourse. Oxford: Martin Robertson & Company Ltd.

Connor, D.J. & Minguez, M.I. 2012. Evolution and not revolution of farming systems will best feed and green the world. *Global Food Security* 1(2012): 106-113.

www.elsevier.com/locate/gfs/2-ConnorMinguez2012 Evolution not revolution of farming systems.pdf Date of access: 12 May 2015.

COUNTRYMETERS. 2015. South African Population 2015.

www.countrymeters.info/en/South_Africa Date of access: 7 June 2015.

Cronjé, F. 2011. How much of SA's land is really in black hands?

www.politicsweb.co.za/opinion/how-much-of-sas-land-is-really-in-black-hands Date of access: 2 June 2016.

Cronjé, F. 2014. A time traveller's guide to our next ten years. Cape Town: Tafelberg Publishers.

Cronjé, F. 2015. The ANC govt's actions: what lies

beneath.www.politicsweb.co.za/news-and-analysis/the-anc-govts-actions-what-lies-beneath Date of access: 14 August 2015.

Cronjé, F. 2016. Time to put the economy first. *Farmer's Weekly*: 6-7, 12 Feb.

Cronjé, F., Holborn, L. & Sethlatswe, B. 2012. Research and policy brief: farm attacks in South Africa – a new analysis.

irr.org.za/reports-and-publications/research-policy-brief/Farm%20attacks%20in%20South%20Africa%20&%20new%20analysis...pdf/at_download/file Date of access: 18 June 2015.

Cross, E. 2016. The land compensation question in Zimbabwe.

www.politicsweb.co.za/opinion/the-land-compensation-question-in-Zimbabwe Date of access: 23 March 2016.

DA. 2013. DA policy on land reform. www.da.org.za/wp-content/uploads/2014/01/Land-Reform1.pdf Date of access: 14 April 2016.

Darroch, M.A.G., Lee, R.B. & Ortmann, G.F. 2008. The economic impact of a rural land tax on selected commercial farms in KwaZulu-Natal, South Africa. *South African Journal of Economic and Management Sciences*, 11(3): 372-387.

http://www.scielo.org.za/scielo.php?script=sci_arttex&pid=S2222-34362008000300010

Date of access: 14 April 2016.

Davenport, T.R.H. 1991. South Africa: a modern history, 4th Ed. London: McMillan Academic and Professional Limited.

Dauids, K. 2016. Die wreedstejaar nog. *Volksblad*: 1, 11 Feb.

Davies, J.C. 1971. Towards a theory of revolution. (*In Davies, J.C. ed., When men revolt and why. A reader in political violence and revolution. New York: The Free Press. p. 134-147*).

Dawood, G. 2016. Land reform farms fail to produce.

www.bdlive.co.za/opinion/2016/09/30/land-reform-farms-fail-to-produce Date of access: 1 October 2016.

DEFENCEWEB. 2010. SACCI worried about costs of farm attacks.

www.defenceweb.co.za/index.php?option=com_content&view=article&id=7149 Date of access: 22 April 2016.

De Jager, N. 2015. Apartheid to democracy. (*In De Jager, N. ed., South African politics: an introduction. Cape Town: Oxford University Press. p. 77-94*).

De Klerk, M. 1991. A harvest of discontent. The land question in South Africa. Cape Town: Institute for a Democratic South Africa.

De Wet, P. 2016. Zuma 'was in Gaddafi's pocket'. *Mail & Guardian*: 3, 8 Jan.

Dlamini, S.R.A. 2014. Taking land reform seriously: from willing-seller-willing buyer to expropriation. Cape Town: University of Cape Town (Dissertation –LLM).

Dlamini, T.S., Verschoor, A.J. & Frazer, G.C.G. 2013. Exploring options in reforming South African land ownership: opportunities for sharing land, labour and expertise. *Agrekon*. Agricultural Economics Association of South Africa Special Issue 52. September 1: 24-25.

Donnelly, L. 2015. Bitter fight looms over land. *Mail & Guardian*, 15 May.
<http://mg.co.za/article/2015-05-14-bitter-fight-looms-over-land> Date of access: 15 June 2016.

Douglas, C. 1997. The withering away of the state? *Frontiers of Freedom*. Third Quarter. Pretoria: Institute of Race Relations.

DRDLR. 2013. Agricultural landholding policy framework: setting upper and lower limits for the ownership and use of agricultural landholdings. July 2013. Pretoria: Department of Rural Development and Land Reform.
www.drdlr.gov.za/legislation-and-policies/file2052-agricultural-landholding-policy-framework Date of access: 19 May 2016.

DRDLR. 2013a. Land tenure security policy for commercial farming areas. 22 July 2013. Pretoria: Department of Rural Development and Land Reform.
www.drdlr.gov.za/legislation-and-policies/file/2094=land-tenure-security-for-commercial-farming-areas Date of access: 19 May 2016.

DRDLR. 2015. The rural economy transformation model: one district, one park / every municipal CRDP site. Pretoria: Department of Rural Development and Land Reform.
www.drdlr.gov.za/legislation-and-policies/file/3988-the-rural-economy--transformation-model-one-district-one-park-every-municipality-a-CRDP-site Date of access: 19 May 2016.

DRDLR. 2015a. Your agri-park / your future. Agri-parks presentation: DAMV launch. Department of Rural Development and Land Reform. 11 December 2015.
www.drdlr.gov.za/agri-parks/362-agri-parks/1203-agri-parks-workshop-for-cpis-and-traditional-leaders-12-march-2016#Vz3Rhfl971x Date of access: 19 May 2016.

DRDLR. 2015b. Communal land indaba summary of recommendations. 30 May 2016. www.drdlr.gov.za/publications/communal-land-indaba-2015/file3534-summary-of-recommendations Date of access: 19 May 2016.

DRDLR. 2016. Annual performance plan 2015/16. Rural development and land reform. Pretoria: Department of Rural Development and Land Reform.

Dreyer, A. 2016. DA petitions Zuma to send job-killing Expropriation Bill back to Parliament. Democratic Alliance Press Statement by Anchen Dreyer MP, DA Caucus Chairperson. 7 June 2016. Cape Town: Parliament.

Dunn, W.N. 1994. Public policy analysis: an introduction. 2nd Ed. New Jersey: Prentice Hall.

Du Plessis, J.A. 1987. Die strategie van die USSR in Invloeds-Verkryging en –Behoud in Afrika. (*In* Maritz, ed., Afrika tussen Ooste en Weste. Potchefstroom: Potchefstroomse Universiteit vir Christelike Hoër Onderwys. Departement van Sentrale Publikasies. p. 92-101).

Durand-Lasserve, A. & Royston, L. 2002. International trends and country contexts – from tenure regularisation to tenure security (*In* Durand-Lasserve, A. & Royston, L. eds., Holding their ground secure: land tenure for the urban poor in developing countries. London: Earthscan Publications. p. 1-26).

Du Toit, D.C. 2011. Food security. Directorate Economic Services Production Economics Unit. March 2011. Pretoria: Department of Agriculture, Forestry and Fisheries.

Duvenhage, A, 1993. Die transformasie van politieke instellings in oorgangstye: 'n rekonstruksie, interpretasie en evaluasie van S.P Huntington se teoretiese bydrae, Bloemfontein: University of the Free State. (Thesis-PhD).

Duvenhage, A. 1998. The crisis of the nation-state: a global phenomenon with an African accent. *Africa Quarterly*, 4(38):1-36.

Duvenhage, A. 2007. Politieke transformasie as 'n ideologiese denkraamwerk: 'n beleedsdinamiese analise en perspektief. *Koers*, 72(3):377- 404.

Dye, T.R. 1992. Understanding public policy, 7th Ed. New Jersey: Prentice Hall.

Dziewanowski, M.K. 1979. A history of Soviet Russia. New York: Prentice Hall Inc.

Easton, D. 1965. A systems analysis of political life. New York: Wiley.

ECA. 2004. Land tenure systems and their impacts on food security and sustainable development in Africa. Economic Commission for Africa. Adis Ababa: ECA Printshop.

www.uncsd.org/.../land-tenure-systems-

[%20and%20their%20impacts%20on%20Food%20Security](http://www.uncsd.org/.../land-tenure-systems-%20and%20their%20impacts%20on%20Food%20Security) Date of access: 15 February 2015.

Eckstein, H. 1988. A culturalist theory of political change. *American Political Science Review*, 82(3): 789-804.

Edwards, A.R. 1988. Regulation and repression: the study of social control. London: Unwin Hyman Ltd.

EFF. 2014. On land: expropriation of land without compensation for equitable redistribution. Resolution passed at the Economic Freedom Fighters National Assembly. December 2014. [Sacsis.org.za/site/article/2271](http://sacsis.org.za/site/article/2271) Date of access: 29 July 2016.

EFF. 2014a. Taking back our stolen land – EFF.

www.politicsweb.co.za/documents/taking-back-our-stolen-land--eff Date of access: 29 July 2016.

Ensor, L. 2014. SA's 'state-owned enterprises situation of serious concern'. *Business Day Live*. www.bdlive.co.za/business/2014/12/04/sas-state-owned-enterprises-situation-of-serious-concern Date of access: 30 September 2015.

Erasmus, D. 2014. Nkwinti's 50/50 plan will not benefit farm workers. *Farmers Weekly*, 8 Aug. <http://www.farmersweekly.co.za/news.aspx?id=61317&h=Nkwinti%E2%80%99s-5050-land-plan-will-not-benefit-farm-workers> Date of access: 24 May 2016.

Ercin. A.E., Asdaya, M.M. & Hoekstra, A.Y. 2012. Ecological Indicators (18) 2012: 392-402.

Eshel, G., Shepon, A., Makov. T. & Milo, R. 2014. Land irrigation water, greenhouse gas, and reactive nitrogen burdens of meat, eggs, and dairy production in the United States. *Proceedings of the National Academy of Sciences*, 111(33): 11996-12001.

Fathers, M. & Higgins, A. 1989. Tiananmen: the rape of Peking. London: The Independent Newspaper Publishing plc.

Faure, A.M. & Kriek, D. 1984. Die Moderne Politieke Teorie. Durban: The Butterworth Group.

Feinberg, H.M. 1995. Pre-Apartheid African land ownership and the implication for the current restitution debate in South Africa. *Historia*, 40(2):48-63.

FS DARD. 2014. Progress report on the issues raised by the Diyatalawa CPA beneficiaries during the NCOP visit in September 2014 and QwaQwa Vet Clinic. Presented to the NCOP delegation at Clarens. September 2014. Clarens: NCOP.

FS DARD. 2015. Annual performance plan for the MTEF: 2015-2018. Free State Department of Agriculture and Rural Development. Presentation to the Committee on Economic Development. 24 June 2015. Bloemfontein: Free State Legislature.

FSL. 2013. Report of the portfolio committee on agriculture and rural development with regard to the petition of Mr S.J. Molefe and N.B. Matoane. 13 September 2013. Bloemfontein: Free State Legislature.

Fukuyama, F. 1992. The end of history and the last man. New York: The Free Press.

Fukuyama. F. 2015. Political order and political decay. London: Profile Books Ltd.

Gausi, J. & Mlaka, E. 2015. Land governance in Malawi: lessons from large-scale acquisitions. Policy Brief 40. June 2015. Institute for Poverty, Land and Agrarian Studies. Cape Town: University of the Western Cape.

<http://www.plaas.org.za/sites/default/files/publications-pdf/PLAAS>

ADC%20policy%20brief Malawi Web.pdf Date of access: 25 May 2016.

Garcia, C.T. 2007. Land reform in Namibia: economic versus socio-political rationale. Food and Agricultural Organisation (FAO) Corporate Document Repository.

<http://www.fao.org/docrep/007/y5639t/y5639t05.htm#TopOfPage> Date of access: 2 September 2015.

GEAR. 1996. Growth, Employment and Redistribution: a macroeconomic strategy.

Pretoria: Department of Finance. www.treasury.gov.za_gear_chapters Date of access: 3 March 2016.

Gerbens-Leenes, P.W., Mekonnen, M.M. & Hoekstra, A.Y. 2013. The water footprint of poultry, pork and beef: a comparative study in different countries and productive systems. *Water Resources and Industry*, 1-2: 25-36.

Gerber, J. 2015. Dis tyd om die grond terug te gee. *Rapport*: 2, 11 Jan.

Gerber, J. 2016. Restitution uncertainty amid Constitutional Court ruling. *City Press*, 29 Jul. <http://city-press.news24.com/News/restitution-uncertainty-amid-constitutional-court-ruling-20160729> Date of access: 31 July 2016.

Gordhan, P. 2016. Minister of Finance Budget Speech. Pretoria: National Treasury Communications Directorate. www.treasury.gov.za Date of access: 25 February 2016.

Graham, V. 2015. The birth of a constitution. (*In De Jager, N. ed., South African Politics: an introduction*. Cape Town: Oxford University Press. p. 95-120).

Gray, B.C., Lyne, M.C. & Ferrer, S.R.D. 2005. Criteria to monitor the poverty alleviation empowerment and institutional performance of equity-share schemes in South African agriculture. *Agrekon*, 4(44): 465-495.

- Giliomee, H. 2004. *Die Afrikaners: 'n biografie*. Kaapstad: Tafelberg-Uitgewers Beperk.
- Goffman, E. 2012. The environmental impact of meat. ProQuest Discovery Guides. January 2012. <http://www.csa.com/discoveryguides/discoveryguides-main.htm>. Date of access: 8 June 2015.
- Goodman, R.E. & Pettit, P. 1993. *A companion to contemporary political philosophy*. Oxford: Blackwell Publishers.
- Gosam, L. 2016. Zuma, the Guptas and the Russians – the inside story. *Rand Daily Mail*, 5 Feb <http://www.rdm.co.za/politics/2016/02/02/zuma-the-guptas-and-the-russians--the-inside-story> Date of access: 10 February 2016.
- Grant, L. 2015. The walk falls short of the talk. *Mail & Guardian*: 8, 13 Feb.
- Greffrath, W.N. 2015. *State dysfunction: the concept and its application to South Africa*. Potchefstroom: North West University (Thesis- PhD).
- Greffrath, W. & Duvenhage, A. 2014. The Arab spring: theoretical perspectives on regimes of North Africa and the Middle East. *South African Journal of International Affairs*, 1(1): 27-44.
- Gripp, R.C. 1973. *The political system of communism*. London: Thomas Nelson and Sons Ltd.
- Groenewald, 2012. Grondhervorming teiken 30% van wit kommersiële landbougrond. Media statement issued by Pieter Groenewald, FF+ Spokesperson for Rural Development and Land Reform. 25 September 2012. Cape Town: Parliament.
- Grote, U. 2014. Can we improve global food security? A socio-economic and political perspective. *Food Security*, 6:187-200.
- Guest, R. 2004. *The shackled continent Africa's past, present and future*. London: Macmillan Ltd.

Gumede, W.M. 2005. Thabo Mbeki and the battle for the soul of the ANC. Cape Town: Zebra Press.

Gunnel, J.G. 2006. Dislocated rhetoric: the anomaly of political theory. *The Journal of Politics*, 68(4): 771-782.

Hall, R. 2007. The impact of land restitution and land reform on livelihoods. Research Report 32. Programme for Land and Agrarian Reform. Cape Town: University of the Western Cape.

Hall, R. Ed. 2009. Another Countryside? Policy options for land and agrarian reform in South Africa. Institute for Poverty Land and Agrarian Studies. Cape Town: University of the Western Cape.

Hall, R. 2015. Submission to the Portfolio Committee on Public Works on Expropriation Bill of 2015. As published in the Government gazette No. 38418 of 26 January 2015 from the Institute for Poverty, Land and Agrarian Studies. 6 May 2015. Cape Town: University of the Western Cape.

Hanekom, S.X. 1987. Public policy framework and instrument for action. Halfway House: Macmillan South Africa (Publishers) (Pty) Ltd.

Harris, P.B. 1976. Foundations of Political Science. London: Hutchinson & Co (Publishers) Ltd.

Hendricks, F. 2013. Rhetoric and reality in restitution and redistribution: ongoing land and agrarian questions in South Africa. (*In* Hendricks, F., Ntsebeza, L. & Helliker, K. eds., *The promise of land: undoing a century of dispossession in South Africa*. Auckland Park: Jacana Media (Pty) Ltd. p. 27-54).

Hendricks, F., Ntsebenza, L. & Helliker, K. 2013. *The promise of land: undoing a century of dispossession in South Africa*. Sunnyside: Jacana Media (Pty) Ltd.

Hendriks, S. 2012. South Africa's National Development Plan and New Growth Path: Reflections on Policy Contradictions and Implications for Food Security. Presidential Address of the Agricultural Economics Association of South Africa. Bloemfontein. 1 October 2012.

Repository.up.ac.za/bitstream/handle/2263/22052/Hendriks_South_2013.df?sequence=1 Date of access: 16 February 2016.

Herbst, J. & Mills, G. 2015. How South Africa works and must do better. Johannesburg: Pan Macmillan South Africa.

Heywood, A. 1997. Politics. London: MacMillan Press Ltd.

Heywood, A. 2000. Key concepts in politics. London: Palgrave Macmillan Publishers.

Hindess, B. 1997. The object of political theory. (*In* Vincent, A. ed., Political theory, political theory tradition and diversity. Cambridge: Cambridge University Press. p. 254-273).

Hodder-Williams, R. 1984. An introduction to the politics of tropical Africa. London: George Allen & Unwin (Publishers) Ltd.

Holden, P & Plaut, M. 2012. Who rules South Africa? Pulling the strings in the battle for power. Jeppestown: Jonathan Ball Publishers (Pty) Ltd.

Huntington, 1957. Conservatism as an Ideology. The American Political Science Review. 51(2). (Jun 1957): 454-473. <http://www.jstr.org/stable/1952202> Date of access: 16 July 2016.

Huntington, S. 1968. Political order in changing societies. New Haven: Yale University Press.

INVESTOPEDIA. 2015. Expropriation Definition.

<http://www.investopedia.com/terms/e/expropriation.asp> Date of access: 27 September 2015.

INVESTOPEDIA. 2015. Eminent Domain Definition.

<http://www.investopedia.com/terms/e/eminent-domain.asp> Date of access: 27 September 2015.

Jackman, R.W. 1993. Power without force: the political capacity of Nation-States. Michigan: University of Michigan Press.

Jackson, R.J. & Jackson, D. 1997. A comparative introduction to political science. New Jersey: Prentice Hall Upper Saddle River.

Jacobs, P. 2003. Evaluating land and agrarian reform in South Africa. An occasional paper series. September 2003. Programme for Land and Agrarian Reform. Cape Town: University of the Western Cape. www.plaas.org.za/sites/default/files/publications-pdf/ELARSA%2004.pdf Date of access: 5 July 2015.

Jacobsen, T.G. 2013. The J-curve – James C. Davies' Theory of Revolutions. Popular Social Science. www.popularsocialscience.com/2013/04/17/james-c-davies-j-curve-theory-of-revolutions/ Date of access: 5 July 2015.

Jadoo, Y. 2016. Thuli warns of Nazi state. *Mail & Guardian*: 3, 21 Jun.

Jammie, A. 2015. Zuma's blunder on Nene costs SA billions – when will taxpayers call enough? fin24. 13 December 2015. www.fin24.com/BizNews/zumas-blunder-on-nene-costs-sa-billions-when-will-taxpayers-call-enough-20151213 Date of access: 22 April 2016.

Jankielsohn, A. 2014. Managing insect pests in a changing agro-ecosystem under climate change scenarios. *SA Graan/Grain*: 40-41.

Jankielsohn, R. 2001. ANC se kaderbeleid vir munisipale bestuurders ondemokraties. *Volksblad*: 8, 24 Sept.

Jankielsohn, R. 2012. Defining Hydropolitics: the politics of water in South Africa. *Journal for Contemporary History*, 37(1):123-141.

Janovsky, E. 2015. Agri-economic overview (*In* Joubert, R. ed., Agricultural outlook 2015. ABSA Agribusiness. p. 11-18).

Jeffery, A. 2010. Chasing the rainbow. South Africa's move from Mandela to Zuma. Cape Town: CTP Printers.

Jeffery, A. 2014. The NDR and the 'second' stage. AfriSake Conference on Property Rights.

Afrisake.co.za/.../Anthea.Afrisake%20The%20NDR%20and%20the%20second%20stage Date of access: 9 February 2015.

Jha, P. 2013. Global food regime: implications for food security. (*In* Hendricks, F., Ntsebeza, L. & Helliker, K. eds., The promise of land: undoing a century of dispossession in South Africa. Auckland Park: Jacana Media (Pty) Ltd. p. 214-217).

Jha, P. & Jodhka, S.S. 2013. The "Agrarian Question" and the developmental state: India's story of rural social transformation. (*In* Hendricks, F., Ntsebeza, L. & Helliker, K. eds., The promise of land: undoing a century of dispossession in South Africa. Auckland Park: Jacana Media (Pty) Ltd. p. 283-313).

Johnson, R.W. 2015. How long will South Africa survive? The looming crisis. Johannesburg: Jonathan Ball Publishers.

Joyce, P. 1990. The rise and fall of Apartheid. The chronicle of a divided society as told through South Africa's newspapers. Cape Town: Struik Publishers.

Kahn, N, 2007. Land and agrarian reform in South Africa. *Policy: Issues and Actors*, 20(12): 1-38.

Kamrava, M. 1993. Politics and society in the third world. London: Routledge.

Kane-Berman. J. 2016. 'State capture' didn't begin with the Guptas. www.politicsweb.co.za/opinion/state-capture-didn't-begin-with-the-guptas Date of access: 23 March 2016.

Kanyongolo, E. 2005. Land occupations in Malawi: challenging the neoliberal legal order. (In Moyo, S. & Yeros, P. eds., *Reclaiming the Land The Resurgence of Rural Movements in Africa, Asia and Latin America*. New York: Zed Books. p. 118-164).

Khalane, S. 2016. DA in VS kap Ace en Guptas 'Multimiljoenrandse tenders toegeken'. *Volksblad*: 4, 28 March.

Khampa, N.C. 2000. The role of Communist Ideology in Contemporary China. *Matrix: The E-Journal of International Relations*,1(2): 1-7. <http://jnu-matrix.tripod.com/index.html>
Date of access: 15 June 2015.

Kloppers, H. 2014. Introducing the missing ingredient in the land reform recipe? *Potchefstroom Electronic Law Journal*, 17(2).
<http://dx.doi.org/10.4314/pelj.v17i2.04:708-758> Date of access: 20 February 2016.

Kotzé, H. & Greyling, A. 1991. Political organisations in South Africa A-Z. Cape Town: Tafelberg Publishers Ltd.

Kotzé, I. & Rose, M. eds. 2015. Farming facts and trends: reconnecting South Africa's food systems to its ecosystems. Cape Town: World Wildlife Fund – South Africa (WWF-SA).

Kruger, C. 2016. Verbod op grondbesit kan wynbedryf raak. Landbou.com/nuus/verbod-op-grondbesit-kan-wynbedryf-raak/ Date of access: 1 June 2016.

Kuhn, T.S. 1973. The structure of scientific revolutions. 2nd Ed. London: University of Chicago Press.

Lahiff, E. 2009. Introduction: the challenge of tenure in South Africa. (In Hall, R. ed., *Another countryside? Policy options for land and agrarian reform in South Africa*. Cape Town: Institute for Poverty, Land and Agrarian Studies, School of Government, Cape Town: University of the Western Cape. p. 93-120).

LANDESA. 2012. Land rights and food security: The linkages between secure land rights, women, and improved household food security and nutrition. Landesa Rural Development Institute. Issue brief. Land Rights and Food Security. March 2012: 1-4. [www.landesa.org/Landesa-Issue-Brief-Land -Rights-and-Food-Security.pdf](http://www.landesa.org/Landesa-Issue-Brief-Land-Rights-and-Food-Security.pdf) Date of access: 3 February 2015.

Larmore, C. 2012. What Is Political Philosophy? *Journal of Moral Philosophy*. 10(3): 276-306.

Lass, H.R. 1976. Die grondleggers van revolusionêre oorlogvoering. Potchefstroom: Sentrum vir Internasionale Politiek.

Leon, T. 1993. Putting state and person in rightful order. (*In* Husemeyer, L. *ed.*, Watchdogs or hypocrites? The amazing debate on South African liberals and liberalism. Johannesburg: Frierich-Naumann-Stiftung Johannesburg Regional Office. p. 49-52).

Leon, T. 2006. The state of democracy in South Africa today: the good, the bad and the ugly. Speech delivered at the University of Pretoria. 9 May 2006.

Letsoalo, M., Mataboge, M., Hunter, Q. & Gqirana, T. 2015. SACP our Zume mistake. *Mail & Guardian*. 26 Jun. mg.co.za/article.2015-06-25-sacp-our-zuma-mistake Date of access: 27 June 2015.

Letsoalo, E.M. 1987. Land reform in South Africa. Johannesburg: Scotaville Publishers.

Lijphart, A. 1984. Democracies patterns of majoritarian and consensus Government in twenty-one countries. London: Yale University Press.

Lipton, M. 2009. Land reform in developing countries - property rights and property wrongs. London: Routledge Taylor and Francis Group.

Lodge, T. 1999. Consolidating democracy South Africa's second popular election. Johannesburg: Witwatersrand University Press.

Lund, T. 2010. New policy on land grabs, farm tax. Fin24archives. 13 October 2010.
<http://fin24.com/Economy/New-policy-on-land-grabs-farm-tax-20101013> Date of access:
14 April 2016.

Lund, T. 2012. SA not reaping benefits of land reform. *Financial Mail*, 8
Aug.<http://financialmail.co.za/politics/2012/08/08/sa-not-reaping-benefits-of-land-reform>
Date of access: 24 May 2016.

Mahlaka, R, 2015. The Land Holdings Bill is impractical – industry players.
<http://today.moneyweb.co.za/article> Date of access: 18 June 2015.

Mahlaka, R, 2016. Questions hang over foreign ownership of SA's agricultural land.
[www.moneyweb.co.za/investing/property/questions-hang-over-foreign-ownership-of-sa's-agricultural-land/](http://www.moneyweb.co.za/investing/property/questions-hang-over-foreign-ownership-of-sa-s-agricultural-land/) Date of access: 22 April 2016.

Maiese, M. 2013. Principles of justice and fairness. Beyond intractability.
<http://beyondintractability.org/essay/principles-of-justice> Date of access: 27 September
2015.

Maimane, M. 2015. DA tables plan to defend our democracy by firewalling key
institutions. Press Statement by Mmusi Maimane leader of the Democratic Alliance. 3
September. Cape Town: Parliament.

Maimane, M. 2016. DA launches policy for a Fair South Africa. Press Statement by
Mmusi Maimane leader of the Democratic Alliance. 6 June 2016. Cape Town:
Parliament.

Makwethu, K. 2016. Auditor General SA 2014-15 MFMA consolidated general report on
the audit outcomes of local government. Pretoria: Office of the Auditor General.

Mandela, R.N. 1994. Address by President Nelson Mandela at the opening of the
Congress of the South African Agricultural Union (SAAU). Cape Town. 18 October
1994. <http://www.anc.org.za/show.php?id=3695> Date of access: 1 October 2013.

Manning, D.J & Robinson, T.J. 1985. The place of ideology in political life. New Hampshire: Croom Helm Publishers.

Mangcu, X. 2008. To the brink. The state of democracy in South Africa. Scottsville: University of KwaZulu-Natal Press.

M & G. 2005. Shaik, Zuma relationship 'corrupt'. mg.co.za/article/2005-06-01-shaik-zuma-relationship-corrupt Date of access: 26 January 2016.

Mare, S. 2015. Grond in visier. *Vrystaat Oos-Vrystaatse Streekskoerant*: 1, 18 Jun.

Maree, K. Ed. 2013. First steps in research. Thirteenth impression. Hatfield: Van Schaik Publishers.

Marsh, D. & Stoker, G. 2010. Theory and methods in political science. New York: Palgrave Macmillan.

Martin, A. 1995. Land reform: new seeds on old ground?. Overseas development Institute. No 6. October 1995. www.odi.org/resources/docs/2979.pdf Date of access: 31 March 2016.

Martin, J. 2007. The Meaning of the 21st Century: a vital blueprint for ensuring our future. London: Transworld Publishers.

Masterman, M. 1970. The nature of a paradigm. (*In* Latakos, I & Musgrave, A. eds., Criticism and the growth of knowledge. Cambridge: Cambridge University Press. p. 59-90).

Mattei, L. 2005. Agrarian reform in Brazil under neoliberalism: evaluation and perspectives. (*In* Moyo, S. & Yeros, P., eds., Reclaiming the land: the resurgence of rural movements in Africa, Asia and Latin America. New York: Zed Books. p. 141-158)

McGaw, D & Watson, G, 1976. Political and social Inquiry. New York: John Willey & Sons, Inc.

- McLean, I. & McMillan, A. 2003. Oxford concise dictionary of Politics. 2nd Edition. New York: Oxford University Press.
- McMahon, P. 2014. Feeding frenzy: the new politics of food. London: Profile Books Ltd.
- Manji, A. 2006. The politics of land reform in Africa. New York: Zed Books.
- Manyathela, C. 2016. Malema: don't be apologetic about occupying land illegally. *Eye Witness News*, 26 Jun. <http://m.ewn.co.za/2016/06/27/Malema-urges-people-to-be-nonapologetic-about-occupying-land> Date of access: 5 July 2014
- Marsh, D. & Stoker, G. 1995. Theory and methods in Political Science. New York: St Martin's Press, Inc.
- Mashele, P. & Qobo, M. 2014. The fall of the ANC: what next? Johannesburg: Pan Macmillan South Africa.
- Mazzone, N. 2016. Gupta's optimum coal acquisition findings must be tabled in Parliament. Press Statement by Natasha Mazzone DA Shadow Minister of Public Enterprises. 4 February 2016. Cape Town: Parliament.
- Meeko, T. 2016. Member's Statement on the Expropriation Bill (B4D-2016) in the Free State Legislature. 26 May 2016. Hansard Section. Bloemfontein: Free State Legislature.
- Meier, G.M. & Rauch, J.E. 2005. Leading issues in economic development. 8th Ed. New York: Oxford University Press.
- Mekonnen, M.M. & Hoekstra, A.Y. 2012. A Global Assessment of the Water Footprint of Farm Animal Products. *Ecosystems* (2012)15: 401-515.
- Meredith, M. 2002. Robert Mugabe: power, plunder and tyranny in Zimbabwe. Cape Town: Jonathan Ball Publishers.

Meredith, M. 2005. *The State of Africa. a history of fifty years of independence.* Johannesburg: Jonathan Ball Publishers.

Meyntjies, L. 2015. Enough is enough! *Farmers Weekly*: 6, 21 Aug.

Migdal, J. 1974. *Peasants, politics, and revolution pressures towards political and social change in the third world.* Princeton: Princeton University Press.

Migdal, J. 1987. Strong states, weak states: power and accommodation. (*In* Weiner, M. & Huntington, S.P. eds., *Understanding Political Development.* New York: Harper Collins Publishers. p. 391-433).

Migdal, J. 1988. *Strong societies and weak states: state-society relations and state capabilities in the third world.* New Jersey: Princeton University Press.

Migdal, J. 2001. *State in society: studying how states and societies transform and constitute one another.* Cambridge: Cambridge University Press.

Miller, N.N. 1970. The political survival of traditional leadership in East Africa. (*In* Doro, M. E. & Stultz, M. eds., *Governing Black Africa. Perspectives on New States.* London: Prentice Hall International Inc. p. 266-275).

Mkentane, L. 2015. Policy certainty is key to SA growth. *Farmer's Weekly*: 16, 14 Aug.

Mngxitama, A. 2015. Black first! – Land first! A revolutionary call.
m.news24.com/news24/SouthAfrica/News/Black-First-Land-First-A-revolutionary-Call-20150813 Date of access: 20 August 2015.

Mohamed, A., Benjamin, P., Barry, B., Magardie, S., Naidu, P. & Yeasbek, N. 2014. *Understanding land tenure law commentary and legislation.* Claremont: Juta & Company (Pty) Ltd.

Möller, J. 2014. Agri-SA's holistic plan for land reform in South Africa.

www.agrisa.co.za/wp-content/uploads/2014/10/004-Holistiese-grondplan.pdf Date of access: 29 June 2016.

Möller, J. 2015. Farmers require guidance on land reform. *Agri News*: 23, 15 May.

MONEYWEB. 2014. Land reform: Namibia 27%, South Africa 8%. Arid neighbour's land reform policy seems to work better than SA's.

<http://www.moneyweb.co.za/uncategorized/land-reform-namibia-27southafrica-8/> Date of access: 2 September 2015.

Moseneke, D. 2014. Reflections on South Africa's constitutional democratic transition and transformation. Key note address presented at the Mistra-Tmali-UNISA Conference with the theme "20 years of South African democracy: so where to now?". 12 November. Pretoria: University of South Africa.

Mouton, J. 1996. Understanding social research. Pretoria: Van Schaik Publishers.

Mouton, J. & Marais, H. 1990. Basic Concepts in the methodology of the Social Sciences. Pretoria: Human Sciences Research Council (HSRC).

Moyo, S. 2013. Zimbabwe's fast track land reform: implications for South Africa. (In Hendricks, F., Ntsebeza, L. & Helliker, K. eds., *The promise of land: undoing a century of dispossession in South Africa*. Auckland Park: Jacana Media (Pty) Ltd. p. 251-282).

Moyo, S. & Yeros, P. 2005. Land occupations and land reform in Zimbabwe: towards the National Democratic Revolution (In Moyo, S. & Yeros, P., eds., *Reclaiming the land: the resurgence of rural movements in Africa, Asia and Latin America*. New York: Zed Books. p. 164-205).

Mpofu, T. 2016. Land beneficiaries' leases unbankable. *Farmer's Weekly*: 24, 8 Apr.

MSU online maps. Homelands (Bantustans). overcomingapartheid.msu.edu/listmaps Date of access: 7 June 2015.

MSU (Michigan State University). Online maps.

www.overcomingapartheid.msu.edu/listmaps.php Date of access: 18 June 2015.

Muchave, A. 2016. Warnings of food shortages. [www.timeslive.co.za/the](http://www.timeslive.co.za/the-times/2016/01/05/Warnings-of-food-shortages)

[times/2016/01/05/Warnings-of-food-shortages](http://www.timeslive.co.za/the-times/2016/01/05/Warnings-of-food-shortages) Date of access: 11 February 2016.

Muduva, T. 2015. Land grabbing from within: learning from grazing disputes in Western Kavango, Namibia. Policy Brief 42. June 2015. Institute for Poverty, Land and Agrarian Reform. Cape Town: University of the Western Cape.

<http://plaas.org.za/sites/default/files/publications-landpdf/PLAAS>

[ADC%policy%20briefNamibia Web42.pdf](http://plaas.org.za/sites/default/files/publications-landpdf/PLAAS) Date of access: 24 May 2016.

Muller, C.F.J. Ed. 1988. Five hundred years: a history of South Africa. 5th Ed. Cape Town: Academia (A division of Human & Rosseau (Pty) Ltd).

Naidoo, P. 2016. Rules for investing in SA changing too drastically and too quickly. today.moneyweb.co.za Date of access: 31 May 2016.

NATIONAL TREASURY. 1998. Eighth Interim Report of the Commission of Inquiry into certain Aspects of the Tax Structure of South Africa. The Implications of Introducing a Land Tax in South Africa. 25 September 1998.

www.treasury.gov.za/publications/other/katz/8.pdf Date of access: 19 May 2016.

NCOP. 2015. National Council of Provincial Week report. Theme: 'Advancing infrastructure, investment and development for better services to communities'. 14-18 September 2015. Cape Town: Parliament: 53-58.

NEWS24. 2015. Ramaphosa denies 'split' over NDP, says ANC is committed to the plan. <http://m.news24.com/nesw24/SouthAfrica/News/Ramaphosa-denies-split-over-NDP-says-ANC-is-committed-to-the-plan-20150910> Date of access: 13 September 2015.

NDP. 2011. National Development Plan Vision for 2030. 11 November 2011. Pretoria: National Planning Commission.

Neto. A.M. 2007. This land is anti-capitalist land. *The Economist*. 26 April 2007.
<http://www.economist.com/node/9079861> Date of access: 14 April 2016.

Nkosi, T. 2015. Land ceilings: why ignore the mistakes of others? *Agri News*: 31-33, Aug/Sept.

Nkwinti, G. 2014. Speech by the Minister of Rural development and Land Reform, Mr Gugule Nkwinti, Delivered to the Workshop on Land reform and Land Ownership of the AHI. 20 August.www.ruraldevelopment.gov.za Date of access: 3 December 2015.

Nkwinti, G. 2015. Speech by Minister Gugile Nkwinti: Rural Development and Land Reform Budget Vote 2015/16. 8 May. Cape Town: Parliament.
<http://www.gov.za/speeches/minister-gugile-nkwinti-rural-development-and-land-reform-budget-vote-2015/16> Date of access: 22 May 2015.

Nkwinti, G. 2016. Speech by Minister Gugile Nkwinti: rural development and land reform budget vote 2016/17. 26 April 2016. Cape Town: Parliament.
<http://www.drdlr.gov.za/speeches/category/32-minister> Date of access: 19 May 2016.

Nolutshungu, T. A. 2011. Nationalisation. Johannesburg: Free Market Foundation.

Ntsebeza, L. 2013. The more things change, the more they stay the same: rural land tenure and democracy in the former Bantustans. (In Hendricks, F., Ntsebeza, L. & Helliker, K. eds., *The promise of land: undoing a century of dispossession in South Africa*. Auckland Park: Jacana Media (Pty) Ltd. p. 54-75).

Ntsebeza, L. & Hall, R. 2007. *The land question in South Africa. The challenge of transformation and redistribution*. Cape Town: HSRC Press.

NUMSA.17 Dec. 2013. State of the ANC, NDR, COSATU and the SACP-NUMSA.

NUMSA Special National Congress Secretariat Report. Mhtml:file//E/Politicsweb-State-of-the-ANC-NDR-COSATU-and-the-SACP-NUMSA Date of access: 6 February 2015.

NYDA. 2012. Smart lessons – how has communal land tenure hindered agricultural growth and development in rural areas of South Africa? National Youth Development Agency. Halfway House: KM Publications.

Nyerere, J.K. 1979. The process of liberation. (*In* Goulbourne, H., *ed.* Politics and State in the Third World. London: Macmillan Press Ltd. p. 248-258).

Obi, A. 2006. Trends in South African Agricultural land Prices. Bloemfontein: University of the Free State. (Thesis – PhD).

Odgaard, R. 2005. The struggle for land rights in the context of multiple normative orders in Tanzania. (*In* Evers, S., Spierenburg, M. & Wels, H., *eds.* Competing jurisdictions settling land claims in Africa. Boston: Brill Leiden. p. 243-264).

Pakenham, T. 1991. The scramble for Africa. London: George Weideman & Nicolson.

Palmer, M. 1989. Dilemmas of political development. an introduction to the politics of the developing areas. 4th ed. Itasca: F.E. Peacock Publishers, Inc.

Patel, E. 2010. Ebrahim Patel unveils New Growth Path.

<http://www.politicsweb.co.za/party/ebrahim-patel-unveils-new-growth-path> Date of access: 16 February 2016.

Patel, E. 2014. Budget vote speech by Minister of Economic Development, Ebrahim Patel. <http://economic.gov.za/communications/50-media-releases/261-budget-vote-speech-by-miniter-of-economic-development-ebrahim-patel-22-july-2014> Date of access: 16 February 2016.

Pearce, F, 2012. The Landgrabbers: the new fight over who owns the earth. London: Transworld Publishers.

Pepeteka, T. 2013. Reversing the legacy of the 1913 Natives Land Act: progress of land reform. Research Unit Parliament.

<http://www.parliament.gov.za/content/Land%20Act%20-%20Paper%20-%20Thembi%20-%20Final.pdf> Date of access: 10 June 2015.

Phillips, L. 2016a. The drought fallout. *Farmer's Weekly*: 15, 15 January.

Phillips, L. 2016b. The current status and future of land reform in South Africa. *Farmer's Weekly*: 7, 4 March.

Picciotto, R. & Wiesner, E. 1998. Evaluation & development: the institutional dimension. London: Transaction Publishers.

Pienaar, J.M. 2014. Land Reform. Cape Town: Juta.

Pienaar, S. 2016. Dire long-term drought fallout for Southern Africa. *Farmer's Weekly*: 6-7, 29 January.

PLAAS. 2015. Submission to the Department of Agriculture, Forestry and Fisheries on Draft Preservation and development of Agricultural Land Framework Bill and Policy as published in the Government Gazette 38545, No 210 of 13 March 2015. Institute for Poverty, Land and Agrarian Studies. 29 May 2015. Cape Town: University of the Western Cape. <http://plaas.org.za/sites/default/files/publications-landpdf/2015%20-20PDALF%20policy%20&20bill%20-%20submission.pdf> Date of access: 24 May 2016.

Plaut, M. & Holden, P. 2012. Who rules South Africa? Pulling the strings in the battle for power. Jeppestown: Jonathan Ball Publishers (Pty) Ltd.

Pressly, D. 2015. Land expropriation debate. *Farmer's Weekly*: 15, 14 August.

Prince, L. 2014. Transformasie in staatsdiens moet dalk hersien word, hoor kongres. *Volksblad*: 11, 12 November.

Pringle, E. 2016. Lessons from the drought. *Agri-SA Agri Magazine*, 45(1). Feb/Mar 2016: 34.

Purchase, J. 2016. The current status and future of land reform in South Africa. *Farmer's Weekly*: 6-7, 4 March.

Randhawa, M. 2013. Punjab considers liberalising land ceiling. 10 September 2013. *Hindustan Times*, 1. <http://www.hindustantimes.com/chandigarh/punjab-considers-liberalising-land-ceiling/article1-1120254.aspx> Date of access: 3 September 2015.

RDP. 1994. RDP White Paper Discussion Document. Pretoria: South African Government Communication Service.

Robertson, K. 2016. Beneficiaries of land reform only dream of opportunities. Speech delivered by Ken Robertson during the DRDLR budget debate. <http://www.da.org.za/2016/04/beneficiaries-of-land-can-only-dream-of-future-of-opportunities> Date of access: 29 June 2016.

Rockearch, M. 1973. The nature of human values. New York: Free Press.

Rodziinsky, W. 1988. The People's Republic of China – a concise political history. New York: The Free Press.

Rooi, J. 2014. Hande gevat vir grondhervorming. Verligting groot, maar steil bult lê voor. *Volksblad*: 7, 24 October.

Russell, A. 2010. After Mandela: the battle for the soul of South Africa. London: Windmill Books.

SABC. 2014. Nxesi's Zimbabwe land reform jaw-dropper. 28 June 2013. <http://www.sabc.co.za/news/a/7178e2804019570aa0b4e20b5d39e4bb/Nxesis-Zimbabwe-jaw-dropper> Date of access: 19 September 2014.

SACP. 2010, "The National Democratic Revolution" - the SACP's 1962 proposals for the building of a national democratic state. <http://www.politicsweb.co.za/politicsweb/view/politicsweb/en/page71656?oid=16351> Date of access: 19 September 2014.

SAHO. (s.a.). Apartheid Legislation 1850s-1970s. <http://sahistory.org.za/politics-and-society/apartheid-legislation-1850s-1970s> Date of access: 10 June 2015.

SAinfo. 2015. South Africa's political parties.

<http://southafrica.info/about/democracy/poparties.htm> Date of access: 29 June 2014.

Sainsbury, D. 1986. The end of ideology debate revisited: an appraisal of definitional and theoretical issues. *Scandinavian Political Studies* Bind 9 (New series).

http://tidsskrif.dk/index.php/scandinavian_political_studies/article/view/12933/24663

Date of access: 16 October 2014.

SAIRR. 2016. South African Institute of Race Relations NPC Submission to the Economic development, Environment, Agriculture, and Rural Development Committee of the Gauteng Provincial Legislature, to help inform the deliberations of the national Council of Provinces, regarding the Expropriation Bill (B4-2015). 15 April 2016. Johannesburg: NCOP.

SAPA. 2013. New ANC chief whip Sizani proposes fallow land tax.

<http://mg.co.za/article/2013-06-20-new-anc-chif-whip-sizani-comes-out-fighting-with-land-tax-proposal> Date of access: 24 May 2016.

SAPA. 2015. Farm murders on the rise. www.news24.com/SouthAfrica/News/Farm-murders-f-the-rise-Afriforum-20155-115 Date of access: 18 June 2015.

SAPS. 2003. Report of the Committee of Inquiry into Farm Attacks. Africacheck.org/wp-content/uploads/3013/11/Final-Report-Committee-of-Inquiry-Farm-Attacks-July-2003.pdf Date of access: 18 June 2015.

Sargent, L.T. 1990. *Contemporary political ideologies: a comparative analysis*. 8th ed. Belmont: Brooks/Cole Publishing Company.

Saunders, C. ed. 1989. *Illustrated history of South Africa. The real story*. 2nd ed. Cape Town: The Reader's Digest Association Limited.

Savory, A. 2015. Commodity tables. (*In* Joubert, R. ed. *Agricultural Outlook 2015*. ABSA Agribusiness. p. 102-110).

- Schoeman, P.A. 1994. Die anargisme as ideologie – 'n verkenning van die bydrae van M. Bakunin. Bloemfontein: Universiteit van die Oranje Vrystaat. (Verhandeling – MA).
- Schwarzmantel, J. 2008. Ideology and politics. London: SAGE Publications Ltd.
- Seliger, M. 1976. Ideology and politics. London: Allen & Unwin.
- Shapiro, I., Smith, R.M., & Masoud, E. 2004. Problems and methods in the study of politics. Cape Town: Cambridge University Press.
- Shoba, S. 2016. The land was never sold, it was stolen. *Sunday Times News*, 10 Jan. <http://www.timeslive.co.za/sundaytimes/stnews/2016/01/10/The-land-was-never-sold-it-was-stolen>. Date of access: 11 February 2016.
- SJI, 2013. History of social justice. Social Justice Institute. www.sji.org.za/socialjustice.html Date of access: 20 July 2016.
- Smit, J. 2015. Grondbelasting wek kommer - Vrystaat Landbou wil navorsing doen oor grondbelasting of plase. <http://netwerk24.com/Sake/Landbou/Grondbelasting-wek-kommer-20150424> Date of access: 14 April 2016.
- Smith, K. & Nöthling, J.J. 1985. Africa North of the Limpopo: the imperial experience since 1800. Pretoria: University of South Africa.
- Smuts, J. 1927. Holism and evolution. Cape Town: N & S Press.
- Sørensen, G. 2004. The transformation of the State beyond the myth of retreat. New York: Palgrave Macmillan.
- South Africa. 1997. Extension of Security of Tenure Act Number 62 of 1997.
- South Africa. 1996. Interim Protection of Informal Land Rights Act Number 3 of 1996.
- South Africa. 1996. Land reform Act Number 3 of 1996.

South Africa. 2013. The Land Management Commission Bill of 2013.

South Africa. 2014. Restitution of Land Rights Amendment Act Number 15 of 2014.

South Africa. 2014a. Property Valuation Act Number 17 of 2014.

South Africa. 2016. Expropriation Bill Number 4 of 2016.

Stankiewicz, W. J. 2001. The essential Stankiewicz on the importance of political theory. Vancouver: Ronsdale Press.

STATSSA. 2011a. General Household Survey 2011. Pretoria: Statistics South Africa. beta2.STATSSA.gov.za/publications/P0318/P03182011.pdf Date of access: 9 June 2015.

STATSSA. 2011b. Census 2011. Census in Brief. Report No 03-01-41. Pretoria: Statistics South Africa. www.STATSSA.gov.za/census/census_2011/Census_products/Census_2011_Census_in_brief.pdf Date of access: 11 April 2016.

STATSSA. 2014. Mid-year population estimates 2014. Statistical Release P0302. Pretoria: Statistics South Africa. www.STATSSA.gov.za/publications/P0302/P03022014.pdf Date of access: 11 April 2016.

STATSSA. 2015a. Quarterly Labour Force Survey. Quarter 1: 2015. Pretoria: Statistics South Africa. www.STATSSA.gov.za/publications/P0211/P02111stQuarter2015.pdf Date of access: 7 June 2015.

STATSSA. 2015b. General Household Survey 2014. Pretoria: Statistics South Africa. www.STATSSA.gov.za/publications/P0318/P03182014.pdf Date of access: 7 June 2015.

STATSSA. 2015c. Mid-year population estimates 2015. Released on 23 July 2015. Pretoria: Statistics South Africa.
www.STATSSA.gov.za/publications/P0302/P03022015.pdf Date of access: 29 July 2016.

Steward, D. 2010. Nkwinti on a collision course with the constitution. Moneyweb. 6 April 2016. <http://www.moneyweb.co.za/archive/nkwinti-on-a-collision-course-with-the-constitution/> Date of access: 1 June 2016.

Steward, D. 2014. Article: 50/50 down on farms. FW de Klerk Foundation. [/index.php/en/latest/news/248-article-50-5—down-on-the-farms](http://index.php/en/latest/news/248-article-50-5—down-on-the-farms) Date of access: 25 May 2016.

Steyn, A. 2015. ANC needs to stop making excuses for failed land reform. Speech delivered by Annette Steyn in Parliament. <http://www.da.org.za/2015/05/and-needs-to-stop-making-excuses-for-failed-land-reform> Date of access: 29 June 2016.

Steyn, A. 2016. This drought is devastating. *Politicsweb*, 15 Jan. www.politicsweb.co.za/politics/yhis-drought-is-devastating--annette-steyn Date of access: 29 June 2016.

Sulle, E. & Hall, R. 2014. International and regional guidelines on land governance and land-based investments: an agenda for African states. Policy Brief 77 / September 2014. Programme for Land and Agrarian Reform. Cape Town: University of the Western Cape.

SUNDAY TIMES. 2016. Zuma and the spy tapes web. 1 May 2016: 4.

Sundström, J. F., Albiñ, A., Boqvist, S., Ljungvall, K., Marstorp, H., Martiin, C., Nyberg, K., Vågsholm, I., Yuen, J. & Magnussen, U. 2014. Future threats to agricultural food production posed by environmental degradation, climate change, and animal and plant diseases – a risk analysis in three economic and climate settings. *Food Security*, 6: 201-215.

Susser, B. 1995. Political ideology in the modern world. Boston: Allyn and Bacon.

Suttner, R. 2010. Revisiting the National democratic revolution (NDR): the 'national question'. Paper presented to Department of Sociology, Anthropology and Development Studies Seminar, University of Johannesburg. 13 April 2011.

Swanepoel, H. & De Beer, F. 1997. Introduction to development studies. Halfway House: International Thompson Publishing (Southern Africa) (Pty) Ltd.

Tempelhoff, E. 2016. Ellende in buurland. Droogte dompel minstens 650 000 mense in hongersnood. *Volksblad*: 1, 15 Jan.

Terblanche, S.E. 2011. Mentorship a key to success factor in sustainable land reform projects in South Africa. *Suid-Afrikaanse Tydskrif vir landbou voorligting*, 39: 55-74.

Thakali, T. 2016. Zuma calls for land reforms. www.iol.co.za/news/politics/zuma-calls-for-land-reforms-1.1968692 Date of access: 14 January 2016.

Todaro, M.P. 1989. Economic development in the Third World. New York: Longman Publishers.

Toulmin, C. & Quan, J. 2011. Omstrede land: die historiese ontwikkeling van die Suid-Afrikaanse grondvraagstuk, 1652-2011. Pretoria: Protea Boekhuis.

Tradingeconomics. 2016. Gold to \$16,000. <http://www.tradingeconomics.com/south-africa/forecast> Date of access: 25 February 2016.

Uys, G. 2016. Agri SA equipped to help farmers face challenging future. *Farmer's Weekly*: 34-35, 14 Aug.

Vaizey, J. 1980. Capitalism and socialism. A history of industrial growth. Fakenham (Norfolk): Fakenham Press Limited.

Van Burick, 2016. Onteining: 'Geen grond vir vrese'. Landbou.com/nuus/onteining-geen-grond-vir-vrese Date of access: 1 June 2016.

Van der Elst, H. 2012. 'n Nuwe benadering tot grondhervorming as 'n ontwikkelingsfaktor in die Suid-Afrikaanse politieke landskap. *Tydskrif vir Geesteswetenskappe*, 52(4): 566-580.

Van Dijk, T.A. 2006. Politics, ideology, and discourse. (In Vodac, R. ed. *Elsevier Encyclopedia of Language and Linguistics*. Volume on Politics. p. 728-740).

Van Dyke, V. 1960. *Political Science: a philosophical analysis*. London: Stevens & Sons Limited.

Vanham, D., Hoekstra, A.Y. & Bidoglio, G. 2013. Potential water saving through changes in European diets. *Environment International*, 61: 45-56.

Vanhonacker, F., Van Loo, E., Gellynck, X. & Verbeke, W. 2013. Flemish consumer attitudes towards more sustainable food choices. *Appetite*, 62: 7-16.

Van Jaarsveld, 1971. *Van van Riebeeck tot Vervoerd 1652-1966*. Johannesburg: Voortrekkerpers Bpk.

Van Niekerk, A. 2014. Spreke en saamleef: oor korrektheid en waarheid in Suid Afrika se kultuurpolitieke diskoers. *Tydskrif vir Geesteswetenskappe*, 54(4): 726-730.

Van Niekerk, R. 2016. Rand strengthens on ConCourt ruling. Moneyweb SAFM market Update. 1 March 2016. www.moneyweb.co.za/news/south-africa/will-the-anc-cut-to-the-bone/ Date of access: 22 April 2016.

Van Vuuren, D. 2016. The ANC-led government is not caring government. Member's Statement by the DA Chief Whip David van Vuuren in the Free State Provincial Legislature. Bloemfontein: Free State Legislature.

Van Wyk, J. 2016. Regering maak nuwe grondplanne bekend. *Landbou Weekblad*: 16, 12 Feb.

Van Zyl, C. 2015. Reply to request from Roy Jankielsohn for information regarding the TLU SA views on the transformation of land ownership in South Africa. Reply received on 1 December 2015 via e-mail.

Veltmeyer, H. 2005. The dynamics of land occupations in Latin America. (*In* Moyo, S. & Yeros, P., eds., *Reclaiming the land: the resurgence of rural movements in Africa, Asia and Latin America*. New York: Zed Books. p. 285-316).

Venter, J.C. 2012. The National Democratic Revolution (NDR) in a post 1994 South Africa: a reconstruction, interpretation and evaluation of this revolutionary ideology. Potchefstroom: North West University (Thesis – PhD).

Vincent, A. 1997. *Political theory tradition & diversity*. Cambridge: Cambridge University Press.

Walinsky, L.J. ed. 1977. *The selected papers of Wolf Ladejinsky Agrarian Reform as Unfinished Business*. London: Oxford University Press.

Walters, T. 2015. Mantashe's populism is an attempt to shift blame for slow pace of land reform. Democratic Alliance Press Statement by Thomas Walters, DA Shadow Minister of Rural development and Land reform. 1 March 2015. Cape Town: Parliament.

Walters, T. 2016. Government's land reform does not reflect freedom, fairness, and opportunity. Speech delivered by Thomas Walters during the DRDLR budget debate. May 2015. Cape Town: Parliament. <http://www.da.org.za/2016/04/governments-land-reform-does-not-rflect-freedom-fairness-and-opportunity> Date of access: 29 June 2016.

Wikipedia, 2015. Land Reforms by country. http://en.wikipedia.org/wiki/Land_reforms_by_country Date of access: 27 May 2015.

Wikipedia, 2016. Historical Sensus. https://en.wikipedia.org/wiki/Demographics_of_South_Africa Date of access: 11 April 2016.

Winter, H.R. & Bellows, T.J. 1992. Conflict and compromise: an introduction to politics. New York: Harper Collins Publishers.

WORLD BANK. 2014. Land and food security. Washington D.C: The World Bank. <http://www.worldbank.org/en/topic/agricultural/brief/land-and-food-security> Date of access: 3 February 2015.

Worth, D. 2010. Internal question paper (no 21-2010) in the National Council of Provinces. Written reply. Date of publication: 20 August 2010. Cape Town: Parliament.

Youthvillage. 2014. 10 SA Political parties and their agendas compared. <http://youthvillage.co.za/2014/09/10-sa-political-parties-agendas-compared/#> Date of access: 29 June 2015.

Zamchiya, P. & Gausi, J. 2015. Commercialisation of Land and 'Land Grabbing': Implications for Land Rights and Livelihoods in Malawi. Research report 52. June 2015. Institute for Poverty, Land and Agrarian Reform. Cape Town: University of Western Cape. <http://plaas.org.za/sites/default/files/publications-landpdf/RR52 ADC Malawi web.pdf> Date of access: 24 May 2016.

Zartman, W. 1995. Collapsed states: the disintegration and restoration of legitimate authority. London: Lynne Rienner Publishers.

Zille, H. 2014a. The DA's approach to land restitution. www.politicsweb.co.za/news-and-analysis/the-das-approach-to-land-restitution-helen-zille Date of access: 14 January 2015.

Zille, H. 2014b. New land reform proposals recipe for disaster – DA. <http://www.news24.com/SouthAfrica/Politics/New-land-reform-proposals-recipe-for-disaster-da> Date of access: 16 September 2014.

Zuma, J. 2015. State of the nation address to a joint sitting of the National Assembly and National Council of Provinces on 12 February 2015. Cape Town: Parliament. <http://thepresidency.gov.za/pebble.asp?relid=19024> Date of access: 23 February 2015.