

# An Overview of Agrarian Reform and Food Security in South Africa

## Background

Land reform, including issues of restitution, distribution, and tenure, is a central challenge facing attempts to eliminate poverty, hunger, and malnutrition among South Africa's rural poor.

South Africa has a productive agricultural sector, largely due to extensive commercial farming. It is self-sufficient in food production and is actually a net exporter of agricultural products ([http://www.southafrica.co.za/agriculture\\_29.html](http://www.southafrica.co.za/agriculture_29.html)). Nonetheless, an estimated 3 million household farmers residing primarily in former homelands and communal areas engage in subsistence farming (Ministry of Agriculture 2001). There are an estimated 14 million households vulnerable to food insecurity in South Africa (Machethe 2004) and an estimated 2.2 million food insecure households in South Africa (Ministry of Agriculture 2006). Although South Africa is a relatively urbanized country by African standards with 72% of the population residing in urban areas, recent research suggests that access to land, particularly in rural areas, results in improved and stable access to income and food (Eastwood et al. 2006). Ensuring that South Africa's rural poor have access to productive land in order to farm for subsistence and income has been a policy objective of the South African government

From the turn of the 20<sup>th</sup> century onward, a series of laws severely restricted land access to black South Africans. The Native Lands Act of 1912, among the most notable, effectively dispossessed blacks of the majority of arable land, prohibiting blacks from any farming activity outside of demarcated *Bantustans* (reserves) that comprised a mere 7.7% of the country (Deininger and May 2000). With the dissolution of apartheid in 1994, land distribution was highly skewed: white South Africans owned, on average, 1,570 hectares of land, compared to 1.3 hectares owned by blacks (Ibid). South Africa has also been one of the most unequal countries in the world in terms of income distribution which became even more concentrated in the hands of the few after the fall of apartheid: the Gini coefficient rose from 0.69 in 1996 to 0.77 in 2001 (HSRC 2004).<sup>1</sup> By way of comparison, Brazil's Gini is a far smaller 0.59. Moreover, inequality has increased significantly *among* blacks.

Thus, South Africa continues to grapple with the legacy of apartheid. Land is a sensitive political issue and "land-use patterns that developed under apartheid are intrinsically linked with patterns of ownership and distribution" (IDRC 1995). If unaddressed, land distribution and ownership could have a long-term impact on security and rural livelihoods. It is a crucial policy concern for citizens and the government. To this day, land ownership remains grievously skewed, with approximately 5% of the white population owning 87% of the land (Moyo 2004). White South Africans are the predominant owners of the 15% (FAO 2005) of land classified as arable. Poverty is a distinctly rural phenomenon with an estimated 75% of South Africa's poor living in rural areas (Eastwood et al. 2006). Though agricultural production represented only 3.1% of GDP (World Bank 2005), the contribution of farms to employment and to the livelihoods and nutrition of poor households remains significant, particularly in communal areas.

A further problem is that public services often do not reach citizens such as laborer-tenants, whose tenure rights to the private lands upon which they reside are tenuous. The lack of nearby clinics and schools means that basic health and education services often do not reach those who desperately need them. Land owners have even prevented NGOs from providing critical services to tenant households. In a country with among the highest HIV prevalence in the world, the delivery of such services takes on an added urgency. As such, land reform, including restitution and redistribution,<sup>2</sup> and tenure reform

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<sup>1</sup> The Gini coefficient is one of the most common measures of income inequality, and is one a scale of 0 (least unequal) to 1 (most unequal).

<sup>2</sup> Restitution, within South Africa's legal framework, refers to the transfer of land back to original owners or their descendents. Redistribution refers to the transfer of land to recipients who were not necessarily original owners, but were nonetheless dispossessed of land under apartheid law.

are key components of the strategy to raise incomes and ensure food security for South Africa's rural poor.

### **The Failures of ANC Land Reform**

The government has set what may be an increasingly ambitious goal of transferring 30% of arable land within the next ten years from large white-owned farms to black small-holders. While the government states that it regards the redistribution and securitization of land rights for the rural poor as a crucial step in alleviating poverty and achieving long-term social stability, there has been criticism that the government has failed to make land reform a chief priority (Cousins 2000). The pace of redistribution has been widely regarded as a failure. In KwaZulu-Natal, only 2.3% of available arable land was effectively transferred to intended beneficiaries over a five year period, suggesting that the policy objective won't be achieved (Lyne and Darroch 2003). These authors also found that the quality of land transferred through government agrarian reform programs was of inferior productivity and value than land transferred through private means. The slow pace of land reform has been attributed to a number of factors (SAHRC 2004), including:

- Staff and financial constraints within government ministries responsible for land redistribution
- Complex and long processes involved in sale of land
- Lack of willing sellers at fair market price
- Scarcity of arable land within the possession of the State

Originally designed as a "willing-buyer, willing-seller" approach, there is growing debate in favor of compulsory acquisition with compensation in order to accelerate and expand redistribution and smallholder ownership of arable land. There have been invasions and squatting upon commercial land-holdings arising from frustration at the pace of land transfers both by the government and private sector.

Presentations and discussions with UN agencies, government officials, civil society organizations and rural citizens largely confirmed the prevailing assessment of land reform in South Africa. The various stakeholders repeatedly cited poor government capacity, insufficient opportunity for civil society organization (CSO) and community participation, government lassitude, and inadequate farmer support services. One USAID official noted that the agency had supported a six-month process of negotiation between a commercial farmer and his laborer-tenants to transfer ownership to them as shareholders; however, the deal fell apart due to slow response from the government in conducting a valuation of the property in question and quickly mobilizing necessary funds. In two communities of laborer-tenants—one evicted from their former homes, the other still working and residing on-farm—people repeatedly cited the failures of the Department of Land Affairs. They said that DLA officials repeatedly misinformed them, declined to meet with them, or failed to inform them of their rights and ongoing developments regarding steps leading to ownership.

In the sphere of land reform, the government apparently perceives civil society organizations as, at best, interfering or, at worst, threatening. The Association for Rural Advancement (AFRA) is facilitating a process of organization among farm-dwelling communities and supporting their attempts at local and provincial advocacy. A speaker in one community of evicted resident farm laborers said they were told by a DLA officer to ignore AFRA, to cease working with them and only deal with the DLA on matters related to their land claim. Although individual employees within the DLA have been sympathetic, there have been repeated indications that the government is attempting to marginalize AFRA and other land reform organizations as it attempts to single-handedly decide the direction of land reform.

The incapacity of government to manage the land reform process has been manifest in several ways, including: the slow processing and response to land claimants, inability to adequately conduct

valuation of land available for purchase and redistribution, and lack of field staff to inform rural citizens of rights and procedures to enable them to benefit. Nor are land issues solely the problem of the Department of Land Affairs. In one instance, an AFRA official pointed out a rural school on a commercial farm, commenting that the owner was evicting the school from his farm because the Ministry of Education had failed to pay rent to the farmer for the last five years.

It has been suggested that actual intent of government differs from stated policy. There is increasing criticism that the government is shifting its focus from land reform in order to focus on the development of black commercial enterprises in the agricultural sector. Critics maintain that such a policy focus, while benefiting a select few, will largely exclude most of the poor, particularly women (Walker 2004). Even where productive land is effectively transferred, this alone is insufficient to alleviate rural poverty and ensure food security among farm-dependent households. The state has provided insufficient support services such as extension and credit. In the absence of complementary services to boost productivity, land transfer alone may not achieve improvements to income and nutrition.

### **The Consequences of Failure**

The emerging failure of land reform to meet the expectations of rural black citizens undermines the long-term stability of South Africa. Speakers repeatedly noted conflicting mandates, policies, and processes of different levels of government and ministries as a cause for confusion and conflict over land. Government support to black enterprise development in rural areas is exacerbating existing conflicts and further disenfranchising poor rural black communities. One farm-tenant may have spoken for millions when he decried the failure of the government to talk to his community regarding their land issues. He felt DLA officials were ignoring them and said, "This is painful for us. We voted for this democratic government but it doesn't care for us." Several members of one group said they felt they were not treated as South Africa citizens and expressed hopelessness. For them, said several, nothing had really changed since 1994. There have been increasing reports of land invasions in the press and in one squatter community of displaced farm-tenants outside Greytown, people said they are ready to march and take the land back of which they were dispossessed.

While CSOs may be trying to develop a culture of social mobilization and movements around the land issue in South Africa, the physical isolation and separation of rural black communities from one another remain significant constraints. This, combined with general government attempts to further ignore and sideline CSOs in governance issues, undermines the development of constructive citizen engagement in the land reform process.

If the government cannot adequately deliver upon its promises of land reform or is disingenuous in its intent, while simultaneously closing opportunities for citizens to participate constructively, the likelihood of violent conflict will increase. The clearest signs came from the brief meetings with farmer-tenants. Their frustrations, isolation, and sense of betrayal were strong as was their sentiment that they were ready to take more drastic action. One man was adamant that, in the future, if backlash should happen, the blame would rest solely with government.

Peter Giampaoli  
Secretariat

## **Summary of Policy Recommendations**

Nongovernmental and civil society organizations are pushing the government to accelerate and scale-up the process of land reform in order to address long-standing grievances and implement policies that effectively alleviate the poverty of rural people. A number of organizations are pressing the government to:

- Pass legislation recognizing customary claims to land in order to secure the rights of small-holders
- Accelerate the process of adjudication and restitution of existing land claims which are severely backlogged
- Reform and simplify the processes required to buy, sell or otherwise transfer land ownership
- Secure and exercise the government's "first right of purchase" of commercial farmlands that are offered for sale to expedite redistribution
- Expand the use of compulsory acquisition with compensation for unused or under-utilized land
- Increase taxation on unused and under-utilized land to encourage sale by absentee landlords and increase revenues for future BLA acquisition
- Expand agricultural extension, credit, and grant services and invest in rural productive infrastructure to ensure land access translates into gains in productivity, income and nutrition
- Under a cohesive framework, plan and coordinate land and tenure reform and associated services among different levels and ministries of government, linking efforts in rural areas and urban townships

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